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Aye to gender equality (HL)

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KUALA LUMPUR, Wed. - The Constitution (Amendment) Bill 2001 which, among other things, seeks to end discrimination against a person because of gender, was passed by the Dewan Rakyat today with all MPs present - from Barisan Nasional and the Opposition - giving their full support.

The amendments also seek to legalise compulsory community service for convicts without it being deemed forced labour as well as to certify the eligibility of voters whose names appear in the electoral roll which has been gazetted.

The BN did not have to rely on its two-thirds majority to pass the Bill as the earlier anticipation that the Opposition would reject or abstain from voting did not materialise.

In a division voting at 6pm, all 172 MPs present in the House gave their nod, including 35 from the Opposition.

The same sentiment was expressed during voting at the third reading stage with all 154 MPs present expressing their support.

(Bills have to be moved through three stages before they are passed. A two-thirds majority or 128 votes is required before any amendments to the Constitution can be passed by the Dewan Rakyat.

(Of the 193 MPs in the House, 148 are from Barisan Nasional while the Opposition hold 45 seats.)

Among those present were Prime Minister Datuk Seri Dr Mahathir Mohamad, Deputy Prime Minister Datuk Seri Abdullah Ahmad Badawi and other ministers.

Met later, Kerk Kim Hock (DAP-Kota Melaka) said the Opposition supported the Bill but with some reservations.

"The amendments have its good and bad elements. But we are placed in a difficult situation as it would be silly to oppose the whole Bill just because we are unhappy with one or two provisions."

He said they tried to state their reservations when the Bill was debated at the committee stage but Speaker Tun Mohamed Zahir Ismail disallowed it, ruling it as improper as they had earlier voted in favour of the Bill.

Twenty MPs took part in the debate after the Bill was tabled for second reading yesterday by Minister in the Prime Minister's Department Datuk Dr Rais Yatim, who also did the winding-up.

The Constitution was last amended early this year to turn the new Federal administrative centre of Putrajaya into a Federal Territory.

The amendments passed by the Dewan Rakyat today were on:

* Article 6 - To provide that work or service which is required to be performed in consequence of a conviction in a court of law shall not be taken to be forced labour if carried out under the supervision and control of a public authority.

The existing provisions only provide that work incidental to the serving of a sentence of imprisonment shall not be taken to be forced labour.

This amendment will pave the way for the implementation of compulsory community service that has been proposed by the Government.

* Article 8 - There can be no discrimination against citizens on the grounds of religion, race, descent and place or birth unless otherwise authorised by the Constitution. The amendment passed seeks to add gender to these grounds.

* Article 45 - Under existing provisions, if a Senator dies or ceases to hold office before the expiry of the term for which he is elected or

appointed, the person elected to replace him may only hold office for the remainder of the term of office of the person he replaces.

The amendments proposed seek to enable a person who is so elected to hold office for a period of three years, that is the full term of office of Senator.

* Article 56 and 57 - An amendment for the posts of deputy president of Dewan Negara and deputy speaker of the Dewan Rakyat be made full time in view of the increasing workload.

* Article 65 - The secretaries to the Dewan Negara and Dewan Rakyat are appointed from among civil servants and they cease to hold office when they reach 55.

The amendment proposed the reference to the age of 55 years be substituted with the "age of compulsory retirement for members of the general public service" to avoid the necessity of amending the Article in future should the age of compulsory retirement for members of the public service be changed.

* Article 114 - This amendment is on increasing the number of the Election Commission members from three to five.

* Article 119 - A new paragraph has been added to Clause 1 of the Article to make it clear that a person must be registered as an elector in the constituency which he resides on the qualifying date before he can vote in an election.

Under the proposed Clause 1A, if the electoral roll for the constituency is published in the gazette, the inclusion of a person in the electoral roll will be conclusive evidence that he or she is properly registered in the roll.

Changes are also made to the definition of "qualifying date" so that it is no longer the date by reference to which the electoral rolls are prepared or revised but instead the date on which a person applies for registration of change of registration as an elector in a constituency.

* Article 137 - This amendment seeks to replace the title "Chief of the Armed Forces" with "Chief of Defence Forces", as the latter is the title being used now.

Part XII of the Constitution is also amended to introduce Articles 160A and 160B, dealing with provisions on the reprinting of the Constitution and copies, including all amendments, to be deemed as the true and correct documents.

Article 160B will enable the Yang di-Pertuan Agong to prescribe the national language translation of the Constitution to be the authoritative text.

If there is any conflict or discrepancy between the national language and English language texts, the former shall prevail over the English text.