

UUCA: Appeal flies in the face of Najib's 'reforms'

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Regardless of how attorney-general decides over the Court of Appeal ruling on Section 15 (5) (a) of the Universities and University Colleges Act (UUCA) 1971, the cabinet's passing the buck on the matter flies in the face of the prime minister's 'political transformation programme'.

ukec forum 300711 tony pua in yellow shirtIt also negates the calls by several BN leaders for the government not to appeal the appellate court's judgement and to abide by and accept the court's decision.

Saying this today, DAP's national publicity secretary and Petaling Jaya Utara MP Tony Pua (right) said Prime Minister Najib Abdul Razak's announcement that draconian acts such as the Internal Security Act (ISA) and the Printing Press and Publications Act (PPPA) would be repealed had led many to expect the "shackles of academic freedom at our institutions of higher learning" to finally be removed.

However, said Pua, the BN government has instead chosen to "burst the high hopes of the people" and to abdicate its responsibility to the attorney general on the pretext of needing further study of the "points of law".

"The excuse could not be more lame as regardless of the court decision, the cabinet could have taken (the) opportunity to announce a proposed amendment of the UUCA, particularly the controversial Section 15," he said in a statement.

NONEHigher Education Minister Khaled Nordin (left) had yesterday said the decision whether to appeal the Appeal's Court ruling that the Section 15 of UUCA unconstitutional would be referred to the Attorney-General's Chambers.

Pua, however, noted that Deputy Higher Education Minister Saifuddin Abdullah, Deputy Education Minister Wee Ka Siong and Umno Youth chief Khairy Jamaluddin shown their support for the Court of Appeal's position that the relevant section of the UUCA is unconstitutional.

In early October, attorney-general Abdul Gani Patail had himself said the UUCA was among a slew of contentious laws that are to be reviewed by his department from April as part of the government's law reform roadmap.

The cabinet should have taken the bold decision not only to amend Section 15. (5) (a) , but the entire Section 15 of the Act which severely restricts the freedom of academics and students, said Pua.

He noted that Section 15. (1) states that university students - whether these are diploma students having just become of voting age or were of mature PhD students - cannot be members of any organisation - political or otherwise - as determined by the higher education minister. Section 15. (2) states the same thing for university student bodies.

Section 15. (6) (a) states that students and academics will only have the 'freedom' to make statements on their areas of study and research, but 15. (6) (b) prohibits their participation in any seminar, symposium or event organised by any political party, even if it is within their area of expertise.

Pua said the above sections of the UUCA "are obviously unreasonable and unconstitutional" given provisions for equality before the law and freedom of speech, expression and of association.

"We call upon the cabinet not to make the same mistake twice, at the expense of not only the prime minister's "political transformation programme", but also the reputation and credibility of our institutions of higher learning.

"Without academic freedom, our universities will never be able to achieve our goals of becoming "world-class" institutions.

"Regardless of the final decision by the attorney-general, Najib Razak must retake the initiative and commence the process of removing all unconstitutional and unreasonable elements from the UUCA."

On Monday, the Court of Appeal in a 2-1 landmark decision declared Section 15 (5) (a) of the UUCA, which bars university students from being involved in politics, unconstitutional and as such, null and void.