

'Decision a green light for involvement in politics'

Malaysiakini.com

October 31 ,2011

Lawyer Ashok Kandiah, who is representing the four students in the UKM4 case, said the majority decision in the Court of Appeal means that students in universities and university colleges can express their views on politics and have the right to freely express themselves.

“They can express sympathy or opposition to the political parties. That would be the net effect of today’s decision. It is a landmark decision as it is not every day that the court decides on a constitutional matter,” he said.

“The decision today has no effect on the four UKM students as they were found not guilty by the board. However, the net effect or the pleasure of the decision today is to the present and future students in the universities that they can get involved in politics (without any worry of action being taken against them by the universities),” he said.

In today’s decision, Court of Appeal judges Justice Mohd Hishamudin Mohd Yunus and Justice Linton Albert ruled that section 15 (5) of the University and University Colleges Act to be unconstitutional.

Ashok (right in photo) pointed out that the decision today is still pending UKM’s appeal over today’s decision as indicated by senior lawyer Muhammad Shafee Abdullah, where the appeal will be heard in the Federal Court.

However, leave would have to be gained at the Federal Court before the full appeal could be heard.

Normally, Ashok said the court would grant leave on constitutional matters.

For the record, although Ashok appeared for the four former students today, the submission in this appeal was handled by Malik Imtiaz Sarwar.

The four affected students who had graduated last month with their degrees in political science were Mohd Hilman Idham, Ismail Aminuddin, Azlin Shafina Mohamad Adza and Wong King Chai.

They were arrested by police during the Hulu Selangor by-election campaign for allegedly taking part in political events, an activity barred by the UUCA.

Moral victory for university students

Hilman, in commenting on today’s decision, said this is a huge victory for university students who had over the years opposed UUCA.

“The majority decision gives a clear indication to students to justify their actions to be involved in politics and also being given the right to freedom of expression. University students have long been wanting such a decision on such a declaration against UUCA.

“However, we will have to wait further upon the appeal by UKM over today’s decision,” he said.

Asked whether he had expected such a decision, Hilman (right) said he and his friend Wong had found the majority decision in their favour as surprising owing to the harsh realities of the courts.

“We welcome today’s decision and this is a historic day for university students. From what we heard as to the majority judgment that university students as tomorrow’s leaders should have been given the avenues

to express our feelings.

“University students should be able to make their own decisions and choices as we do not want tomorrow’s leaders to be indecisive in arriving at a right decision. Hence, the universities are a good training ground for us to express our views before the students could make further decisions on the country and the community,” Hilman explained.

Bar: Decision restores constitutionalism spirit

In a related development, Malaysian Bar president Lim Chee Wee applauded the recent majority decision of the Court of Appeal today in ruling Section 15(5) of UUCA as unconstitutional and violates the freedom of expression.

“The grounds of the majority judgments of Justice Mohd Hishamudin and Justice Linton are clear, and this has restored the spirit of constitutionalism in Malaysia by interpreting the federal constitution as the framers intended it to be.

“It has been some time now that our appellate courts have struck down draconian laws on the grounds of it being unconstitutional. The Bar looks forward to future decisions of the appellate courts which would continue with upholding the true meaning of our federal constitution,” said Lim.

The Bar, Lim said, has been voicing its objection to this provision in Section 15 of the UUCA which negates the freedoms of expression, assembly and association.

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