Personal Copy.

Hussein Onn.

Speech by the Hon'ble Minister of Education in moving a Bill on "Universities and University Colleges" in Dewan Negara.

Mr. President, Sir,

I beg to move that a Bill intituled "An Act to provide for the establishment, maintenance and administration of Universities and University Colleges and for other matters connected therewith" be read a second time.

2. This Bill contains the provisions of the Emergency (Essential Powers) Ordinance No. 74 of 1971 promulgated by the Yang di-Pertuan Agong on 10th February this year. This Bill also contains certain other new provisions which I shall touch briefly in the course of my speech.

3. It is necessary, Mr. President, Sir, to understand the background leading to this Bill. In 1968, the Government appointed a Committee headed by the Hon'ble Tan Sri Justice M. Suffian with the following members:-

(i) Professor Hamzah Sendut;

(ii) Professor Chin Fung Kee;

(iii) Tan Sri Abdul Aziz bin Yeop; and

(iv) Dato' Mohd. Salleh bin Abbas,

to draft the Constitution of the University of Penang which would include such transitional provisions as might be deemed necessary to bring the University into being. Another Committee with the same Chairman with the following members:

(i) Professor Hamzah Sendut;

(ii) Professor Chin Fung Kee;

(iii) Tan Sri Abdul Aziz bin Yeop;

(iv) Dato' Mohd. Salleh bin Abbas; and

✓ (v) Dr. Mohd. Rashdan bin Haji Baba,

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Paragraph 4 - addition.

* It has been alleged that this Bill was prepared without consulting any university authority or anyone outside the Government qualified by professional experience to assist. As I have mentioned earlier, the Committee on the Constitution of the University of Penang had among its members: Professor Hamzah Sendut (now Vice-Chancellor of the University of Penang), Professor Chin Fung Kee (formerly Deputy Vice-Chancellor of the University of Malaya) and Tan Sri Abdul Aziz bin Yeop, a lawyer and one who has ~~great~~ wide experience in university matters. So is the case in regard to the Committee on the Constitution of the University Kebangsaan. Included in the Committee was Dr. Rashdan bin Haji Baba, ~~who was until recently~~ the Vice-Chanceller of University Kebangsaan. In addition, the Committees by means of advertisement in several local newspapers and in circular letters invited members of the public and interested bodies to give their views, either orally or in writing. Many organisations and individuals submitted memoranda and letters, and further, many individuals were interviewed.

was set up to consider and prepare a draft Constitution of the Universiti Kebangsaan. The two Committees completed their task in 1969 and 1970 respectively.

4. The two Reports were studied in detail by the Government. Their recommendations formed, with some modifications, the basis of this Bill including the model constitution as in the Schedule. *

5. The object of the Act is to provide for the establishment, maintenance and administration of Universities and University Colleges and for other matters connected therewith. With this Act, it will not be necessary to have an Act of Parliament every time a University or University College is to be set up in future. The Yang di-Pertuan Agong needs only establish it by an Incorporation Order pursuant to sections 6 and 7 (in respect of University) and section 22 (in respect of University College) of the Act. The Act also provides for a uniform procedure for the establishment of a University and a University College respectively.

6. The object of the Schedule to the Act is to ensure a maximum possible degree of uniformity in the Constitutions of all Universities.

7. Mr. President, Sir, I do not propose to explain in detail the provisions of the Act and the Schedule section by section, but merely to highlight certain important provisions. First and formost, section 3 of the Act gives the Minister of Education the responsibility for the general direction of higher education and for the administration of the Act. For this purpose, section 4 empowers the Minister of Education to appoint any person or body to investigate into any of the activities or the administration of any higher educational institution and to report to him the result of such investigation. These provisions are necessary if the Minister of Education is to effectively determine the general direction of higher education in this country.

8. Section 8 of the Act is intended to safeguard the Constitution of the present and future Universities from major deviation, thereby ensuring a maximum degree of uniformity. However, section 26, which is a new provision, enables the Yang di-Pertuan Agong to exempt, vary or add to the Constitution so as to render some degree of flexibility, where necessary.

9. Section 23 of the Act makes it an offence for any person to establish, form, promote or do anything or carry on any activities for the purpose of establishing or forming or promoting the establishment or promotion of a University or University College except in accordance with the provisions of the Act. The Act also prescribes that no higher educational institution or person shall issue to or confer on any person any degree or diploma purporting to be a degree or diploma issued or conferred by a University or University College unless it is made in accordance with the provisions of the Act, as per section 24 (2).

10. Section 22 of the Schedule deals with the Guild of Graduates and by subsection (3) the Guild is expressly excluded from being an Authority of a University. The provision is different from the University of Malaya Act, 1961 which provides that the Guild of Graduates shall be an Authority of the University. The exclusion of the Guild of Graduates from being an Authority of a University is desirable for two reasons:-

(i) to enable the body to be run voluntarily by the graduates themselves because it was said of the Guild of Graduates of the University of Malaya that since its Chairman was the Vice-Chancellor and its Secretary the Registrar of the University, it gives the impression that the body is run by the University and not voluntarily by graduates; and

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(ii) the Guild should have as its principal objective the desire to assist the University as much as possible and the Government is confident that its members will not call on the University Administration for unnecessary help. It should not do anything which might be a burden on the finances of the University. Rather it should concentrate its efforts towards increasing the financial resources of the University so as to reduce its dependance on public funds.

11. Sections 15 (1) and 22 of the Act and section 50 of the Schedule absolutely prohibit students of a higher educational institution as a group or body from having any affiliation with any political party or a trade union body or other organisation registered or incorporated under any written law relating to the registration of societies and trade unions. I would like to clarify this important provision in case it might be misunderstood by certain quarters. The provision does not prohibit a student body from having any affiliation with another student body established under the constitution of another University, University College or under the Education Act, 1961. But the provision prohibits affiliation with another student body registered and incorporated under the law relating to registration of societies. However, the proviso to section 50 of the Schedule, which is another new provision, gives discretionary power upon the University Council and the Minister of Education to approve affiliation with another student body registered under any law relating to the registration of societies, and affiliation with any international student body respectively. For example, ~~basically~~ strictly, the law prohibits the

University of Malaya Students' Union (UMSU) and the Persatuan Mahasiswa Islam Universiti Malaya (PMIUM) from being affiliated to the National Union of Malaysian Students (NUMS) and Persatuan Kebangsaan Pelajar2 Islam Malaysia (PKPIM) respectively. However, the University Council may permit such affiliation by virtue of proviso (a) to section 50 of the Schedule. And also, ~~basically~~ strictly the University of Malaya Students' Union is prohibited from having any affiliation with the Malaysian Youth Council. However, the affiliation may be made possible by virtue of an exemption order of the Yang di-Pertuan Agong under section 26 of the Bill. The issue of affiliation between the National Union of Malaysian Students or Persatuan Kebangsaan Pelajar2 Islam Malaysia and the Malaysian Youth Council (MYC) does not come within the ambit of the Bill because the National Union of Malaysian Students and Persatuan Kebangsaan Pelajar2 Islam Malaysia were not established under any University Act but are registered and incorporated under the law relating to the registration of societies and are subject to their respective constitutions filed with the Registrar of Societies. Another example, the law prohibits the University of Malaya Students' Union from having any affiliation with the Persatuan Pelajar Institute Teknoloji MARA which is registered and incorporated under the Societies Act, 1966 but the University Council may permit such affiliation. It is to be noted here that the question of affiliation by the Persatuan Pelajar Institute Teknoloji MARA with other organisations does not come under the province of the Bill but is governed by its constitution filed with the Registrar of Societies. Lastly, the University of Malaya Students' Union and the Persatuan Mahasiswa Islam Universiti Malaya are prohibited from having any affiliation with for example, the International Students' Union (ISU) or Asian Students' Association (ASA) except with the consent of the Minister of Education under section 50 (b) of the Schedule.

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12. Further, sections 15 (1) and 22 of the Act prohibit the students as a group or body from doing anything which can be construed as expressing support, sympathy or opposition to any political party or trade union established and registered under the law relating to the registration societies or trade unions or to any unlawful group or body of individuals. The prohibition covers the activities of the student body in any place within or outside the Campus. By the expression "to any unlawful group or body of individuals." the student body is prohibited from doing anything which can be construed as expressing support or sympathy to such a cause as that of Hamid Tuah. The word "anything" covers a very wide range of activities or actions. The question of what act amounts to expressing support, sympathy or opposition to a political party or trade union shall always be a question of fact and only a court of law is competent to decide whether or not a particular act can reasonably be construed to amount to a guilt under section 15 (1) which will merit the punishment provided for in section 15 (3) of the Act. However, I wish to state categorically here that it is not the intention of the Government by the Act to impose restrictions on Universities in their pursuit of normal academic activities, such as research, enquiry and objective analysis into such matters. In practice, it is not possible to lay down the frontier between academic freedom and the descent of the student body into the political arena. However, the student body may be assured that this law will not be administered arbitrarily and indiscriminately.

13. The law does not prevent students in their individual capacity from taking an active part in political or trade union activities, or other organisation registered and incorporated under the law relating to registration of societies, but section 15 (2)

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prohibits them from becoming office bearers in a political party or trade union. The reason for this is that as an office bearer, the student will be entitled to express the voice of the party or union with authority which may sometimes be in conflict with, in particular, his interest in the student body and, in general, with the principal objective of the University as an educational institution. The provisions of section 15 (1) of the Act and section 50 of its Schedule are necessary because a Students' Representative Council or a student body established under sections 48 and 49 respectively is not required to registered under the Societies Act No. 13 of 1966. Instead, the Constitution of SRC and the student body will have to be approved by the University Council and will be effective only upon such approval. If the students choose to take part in the activities of a political party or trade union, in their individual capacity, they will be equally subject to the laws of the country which are applicable to other politicians and trade unionists. Similarly, if they participate in their individual capacity in the activities of an unlawful society, they will be subject to the same law applicable to ordinary citizens.

14. Section 48 of the Schedule provides for the establishment of Students' Representative Council consisting of all the students of a University and section 49 provides for the establishment of other student bodies catering for special interests. It is to be pointed out here that the Council established under Section 48 has to be styled as Students' Representative Council (SRC) or Majlis Perwakilan Pelajar (MPP). However, by an order of the Yang di-Pertuan Agong under section 26 of the Act, the Council may be called by some other suitable name. The Constitution of the SRC should contain all the matters set out in subsections (4) to (12) of section 48 of the Schedule. The SRC ~~should~~ will have a President, a Vice-President, a Secretary and a Treasurer, who will be its office bearers as per

section 48 (4). Section 16 of the Act and section 51 of its Schedule provide that the power of control of SRC lies with the University Council. It is desirable that the objects and functions of the SRC should be clearly defined as in subsection (8) of section 48. Briefly, the view of the Government is that a University is an educational institution and such privileges as students enjoy, in contrast to the rest of the community, should be related to the main purpose of a University. This explains why it is expressly provided in subsection (10) that the SRC or any of its office bearers shall not apply the fund of the SRC directly or indirectly for the promotion of the objects of a political party or a trade union body or for the promotion of the objects of any organisation to which it is not affiliated. In order to safeguard the fund, subsection (11) of section 48 requires that its account shall be audited by independent persons appointed by the University Council and paid for by the SRC.

15. Mr. President, Sir, in conclusion, ~~I have said this before and may I say it again.~~ may I say this, I have said it before and may I say it again. Universities anywhere in the world do not exist in a vacuum. Our universities in particular certainly do not. While I am in agreement with the concept of academic freedom, it is necessary, however, to remember always that like other freedom, it is not absolute. It is subject to qualifications imposed by national, financial and other practical considerations. In order to maintain its academic standards and thus ensure its repute in the international academic world, a university will require vast amounts of public funds and in that process it will have to bear constantly in mind the <u>national aspirations and needs as interpreted by the Government</u>. In this regard it is important to remember that even universities not dependent on public funds have to bear in mind and to some extent conform to the wishes of their private benefactors.

Mr. President, Sir, I beg to move.

..

section 46 (4). Section 16 of the Act and section 20 of the Schedule provide that the power of control of OSU lies with the University Council. [illegible] is desirable that the objects and functions of the OSU should be clearly defined as in subsection (2) of section 45. Finally, the view of the Government is that a University is an educational institution and such, dealings in domestic affairs, in [illegible] to the [illegible] of the country, should be [illegible] of the [illegible] purpose of a [illegible] party. This explains why it is expressly provided in subsection (10) that the OSU or any of the [illegible] bodies shall not apply the fund of the OSU directly or indirectly for the [illegible] of the objects of a political party or a trade union body or for the promotion of the interests of [illegible] organisation to which it is not affiliated. In order to control the fund, subsection (11) of section 48 requires that the accounts shall be audited by [illegible] persons appointed by the University Council and paid for by the OSU.

13. Mr. President, Sir, in conclusion, [illegible] [illegible]. Universities everywhere in the world [illegible]. Our universities [illegible] particular [illegible]. While I am in agreement with the concept of academic freedom, it is necessary, however, to remember always that like other freedom, it is not absolute. It is subject to conditions imposed by national, communal and other practical considerations. In order to [illegible] academic standards and thus ensure its place in the international academic world, a university will require vast amounts of public funds and in that measure it will have to give consideration to the national aspirations and needs as expressed through the Government. In this regard it is important to remember [illegible] universities not dependent on public funds have to [illegible] to some extent conform to the wishes of their private [illegible].

Mr. President, Sir, I beg to move.

PERKHIDMATAN ARKIB PERDANA MENTERI ★ MALAYSIA ★
AHO / M

No. Siri 613
No Penerimaan 6/84

Personal Copy.

Hussein Onn.
26.3.71.

Uchapan Yang Berhormat Menteri Pelajaran apabila menchadangkan Rang Undang2 berkenaan dengan "Universiti2 dan Kolej2 Universiti " di-Dewan Negara. 26.3.71

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Tuan Yang Di-Pertua, ~~Tuan,~~

Tarek perhatian - pindaan oleh Dewan Raayat - muka 33 - Sekshen 50 proviso

Saya mohon menchadangkan ~~supaya~~ iaitu Rang Undang2 bertajok "Suatu Akta untok membuat peruntokan bagi menuboh, menyenggara dan mentadbirkan Universiti2 dan Kolej2 Universiti dan bagi lain2 perkara yang berkenaan dengan-nya" di-bacha kan ~~untok~~ kali yang kedua sekarang.

2. Rang Undang2 ini mengandongi peruntokan2 Ordinan No.74 (Kuasa2 Perlu) Dharurat, 1971 yang telah di-istiharkan oleh Yang Di-Pertuan Agong pada 10hb. Februari, tahun ini. Rang Undang2 ini juga mengandongi beberapa peruntokan baharu yang tertentu yang akan saya sentoh sa-chara ringkas dalam uchapan saya ini.

3. Tuan Yang Di-Pertua, ada-lah perlu di-ketahui latar belakang Rang Undang2 ini. Pada tahun 1968, Kerajaan telah melantek suatu Jawatan-Kuasa yang di-ketuai oleh Tan Sri Hakim M. Suffian dengan ahli2 yang berikut:-

(i) Professor Hamzah Sendut;
(ii) Professor Chin Fung Kee;
(iii) Tan Sri Abdul Aziz bin Yeop; dan
(iv) Dato' Mohd. Salleh bin Abbas,

untok menggubal Perlembagaan Universiti Pulau Pinang yang mengandongi peruntokan peralehan yang di-fikirkan perlu untok menubohkah Universiti itu. Satu lagi Jawatan-kuasa yang di-ketuai oleh Pengerusi yang sama dengan anggota2 berikut:-

(i) Professor Hamzah Sendut;
(ii) Professor Chin Fung Kee;
(iii) Tan Sri Abdul Aziz bin Yeop;
(iv) Dato Mohd. Salleh bin Abbas;
(v) Dr. Mohd. Rashdan bin Haji Baba,

telah di-tubohkan untok menimbang dan menyediakan satu deraf Perlembagaan Universiti Kebangsaan. Kedua2 Jawatan-kuasa itu telah menyempurnakan tugas mereka masing2 pada tahun 1969 dan tahun 1970.

4. Kedua2 laporan tersebut telah di-kaji dengan teliti oleh Kerajaan. Shor2 mereka, dengan sadikit pengubah/suaian, telah di-jadikan asas kapada Rang Undang2 ini termasok perlembagaan chontoh saperti dalam Jadual itu.

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Perenggan 4 - tambahan.

* Ada beberapa pehak yang menda'awa bahawa ~~Bil~~ Rang Undang2 ini telah di-sediakan tanpa perundingan dengan pehak yang berkuasa Universiti atau mereka yang di-luar daripada Kerajaan yang mempunyai kelulusan dan pengalaman profeshenal. Saperti yang saya sebutkan tadi, antara ahli2 jawatankuasa berkenaan dengan Perlembagaan Universiti Pulau Pinang ia-lah Professor Hamzah Sendut (yang sekarang menjadi Naib-Chansellor Universiti Pulau Pinang), Professor Chin Fung Kee (bekas Timbalan Naib-Chansellor Universiti Malaya) dan Tan Sri Abdul Aziz bin Yeop saorang peguam, dan saorang yang mempunyai pengalaman yang luas berkenaan dengan hal2 Universiti. Bagitu juga berkenaan dengan jawatankuasa Perlembagaan Universiti Kebangsaan. Termasok di-dalam jawatankuasa ini ia-lah Dr. Rashdan bin Haji Baba ~~yang sahingga baru2 ini telah menjadi~~ Naib-Chansellor Universiti Kebangsaan. Selain daripada itu Jawatan-kuasa2 ini dengan perantaraan iklan2 dalam beberapa buah akhbar tempatan dan surat2 pekelilingan telah menjemput orang ramai dan badan2 yang mempunyai minat dalam lapangan ini untok memberi pendapat mereka sama ada sechara mulut atau bertulis. Banyak pertubohan2 dan orang persaorangan telah menyampaikan memoranda dan surat2 dan tambahan lagi banyak orang persaorangan juga telah di-temui.

5. Ada pun tujuan Akta ini ia-lah untok mengadakan peruntokan2 bagi menuboh, menyenggara dan mentadbirkan Universiti2 dan Kolej2 Universiti dan bagi lain2 perkara yang berkenaan dengan-nya. Dengan ada-nya Akta ini, maka tidak-lah perlu di-buat suatu Akta Parlimen tiap2 kali sa-suatu Universiti atau Kolej Universiti hendak di-tubohkan pada masa hadapan. DYMM Yang Di-Pertuan Agong hanya di-kehendaki menubohkan-nya melalui suatu Perentah Perbadanan menurut sekshen 6 dan 7 Akta (bagi penubohan Universiti) dan sekshen 22 (bagi penobohan Kolej Universiti). Akta ini juga mengadakan suatu achara yang sama bagi menubohkan sa-suatu Universiti atau Kolej Universiti.

6. Ada pun tujuan Jadual kapada Akta ini ia-lah untok menentukan persamaan yang sa-banyak2-nya dalam Perlembagaan2 semua Universiti.

7. Tuan Yang Di-Pertua, saya tidak berchadang hendak menjelaskan dengan panjang lebar peruntokan2 Akta ini dan Jadual-nya tetapi sa-kadar menerangkan peruntokan2 tertentu yang di-anggap mustahak. Pertama, sekshen 3 Akta memberi Menteri Pelajaran tanggong-jawab atas pengarahan 'am pelajaran tinggi dan pentadbiran Akta ini. Bagi maksud ini, sekshen 4 memberi kuasa kapada Menteri Pelajaran untok melantek mana2 orang atau badan bagi menyiasat kegiatan2 atau pentadbiran mana2 yayasan pelajaran tinggi dan melaporkan kapada-nya keputusan2 penyiasatan itu. Peruntokan2 ini ada-lah perlu jika Menteri Pelajaran hendak menentukan dengan berkesan pengarahan 'am pelajaran tinggi di-negara ini.

8. Sekshen 8 Akta ini ada-lah bertujuan menjaga Perlembagaan Universiti2 yang ada sekarang dan yang akan di-tubohkan pada masa2 hadapan daripada penyelewengan2 besar dan dengan itu mempastikan darjah persamaan yang tinggi. Walau bagaimana pun, sekshen 26, ia-itu suatu peruntokan yang baharu, membolehkan Yang Di-Pertuan Agong mengechualikan, mengubah dan menambah kapada Perlembagaan untok memberi sadikit kelonggaran jika di-fikirkan perlu.

9. Sekshen 23 Akta ini menjadikan-nya bersalahan bagi sa-siapa jua menuboh, membentok atau memaju atau membuat apa2 atau menjalankan apa2 kegiatan bagi maksud menuboh atau membentok atau memajukan penubohan atau pembentokan sa-suatu Universiti atau Kolej Universiti melainkan mengikut peruntokan Akta ini. Akta tersebut, ia-itu mengikut sekshen 24(2), menetapkan bahawa tiada sa-suatu yayasan pelajaran tinggi atau sa-siapa jua boleh mengeluarkan atau memberi kapada sa-siapa apa2 ijazah atau diploma yang berupa sa-bagai ijazah atau diploma yang di-keluarkan atau di-beri oleh sa-suatu Universiti atau Kolej Universiti melainkan pengeluaran atau pemberian itu mengikuti peruntokan2 Akta ini.

..3/-

(Guild of Graduates)

10. Sekshen 22 Jadual menyentoh ~~dengan~~ perkara Persatuan Siswazah dan dengan sekshen kechil (3) Persatuan tersebut telah dengan nyata-nya di-keluarkan daripada menjadi sa-buah badan Pehak-Berkuasa Universiti. Peruntokan itu ada-lah berlainan dari Akta Universiti Malaya, 1961 yang membuat peruntokan bahawa Persatuan Siswazah hendak-lah menjadi sa-buah badan Pehak-berkuasa Universiti itu. Persatuan Siswazah amat patut di-keluarkan daripada menjadi sa-buah badan Pehak-berkuasa Universiti kerana dua sebab:-

(i) untok membolehkan siswazah2 sendiri mentadbirkan badan itu dengan sukarela, kerana ada sungutan berkenaan Persatuan Siswazah Universiti Malaya bahawa, oleh sebab Naib-Chanselar menjadi Pengerusi-nya dan Pendaftar Universiti menjadi Setiausaha-nya maka, nampak-nya sa-olah2 badan tersebut di-tadbirkan oleh Universiti itu bukan oleh siswazah2 dengan sukarela; dan

(ii) Persatuan tersebut patut mempunyai tujuan2 dasar yang berazam untok menolong Universiti itu dengan saberapa daya yang boleh dan Kerajaan yakin bahawa ahli2-nya tidak akan memohon pertolongan yang tidak mustahak daripada Pehak Pentadbiran Universiti itu. Persatuan itu tidak patut melakukan sa-suatu yang menjadi bebanan terhadap kewangan Universiti. Sa-balek-nya ia patut menumpukan tenaga-nya untok menambahkan tabong kewangan Universiti supaya mengurangkan tanggongan-nya di-atas kumpulan wang orang ramai.

11. Sekshen 15(1) dan 22 Akta ini dan sekshen 50 kapada Jadual-nya ~~menengah~~ menegah dengan mutlak-nya pelajar2 yayasan pelajaran tinggi sebagai satu kumpulan atau badan daripada bergabong dengan mana2 parti politik atau kesatuan sekerja atau lain2 pertubohan yang di-daftar atau di-perbadankan di-bawah mana2 undang2 bertulis berhubong dengan pendaftaran pertubohan2 atau kesatuan2 sekerja. Suka-lah saya menjelaskan peruntokan yang mustahak ini supaya jangan di-salah ertikan oleh mana2 pehak. Peruntokan ini tidak menegah sa-suatu badan pelajar daripada bergabong dengan sa-suatu badan pelajar lain yang di-tubohkan di-bawah perlembagaan sa-suatu Universiti atau Kolej Universiti lain atau di-bawah Akta Pelajaran, 1961. Tetapi peruntokan ini menegah pergabongan dengan sa-suatu badan pelajar yang di-daftar dan di-perbadankan di-bawah undang2 berhubong dengan pendaftaran pertubohan2.

proviso

Walau bagaimana pun, sharat kapada sekshen 50Jadual, ia-itu suatu peruntokan baharu, memberi kuasa budi-bichara kapada Majlis Universiti dan Menteri Pelajaran untok membenarkan pergabongan dengan suatu badan pelajar yang lain yang di-daftarkan di-bawah mana2 undang2 berhubong dengan pendaftaran pertubohan2 dan pergabongan dengan mana2 badan pelajar antara bangsa. Mithal-nya, pada asas-nya, undang2 melarang Kesatuan Pelajar2 Universiti Malaya (UMSU) dan Persatuan Mahasiswa Islam Universiti Malaya (PMIUM) daripada di-gabongkan dengan Kesatuan Kebangsaan Pelajar2 Malaysia (NUMS) dan Persatuan Kebangsaan Pelajar2 Islam Malaysia (PKPIM). Akan tetapi, Majlis Universiti boleh membenarkan pergabongan sa-umpama itu menurut kuasa proviso (a) sekshen 50 dalam Jadual itu. Dan juga, pada asas-nya, Kesatuan Pelajar2 Universiti Malaya ada-lah di-larang daripada mempunyai apa2 gabongan dengan Majlis Belia Malaysia. Akan tetapi, pergabongan itu boleh di-lakukan menurut kuasa pengechualian daripada Yang di-Pertuan Agong di-bawah sekshen 26 dalam Rang Undang2 itu. Soal pergabongan di-antara Kesatuan Kebangsaan Pelajar2 Malaysia atau Persatuan Kebangsaan Pelajar2 Islam Malaysia dengan Majlis Belia Malaysia (MYC) tidak termasok dalam bidang Rang Undang2 itu oleh sebab Kesatuan Kebangsaan Pelajar2 Malaysia dan Persatuan Kebangsaan Pelajar2 Islam Malaysia tidak di-tubohkan di-bawah mana2 Akta Universiti tetapi di-daftarkan dan di-perbadankan di-bawah undang2 yang berkaitan dengan pendaftaran persatuan2 dan ada-lah terta'alok kapada perlembagaan masing2 yang di-daftarkan dengan Pendaftar Persatuan. Satu mithalan lagi, undang2 melarang Kesatuan Pelajar2 Universiti Malaya daripada mempunyai apa2 gabongan dengan Persatuan Pelajar Institute Teknoloji Mara yang di-daftarkan dan di-perbadankan di-bawah Akta Persatuan, 1966 tetapi Majlis Universiti boleh mem-benarkan pergabongan saperti itu. Hendak-lah di-perhatikan di-sini bahawa soal pergabongan oleh Persatuan Pelajar Institute Teknoloji MARA dengan pertubohan2 lain tidak termasok dalam bidang Rang Undang2 itu tetapi di-kuasai oleh perlembagaan-nya yang di-daftarkan dengan Pendaftar Persatuan. Akhir sekali, kesatuan Pelajar Universiti Malaya dan Persatuan Mahasiswa Islam Universiti Malaya ada-lah di-larang daripada mempunyai apa2 gabongan, mithal-nya, dengan Kesatuan Pelajar2 Antarabangsa (ISU) atau Persatuan Pelajar2 Asia (ASA) kechauli dengan persetujuan Menteri Pelajaran di-bawah sekshen 50(b) Jadual itu.

12. Sa-lanjut-nya, sekshen 15(1) dan 22 Akta ini menegah pelajar2 sa-bagai badan atau kumpulan daripada melakukan sa-suatu yang boleh di-tafsirkan sa-bagai menyatakan sokongan, simpati atau bangkangan terhadap mana2 parti politik atau kesatuan sekerja yang di-tuboh atau di-daftarkan di-bawah undang2 berhubong dengan pendaftaran pertubohan atau kesatuan2 sekerja atau terhadap mana2 kumpulan atau badan orang2 persaorangan yang menyalahi undang2.

..5/-

Larangan itu meliputi kegiatan2 badan pelajar di-mana2 tempat di-dalam atau di-luar Kampus. Dengan perbahasa'an "terhadap mana2 kumpulan atau badan orang2 persaorangan yang menyalahi undang2", badan pelajar ada-lah di-larang daripada melakukan sa-suatu yang boleh di-tafsirkan sa-bagai menyatakan sokongan, simpati kapada perkara saperti perjuangan Hamid Tuah. Perkataan "sa-suatu" meliputi bidang yang luas dari segi kegiatan atau perbuatan. Soal apa-kah suatu perbuatan yang boleh di-tafsirkan sa-bagai menyatakan sokongan, simpati atau bangkangan terhadap mana2 parti politik atau kesatuan sekerja akan sentiasa menjadi suatu soal nyataan dan hanya mahkamah sahaja yang boleh menentukan sama ada atau tidak sa-suatu perbuatan itu boleh di-tafsirkan sa-bagai menyalahi sekshen 15(1) dan boleh di-hukum mengikut sekshen 15(3) Akta tersebut. Walau bagaimana pun, saya ingin menyatakan di-sini bahawa tidak sekali2 menjadi tujuan Kerajaan dengan Akta ini hendak mengenakan sekatan2 ka-atas Universiti2 dalam menjalankan kegiatan2 akademik-nya saperti menjalankan penyelidekan, kajian dan analisa objektif mengenai perkara2 itu. Dalam amalan, tidak-lah dapat hendak menentukan sekatan di-antara kebebasan akademik dengan kemasokan badan pelajar ka-dalam gelenggang politik. Akan tetapi, badan pelajar tidak perlu bimbang oleh kerana undang2 ini tidak akan di-laksanakan dengan sewenang-wenang-nya tanpa pertimbangan.

13. Undang2 tidak-leh menegah pelajar2 atas sifat persaorangan-nya daripada mengambil bahagian yang giat dalam kegiatan2 politik atau kesatuan sekerja, atau pertubohan lain yang di-daftarkan dan di-perbadankan di-bawah undang2 yang berkaitan dengan pendaftaran persatuan2, tetapi sekshen 15(2) melarang mereka daripada menjadi pemegang2 jawatan dalam sa-sabuah parti politik atau kesatuan sekerja. Sebab-nya ia-lah babawa sebagai sa-orang pemegang jawatan, pelajar itu akan berhak menyuarakan pendapat parti atau persatuan itu yang kadang kala ada-lah bertelingkah, khusus-nya, dengan kepentingan-nya dalam badan pelajar itu dan pada 'am-nya, dengan tujuan2 dasar Universiti itu sa-bagai suatu yayasan pelajaran. Peruntokan2 sekshen 15(1) Akta dan sekshen 50 Jadual-nya ada-lah perlu oleh kerana sa-suatu Majlis Perwakilan Pelajar atau badan pelajar yang di-tubohkan di-bawah sekshen 48 dan 49 tidak di-kehendaki di-daftarkan di-bawah Akta Pertubohan No. 13 tahun 1966. Tetapi, Perlembagaan Majlis Perwakilan Pelajar dan badan pelajar itu akan di-luluskan oleh Majlis Universiti dan akan hanya berkuat-kuasa sa-telah di-luluskan. Jika pelajar2 memileh untok mengambil bahagian ~~alam~~ dalam kegiatan2 parti politik atau kesatuan sekerja atas sifat persaorangan-nya, maka mereka akan tertaklok kapada undang2 negeri ini yang boleh di-pakai terhadap ahli2 politik dan ahli2 kesatuan sekerja yang lain. Bagitu juga, jika mereka mengambil bahagian atas sifat persaorangan mereka dalam kegiatan2 sa-sabuah persatuan yang lain

14. Sekshen 48 Jadual mengadakan peruntokan bagi menubohkan Majlis Perwakilan Pelajar yang terdiri daripada semua pelajar2 Universiti dan sekshen 49 mengadakan peruntokan2 bagi menubohkan badan2 pelajar yang lain bagi kepentingan2 khas. Perlu di-nyatakan di-sini bahawa Majlis yang di-tubohkan di-bawah sekshen 48 mesti-lah di-beri nama sa-bagai Students' Representative Council (SRC) atau Majlis Perwakilan Pelajar (MPP). Akan tetapi, dengan perentah Yang di-Pertuan Agong di-bawah sekshen 26 Akta itu, majlis tersebut boleh-lah di-panggil dengan nama2 lain yang sesuai. Perlembagaan MPP itu hendak-lah mengandongi segala perkara yang di-nyatakan dalam sekshen 48(4) hingga (12) Jadual. MPP ~~patut~~ hendak-lah mempunyai sa-orang Yang di-Pertua, Naib Yang di-Pertua, Setiausaha dan Bendahari, yang akan menjadi pemegang jawatan Majlis itu sa-bagaimana dalam sekshen 48(4). Sekshen 16 Akta dan sekshen 51 Jadual-nya memperuntokkan bahawa kuasa kawalan bagi MPP terletak pada Majlis Universiti. Ada-lah perlu bahawa tujuan2 dan tugas2 MPP itu di-beri dengan nyata sa-bagaimana dalam sekshen 48(8). Sa-chara ringkas pendapat Kerajaan ia-lah bahawa sa-suatu Universiti itu ada-lah suatu yayasan pelajaran dan keistimewaan2 yang di-nikmati oleh pelajar2, berbanding dengan Masharakat biasa yang lain, hendak-lah berkait dengan tujuan2 utama sa-suatu Universiti. Ini menunjokkan dengan jelas bahawa sa-bagaimana yang di-peruntokkan dalam sekshen 48(10) MPP atau mana2 pemegang jawatan-nya tidak boleh dengan sa-chara lansong atau tidak lansong menggunakan wang MPP untok memajukan tujuan2 sa-suatu parti politik atau kesatuan sekerja bagi memajukan tujuan2 mana2 pertubohan yang tidak bergabong dengan-nya. Untok menjaga wang itu, sekshen 48(11) menghendaki bahawa akaun2-nya hendak-lah di-odit oleh orang2 bebas yang di-lantek oleh Majlis Universiti dengan di-bayar oleh MPP.

In English

15. Tuan Yang di-Pertua, sa-bagai penutup, saya telah dahulu-nya menyatakan perkara ini dan saya ingin menyatakan-nya sa-kali lagi. Universiti2 di-mana sahaja di-dunia ini tidak akan wujud di-dalam kekosongan. Universiti2 kita khusus-nya tidak-lah demikian hal-nya. Saya memang bersetuju dengan konsep kebebasan akademik. Tetapi ada-lah perlu bagi kita mengetahui sepanjang masa bahawa saperti lain2 kebabasan soal ini tidak-lah mutlak. Ia-nya terta'alok kapada penentuan2 yang di-kenakan oleh negara, kewangan dan juga lain2 pertimbangan yang praktikal. Untok mengekalkan mutu akademik-nya dan menentukan keharuman di-bidang akademik perengkat antarabangsa, sa-sabuah universiti itu akan berkehendakkan bantuan kewangan Kerajaan yang begitu banyak dan di-dalam proses ini ia mesti-lah sepanjang masa memikirkan kehendak2 negara, dan juga keperluan2 saperti yang di-maksudkan oleh Kerajaan. Dalam hubongan ini sangat-lah mustahak bahawa universiti2 yang tidak bergantong kapada bantuan kewangan Kerajaan mesti juga memikirkan dan sa-bahagian daripada-nya memenohi kehendak2 pehak Swasta.

Tuan Yang di-Pertua,
Saya mohon menchadangkan.

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