

Restrictions of Article 10 of the Federal Constitution

Written by

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In Malaysia, the right to freedom of speech and expression is guaranteed for all citizens by Article 10(1)(a) of the Federal Constitution. However, this right is not absolute in nature. Article 10(2) and (4) of the Federal Constitution allows Parliament to impose limits, if necessary, in the interest of national security, public order or morality or on issues relating to the position of the National Language, the special status of Malays and natives of any of the states of Sabah and Sarawak and the legitimate interest of other communities and the sovereignty of the rulers. This has led to many laws being passed that controls our freedom of expression. The following are some of these laws:

- Sedition Act, 1948.**
- Printing Presses and Publications Act, 1984.**
- Official Secrets Act, 1972**
- Universities and University Colleges Act, 1971.**
- The Defamation Act 1957**

Note: The Universal Declaration of Human Rights Article 19 on the freedom of expression

Sedition Act 1948

Under this act, any act, speech, words, publication or any other thing will be deemed seditious if it causes the following:

- Brings into hatred or contempt or to stir disaffection against any ruler or against any government or administration of justice or the Yang di-Pertuan Agong (His Majesty the king) or a Ruler of any state.
- Creates feelings of ill-will and hostility between races or classes of the population to question any matter, right, status, position, privilege, sovereignty or prerogative established or protected by the provisions relating to citizenship or the national language or special rights of the ethnic Malays and natives of Sabah and Sarawak or the powers relating to the ruling chiefs of Negeri Sembilan.

Printing Presses and Publications Act, 1984

This Act contains various restrictions on the publication of newspapers and magazines. All printing companies in Malaysia need to have a mandatory printing license which is valid for 12 months or less and which can be revoked by the Ministry at any time. For example, in 1987, newspapers comprising The Star, Sin Chew Jit Poh and Watan had their licenses revoked under the law.

Universities and University Colleges Act 1971

This Act allows students at universities to carry out their activities like inviting speakers for their seminars, participating in activities organised by NGOs and participating as members in societies, subject to prior consent by the Vice-Chancellor. Under this Act, academic staffs are banned from making any public statements that are considered political.