

**Nazri Talking Through His Hat!**

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**By P Ramakrishnan**

Nazri has given expression to the saying, “Talking through the hat!” That was what he was doing when he rather foolishly commented on the majority decision of the Court of Appeal which ruled in a landmark case that Section 15(5)(a) of the Universities and University Colleges Act was unconstitutional.

In spite of the Court of Appeal’s ruling, for the Minister of Law to insist that “it does not invalidate the Act” and to dismiss the Court’s decision as “an opinion in passing” is appalling and shocking, exposing his alarming ignorance of the judicial process.

Section 15(5)(a) has been invalidated as unconstitutional by the Court of Appeal ruling – which means that the provisions of that section are no longer applicable and cannot be enforced. That section, as a result of the Court’s decision, is void and invalid.

It is a binding decision and cannot be dismissed merely as “an opinion of the Court” without any consequence. Until and unless the Federal Court overturns or sets aside this ruling – thus upholding the High Court decision – no power on earth professing the democratic tradition can ignore this decision. It is as simple as that!

It is extremely disturbing that the Minister for Law has shown scant respect for the judicial process by not taking the Court decision seriously. His dismissive remarks mock our judiciary and he himself comes across as a bumbling clown.

“This is law, passed by us as lawmakers. There must be separation of powers,” he thundered. If he respects the separation of powers, then he must not poke his nose where it does not belong!

The judiciary has an inherent independent authority conferred by the Federal Constitution to “act without fear or favour (and) discharge their grave responsibility of pronouncing judgment on the validity of executive and legislative acts and on the meaning of any provision of the federal and state constitutions ...” as clearly expounded by the late Tun Mohamed Suffian.

According to Tun Suffian, Courts have the power to pronounce on the validity of legislative acts and to interpret the Constitution.

When great minds have given their considered opinion, it is futile to split hairs.

Perhaps Nazri, as he is prone to be so vocal, can help us in clarifying what is deemed as a contradiction.

Is there a contradiction in the UUCA in that it doesn’t seem to be applicable to all the university students?

Why is it that the UUCA is only applicable to students of local universities? Why are students of overseas universities exempted from this Act?

And the more pertinent question is: Why do almost all nations espousing democratic traditions refrain from subjecting their university students to such restrictions as spelt out in our UCCA?

How is it that Umno Club members comprising overseas students are permitted to attend the Umno General Assembly regularly? Aren't they also violating the provisions of this Act which state no student shall express or do anything which may reasonably be construed as expressing support or sympathy with or opposition to any political party in or outside Malaysia?

These Umno Club members openly express their support for Umno and by doing so, don't they fall foul of this Act? Or is it a case of selective application?

Now that the Court had ruled, these Umno Club members henceforth can legitimately attend Umno General Assemblies, something that was not right previously.

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