

Govt to act according to Ordinance during Emergency

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PUTRAJAYA: The Emergency Ordinance will, among others, allow authorities to take temporary possession of land, building or moveable property and demand the use of resources to fight the Covid-19 pandemic.

Those who fail to comply can be fined not more than RM5mil, be imprisoned not more than 10 years or both.

The possession of land, building or moveable property, as well as utilisation of resources demanded, will be compensated, it stated.

The Ordinance, which had been gazetted, came into operation on Jan 11, the day the Yang di-Pertuan Agong made the proclamation of Emergency.

"The existence of a grave emergency threatening the security, eco-

nomie life and public order of the Federation arising from the epidemic of an infectious disease, namely Coronavirus Disease 2019 (Covid-19), a Proclamation of Emergency has been issued by the Yang di-Pertuan Agong under Article 150 of the Federal Constitution on January 11, 2021.

"And whereas the Yang di-Pertuan Agong is satisfied that immediate action is required to guarantee and preserve the security, economic life and public order, it is hereby promulgated an Ordinance by the Yang di-Pertuan Agong," stated the gazette.

Under item 10 of the Ordinance, the government is given protection against suits and legal proceedings.

"No action, suit, prosecution or any other proceeding shall be brought against the Government, any public officer or person appointed in respect of any act,

neglect or default done or omitted by it or him in good faith, in carrying out the provision of this Ordinance," it stated.

On executive and legislative powers, the Ordinance stated for as long as the Emergency is in force, the Prime Minister and Cabinet that existed prior to the proclamation of Emergency shall continue to exercise their functions, as with mentris besar, chief ministers, state executive councils or state Cabinet.

The Ordinance also allows for the establishment of an independent committee to advise the Yang di-Pertuan Agong on the continuing existence of the grave emergency arising from the pandemic.

Item seven of the Ordinance spells out additional powers of the armed forces.

"For as long as the Emergency is in force, the armed forces, upon direction by the Yang di-Pertuan

Agong or person authorised by the Yang di-Pertuan Agong, shall have the powers of a police officer of whatever rank as provided for under the Criminal Procedure Code, and such powers will be in addition to the powers provided for under the Armed Forces Act and not in derogation thereof," it said.

The Ordinance stated that as long as the Emergency is in force, the Yang di-Pertuan Agong may appoint any person to issue directions for treatment, immunisation, isolation, observation or surveillance as stated under the Prevention and Control of Infectious Diseases Act.

Election of Parliament or state assemblies, should there be any vacancy in seat, will not be carried out for as long as the Emergency is in force.

"For as long as the Emergency is in force, the Yang di-Pertuan Agong may make regulations as may be

necessary or expedient for the purpose of carrying into effect the provisions of this Ordinance.

"For as long as the Emergency is in force, the powers given under this Ordinance shall be in addition to the powers given by or under any other written law for the time being in force.

"In the event of any conflict or inconsistency between the provisions of this Ordinance and any other written law, the provisions of this Ordinance shall prevail," it stated.

On Jan 11, Yang di-Pertuan Agong Al-Sultan Abdullah Ri'ayatuddin Al-Mustafa Billah Shah had consented to a state of Emergency being declared under Article 15 of the Federal Constitution.

The nationwide state of Emergency until Aug 1 is to curb Covid-19 that has reached alarming levels in the country.