

ISA

Internal Security Act 1960 (ISA)

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Week 9

- The ISA has its historical origin in the **Emergency Regulations Ordinance 1948**. After World War II, the Malaysian Communist Party took to armed struggle and a state of emergency was declared by the then British High Commissioner to fight this insurgency. **Regulation 17 of Ordinance 1948** empowered the Chief Secretary of the Federation to direct the detention of any person named by way of an order for any period not exceeding one year. **The Emergency Regulations Ordinance 1948** did serve its purpose and was subsequently repealed when the Emergency ended on **30th July, 1960**.

What are the issues?

- Articles 5, 9, 10 or 13 of the Federal Constitution (i.e. Articles that 'entrench' Fundamental Liberties)
- What are the issues of inconsistencies? Discussion on the issues on deprivation of fundamental liberties; freedom of speech; freedom of private or public gathering
- No need to inform of the grounds of arrest - S 8A ISA 1960
- Police arrest without warrant - S 73(1) ISA 1960
- Detention without trial - S8 and 8C