

DAP files judicial review bid on ROS decision

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DAP is challenging the decision of the Registrar of Societies (ROS) to withhold recognition of the re-election of the party's central executive committee (CEC).

The party filed a judicial review application at the High Court in Kuala Lumpur on Jan 22, against the ROS' decision which was made on Dec 6, last year.

The matter has been fixed for March 11, before Justice Zaleha Yusof, for DAP to seek permission to have the application to be fully heard in a trial.

The party's national legal bureau chairperson Gobind Singh Deo said DAP wrote to the ROS on Dec 20, demanding to know under which provision of the law it was withholding recognition of the CEC.

"ROS acknowledged receiving the letter on Dec 24, and we gave it 14 days to respond. On Jan 8, the DAP wrote to ROS again and forwarded the documents it had requested.

"We also asked the ROS to provide the name and contact details of the investigating officer in charge so that the party could communicate with the officer directly," Gobind said.

However, at a press conference today, he pointed out that ROS, until the time of the filing of the judicial review on Jan 22, had not responded.

Gobind, who is also Puchong MP, said the ROS had called the DAP for a meeting this week.

"Notwithstanding the fact that court action has been filed, the DAP will attend the meeting with ROS, at where the party will assist in any inquiries by the ROS, provided that it is in full compliance with the law," Gobind said.

'ROS acted in bad faith'

In the judicial review application, Penang Chief Minister Lim Guan Eng, is named the plaintiff in his capacity as DAP secretary-general, while ROS is named as the respondent.

Lim, in his supporting affidavit, said ROS had acted beyond its powers in arriving at its decision not to recognise the new CEC.

"Hence, the decision by the ROS is not valid and should be declared null and void. ROS has no power to prevent recognition of the CEC election on Sept 29, as it did not issue any notice to that effect.

"The party and I were also not given an opportunity to reply to the decision," Lim says in the affidavit, adding that ROS could not make a decision without his explanation.

Lim (left) also claimed ROS had acted mala fide (with bad intention) as it had received the letters from the party, but failed to provide any reason for its actions.

"Furthermore, the ROS had failed to cite which provisions under the law give them the power in making its decision against the DAP.

"I further state the ROS action is against the law and the federal constitution, as it acted arbitrarily and abused its power. Hence, there are grounds for the court to grant permission to initiate this review," he said.

Following the ROS decision not to recognise the present CEC line-up, questions have been raised about the validity of the party.

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