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Court decides Kayveas is not PPP president

Kamarulzaman Salleh; R. Sittamparam

SEREMBAN, Sat. - Is Datuk M. Kayveas still president of the People's Progressive Party?

The High Court says he is not, but Kayveas is claiming the decision is "purely academic".

The High Court today, in nullifying the Registrar of Societies' recognition of Kayveas as president, decided that neither he nor his office-bearers were members of the party.

The dispute involving the PPP was first brought to court in 1992. Then, Kuala Lumpur High Court judge Lim Beng Choo had referred the party dispute to the Registrar of Societies.

Today, judge Datuk Mohd Noor Abdullah, in making the declaration, said the change in the party's name to Bahasa Malaysia, change of constitution, change of logo, formation of branches were also null and void.

He said although the court had no intention to interfere in the decision of the ROS, certain procedures might not have been followed in settling the dispute.

Mohd Noor used the phrase "main silap mata" when explaining how Kayveas had given the impression that all was well when it was not.

However, Kayveas said as far as he was concerned the decision was not binding as neither he nor the PPP was party to the suit.

"The declaration only binds the parties in the suit and so we will continue preparing for the general election," Kayveas said.

He said the decision was "purely academic" and a decision against the ROS, adding the party would wait for any decision by the ROS.

Commenting on the court decision, Prime Minister Datuk Seri Dr Mahathir Mohamad said: "Party matters should be left to the members of the party.

"The court only made its decision according to the rule of law.

"The court decides based entirely on the law but party constitution is not really a legal document, but an understanding among members," he said after his speech at the Barisan Nasional Youth Convention in Tuaran, Sabah.

The plaintiff, former PPP secretary-general P.V. Das, had sought a court declaration in 1996 against the ROS' recognition of Kayveas and PPP Baru and asked for other relief.

Mohd Noor also granted the plaintiff's application for damages and costs which would be determined by the court registrar.

Mohd Noor, however, disallowed Das' application to declare him and his group lawful leaders of the party. He said it was for the ROS to decide unless the plaintiff brought the matter separately to court. The judge also rejected Das' application for the party's headquarters address to be declared illegal as it had to be determined by the ROS.

Das was represented by Tun Salleh Abbas, Rugber Singh and Manian K. Marappan while Senior Federal Counsel Amarjeet Singh appeared for the ROS. Datuk Dr Mohamad Ashfar Ali, who is PPP Baru vice-president and secretary-general, held a watching brief for the party.

Amarjeet later applied for a stay of execution on the judgment but it was disallowed. He is considering filing an appeal.

Mohd Noor said in his judgment that the ROS had to be fair when handling disputes pertaining to party matters based on the constitution of the party. "If the ROS is not being fair, a court is where justice would be decided."

Tan Sri Dr R.P. Lingam, a senior vice-president in 1993, said a meeting of the party's then central executive committee would be held to form a caretaker body before calling for an annual general meeting to choose a new president.

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