

**Speaker: Gov't affairs precede Kugan case**

**MalaysiaKini.com**

**July 10, 2013**

**By Zulaikha Zulkifli**

PARLIAMENT Dewan Rakyat speaker Pandikar Amin Mulia today rejected an appeal against an earlier decision not to debate a motion on the circumstances surrounding the death of A Kugan, who died in police custody in 2009.

Pandikar rejected the motion by N Surendran (PKR-Padang Serai) on grounds that government affairs take precedence in the Dewan Rakyat proceedings, as per Standing Order 15.

Standing Order 15 reads: "On every sitting day Government business shall have precedence over Private Members' business".

On July 1, deputy speaker Ismail Mohamed Said rejected the motion on grounds that it would interfere with the judicial process.

Kugan's family has successfully sued the police and federal government for RM801,700 in damages. However, Home Minister Ahmad Zahid Hamidi said the federal government will appeal the decision.

Surendran was the lawyer for Kugan's family.

After Pandikar delivered his decision, Surendran argued that by rejecting his appeal on such grounds would render Standing Order 45 pointless.

Different meanings

Coming to Surendran's aid was Mohamed Hanipa Maidin (PAS-Sepang), who sought Pandikar's definition of "sub judice" and argued that Ismail had applied it wrongly in rejecting the motion on July 1.

"I believe that even with the Standing Orders, the speaker has the power to run the sitting fairly. The issue raised by Padang Serai is important because the definition of sub judice was wrongly applied.

"Can the speaker please explain the meaning of sub judice to Parliament and whether it is different from what is accepted universally?" asked Hanipa, who is also a lawyer.

Pandikar replied that the definition of the term "sub judice" when used in Parliament was different from that used in court, and it would be in sub judice if what was discussed in Parliament affected what happened in court.

"It is sub judice when a matter discussed here affects a case in court. (The MPs) will say whatever they want and not follow the Standing Orders... If it is a sensitive issue, such speeches can mean something else when written by reporters," he said.

Copyright © 1999-2012 Mkini Dotcom Sdn. Bhd

Source: <http://www.malaysiakini.com/news/235192>