

LAWS OF MALAYSIA

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Act 15

SEDITION ACT 1948

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SEDITION ACT 1948

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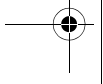
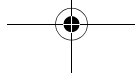
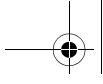
Act 15

SEDITION ACT 1948

ARRANGEMENT OF SECTIONS

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Act 15

SEDITION ACT 1948

An Act to provide for the punishment of sedition.

*[Peninsular Malaysia—19 July 1948, Ord. No. 14 of 1948;
Sabah—28 May 1964, L.N. 149/1964;
Sarawak—20 November 1969, P.U.(A)476/1969]*

Short title

1. This Act may be cited as the Sedition Act 1948.

Interpretation

2. In this Act—

“Government” means the Government of Malaysia and of any State in Malaysia;

“publication” includes all written or printed matter and everything whether of a nature similar to written or printed matter or not containing any visible representation or by its form, shape or in any other manner capable of suggesting words or ideas, and every copy and reproduction or substantial reproduction of any publication;

“Ruler” means the Yang di-Pertuan Agong or the Ruler or Yang di-Pertua Negeri of any State in Malaysia;

“seditious” when applied to or used in respect of any act, speech, words, publication or other thing qualifies the act, speech, words, publication or other thing as one having a seditious tendency;

“words” includes any phrase, sentence or other consecutive number or combination of words, oral or written.

Seditious tendency

3. (1) A “seditious tendency” is a tendency—
 - (a) to bring into hatred or contempt or to excite disaffection against any Ruler or against any Government;

- (b) to excite the subjects of any Ruler or the inhabitants of any territory governed by any Government to attempt to procure in the territory of the Ruler or governed by the Government, the alteration, otherwise than by lawful means, of any matter as by law established;
- (c) to bring into hatred or contempt or to excite disaffection against the administration of justice in Malaysia or in any State;
- (d) to raise discontent or disaffection amongst the subjects of the Yang di-Pertuan Agong or of the Ruler of any State or amongst the inhabitants of Malaysia or of any State;
- (e) to promote feelings of ill will and hostility between different races or classes of the population of Malaysia; or
- (f) to question any matter, right, status, position, privilege, sovereignty or prerogative established or protected by the provisions of Part III of the Federal Constitution or Article 152, 153 or 181 of the Federal Constitution.

(2) Notwithstanding anything in subsection (1) an act, speech, words, publication or other thing shall not be deemed to be seditious by reason only that it has a tendency—

- (a) to show that any Ruler has been misled or mistaken in any of his measures;
- (b) to point out errors or defects in any Government or constitution as by law established (except in respect of any matter, right, status, position, privilege, sovereignty or prerogative referred to in paragraph (1)(f) otherwise than in relation to the implementation of any provision relating thereto) or in legislation or in the administration of justice with a view to the remedying of the errors or defects;
- (c) except in respect of any matter, right, status, position, privilege, sovereignty or prerogative referred to in paragraph (1)(f)—
 - (i) to persuade the subjects of any Ruler or the inhabitants of any territory governed by any Government to attempt to procure by lawful means the alteration of any matter in the

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territory of such Government as by law established; or

- (ii) to point out, with a view to their removal, any matters producing or having a tendency to produce feelings of ill will and enmity between different races or classes of the population of the Federation,

if the act, speech, words, publication or other thing has not otherwise in fact a seditious tendency.

(3) For the purpose of proving the commission of any offence against this Act the intention of the person charged at the time he did or attempted to do or made any preparation to do or conspired with any person to do any act or uttered any seditious words or printed, published, sold, offered for sale, distributed, reproduced or imported any publication or did any other thing shall be deemed to be irrelevant if in fact the act had, or would, if done, have had, or the words, publication or thing had a seditious tendency.

Offences

4. (1) Any person who—

- (a) does or attempts to do, or makes any preparation to do, or conspires with any person to do, any act which has or which would, if done, have a seditious tendency;
- (b) utters any seditious words;
- (c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication; or
- (d) imports any seditious publication,

shall be guilty of an offence and shall, on conviction, be liable for a first offence to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three years or to both, and, for a subsequent offence, to imprisonment for a term not exceeding five years; and any seditious publication found in the possession of the person or used in evidence at his trial shall be forfeited and may be destroyed or otherwise disposed of as the court directs.

(2) Any person who without lawful excuse has in his possession any seditious publication shall be guilty of an offence and shall, on conviction, be liable for a first offence to a fine not exceeding

two thousand ringgit or to imprisonment for a term not exceeding eighteen months or to both, and, for a subsequent offence, to imprisonment for a term not exceeding three years, and the publication shall be forfeited and may be destroyed or otherwise disposed of as the court directs.

Legal proceedings

5. No person shall be prosecuted for an offence under section 4 without the written consent of the Public Prosecutor. In such written consent the Public Prosecutor may designate any court within Malaysia to be the court of trial.

Evidence

6. (1) Notwithstanding anything to the contrary contained in the Evidence Act [*Act 56*], no person shall be convicted of an offence under section 4 on the uncorroborated testimony of one witness.

(2) No person shall be convicted of any offence referred to in paragraph 4(1)(c) or (d) if the person proves that the publication in respect of which he is charged was printed, published, sold, offered for sale, distributed, reproduced or imported without his authority, consent and knowledge and without any want of due care or caution on his part, or that he did not know and had no reason to believe that the publication had a seditious tendency.

Innocent receiver of seditious publication

7. Any person to whom any seditious publication is sent without his knowledge or privity shall forthwith as soon as the nature of its contents has become known to him deliver the publication to the officer in charge of a police district or, in Sabah and Sarawak, to an administrative officer or to the officer in charge of the nearest police station, and any person who complies with the provisions of this section shall not be liable to be convicted for having in his possession the publication:

Provided that in any proceedings against that person the court shall presume until the contrary be shown that the person knew the contents of the publication at the time it first came into his possession.

Issue of search warrant

8. (1) A Magistrate may issue a warrant empowering any police officer, not below the rank of Inspector, to enter upon any premises where any seditious publication is known or is reasonably suspected to be and to search therein for any seditious publication.

(2) Whenever it appears to any police officer not below the rank of Assistant Superintendent that there is reasonable cause to believe that in any premises there is concealed or deposited any seditious publication, and he has reasonable grounds for believing that, by reason of the delay which would be entailed by obtaining a search warrant, the object of the search is likely to be frustrated, he may enter and search the premises as if he were empowered to do so by a warrant issued under subsection (1).

Suspension of newspaper containing seditious matter

9. (1) Whenever any person is convicted of publishing in any newspaper any matter having a seditious tendency, the court may, if it thinks fit, either in lieu of or in addition to any other punishment, make orders as to all or any of the following matters:

- (a) prohibiting, either absolutely or except on conditions to be specified in the order, for any period not exceeding one year from the date of the order, the future publication of that newspaper;
- (b) prohibiting, either absolutely or except on conditions to be specified in the order, for the period aforesaid, the publisher, proprietor, or editor of that newspaper or from publishing, editing or writing for any newspaper, or from assisting, whether with money or money's worth, material, personal service, or otherwise in the publication, editing, or production of any newspaper; and
- (c) that for the period aforesaid any printing press used in the production of the newspaper be used only on conditions to be specified in the order, or that it be seized by the police and detained by them for the period aforesaid.

(2) Any person who contravenes an order made under this section shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three years or to both.

(3) Nothing in this Act shall affect the power of the court to punish any person contravening an order made under this section for contempt of court:

Provided that no person shall be punished twice for the same offence.

Power of court to prohibit circulation of seditious publications

10. (1) Whenever on the application of the Public Prosecutor it is shown to the satisfaction of the court that the issue or circulation of a seditious publication is or if commenced or continued would be likely to lead to unlawful violence, or appears to have the object of promoting feeling of hostility between different classes or races of the community, the court shall make an order (in this section called a “prohibition order”) prohibiting the issuing and circulation of that publication (in this section called a “prohibited publication”) and requiring every person having any copy of the prohibited publication in his possession, power, or control forthwith to deliver every such copy into the custody of the police.

(2) An order under this section may be made *ex parte* on the application of the Public Prosecutor in chambers.

(3) It shall be sufficient if the order so describes the prohibited publication that it can be identified by a reasonable person who compares the prohibited publication with the description in the prohibition order.

(4) Every person on whom a copy of a prohibition order is served by any police officer shall forthwith deliver to that police officer every prohibited publication in his possession, power, or control, and, if he fails to do so, he shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding one year or to both.

(5) Every person to whose knowledge it shall come that a prohibited publication is in his possession, power, or control shall forthwith deliver every such publication into the custody of the police, and, if he fails to do so, he shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding one year or to both.

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(6) The court may, if it thinks fit, either before or after or without service of the prohibition order on any person, issue a warrant authorizing any police officer not below the rank of Inspector to enter and search any premises specified in the order, and to seize and carry away every prohibited publication there found, and to use such force as may be necessary for the purpose. A copy of the prohibition order and of the search warrant shall be left in a conspicuous position at every building or place so entered.

(7) The owner of any prohibited publication delivered or seized under this section may, at any time within fourteen days after the delivery or seizure, petition the court for the discharge of the prohibition order, and the court, if on the hearing of the petition it decides that the prohibition order ought not to have been made, shall discharge the order and shall order the prohibited publication delivered by or seized from the petitioner to be returned to him.

(8) Every prohibited publication delivered or seized under this section with respect to which a petition is not filed within the time aforesaid or which is not ordered to be returned to the owner shall be deemed to be forfeited to the Federal Government.

(9) For the purposes of this section “court” means the High Court.

Arrest without warrant

11. Any police officer not below the rank of Inspector may arrest without warrant any person found committing or reasonably suspected of committing or of having committed or of attempting to commit or of procuring or abetting any person to commit any offence against this Act, or reasonably suspected of the unlawful possession of any thing liable to forfeiture thereunder.

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SEDITION ACT 1948

LIST OF AMENDMENTS

Amending law	Short title	In force from
L.N. 332/1958	Federal Constitution (Modification of Laws) (Ordinances and Proclamations) Order 1958	13-11-1958
L.N. 149/1964	Modification of Laws (Sedition) (Extension and Modification) Order 1964	28-05-1964
P.U.(A)476/1969	Modification of Laws (Sedition) (Extension and Modification) Order 1969	20-11-1969
P.U.(A)282/1970	Emergency (Essential Powers) Ordinance No. 45, 1970	10-08-1970
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975

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LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
2	L.N. 332/1958	13-11-1958
3	L.N. 332/1958	13-11-1958
	P.U.(A)282/1970	18-08-1970
4	Act 160	29-08-1975
5	P.U.(A)282/1970	18-08-1970
6	L.N. 332/1958	13-11-1958
9	Act 160	29-08-1975
10	Act 160	29-08-1975
