

Court stops EC from presenting redelineation report to PM

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By Ho Kit Yen

High Court allows Selangor government injunction bid after ruling that Selangor cannot be excluded from the redelineation report for all the peninsular states.

KUALA LUMPUR: The High Court today allowed the Selangor government's bid to stop the Election Commission (EC) from presenting its delineation report to the prime minister.

Justice Azizul Azmi Adnan allowed the state's injunction on the grounds that the electoral authority had not disagreed with the state's interpretation of Section 8 in the 13th Schedule of the Federal Constitution.

That section states that the EC shall submit its report on the redelineation exercise to the prime minister after it has completed the inquiries for all 11 states in the peninsula, including Selangor.

"I am of the view that there is only one report that can be submitted to the prime minister.

"And Selangor cannot be excluded from the redelineation report," he told a packed courtroom.

Selangor last October filed a legal challenge seeking to nullify the EC's notice of delineation, claiming it violated the Federal Constitution in drawing up new electoral boundaries.

On Dec 16 last year, justice Azizul had allowed a stay on the local inquiries in Selangor pending their court challenge.

In another state in the peninsula, Melaka, the High Court there had also granted a stay order for seven voters from Kota Melaka and Bukit Katil after they filed a challenge against the EC's redelineation exercise.

During the hearing today, senior federal counsel Shamsul Bolhassan, for the EC, told the court that the redelineation report would not be final unless the redelineation exercise in Selangor is completed.

"At the end of the day, there is only one report that the EC can submit.

“No exercise was done in the state due to the stay order. And, of course, there will not be a report,” he told the court.

Last month, the Selangor government filed an injunction application to stop the EC from conducting the second inquiry on a delineation exercise in the peninsula until its legal challenge is decided by the court.

It also wanted an order from the court to stop the EC from submitting its delineation report to Prime Minister Najib Razak, who, under the Federal Constitution, needs to present the findings to the Dewan Rakyat for approval.

Besides this injunction, the state had previously filed a discovery application against the EC.

On March 9, justice Azizul allowed the state government’s application to provide information regarding the changes in the locality of voters in the last two exercises – in 1993 and 2004.

In an immediate response, Menteri Besar Mohamed Azmin Ali described the decision as a victory for the people.

“The state government defends the rights of Selangor people from the EC’s unconstitutional acts,” he said.

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