

AN INTRODUCTION TO THE MACHINERY OF GOVERNMENT in MALAYSIA



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Chapter I

Historical Background

Political and Constitutional

Before the Second World War, Peninsular Malaysia¹ was divided into three political units — the Straits Settlements, the Federated Malay States and the Unfederated Malay States.

The Straits Settlements comprised Malacca, Penang and Singapore and were governed together as a crown colony of Great Britain. The Federated Malay States comprised the States of Negri Sembilan, Pahang, Perak and Selangor. The four States became a Federation by treaty in 1895. The remaining five States of Peninsular Malaysia were the Unfederated Malay States comprising the States of Johore, Kedah, Kelantan, Perlis and Trengganu.

Peninsular Malaysia up to August 1945

The Federated and the Unfederated Malay States were protectorates of Great Britain by virtue of agreements entered into between the parties concerned. In the agreements with Great Britain, defence of the protected States against external aggression was British responsibility and the Malay States agreed to come under the British sphere of influence.

In the Federated Malay States, British authority rested upon agreements concluded with the Rulers of the various States from 1874 onwards. Before the Treaty of the Federation in 1895, British Advisers in the States were responsible directly to the Governor of Singapore, but after that date they became subordinate to a Resident General in Kuala Lumpur who, in turn, was responsible to the Governor of Singapore in his capacity as High Commissioner of the Federated Malay

¹ Malaysia was established on the 16th of September 1963 when the States of Sabah, Sarawak and Singapore joined the former Federation of Malaya. The term Peninsular Malaysia is now used to denote what was the former Federation of Malaya.

States. Although not identical, these agreements preserved the sovereignty of the Ruler in his State and bound him to accept the advice of a British officer on all matters of general administration in his State except those relating to the Muslim religion and the Malay customs.

The supreme authority in each of the States was vested in the Ruler in Council. The Federation Agreement of 1895 did not define the respective functions of the Federal and State Governments, and the rapid development of the country resulted in a steady transfer of many of the powers previously exercised in the Federated Malay States by the British Residents and the State Councils to a central authority not in close touch with the Rulers. In 1909, a Federal Council was established, and in 1927 the Rulers withdrew from active participation in the work of that Council. Up to that time there had been a tendency to strengthen the Federal Government at the expense of the State Governments.

During the next few years, however, attempts were made to reverse this tendency. The State Governments were strengthened and given statutory and administrative powers previously exercised by the Chief Secretary as the Principal Executive Officer of the Federation. The post of Chief Secretary was replaced by that of Federal Secretary, and the control of many of the larger departments was gradually transferred to the States. But the control of broad policy and of finance remained in the hands of the Federal Government and the High Commissioner retained the power of giving advice through the Residents.

The Unfederated Malay States in the north — Kedah, Kelantan, Perlis and Trengganu — came under British protection in 1909 and, under a series of agreements, a British Adviser was appointed to each State. The fifth of the Unfederated Malay States, Johore, had confided the control of its foreign policy to the care of Great Britain by the Treaty of 1885, but it was not until 1914 that an agreement was concluded with the Sultan under which a British officer was appointed as general adviser. In the Unfederated Malay States the executive authority rested with the local State Government and was exercised by Malay officials of whom the Menteri Besar was the head; and there was friendly co-operation between the State administration and the British Adviser, which made it scarcely necessary for the ultimate power of advice to be exercised.

In the Straits Settlement, there was the normal form of Crown Colony Government, with a Governor, an Executive Council and a Legislative Council. The Executive Council comprised wholly official members and the Legislative Council wholly nominated but containing equal numbers of official and unofficial members. The centre of Government was in Singapore.

The period before the Second World War was a period of leisure and peace. It was a period when there was considerable time to ponder and when authority was unchallenged. About the most important qualities required then of senior civil servants were a lot of physical and moral courage, the ability to live amidst great discomfort and to do any job that came along. Malayan Civil Service² officers not only rule the country but they also dispense justice in the lower courts. They were the classical generalist administrators.

British administrators had time to study the customs and the history of the local people. Some became great scholars like Sir Richard Winstedt and R.J. Wilkinson. Others became virtually rulers like Berkeley of Upper Perak. Much of the influence that British administrators had over State dignitaries was through their knowledge of local history and customs.

The British Forces surrendered to the Japanese in Singapore in 1942. The people of Malaysia went through terrible hardships during the Japanese occupation of the country. They were badly treated by the Japanese Military Forces and in addition there was a shortage of food and other essentials. This brought about resentment against the occupying power and a determination that in future the political destiny of the country should be in the hands of the people. Hence it can be said that the Japanese occupation of Peninsular Malaysia from 1942 to 1945 sharpened political consciousness among the population.

Malaysia was fortunate in that there was no invasion of the country by allied troops. This is because Japan surrendered a few days before the intended invasion of Peninsular Malaysia. There was therefore no wholesale destruction of the country. However, for a short period after Japan surrendered there was an attempt by the M.P.A.J.A. (Malayan People's Anti-Japanese Army) to take over control of Peninsular Malaysia. During this time the British Military Administration had not taken over control of the country because it took time for the British Forces to arrive in Peninsular Malaysia after the surrender.

Peninsular Malaysia after August 1945

Rapid changes took place in Peninsular Malaysia from the time it was re-occupied in 1945 by the allied powers. After the re-occupation of Peninsular Malaysia in 1945, the form of Government was the Military Administration up to the 31st. of August, 1946, the Malayan Union up to 1948, the Federation Government constituted under the Federation of Malaya Agreement of 1948 and, finally, the Cabinet Government of independent Malaya from the 31st. of August, 1957.

²See Chapter VII.