

PAS Fails In Bid To Prevent Parliament From Passing Bill

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KUALA LUMPUR, Dec 15 (Bernama) -- PAS on Thursday failed in its bid to prevent Parliament from passing the Peaceful Assembly Bill after the High Court dismissed their leave application for a judicial review.

High Court judge Datuk Rohana Yusuf ruled that PAS' leave application for judicial review over the Bill was premature, vexatious, frivolous and also an abuse of court process.

She ordered PAS to pay RM8,000 as costs to the government.

PAS filed the leave application through an originating summons which named its deputy president Mohamad Sabu, Kuala Krai Member of Parliament Dr Mohd Hatta Md Ramli and Kuala Selangor Member of Parliament Dr Dzulkefly Ahmad as applicants.

Prime Minister Datuk Seri Najib Tun Razak and the Malaysian government were named the respondents.

In her decision, Justice Rohana also held that the application to challenge the Bill contravened Article 63 of the Federal Constitution as it was questioning the proceedings in Parliament.

"It's also an intervention of Parliament's legislative power," she said, adding that the applicants were open to all avenues to challenge the Bill in the future when it becomes an Act.

On the mandamus and prohibition order to prevent the respondents from continuing with the process of making the Bill into law, sought by the applicants, Justice Rohana said it was tantamount to giving the prime minister too much power.

"How can the government withdraw something that Parliament has already passed," she said.

Justice Rohana made the ruling after hearing submissions from counsel Mohamed Hanipa Maidin representing the applicants and Senior Federal Counsel Suzana Atan on behalf of the respondents.

In the application filed on Dec 2, the applicants, among others, had sought a declaration that the respondents had abused their power when they introduced and tabled the Bill in Parliament for the purpose of making it a law.

They claimed that it contained provisions which contravened Article 10(1)(b) and 10(2)(b) of the Federal Constitution.

They had also sought an order to prevent the respondents from continuing with the process of making the Bill into law and for the respondents to take the necessary measures to either withdraw the Bill or amend it to make it in tandem with the provisions in the Federal Constitution.

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