

## **ROS and election judges in a duet of emulation**

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COMMENT The Registrar of Societies took a leaf out of the current judicial handbook on summary judgments by delivering a technical knockout to the DAP earlier this week: the party would have to re-elect its central working committee; the one it elected in December last year is not recognised by the ROS.

These days election petitions filed by opposition parties and the BN following the May 5 general election are being knocked out on technical grounds - felled, one after another like nine pins - by judges who have apparently prejudged these petitions as not just sans merit but vexatious to boot, hence deserving of punitive costs.

Apparently, one autocratic action encourages another.

On Tuesday, the ROS decided to emulate the election judges in the latter's newfangled attitude of terse and dismissive judgment by informing the DAP that they have to do an encore on their party polls.

lim guan eng dap election pollingIn a one-paragraph notice, the ROS has informed the 13th Parliament's second-largest party, with a hitherto unmatched 38 MPs just sworn in on the back of the opposition's unprecedented 51 percent take of the popular vote, that they have to hold fresh elections to its Central Working Committee (CWC).

Apparently, to our election judges and the ROS, vox populi is not exactly vox dei.

The DAP's CWC elections at the party's elective congress last December has been invalidated by ROS fiat in the same arbitrary way as a dozen or so election petitions by defeated candidates in the last May's 13th general election been dismissed in last fortnight.

Like the prisoner in the dock, the DAP and the dismissed election petitioners are pleading: "As God is my judge, my plea for justice has merit." To which the judge tersely replied: "He isn't; I am; you have no merit."

Well-thought out judgments, not terse and summary verdicts, are the woof and warp of constitutional judgment.

Thus far, the dismissive judges who have sat on the election petitions and the ROS have comported themselves like as if citizens ought to submit to arbitrary fiat, not rationalised judgment.

This is astonishing to all except those who have been hibernating all these years when the integrity of the electoral rolls has been the subject of reasonable doubt - caviling that is buttressed by the revelations that have come out of the ongoing royal commission's inquiry into the rolls in Sabah.

Also, you have had to be an ostrich with your head buried in the sand not to know that in recent decades actions of members of the executive branch of government, such as the ROS, have been characterised more by arrogance of power rather than by nobility of service.

A spanner in the works

A month after the mid-December polls, the DAP revealed that the results were skewed by a technical glitch that saw the votes obtained by one CWC losing contestant transposed to another who had thereby won.

It seemed like an improbable yarn, one spun to enable the party to show that it is has a less racially exclusivist veneer that is being put out about it, especially by its adversaries.

But in these days of pervasive computerisation, a gremlin can skew the results of a system such that what the DAP claimed had happened to the vote-count in the tally for election to its CWC did happen.

This version was attested by the findings of a firm of internationally recognised auditors the party commissioned to review the process.

To hold another election to the party's CWC, as decreed by the ROS, is going to be endlessly complicated.

This is because the DAP, at the end of last month, had just completed elections in something like 1,000 branches of the party nationwide.

New office-bearers have been elected, different to the ones who were in harness when delegates to the CWC elections of last December were chosen.

This raises the issue of which delegates' list to use to elect anew a CWC - the one which was used last December or the one that must be composed on the basis of

the list of office-bearers chosen at the just-completed exercise.

The party has seen a precipitous increase in membership, rising by more than three times the number (60,000) of members on their rolls before the 2008 general election.

NONEMortified by the shenanigans of Tunku Abdul Aziz Ibrahim (right), the anglophile new recruit the party was proud to parade after doing well at the 2008 general election where it won 28 parliamentary seats and the state government of Penang, the DAP has been careful to vet new entrants wanting to sign up, to avoid a repeat of the embarrassment Tunku Aziz had, and continues, to inflict on the party.

Sources say the current figure of 200,000-odd members would have been higher had the DAP been as cavalier as it once was in respect of Tunku Aziz's entrance - a case of once bitten twice shy.

Now, after the ROS's decision invalidating last December's CWC election, it's a case of there's hell to pay for being honest.

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