

**RELEVANCY OF SECTION 15 AKTA UNIVERSITI DAN KOLEJ  
UNIVERSITI (AUKU): A CRITICAL ANALYSIS  
(PRIOR 2012 AMENDMENT)**

By

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The students/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others.

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## **ABSTRACT**

The dissertation primarily deals with the issue of inconsistencies of the established law, Akta Universiti Kolej Universiti 1971 (AUKU) with the principle of free speech and expression, as embedded in Article 10 of the Federal Constitution of Malaysia. Thorough discussion on the violation of Constitution by Section 15(5) (a) of AUKU, as well as other factors which give rise to the inconsistencies between the principle of free speech and expression and its application to the restriction imposed to the university students. The backgrounds of AUKU from 1971 until the inclusion of Section 15(5) (a) in 1974 are included in this project paper. Furthermore, the effects of Section 15(5) (a) towards the students as well as university administration and the unconstitutionality of Section 15 were also been discussed in this project paper. Moreover, a review on other countries like United Kingdom and United States were included to show that rights to free speech and expression for their students are guaranteed by the constitution and their statutory provisions. Decided cases, statistics and interviews conducted are enclosed to support our findings. The dissertation has specifically addressed the issue of restriction on students to express, support or sympathy to any political party with the objective to handle this matter effectively. Therefore the current position of law that violates the freedom of speech and expression granted by Constitution is analyzed. The dissertation calls for a greater urgency to reform AUKU especially Section 15(5) (a) which is unconstitutional and to uphold the rights of students to free speech and expression. The researchers urge the ancient thinking of the government that students cannot express their view on any political matters to be wiped away, and be replaced by more civilized and democratic modern way of thinking in which everyone including students must have rights to freedom of speech and expression.

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# CHAPTER 1:

## INTRODUCTION

### 1.0 Introduction

Student movements in politics have had a long history as catalysts for new reformation. With the beginning of counter-cultural radicalism and the Cold War reaching its apex in the 1960's and 70's, the social environment was unstable with new ideas clashing with traditional conservatism.

Malaysia did not escape this expedition in ideas. Student groups such as Angkatan Belia Islam Malaysia (ABIM), University of Malaya Students Union (UMSU), Gerakan Pelajar Melayu Semenanjung (GPMS) and various leftist youth bodies amongst the educated were as much a part of the campuses as classes. It was not until May 13th 1969 did the youth movement become a significant force, replacing the powerless opposition, due to the suspension of Parliament following the declaration of an Emergency.<sup>1</sup>

The primarily essential student movements reached its peak in 1974 with the Baling incident. With that, the formerly compassionate AUKU of 1971 was amended in 1974, pulling student movements by their roots, chiefly the campus-based organizations were targeted. What had happened were simply the consequences of the superficial socialist extremism that was widespread at that time.

The amendment of Section 15 of AUKU stated that no students in university shall be a member of, or associate with, or have any affiliation with any political party, trade union or organizations. Besides that, students also cannot express anything which may be construed as showing support, sympathy or opposition to any political party or trade union or any unlawful organizations or persons except provided under the constitution or approved by Vice Chancellor of the University. We agree on what

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<sup>1</sup> Wan Fadzrul Wan Bahrum, "Universities and Universities Colleges Act: Shifting Implication" available at [http://en.cpiasia.net/index.php?option=com\\_content&view=article&id=1019:universities-and-university-colleges-act-shifting-implications&catid=200:wan-fadzrul-wan-bahrum&Itemid=152](http://en.cpiasia.net/index.php?option=com_content&view=article&id=1019:universities-and-university-colleges-act-shifting-implications&catid=200:wan-fadzrul-wan-bahrum&Itemid=152), accessed on 15 November 2011.