

## **PCA changes mean Najib's liberal agenda off for good**

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**By Terence Netto**

COMMENT Not since amendments to the Societies Act that were tabled in Parliament in March 1981 have proposed amendments to a law generated as much trepidation and debate as the current changes to the Prevention of Crime Act (PCA).

Even before its tabling last Wednesday, the proposed amendments which, in the main, are going to provide for preventive detention, drew a barrage from critics who feared a return to the bad old days of the Internal Security Act, perhaps the most odious of laws to have entered the statute books.

Considerable was the relief felt in most quarters at the ISA's repeal last year, though the presence of certain provisions in its replacement, Security Offences (Special Measures) Act, did not provide solid assurance that the country had completely shed the dark era of detention without trial, a measure widely abused by the powers that be to stifle the opposition.

Fear of the return of detention without trial provisions in the proposed amendments to the PCA gave added impetus to widespread criticism, stemming not only from opposition parties but also from BN component parties, MCA and Gerakan.

The PCA amendments are scheduled for debate tomorrow and though the ruling BN has the parliamentary muscle to railroad the bill, the fact that Pakatan Rakyat has been joined in its doubts over the wisdom of the proposed changes by the national human rights body, Suhakam, and by MCA and Gerakan, suggest that this is not going to be a straightforward battle between hardnosed traditionalists on the one hand and motley liberals on the other.

Misgivings aired

Even attorney-general Gani Patail had publicly aired his misgivings over the return of preventive detention as a tool to combat crime, whose alarming incidence is being touted as the reason behind the proposed amendments to the PCA.

NONEYesterday, Home Minister Zahid Hamidi (left) decried the notion that the amendments do not provide for detention without trial, arguing that the decision to detain is justiciable in the courts.

Critics contend that, like the repealed ISA, procedural matters in the detention order are subject to judicial review but the grounds of the detention itself are exempt from judicial oversight.

They have argued that that renders the amendments to the PCA very like the ISA of old: obsolete ISA wine in a recycled PCA bottle.

No doubt these penumbras would come in for searing examination in the next few days, with Zahid certain to lock horns with Pakatan's N Surendran, the PKR lawyer and MP for Padang Serai, who is likely to be the main spokesperson for the opposition to the amendments.

If passed, the amendments would mark the completion of the reversal of Prime Minister Najib Abdul Razak's raft of liberalising measures he had shaped to introduce after taking over the reins from predecessor Abdullah Ahmad Badawi in April 2009.

The Bumiputera Economic Empowerment Plan, which the PM unveiled earlier this month, has rescinded the relaxation of the equity and affirmative action provisos of the NEP that Najib had announced shortly after assuming the reins of leadership of Umno and the country.

These liberalisations were vigorously opposed by Malay right wingers like Perkasa who were encouraged in their opposition by the sniper fire that former Prime Minister Dr Mahathir Mohamed directed, now and then, at liberals within the Najib fold.

Now, if the amendments to the PCA are passed without reconsideration, Najib's political liberalisation measures, heralded in a nationally telecast Malaysia Day commemoration speech in mid-September last year, would be retracted - even if these measures, as its astringent critics contend, were only marginal ones.

The mirage of a liberal Najib would completely evanesce; correspondingly, credit would accrue to his predecessor, Abdullah, who did not backtrack on two liberalising measures he introduced after he came to power - opening of space for dissent (glasnost) and a partial restoration of the judiciary.

More progressive leader

Improbably, Abdullah would then appear to have been the more progressive leader, given that changes were imperative after the excesses of the 22-year Mahathir imperium.

NONEJust about a month before the passage of the first decade since the former Umno strongman left office in late October 2003, matters have coalesced around the question of which Umno point man is savvy enough to chip away at the excesses of the Mahathir era.

Abdullah (left) tried, not very determinedly, and though he made some headway, he eventually wavered and was baulked by Mahathir's sniping.

His replacement Najib had attempted to liberalise, not convincingly, but he did take some steps forward, only to retreat in a fashion that retrospectively renders Abdullah's prevarications preferable to his successor's craven-heartedness.

The political philosopher Edmund Burke opined that politics seldom provided a choice between the good and the better; more often than not, he said it only offered a pick between the undesirable and the intolerable.

Ten years after Mahathir last bestrode the scene, the leadership choice in Umno-BN is between the bad and the worse.

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