

Najib has not lived up to Malaysia Day pledge
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COMMENT The Peaceful Assembly Bill was tabled in Parliament for its first reading on Nov 22, 2011, which we believe was the same day that members of parliament first received copies of the Bill.

It must be noted that advance notice was not given, save for speculation in the media that the Bill would be tabled on Nov 24.

In addition, the second reading of the Bill began in Parliament today, merely two days after the first reading.

There appears to be unseemly haste in introducing this far-reaching and crucial legislation, without sufficient time for members of parliament themselves to review the Bill fully, and without adequate public consultation.

Bill controversial, objectionable

The Bill, in replacing the present legislative provision in section 27 of the Police Act 1967, introduced several controversial and objectionable provisions. For instance:

1. Prohibition of street protests (defined widely as “open air assembly which begins with a meeting at a specified place and consists of walking in a mass march or rally for the purpose of objecting to or advancing a particular cause or causes”);
2. Prohibition of organisation of assemblies by persons below the age of twenty one years;
3. Prohibition of participation in peaceful assemblies of children below the age of fifteen years;
4. Unduly onerous responsibilities and restrictions on organisers and assemblies; and
5. Excessive fines for non-compliance of the Bill.

These restrictive provisions in the Bill effectively render meaningless our constitutional guarantee, by constraining assembly to very limited circumstances. This stands in stark contrast to the words of Prime Minister Najib Razak in his speech on the eve of Malaysia Day 2011.

Words contrast actions

That speech on Sept 15 was widely applauded by the Malaysian Bar, and by Malaysians in general, in their honest belief that there would be real and genuine reforms. The prime minister had stated:

“I often opine that long gone is the era in which the government knows everything and claims monopoly over wisdom. . . .

“The government will also review section 27 of the Police Act 1967, taking into consideration article 10 of the federal constitution regarding freedom of assembly and so as to be in line with international norms on the same matter. . . . (emphasis added)

“Be confident that it is a strength and not a weakness for us to place our trust in the Malaysian people’s intelligence to make decisions that will shape the path of their own future. . . .

“It is absolutely clear that the steps I just announced are none other than early initiatives of an organised and graceful political transformation. It stands as a crucial and much needed complement to the

initiatives of economic transformation and public presentation which the government has outlined and implemented for over two years in the effort to pioneer a modern and progressive nation. . . .

“In closing, I wish to emphasise that free of any suspicion and doubt, the Malaysia that we all dream of and are in the process of creating is a Malaysia that practices [sic] a functional and inclusive democracy where public peace and prosperity is preserved in accordance with the supremacy of the Constitution, rule of law and respect for basic human rights and individual rights.”

‘Engage rakyat in Bill’

The Malaysian Bar recommends that the Bill be referred to a parliamentary select committee, which would engage in a public consultation process consistent with the prime minister’s promise of “a Malaysia that practices [sic] a functional and inclusive democracy”.

Further, the Malaysian Bar is now wary as to the form and substance of the two proposed pieces of legislation that will replace the Internal Security Act 1960, given this disappointing experience.

We urge the prime minister to hold steadfast – with courage and determination – to his laudable Malaysia Day pledges, and fulfil the rakyat’s expectations.

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