

ROS order not legally binding, says DAP

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The Registrar of Societies (ROS) has acted beyond its jurisdiction by ordering DAP to hold fresh party elections, said its secretary-general Lim Guan Eng.

penang pakatan convention 090313 lim guan engHe pointed out that nothing in Section 16(1) and Section 16(2) of the Societies Act empowers the ROS to make such an order.

"Therefore, your (the ROS) order to hold fresh elections for the DAP central executive committee is beyond your power and is not legally binding.

"Legal principles such as reasonableness in the exercise of powers, natural justice and due legal process should be respected and not flouted," he said in a letter to the ROS today, a copy of which was also distributed to the media.

The two legal provisions deal with disputes over a society's office bearers, and states that the ROS may take steps to de-register the society if no satisfactory explanation is forthcoming.

Lim was responding to the ROS' letter on Tuesday informing the party that it is dissatisfied with DAP's explanation on alleged irregularities in last year's party polls, and ordered it to hold the fresh election.

He complained that the ROS did not explain why it is unhappy with DAP's explanation of the allegations nor spell out the legal provision empowering it to order the fresh election.

"We are facing difficulty in obliging to your letter without being told the reasons to support your claim or why are you dissatisfied with our explanation, as well as under what law such powers (to order fresh elections) is exercised," he said.

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