

TR: 7.10.66

**SPEECH BY
THE DEPUTY PRIME MINISTER
AT THE SECOND READING
OF THE CONSTITUTION (AMENDMENT) BILL
AT DEWAN RAKYAT
ON 25TH OCTOBER, 1966.**

Mr. Speaker¹, Sir, when the Honourable Member for Tanjong² asked this House for leave last November to proceed with his motion to move a Private Member's Bill to seek an amendment to the Constitution, I was very happy to agree on behalf of the Government that he should be allowed and be given such leave. Since then, as Honourable Members are aware, he had submitted the draft Bill to the Government and we also agreed to allow him to introduce this Bill in this House though, as the Honourable Member himself has stated just now, under the Standing Rules and Orders, the introduction of this Bill requires the agreement of the Government. The Government readily gave the agreement, in order that the Honourable Member could have the full opportunity to submit his case to this House, or in legal terms, to the Judicature of this land, to enable his views to be fully heard - to put it in legal terms, Sir, we agreed to give the Honourable Member for Tanjong full and ample opportunity to submit his case fully for judgement by this House.

Now, Sir, having heard him just now, and having heard the Honourable Member seconding this motion, I must say that the Government is not satisfied that they have made out a case to erode the principle and the substance of our Constitution, which have been embodied and incorporated not by experts from this country but by experts from outside, who have had experience on the working of Constitutions of other countries. The members of the Reid Commission who drafted our Constitution incorporated this provision for the amendment of our Constitution. They had before them the experience of the workings of Constitutions in other countries and also, bearing in mind the conditions in this country, the views of a cross section of our population through party organisation, business organisation, and other bodies. So, therefore, it was clear, Sir, that

the Reid Commission had given this matter very careful and very serious consideration.

Now, the Honourable Member for Tanjong, in moving this Bill lay stress on the fact that without the proposed amendment to our Constitution, our Constitution will appear, in his own words, "undemocratically peremptory", and that amendment could be brought to the Constitution without giving Members adequate notice, or adequate time to debate and deliberate, and thus taking away some of the dignity and prestige of this House. Therefore, Sir, the Honourable Member proposed that there should be a lapse of thirty days between the first and second readings of any Bill seeking to amend the Constitution to enable Members of this House to sit over the Bill and to think over it.

Sir, paragraph 80 of the Reid Commission's Report on our Constitution reads as follows, and I quote:

"It is important that the method of amending the Constitution should be neither so difficult as to produce frustration nor so easy as to weaken seriously the safeguards which the Constitution provides. We are all of the opinion that a referendum would not be a suitable method in the Federation and that amendments should be made by Acts of Parliament provided an Act to amend the Constitution must be passed in each House by a majority of at least two-thirds of the members voting. In this matter, the House of Representatives should not have power to overrule the Senate. We think that this is a sufficient safeguard for the States, because the majority of the Members for the Senate will represent the States. Our recommendation (Article 150) (now modified in Article 159) is that except where the Constitution itself provides that any of its provisions can be altered by ordinary legislation, amendment of the Constitution should only be competent by an Act of Parliament passed in each House by a majority of two-thirds of the members present and voting being also a majority of the total number of members of the House".

Now, Sir, Honourable Members should note that in its present form, our Constitution has gone beyond the recommendation originally made by the Reid Commission. Article 159 (3) required a proposed amendment to the Constitution to be supported on the second and third readings by the votes of not less than two-thirds

of the total number of members of each of the Houses of Parliament. Now, what the Honourable Member for Tanjong is seeking to achieve is to upset this very fine balance between the sort of inflexibility which would produce frustration and the easy-to-amend-Constitution a fine balance which we now have in our Constitution.

The Honourable Member should know well that Malaysia is a young and developing country, and there are special conditions, and our country should avoid the unnecessary rigid procedure for the amendment of our Constitution. On the other hand, we must provide the necessary safeguards to preserve the dignity and the sanctity, as he himself said, of our Constitution. I submit, Sir, that this Bill does not augment the dignity of this House, or the sanctity of our Constitution, but rather unnecessarily add to thse rigidity and inflexibility of the provision for the amending of our Constitution which, as the wise architects of the constitution said, would produce frustration.

We should not, Sir, unnecessarily compare our country to another country - to America or to Australia. The position in those two countries must necessarily be different from ours. Now, our present Constitution requires a majority of two-thirds of the members of both Houses before any amendment can be made to it. This, Sir, is sound and adequate. It is not easy for any single political party in a democratic country such as ours to obtain a two-thirds majority. If the Honourable Member would survey the political trends in the world today, he will find that there are not many democratic government which have a two-thirds majority. What is more, Sir, we live in a very difficult and disturbed world, and a fast moving world. We ourselves in Malaysia are passing through a very swift period of transition. What we do today may not be suitable tomorrow; and so if we consider it necessary, to meet the immediate requirements of our country, whether it be matters connected with security or other national interests, to amend the Constitution, then I say we must decide straightaway. If this august body by two thirds of its members agree to a certain course of action, then I feel that it is only right that they should be allowed to carry out their decision straightaway without waiting for 30 days, because if we do that we may be faced with a most serious situation.

Now, Sir, let us take the instance quoted by the Honourable

Member himself - the separation of Singapore: here I would like to explain, Sir, that the amendment to the Constitution by the emergency legislation for Sarawak was only a temporary measure under Article 150 of the Constitution. As we explained when moving the Bill, the measures taken were temporary to meet a situation which required immediate action by the Government. So, Sir, that was not a measure intended to amend our Constitution permanently.

However, let us take the question of the separation of Singapore, If that Bill for the separation of Singapore was delayed for 30 days to effect the separation of Singapore from Malaysia, much would be discussed both inside and outside this House, and it would lead to undesirable repercussions - to racial clashes and trouble - which would be detrimental to the security and the true interests of our country. Also we have countries outside our own which were interested in the separation and they might also take advantage of the delay. Therefore, my colleagues in the Government decided at that time, with the agreement of the Government of Singapore, to stand firm on the provisions of Article 159 of our Constitution and to proceed with the amendment to the Constitution, because we considered it vital to the peace and security of our country that it should be done.

As I have said, it is not easy for any democratic government in the world to have a two-thirds majority in Parliament, and any government which has a majority of half the members must consider itself lucky. Therefore, when the people of a country through democratic processes supported a party with such a big majority, they obviously have implicit faith and confidence in the Party to do the right things, and to serve their country sincerely.

Sir, during the last eleven years the Alliance Government has clearly fulfilled the trust and the confidence that the people have in them. The record of our achievements speaks for itself and we are prepared to leave ourselves open, as the Honourable Member said, in the arms of history to be judged by history. When we took over the Government, the country was faced with an Emergency - the British Government had fought the Emergency for nine years with little success. When we took over the Government and obtained independence for this country, we also obtained the support of the people, and with the support of the people we were able to defeat

the Communists within two years. After we ended the Emergency in July, 1960, we diverted the whole effort of the Government towards economic development, so that the people will enjoy the happiness and prosperity which they desired and which they deserved to enjoy. Today, we are ourselves proud of the progress that this country has achieved in the field of development and, indeed, no country which has achieved independence at the time that we had achieved it has progressed so much and has succeeded in implementing their development programmes with such speed and with such efficiency.

During these years, Sir, we have always upheld the democratic principles which are enshrined in our Constitution. We believe strongly in these principles of our Constitution and we believe that they must be clearly upheld and if, in the day-to-day administration of the country, amendments to the Constitution are necessary, we have always done so in accordance with the process provided by our Constitution.

Now, Sir, the provision for the amendment of the Constitution is considered, as I said, by constitutional experts to provide sufficient safeguard and as a provision normally adopted by democratic countries. In India, for instance, the procedure for amending the Constitution is even less stringent. In India the Constitution can be amended by a majority of two-thirds of the members of both Houses of Parliament present and voting, whereas we have provided for a majority of two-thirds of the number of members of both Houses. Sir, I consider that these safeguards are adequate.

Sir, the real issue before the House is whether we should retain a Constitution of sufficient flexibility, such flexibility being ensured by a stringent but not insurmountable requirement of two-thirds majority of votes in the House, or have an additional obstacle such as the one suggested by the Honourable Member in this Bill. We, on the Government side, consider that there is no need for an additional stringent provision. The requirement that two-thirds of the members of both Houses should vote in favour of any amendment is sufficiently stringent as to safeguard the dignity and sanctity, as the Honourable Member himself stated, of our nations' Constitution. Therefore, to suggest that the present Government, or any Government, for the matter, with a two-thirds majority in both Houses will

abuse its power by bringing about constitutional amendments contrary to the wishes of the inhabitants of this country, Sir, is to doubt the validity of the principle which governs parliamentary democracy, and it amounts to an insult to the intelligence of the electorate which put this Government in office. I would like to say here categorically that this Constitution of ours will be respected for as long as the Alliance Government is in power, and I pray that this will be for all time.

Mr. Speaker, Sir, in view of what I have explained, the Government does not consider that this amendment is necessary and I, therefore, regret that the Government cannot support the proposed amendment.

1 Dato' Chik Mohamed Yusuf bin Sheikh Abdul Rahman.

2 Dr. Lim Chong Eu.