

PM on why Societies Act is being amended

# Ensuring rights of the majority

By K.P. Waran

**KUALA LUMPUR, Wed. —** The Societies Act is being amended to stop the large number of politicians who are turning to court to solve party problems thus negating the rights of the majority of party members, Prime Minister Datuk Seri Dr Mahathir Mohamad said.

He said in recent times many members of political parties were resorting to obtaining court injunctions to restrict other quarters or going to court to resolve party issues thus disregarding the mechanism for solving problems within the party.

"If democracy is defined as the voice of the majority, it would therefore not be democratic or just if one person is able to negate the rights of a million members," he told the Dewan Rakyat when he introduced for second reading a Bill to amend the Societies Act 1966.

"Under the present legislation, not only this can be done but it can be done by anyone. Technicalities such as a non-member attending a branch election can result in a party with a million members being declared not legal.

"It is very clear that there are many benefits for those who want to stop the smooth running of a political party."

The Bill was passed after a two-hour debate with 72 MPs voting for it and 21 against.

It contains, among other things:

- a new Section 18B which provides that any election in a political party shall not be invalid by reason of non-compliance with any provision in the party's constitution, rules or regulations, or the participation in such election by a qualified person if the result of the election would have remained the same had the said provision been complied with or had that person not participated in the election; and,

- a new section 18C which provides that any decision of a political party on

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the interpretation of its constitution, rules or regulations or relating to the affairs of the party shall be final and conclusive.

It prohibits any court proceedings in respect of the decision and excludes the court's jurisdiction to determine any suit, application, question or proceedings regarding the validity of such decision.

Dr Mahathir said although legislation was drafted for the good of all, unfortunately there were some who found loopholes to act against the rationale and objectives of the law.

He said such actions had resulted in the objectives of the law not being achieved and instead injustice had been meted to quarters which were supposed to be protected.

He said political parties were different

from other organisations as they were not established for the benefit of members alone as a political party's objective is to ensure that its belief and ideologies influenced the Government of the country.

He said political parties had their own constitutions and by-laws which guide the struggles and administration of the party and added that a member of the party must accept these regulations.

"A member cannot force a party to amend its laws so that he can join it. Amendments to the constitution and by-laws could be carried out with the consensus of the members.

"If members do not accept the regulations or decisions, the disappointed ones can leave the party and do whatever they want outside the party. It is of course, not democratic and not for any member or minority group to force the party through another process to accept their views.

- "If any action is supported by a majority of party members, it will be impossible for the minority or an individual to obstruct the desires of the majority.

"Even if this individual holds a high position or this minority group is part of the party administration they cannot possibly put down the desires of the majority forever. If they try, the majority of members will expel them.

"In other words, a political party has all the provisions to determine how its struggles should be carried out," he said.

Dr Mahathir said if all the problems

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## Present laws not fair to political parties

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and grievances of the people were brought to court, the Government would not have enough courthouses to deal with them.

He said some party members might be able to get an injunction to stop the party from functioning and the party would be hard put to set aside the injunction in time.

"Laws which may lead to injustice must be repealed or amended because we respect the law. The present laws on societies have become laws which are unfair to political parties and their membership.

"The amendments tabled are aimed at giving power to political parties to resolve problems within the party without referring to the courts. Political parties must have the machinery to administer the party in a fair manner.

"If any member feels that the party has acted unfairly, he must use party channels to seek redress. Expulsions must be accepted as legitimate. If those in power take action which is not agreed to by the majority of members, this majority can replace those in power in accordance with party procedure," he said.

He said the amendments to the Societies Act would also help reduce the backlog of over half a million cases in the courts by allowing courts to concentrate their time and energy on non-political cases.