

Printing presses and publication act law constitutional administrative essay

[Law](#)



**ASSIGN
BUSTER**

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The Printing Ordinance of 1948 was introduced by the British and it was the first statute governing publishing and the usage of presses in Malaysia. It was introduced during emergency period to counteract the Communism activities that were active and harmful and also to enforce the annual renewal of publishing license for all newspapers and printing presses. The Ordinance was then revised and replaced by the Printing Presses and Publication Act (PPPA) in 1971. The Act was aimed to forbid the provocation of racial sensitivities which might provoke the national sensitivities that was considered prejudicial. The old Act used to contradict Article 10 of the constitution, which gives freedom to all citizens be it in the form of speech, assembly or association. Freedom of speech is the political right of an individual to express their ideas or opinions, be it bad or good. Recently, The Printing Presses and Publication (Amendment) Bill 2012 was introduced to amend the Printing Presses and Publication Act 1984. Sub-section 3(3) of Act 301 is amended to remove the minister's ' absolute discretion' in allowing or rejecting the license for printing presses. As for the Sub-section 6(1), the Act also seeks to take away the Minister's ' absolute discretion' in granting a person a permit to print or publish a newspaper in Malaysia or in granting a Singapore's newspaper owner a permit to allow their newspaper to be imported, sold, circulated or distributed in Malaysia. Both of these sections actually reduce the Minister's powers and make it not entirely up to the Minister's discretion but also to a judge. Singaporean newspaper owners can

also enjoy the newly given privilege to circulate their newspapers in Malaysia which gives readers more choices in terms of reading material. Before the amendments was made to the Act, many newspapers agencies tends to be very careful with their content as they are afraid of having their printing permit and license revoked. Thus, hours and hours of proofreading and editing are necessary to ensure the safety of their license and to keep the government happy. Freedom of information was not taken into consideration by the authorities. The Act also removes the validity period for a license or permit and allows it to stay valid for as long as it is not revoked by the Minister as stated in the amendment for Section 12 of Act 301. This amendment would save many journalists the hassle to renew their license every year. Amendment for Subsection 13A (1) of Act 301 seeks to remove the ruling out of judicial review on the decision of the Minister to grant, refuse to grant, revoke or suspend a license or permit under the Act. The suspect would have to convince one other person which is the judge if one were to be charged in court. The Minister can no longer simply revoke or suspend anyone's license without a solid reasoning. There is also an amendment for section 13B of the Act 201, where a person is given an opportunity to be heard before a decision to revoke or suspend such license or permit under Sub-section 3(3), 6(2), or 13(1) as the case may be(Malaysian Law, 2012). Everyone is innocent before proven guilty, so this opportunity given would ensure the fairness of each and every case heard in court. It results to the level of freedom of speech journalists have to be slightly increased. Overall, most of the journalists are happy with the improvement but do not think that the amendments made are enough to

move towards press freedom in a long run. Zainon Ahmad, a senior journalist thinks that the press are not yet entirely reliable in terms of inspecting problems or rumours that comes up to the surface due to the restrictions and feelings of fear caused by the Act itself. Basically, what Zainon is trying to say is that most newspaper agencies are bias with their articles only favouring the government instead of telling the public the news as they are(Habib 2012). Another dissatisfied individual against the latest changes made to the PPPA by the government is the General Secretary of the National Union of Journalists (NUJ), V. Anbalagan. This is because the parties that are directly or indirectly affected by the Act were not given a chance to have their fair share of inputs of opinions before officially amending it. Also, journalists nowadays are inclined to cover controversial issues only to attract more readers which do not require much research on their part and for all you know might be fabricated. Here is where online journalists plays a big role, the significance between the online and mainstream media journalists is that a license or printing permit are not needed for them to go ahead and write about an issue just as long as it does not offend anyone or encourage political mayhem. The news online are usually posted by the Opposition. Readers who think they are not getting enough information can go on the Internet and find out more than what the mainstream media is providing them. Mr. Anbalagan feels that it is better for the agencies who are involved to be charged in court instead of just having the Home Minister to decide whether or not their license should be kept so he is glad with the new changes that allow the decision made by the Minister to be challenged in court. A famous online newspaper Malaysiakini even tried to request for a

permit but was declined twice. With more news outlet both offline and online, readers can have more choices and decide for themselves which side they would like to believe. With the advancement of technology and the rise of the new media, Datuk Seri Wong Chun Wai, the chief editor of the Star paper still wonders why a printing permit is necessary. The fact that the amendment Bills were approved in a hurry and was not thoroughly debated among Ministers is worrying. Teresa Kok, a Member of Parliament suspects the reason behind the government not taking more time to debate the Bills is because of the upcoming general election. The NUJ insisted that opinions from the public about the amendments is crucial(The Star Online, 2012), considering the fact that the last amendment was made 28 years ago. Although journalists with revoked or suspended license can go to court to appeal, the process of the trial might take a long time. Time that may be used to publish newspapers could be wasted in court. Furthermore, the independence of the judge is not guaranteed. One can never be too sure that a judge is free from corruption, or influence from the other party. Even after winning the case, the public would have had lost its trust in that particular newspaper seeing how it was involved in a scandal before. The Malaysian Prime Minister, Najib Razak, acknowledges the role of the media to check and balance in the government's management(Razak 2012). The law enacted for the digital media and print media should be equally as strict or equally as lenient to make it fair for both sides. Both the National Union of Journalist (NUJ) and the Centre for Independent Journalism (CIJ) was not happy with the amendments made to the Act, and is suggesting to a completely repealing of the law(Maria, 2012). Their defence was that it does

not make a difference since the Minister still has the right to take away the print media's license. This way, the principle of fair reporting that ought to be adopted by journalists would be held back as the government could still threaten the license-holders to publish news to their benefit. Besides that, the majority of newspaper agencies in Malaysia belong to political parties. A printing permit is getting more and more redundant with everyone moving towards to the Internet world for their source of entertainment, news, communication and many more. As for the danger of newspapers circulating fabricated news, the suspected parties being charged in court would be sufficient without having the Minister looking into it. In conclusion, media publications are still considered to be in shackles despite the new changes to the PPP Act. First of all, no one person should have such absolute control in the first place. The requirement to apply for a license before any form of publication can be produce clearly shows that the government still has a strong grip on the media. Newspaper are still susceptible to receiving summons from the Ministry if they found any form of content that "disappoints" them, and this can be utilized as a political tool as political parties should not use newspapers to antagonize their voter-base. The amendments also do not address that some newspaper companies are controlled by political organizations. Thus, barriers that impede a journalists or an editor's ability to publish accurate and truthful stories still exist. The PPP Act should be wholly abolished to ensure true freedom of press and accurate and reliable stories to be conveyed to the Malaysian society. The ministry does not actually need to have a direct hand in ensuring the

genuineness of news published by newspaper companies as there are enough laws to prevent that from happening.(1528 words)