



LAWS OF THE STATE OF JOHORE

THE LAW OF THE CONSTITUTION OF 1895

Incorporating all amendments up to 1 January 2008

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CONSTITUTION OF 1895

THE LAW OF THE CONSTITUTION OF 1895

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LAWS OF THE STATE OF JOHORE

THE LAW OF THE CONSTITUTION OF 1895

TRANSLATION

ABU BAKAR

(STATE SEAL)

In the name of GOD, the Compassionate, the Merciful. PRAISE be to GOD, the Lord of the Universe, and may the benediction and peace of GOD be upon Our Leader Muhammad and upon all His Relations and Friends.

BY THE GRACE OF GOD ABU BAKAR, of the State and Territory of Johore and all its Dependencies, Sultan and Sovereign Ruler, Sovereign and Chief of the Most Esteemed Family Order, and Sovereign and Chief of the Most Honourable Order of the Crown of Johore:

Preamble

WHEREAS WE, by the rights and powers of Our State and our prerogatives as Sovereign Ruler and Possessor of this State of Johore and its Dependencies, together with the advice, concurrence and assent of all the Members of Our Council of Ministers, and of Our Council of State and other Chief and Elders of the country, have deliberated, considered and declared that it is proper, expedient and suitable at the present time and age that We, in Our name, and on Our behalf, and for and on behalf of Our Heirs and Successors, the Sovereign Rulers or Sultans of Johore, should make, create, found and institute, and grant, give, bestow upon and present to and for the use of the Government, subjects, and inhabitants of Our Country, a Law and Regulation for the administration and management of the State to be intituled "Undang-Undang Tubuh Kerajaan" (the Laws of the Constitution of the State), which, enduring and continuing from generation to generation, shall become and form the Law

of Our State, Country, and people, and be an inheritance which cannot be altered, varied, changed, annulled, infringed, or in any way or by any act whatsoever repealed or destroyed:

Declaration

AND WHEREAS WE, in Our name, and for and on Our own behalf, and for and on behalf of Our Heirs and Successors, the Sovereign Rulers and Possessors of this State, to wit, the Sultans of Johore, are pleased, willing and desirous to do what is above stated:

Declaration

AND WHEREAS likewise the Chiefs and Elders of Our State, in their names and for and on their own behalf, and for and on behalf of their respective Successors, and likewise all the inhabitants of Our Country and the subjects of Our State, are willing, voluntarily desirous, ready, and obediently agreeable to support and join Us in such Our intention and wish, the same being, so to say, the petition, intention and wish of all the said persons:

Declaration

AND WHEREAS because We Ourselves and the said persons are anxiously desirous to commence to institute such "State Constitution" at this favourable time, We do therefore commence the same with the points, arrangements, and terms as stated hereunder, they being the things which We think, consider and regard to be principally and primarily requisite to be the basis, guide, and model for the firm establishment and proper arrangement of the Government and administration of Our State:

Royal Command

NOW THEREFORE KNOW YE, all the subjects of Our State, of all ranks, nationalities, and religions, and Know Ye also, all who are concerned with Our Country, Territory, and native soil, that verily, We do make and enact the things stated hereunder as true, real, firm, fixed and settled Law of Our Country and

State, that is to say, it shall be unlawful, unmanly, rebellious and criminal for any person to refuse to acknowledge and neglect to obey it.

FIRST PART

Interpretation

1. In this Part, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

- (Aleph) "His Highness", "Ruler", "Sovereign", "Sovereign Ruler" and "Sultan" means the Sultan and Sovereign Ruler of the State and Territory of Johore and its Dependencies;
- (Ba) "Waris" (Heir Apparent) means the person who has been chosen and appointed to be the Heir Apparent to the Throne under the provisions of Article 7 of this Part;
- (Ta) (*Deleted by J.G.N. No. 811/1961*);
- (Tha) "Waris yang lain" (other Heirs) means those persons who follow after the Heir Apparent and are eligible to take his place;
- (Jeem) "Jumaah Majlis Diraja" (Council of the Royal Court) means the Council of the Royal Court appointed by His Highness in accordance with the provisions of Article 28 hereof;
- (Cha) "Dato-Dato", "Orang-Orang Kaya" and "Penghulu-Penghulu Besar" mean respectively persons upon whom such rank has been conferred by His Highness;
- (Ha) *"Jumaah Pangkuan Negeri" (Supporters of the Country) means the Counsellors of the Council of the Royal

Court, Dato-Dato, Orang-Orang Kaya and Penghulu-Penghulu Besar who are styled "*Ahlul Hilliwal-Aakadi*" in Islamic law:

Provided that each one thereof shall be of the Malay race, professing the religion of Islam and a subject of His Highness;

(Kha) (Deleted by J.G.N. No. 301/1959).

THE SOVEREIGN

The Sovereign must be a Malay of royal blood and a Muslim

2. Save as otherwise provided in Article 5, the Sovereign shall be a person of the Malay race, of royal blood, a descendant of Johore Sovereigns, a male, and of the Muslim faith; and such shall also be the persons described as "Waris" and "Waris yang lain".

Descendants of Almarhum Sultan Abu Bakar, Almarhum Temenggung Ibrahim and Almarhum Temenggung Abdul Rahman

3. (1) The person eligible to be confirmed as Sovereign under the provisions of this Part must, subject to the provisions of Paragraphs (2) and (3) of this Article and of Article 5, be a descendant of the body and flesh and blood of His late Highness Sultan Abu Bakar, truly genuine and lawfully begotten and a son, grandson, great-grandson and so on of the male line, first one generation after another until the last.

*NOTE—The words "Princes (Anak-anak Raja laki-laki) down to the third generation of each Ruler of the State of Johore, commencing with the Almarhum Abdul Rahman and continuing down to the Almarhum Ibrahim, and His Highness Sultan Abu Bakar, that is to say, the descendants of each of them down to the third generation (children, grandchildren, great-grandchildren) are all of them understood to be of and included in the number of the "Supporters of the Country"; but in the matter of electing, proclaiming and installing the Sovereign those only have power to participate who, at the time, are Ministers or Officers considered as of high rank as defined in (*Jeem*) and (*Cha*)" were deleted *vide* Laws of the Constitution of 1895 and the Supplements (Amendment and Consolidation) Supplement 1959 [J.G.N. No. 301/1959] w.e.f. 20 April 1959. The interpretations of "Jumaah Majlis Diraja" (Council of the Royal Court) as defined in (*Jeem*) and "Dato-Dato", "Orang-Orang Kaya" and "Pengkulu-Pengkulu Besar" as defined in (*Cha*) substituted for the definitions of "Majlis Mesyuarat Menteri-Menteri" (Council of Ministers) and "Ketua-Ketua" (Officers of high rank) *vide* J.G.N. No. 301/1959 w.e.f. 20 April 1959.

(2) If at any time the lineal descendants of His late Highness Sultan Abu Bakar should become totally extinct, or if those remaining are found, upon an enquiry held under the circumstances referred to in the second proviso to this Article, to be ineligible, the person eligible to be confirmed as Sovereign shall be one of the male lineal descendants, truly genuine and lawfully begotten, of Almarhum Temenggung Ibrahim.

(3) If at any time the lineal descendants of Almarhum Temenggung Ibrahim should become totally extinct, or if those remaining are found, upon an enquiry held under the circumstances referred to in the second proviso to this Article, to be ineligible, the person eligible to be confirmed as Sovereign shall be one of the male lineal descendants, truly genuine and lawfully begotten, of Almarhum Temenggung Abdul Rahman:

Provided that no descendant under Paragraph (1), (2) or (3) of this Article shall be eligible to be confirmed as Sovereign unless he is also the Heir Apparent in accordance with the provisions of Article 7 of this Part:

And provided further that no such descendant shall be eligible to be confirmed as Sovereign if he is considered and determined, after full and complete enquiry by the Supporters of the Country, to have some great and serious defect, derogatory to the quality of a Sovereign, that is to say any infirmity such as insanity, blindness, dumbness or possessing some base qualities on account of which he would not be permitted by the Hukum Syarak to become a Sovereign.

Confirmation of the Sovereign

4. (1) On the death or abdication of the Sovereign or the decision to appoint a Successor in the circumstances referred to in Article 12 of this Part, the Supporters of the Country shall meet and shall, subject to the second proviso to Article 3, confirm the Heir Apparent as Sovereign.

(2) In the event of the Heir Apparent being found by the Supporters of the Country to be ineligible to be confirmed as Sovereign, the Council of the Royal Court shall immediately meet and shall thereupon terminate the appointment of such Heir Apparent and forthwith appoint one of the other Heirs to be Heir

Apparent whereupon the Supporters of the Country shall, subject to the second proviso to Article 3, confirm him as Sovereign.

Electing as Sovereign one not a descendant of Abu Bakar, Ibrahim, or of Abdul Rahman

5. Supposing a time should arrive when there should not remain a single representative left of the descendants of the three Rulers mentioned in the last Article, or if there should be one, but who does not possess the necessary qualifications required by this Law and Islamic law, then the matter of choosing, electing, and appointing the Sovereign shall be left to the consideration, judgment and decision of the Supporters of the Country; but it is provided that the person to be taken, chosen, elected, and appointed by them as Sovereign, shall be a man of mature age, sound mind, a real Johore Malay, a subject of the State of Johore, professing the religion of Islam, of freeborn and good blood, and acknowledged to be legitimately and lawfully begotten, and in addition able to read and write his own language, and possessing a reputation, an understanding, a nature, temper, disposition, and deportment that are good and praiseworthy. And should the person taken, chosen, elected, and appointed Sovereign be not of royal blood, it is understood that such a case shall be an exception to the rule laid down in Article 2, and shall be held to be lawful.

Treason of the lower heirs

6. If the Heir Apparent or other Heirs or any person of the lines of descent mentioned in the several foregoing Articles shall do or shall attempt to do anything or prosecute a plan or scheme of a treasonable nature against a person whose relative position with respect to the throne of Johore is nearer than his own, with intent to effect the destruction of the Member or Members of the royal family of such closer relationship in order that he himself or any other person of his line of descent, or any one of quite another blood may by means or reason or cause of such treasonable act become the Sovereign Ruler, such as for instance the Heir Apparent conspiring against the reigning Sovereign or a descendant more distant from the Throne against a nearer descendant, according to the arrangements provided for in regard to the succession of

the Sovereign from among the several lines of descent, such an act shall be considered of exceeding wickedness and offence, and the punishment to be inflicted on any person or party so offending shall be such as may be prescribed by law and he or they with all his or their descendants, shall be regarded as having no further right whatsoever to inherit the Throne of Johore, even though the vicissitudes of events under the Divine Will should, as it were, bring the inheritance to them or their descendants. And likewise, such rights, if any, as they may have received from the State, such as rank and maintenance, shall be stopped and shall revert to the State.

The Heir Apparent

7. (1) Upon his accession to the Throne or as soon thereafter as conveniently possible, the Sovereign, acting on the advice and with the concurrence of the Council of the Royal Court, shall choose and appoint from among the descendants, so long as any such descendant shall exist, who by virtue of the provisions of Article 3 are eligible to succeed him, one to be the Heir Apparent to the Throne.

(2) The Sovereign may in like manner at any time terminate the appointment of the Heir Apparent and shall, in any such case, as soon thereafter as conveniently may be, choose and appoint, in the manner provided by Paragraph (1) of this Article, another from the said descendants to be the Heir Apparent.

(3) The Heir Apparent shall, for so long as he holds such appointment, enjoy the title "Tunku Mahkota Johore" (Crown Prince of Johore).

(4) If at any time of the death or abdication of the Sovereign or of the appointment of a Successor in the circumstances referred to in Article 12 of this Part, there is no Heir Apparent, the Council of the Royal Court shall forthwith meet and appoint an Heir Apparent from the descendants referred to in Article 3 of this Part if any such descendant still exist.

(5) The person who is Heir Apparent immediately before the coming into operation of this Article shall continue as Heir Apparent in like manner as if he had been appointed under Paragraph (1) of this Article.

Sovereign's oath

8. His Highness at His accession to the Throne, or if He is at such accession under the age of twenty-one years according to Muslim reckoning upon His attaining that age, take the oath prescribed in the First Schedule.

REGENCY**Regency**

9. (1) There shall be a Regency in the State under the following conditions, that is to say—

- (a) if His Highness is, at His accession to the Throne, under the age of twenty-one years according to Muslim reckoning;
- (b) if the Council of the Royal Court declares in writing that it is satisfied by evidence which shall include the evidence of physicians that His Highness is, by reason of infirmity of mind or body, incapable for the time being of performing the royal functions, or that it is satisfied by evidence that His Highness is not available for the performance of those functions;
- (c) in the event of illness not amounting to such infirmity of mind or body as is mentioned in the preceding subparagraph, or of absence from the State of His Highness;
- (d) in the event of His Highness being elected to the office or for a period exceeding fifteen days exercising the functions of Yang di-Pertuan Agong.

(2) In the circumstances referred to in subparagraphs (a) and (b) of Paragraph (1) of this Article, the Council of the Royal Court shall appoint a Regent or a Council of Regency as to it seems expedient to perform the royal functions.

(3) In the circumstances referred to in subparagraph (c) of Paragraph (1) of this Article, His Highness acting on the advice and with the concurrence of the Council of the Royal Court may,

in order to prevent delay or difficulty in the despatch of the public business, by Instrument under His Sign Manual and the State Seal appoint a Regent or Council of Regency to perform such of the royal functions as may be specified therein.

(4) In the circumstances referred to in subparagraph (d) of Paragraph (1) of this Article, His Highness acting on the advice and with the concurrence of the Council of the Royal Court shall by Instrument under His Sign Manual and the State Seal appoint a Regent or a Council of Regency to perform the royal functions.

(5) Any appointment of a Regent or a Council of Regency under this Article may be revoked or varied in like manner to that in which it was made and any such appointment shall in any event terminate when the circumstances under which it was made cease to exist or upon the demise of His Highness.

(6) The appointment of a Regent or a Council of Regency in the circumstances referred to in subparagraph (c) of Paragraph (1) of this Article shall not include the power to dissolve the Legislative Assembly otherwise than on the express instruction of His Highness (which may be conveyed by telegraph).

(7) Where a Regent or a Council of Regency is appointed to perform the royal functions in the circumstances referred to in subparagraph (d) of Paragraph (1) of this Article, the performance thereof shall not include the functions of His Highness as Head of the religion of the State.

10. *(Deleted by J.G.N. No. 811/1961).*

11. *(Deleted by J.G.N. No. 811/1961).*

11A. *(Deleted by J.G.N. No. 811/1961).*

Regent's oath

11B. The Regent, before any assumption by him of any of his powers and duties as such, shall take and subscribe before the Council of the Royal Court the oath prescribed in the Second Schedule hereto.

Appointment of Council of Regency to be published

11c. The appointment of a Council of Regency under the provisions of Paragraphs (2), (3) and (4) of Article 9 shall be published in the *Gazette*.

Composition of Council of Regency

11d. Every Council of Regency shall consist of three members who shall be of the Malay race, subjects of His Highness and persons who profess the religion of Islam:

Provided that any person being a member of the Council of the Royal Court shall, if appointed a member of the Council of Regency, thereupon cease to be a member of the Council of the Royal Court for so long as he remains a member of the Council of Regency:

And provided further that any person being a member of the State Executive Council or the Legislative Assembly shall not be eligible for appointment as a member of the Council of Regency.

Counsellor's oath and exercise of powers by Counsellors

11e. (1) Any person appointed to be a member of the Council of Regency under the provisions of this Constitution shall be known as a "Counsellor of Regency" for the period of such appointment, and shall before he acts in or enters upon his office take the oath of office prescribed in the Third Schedule.

(2) Any royal functions possessed by a Council of Regency shall be exercised jointly by the Counsellors of Regency.

Incapacity of Counsellor

11f. If the Council of the Royal Court declares in writing that it is satisfied by evidence which shall include the evidence of physicians that a Counsellor of Regency is, by reason of infirmity of mind or body, incapable for the time being of performing the

functions of his office, or that a Counsellor of Regency is not available for the performance of those functions, the Council of the Royal Court may—

- (1) terminate the appointment of such Counsellor and appoint another person as Counsellor in his place; or
- (2) appoint a temporary Counsellor for the period of the incapacity or non-availability of such Counsellor.

Vacancy in Council of Regency

11G. In the event, for any reason whatsoever, of a person ceasing to be a Counsellor of Regency, the Council of Regency shall not be capable of performing the royal functions until another person shall be appointed thereto in accordance with the provisions of this Constitution.

The Sovereign's prolonged absence from the Country

12. (1) If the Sovereign leaves the State and Territory of Johore for more than five years from the time He first set out from His Country and resides in a foreign place or places without suffering from any illness which may really prevent Him from returning, or without there being any excuse or business or circumstance which may necessitate His remaining still longer away in a foreign country or countries, the Council of the Royal Court shall have the right and power to hold a meeting of Council to consider the matter until a decision shall have been arrived at as to whether it is proper to wait longer for the return of the Sovereign, and if so, what length of time it is proper still to wait; or whether it is proper and necessary to take the view that He is actually not desirous to return at all and that such being the case His Successor may be appointed and installed.

(2) (*Deleted by J.G.N. No. 301/1959*).

A new Ruler being appointed

13. If owing to the non-residence of the Sovereign in the Country and Territory of Johore for a full term of five years, as stated

in Article 12, a Successor to Him shall have been appointed and installed, the former shall be regarded as having withdrawn himself from the State and his rights to and claims on the State, and his circumstances in respect of the State shall be the same, as those of an Ex-Sovereign, and as such he shall come under the law which determines and regulates matters relating to an Ex-Sovereign.

It is not necessary for the new Ruler to abdicate in favour of the Ex-Ruler

14. If after the new Sovereign has been appointed and installed the Ex-Sovereign should return, that circumstance shall not render it compulsory on the new Sovereign to abdicate the Throne and surrender the State rights to him again, if even his return should take place only one day after the appointment and installation of his Successor.

15. *(Deleted by J.G.N. No. 301/1959).*

16. *(Deleted by J.G.N. No. 301/1959).*

The Sovereign wishing to resign His Throne

17. If the Sovereign, at any time during His occupation of the Throne, does not any longer wish to be Ruler, and so desires to abdicate and to relinquish His royal rights and powers, owing to any reason whatsoever, reason which He may or may not be willing to explain, He may give up and cease to be Ruler, with the right to reside whenever He chooses, either in the Territory of Johore or in any country in a state of amity and not at war with the State of Johore.

Mode of procedure in the case of the Sovereign wishing to resign the Throne

18. If at the time the Sovereign wishes to abdicate and withdraw from His Sovereignty, He is in His own Country, the royal command in regard to and the token and evidence of such act shall be made in writing, sealed with the State Seal, and signed with the Sign Manual of the Sovereign Himself, with at least

three Counsellors of the Council of the Royal Court present to witness the same with their signatures; and this event must be made known and published by the Council of the Royal Court to the inhabitants of the Country as soon as possible, together with the information as to who is to succeed Him, that is to say, if His Successor shall have already been definitely known in accordance with the arrangement provided for by this Law in that respect.

The Sovereign wishing to resign but is absent from His own Country

19. If the Sovereign at the time He wishes to abdicate and withdraw from His Sovereignty is not in His Country, that is to say, that He is in a foreign country, it is not required that this act on His part should be in accordance with the arrangements stated in the foregoing Article; but such arrangements only as may be proper and considered legal shall be necessary to be made in the matter of determining and witnessing His retirement from His Sovereignty.

The Ex-Ruler may not interfere in State affairs

20. The Ruler who has withdrawn himself and retired from the Sovereignty, as stated in Articles 13 and 17 may not in any way interfere or intermeddle, or have a voice in any affairs of the Country and State, whether he resides in the Territory of Johore or in a foreign country.

The Ex-Ruler has the right to an allowance for life

21. The Ex-Ruler whether he resides in the Territory of Johore or not, shall have the right to get for his maintenance an allowance out of the revenue of the Country of not more than a quarter or a fourth part of the sum fixed for his maintenance when he was the reigning Sovereign, and shall also have the right to get a suitable house for his residence, if he resides in the Territory of Johore and provided the locality is considered a suitable one, and such allowance shall continue until his demise, and such residence shall, after his demise, be given and become a heritage to his heirs in accordance with Islamic law.

It is a great offence for the Ex-Ruler to instigate the people to rebel

22. If the Ex-Ruler mixes, or interferes, or interposes his voice in any State affair, the Government shall have the right to discontinue his allowance, and the length of time for such discontinuance shall be left to the consideration of the Legislative Assembly. And if the Ex-Ruler incites the people to rebel, or conspires with any person or foreign state with intent to create or cause injury to the Country or to the interests of the Country the Government shall have the right to stop his allowance and to look upon and treat him as an offender against the State.

Claim to be appointed "Raja Muda", "Bendahara" and "Temenggung" the Sovereign has the right to appoint the same

23. No relative of the Sovereign may in any manner claim, nor shall it be obligatory or advisable to accept the claim that he may be appointed, or made or given the title of "Raja Muda" or "Bendahara" or "Temenggung" or any other title, which in former times existed or were commonly used in the State of Johore. But the Sovereign, with the concurrence of the Council of the Royal Court, has the right to appoint, create and nominate from among His relatives whether distant or near, a Raja Muda, or Bendahara, or Temenggung, or any two of them, or all three of them; but in such cases, everything as regards the ranks, positions, functions, duties, powers, and rights of the persons, appointed, and other details such as whether such titles and ranks are hereditary or not shall be in the power of the Sovereign with the concurrence of the Council of the Royal Court to settle and determine at the time of appointing and creating them. And further, the Sovereign shall, with the concurrence of the Council of the Royal Court, have the right and power to degrade them if sufficient fault or offence shall have been committed by them to render the same expedient.

Rank and offices of the Raja Muda, Bendahara and Temenggung

24. If there is a Raja Muda and Bendahara and Temenggung, it shall be understood in respect of all three of them that they are

included among the Members of the Council of the Royal Court and their order of precedence in respect of one another shall be in the order of their titles as herein mentioned:

Provided that they shall not be deemed to be included in the number of the Supporters of the Country in the matter of choosing, electing and appointing a Sovereign.

The Sovereign's allowance

25. With regard to the Sovereign, who, by the Grace of God the Most High, and the blessing of the Prophet Muhammad on whom be the benediction and peace of God is still reigning, (that is to say, We, Abu Bakar, the Sultan of the State and Territory of Johore, who, by the will and pleasure of the Lord of the Universe, have aided in making the State of Johore what it is now, for which We offer up to God Our innumerable thanksgivings), it is with the voluntary approval and consideration of Our Council of State determined that no fixed sum of money should be put aside for Our expenses on account of Our Royal Residences and for Our personal maintenance; but We do hereby make a firm and manifest Law and Regulation that, verily, with regard to the Sovereigns of Johore who come after us, they may not any one of them in any manner whatsoever take and appropriate for his own use one single *doit* more than the sum which shall be fixed from time to time by the Legislative Assembly. And in view of this matter We on the other hand do hereby make a firm and manifest Law and Regulation that the sum of money which shall be fixed for the maintenance of the Sovereign shall actually be reasonable, adequate and suitable to the rank, position and dignity of the Sovereign Ruler; and that in the arrangement for fixing the amount of the Sovereign's allowance no account shall in any way be taken of any income of the Sovereign derivable from His own personal estates and properties and those which are not the property of the State.

The Sovereign's relations who are entitled to maintenance

26. The allowances for the maintenance of the Sovereign's relatives shall be left entirely to the judgment of the Sovereign with the advice and concurrence of the Legislative Assembly as regards the fixing of the different sums for the same, and the

relatives of the Sovereign who are recognized as having a right to receive allowances for their maintenance are as under—

- (1) the Consort of the Sovereign who bears the title of Sultanah or Permaisuri;
- (2) the sons and daughters of the Sovereign;
- (3) the royal brothers and sisters of the Sovereign;
- (4) the royal uncles and aunts of the Sovereign;
- (5) the nephews and nieces of the Sovereign whose fathers or mothers, being the royal brothers or sisters of the Sovereign as mentioned in Paragraph (3), are dead. If there are two or more of them, they may get at least half of the allowance granted to their deceased father or mother, which shall be divided amongst them in an equitable manner as a gift of the State for their maintenance, especial and particular consideration to be given to the case of such nephews and nieces of the Sovereign who are young or of nieces who are unmarried.

Others than those herein mentioned have not any right whatever to expect maintenance from the State, but if it should be granted to them, it shall be entirely considered as the outcome of the regard and consideration of the Sovereign with the advice and concurrence of the Legislative Assembly.

By the Sovereign is meant the reigning Sovereign or a deceased Sovereign.

Every person who at the date hereof is in receipt of an allowance under this Article, as being the nephew or niece of the Sovereign shall, subject to the proviso hereinafter set forth, continue in receipt of such allowance for the period of his life.

No person who, being the son or daughter of a deceased brother or sister of the Sovereign, is not at the date hereof in receipt of an allowance under this Article shall be entitled to any such allowance in respect of any period prior to the date hereof, but every such person shall as from the date hereof subject to the proviso hereinafter set forth receive such allowance as the

Sovereign with the advice and concurrence of the Legislative Assembly shall in each case direct:

Provided always that if any person to whom an allowance is payable under this Article shall assign or transfer the same or shall be convicted before any court in the Federation or in any other country of any crime or offence which in the opinion of the Council of the Royal Court is of a dishonourable character or if any such person becomes bankrupt then in every such case such allowance shall forthwith cease:

Provided also that the Sovereign may after considering the advice of the Council of the Royal Court direct that no allowance shall be paid to any person to whom such an allowance would otherwise be payable under this Article in any case where such person has in the opinion of the said Court conducted himself in any manner which offends in any way against the religion of Islam, and if such person has been in receipt of any such allowance the same shall thereupon cease:

And provided further that a person to whom any allowance is payable under this Article shall be entitled to receive only one such allowance but if he becomes qualified to receive two or more of such allowances, the allowance payable to him shall be the highest thereof.

Allowance of Sovereign and Consort whenever the Sovereign is Yang di-Pertuan Agong

26A. Notwithstanding the provisions of Articles 25 and 26, there shall not be paid any allowance thereunder—

- (a) to the Sovereign or the Consort of the Sovereign who bears the title of Sultanah or Permaisuri in respect of any period during which the Sovereign is elected Yang di-Pertuan Agong; or
- (b) to the Sovereign in respect of any period exceeding fifteen days during which the Sovereign exercises the functions of the Yang di-Pertuan Agong.

Princes who are officers of State

27. Princes who hold appointments in the State, may be entitled to the salaries attaching to such appointments, even if they should be in receipt of an allowance from the State, their case being under such circumstances the same as other officers.

**JUMAAH PANGKUAN NEGERI
(SUPPORTERS OF THE COUNTRY)**

Definition of "President", "Secretary" and "Member"

27A. For the purposes of the "Supporters of the Country" appearing in Articles 1 (*Ha*), 3, 4, 5, 24, 27A, 27B, 27C, 27D, and 27E of this Part there shall be a "President", a "Secretary" and "Members" as follows:

- (a) "President" means the Menteri Besar who is of the Malay race, professing the religion of Islam and a subject of His Royal Highness and if he is disqualified to be the President, or in the event of his absence from the State or illness, includes the President of the Council of the Royal Court, or if at any meeting the Menteri Besar and the President of the Council of the Royal Court are absent from the State or are ill then the Members present shall elect a Member to be President for that meeting;
- (b) "Secretary" means the State Secretary, and in his absence from the State or illness, includes a Supporter of the Country to be appointed in that behalf by the President; and
- (c) "Member" means a member of the Supporters of the Country.

Summoning of Supporters of the Country to confirm a Sovereign

27B. (1) On the death or abdication of the Sovereign or after the decision to appoint a Successor in the circumstances referred to in Article 12 of this Part, the Secretary shall on the instruction of the President convene, by notice in writing or otherwise to

each Supporter of the Country to be delivered at his address in the State, a meeting of the Supporters of the Country for the purpose of confirming the Heir Apparent as Sovereign.

(2) It shall be the duty of each Member to attend at the time and place stated in the said notice unless his absence has been excused by the President for such reason as the President shall deem to be reasonable and sufficient.

Voting and decisions

27c. (1) The Supporters of the Country shall, if not unanimous, make its decision by a simple majority of members present and voting; and the President shall cast his vote whenever necessary to avoid an equality of votes, but he shall not vote in any other case.

(2) Any decision of the Supporters of the Country shall not be void by reason only of the absence of any Member whether such absence has been excused by the President or not.

Meetings

27d. (1) No person other than Members shall be present at any meeting of the Supporters of the Country.

(2) Except for the State Secretary any Member who is in the Public Service of the State, the Federation or other States in the Federation at a time when the Supporters of the Country are exercising the powers conferred upon them by Articles 3 and 5 of this Part, shall not take any part in the exercise of such powers.

(3) The President may adjourn any meeting of the Supporters of the Country from time to time but a meeting once begun shall continue until a decision of the Supporters of the Country has been made.

Minutes and record

27e. (1) Minutes of the proceedings at each meeting of the Supporters of the Country shall be kept in writing by the Secretary.

(2) A record of every decision of the Supporters of the Country shall be made in writing by the Secretary and it shall be signed by the President whose signature shall be witnessed by the Secretary.

(3) Every decision of the Supporters of the Country shall be notified in the *Gazette*.

JUMAAH MAJLIS DIRAJA
(COUNCIL OF THE ROYAL COURT)

Council of the Royal Court

28. (1) The Council of the Royal Court shall consist of not less than seven nor more than twelve persons who shall be appointed to be Counsellors thereof by His Highness.

(2) His Highness shall appoint one of the Counsellors as President and one as Secretary of the Council of the Royal Court.

(3) The State Secretary shall have the right to take part but shall not have any vote in the proceedings of the Council of the Royal Court:

Provided that before he attends the first meeting of the Council of Royal Court he shall take and subscribe in the presence of the President of the Council of the Royal Court the following oath of secrecy—

“WALLAHI WABILLAHI WATALLAHI

I,.....,
the State Secretary, do solemnly swear that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me in the course of my attending the Council of Royal Court except as may be required for the due discharge of my duties as such officer or as may be specially permitted by the Council of Royal Court.”.

29. *(Deleted by J.G.N. No. 301/1959).*

Race and religion of Counsellors

30. Every Counsellor must be a Malay, a subject of His Highness and professing the religion of Islam.

Counsellors to take the oath

31. Every person appointed to be a Counsellor shall take the Oath prescribed in the Fourth Schedule and the Oath shall be attested by his signature to be written in a book provided for the purpose, in the presence of two witnesses, declaring himself to be truly a Malay, a subject of His Highness and a Muslim and acknowledging his allegiance to the Sovereign and the State.

32. *(Deleted by J.G.N. No. 301/1959).*

33. *(Deleted by J.G.N. No. 301/1959).*

34. *(Deleted by J.G.N. No. 301/1959).*

35. *(Deleted by J.G.N. No. 301/1959).*

Counsellors may ask permission to resign from the Council

36. The Counsellors have each of them the power to ask permission to resign from the Council of the Royal Court and if his request is granted he may resign.

Re-election and readmission to membership of Council

37. Any person who has been a member of the Council of the Royal Court and has retired therefrom in the manner set forth in the above Article, shall always be eligible for re-election and readmission to the membership of the Council of the Royal Court.

No person can be compelled to become a Counsellor

38. It is not compulsory for any person to obey the royal command admitting him into the Council of the Royal Court, nor is it necessary for him to give the reasons for his unwillingness.

Counsellors need not be possessed of a title

39. It is not obligatory that any person who becomes a Counsellor should have the title of "Dato", whether the title of a Dato of State or a Dato of any order conferred on him by the Sovereign, or any other title; but his rank shall be self understood among his colleagues, as in the matter of State ceremonials and in the presence of the inhabitants of the Country by virtue of his office as such Counsellor.

The Sovereign has the right to dismiss a Counsellor and the Council may request the dismissal of any of their colleagues

40. The Sovereign has the right and authority to dismiss and discharge any Counsellor from his office as such Counsellor and the Council of the Royal Court has the right and authority to request the Sovereign to dismiss and discharge any or their colleagues from his office as such Counsellor if such Counsellor has committed any offence of a grave nature according to Islamic law, or according to the law of the land, or according to the etiquette of honour, and has been found after full and careful enquiry to have been clearly and evidently guilty, such as committing or attempting to commit treason against the Sovereign or State, or murdering, or ordering a murder or concurring in an attempt to murder, or being privy to an act of murder, or committing piracy or robbery, or attempting to commit any of those crimes, or receiving or attempting to receive bribes, or committing any other wicked and sinful act against the law of God and the law of the Country.

And his dismissal and discharge from office as such Counsellor may or may not be accompanied by other punishment, or he may or may not be cashiered or degraded from his rank (if he has other rank or title) as the Sovereign shall determine at the time of considering the offence of such Counsellor.

Counsellors bearing titles resigning their posts

41. If any Counsellor having the title of "Dato" or any other State title, retires from his office as such Counsellor by asking permission to resign, or is discharged from his office as such Counsellor without having committed any fault or offence such as those stated above, his distinctive or special title shall be taken from his name. For example, if the "Dato Penggawa", or "Dato Bintara", were to resign the Council of the Royal Court the title which he holds by virtue of his office as such Counsellor would be taken away from him, namely, "Penggawa" or "Bintara", and only the title or rank of "Dato" would remain to him.

Functions of the Council of the Royal Court

42. The functions of the Council of the Royal Court are to offer counsel and advice to the Sovereign on all matters in which the Sovereign or the royal house or any member thereof may be concerned:

Provided that any such counsel and advice shall not extend:

- (a) to any function in respect of which, according to Paragraph (1) of Article 7 appearing in the Second Part hereof, the Sovereign is required to act in accordance with the advice of the State Executive Council or a member thereof acting under the general authority of the Council;
- (b) to the functions referred to in subparagraphs (a) and (b) of Paragraph (2) of Article 7 appearing in the Second Part hereof; and
- (c) to the powers of the Sovereign conferred by Article 12 appearing in the Second Part hereof:

And provided further that any such counsel and advice offered to the Sovereign in respect of the functions referred to in subparagraphs (c), (d), (e), (f) and (g) of Paragraph (2) of Article 7 appearing in the Second Part hereof shall not in any manner affect or limit the discretion of the Sovereign in the performance thereof except in so far as it is provided by Article 10 hereof in respect of the appointment of a Council of Regency.

Meetings of the Council of the Royal Court

43. The Council of the Royal Court shall meet at least once a year, and at other times whenever required—

firstly, by command of the Sovereign;

secondly, at the requisition of the President of the Council;

thirdly, at the requisition of three members of the Council.

Quorum for a Council of Royal Court

44. In any meeting of the Council of the Royal Court five members shall form a quorum. If the Sovereign is present, then three members shall suffice to form a quorum; but it is necessary, if there is time, to give notice to all the members who are present in the country regarding the proposed meeting.

45. *(Deleted by J.G.N. No. 301/1959).*

46. *(Deleted by J.G.N. No. 301/1959).*

47. *(Deleted by J.G.N. No. 301/1959).*

48. *(Deleted by J.G.N. No. 301/1959).*

49. *(Deleted by J.G.N. No. 301/1959).*

50. *(Deleted by J.G.N. No. 301/1959).*

51. *(Deleted by J.G.N. No. 301/1959).*

52. *(Deleted by J.G.N. No. 301/1959).*

53. *(Deleted by J.G.N. No. 301/1959).*

54. *(Deleted by J.G.N. No. 301/1959).*

55. *(Deleted by J.G.N. No. 301/1959).*

56. *(Deleted by J.G.N. No. 301/1959).*

MISCELLANEOUS MEMORANDA

Religion of the State and other religions

57. What is called the "Religion of the State" for this Territory and State of Johore is the religion of Islam, and such being the case, the religion of Islam shall continuously and for ever be, and be acknowledged to be, and spoken of as, the "State Religion"; that is to say, on no account may any other religion be made or spoken of as the religion of the Country, although all other religions are allowed, and are always understood as proper to be allowed, to be practised in peace and harmony by the people professing them in all and every part of the Territory and Dependencies of the State of Johore.

57A. (*Deleted by J.G.N. No. 301/1959*).

Representation of His Highness on the Conference of Rulers

57B. (1) His Highness may appoint by Instrument under His Sign Manual and the State Seal a Malay professing the religion of Islam to take His place as a member of the Conference of Rulers.

(2) Every such appointment shall be for such period and subject to such conditions and restrictions as may be prescribed therein.

The laws and customs of the Country

58. All the laws and customs of the Country shall be carried out and exercised with justice and fairness by all the courts of justice and by all officers and servants of the State between all the people of the Country and the aliens who sojourn and reside under its protection, whether for a season or for a lengthened period, that is to say, without their entertaining in the least degree more sympathy or regard or partiality towards those who profess the religion of the Country, namely the religion of Islam, or making any difference between those who are the subjects of the State and those who are not.

Amity between the State and other States

59. The Sovereign and the Government of Johore shall always and permanently remain in a state and condition of amity and good understanding with other States.

60. (*Deleted by J.G.N. No. 301/1959*).

Motto of the royal family

61. The Crown, together with all the Insignia of Royalty, and the Sovereign's Standard, all these shall for ever be used and adhered to in their present forms and descriptions respectively without any alteration or variation; and likewise the Motto of the royal family "*Muafakat itu Berkat*" (Concord is a Blessing) shall be used and perpetuated.

The Orders and the Iron Medal to be continued in perpetuity

62. The two kinds of Orders now existing shall permanently be used and continued in perpetuity in their present shapes and forms, namely, "The Most Esteemed Family Order", and "The Most Honourable Order of the Crown of Johore"; and of the present Medals the "Iron Medal" shall permanently be used and perpetuated as a reward for bravery and for meritorious services rendered to the State in deeds perilous to human life.

Caution against creating new Orders

63. Although it is stated in this Law that the said Orders shall be used and perpetuated it is not forbidden or interdicted to the Sovereign to make, create, and institute other Orders and Badges of Honour and Dignity, for the Sovereign is the fountain of all honours and dignities; but it is reminded that no other Order shall be made, created, and instituted merely for the sake of increasing and multiplying the number of Orders, without considering carefully and well whether it would be useful and desirable to create new Orders, because too great a number and too much display in the Country of tokens of honour and dignity will have the effect of diminishing their estimation and value, especially in the case of a small State.

64. (Deleted by J.G.N. No. 301/1959).

SECOND PART

THE MACHINERY OF GOVERNMENT

Interpretation

1. (1) In this Part and the Third Part unless the context otherwise requires—

“citizen” means a citizen of the Federation by virtue of Part III of the Federal Constitution;

“Consolidated Fund” means the Consolidated Fund of the State referred to in Part VII of the Federal Constitution;

“Federal Constitution” means the Constitution of the Federation;

“financial year” means the year beginning on the first day of January and ending on the thirty-first day of December;

“*Gazette*” means the official *Gazette* of the Federation or the part of such *Gazette* which comprises the official *Gazette* of the State of Johore;

“Government Printer” includes any printer purporting to be the printer authorized to print Enactments and other documents of the Government of the State of Johore;

“Legislative Assembly” means the legislative body of the State heretofore known as the Majlis Mesyuarat Negeri and hereafter to be known as the Dewan Negeri and to be regulated under the provisions of this Part;

“Malay custom” means Malay custom as from time to time observed in the State or in any particular area within the State, as the case may require;

“meeting” means any sitting or sittings of the Legislative Assembly or a Council constituted under this Part commencing when the Assembly or Council first meets after being summoned

at any time and terminating when the Assembly or Council is adjourned *sine die* or at the conclusion of a session without adjournment;

“Menteri Besar” means the Chief Minister and senior executive officer appointed by virtue of Article 3 of this Part;

“Ruler” means His Highness the Sultan and Sovereign Ruler of the State of Johore and includes His Successors and, where the context admits, His Predecessors; and in the case of a Regency, includes the Regent, or if there is a Council of Regency, such Council;

“session” means the sittings of the Legislative Assembly commencing when the Assembly first meets after being constituted or after its prorogation or dissolution at any time, and terminating when the Assembly is prorogued or is dissolved without having been prorogued;

“State” means the State of Johore and includes all the Dependencies, islands and places which on the coming into force of this Part were administered as part thereof, and the territorial waters adjacent thereto;

“State Executive Council” means the Majlis Mesyuarat Kerajaan established under the provisions of this Part;

“State Seal” means the Public Seal of the State described in Article 3 of the Third Part;

“State Secretary”, “State Legal Adviser” and “State Financial Officer” mean respectively the officers appointed under Clause (1) of Article 6 of this Part;

“the Speaker” means the Speaker of the Legislative Assembly appointed by virtue of Article 24 of this Part.

(2) Whenever reference is made in this Part to a public officer by the term designating his office, such reference means the officer for the time being lawfully discharging the functions of that office.

EXECUTIVE AUTHORITY

Executive authority

2. (1) The executive authority of the State shall be vested in the Ruler but executive functions may by law be conferred on other persons or authorities.

(2) All executive authority of the State shall be expressed to be taken in the name of the Ruler.

Appointment of Menteri Besar

3. (1) The Ruler shall appoint, by Instrument under His Sign Manual and the State Seal, a Menteri Besar having the qualification referred to in paragraph (a) of Clause (2) of Article 4, who shall be the Chief Minister and Senior Executive Officer in the State.

(2) Subject to the provisions of Clause (4) of Article 4, no person shall be appointed to be Menteri Besar unless he is of the Malay race and professes the religion of Islam.

The State Executive Council

4. (1) The Ruler shall appoint a State Executive Council.

(2) The State Executive Council shall be appointed as follows, that is to say—

(a) the Ruler shall first appoint as Menteri Besar to preside over the State Executive Council a member of the Legislative Assembly who in His judgment is likely to command the confidence of the majority of the members of the Assembly; and

(b) He shall on the advice of the Menteri Besar appoint not more than ten nor less than four other members from among the members of the Legislative Assembly,

but if an appointment is made while the Legislative Assembly is dissolved a person who was a member of the last Legislative Assembly may be appointed but shall not continue to hold office after the first sitting of the next Legislative Assembly unless he is a member thereof.

(3) Notwithstanding anything in this Article, a person who is a citizen by naturalization or by registration under *Article 17 of the Federal Constitution shall not be appointed Menteri Besar.

(4) In appointing a Menteri Besar the Ruler may, in His discretion, dispense with any provision in Clause (2) of Article 3 restricting His choice of a Menteri Besar, if in His opinion it is necessary to do so in order to comply with the provisions of this Article.

(5) The State Executive Council shall be collectively responsible to the Legislative Assembly.

(6) If the Menteri Besar ceases to command the confidence of the majority of the members of the Legislative Assembly, then, unless at his request the Ruler dissolves the Legislative Assembly, he shall tender the resignation of the State Executive Council.

(7) Subject to Clause (6), a member of the State Executive Council other than the Menteri Besar shall hold office at the Ruler's pleasure unless his appointment as a member shall have been revoked by the Ruler on the advice of the Menteri Besar, but any member of the Council may at any time resign his office.

(8) The Menteri Besar shall not hold any office of profit and shall not actively engage in any commercial enterprise.

(9) A member of the State Executive Council shall not engage in any trade, business or profession connected with any subject or department for which he is responsible and shall not, so long as he is engaged in any trade, business or profession, take part in any decision of the State Executive Council relating to that trade, business or profession or in any decision likely to affect his pecuniary interest therein.

(10) The Legislature shall by law make provision for the remuneration of the members of the State Executive Council.

Oath of office

5. Except for the purpose of enabling this Article to be complied with, no member shall sit or vote in the State Executive Council

*NOTE—This Article has been deleted *vide* Constitution (Amendment) Act 1962 [Act 14/1962] w.e.f. 1 July 1963.

until he shall have taken and subscribed before the Ruler or some person authorized by the Ruler in that behalf, the oath set out in the Fifth Schedule, and to which oath shall be added such words as will, according to his religious beliefs, bind the conscience of the person taking the oath.

Appointment of certain officers

6. (1) The Ruler shall, on the recommendation of the appropriate Service Commission, by Instrument under His Sign Manual and the State Seal, appoint a person holding wholetime office in the public services to be the State Secretary, the State Legal Adviser and the State Financial Officer respectively:

Provided that before acting on the recommendation of the Service Commission the Ruler shall consider the advice of the Menteri Besar and may once refer the recommendation back to the Commission in order that it may be reconsidered:

And provided that in the event of there being no Service Commission having jurisdiction in respect of any appointment of any of the officers mentioned in this Clause, such appointment may be made by the Ruler acting in His discretion.

(2) (a) The State Secretary who shall be of the Malay race and profess the religion of Islam, shall be the principal officer in charge of the administrative affairs of the State.

(b) The State Legal Adviser shall advise on legal matters connected with the affairs of the Government of the State referred to him by the Ruler or the State Government.

(c) The State Financial Officer shall be the principal officer in charge of the financial affairs of the State.

(3) Each of such officers shall have the right to take part in the proceedings of the State Executive Council and the Legislative Assembly and may be appointed to any committee thereof but shall not have any vote in the State Executive Council or the Legislative Assembly or in any such committee.

(4) Before any such officer first attends a meeting of the State Executive Council he shall take and subscribe in the presence of the Menteri Besar the oath of secrecy set out in the Seventh Schedule.

(5) The person holding the office of State Secretary, State Legal Adviser and State Financial Officer respectively immediately before the coming into operation of this Article shall continue to hold that office in like manner as if he has been appointed under this Article.

Appointment of Political Secretary or Press Secretary

6A. (1) The Menteri Besar may appoint such number of persons as he may think fit to be Political Secretaries and Press Secretaries.

(2) Any person appointed as a Political Secretary or a Press Secretary by virtue of this Article—

(a) may resign his office at any time;

(b) subject to paragraph (a) shall continue in office until such time as his appointment is determined by the Menteri Besar.

(3) Before a Political Secretary or a Press Secretary exercises the function of his office he shall take and subscribe in the presence of the Menteri Besar the following oath of secrecy—

“I,.....,
do solemnly swear (or affirm) that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as a Political Secretary or a Press Secretary except as may be required for the due discharge of my duties as such or as may be specially permitted by the Menteri Besar.”.

(4) The duties and functions of a Political Secretary or a Press Secretary and his remuneration shall be determined by the State Executive Council.

Ruler to act on advice

7. (1) In the exercise of His functions under this Constitution or any law or as a member of the Conference of Rulers the Ruler shall act in accordance with the advice of the State Executive

Council or of a member thereof acting under the general authority of the Council, except as otherwise provided by the Federal Constitution or this Constitution; but shall be entitled, at His request, to any information concerning the Government of the State which is available to the State Executive Council.

(2) The Ruler may act in His discretion in the performance of the following functions (in addition to those in the performance of which He may act in His discretion under the Federal Constitution) that is to say—

- (a) the appointment of a Menteri Besar;
- (b) the withholding of consent to a request for the dissolution of the Legislative Assembly;
- (c) the making of a request for a meeting of the Conference of Rulers concerned solely with the privileges, position, honours and dignities of Their Highnesses or religious acts, observances or ceremonies;
- (d) any function as Head of the religion of Islam or relating to the custom of the Malays;
- (e) the appointment of an heir or heirs, Consort, Regent or Council of Regency;
- (f) the appointment of persons to Malay customary ranks, titles, honours and dignities and the designation of the functions appertaining thereto;
- (g) the regulation of royal courts and palaces.

(3) State law may make provision for requiring the Ruler to act after consultation with or on the recommendation of any person or body of persons other than the State Executive Council in the exercise of any of His functions other than—

- (a) functions exercisable in His discretion;
- (b) functions with respect to the exercise of which provision is made in this Constitution or the Federal Constitution.

Official language

8. The official language of the State Executive Council shall be Malay:

Provided that—

- (a) notwithstanding the provision of this Article the English language may be used for such period and for such purposes as may for the time being be provided by or in accordance with Article 152 of the Federal Constitution; and
- (b) an official English version shall be provided of anything which is required to be printed or reduced into writing, and may be published in the *Gazette*.

Quorum of State Executive Council

9. The State Executive Council shall not be disqualified for the transaction of business by reason of any vacancy among the members; but no business except that of adjournment shall be transacted if objection is taken by any member present that there are less than three members present besides the member presiding.

Appeals to State Executive Council

10. When under any written law an appeal against the decision of any person lies to the Ruler or to the Ruler in Council, it shall be lawful for the Ruler or Ruler in Council, when such appeal is made, to appoint a committee consisting of not less than three members of the State Executive Council for the purpose of hearing such appeal and advising the Ruler or Ruler in Council, as the case may be, as to the decision that should be made thereon.

Minutes

11. (1) Minutes shall be kept of all the proceedings of the State Executive Council.

(2) At every ordinary meeting of the Council the minutes of the last preceding meeting shall be confirmed, with or without amendments as the case may require, before proceeding to the despatch of any other business.

THE POWER OF PARDON

Power of pardon, etc.

12. (1) The Ruler may grant a pardon, reprieve or respite in respect of any offence committed in the State (other than any offence which has been tried by court martial); and any power conferred by federal or State law to remit, suspend or commute the sentence for any such offence shall be exercisable by Him.

(2) The powers mentioned in Clause (1) shall be exercised in the manner and subject to the conditions prescribed in Article 42 of the Federal Constitution.

CAPACITY OF THE STATE

Capacity of the State as respects property, contracts and suits

13. (1) The State has power to acquire, hold and dispose of property of any kind and to make contracts.

(2) The State may sue and be sued.

THE LEGISLATURE

Legislature of the State

14. The Legislature of the State shall consist of the Ruler and one House, to be known as the Dewan Negeri (in English, the Legislative Assembly).

Composition of the Legislative Assembly

15. The Legislative Assembly shall consist of such number of elected members as the Legislature may by law provide and, until other provision is so made, the number of members shall be fifty-six.

Qualification of members

16. Every citizen of or over the age of twenty-one years who is resident in the State is qualified to be a member of the Legislative Assembly, unless he is disqualified for being a member by the Federal Constitution or this Constitution or by any such law as is mentioned in Article 17.

Disqualification for membership of Legislative Assembly

17. (1) Subject to the provisions of this Article, a person is disqualified for being a member of the Legislative Assembly if—

- (a) he is and has been found or declared to be of unsound mind;
- (b) he is an undischarged bankrupt;
- (c) he holds an office of profit;
- (d) having been nominated for election to either House of Parliament or to the Legislative Assembly, or having acted as election agent to a person so nominated, he has failed to lodge any return of election expenses required by law within the time and in the manner so required;
- (e) he has been convicted of an offence by a court of law in the Federation and sentenced to imprisonment for a term of not less than one year or to a fine of not less than two thousand ringgit and has not received a free pardon;
- (f) he is disqualified under any law relating to offences in connection with elections to either House of Parliament or to the Legislative Assembly by reason of having been

convicted of such an offence or having in proceedings relating to such an election been proved guilty of an act constituting such an offence; or

- (g) he has voluntarily acquired citizenship of, or exercised rights of citizenship in, a foreign country or has made a declaration of allegiance to a foreign country.

(2) The disqualification of a person under paragraph (d) or paragraph (e) of Clause (1) may be removed by the Ruler and shall, if not so removed, cease at the end of the period of five years beginning with the date on which the return mentioned in the said paragraph (d) was required to be lodged or, as the case may be, the date on which the person convicted as mentioned in the said paragraph (e) was released from the custody or the date on which the fine mentioned in the said paragraph (e) was imposed on such person, and a person shall not be disqualified under paragraph (g) of Clause (1) by reason only of anything done by him before he became a citizen.

(3) Notwithstanding anything contained in the foregoing provisions of this Article, where a member of the Legislative Assembly becomes disqualified from continuing to be a member thereof pursuant to paragraph (e) of Clause (1) or under a law as is referred to in paragraph (f) of Clause (1)—

- (a) the disqualification shall take effect upon the expiry of fourteen days from the date on which he was—
 - (i) convicted and sentenced as specified in the aforesaid paragraph (e); or
 - (ii) convicted of an offence or proved guilty of an act under a law as is referred to in the aforesaid paragraph (f); or
- (b) if within the period of fourteen days specified in paragraph (a) an appeal or any other court proceeding is brought in respect of such conviction or sentence, or in respect of being so convicted or proved guilty, as the case may be, the disqualification shall take effect upon the expiry of fourteen days from the date on which such appeal or other court proceeding is disposed of by the court; or
- (c) if within the period specified in paragraph (a) or the period after the disposal of the appeal or other court

proceeding specified in paragraph (b) there is filed a petition for a pardon, such disqualification shall take effect immediately upon the petition being disposed of.

(4) Clause (3) shall not apply for the purpose of nomination or election of any person to the Legislative Assembly, for which purpose the disqualification shall take effect immediately upon the occurrence of the event referred to in paragraph (e) or (f), as the case may be, of Clause (1).

(5) A person who resigns his membership of the Legislative Assembly of this State or any other State, shall, for a period of five years beginning with the date on which his resignation takes effect, be disqualified from being a member of the Legislative Assembly of this State.

Provision against double membership

18. A person shall not at the same time be a member of the Legislative Assembly for more than one constituency.

Effect of death, disqualification and prohibition of nomination without consent

19. (1) If a member of the Legislative Assembly dies or becomes disqualified for membership of the Assembly his seat shall become vacant.

(2) If a person disqualified for being a member of the Legislative Assembly is elected to the Assembly, or if an election is contrary to Article 17, the election shall be void.

(3) If the election of any person would or might be void under Clause (2) his nomination for election shall be void.

(4) A person cannot be validly nominated for election to the Legislative Assembly without his consent.

Resignation of members

20. A member of the Legislative Assembly may resign his membership by writing under his hand addressed to the Speaker.

Absence of a member

21. If a member of the Legislative Assembly is without leave of the Speaker absent from the Assembly for three consecutive meetings, his seat shall become vacant.

Decision as to disqualification

22. (1) If any question arises whether a member of the Legislative Assembly has become disqualified for membership, the decision of the Assembly shall be taken and shall be final.

(2) Where a member of the Legislative Assembly becomes disqualified under paragraph (e) of Clause (1) of Article 17 or under a law as is referred to in paragraph (f) of Clause (1) of Article 17, Clause (1) shall not apply and he shall cease to be a member of the Legislative Assembly, and his seat shall become vacant, immediately upon his disqualification taking effect in accordance with Clause (3) of Article 17.

Summoning, prorogation and dissolution of Legislative Assembly

23. (1) The Ruler shall from time to time summon the Legislative Assembly and shall not allow six months to elapse between the last sitting in one session and the date appointed for its first sitting in the next session.

(2) The Ruler may prorogue or dissolve the Legislative Assembly.

(3) The Legislative Assembly unless sooner dissolved shall continue for five years from the date of its first sitting and shall then stand dissolved.

(4) Whenever the Legislative Assembly is dissolved a general election shall be held within sixty days from the date of the dissolution and the new Legislative Assembly shall be summoned to meet on a date later than ninety days from that date.

(5) A casual vacancy shall be filled within sixty days from the date on which it is established by the Election Commission that is a vacancy:

Provided that if a casual vacancy is established on a date within two years of the date the Legislative assembly shall, in accordance with Clause (3), stand dissolved, such casual vacancy shall not be filled unless the Speaker notifies the Election Commission in writing that the numerical strength of the party that constitutes a majority of all the members of the Legislative Assembly is being affected by such vacancy, in which event such vacancy shall be filled within sixty days from the date of the receipt of that notification.

Speaker of the Legislative Assembly and his remuneration

24.(1) The Legislative Assembly shall from time to time elect as Speaker such person as the Legislative Assembly may determine and shall transact no business when the office of the Speaker is vacant other than the election of the Speaker.

(1A) A person shall not be elected as the Speaker unless he is a member or is qualified to be a member, of the Legislative Assembly.

(1B) Any person elected as Speaker who is not a member of the Legislative Assembly shall—

(a) before he enters upon the duties of his office, take and subscribe before the Legislative Assembly an oath of office; and

(b) by virtue of holding his office, be a member of the Legislative Assembly additional to the members to the Assembly:

Provided that paragraph (b) shall not have effect for the purpose of the provisions of Article 4 and no person shall be entitled, by virtue of that paragraph, to vote on any matter before the Legislative Assembly.

(2) The Speaker may at any time resign his office and shall vacate his office—

(a) when the Legislative Assembly first meets after a general election;

- (b) on his ceasing to be a member of the Legislative Assembly otherwise than by reason of a dissolution thereof or, if he is a member by virtue only of paragraph (b) of Clause (1B), on his ceasing to be qualified to be a member;
- (c) upon being disqualified under Clause (5); or
- (d) if the Legislative Assembly at any time so resolves.

(2A) The Legislative Assembly may from time to time choose one of its members to be Deputy Speaker.

(2B) A Deputy Speaker may at any time resign his office and shall vacate his office—

- (a) on his ceasing to be a member of the Legislative Assembly; or
- (b) if the Legislative Assembly at any time so resolves.

(3) During any absence of the Speaker from a sitting of the Legislative Assembly, the Deputy Speaker or, if the Deputy Speaker is absent or if the post of the Deputy Speaker is vacant, such other member as may be determined by the rules of procedure of the Assembly shall act as Speaker.

(4) The Legislature shall by law provide for the remuneration of the Speaker and the Deputy Speaker and the remuneration so provided shall be charged on the Consolidated Fund.

Oath by members

25. (1) Every member of the Legislative Assembly shall before taking his seat take and subscribe before the person presiding in the Assembly an oath in the form set out in the Sixth Schedule, and to which oath shall be added such words as will, according to his religious beliefs, bind the conscience of the person taking the oath.

(2) A member may before taking the oath take part in the election of the Speaker.

(3) If a member has not taken his seat within six months from the date on which the Legislative Assembly first sits after his election or such further time as the Assembly may allow, his seat shall become vacant.

Address by Ruler

26. The Ruler may address the Legislative Assembly and may send messages thereto.

Procedure of Legislative Assembly

27. (1) Subject to the provisions of the Federal Constitution and this Constitution the Legislative Assembly shall regulate its own procedure and may from time to time make, amend and revoke Standing Rules and Orders for the regulation and orderly conduct of its own proceedings and the conduct of business.

(2) The Legislative Assembly may act notwithstanding any vacancy in its membership, and the presence or participation of any person not entitled thereto shall not invalidate any proceedings.

(3) Subject to Clause (4) and to Clause (1) of Article 89 of the Federal Constitution and to Clause (7) of Article 5 of the Third Part, the Assembly shall, if not unanimous, take its decision by a simple majority of members voting; and the person presiding shall cast his vote whenever necessary to avoid an equality of votes, but shall not vote in any other case.

(4) In regulating its procedure the Assembly may provide, as respects any decision relating to its proceedings, that it shall not be made except by a specified majority or by a specified number of votes.

(5) Members absent from the Assembly shall not be allowed to vote.

Privileges, etc., of the Legislative Assembly

27A. The Legislative Assembly shall have the rights, privileges and powers prescribed in the Eighth Schedule.

Remuneration of members

28. The Legislature shall by law make provision for the remuneration of the members of the Legislative Assembly.

Publication of Bills

29. Every Bill, other than a Private Bill, shall, save in case of urgency to be certified in writing by the Speaker, be published for general information in the *Gazette* at least fourteen days prior to its introduction into the Legislative Assembly.

Private Bills

30. Except as otherwise therein provided, a law made under this Constitution, not being a government measure, intended to affect or benefit some particular person, association or corporate body, shall not affect the rights of the Ruler and His Successors or the rights of any body politic or corporate, or of any other person.

Exercise of legislative power

31. (1) The power of the Legislature to make laws shall be exercised by Bills passed by the Legislative Assembly and assented to by the Ruler.

(2) No Bill or amendment involving expenditure from the Consolidated Fund of the State may be introduced or moved in the Legislative Assembly except by a member of the State Executive Council.

(3) The Ruler shall signify His assent to a Bill by causing the State Seal to be affixed thereto, and after assenting to a Bill He shall cause it to be published as a law.

(4) A Bill shall become law on being assented to by the Ruler, but no law shall come into force until it has been published, without prejudice, however, to the power of Legislature to postpone the operation of any law or to make laws with retrospective effect.

Words of enactment

32. All laws passed by the Legislature shall be styled "Enactments" and the words of enactment shall be "enacted by the Legislature of the State of Johore".

Use of English language in the Legislative Assembly and legislation

33. Subject to the provisions of Article 152 of the Federal Constitution, for a period of ten years after Merdeka Day, and thereafter until the Legislative Assembly otherwise provides, the authoritative texts—

- (a) of all Bills to be introduced or amendments thereto to be moved in the Legislative Assembly; and
- (b) of all Enactments and all subsidiary legislation issued by the Government of the State,

shall be in the English language.

Quorum

34. No business except that of adjournment shall be transacted by the Legislative Assembly if objection is taken by any member present that there are less than one quarter of the members present besides the Speaker or other member presiding.

Minutes

35. Minutes shall be kept of all the proceedings of the Legislative Assembly.

FINANCE**No taxation unless authorized by law**

36. No tax or rate shall be levied by or for the purposes of the State except by or under the authority of law.

Expenditure charged on Consolidated Fund

37. (1) There shall be charged on the Consolidated Fund of the State, in addition to any grant, remuneration or other moneys so charged by any other provision of this Constitution or by State law—

- (a) the Civil List of the Ruler;
- (b) all debts charges for which the State is liable; and
- (c) any moneys required to satisfy any judgment, decision or award against the State by any court or tribunal.

(2) For the purposes of this provision debt charges include interest, sinking fund charges, repayment or amortization of debt and all expenditure in connection with the raising of loans on the security of the Consolidated Fund and the service and redemption of debt created thereby.

Annual financial statement

38. (1) Subject to Clause (3), the Ruler shall, in respect of every financial year, cause to be laid before the Legislative Assembly a statement of the estimated receipts and expenditure of the State for that year, and, unless the State Legislature in respect of any year otherwise provides, that statement shall be so laid before the commencement of that year:

Provided that there may be separate statements of estimated receipts and estimated expenditure, and in that case it shall not be necessary for the statement of receipts to be so laid before the commencement of the year to which it relates.

(2) The estimates of expenditure shall show separately—

- (a) the total sums required to meet expenditure charged on the Consolidated Fund; and
- (b) subject to Clause (3), the sums respectively required to meet the heads of other expenditure proposed to be met from the Consolidated Fund.

(3) The estimated receipts to be shown in the said statement do not include any sums received by way of Zakat, Fitrah and Baitulmal or similar Islamic religious revenue; and the sums to be shown under paragraph (b) of Clause (2) do not include—

- (a) sums representing the proceeds of any loan raised by the State for specified purposes and appropriated for those purposes by the law authorizing the raising of the loan;
- (b) sums representing any money or interest on money received by the State subject to a trust and to be applied in accordance with the terms of the trust;
- (c) sums representing any money held by the State which has been received or appropriated for the purpose of any trust fund established by or in accordance with federal or State law.

(4) The said statement shall also show, so far as is practicable, the assets and liabilities of the State at the end of the last completed financial year, the manner in which those assets are invested or held, and the general heads in respect of which those liabilities are outstanding.

Supply Bills

39. The heads of expenditure to be met from the Consolidated Fund of the State but not charged thereon, other than the sums mentioned in paragraphs (a), (b) and (c) of Clause (3) of Article 38 shall be included in a Bill, to be known as a Supply Bill, providing for the issue from the Consolidated Fund of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified therein.

Supplementary and excess expenditure

40. If in respect of any financial year it is found—

- (a) that the amount appropriated by the Supply Enactment for that purpose is insufficient, or that a need has arisen for expenditure for a purpose for which no amount has been appropriated by the Supply Enactment; or

- (b) that any moneys have been expended for any purpose in excess of the amount (if any) appropriated for that purpose by the Supply Enactment,

a supplementary estimate showing the sums required or spent shall be laid before the Legislative Assembly and the heads of any such expenditure shall be included in a Supply Bill.

Withdrawals from the Consolidated Fund

41. (1) Subject to the following provisions of this Article, no moneys shall be withdrawn from the Consolidated Fund unless they are—

- (a) charged on the Consolidated Fund; or
- (b) authorized to be issued by a Supply Enactment.

(2) No money shall be withdrawn from the Consolidated Fund except in the manner provided by federal law.

(3) Clause (1) does not apply to any such sums as are mentioned in paragraphs (a), (b) and (c) of Clause (3) of Article 38.

(4) The State Legislature may in respect of any financial year authorize before the passing of the Supply Enactment, expenditure for part of the year and the issue from the Consolidated Fund of any moneys required to meet that expenditure.

THIRD PART

GENERAL PROVISIONS

Reservation of quotas in respect of services, permits, etc., for Malays

1. (1) It shall be the responsibility of the Ruler to safeguard the special position of the Malays and the legitimate interests of other communities in accordance with the provisions of this Article.

(2) The Ruler shall, subject to the provisions of Article 7 of the Second Part and of this Article, exercise His functions under the Second Part and State law in such manner as may be necessary to safeguard the special position of the Malays and to ensure the reservation for Malays of such proportion as He may deem reasonable of positions in the public service of the State and of scholarships, exhibitions and other similar educational or training privileges or special facilities given or accorded by the State Government and, when any permit or licence for the operation of trade or business is required by State law, then, subject to the provisions of that law and this Article, of such permits and licences.

(3) The Ruler may, in order to ensure in accordance with Clause (2) of this Article the reservation to Malays of positions in the public service and of scholarships, exhibitions and other educational or training privileges or special facilities, give such general directions as may be required for that purpose to any Public Service Commission whose jurisdiction extends to persons in the public service of the State or to any authority charged with responsibility for the grant of such scholarships, exhibitions or other educational or training privileges or special facilities and the Commission or authority shall duly comply with the directions.

(4) In exercising His functions under the Second Part and State law in accordance with Clauses (1), (2) and (3) of this Article the Ruler shall not deprive any person of any public office held by him or of the continuance of any scholarship, exhibition or other educational or training privileges or special facilities enjoyed by him.

(5) This Article does not derogate from the provisions of Article 2 of this Part.

(6) Where by existing State law a permit or licence is required for the operation of any trade or business the Ruler may exercise His functions under that law in such manner, or give such general directions to any authority charged under that law with the grant of such permits or licences, as may be required to ensure the reservation of such proportion of such licences or permits for Malays as the Ruler may deem reasonable; and the authority shall duly comply with the directions.

(7) Nothing in this Article shall operate to deprive or authorize the deprivation of any person of any right, privilege, permit or licence accrued to or enjoyed or held by him or to authorize a refusal to renew to any person any such permit or licence or a refusal to grant to the heirs, successors or assigns of a person any permit or licence when the renewal or grant might reasonably be expected in the ordinary course of events.

(8) Notwithstanding anything in the Second Part, where by any State law any permit or licence is required for the operation of any trade or business, that law may provide for the reservation of proportion of such permits or licences for Malays; but no such law shall for the purpose of ensuring such a reservation—

- (a) deprive or authorize the deprivation of any person of any right, privilege, permit or licence accrued to or enjoyed or held by him; or
- (b) authorize a refusal to renew to any person any such permit or licence or a refusal to grant to the heirs, successors or assigns of any person any permit or licence when the renewal or grant might in accordance with the other provisions of the law reasonably be expected in the ordinary course of events, or prevent any person from transferring together with his business any transferable licence to operate that business; or
- (c) where no permit or licence was previously required for the operation of the trade or business, authorize a refusal to grant a permit or licence to any person for the operation of any trade or business which immediately before the coming into force of the law he had been *bona fide* carrying on, or authorize a refusal subsequently to renew to any such person any permit or licence, or a refusal to grant to the heirs, successors or assigns of any such person any such permit or licence when the renewal or grant might in accordance with the other provisions of that law reasonably be expected in the ordinary course of events.

(9) Nothing in this Article shall empower the Legislature to restrict business or trade solely for the purpose of reservations for Malays.

Impartial treatment of State employees

2. All persons of whatever race in the same grade in the service of the State shall, subject to the terms and conditions of their employment, be treated impartially.

The State Seal

3. (1) The Ruler shall keep and use the Public Seal of the State.

(2) The State Seal shall bear the inscription "State of Johore Public Seal", and the words "Mohor Kerajaan Negeri Johore".

The State Motto, flags and emblems

4. The State Motto, namely "*Kepada Allah Berserah*" to be called in English "Unto God Resigned", the emblem or arms of the State and the Flag of the State shall continue to be used as heretofore.

Amendment of the Constitution

5. (1) The following provisions of this Article shall have effect with respect to the amendment of this Constitution.

(2) The provisions of the First Part, other than Articles 3 (in so far as it relates to the powers conferred upon the Supporters of the Country), 5, 10, 11A, 11B, 11C, 11F, 12(1), 18, 22, 23, 25, 26 and 26A, may be amended by the Ruler by Proclamation but may not be amended by the State Legislature or by any other means.

(3) The provisions of Articles 3 (in so far as it relates to the powers conferred upon the Supporters of the Country) and 5 of the First Part may be amended by the Ruler by Proclamation issued with the advice and concurrence of the Supporters of the Country, but may not be amended by the State Legislature or by any other means.

(4) The provisions of Articles 10, 11A, 11B, 11C, 11F, 12(1), 18 and 23 of the First Part may be amended by the Ruler by Proclamation issued with the advice and concurrence of the Council of the Royal Court, but may not be amended by the State Legislature or by any other means.

(5) The provisions of Articles 22, 25, 26 and 26A of the First Part may, subject to Clause (7), be amended by an Enactment passed by the State Legislature and assented to by the Ruler, but may not be amended by any other means.

(6) The provisions of any of the Articles of the Second Part and of Articles 1 to 4 and 6 to 10 inclusive of the Third Part may, subject to Clause (7), be amended by an Enactment of the State Legislature but may not be amended by any other means.

(7) A Bill for making an amendment to this Constitution (other than an amendment excepted from the provision of this Clause) shall not be passed by the Legislative Assembly unless it has been supported on Second and Third Readings by the votes of not less than two-thirds of the total number of members thereof.

(8) The following amendment is excepted from the provisions of Clause (7), that is to say, any amendment consequential on such a law as is mentioned in Article 15 of the Second Part.

(9) In this Article "amendment" includes addition and repeal.

Application of Clause (2) of Article 160 of the Federal Constitution and the provisions of the Interpretation and General Clauses Ordinance 1948, to the State Constitution

6. (1) Subject to the provisions of Article 1 of the First and Second Part, Clause (2) of Article 160 of the Federal Constitution shall apply for the interpretation of this Constitution as it applies for the interpretation of the Federal Constitution.

(2) Except where the interpretation of any word or expression is expressly provided by this Constitution or the Federal Constitution or where the context otherwise requires, the *Interpretation and

*NOTE—This Ordinance has been consolidated and revised *vide* Interpretation Acts 1948 and 1967 [Act 388] w.e.f. 19 October 1989.

General Clauses Ordinance 1948 [*M.U. 7 of 1948*], or any Act of Parliament substituted therefore, shall apply for the interpretation of this Constitution as it applies for the interpretation of any written law.

(3) Unless the context otherwise requires, any reference in this Constitution to a specified Article, Part or Schedule is a reference to that Article or Part of, or to that Schedule to this Constitution; and any reference to a specified clause is a reference to that clause of the Article in which the reference occurs.

Interpretation of the Constitution by the Federal Court

7. (1) Without prejudice to any appellate or revisional jurisdiction of the Federal Court, where in any proceedings before another court a question arises as to the effect of any provision of the State Constitution the Federal Court may, on the application of either party to the proceedings, determine that question and either dispose of the case or remit it to the other court to be disposed of in accordance with the determination.

(2) The Ruler may refer to the Federal Court for its opinion any question as to the effect of any provision of the State Constitution which has arisen or appears to Him to be likely to arise, and the Federal Court shall pronounce in open court its opinion on any question so referred to it.

Prerogatives of the Ruler reserved

8. Except as expressed herein, this Constitution shall not affect the prerogatives, powers and jurisdiction of the Ruler.

Temporary provision as to composition of the State Executive Council

9. After the dissolution of the last Council of State the State Executive Council shall consist of the Menteri Besar and all those persons who were members of the State Executive Council immediately before the dissolution but no such person shall continue to hold office after the date of the summoning of the first Legislative Assembly constituted under this Constitution unless he is a member of that Legislative Assembly.

Copies and translations

10. (1) The Legislative Assembly may from time to time by resolution authorize the Commissioner of Law Revision to print copies of this Constitution or of the English translation thereof, including all additions, omissions, substitutions and amendments in force at the date of such authorization, and any such copy so printed shall be deemed for all purposes whatsoever to be a true and correct copy.

(2) Any such copy of the English translation of this Constitution shall be deemed for all purposes whatsoever to be a true and correct translation thereof.

FIRST SCHEDULE

[Article 8 of the First Part]

The Oath for a Ruler

WALLAHI WABILLAHI WATALLAHI

I,....., on my accession as Sultan and Sovereign Ruler of the State and Territory of Johore and all its Dependencies, do swear that I will rule the people of Johore wisely, justly, sympathetically and impartially and I do swear that I will protect and respect the religion of Islam and the Malay custom and abide strongly by the Laws of the Constitution of Johore as well as other laws of the State. So help me God.

SECOND SCHEDULE

[Article 11B of the First Part]

The Oath for a Regent

WALLAHI WABILLAHI WATALLAHI

I,....., on my assumption of the office of Regent for the State and Territory of Johore and all its Dependencies, do swear that I will rule the people of Johore wisely, justly, sympathetically and impartially and I do swear that I will protect and respect the religion of Islam and the Malay custom and abide strongly by the Laws of the Constitution of Johore as well as other laws of the State. So help me God.

THIRD SCHEDULE

[Article 11E of the First Part]

The Oath for a Counsellor of Regency

WALLAHI WABILLAHI WATALLAHI

I,....., being chosen as a Member of the Council of Regency for the State and Territory of Johore and all its Dependencies, do swear that I will truly, justly and sympathetically serve the people of Johore and I do swear that I will protect and respect the religion of Islam and the Malay custom and abide strongly by the Laws of the Constitution of Johore as well as all other laws of the State. So help me God.

FOURTH SCHEDULE

[Article 31 of the First Part]

The Oath for a Counsellor of Royal Court

WALLAHI WABILLAHI WATALLAHI

I,....., having received the Royal Command appointing me to the Council of the Royal Court do hereby declare on oath that I am a Malay, a subject of His Highness and a Muslim, and I do swear that I will be faithful and bear true allegiance to His Highness the Sultan of Johore and His Successors and that I will well and truly serve in the office of Counsellor of the said Council of the Royal Court. So help me God.

Witnesses: 1.
2.

FIFTH SCHEDULE

[Article 5 of the Second Part]

Oath of Member of the State Executive Council

I,....., being chosen and admitted to the Majlis Mesyuarat Kerajaan or State Executive Council of the State of Johore do solemnly swear (or affirm) that I will to the best of my judgment at all times when thereto required freely give my counsel and advice to His Highness the Sultan for the good management of the public affairs of the State; that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as a member of the State Executive Council except as may be required for the due discharge of my duties as such or as may be specially permitted by His Highness the Sultan. So help me God.

SIXTH SCHEDULE

[Article 25 of the Second Part]

Oath of Member of the Legislative Assembly

I....., having been elected as a member of the Dewan Negeri or Legislative Assembly of the State of Johore do solemnly swear (or affirm) that I will well and truly serve in the office of Members of the said Dewan Negeri or Legislative Assembly and that I will preserve, protect and defend the Constitution of the State of Johore. So help me God.

SEVENTH SCHEDULE

[Article 6(4) of the Second Part]

Oath of Secrecy

I....., do solemnly swear (or affirm) that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me in the course of my attending the State Executive Council except as may be required for the due discharge of my duties as such officer or as may be specially permitted by the State Executive Council.

EIGHTH SCHEDULE

[Article 27A of the Second Part]

Privileges and Powers of the Legislative Assembly

Interpretation

1. In this Schedule.—

“Assembly” means the Legislative Assembly of the State;

“journals” means the minutes of the Assembly or the official records of the proceedings thereof;

“Member” means a Member of the Assembly;

“officer of the Assembly” and “officer” means the Clerk of the Assembly and any person declared by the Speaker to be an officer of the Assembly;

“Standing Orders” means the Standing Rules and Orders of the Assembly for the time being in force.

Freedom of speech and debate

2. There shall be freedom of speech and debate or proceedings in the Assembly and such freedom of speech and debate or proceedings shall not be liable to be impeached or questioned in any court or tribunal out of the Assembly.

Immunity of Members from civil or criminal proceedings for anything done or said before the Assembly

3. No Member shall be liable to any civil and criminal proceedings, arrest, imprisonment, or damages by reason of any matter or thing which he may have brought by petition, bill, resolution, motion, or otherwise, or have said before the Assembly or any committee.

Power of Assembly to order attendance of witnesses and production of documents

4. The Assembly, and any committee which is duly authorized by an order of the Assembly to send for persons, documents, or papers, may, subject to the provisions of paragraphs 7 and 8 of this Schedule, order any person to attend before the Assembly or before such committee to give evidence or to produce any paper, book, record or document in the possession or under the control of such person.

Summons to attend

5. Any order to attend to give evidence or to produce documents before the Assembly or before any committee shall be notified to the person required to attend or to produce documents by a summons under the hand of the Clerk of the Assembly issued by direction of the Speaker. In every such summons there shall be stated the time when, and the place where, the person summoned is required to attend and the particular documents which he is required to produce. The summons shall be served on the person mentioned therein either by delivering to him a copy thereof or by leaving a copy thereof at his usual or last known place of abode in the State with some adult person. There shall be paid or tendered to the person so summoned, if he does not reside within six miles of the Assembly Chamber, such sum for his expenses as may be prescribed by any Standing Order in that behalf.

Examination of witnesses upon oath

6. The Assembly or any committee may require that any facts, matters and things relating to the subject of enquiry before the Assembly or committee be verified or otherwise ascertained by the oral examination of witnesses and may cause any such witness to be examined upon oath which the Speaker, or the chairman of the committee or person specially appointed by the Speaker or chairman for that purpose may administer.

Exemption from answering questions or producing documents

7. If any person ordered to attend to give evidence or to produce any paper, book, record or document before the Assembly or any committee refuses to answer any question that may be put to him or to produce any such paper, book, record or document on the ground that the same is of a private nature and does not affect the subject of enquiry, the Speaker or the chairman of the committee, as the case may be, may report to the Assembly such refusal with the reason therefore and the Assembly may thereupon either excuse the answering of such question or the production of such paper, book, record or document or may order the answering or production thereof.

Privileges of witnesses

8. (1) Every person ordered to attend to give evidence or to produce any paper, book, record or document before the Assembly or any committee shall be entitled, in respect of such evidence or the disclosure of any communication or the production of any such paper, book, record or document, to the same right or privilege as before a court of law.

(2) No public officer shall—

- (a) produce before the Assembly or any committee any such paper, book, record or document; or
- (b) give before the Assembly or any committee evidence on any such matter,

as relates to the correspondence of any naval, military, air force or Federal Government department or to any matter affecting the public service of the Federation, except with the consent of the Yang di-Pertuan Agong or of the Menteri Besar in the case of a department of the State Government or the public service of the State, nor shall secondary evidence be received by or produced before the Assembly or any committee of the contents of any such paper, book, record or document.

Certificate that a witness has answered questions put to him

9. Every witness before the Assembly or a committee who shall answer fully and faithfully any questions put to him by the Assembly or such committee to its satisfaction shall be entitled to receive a certificate under the hand of the Speaker or the chairman of the committee, stating that such witness was upon his examination so required to answer and did answer any such questions.

Prohibition to give evidence outside the Assembly of any evidence before the Assembly without the leave of the Assembly

10. No Member or officer of the Assembly and no shorthand writer employed to take minutes of evidence before the Assembly or any committee shall give evidence elsewhere in respect of the contents of such evidence or of the contents

of any manuscript or document laid before the Assembly or any committee or in respect of any proceedings or examination had before the Assembly or any committee without the special leave of the Assembly first had and obtained. Such special leave may be given after a dissolution or during a recess or adjournment by the Speaker or, in the event of his absence or incapacity, by the Clerk of the Assembly.

Journals of the Assembly admissible as evidence

11. Upon any enquiry touching the privileges, immunities and powers of the Assembly or of any Member, any copy of the journals printed or purporting to be printed by the Government Printer or by or under the authority of the Assembly shall be admitted as evidence of such journals in all courts and places without any proof being given that such copy was so printed.

Certificate of Speaker a defence in proceedings instituted in respect of publications of the Assembly

12. Any person being a defendant in any civil or criminal proceedings instituted for or on account or in respect of the publication by such person or by his servant by order or under the authority of the Assembly or any committee, of any reports, papers, minutes, votes, or proceedings, may, after giving to the plaintiff or prosecutor, as the case may be, twenty-four hours written notice of his intention so to do, bring before the court in which such civil or criminal proceedings are being held a certificate under the hand of the Speaker or Clerk of the Assembly stating that the reports, papers, minutes, votes or proceedings in respect whereof such civil or criminal proceedings have been instituted were published by such person or by his servants by order or under the authority of the Assembly or any committee, together with an affidavit verifying such certificate, and such court shall thereupon immediately stay such civil or criminal proceedings and the same and every process issued therein shall be deemed to be finally determined.

Privileged publications

13. If, in any civil or criminal proceedings instituted for publishing any extract from or abstract of any such report, paper, minutes, votes or proceedings, as in the preceding paragraph mentioned, the court is satisfied that such extract or abstract was published *bona fide* and without malice, judgment shall be entered for the defendant or accused.

14. For the purpose of this Schedule, the person who fills the office of Speaker at the time of prorogation or dissolution of the Assembly shall be deemed to be the Speaker until the Assembly is again summoned or until another person has been appointed to be a Speaker.

Confirmation

So be it. Such are the Laws and Regulations of the Constitution of the State of Johore.

Invocation

May GOD, to whom be praise and whose name be exalted, the King of Kings, vouchsafe His grace, and may the Prophet Muhammad (on whom be the benediction and peace of GOD) grant His blessing to all these Laws and Regulations of the Constitution of the State of Johore, for ever and ever. Amen! O Lord of the Universe!

Done at Our Istana at Johore Bahru, this Eighteenth day of the month of *Syawal*, the *Hijrah* of the Prophet (on whom be the benediction and peace of GOD) One thousand three hundred and twelve, (the year 1312), corresponding to the 14th day of April, One thousand eight hundred and ninety-five (1895) of the Christian era, being the thirty-fourth year of Our reign.

IN WITNESS of the passing and confirmation of this Constitution of the State and of the concurrence and assent of the Council of State, given in a devoted, faithful, loyal and proper manner, all the Members of the Council of State present have hereunder affixed their respective signatures—

MOHAMED KHALID BIN IBRAHIM
Ungku and Dato Karabat

IBRAHIM
Tunku Mahkota and Dato Karabat

UNGKU SULEIMAN
Ungku and Dato Karabat

JAAFAR BIN HAJI MOHAMED
Dato Menteri of Johore

HAJI MOHAMED SALLEH
Dato and Hakim

SYED SALIM BIN AHMAD AL-ATTAS
Dato and Mufti

Laws of the State of Johore

MOHAMED IBRAHIM BIN HAJI ABDULLAH
MUNSHI
Dato Bintara Dalam

MOHAMED SALLEH BIN PRANG
Dato Bintara Luar

JAAFAR BIN NONG YAHYA
Dato Penggawa Timor

ABDUL SAMAD BIN IBRAHIM
Dato Penggawa Barat

MOHAMED YAHYA BIN AWAL-ED-DEEN
Dato

HAJI ABDUL RAHMAN
Dato and Khadi

ABDULLAH BIN TAHIR
Dato Sri Stia Raja

YAHYA BIN SHAABAN
Dato

ANDAK
Dato

MOHAMED BIN MAHBOB
Dato

ABDUL RAHMAN BIN ANDAK
Dato Sri Amar d'Raja

DECLARATION OF CONFIRMATION OF CONSTITUTION BY HIS
HIGHNESS SIR IBRAHIM

In the name of the Almighty God, We truly declare that this Constitution of the State shall have effect upon Us and Our Government:

IBRAHIM

(STATE SEAL)

Witnessed by: JAAFAR BIN HAJI MOHAMED

ISTANA BESAR
24th day of Rabiulawal 1313
Corresponding to 14th September 1895

LAWS OF THE STATE OF JOHORE

THE LAW OF THE CONSTITUTION OF 1895

LIST OF AMENDMENTS

Amending law	Short title	In force from
J.G.N. No. 2/1948	The Johore Constitution Supplement 1367	01-02-1948
J.G.N. No. (N.S.) 43A/1957	The Johore Constitution Supplement 1377	30-08-1957
J.G.N. No. 301/1959	Laws of the Constitution of 1895 and the Supplements (Amendment and Consolidation) Supplement 1959	20-04-1959
En. No. 15/1959	Law of the Constitution of 1895 (Amendment) Enactment 1959	15-11-1959
En. No. 14/1960	Law of the Constitution of 1895 (Amendment) Enactment 1960	15-11-1960
J.G.N. No. 811/1961	Proclamation	29-07-1961
En. No. 10/1964	Law of the Constitution of 1895 (Amendment) Enactment 1964	12-11-1964
En. No. 11/1964	Law of the Constitution of 1895 (Amendment) (No. 2) Enactment 1964	12-11-1964
En. No. 7/1966	Law of the Constitution of 1895 (Amendment) Enactment 1966	15-12-1966
En. No. 6/1967	Law of the Constitution of 1895 (Amendment) Enactment 1967	01-04-1967
J.G.N. No. 1001/1967	Corrigendum	01-04-1967
En. No. 4/1969	Laws of the Constitution of Johore (Amendment) Enactment 1969	18-11-1968
J.G.N. No. 510/1975	Proclamation	09-05-1975
En. No. 10/1978	Law of the Constitution of 1895 (Amendment) Enactment 1978	25-07-1978

Amending law	Short title	In force from
En. No. 6/1983	Law of the Constitution of 1895 (Amendment) Enactment 1983	23-12-1983
En. No. 4/1990	Laws of the Constitution of Johore (Second Part) (Amendment) Enactment 1990	23-11-1990
En. No. 7/1992	Laws of the Constitution of 1895 (Amendment) Enactment 1992	11-06-1993
En. No. 7/1999	Laws of the Constitution of 1895 (Amendment) Enactment 1999	24-12-1999
En. No. 3/2003	Laws of the Constitution of 1895 (Amendment) Enactment 2003	07-11-2003
En. No. 3/2007	Laws of the Constitution of 1895 (Amendment) 2007	01-04-2007

LAWS OF THE STATE OF JOHORE

THE LAW OF THE CONSTITUTION OF 1895

LIST OF ARTICLES AMENDED

FIRST PART

Article	Amending authority	In force from
Preamble	En. No. 7/1999	24-12-1999
1	J.G.N. No. (N.S.) 43A/1957 J.G.N. No. 301/1959 J.G.N. No. 811/1961 J.G.N. No. 510/1975	30-08-1957 20-04-1959 29-07-1961 09-05-1975
2	J.G.N. No. 301/1959 J.G.N. No. 811/1961	20-04-1959 29-07-1961
3	J.G.N. No. 301/1959 J.G.N. No. 811/1961	20-04-1959 29-07-1961
4	J.G.N. No. 811/1961 J.G.N. No. 510/1975	29-07-1961 09-05-1975
5	J.G.N. No. 301/1959	20-04-1959
6	J.G.N. No. 301/1959 J.G.N. No. 811/1961	20-04-1959 29-07-1961
7	J.G.N. No. 811/1961	29-07-1961
8	J.G.N. No. 301/1959 J.G.N. No. 811/1961	20-04-1959 29-07-1961
Heading	J.G.N. No. 811/1961	29-07-1961
9	J.G.N. No. 301/1959 J.G.N. No. 811/1961	20-04-1959 29-07-1961
10	J.G.N. No. 301/1959 J.G.N. No. 811/1961	20-04-1959 29-07-1961
11	J.G.N. No. 301/1959 J.G.N. No. 811/1961	20-04-1959 29-07-1961
11A	J.G.N. No. 301/1959 J.G.N. No. 811/1961	20-04-1959 29-07-1961
11B	J.G.N. No. 301/1959 J.G.N. No. 811/1961	20-04-1959 29-07-1961

Article	Amending authority	In force from
11c	J.G.N. No. 301/1959 J.G.N. No. 811/1961	20-04-1959 29-07-1961
11d	J.G.N. No. 301/1959	20-04-1959
11e	J.G.N. No. 301/1959	20-04-1959
11f	J.G.N. No. 301/1959	20-04-1959
11g	J.G.N. No. 301/1959	20-04-1959
12	J.G.N. No. (N.S.) 43A/1957 J.G.N. No. 301/1959	30-08-1957 20-04-1959
15	J.G.N. No. 301/1959	20-04-1959
16	J.G.N. No. 301/1959	20-04-1959
18	J.G.N. No. 301/1959	20-04-1959
20	J.G.N. No. 301/1959	20-04-1959
22	J.G.N. No. 301/1959	20-04-1959
23	J.G.N. No. 301/1959	20-04-1959
24	En. No. 4/1969 J.G.N. No. 301/1959	18-11-1968 20-04-1959
25	J.G.N. No. 301/1959	20-04-1959
26	J.G.N. No. 301/1959 En. No. 15/1959	20-04-1959 15-11-1959
26A	J.G.N. No. (N.S.) 43A/1957 En. No. 10/1964	30-08-1957 12-11-1964
Heading	J.G.N. No. 301/1959	20-04-1959
27A	J.G.N. No. 510/1975	09-05-1975
27B	J.G.N. No. 510/1975	09-05-1975
27C	J.G.N. No. 510/1975	09-05-1975
27D	J.G.N. No. 510/1975	09-05-1975
27E	J.G.N. No. 510/1975	09-05-1975
28	J.G.N. No. 301/1959 J.G.N. No. 510/1975	20-04-1959 09-05-1975
29	J.G.N. No. 301/1959	20-04-1959
30	J.G.N. No. 301/1959	20-04-1959
31	J.G.N. No. 301/1959	20-04-1959
32	J.G.N. No. 301/1959	20-04-1959

Article	Amending authority	In force from
33	J.G.N. No. 301/1959	20-04-1959
34	J.G.N. No. 301/1959	20-04-1959
35	J.G.N. No. 301/1959	20-04-1959
36	J.G.N. No. 301/1959	20-04-1959
37	J.G.N. No. 301/1959	20-04-1959
38	J.G.N. No. 301/1959	20-04-1959
39	J.G.N. No. 301/1959	20-04-1959
40	J.G.N. No. 301/1959	20-04-1959
41	J.G.N. No. 301/1959	20-04-1959
42	J.G.N. No. 301/1959	20-04-1959
43	J.G.N. No. 301/1959	20-04-1959
44	J.G.N. No. 301/1959	20-04-1959
45	J.G.N. No. 301/1959	20-04-1959
46	J.G.N. No. 301/1959	20-04-1959
47	J.G.N. No. 301/1959	20-04-1959
48	J.G.N. No. 301/1959	20-04-1959
49	J.G.N. No. 301/1959	20-04-1959
50	J.G.N. No. 301/1959	20-04-1959
51	J.G.N. No. 301/1959	20-04-1959
52	J.G.N. No. 301/1959	20-04-1959
53	J.G.N. No. 301/1959	20-04-1959
54	J.G.N. No. 301/1959	20-04-1959
55	J.G.N. No. 301/1959	20-04-1959
56	J.G.N. No. 301/1959	20-04-1959
57A	J.G.N. No. (N.S.) 43A/1957 J.G.N. No. 301/1959	30-08-1957 20-04-1959
57B	J.G.N. No. 301/1959	20-04-1959
59	J.G.N. No. 301/1959	20-04-1959
60	J.G.N. No. 301/1959	20-04-1959
61	J.G.N. No. 301/1959	20-04-1959
64	J.G.N. No. 301/1959	20-04-1959

Article	Amending authority	In force from
Throughout the Part	J.G.N. No. 301/1959	20-04-1959

SECOND PART

4	En. No. 14/1960 En. No. 7/1999	15-11-1960 24-12-1999
6A	En. No. 6/1967 En. No. 10/1978	01-04-1967 25-07-1978
15	En. No. 6/1983 En. No. 7/1992 En. No. 3/2003	23-12-1983 11-06-1993 07-11-2003
17	En. No. 14/1960 En. No. 6/1983 En. No. 4/1990	15-11-1960 23-12-1983 23-11-1990
22	En. No. 6/1983	23-12-1983
23	En. No. 4/1969	18-11-1968
24	En. No. 7/1999	24-12-1999
25	En. No. 6/1983	23-12-1983
38	En. No. 11/1964 En. No. 7/1966	12-11-1964 15-12-1966
39	En. No. 7/1966	15-12-1966
41	En. No. 7/1966	15-12-1966
Throughout the Part	En. No. 7/1999	24-12-1999
23(5)	En. No. A8/2009	14-12-2009

THIRD PART

10	En. No. 3/2007	01-04-2007
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