

DAP central leadership declared legally elected
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The existing DAP central executive committee (CEC), the election process for which has been disputed by the Registrar of Societies (ROS) since December 2012, has now been declared legally elected.

This follows the ROS announcing in the High Court in Kuala Lumpur today the withdrawal of its holding of the recognition of the party's CE, was merely advisory and not legally binding.

Following this, the CEC, which was re-elected on Sept 29 last year, "may carry out all its functions and duties".

The matter came up before Justice Zaleha Yusof, who recorded the settlement (change to withdrawal) of the judicial review application that was initiated by DAP.

DAP's lawyer Gobind Singh Deo, said in court there were three parts which the ROS was concerned with in a letter sent to secretary-general Lim Guan Eng on Dec 6, 2013.

"The first concerns a request for documents under Section 14 of the Societies Act 1966. There is no problem with this request. DAP has complied with it and will continue to assist the ROS in any queries it has relating to the affairs of DAP," he said.

The second, Gobind said relates to a statement made by ROS in the same letter that ROS is yet unable to recognise the re-election of the CEC on Sept 29 and the third relates to advice given to Lim that the new CEC is not recognised and cannot make decisions for and behalf of DAP until further notice from ROS.

"ROS now takes the position that those statements do not amount to any decision in law.

"As such, those orders are not legally binding and remain merely advice to DAP and ROS recognises that the DAP CEC elected on 29.9.2013 may carry out all its powers, functions and duties in the administration of the daily affairs of DAP in accordance with the DAP constitution," he said.

Following this, Gobind applied to withdraw the judicial review application.

The matter was affirmed by the head of the civil division of the Attorney-General's Chambers Amarjeet Singh, who appeared for ROS.

This ends DAP's imbroglio since December 2012 following questions surrounding its party elections due to an error in tabulation resulting in it to hold a re-election in September last

year, which was initially disputed by ROS.

Review filed in February

DAP filed its judicial review application on Jan 22 this year following the December letter by ROS.

The party demanded to know under which provision of the law, ROS was withholding recognition of the CEC as it acknowledged receiving the party's letter on Dec 24, and forwarded all the documents requested.

Lim, who is also Penang chief minister, in a supporting affidavit to the application, said ROS acted beyond its powers in arriving at its decision not to recognise the new CEC.

"Hence, the decision by 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," he had said.

Today's matter also saw Lim, along with his father and DAP parliamentary leader Lim Kit Siang, in attendance with other party leaders.

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