

MALAYSIA  
IN THE HIGH COURT OF SABAH AND SARAWAK AT LIMBANG  
ELECTION PETITION NO: OF 2006

BETWEEN

**BARU BIAN [WN.KP. 580909-13-5665]**

No. 183, Lot. 512,  
Lorong 4A6, Tabuan Laru  
93350 Kuching

...Petitioner

AND

1. **DENNIS UKONG LANGUB**  
RETURNING OFFICER  
N.70, Ba' Kelalan State Constituency  
Care of Lawas District Office  
98850 Lawas, Sarawak.

...1<sup>st</sup> Respondent

2. **TAN SRI ABDUL RASHID ABDUL RAHMAN**  
CHAIRMAN, ELECTION COMMISSION  
(Sued on behalf of himself and as representing  
all other members of the said Commission)  
Aras 4-5, Block C7, Parcel C  
Pusat Pentadbiran Kerajaan Persekutuan  
62690 Putrajaya

...2<sup>nd</sup> Respondent

3. **BALANG RINING OTHERWISE KNOWN AS NELSON**  
[WN.KP. K.684038 replaced by 561025-13-5279]  
Kampung Buduk Bui  
Ba' Kelalan  
98850 Lawas

...3<sup>rd</sup> Respondent

THE ELECTION OFFENCES ACT 1954

ELECTION FOR N.70, BA' KELALAN STATE CONSTITUENCY  
HELD ON THE 20<sup>TH</sup> DAY OF MAY 2006

THE PETITION OF BARU BIAN [WN.KP. 580909-13-5665] of No. 183, Lot. 512, Lorong 4A6, Tabuan Laru, 93350 Kuching, Sarawak, whose name is subscribed.

1. Your Petitioner, BARU BIAN is a person who voted at the above election and was a Sarawak National Party (SNAP) candidate at the above election.
2. And your Petitioner states that the election was held on the 20<sup>th</sup> day of May 2006, when BARU BIAN, the Petitioner herein and BALANG RINING the 3<sup>rd</sup> Respondent herein, representing the Barisan Nasional (BN) were candidates and the Returning Officer, the 1<sup>st</sup>

Respondent herein, has returned BALANG RINING otherwise known as **NELSON** as being duly elected.

3. And your Petitioner says:

- (i) that the said BALANG RINING personally or by his agents or servants have resorted to vote-buying by giving cash money to the voters in the said Ba' Kelalan State Constituency; and the general bribery or other misconduct have so extensively prevailed that they maybe reasonably supposed to have affected the result of the election, contrary to Sections 10(a), 10 (e), 10 (f), and 10 (g) of the Election Offences Act 1954 and that the election shall be declared void under Section 32 (a) of the Election Offences Act 1954.

#### PARTICULARS

- (a) That on or about the **17<sup>th</sup> day of May 2006**, between the Nomination Day and the Polling Day, at **Kampong Long Luping**, Lawas, BALANG RINING the BN candidate, the 3<sup>rd</sup> Respondent herein, and/or Michael Labo acting as agent or servant for BALANG RINING, had given moneys in the sum of **Ringgit Malaysia One Thousand Only (RM1000-00)** to the Women's Fellowship or *KAUMIBU* of Long Luping and Long Meringau whose members are registered voters in N. 70 Ba' Kelalan, State Constituency for the purpose of inducing and/or as bribery for the said registered voters at Long Luping and Long Meringau to vote for the said BALANG RINING.
- (b) That on the **19<sup>th</sup> day of May 2006** between the Nomination Day and the Polling Day, at **Kampong Sahabat Baru**, Lawas, Alexander Padan and John Sakai being election workers and/or agents and/or servants of BALANG RINING the BN candidate, the 3<sup>rd</sup> Respondent herein, had received the sum of **Ringgit Malaysia Three Thousand Only (RM3000-00)** from BALANG RINING to be given to registered voters in Kampong Long Sukang, Long Luping and Long Semadoh for the purpose of inducing and/or as bribery for the said registered voters at Long Sukang, Long Luping and Long Semadoh to vote for BALANG RINING the 3<sup>rd</sup> Respondent herein. The said Kampong Long Sukang, Long Luping and Long Semadoh are situated within N. 70, Ba' Kelalan State Constituency.
- (c) That on the morning of the **20<sup>th</sup> day of May 2006**, the Polling Day itself, at **Kampong Tiga, Trusan Road**, Lawas, registered voters were given moneys by Tua Kampong Yahya Arun and/or Munga Parang (f) who were acting for and/or on behalf of BALANG RINING the BN candidate, the 3<sup>rd</sup> Respondent herein, for the purpose of inducing and/or as bribery for the said registered voters at Kampong Batu Tiga, Trusan Road, to vote for BALANG RINING, the 3<sup>rd</sup> Respondent herein. **Each voter was given a sum of either RM5-00 or RM4-00.** Kampong Tiga, Trusan Road is situated within N.70 Ba' Kelalan State Constituency.

- (d) That on the morning of the **20<sup>th</sup> day of May 2006**, on the Polling Day itself, at **Kampong Gaya Baru**, Lawas, registered voters at Kampong Gaya Baru, Lawas, Sarawak, were given moneys by Tua Kampong Langub Tung and/or his wife who were acting for and/or on behalf of BALANG RINING the BN candidate for the purpose of inducing and/or as bribery for the said registered voters at Kampong Gaya Baru, Lawas, to vote for BALANG RINING the 3<sup>rd</sup> Respondent herein. **Each voter was given a sum of RM4-00.** Kampong Gaya Baru, Lawas, is situated within N.70 Ba' Kelalan State Constituency.
- (ii) That the said BALANG RINING, the 3<sup>rd</sup> Respondent herein, had directly and by himself, committed acts of corrupt practice or illegal practice in connection with the election by giving gift, and/or grant and/or offer of grant and/or promise of a grant to voters in the said N. 70, Ba' Kelalan State Constituency to induce the said voters to procure and/or endeavour to procure the election of himself (BALANG RINING) or the vote of the said voters and/or as bribery for the said voters to vote for him, (BALANG RINING) the 3<sup>rd</sup> Respondent herein, contrary to Section 10 (a), (c) and (d) of the Election Offences Act 1954 and the election shall be declared void under Section 32 (c) of the Election Offences Act 1954.

#### PARTICUARS

- (a) That on the **11<sup>th</sup> day of May 2006**, at about 4.30 p.m., at the Headman's house Tua Kampung Udan Balang, of Kampong Long Ugui, Lawas, between Nomination Day and Polling Day, BALANG RINING, the 3<sup>rd</sup> Respondent herein, had personally himself given cash grant or grant or gift or offer of grant or promise of grant, referred to as "**Geran Aktiviti Keagamaan**" in the sum of **Ringgit Malaysia Ten Thousand [RM10,000-00]** to the voters of SIB **Kampung Long Ugui, Lawas**, with the intention of inducing the said voters and/or procuring the votes of the said voters in Kampung Long Ugui, to vote for the said BALANG RINING, the 3<sup>rd</sup> Respondent.
- (b) That on the **11<sup>th</sup> day of May 2006**, at about 5 p.m., at the Pastor's house of Kampong Long Sui, Lawas Damit Road, Lawas, between Nomination Day and Polling Day, BALANG RINING, the 3<sup>rd</sup> Respondent herein, had himself given cash grant or grant or gift or offer of grant or promise of grant, referred to as "**Geran Aktiviti Keagamaan**" in the sum of **Ringgit Malaysia Five Thousand [RM5000-00]** to the voters of SIB **Kampung Long Sui, Lawas**, with the intention of inducing the said voters and/or procuring the votes of the said voters in Kampung Long Sui, to vote for the said BALANG RINING, the 3<sup>rd</sup> Respondent.
- (c) That on the **11<sup>th</sup> day of May 2006**, at about 9 p.m., at the Headman's house at Kampong Long Sebangang Baru, Lawas between Nomination

Day and Polling Day, BALANG RINING, the 3<sup>rd</sup> Respondent herein, had personally himself given cash grant or grant or gift or offer of grant or promise of grant, referred to as "**Geran Aktiviti Keagamaan**" in the sum of **Ringgit Malaysia Five Thousand [RM5000-00]** to the voters of **SIB Kampung Long Sebangang Baru, Lawas**, with the intention of inducing the said voters and/or procuring the votes of the said voters in Kampung Long Sebangang Baru, to vote for the said BALANG RINING, the 3<sup>rd</sup> Respondent.

- (d) That on the **11<sup>th</sup> day of May 2006**, at about 9.30 p.m., at the Headman's house Encik Gukang Agong at Kampong Long Sebangang Lama or otherwise referred to as Long Sebangang A, Lawas between Nomination Day and Polling Day, BALANG RINING, the 3<sup>rd</sup> Respondent herein, had personally himself given cash grant or grant or gift or offer of grant or promise of grant, referred to as "**Geran Aktiviti Keagamaan**" in the sum of **Ringgit Malaysia Five Thousand [RM5000-00]** to the voters of **SIB Kampung Long Sebangang Lama, Lawas**, with the intention of inducing the said voters and/or procuring the votes of the said voters in Kampung Long Sebangang Lama, to vote for the said BALANG RINING, the 3<sup>rd</sup> Respondent.
- (e) That on the **17<sup>th</sup> day of May 2006**, at about 9 p.m., at the Dewan Masyarakat Gaya Baru, Lawas, between Nomination Day and Polling Day, BALANG RINING, the 3<sup>rd</sup> Respondent herein, had himself personally given cash grant or grant or gift or offer of grant or promise of grant in the sum of **Ringgit Malaysia Two Thousand [RM2000-00]** to the voters of **Kampung Gaya Baru**, and a similar Grant to the voters of **Kampung Gaya Lama** in the sum of **Ringgit Malaysia One Thousand Five Hundred Only [RM1500-00]**, with the intention of inducing the said voters and/or procuring the votes of the said voters in these two Kampung or villages, to vote for the said BALANG RINING, the 3<sup>rd</sup> Respondent. These grants were given through the Women Fellowships or KAUMIBU of these two Kampung or Villages.
- (f) That on or about the 17<sup>th</sup> day of May 2006, between Nomination Day and Polling Day, at Long Semadoh A and Long Talingan, the said BALANG RINING, the 3<sup>rd</sup> Respondent herein, had himself personally given cash grant or grant or gift or offer of grant or promise of grant through Dennis Yahya Ating, of Long Semadoh A in the sum of **Ringgit Malaysia Three Thousand (RM3000-00)** towards a Cemetery Removal Fund of Long Semadoh A, a cash grant or grant or gift or offer of grant or promise of grant to the Parents and Teachers Association (PTA) or Persatuan Ibu Bapa Guru (PIBG) of Long Semadoh Primary School, (which caters for children from eight villages in the Long Semadoh region) in the sum of **Ringgit Malaysia Five Thousand (RM5000-00)**, and a cash grant or grant or gift or offer of grant or promise of grant to Kampong Long Talingan to rebuild their longhouse in the sum of **Ringgit Malaysia Ten**

**Thousand (RM10,000-00)**, where the residents of Long Semadoh A, members of the said PTA or PIBG and residents of Long Talingan are registered voters within N.70, Ba' Kelalan State Constituency, with the intention of inducing the said voters in Long Semadoh A, members of the PTA or PIBG of Long Semadoh Primary School and Long Talingan to vote for the said BALANG RINING, the 3<sup>rd</sup> Respondent herein.

- (iii) That the said BALANG RINING, the 3<sup>rd</sup> Respondent herein, had directly and/or by his agents or servants, committed acts of corrupt practice or illegal practice in connection with the election by intimidation and/or promise of development to voters in the said N. 70, Ba' Kelalan State Constituency to induce the said voters to procure and/or endeavour to procure the election of the said 3<sup>rd</sup> Respondent, or the vote of the said voters and/or as bribery for the said voters to vote for the 3<sup>rd</sup> Respondent, contrary to Section 10 (a), (c) (d) and (f) of the Election Offences Act 1954 and the election shall be declared void under Section 32 (a) of the Election Offences Act 1954.
- (a) That on or about the 14<sup>th</sup> day of May 2006 at Kampung Long Semadoh, between Nomination Day and Polling Day, the State Barisan Nasional Chairman Pehin Sri Abdul Taib Mahmud said at a rally of about 1000 voters from various part of N. 70 Constituency that the "government" is ready to proceed with the proposed highlands development plan under the **Agropolis Concept** proposed by the Lun bawang and Kelabit intellectuals. *But the fate of the proposed plan lies in the hands of their countrymen in Ba' Kelalan constituency.* Further he said that he would like the Agropolis concept to flourish with the acceptance of the electorate on a *united platform, under the BN flagship.* And they should avoid bickering among themselves, an intimidating tactic which is unlawful and/or illegal under the Election Offences Act, 1954.
- (b) That on or about the 14<sup>th</sup> day of May 2006 at Kampung Long Semadoh, between Nomination Day and Polling Day, at the same function stated under (iii) (a) above the 3<sup>rd</sup> Respondent said that all the voters should be united and stand behind the BN government led by the Chief Minister, who has spearheaded the transformation in every corner of the State of Sarawak. This would facilitate the highlands' development, particularly under the *Long Semadoh Rural Growth Centre* that involves the *Agropolis for the highlands up to the Bario*; which is an intimidating tactic which is unlawful and/or illegal under the Election Offences Act, 1954.

**WHEREFORE YOUR PETITIONER MOVES** this petition under the Election Offences Act, 1954 and prays:-

- (a) For a declaration that the said BALANG RINING otherwise known as NELSON, the 3<sup>rd</sup> Respondent herein, was not duly elected or ought not to have been returned
- (b) For a declaration that the election is void and/or that the said BARU BIAN, the Petitioner herein was duly elected and ought to have been returned; and
- (c) That the Petitioner may have such further order or other relief as the Court deems it just.

Dated this.....day of July 2006

.....  
**BARU BIAN**  
**PETITIONER**

It is proposed to serve a copy of this Petition on:

- 1. **DENNIS UKONG LANGUB**  
RETURNING OFFICER  
N.70, Ba' Kelalan State Constituency  
Care of Lawas District Office  
98850 Lawas, Sarawak.
- 2. **TAN SRI ABDUL RASHID ABDUL RAHMAN**  
CHAIRMAN, ELECTION COMMISSION  
(Sued on behalf of himself and as representing  
all other members of the said Commission)  
Aras 4-5, Block C7, Parcel C  
Pusat Pentadbiran Kerajaan Persekutuan  
62690 Putrajaya
- 3. **BALANG RINING @ NELSON [WN.KP. 561025-13-5279]**  
**[K.684038]**  
Kampung Buduk Bui  
Ba' Kelalan  
98850 Lawas

This Election Petition is presented by the Petitioner Baru Bian, and filed by Messrs Baru Bian, Advocates & Solicitors for the Petitioner, whose address of service is at 1<sup>st</sup> Floor, Lot. 136, Jalan Petanak 93100, Kuching, Sarawak.