

Move to stop swearing in of Sabah CM

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KOTA KINABALU Three Sabah businessmen filed a suit yesterday in a move to stop the Yang di Pertua Negeri from swearing in the next chief minister under the Bersan Nasional rotation system.

The three from Kota Belud are seeking an injunction to restrain Tun Sakaran Dandai from appointing Liberal Democratic Party president Datuk Chong Kah Kiat who is Kudat assemblyman as the next chief minister until the disposal of their suit.

On March 16 Chong was named by Prime Minister Datuk Seri Dr Mahathir Mohamad as the next chief minister to replace Datuk Osu Sukam of Sabah Umno under the rotation system.

Chong is scheduled to take his oath of office with his 10 member Cabinet at Istana Negeri on Tuesday after Osu submits his resignation letter to Sakaran.

The plaintiffs — Kaiman Buangan Abdul Rajik Arin and D Ismail D Jamlang — filed their suit at 12.10pm in the High Court through lawyer Datuk James Gham.

They claimed that they were not representing any political party.

Named as first defendant

was Sakaran.

The state government is the second defendant with rotated chief ministers Datuk Yong Teck Lee and Tan Sri Bernard Dompok as third and fourth defendants respectively.

In their suit the three are seeking a declaration that the Yang di Pertua Negeri acted *ultra vires* the Sabah Constitution by appointing Yong of Sabah Progressive Party and Dompok of United Pasokmogon Kadazandusun Murut Organisation as chief ministers on Dec 28 1996 and May 28 1998 respectively.

They are seeking a declaration that all administrative acts policies and decisions made by them during their respective terms of office as chief minister were illegal and null and void.

In their supporting affidavit the three said that Yong and Dompok were appointed as chief ministers in line with the purported rotation system announced by Dr Mahathir sometime during the 1994 state elections.

They said they believed that the rotation system was not provided for in the Sabah Constitution.

The three said the state Constitution also did not provide for the two year term of the chief minister and that the

chief minister must be from one of the three races — Muslim non-Muslim or Chinese.

The appointment of the chief minister made under this purported rotation system was not proper and lawful they claimed.

Clause 3 of Article 6 of the state Constitution states that the Yang di Pertua Negeri shall appoint as chief minister a member of the legislative assembly who in his judgment is likely to command the confidence of the majority of the members of the assembly.

And the Yang di Pertua Negeri shall appoint the other members of the assembly to the Cabinet in accordance with the advice of the chief minister.

Also cited by the plaintiffs was Clause 7 of Article 6 which states that the leader of a political party which has won a majority of elected seats and who is a member of the assembly is likely to command the confidence of the majority of the assembly.

In the current 54 member assembly including six nominated members Umno holds 29 seats Parti Bersatu Rakyat Sabah (seven) SAPP (four) Upko (three) and LDP (two) while opposition Parti Bersatu Sabah holds nine seats.