

Government to ascertain if amendment is

PM: PBS is

undemocratic

ultra vires the Constitution

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By K.P. Waran

KUALA LUMPUR, Mon. — The recent amendment passed by the Sabah Legislative Assembly empowering it to expel its members on grounds of indiscipline has been described by the Prime Minister as "not being in the spirit of democracy".

Datuk Seri Dr Mahathir Mohamad said the Federal Government would study it to ascertain whether the amendment was *ultra vires* the Federal constitution.

He told reporters on arrival at the Kuala Lumpur International Airport, after a visit to Namibia and Tunisia and attending the G-15 summit in Senegal, that Parti Bersatu Sabah had other reasons for passing the amendments.

"I feel they did it to ensure that PBS State Assemblymen do not switch over to other parties. If they do, they can be expelled with the new amendments.

"The amendments had nothing to do with indiscipline or efforts to curb misbehaviour," he said in response to reporters' questions.

On a lighter note, he said the Federal Government could also introduce similar amendments and expel all PBS MPs from the Dewan Rakyat.

"If we do it the international Press will claim that we are undemocratic but when the Sabah State Government does it they feel it is all right," he added.

On Nov 24, the Sabah Legislative Assembly passed an amendment to the State constitution giving the assembly the power to expel members on grounds of indiscipline, abuse or betrayal of the mandate given by the electorate.

All the 42 ruling PBS Assemblymen voted in favour of the Constitution (Amendment) Enactment 1992 Bill

tabled by Chief Minister Datuk Seri Joseph Pairin Kitingan while nine Usno Assemblymen voted against the Bill.

The amendment comes in the wake of a suit by Tun Datu Mustapha Datu Harun, the deputy Umno liaison chief of Sabah, challenging the validity of the State's anti-party hopping law which was passed in May 1966. The matter is now before the Supreme Court.

Dr Mahathir said he left it to the people to decide whether the move by the PBS Government was democratic.

On the call by Pairin that the proposed debate on the 20-point Federation agreement be changed to a forum, Dr Mahathir said this was an attempt by the PBS to cover up its own weaknesses.

"If a forum was held instead of a debate, the people would not know the truth," he said.

Asked to comment on Deputy Prime Minister Ghafar Baba's recent statement that he would continue to support Dr Mahathir, the Prime Minister said he had never doubted his deputy's support.

"Allegations to the contrary were only the work of elements out to split Umno unity for their own gains," he said.

Present at the airport to welcome home Dr Mahathir and Datin Seri Dr Siti Hasmah Mohd Ali were Ghafar, Minister in the Prime Minister's Department Datuk Abang Abu Bakar Mustapha and Agriculture Minister Datuk Seri Sanusi Junid.

Also present were Deputy Ministers Datuk Megat Junid Megat Ayub (Home) and Datuk Alex Lee (National Unity and Social Development), Kuala Lumpur mayor Datuk Dr Mazlan Ahmad and former MP for Parit Datuk Mohamad Bakri Abdul Rais.

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