

Court ruling allowing PM to be sued will raise accountability

Malaysiakini

26 November 2019

P GUNASEGARAM

QUESTION TIME | It has far-reaching ramifications because civil action can be taken against the PM and ministers.

QUESTION TIME | Perhaps among the most important reforms in new Malaysia post-GE14 is the one that comes from the judiciary, not the executive, whereby a landmark ruling on Nov 19 by the Federal Court makes it possible for the prime minister and ministers to be sued. They may even be held personally responsible for wrongdoing and be required to make restitution.

This is a major decision by the Federal Court which reverses an earlier decision by the same court which held that the PM and cabinet ministers are members of the administration but not public officers, effectively removing previous blocks to sue them.

While the decision is clear that the PM and ministers can be sued, whether they

are liable or not will depend on the weight of evidence. There is still not enough clarity on whether they would be required to pay damages from their own pockets, although the judgment seems to indicate that is possible.

It has far-reaching ramifications because civil action can be taken against PMs and ministers if they have wrongly or illegally overstepped their authority while in public office which is a very strong deterrent against them abusing their office, perhaps the strongest deterrence to date.

While they are in power, they may be able to swing lots of decisions in their favour but they will not be immune from public-interest cases which can be taken against them even when they are in power. And these cases will be independently adjudicated by the judiciary, a major step forward indeed for...

Copyright © 1999-2012 Mkini Dotcom Sdn. Bhd

Source: <https://www.malaysiakini.com/columns/501248>