

It defines our powers: PM Why we need new Press law

By NURAINA SAMAD

KUALA LUMPUR, Thurs. — The amendments to the Printing Presses and Publications Act (1984) are necessary to define the Government's powers in written laws, without which the administration faces obstacles, the Prime Minister Datuk Seri Dr Mahathir Mohamad said today.

These amendments had become more necessary now because of the tendency of certain quarters to use unwritten laws to obstruct the functions of the Government.

"It is difficult for the Government to recognise unwritten laws because it is not possible to know what it can do and what it cannot. Without the clarity of written laws, there may be confusion in the administration."

"Anyone can challenge the Government and obstruct actions considered legitimate by the Government," he said when tabling the Bill to amend the Printing Presses and Publications Act (1984) at the Dewan Rakyat today.

Dr Mahathir stressed it was necessary to pay serious attention to the nation's stability and development in a multi-racial society.

If it was in the interest of national stability and development to exercise a little control over a certain group that threatened stability, then it had to be done.

Freedom of the Press, he said, "is not absolute".

Dr Mahathir said the Government rules and takes action through provisions in written laws which guarantee that it does not "act as it pleases".

There are six new sections under the proposed amendments. They are sections 8A,

8B, 8C, 9A, 13A and 13B.

Under Section 8A, it is an offence to publish false news with an ill intent. The printer, publisher, editor and writer can be sentenced to jail for not more than three years or fined not more than \$20,000 or both.

Dr Mahathir said lately there had been many untrue reports in both the local and foreign media.

"It appears that these newspapers and magazines were unconcerned about the effects of the reports on groups which have become victims of their actions or on national security and economy."

He said the new provision was to encourage newspapers to be more responsible.

Dr Mahathir also explained the process of drafting and passing of a Bill from the Attorney-General's Department to the Cabinet

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and Parliament and finally the Yang di-Pertuan Agong.

He said when the Bill is tabled in the Dewan Rakyat, opposition parties had the opportunity to criticise and express their views together with backbenchers.

He added that it was not impossible for the Government to make amendments to a Bill based on the views of Members of Parliament, whether they are from the Opposition or the Government party.

"In fact, there were times the Government withdrew a Bill that has been tabled."

Dr Mahathir said laws cannot be made according to the whims and fancies of one or two people or even Members of Parliament.

He said if a certain law was easily ignored and dismissed after it had undergone a difficult process of legislation, then there was no use in choosing legislators or for Parliament to exist.

Dr Mahathir said there were those who believed that the aim of creating a law had nothing to do with enforcing it.

These legal experts believed that inte-

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Interpreters of the law need not at all weigh the reasons why a certain law was drafted.

"These so-called legal experts say what is necessary is for the interpreter of the law to interpret words found in the law.

"That word is more important than the intention behind it, even though the intentions of that law are clear."

Unfortunately when the law was well-defined, the one who interpreted it used an unwritten law to enable him to interpret it as he pleased.

Dr Mahathir said sometimes the interpretation used in one case conflicted with that in another.

~~"The Government, therefore, will not know whether or not it has acted according to the law."~~

Citing the English common law as one of the unwritten laws, Dr Mahathir said this was certainly not consonant with customs of the Malays and the other communities in Malaysia.

While under the British concept it seemed suitable that the decision of a judge was

needed to resolve a dispute between two parties - the prosecutor and the accused - there was however the possibility of bias in the decision.

Dr Mahathir quoted Professor R.H. Hickling, a British Law lecturer who wrote in his book *Malaysian Law* that "madness lies" in idolising the English common law.

Dr Mahathir said judicial review gave unlimited powers to interpreters of the law to the extent that they could deny the implementation or enforcement of a law.