

Application to prevent swearing-in of new CM

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KOTA KINABALU Thurs — Three businessmen filed an application in the High Court today for an injunction to restrain Yang di Pertua Negeri Tun Sakaran Dandai from swearing in Liberal Democratic Party president Datuk Chong Kah Kiat as the new Chief Minister.

Kaiman Buangan Abdul Rajik Arin and Ismail Jamlang claimed the appointment was illegal and unconstitutional.

They said Chong should not be appointed and sworn in as Chief Minister until a declaration was made on the validity of his appointment under a rotation system for the Sabah Chief Minister's post.

Their application was filed through legal firm James Ghani and Co at 12.05pm. The plaintiffs all from Kota Belud named Sakaran and Chong as the first and second defendants respectively.

In their affidavit the plaintiffs claimed it was illegal and unconstitutional for the Yang di Pertua Negeri to appoint Chong as Chief Minister as his party did not win the majority of the elected seats of the State Assembly in the last State general election.

Citing Article 6(7) and 6(3) of the State Constitution the plaintiffs claimed that it was illegal and unconstitutional to appoint Chong as Chief Minister as his party did not command the majority in the State Assembly.

The Articles state that a leader of a political party which has won the majority of the elected seats of the State Assembly in a State election and who is likely to command the confidence of the majority of the members of the Assembly should be appointed Chief Minister.

Claiming that the Barisan Nasional is not a single registered political party the plaintiffs said Chong's LDP only won two of the 48 State seats in the State election in March 1999.

The plaintiffs also claimed that there was no provision in the State Constitution for the system of rotating the Chief Ministership every two years among the Muslim Bumiputera, non-Muslim Bumiputera and Chinese. We are advised by our solicitors and verily believe that the appointment of the second defendant (as the new Chief Minister) is *ultra vires* the State Constitution they said.

The plaintiffs also filed a certificate of urgency for the application to be heard before March 27 on grounds that Chong's swearing in was scheduled to be held that day as reported by the media.

Prime Minister Datuk Seri Dr Mahathir Mohamad last week announced Chong's appointment as Sabah's new Chief Minister under the rotation system.

The three businessmen also filed a separate application to seek a declaration on the validity of the appointment of Sabah Progressive Party president Datuk Yong Teck Lee and United Pasok Momogun Kadazandusun Murut Organisation president Tan Sri Bernard Dompok as Chief Minister on Dec 28 1996 and May 28 1998 respectively under the rotation system.

The plaintiffs are also seeking a declaration that all administrative acts, policies and decisions made by Yong and Dompok during their respective terms of office as Chief Minister were illegal, null and void.

The plaintiffs named Sakaran, the State Government, Yong and Dompok as first, second, third and fourth defendants respectively.