

14/11/1998

Anwar files suit against PM and the Government (HL)

Satwant Singh; Sujatani Poosparajah

KUALA LUMPUR, Fri. - Datuk Seri Anwar Ibrahim filed a suit against Prime Minister Datuk Seri Dr Mahathir Mohamad and the Government today challenging his dismissal from the Cabinet on Sept 2.

In the suit filed by the law firm of Karpal Singh & Co in the High Court (civil division) registry at Wisma Denmark, Anwar is seeking a declaration that his removal was unconstitutional.

He is also seeking a declaration that his dismissal as from 5.30pm on Sept 2 is null and void, inconsequential and of no effect.

Anwar, 51, is also seeking a declaration that he is still a Minister, and is claiming costs and any other relief deemed fit and proper by the court.

The suit is reminiscent of that brought by 11 Umno members who were dissatisfied with the outcome of the 1987 party elections in which Tengku Razaleigh Hamzah failed to unseat party president Dr Mahathir.

In dismissing the suit on Feb 4, 1988, the High Court also declared that the party was an unlawful society when its general assembly and election took place in April 1987.

Anwar, in his affidavit, said after the April 1995 general election, he was sworn in as Finance Minister and also appointed Deputy Prime Minister.

"I was appointed as Minister by the Yang di-Pertuan Agong on the advice of the Prime Minister pursuant to Article 43(2)(b) of the Federal Constitution," he said.

The Article states: "The Cabinet shall be appointed as follows, that is to say, he (the King) shall on the advice of the Prime Minister appoint other Ministers from among the members of either House of Parliament..."

Anwar said the Prime Minister unlawfully and in contravention of Article 43(5), dismissed him as Finance Minister and Deputy Prime Minister.

Article 43(5) states: "... Ministers other than the Prime Minister shall hold office during the pleasure of the Yang di-Pertuan Agong, unless the appointment of any Minister shall have been revoked by the Yang di-Pertuan Agong on the advice of the Prime Minister but any Minister may resign his office."

Anwar said on the same day (Sept 2), the Prime Minister's Department issued a Press statement that he had been dismissed from the Cabinet and the King had been informed.

He said the statement and a dismissal letter by the Prime Minister showed that the King had only been informed after the Prime Minister had dismissed him.

Apart from this, Anwar said the Prime Minister also admitted in the Dewan Rakyat in response to queries by the MP for Jelutong, Karpal Singh, that he (the Prime Minister) had conveyed his decision to dismiss him to the King.

Anwar said the Prime Minister had no lawful authority or right to dismiss him.

"It is only the King who can, under Article 43(5) of the Federal Constitution, revoke that appointment on the advice of the Prime Minister," he said.

He added that his appointment as Minister by the King had not been lawfully revoked and therefore he was still a Cabinet Minister.

Anwar is facing five charges of sodomy and five counts of corrupt practices.

Hearing for four counts of corrupt practices began in the High Court on
Nov 2 before adjourning today to Nov 23.

(END)