

**Singaporean Democracy in Action**  
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**By Paul Karl Lukacs**

**Or Inaction?**

A Singaporean judge will hear arguments Friday on whether the ruling party can indefinitely delay an election it will likely lose.

The government expects to lose a by-election in an opposition ward, so it has adopted the novel strategy of refusing to schedule the vote. The legality of the maneuver will be tested on March 30 in the island nation's home-grown court.

The parliamentary seat for the Hougang single-member constituency is currently vacant. Its freshman member of parliament, Yaw Shin Leong, was elected in the May 2011 general election but was expelled from the opposition Workers' Party on February 15, 2012, amid rumors of extramarital affairs. Pursuant to Section 46 of the Singapore constitution, an MP who is expelled from his party forfeits the seat.

Six weeks have since elapsed, but the Singaporean government has neither held a by-election nor announced the date on which one will occur. When asked about the delay during parliamentary question time, Prime Minister Lee Hsien Loong said that, while he intended to call an election, he had not decided when.

"In deciding on the timing, I will take into account all relevant factors including the well-being of Hougang residents, issues on the national agenda, as well as the international backdrop which affects our prosperity and security," Lee said, according to a government-released transcript of the colloquy. In response to further questions from an opposition MP, Lee stated that "I will do so as soon as I have finished considering all the factors" and that "I shall announce when I have decided to call a by-election as soon as I have decided to do so."

That's not good enough, argues human rights lawyer M Ravi, who is representing a financially distressed woman in the Hougang constituency. Applicant Vellama d/o Marie Muthu stated in court papers that she has issues regarding public housing and assistance which need to be addressed by a duly elected local MP. She also stated, "I need a real representative of my choice, and the right to elect such a representative to Parliament."

On the topic of whether Lee is required to call an election, Ravi cites the mandatory language of Article 49 of the Singapore constitution. "Whenever the seat of a Member . . . has become vacant for any reason other than a dissolution of Parliament, the vacancy shall be filled by election," the article states in relevant part. On the matter of timing, the constitution is silent, so Vellema is applying for an order that the by-election be called within three months.

The government's position is that Singaporean elections "are fundamentally about voters choosing between different political parties to lead the country, rather than between individual candidates standing in a constituency," said MP and senior counsel Hri Kumar Nair. "Therefore, when a seat falls vacant, there is no requirement to call an immediate

by-election, unless the vacancy affects the Government's mandate." The government's top civil litigator, David Chong, did not respond to a request from Asia Sentinel for information about what arguments he would be advancing in the High Court tomorrow.

Regardless of when the government calls the election, the ruling People's Action Party has only the smallest chance of fairly winning the constituency. The ward has been an opposition stronghold since 1991, and the ousted MP prevailed over the PAP candidate by a 30-point margin. Since the PAP holds 81 seats in the 99-member Parliament, the by-election will not affect the balance of power, although the loss would be an embarrassment.

Consequently, the case is less about a concrete result and more about what limits, if any, are placed upon the prime minister's ability to delay a by-election. While the issue would presumably be of interest to all Singaporeans, the country's citizens may not have an opportunity to learn their government's precise legal position. As of this writing, tomorrow's hearing is scheduled to be held in the judge's private chambers and is not open to the public.

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