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Media Watchdog In Malaysia

By

Zainoor Sulaiman
MEDIA WATCHDOG IN MALAYSIA

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1. MALAYSIA - Brief History

1.1 Malaysia's strategic position as one of the world's major crossroads was a major factor that determined the course of its history and its people. Its position has served to make Malaysia a land bridge linking mainland Southeast Asia to the north, with the islands of Indonesia to the south and ultimately to the islands of the Pacific beyond.

1.2 The bounty of nature accounts for the fact that Malaysia was one of the earliest homes of Man. Stone implements found at Lenggong, Perak and the remarkable finds in the Niah Cave of Sarawak provide evidence for this.

1.3 The earliest of the present-day inhabitant of Malaysia are the aborigines (orang Asli) of the Peninsula and people such as the Penans of Sarawak and the Rungus of Sabah in its North Bornean states, many of whom still pursue a largely nomadic way of life, scarcely touched by the modern life. Their presence in the country probably dates back over 5000 years. These early settlers were probably the pioneers of the general movement of peoples southwards from China and Tibet through Mainland Southeast Asia and the Malay Peninsula to the Indonesian Archipelago and beyond.

1.4 The first Malay settlers (the proto-Malays) had probably established themselves here by 1000 BC, to be followed by
other waves of immigrants (the Deutero-Malays) over the next few centuries, who came equipped with more advanced farming techniques and a new knowledge of metals. The Malay peoples also spread out into the islands of the archipelago, settling down into small self-contained communities which gave rise to the complex and variegated ethnic pattern of Malaysia and Indonesia today. Together with the Orang Asli (aborigines), the Malays make up the indigenous people of Malaysia today.

1.5 A new phase in the historical development of the inhabitants of Malaysia began around the first century BC with the establishment of regular trading contacts with the world beyond Southeast Asia, specifically China and the subcontinent of India. Although Chinese contacts started as early as, if not predating those of India, it was the Hindu and the Buddhist elements of the Indian culture which made the major impact on the region.

1.6 The Hindu-Buddhist period of Malaysian history started to come to an end with the coming of Islam, brought primarily by Indian and Arab traders in the early 13th century. After 1400 Islam became a major influence with the conversion of the Malay-Hindu rulers of Melaka from where it spread to other parts of the Peninsula and its surrounding regions.
1.7 Once established as the religion of the Malays, Islam profoundly affected Malay society and the Malay way of life. The Malay kingdom of Melaka which dominated both sides of the Straits of Melaka for a hundred years marks the classical age of Malay culture. Most of the Malay states of the Peninsula today can trace their genesis back to the Melaka sultanate. In Kalimantan (Borneo), after the collapse of Melaka, the Sultanate of Brunei rose to become the principal agent for the propagation of Islam in that area. The inhabitants of modern Sabah and Sarawak lived an autonomous existence although the ancient Kingdom of Brunei exercised a general sway of them until the end of the century.

1.8 The coming of the Europeans marked the beginning of the end of both the Melaka and Brunei empires. Melaka fell to the Portuguese assault in 1511 and the power of Brunei empire was crippled by the establishment of the Spaniards in the Philippines and by the rise of Dutch power in Java. Peninsular Johor tried to take the place of Melaka but was restricted not only by the Europeans, but also by the activities of local rivals such as the Achinese, Minangkabau and the Bugis. As a result the present day states of the Peninsular gradually emerged as sovereign units in their own right.
1.9 Despite their technological superiority, European power in the region remained restricted until the intrusion of the British who brought with them resources and organisation of the Industrial Revolution in the 18th century. From their new bases of Pulau Pinang (Penang) in 1786, Singapore (1819) and Melaka (1824) - which became known collectively as the Straits Settlement - the Malay world was arbitrarily divided into British and Dutch sphere of influence by the Anglo-Dutch Treaty of 1824.

1.10 The Japanese invasion of Malaya and British Borneo in late 1941 shattered Western colonial supremacy and unleashed the forces of incipient nationalism. Although the British were able to resume their authority in the region after the collapse of Imperial Japan in 1945, they faced an entirely new political situation which forced them to adopt new policies. As a result the Straits Settlements were dissolved. Pulau Pinang and Melaka were joined with the Malay States of the Peninsula to form a new Malayan Union.

1.11 Singapore became a separate crown colony and so did both Sarawak and British North Borneo in place of the former Brooke and Chartered Company regimes. Labuan was joined to British North Borneo. Brunei remained a British protectorate. These new arrangement met with strong opposition. In the Malay Peninsula, the Malayan Union scheme had to be abandoned due to strong opposition from the Malays and in 1948. The Federation of Malaya was
established in its place after protracted negotiations with the Malay Rulers, the United Malays National Organisation (UMNO) and other parties concerned.

1.12 By the agreement of 1948 the British had committed themselves to preparing the way for the Federation's independence. Under the pressure of the Communist rebellion and the development of a strong Malay nationalist movement, the British introduced elections starting at local level in 1951. The problem of obtaining political cooperation among the main ethnic groups in the country to fight for independence was resolved successfully with the establishment of an alliance between UMNO, the Malayan Chinese Association (MCA), the two principal communal parties, which was subsequently joined by the Malayan Indian Congress (MIC). When the first federal elections were held in 1955, the UMNO-MCA-MIC Alliance, headed by Tunku Abdul Rahman, won an overwhelming victory (51 out of the 51 seats contested) and the Tunku was appointed the Federation's first Chief Minister. The Alliance was successful in pressuring the British to relinquish their sovereignty in August 1957. In the meantime, slower constitutional progress had been taking place under the British rule colonial rule in Singapore, Sabah and Sarawak. In 1959 Singapore achieved full internal self-government and was led by the People's Action Party (PAP) under Lee Kuan yew. In Sarawak, local elections were introduced in 1959.
2. Constitutional background

2.1 The first move toward the formation of Malaysia came in 1961 when the idea for the formation of a wider federation comprising the Federation of Malaya, Singapore and the Borneo states (Brunei, Sabah and Sarawak) was mooted by Tunku Abdul Rahman in Singapore. The proposal received mixed reaction. It was generally well accepted in Malaya and Singapore but raised doubts in Sabah and Sarawak. It also aroused opposition from the Philippines which asserted a claim over the British North Borneo (Sabah), and from Indonesia where it was viewed as a "neo colonialist" plot by Sukarno and the powerful Indonesian communist Party (PKI). However, the proposal had the immediate effect of accelerating constitutional development in Sabah, Sarawak and Brunei. Elections were held for the first time in Brunei and Sabah in 1962. A joint Anglo-Malayan commission headed by former governor of Bank of England, Lord Cobbold, visited Sabah and Sarawak in 1962 and reported that the majority in both states favoured the formation of Malaya.

2.2 But continued opposition by the Philippines and Indonesia led to the sending of a United Nations mission to Borneo in 1963, which also reported that public opinion was in favour of joining Malaysia. Consequently, on 16 September 1963, the formation of Malaysia was formally promulgated, although without Brunei which by this time had declined to join. The Indonesia policy of "Confrontation" against Malay-
sia was finally brought to an end by an agreement signed in Bangkok in 1966, while the Philippines gave its formal recognition to Malaysia the same year. In the meantime, however (i.e. in 1965) Singapore ceased to be a member of the Malaysian Federation and became an independent state.

2.3 The Constitution of Malaysia was the product of a constitutional commission consisting of experts from Australia, India and Pakistan, and presided over by Lord Reid, a Lord of Appeal from the United Kingdom. The Reid Commission was appointed for the purpose as a result of the London agreement of 1956 between the British Government, the Conference of Rulers and representatives of the major political parties in Malaya. After lengthy discussion involving all parties and following several amendments the Reid proposals was accepted by the Federal Legislative Council and passed as the country's constitution.

2.4 Malaysia is a constitutional monarchy, its head of state being the Yang di-Pertuan Agong, one of the Malay rulers elected for a term of five years by his brother rulers, who has to act in accordance with Government advice. It has a bicameral Parliament consisting of a Senate (Dewan Negara) comprising 58 members and a House of Representatives (Dewan Rakyat). Elections to the Lower House are held every five years on the basis of universal adult suffrage, each constituency returning one member.
2.5 The Cabinet headed by the Prime Minister consists only of members of the legislature and is collectively responsible to Parliament. In the Malay states the rulers retain their preindependence position except that generally they can no longer act contrary to the advice of the state Executive Council. The non-royal states are each headed by the Yang Dipertua Negeri federally appointed for four years who also acts upon the advice of the respective state governments. Each state has a unicameral legislature, elections to which are held every five years. Due to the smallness of the country, the judiciary (except for Muslim courts and in Sabah and Sarawak the Native courts) is wholly federal and judges of the upper and federal courts are independent to a degree and may not be removed from office before the compulsory retiring age of 65, except on the recommendation of a special tribunal convened for the purpose. Although the powers of Federal judges have become increasingly circumscribed, they still retain the power to interpret the Constitution and they also have the power to declare laws invalid and executive acts unlawful (1*)

2.6 In the seven general elections which have been held since the formation of Malaysia (the most recent being in 1990), the ruling coalition parties - formerly the Alliance but expanded in 1971 to become the National Front - has easily retained its majority in Parliament. However, in 1969 for the first time and up till now the only time, the coalition lost its overall two-thirds majority. Communal tensions resulted in the May 13, 1969 incident in Kuala Lumpur, resulting in the establishment of an emergency government - the National Operations Council. Parliamentary was restored in 1971.

3. MALAYSIA: Finger tip Information

3.1 Capital: KUALA LUMPUR (Population about 2 million)

3.2 The Federation comprises 13 States, 9 under the Malay rulers (Perlis, Kedah, Perak, Selangor, Negeri Sembilan, Pahang, Terengganu and Kelantan), Melaka, and Pulau Pinang in the Peninsula, and Sabah and Sarawak in Kalimantan (Borneo)

3.3 Population:

According to current estimate about 18,000,000, comprising three main ethnic groups: Malays (more than 53 %), Chinese about 32 %, Indian 9%, others about 6%.
3.4 Religion:
Islam is primarily identified with the Malays, although there is a considerable number of Non-Malays, i.e. Muslim Indians, Chinese, Kadazan and others. Islam is the official religion. However, the Constitution also provides that every person has the right to profess and practice his own religion. The Chinese are mainly Buddhists, Confucions, Taoists or Christians and the Indians, Hindus.

3.5 Language:
The official language is Malay (Bahasa Melayu), but English is widely used. The Chinese also maintain their mother tongues and Mandarin is taught in the National-type Chinese schools. The Tamil population also main their mother tongue and Tamil is taught in national-type Tamil schools. Several local dialects (Kadazan in Sabah, Iban in Sarawak and other minority languages) are also kept alive.

3.6 Geography:
Peninsula Malaysia and the East Malaysian states of Sabah and Sarawak have a total land area of about 127,316 sq mile. It borders Thailand on the North, Indonesia on the South and the Philippines and Indonesia in the East. Most of West Malaysia is covered by tropical jungle including the central mountain range that runs North-South through the peninsula. The western coast is marshy and the eastern coast sandy. East Malaysia has a wide, swampy coastal plain, with interior jungles and mountains.
4. THE MASS MEDIA

4.1 The Press

Malaysia's Constitution says that every citizen has the right to freedom of speech, but Parliament may legislate certain restrictions in the interest of security, public order or morality.

There are several legislations which govern the press in Malaysia. The original Printing press Act 1948 required newspaper publishers to have two documents, a licence to use a printing press and a permit authorising the printing and publication of a newspaper. Both documents are renewable annually. After the May 13, 1969 racial-riot, the Act was amended to prevent publication of incidents likely to inflame communal feelings and prejudice the security of the nation, which was also the objective of the Essential (Newspaper and other Publications) Regulations 1969.

In 1971, the Sedition Act was amended to prohibit any public discussion or questioning of sensitive issues (special position of the Malays, the national language, citizenship and the position of the King and the Sultans). Another amendment to the printing Act 1948 was passed by the Parliament in January 1974 stipulating that Malaysian investments in newspaper should be more than those held by non-citizens. It also gives the Minister of Home Affairs the power to refuse, suspend or revoke the annual licence where necessary.
4.2 From 1 May 1984, the government appointed the National news Agency, BERNAMA, as the sole distributor of foreign agencies. News, including features and photographs distributed by foreign news agencies direct to subscribers was taken over by BERNAMA.

4.3 The Printing Act 1984 was again amended in June 1984 to strengthen the Government control over both foreign and local publications. It gave wider powers to the Minister to monitor infringement of the law, differing the validity period of permits to import of print publications, ending the public registry system which listed the publication permits granted in each State, increasing penalties for offences and removal of some statutory safeguards. It came into force in January 1985.

4.4 In December 1987, Parliament passed fresh amendments to the Printing Presses and Publications Act of 1984. The introduction of the amendments, incorporated into a new Printing Act aroused heated controversy. However, the government asserted that only publishers and creditors who fail to keep to the facts in their publications and reports need have anything to fear.

4.5 Three new sections have been included in the Printing Presses and Publications Bill. In addition, five sections from the Printing Presses and Publications Act 1984 have been amended in the Bill.

The new sections are:

.8A, 8B and 8C
Section 8A make the publishing of untrue reports and with bad intention, an offence. Under the new provision, the printer, publisher and editor of the publication and the writer of the report are liable to prosecution and if found guilty, can be sentenced to a jail term of not more than three years or fined a sum not exceeding RM20,000, or both. It also states that actions for offences can only be taken with the approval of the Public Prosecutor.

This section also adds that:
"Malice shall be presumed in default of evidence showing that, prior to publication, the accused took reasonable measures to verify the truth of the news.

No prosecution for an offence under this section shall be imitated without the consent in writing of the Public Prosecutor"

Section 8B and 8C are to empower the court to prohibit and suspend publications under certain conditions.

Section 8B states that:
"Where any person has been found guilty of any offence by any court in respect of anything published in any publication, it shall be lawful for the court upon the application of the Public Prosecutor to order the suppression of the publication for a period not exceeding six months of such publication."

Section C empowers the court on application by the Public Prosecutor to suspend a publication while awaiting the final
decision of an appeal with regard to an offence relating to something that was carried by the publication. It also adds: "Where an appeal has been lodged against the order of acquittal of any person charged with an offence in respect of anything published in any publication, it shall be lawful for the court which will hear the appeal, on application by the Public Prosecutor to order the suppression of the publication pending the final disposal of the appeal. Any person who contravenes an order made under this section shall be guilty of an offence and shall, on conviction be liable to imprisonment for a term not exceeding two years of to a fine not exceeding RM10,000.or both".

Sub-section 9A
Under this section, a senior authorised officer is empowered to prohibit delivery of a publication considered undesirable while awaiting the decision of the Minister. This section reads:
"Where a senior authorised officer reasonably suspects that a publication contains any article, caricature, photograph, report, notes, writing, sound, music, statement or any other thing which is likely prejudicial to public order, morality, security, the relationship with any foreign country or government, or which is likely to alarm public opinion, or which is likely to be contrary to any law or is otherwise prejudicial or is likely prejudicial to public interest or national interest, he may withhold delivery of such
publication pending the decision of the Minister to deal with it as provided for under Section 9."

Sub-sections 13A and 13B

Section 13A provides for the decision of the Minister to reject applications, revocation and suspension of a licence or permit to be final and cannot be questioned by any court. Section 13B clarifies that the opportunity to be heard will not be given to whoever with regard to his application for a licence or permit or relating to revocation or suspension of a licence or a permit which has been issued to him under the Act.

The amendments made to the 1984 Act are:

... to Section 3 where the words "or renewed" have been deleted from the sub-section (5).

The 1984 Act reads:

"A printing Press which is kept for use or used in respect of which no licence has been granted or renewed shall be ordered to be forfeited by the court notwithstanding that no person is convicted of any offence and where there is no prosecution, it shall be disposed of in accordance with Section 19".

The reason for this is to overcome confusion arising now out of the use of the phrase "or is renewed". It also ends the concept of renewability and specifies that the period of validity of a permit is the period indicated in the permit.
To Section 7 where sub-section 1 is substituted. The amendment adds another reason which can be used by the Minister to prohibit printing, sale, import, distribution or possession of a publication.

Under the present provision, the Minister can do if he is satisfied that the contents of a publication threaten public order, morality, security, public or national interests or conflicts with the law.

With the new amendment, the Minister can forbid a publication if it contains provocative matters.

The new sub-section (1) also empowers the Minister to prohibit further publications of the publisher.

To Section 9 where sub-section (1) is replaced with the following:

"Without prejudice to anything in the Act, the Minister may refuse the importation into Malaysia or withhold delivery or return to sender thereof outside Malaysia any publication which he is satisfied contains any article, caricature, photograph, report, notes, writing, sound, music, statement or any other thing which is likely to be prejudicial to public order, morality, security, the relationship with any foreign country or Government, or which is likely to alarm public opinion, or which is likely to be contrary to any law or is otherwise prejudicial or is likely to be prejudicial to public interest or national interest".

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This existing sub-section (1) empowers a senior authorised officer to refuse the importation or withhold the delivery of, or return to sender abroad, any publication containing any matter which is undesirable for the reasons stated in that sub-section.

The new sub-section (1) adds another reason, that is, that the matter is likely to alarm the public opinion. Under the new sub-section, the power to refuse importation or withhold delivery or return to sender is given to the Minister instead of a senior authorised officer.

To Section 12, where words 'or the renewal thereof' is deleted from sub-section 2.

The 1948 Act reads: "The Minister shall have the absolute discretion to refuse an application for a licence or the permit or the renewal thereof.

To Section 13, where the words without giving the person who is issued with such licence or permit an opportunity to show cause why such licence or permit should not be revoked' are deleted from sub-section (1).

The 1984 Act reads: "Without prejudice to the power of the Minister to revoke or suspend a licence or permit under any other provisions of this Act, if the Minister is satisfied that any printing Press in respect of which the licence has been issued is used for printing of any publication which is prejudicial to public order or national security or that any newspaper in respect of which a permit has been issued
contains anything which is prejudicial to public order or national security, he may revoke such licence or permit without giving the person who is issued with such licence or permit an opportunity to show cause why such licence or permit should not be revoked.

4.6 The Printing Presses and Publication Act 1984 has even been challenged in court. On August 26 this year, the Supreme Court ruled that ACT, which imposes restrictions on Freedom of the Press guaranteed under the Federal Constitution is valid and consistent with the law. Lord President (head of the Supreme Court) Tun Abdul Hamid Omar, in making the ruling said the restriction imposed under sections 8A(1) and 8A(2) of the PPPA has permitted by or under Article 10 (2) (a) of the Federal Constitution which allows Parliament to pass law to restrict freedom of the press where is deems necessary, the NEW STRAITS TIMES reported on August 27.

Questions on the validity of the sections under the PPPA in relation to the right to freedom of speech and expression guaranteed under the Federal Constitution came up for the Supreme Court's determination following a reference made by Kota Kinabalu High Court Judge Datuk Syed Ahmad Idid Syed Abdullah in March this year. The judge had held that the High Court had no jurisdiction to decide on questions involving constitutional issues.

The constitutional position of the sections in the PPA was challenged by the chief editor of the Borneo Mail, Mr Pung
Chen Choon, in the magistrate's court in Kota Kinabalu where he is charged with allowing the publication of a false article entitled "Priest Missing - Linked to Secession Plot?", on July 16, 1990 in Kota Kinabalu.

The NST also reported that at the close of the prosecution case, the defence had raised the point that Section 8A of the PPPA is ultra vires Article 10(1) (a) read together with clause (2) (a) of the same article of the Federal Constitution.

The magistrate did not give any ruling on the case but instead referred it to the Kota Kinabalu High Cour, it says. "The Lord President, who sat with a full quorum comprising the Chief Justice of Malaya Tan Sri Gunn Chit Tuan and and Supreme Court judges Tan Sri Edgar Joseph Jr, Tan Sri Eu-soffe Chin and Datuk Dzaiddin Abdullah also said that they did not wish to address on one of the questions referred to them as it was irrelevant to the matter before the court. The questions referred was whether Section 8A(2) of the PPPA, by presuming false news to be malicious, amounted to pre-censorship and, accordingly, contravened Articles 10(1) (a) and 10(2) (a) of the Federal Constitution.

"Earlier, Deputy Public Procesutor Datuk Stanley Isaacs, who appeared with DPP Wong Kian Cheong, submitted that Section 8A of the PPPA did not have the effect of restricting freedom of speech and expression (which includes freedom of the Press).

"This was because the meanings of the words in Section 8A
(1) of the PPPA clearly showed that such provision was intended by Parliament to create an offence in respect of malicious 'publication'. The creation of such an offence does not restrict freedom of the Press in any way, because freedom of the Press cannot by any stretch of imagination include or condone malicious publication of false news", the report said.

5. The Official Secrets Act

5.1 Another important restriction on the freedom of speech are the provisions of the Official Secrets Act 1972 as amended. The ambit of the Act is very wide and all offences now carry a mandatory minimum jail sentence of one year imprisonment. For the offence of spying for any purpose prejudicial to the safety or interest of Malaysia, the punishment may be life imprisonment.

5.2 The Act among other things, forbids one to retain official documents without permission or to fail to take reasonable care of information obtained as a result of one's present or previous employment under the crown by virtue of a Government contract. It is forbidden to communicate such information to anybody other than those who are authorised to receive such information. It does not matter whether such information is classified confidential and whether it has any bearing on security. Those with information in breach of the Act must reveal the same to the police. There is no exception in respect of
journalists.

5.3 The first newspaperman to be charged under the Official Secrets Act in Malaysia was Far Eastern Economic Review bureau chief James Clad. The second was a reporter from the New Straits Times. The reporter was charged with receiving a secrets official document was communicated to him in contravention of the Official Secrets Act 1972. He was also charged with possessing secret official information and communicating the said information to an authorised person through an article which was published in the NST of January 7, 1985 under the headline 'Air Force purchases four AWACS'. The reporter was convicted and fined. At the time, there was no mandatory minimum punishment of one-year imprisonment for offences under the Act.

5.3 Despite the restrictions, newspaper flourishes in Malaysia. There are some reservations, every now and then, on the government curb to press freedom but it is generally accepted by the mediamen themselves that most of the restrictions are necessary and is a small price to pay for the country's continued political stability, social progress and economic development.

5.3 There have been accusations that Malaysian newspapers always toe the government line. To these, the Prime Minister Dr Mahathir Mohamad has replied that it is not the government's fault if many newspapers support its policy. He, however, disagreed that all the country's newspapers
support the government. Many opposition newspapers and some vernacular dailies, especially the Chinese newspapers are normally critical of the government, but it is unfortunate that the critics never read them he said.

5.4 According to the latest figures released by the Information Department there are now 60 daily and weekly newspapers in the country, 39 in the Peninsular, 10 in Sabah (including 7 Chinese dailies) and 11 in Sarawak (including 7 Chinese dailies and one weekly).

5.4.1 English Dailies:

The New Straits Times
Business Times
The Sun (tabloid)
The Star (tabloid)
The Malay Mail (an afternoon tabloid)
Sabah Times (published in Kota Kinabalu, Sabah)
Daily Express (Kota Kinabalu)
Borneo Mail (tabloid - Kota Kinabalu)
The Borneo Post (published in Sibu, Sarawak)
Sarawak Tribune (published in Kuching, Sarawak)
People's Mirror (Kuching).
Leader (tabloid - Kuala Lumpur)
5.4.2 Malay Dailies:
Utusan Malaysia (Kuala Lumpur)
Utusan Melayu (in Jawi (Arabic) Script - Kuala Lumpur)
Berita Harian (Kuala Lumpur)
Harian Metro (afternoon tabloid - Kuala Lumpur)
Watan (bi-weekly, Kuala Lumpur)
Minda Massa (to be published soon)

5.4.3 Chinese dailies:
Nanyang Siang Pau (Kuala Lumpur)
China Press (Kuala Lumpur)
Sin Chew Jit Poh (Kuala Lumpur)
The New Tong Bao (Kuala Lumpur)
Shin Min Daily News (Kuala Lumpur)
Kwong Wah Yit Poh (Pulau Pinang)
Asia Times (Kota Kinabalu)
Sabah Shi Pao (Kota Kinabalu)
Sandakan Jih Pao (Sandakan, Sabah)
Merdeka Daily News (Sandakan)
International Times (Tawau, Sabah)
Morning Post (Tawau)
Chinese Daily News (Kuching)
Berita Petang (Kuching)
International Times (Kuching)
Malaysia Daily News (Sibu)
See Hua Daily News (Kuching)
World Morning Post (Kuching)
Miri Daily News (Miri)
5.4.4 Tamil Dailies:
Tamil Nesan (Kuala Lumpur)
Thina Murassu (Kuala Lumpur)
Malaysian Nanban (Kuala Lumpur)

5.5 Newspaper readership in Malaysia is among the highest in developing countries. According to a study carried out by the Information Ministry in 1992, about 5.2 million Malaysians read daily newspapers in 1991, compared with 5.04 million the previous year. This represented 56 percent of the country's adult population.

The study, as announced by the Information Minister Datuk Mohammad Rahmat, also showed that 5.7 million people or 62 percent of the adult population read weeklies in 1992 compared with 5.8 million (65 percent) in 1989. The study, which was conducted by the Ministry's Research and Development Division, also revealed that the Berita Harian had the highest readership of 1.5 million, followed by Utusan Melayu (1.4 million), Nanyang Siang Pau (721,000) New Straits Times (596,000) and Star (567,000). In the case of weekly newspapers, the Mingguan Malaysia has the highest readership of two million followed by Berita Minggu (1.9 million), Nanyang Siang Pau (721,000), New Sunday Times (606,000) and Sunday Star (550,000).
6. The Electronic Media

6.1 Malaysia has three television channels, two run by the government (RTM 1 and RTM 2) and a private station, TV3. Another commercial television station, TV4 is scheduled to go on the air early next year. The country may however, have up to 30 TV channels by 1996 as a result of the more liberalised government policies on Mass Media.

6.2 The electronic media, which for decades, have been jealously guarded and monopolised by the government are now open for private ownership. Only last week the Information Minister announced that with the review of the Broadcasting Act, the number of television channels will keep on increasing. It is envisaged that the 30 new TV channels will comprise of five ordinary channels, five for cable and 30 from satellite broadcasts.

6.3 Radio and Television Malaysia (RTM) is responsible to the Ministry of Information which coordinates all Government mass media institution – information, film, press liaison and broadcasting. Being a government body, RTM presents Government programmes and policies to the people. Besides promoting national unity it also stimulates public interest, develops civic consciousness and provides information and education.

6.4 Broadcasting, which was started in the mid-thirties by a group of enthusiastic amateurs, is not monopolised by the government. At present there is no private radio stations
in the country. But with the approval of the setting up of a privately owned highway radio which will go on air later this year, the prospect for the setting up of more private radio stations is good. The proposed highway radio going on air next year is to provide infotainment for motorists plying the North-South Expressways. It is a joint-venture between Time Engineering, the Ministry of Finance Incorporated and Bernama, the Malaysian National News Agency.

6.5 Radio Malaysia (set up on April 1, 1946 as Radio Malaya) broadcast nation-wide and also overseas. Radio Malaysia has now 18 stations, including nine regional stations fully equipped with the most modern electronic equipment in every state capitals. The rest are sub-stations situated in several areas in Sabah (Tawau and Sandakan), Sarawak (Limbang, Sibu, Miri and Sri Aman) and in the Federal Territory of Labuan.

Radio Malaysia operates six networks domestically: Radio 1 to 6 broadcasting in the National Language, English, Chinese, Tamil and several local dialects, Special channels for the City Folks (Radio 3 - Ibukota, Shah Alam) and for Foreign Tourist and Visitors are also in operation.

The overseas service of RTM, the Voice of Malaysia (Suara Malaysia) came into being on February 15, 1963. Its principal objective is to project the true image of Malaysia from its political, economic and social viewpoints to overseas listeners and also to foster and cement the existing friendly relations with close neighbours. The Voice of Malay-
also broadcasts special programmes to Malaysian living overseas so as to inform them of the latest developments that are taking place in Malaysia.

7. The National News Agency (Bernama)

7.1 Malaysia's National News Agency, BERNAMA incepted in 1968 has gone a long way from its humble start as news gatherer and distributor. Today, BERNAMA has become the country's leading Information Bank providing valuable services not only to media clients like newspapers, news agencies, radio and television stations, but also to embassies, banks and financial institutions, stockbrokers, fund managers, business and industrial firms and various organisations including institutions of higher learning through its varieties of screen-based news and realtime information packages covering Economic, Financial, Political, Sports, Features and Foreign news.

7.2 BERNAMA operates independently and is not under the direct control of the government. However, it follows strictly the guidelines and rules set up by the government. The BERNAMA Act 1967 sets down three objectives for the news agency. The first is to gather and prepare new reports of articles on any matter of public and international interest occurring within and outside Malaysia; the second is to distribute the news reports and articles to subscribers and the third is to convey, accurately and objectively and
without jeopardising public and national interests, views of all groups of people.

7.3 To ensure BERNAMA always uphold these objectives, a Supervisory Council was set up headed by a High Court Judge. The Board of Directors comprising government and mass media representatives and headed by a Chairman has responsibility over the implementation of objectives and general policies of the agency.

8. The Film Industry

8.1 The Malay film industry, which produces the only indigenous films to be made in this country, has been in existence since the end of the Second World War. However, the industry has always been hampered by having a restricted market and is still not firmly established.

8.2 Foreign films, however, have a wide market in Malaysia, even after the coming of televisions. Most feature films come from America, Europe, Hong Kong, Taiwan, India, Indonesia, Japan and several other countries. Film is an effective medium and plays important part in shaping the public thinking among the multi-racial population of Malaysia. It serves not only as an entertainment medium but also as source of knowledge, information and education.

8.3 Official films are produced by a government agency, Filem Negara Malaysia. FNM produces films of national
interest, interpreting and focusing attention on various important developments on the country. The Department also provides various services to the film industry. Three categories of films are produced by the Department, namely features, documentaries and filmlets. It produces sponsored film for government agencies and other organisations.

There is also an independent body, the Malaysian National Film Development Corporation (FINAS) whose main function is to promote the development of the national film industry.

9. MEDIA WATCHDOGS

9.1 The idea of having a National Press Council to act as a watchdog for the print media has been voiced since the early sixties, as the country progressed and issues confronting it, domestic and external, became more complex.

In 1974, the late Prime Minister Tun Abdul Razak had even suggested that the media circles come up with a proposal to set up such a body. Progress, however, was quite slow as many media people had reservations on having such a watchdog which could develop into a powerful body which would curtail the freedom of the Press.

9.2 The lesson learnt from the 13 May 1969 tragedy and other minor but nonetheless dangerous social unrest during the last two decades have made many media practitioners begin to see a need to have a clear National Information Policy to provide guidelines for the proposed Press Council.
A panel of 26 members comprising prominent journalists, mass media representatives, academicians, government officials, business figures and politicians was set up last year. Headed by prominent veteran journalist, Tan Sri Abdul Samad Ismail, the panel was assigned to draft the national information policy.

Abdul Samad, explaining the reason behind the move in his working paper entitled "National Information Policy - Preliminary Analysis, said that there is a need for a national agenda for newspapers as some vernacular dailies have failed to report communal issues in a fair and balanced manner. He observed that some newspapers only cater to ethnic issues and this should cease as it is sensitive.

Since then the panel have had many meetings and have produced a draft proposal which it hope could be submitted to the government for comment and approval this year.

The absence of a single body to serve as Media watchdog, however, does not mean that there is no watchdog at all to keep an eye on the various medium.

9.3 The Malaysian Press Institute (MPI), which was established in 1966 as a professional non-profit making body whose main objective is to maintain a high level professionalism amongst journalist and the mass media practitioners, has taken the task of coordinating the work of a working committee to draft Malaysia's first Canon of Journalism or the Code of Ethics for Malaysian Journalists.
The eight-point code of ethics, formulated by a committee with representatives from the Malay language, English, Chinese and Tamil newspapers as well as the electronics media was launched by Tan Sri Samad Ismail in Kuala Lumpur, in May 1989.

The MPI chairman Mazlan Noordin reminded that freedom of the Press is not a "luxury" but a condition under which journalists work for readers of all races, the society and the nation. He said, the media’s social function to provide information, news and entertainment can only be achieved "if we are free while realising our duty as citizens of the country.

He said, the code is also meant to protect journalists from competitors who stoop to unethical methods.

9.4 The Canons of Journalism are:

-- the primary responsibility of the Malaysian journalist is to report facts accurately and faithfully, and to respect the right of the public to truth;
-- in pursuance of this duty, he shall uphold the fundamental freedom in the honest collection of news and the right to fair comment and criticism;
-- he shall use only proper methods to obtain news, photographs/films and documents;
-- it shall be his duty to rectify any published information found to be incorrect;
-- he shall respect the confidentiality of the source
of information;
-- he shall uphold standards of morality in the performance of his duties and shall avoid plagiarism, calumny or slander, libel, sedition, unfounded accusations or acceptance of a bribe in any form;
-- he shall avoid publication of news or reports communal or extremist in nature or contrary to the moral values of multiracial Malaysia;
-- it shall be incumbent upon him to understand public and national policies pertaining to the profession.

MPI's efforts in formulating the Code of Ethics for Journalist as part of the preparation to form a National Press Council, while receiving support from newspaper editors in the country, are also seen as an important step toward protecting the rights of the journalists themselves.

9.5 The Organisation of Newspaper Editors (ONE), a loose association form by editors in the country, also wants MPI to take into account the plight of Malaysian journalists. ONE has expressed concern over the increasing physical abuse of newsmen and photographers. It says, journalist and photographers would find it difficult to carry out their work if such incidents were not checked. It stresses that everyone who is not satisfied with the mass media could take action in accordance with the law.

Such incidents emphasize the need to have a national media watchdog. Several government and non-government organisa-

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tions to some extents, are playing their parts as media watchdogs, no doubt.

9.6 The Ministry of Home Affairs have its own PRESS CONTROL UNIT, which monitor every newspaper and would act if they are found to have breached the laws.

The Ministry also has under its wing a special board to serve as watchdog for the film media, namely the BOARD OF FILM CENSORS MALAYSIA.

The board was established on June 1, 1966. It consists of a Chairman, a deputy chairman and 15 members (including five women members), all of them appointed by the His Majesty Yang Di-Pertuan Agong (King) for a period of between one and three years.

The responsibility of the board is to censor all film and beginning from 1980, all video tapes, which are intended for public exhibition in Malaysia. Examination is carried out based on censorship guidelines issued by the Minister of Home Affairs.

A Secretariat was established during the re-organisation of the board in April 1974 to provide necessary services to the Board to enable it to fulfil its obligations. To enforce the Film (Censorship) Act 1952, the Secretariat has 12 enforcement officers to control the importation, distribution and exhibition of films and video tapes throughout Malaysia.

The Board also views films for telecast by TV stations.
Films viewed at the Board's office are received from various parties including local and foreign distributions, commercial and voluntary associations, and video tape dealers.

Bodies connected with film censorship are:

-- Committee of Appeal comprising 18 members, all appointed annually by His Majesty Yang Di-Pertuan Agong to serve for a period of one year. The responsibility of the committee is to review films which are the subject of appeal by distributors aggrieved by the Board's decisions. The committee's decision on such films is final.

-- Committee of Assessment, comprising 27 members representing various specific groups. Its Chairman is the Secretary General of the Home Affairs Ministry. All its members are appointed by the Yang Di-pertuan Agong to serve for a period of three years. The responsibility of the committee is to review controversial film which, if the censorship guidelines are followed, should be banned by the Board, but contains elements of educational, historical or cultural value. Such controversial films may be referred to the committee by the Board itself or by distributors, aggrieved by the Board's decision. The committee's decision is final.
10. ROLE OF NGOS

Several Non-government Organisation, to some extents, also serve as media watchdogs. Notable among them are the Federation of Malaysian Consumers Associations (FOMCA) and its affiliates at the state level, and the The Human Rights National Association (HAKAM). Members of the public generally voice their opinion on mass media output through the press.