

# Anwar files civil action against PM

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26

KUALA LUMPUR: Datuk Seri Anwar Ibrahim filed a civil action against the Prime Minister yesterday for a declaration that his dismissal from the Cabinet on Sept 2 was null and void as it was *ultra vires* the Constitution.

In the originating summons, filed by Karpal Singh & Co at 3pm at the High Court, Anwar also named the Government as a defendant.

He is seeking:

● A DECLARATION that the Prime Minister acted in contravention of the provision of Article 43 (5) of the Federal Constitution when purporting to dismiss Anwar as minister from the Malaysian Cabinet;

● A DECLARATION that Anwar's dismissal as minister in the Cabinet by the Prime Minister from 5.30pm on Sept 2 is null

and void, inconsequential and of no effect;

● A DECLARATION that Anwar is still a minister in the Cabinet; and

● COSTS and other relief deemed fit by the court.

In his affidavit-in-support, Anwar said the Prime Minister was at all material times acting as agent and/or servant of the Government, which was vicariously liable for all acts, omissions and/or defaults of the Prime Minister.

Anwar, who has been a Member of Parliament since 1982, said he was sworn in as the Finance Minister and Deputy Prime Minister after the last election in April 1995.

"I was appointed as Minister by the Yang di-Pertuan Agong on the advice of the first defendant pursuant to Article 43 (2) (b) of the Federal Consti-

tution," he said.

Anwar said a photocopy of a letter dated Sept 2, sent by the Prime Minister to him and which was attached to the affidavit, was self-explanatory.

The letter addressed to Anwar and signed by Datuk Seri Dr Mahathir Mohamad reads:

"It is with regret, I am forced to remove the posts of Deputy Prime Minister and Finance Minister from Datuk Seri, and other posts in the Government held by Datuk Seri as Deputy Prime Minister and Finance Minister.

"This removal is with effect from today, Sept 2, 1998, beginning 5.30pm.

"This removal has been made known to the Seri Paduka Baginda Yang di-Pertuan Agong."

In addition to other documents, Anwar also exhibited a Hansard of the Dewan Rakyat proceedings on Oct 23.

In the report, Anwar said the Prime Minister admitted in the Dewan Rakyat, in response to queries by Jelutong MP Karpal Singh, that he had conveyed his decision to dismiss Anwar to the King.

"I am advised and verily believe that the first defendant (Prime Minister) had no lawful authority or right to dismiss me after my appointment as

Minister by the Yang di-Pertuan Agong.

"It is only the Yang di-Pertuan Agong who can, under Article 45 (3) of the Federal Constitution, revoke that appointment on the advice of the first defendant.

"I respectfully state

that my appointment as Minister after the General Election in April has not been lawfully revoked. Accordingly, I am still Minister in the Malaysian Cabinet," said Anwar.

Outside the courthouse, his wife Datin Seri Dr

Wan Azizah Wan Ismail read out a press statement from Anwar in which the former deputy prime minister said his decision to challenge the dismissal did not mean that he would like to serve under Dr Mahathir again.