

LEGAL DRAFTSMAN
Authentic Copy.

FEDERATION OF MALAYA
CONSTITUTIONAL PROPOSALS

Annexe I

PROPOSED CONSTITUTION OF
FEDERATION OF MALAYA

Annexe II

PROPOSED CONSTITUTION OF
STATE OF MALACCA

Annexe III

PROPOSED CONSTITUTION OF
STATE OF PENANG

Price : \$1.50

ANNEXE I

PROPOSED CONSTITUTION OF FEDERATION OF MALAYA

ARRANGEMENT OF ARTICLES

PART I

THE STATES, RELIGION AND LAW OF THE FEDERATION

Article

1. The name, States and territories of the Federation.
2. Admission of new territories into the Federation.
3. Religion of the Federation.
4. Supreme law of Federation.

PART II

FUNDAMENTAL LIBERTIES

5. Liberty of the person.
6. Slavery and forced labour prohibited.
7. Protection against retrospective criminal laws and repeated trials.
8. Equality.
9. Prohibition of banishment and freedom of movement.
10. Freedom of speech, assembly and association.
11. Freedom of religion.
12. Rights in respect of education.
13. Rights of property.

PART III

CITIZENSHIP

Chapter I—Acquisition of Citizenship

14. Citizenship by operation of law.
15. Citizenship by registration (wives and children of citizens).
16. Citizenship by registration (persons born in the Federation before Merdeka Day).
17. Citizenship by registration (persons resident in the Federation on Merdeka Day).
18. General provisions as to registration.
19. Citizenship by naturalisation.
20. Naturalisation of members of Federation forces.
21. General provisions as to naturalisation.
22. Citizenship by incorporation of territory.

Chapter 2—Termination of Citizenship

Article

23. Renunciation of citizenship.
24. Deprivation of citizenship on acquisition or exercise of foreign citizenship, etc.
25. Deprivation of citizenship by registration under Article 17 or by naturalisation.
26. Other provisions for deprivation of citizenship by registration or naturalisation.
27. Procedure for deprivation.
28. Application of Chapter 2 to certain citizens by operation of law.

Chapter 3—Supplemental

29. Commonwealth citizenship.
30. Certificates of citizenship.
31. Application of Schedule 2.

PART IV

THE FEDERATION

Chapter 1—The Supreme Head

32. Supreme Head of the Federation, and his Consort.
33. Deputy Supreme Head of the Federation.
34. Disabilities of Yang di-Pertuan Agong, etc.
35. Civil List of the Yang di-Pertuan Agong and his Consort and remuneration of the Deputy Supreme Head.
36. Public Seal.
37. Oath of office of Yang di-Pertuan Agong.

Chapter 2—The Conference of Rulers

38. Conference of Rulers.

Chapter 3—The Executive

39. Executive authority of Federation.
40. Yang di-Pertuan Agong to act on advice.
41. Supreme command of armed forces.
42. Power of pardon, etc.
43. The Cabinet.

Chapter 4—Federal Legislature

44. Constitution of Parliament.
45. Composition of Senate.
46. Composition of House of Representatives.

Article

47. Qualifications for membership of Parliament.
48. Disqualification for membership of Parliament.
49. Provisions against double membership.
50. Effect of disqualification, and prohibition of nomination or appointment without consent.
51. Resignation of members.
52. Absence of a member.
53. Decisions as to disqualification.
54. Casual vacancies.
55. Summoning, prorogation and dissolution of Parliament.
56. President and Deputy President of Senate.
57. Speaker and Deputy Speaker of the House of Representatives.
58. Remuneration of President, Deputy President, Speaker and Deputy Speaker.
59. Oaths by members.
60. Address by the Yang di-Pertuan Agong.
61. Special provisions as to Cabinet and Attorney-General.
62. Parliamentary procedure.
63. Privileges of Parliament.
64. Remuneration of members.
65. Clerks of Senate and House of Representatives.

Chapter 5—Legislative procedure

66. Exercise of legislative power.
67. Restriction on introduction of Bills and moving of amendments involving taxation, expenditure, etc.
68. Assent to Bills passed by House of Representatives only.

Chapter 6—Capacity as respects property, contracts and suits

69. Capacity of Federation as respects property, contracts and suits.

PART V

THE STATES

70. Precedence of Rulers and Governors.
71. Federal guarantee of State Constitutions.
72. Privileges of Legislative Assembly.

PART VI

RELATIONS BETWEEN THE FEDERATION AND
THE STATES*Chapter 1—Distribution of legislative powers*

Article

- 73. Extent of federal and State laws.
- 74. Subject matter of federal and State laws.
- 75. Inconsistencies between federal and State laws.
- 76. Power of Parliament to legislate for States in certain cases.
- 77. Residual power of legislation.
- 78. Legislation restricting use of rivers.
- 79. Exercise of concurrent legislative powers.

Chapter 2—Distribution of executive powers

- 80. Distribution of executive powers.
- 81. Obligations of States towards Federation.

Chapter 3—Distribution of financial burdens

- 82. Financing of expenditure relating to matters on Concurrent List.

Chapter 4—Land

- 83. Acquisition of land for federal purposes.
- 84. Reversion to States of land held for federal purposes.
- 85. Release of land reserved for federal purposes.
- 86. Dispositions of land held for federal purposes.
- 87. Determination of disputes as to land values.
- 88. Modifications of Articles 83 to 87 in their application to Malacca and Penang.
- 89. Malay reservations.
- 90. Special provisions relating to customary land in Negri Sembilan and Malacca, and Malay holdings in Trengganu.
- 91. The National Land Council.

Chapter 5—National development

- 92. National development plans.

*Chapter 6—Federal surveys, advice to States and
inspection of State activities*

- 93. Inquiries, surveys and statistics.
- 94. Federal powers in respect of State subjects.
- 95. Inspection of State activities.

PART VII

FINANCIAL PROVISIONS

- Article
96. No taxation unless authorised by law.
 97. Consolidated Funds.
 98. Expenditure charged on Federal Consolidated Fund.
 99. Annual financial statement.
 100. Supply Bills.
 101. Supplementary and excess expenditure.
 102. Power to authorise expenditure on account or for unspecified purposes.
 103. Contingencies Fund.
 104. Withdrawals from Consolidated Fund.
 105. Auditor-General.
 106. Powers and duties of Auditor-General.
 107. Reports of Auditor-General.
 108. National Finance Council.
 109. Grants to States.
 110. Assignment of taxes and fees to the States.
 111. Restriction on borrowing.
 112. Restriction on alterations in establishments of States.

PART VIII

ELECTIONS

113. Conduct of Elections.
114. Constitution of Election Commission.
115. Assistance to Election Commission.
116. Federal constituencies.
117. State constituencies.
118. Method of challenging election.
119. Qualifications of electors.
120. Direct elections to Senate.

PART IX

THE JUDICIARY

121. Judicial power of Federation.
122. Supreme Court.
123. Qualifications of judges of Supreme Court.

Article

124. Oath of office of judges.
125. Tenure of office and remuneration of judges of Supreme Court.
126. Power of Supreme Court to punish for contempt.
127. Restriction on Parliamentary discussion of conduct of judge.
128. Jurisdiction of Supreme Court.
129. Special jurisdiction of Supreme Court as to the interpretation of Constitution.
130. Advisory jurisdiction of Supreme Court.
131. Appeals from Supreme Court.

PART X

PUBLIC SERVICES

132. Public services.
133. Joint services, etc.
134. Secondment of officers.
135. Restriction on dismissal and reduction in rank.
136. Impartial treatment of federal employees.
137. Armed Forces Council.
138. Judicial and Legal Service Commission.
139. Public Services Commission.
140. Police Service Commission.
141. Railway Service Commission.
142. General provisions relating to Commissions.
143. Conditions of service of members of Commissions.
144. Functions of Service Commissions.
145. The Attorney-General.
146. Reports of Commissions.
147. Protection of pension rights.
148. Interpretation of Part X.

PART XI

SPECIAL POWERS AGAINST SUBVERSION, AND
EMERGENCY POWERS

149. Legislation against subversion.
150. Proclamation of emergency.
151. Restrictions on preventive detention.

PART XII

GENERAL AND MISCELLANEOUS

Article

152. National language.
153. Reservation of quotas in respect of services, permits, etc. for Malays.
154. The Federal capital.
155. Commonwealth reciprocity.
156. Contributions in aid of rates in respect of federal and State property.
157. Delegation of State functions to another State.
158. Pan-Malayan arrangements.
159. Amendment of the Constitution.
160. Interpretation.
161. Commencement.

PART XIII

TEMPORARY AND TRANSITIONAL PROVISIONS

162. Existing laws.
163. Temporary continuance of Emergency Regulations Ordinance, 1948.
164. Temporary functions of Legislative Council.
165. Temporary financial provisions.
166. Succession to property.
167. Rights, liabilities and obligations.
168. Legal proceedings.
169. International agreements, etc., made before Merdeka Day.
170. Temporary provisions for persons qualified for registration as citizens under the Federation of Malaya Agreement, 1948, Clause 126.
171. Constituencies for first elections.
172. Existing courts.
173. Pending appeals to Privy Council.
174. Judicial appointments and Attorney-General.
175. Director of Audit to be first Auditor-General.
176. Transfer of officers.
177. Waiver or postponement of oath of office where appointment continues under this Part.
178. Remuneration after Merdeka Day.
179. Contributions in respect of joint services.
180. Preservation of pensions, etc.

PART XIV

SAVING FOR RULERS' SOVEREIGNTY, ETC.

Article

181. Saving for Rulers' sovereignty, etc.

SCHEDULES :

First Schedule—Oath of applicants for registration or naturalisation.

Second Schedule—Supplementary provisions relating to citizenship.

Third Schedule—Election of Yang di-Pertuan Agong and Deputy Supreme Head.

Part I—Election of Yang di-Pertuan Agong.

Part II—Election of Deputy Supreme Head.

Part III—Removal of Yang di-Pertuan Agong.

Part IV—General.

Fourth Schedule—Oaths of office of Yang di-Pertuan Agong and Deputy Supreme Head.

Fifth Schedule—The Conference of Rulers.

Sixth Schedule—Forms of oaths and affirmations.

Seventh Schedule—Election and appointment of Senators.

Eighth Schedule—Provisions to be inserted in State Constitutions.

Ninth Schedule—Legislative lists.

Tenth Schedule—Grants and sources of revenue assigned to States.

Eleventh Schedule—Provisions of Interpretation and General Clauses Ordinance, 1948 applied for interpretation of Constitution.

Twelfth Schedule—Provisions of Federation of Malaya Agreement, 1948, as applied to the Legislative Council after Merdeka Day.