

# DAP's court move: It's strange — PM

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KUALA LUMPUR, Mon. — Datuk Seri Dr Mahathir Mohamad today expressed surprise that the DAP was trying to stop the general election, saying it was a "strange" move.

The DAP filed an application in the High Court today seeking an injunction against holding the election of Aug 2 and 3.

The Prime Minister said it looked like the party was looking for excuses because it was not prepared for the election.

"I thought the party was anxious for an election," he said. "If they are not prepared, they should have indicated earlier so that we could put off the election."

"But when you are not prepared, don't throw the spanner into the works and spoil everything for others."

Speaking to reporters after opening the International Seminar on Primary Commodities at the Shangri-La hotel, Dr Mahathir said as far as

he could see the whole nation wanted to get the election over with.

"Why is the DAP trying to find all kinds of excuses to put off the election?"

"We have given them ample time to prepare. All this time they have been talking about the election, I thought they were prepared; so we went ahead and fixed the date for the dissolution of Parliament."

He said the DAP should withdraw if it was afraid to contest.

## Contravened

In its application to the High Court, the DAP asked for an injunction to restrain the Elections Commission from accepting nominations on July 24 and holding elections in the Federal Territories and eight other States on Aug 2 and 3.

The application will be heard in Justice Datuk Harun Hashim's chambers at 9am tomorrow.

DAP secretary-general Lim Kit Siang, in his affi-

davit, contended that in the States where Sunday was a public holiday, the Commission did not comply with the law that "four clear days must intervene the publication of the notice of election in a major newspaper and Nomination Day".

He claimed that the Commission had contravened the mandatory provisions of the Elections (Conduct of Elections) Regulations 1981 and had given less than the minimum four clear days required.

The eight States involved are Penang, Perak, Pahang, Selangor, Negri Sembilan, Malacca, Sabah and Sarawak and the Federal Territories of Kuala Lumpur and Labuan.

Justice Datuk Harun fixed the hearing for tomorrow after DAP's lawyer, Mr Karpal Singh, submitted a *certificate of urgency*.

The judge also decreed that a "short notice" be served on the Elections Commission. (Normal procedures are waived

when serving a short notice in view of the urgency of the matter).

After filing the application, Mr Karpal Singh, who is also DAP deputy chairman, said the summons, statement of claim and the application for injunction were served on Senior Federal Counsel T. Selventhiranathan who accepted it on behalf of the Government.

## Burden

In an affidavit filed in support of the application, Mr Lim Kit Siang said the Elections Commission published a notice in the *Utusan Malaysia* on July 19 pursuant to regulation 3 (1) and (2) of the Elections (Conduct of Elections) Regulations 1981 specifying nomination day to be July 24, 1986 and polling day to be Aug 2 and 3, 1986.

Mr Lim contended that the dates of the notice (July 19) and nomination day (July 24) were excluded as required by law. Under Section 54 (1) (d) of the Interpretation Act 1967, July 20 (a Sunday) was also excluded.

"Thus, there has only been three clear days notice which is insufficient in law for the purposes of Regulation 3(1) of the Elections (Conduct of Elections) Regulations 1981 Elections (Conduct of Elections) Regulations 1981.

"The basic pre-requi-

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# SDP turns to court over higher deposits

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site for the carrying out of a general election for parliamentary and State constituencies in the Federal Territories and the eight States has not been met and, therefore, the Elections Commission cannot lawfully carry out elections in the constituencies in the areas.

"Allowing less than the minimum period of four days means placing a heavy burden on prospective candidates who have to procure deposits of \$5,000 and \$3,000 for parliamentary and State constituencies respectively and to procure electoral rolls and seek proposers and seconders," he said in his affidavit.

He said the very exercise of accepting nominations and holding the elections would be a sheer waste of money in view of the strong probability that it would later be held that the acceptance of nominations and the elections were null and void.

Meanwhile, Mr Karpal Singh said the DAP will file another application in the High Court tomorrow to restrain the Election Commission from holding the State elections in Perak.

He said the notice of election published in a major newspaper as required by Section 3 (2) of the Elections (Conduct of Elections) Regulations 1981 "was defective".

He said the notice which was published in the *Utusan Malaysia* on July 19, did not give the date the Perak State Assembly was dissolved.

He added the notice only stated that the Assembly was dissolved in July.

In Ipoh, the SDP filed an ex-parte application in the High Court today seeking an injunction to restrain the secretary of the Election Commission from raising the deposits for State Assembly and parliamentary candidates.

The application filed by SDP committee member Low Kui Siang seeks to restrain Haji Abdul Rashid Haji Abdul Rahman from demanding the deposit of \$3,000 from State Assembly candidates and \$5,000 from parliamentary candidates on the grounds that it is unconstitutional and an abuse of power.

He is seeking alternatively, a mandatory injunction ordering Haji Abdul Rashid to collect the previous sum of \$500 and \$1,000 for State Assembly and parliamentary candidates respectively.

In his statement of claim, Mr Low, who has been selected by the SDP to be a candidate, said the increase in the deposit was unconstitutional as it was contrary to Article 8(i) of the Federal Constitution which states that "all persons are equal before the law and entitled to the equal protection of the law".

Mr Low said because of the increase in deposit he was now unable to offer himself as a candidate on nomination day on July 24.

The application will be heard tomorrow morning.