

DAP wins bid to proceed with fresh election on Sunday
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BY RITA JONG

Fresh elections for the DAP central executive committee will go on as scheduled this Sunday.

The greenlight to proceed was given after the High Court in Kuala Lumpur today allowed the application by party secretary-general Lim Guan Eng to strike out a suit and an injunction by former Ladang Paroi DAP branch vice-chairman A. David Dass, who claimed that members were not given 10 weeks' notice to hold the election.

Judge Datuk Rosnaini Saub allowed Lim's application to strike out Dass's suit with costs.

Dass filed his suit on September 10 claiming the fresh election this Sunday was against the party's constitution.

He also applied for an injunction to stop the DAP from convening the election of its central executive council (CEC) this Sunday.

Dass named Lim and the party as defendants.

Lim subsequently filed a striking out application on grounds that the court had no power to hear the case as Section 18 (c) of Societies Act 1966 stated that any decision by a political party on matters relating to its affairs shall be final and cannot be challenged.

Rosnaini said the decision to hold fresh polls ultimately lies with the party.

"The plaintiff is asking the court to question the party's standing order for the party to call the polls via the National Congress. I think this is a matter which the court cannot do."

She said the word "decision" stated in Section 18 (c) of the Act should be given a wide and liberal meaning.

"It means that DAP may face the possibility of being deregistered by holding the polls via a Special Congress, instead of a National Congress, but that is up to RoS (Registrar of Societies) and not for the court to speculate what would be or should be."

She also said that Parliament had clearly stated (from the provision in the Societies Act) that the court has no jurisdiction to interfere in decisions made by a political party or any matters relating to its affairs.

"Therefore, I agree with the defendant that the plaintiff has an unsustainable case," said Rosnaini.

She then struck out Dass's suit with in RM5,000 costs.

Lim was represented by lawyers Karpal Singh, Gobind Singh Deo and Sangeet Kaur Deo. Counsel K. Harikrishnan appeared for Dass.

Dass was earlier seen at the court premises but left before the decision was delivered.

DAP is holding fresh elections for its CEC to avoid deregistration following a directive by the RoS on July 30.

The election was ordered by RoS after several disgruntled members claimed that the polls in December last year was not properly conducted after the party announced that a glitch had resulted in the wrong candidate being temporarily elected to the CEC.

The disgruntled members also claimed they had not been informed of the party polls.

Party national organising secretary Anthony Loke, however, rebutted allegations that it did not inform 753 delegates of the polls and produced evidence of members' attendance record, signatures and postal receipts which showed notices were sent out. - September 27, 2013.

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