

Press law - Another pseudo-reform
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COMMENT Prime Minister Najib Abdul Razak appears to be continuing his streak of pseudo reforms with the tabling of the amendment to the obnoxious Printing Presses and Publications Act 1984 (PPPA) on Wednesday.

Though the requirement for applying a new printing or publishing licence every year is waived and the home minister is no longer immune to judicial challenge under the amended Act, many repressive provisions remain intact. These repressive provisions are sufficiently life-threatening to whip any independent-minded publication into a shape that complies with the wishes of the ruling power.

Draconian power intact

Some sections of the amended PPPA that continue to deny the country free press are:

Section 8A (1) & (2):

A person found to have "maliciously published any false news" shall be guilty of an offence punishable by a jail term of three years and/or a fine of RM20,000 maximum.

However, the onus of proving malice is not on the prosecutor, as would be the case in a legal system that upholds a person's innocence until proven guilty, of which Malaysia subscribes. Under this section, it is the accused who must prove his innocence of malice.

That this law is unjust to the accused and prone to abuse is illustrated in the outrageous punishment - an 18-month jail term - meted out to Penang Chief Minister Lim Guan Eng (then a member of parliament) in the 1990s for seeking justice for an underage Malay girl allegedly statutorily raped by former Malacca chief minister Abdul Rahim Thamby Chik.

Section 8B:

A person found guilty of publishing anything in a publication has to stop publishing for six months upon a court order applied for by the public prosecutor.

Section 8C (1):

Pending the outcome of prosecution of a publishing offence, the publication has to be suspended upon a court order applied for by the public prosecutor.

Section 8C (2):

Even when a person is acquitted of a publishing offence, his publication will have to remain suspended, if the public prosecutor appeals against the acquittal and applies for the suspension to stay pending the final disposal of the appeal.

Section 4 (1):

A person found printing anything that "contains an incitement to violence against persons or property, counsels disobedience to the law, etc" which may "breach the peace or promote ill will, etc", shall be guilty of an offence punishable by a three-year jail and/or a maximum fine of RM20,000.

This printing offence is so wide in scope and so vague in definition that even a layman can see that such a law is prone to abuse by the authorities to unjustly punish any printer who incurs the displeasure of the ruling power.

Free media a figment of the imagination

With these draconian powers remaining intact, it will be a figment of the imagination to think that Najib has honoured his pledge to restore a free media that is worthy of his claim of "best democracy".

Even with the removal of the ouster clause that insulates the home minister from legal challenge to his decisions, he still retains the awesome power to grant or revoke any printing and publishing licence as he thinks fit.

Why should he retain such arbitrary powers?

Isn't the denial of a licence an infringement of one's fundamental rights under Part Two of the federal constitution?

Why should the minister be given the arbitrary power to revoke a licence in the first place, when we have already adequate laws to punish the errant licensee?

In fact, shouldn't the entire PPPA be thrown away, if we are serious in upholding the letter and spirit of our constitution?

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