

Kit Siang: What police discretionary powers?

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DAP veteran says Police Act cited by IGP makes no mention that the police enjoy 'discretionary powers' to bar an event like the Mahathir-Nazri debate.

PETALING JAYA: Lim Kit Siang has lashed out at Inspector-General of Police Khalid Abu Bakar for “scraping the bottom of the barrel” by invoking the Police Act 1967 to bar the highly publicised Mahathir-Nazri debate scheduled for this Saturday.

The DAP parliamentary leader said Section 3(3) of the act which Khalid made reference to in justifying the prohibition makes no mention that the police enjoy “discretionary powers” to ban such an event.

“Khalid’s claim of police ‘discretionary powers’ is not founded in the law and is no answer to the charge of police abuse of power in banning the Mahathir-Nazri debate,” he said in a statement today.

Khalid had earlier today defended the decision and dismissed criticisms that the police had acted beyond their powers in preventing the debate from taking place at a private venue.

The debate between former prime minister Dr Mahathir Mohamad, who is Parti Pribumi Bersatu Malaysia (PPBM) chairman, and Tourism and Culture Minister Nazri Aziz was originally scheduled for March 25 in Kuala Kangsar, near Nazri’s parliamentary constituency of Padang Rengas.

After police disallowed the event there, the organiser, Kumpulan Media Karang kraf, the publisher of Sinar Harian, moved it to its headquarters in Shah Alam on April 7.

However, this was also disallowed, with the police citing complaints from neighbours in the vicinity.

Mahathir had earlier rubbished it as an excuse, pointing out that there are only factories in the neighbourhood.

“What is most shocking is that the police ban came within 24 hours of written police consent for the debate,” Lim, who is Gelang Patah MP, said.

Khalid had also cited Section 20(3) which he said conferred the police with discretionary powers to carry out such duties in the interest of the public.

“I have read up Section 20(3) of the Police Act 1967, and I find no reference whatsoever to the ‘discretionary powers’ which Khalid has arrogated on behalf of the police in carrying out its duties,” Lim said.

He said the section made it clear that in the 13 categories of their duties, the police are enjoined to act lawfully and not act at their whims and fancies, as they did when barring the debate within 24 hours of earlier approving it.

“In claiming ‘discretionary powers’ and to act beyond the powers of the law, Khalid is in fact attacking the fundamental principles of the rule of law and democratic governance,” Lim added.

He also pointed to Section 4(1) on “Control of the Police Force” which states that the police “shall be under the command of an inspector-general who shall be a police officer and shall be responsible to the minister for the control and direction of the force and all other persons appointed or engaged for police duties”.

He noted that Home Minister Ahmad Zahid Hamidi, who is also deputy prime minister, had said he would review the reasons behind the police ban.

“Is this just a farce and charade just to ensure that the Mahathir-Nazri debate organised by Sinar Harian in Shah Alam on Friday is sabotaged?”

Lim said Khalid had turned Zahid into a “cypher” or a person of no influence in the issue when under Section 4(1) of the Police Act, Zahid is ultimately responsible for police matters, even over the IGP.

He also claimed the majority of Malaysians as well as majority of the police force cannot accept Khalid’s reasoning in the matter.

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