

Friday decision on striking out bid to halt DAP re-election

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By Hafiz Yatim

The High Court in Kuala Lumpur will rule on Friday whether to allow DAP chairperson Karpal Singh's application to strike out the suit to challenge the special re-election of the party's central executive committee (CEC).

Justice Rosnaini Saub said this after earlier hearing submissions from Karpal and Gobind Singh Deo.

The party has fixed to hold its CEC elections this Sunday, after it was ordered to hold fresh elections by the Registrar of Societies.

lim guan eng interview 160813 03However, the move may be hindered following the suit filed by former DAP Ladang Paroi branch vice-chairperson David Dass, who was sacked by the party in July and which he is challenging in court.

Dass in his suit states that the party should inform members 10 weeks before holding party elections and named party secretary-general Lim Guan Eng (left) and the DAP as defendants.

He further claimed that the party must call the elections through the national congress and not at a special congress.

Dass is, among others, seeking a declaration that the party elections can only be done through the national congress, that the party should give 10 weeks notice to hold elections and that the special congress notice dated Sept 4 be declared null and void.

He also wants an injunction to stop the holding of the re-election.

Karpal submitted today that Section 18 of the Societies Act 1966 bars any party member from challenging decisions made by the party.

"A decision by a political party should be considered final and conclusive and it cannot be challenged, or quashed by any court," he said.

Karpal said the party took the decision to hold the re-election of its CEC on the order of the Registrar of Societies.

Section 18C does not apply

Lawyer K Harikrishnan, who represented Dass, told the court that Section 18C of the Act does not apply as the decision to hold the re-election came from the Registrar of Societies.

Furthermore, Harikrishnan submitted, there was a difference between an election and re-election as the decision to call for new elections should be made by the national congress and cannot be made through a special congress, like this one.

"You cannot have a re-election through a special congress," he said.

Harikrishnan also submitted that there were issues to be tried before the court and hence the court should allow this matter to proceed to a trial and not strike out the application by Dass.

NONEHe said it involved many issues, including the basic rights of the members, the nomination process, the notices given to members and all these could not be waved off just like that.

Gobind (right) argued that the 10-week notice was not applicable in an re-election.

"Ample notices were sent on Sept 9 and the party is holding the re-election of the CEC on Sept 29, this weekend," he said.

Today's proceedings saw senior DAP members in attendance, including DAP parliamentary leader Lim Kit Siang, vice-chairperson M Kulasegaran and Federal Territory DAP chief Teresa Kok.

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