

PAS bid for review of assembly law set for Thursday
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KUALA LUMPUR, Dec 12 — PAS's application to have the Peaceful Assembly Bill reviewed by the judiciary will be heard by the High Court here on Thursday.

High Court judge Datuk Rohana Yusuf made the announcement in chambers today, after conferring with senior federal counsel Muzila Mohamed Arsad and Mohamed Hanipa Maidin, who represented PAS.

The Islamist party had filed for the judicial review after the controversial law regulating the freedom of assembly was forced through by Barisan Nasional last month despite protest from civil rights groups, the Bar Council, and Pakatan Rakyat.

However, it is unclear whether such action would have any effect based on the fundamental democratic principle of separation of powers, where it is considered beyond the court's powers to interfere with the proceedings of Parliament.

When contacted by The Malaysian Insider last month, Hanipa explained that the court challenge was unlikely to halt parliamentary debate on the matter, but the government, which derives its powers from the Federal Constitution, must act within the confines of the same law. The Federal Constitution is the country's founding code of law.

"We want to ask the court to declare that the government has acted beyond its power by tabling the Bill, as the same is unconstitutional. Thus we seek from the court to prohibit the Bill from becoming law," he explained.

He said under judicial review, there is a method known as the order of prohibition, which he said allows the court to prohibit a public body from acting beyond its power.

"Such a remedy extends to challenge the power of any public body from making any law which is unconstitutional or ultra vires in nature," Hanipa said, but admitted that what PAS was seeking has never been done in Malaysia.

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