



MALAYSIA

# TOWARDS NATIONAL HARMONY

DI-CETAK DI-JABATAN CETAK KERAJAAN  
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## TOWARDS NATIONAL HARMONY

### I. INTRODUCTION

In the lives of nations, as of men, there occur for good or ill certain events which indelibly leave their mark and which irrevocably affect the course of history. The upheaval of 13th May 1969 was such an event in our life which shook our nation to the very core of its being and threatened its viability. Men will no doubt speak of our history in terms of occurrences before and after that date and will judge us by what we do now to avoid the calamity of any such future conflict.

2. It is true that the fears, the bitterness and the anguish of those tragic days have receded in the national consciousness. But its lessons must never be forgotten: we do so at the peril of our very lives.

3. The disturbances point to the ominous dangers which face our multi-racial nation where the attendant differences of language, religion and cultural values are further accentuated by the pronounced economic disparity between the racial groups. But a time of danger is also a time of opportunity. The question before us today is this: do we have the courage and conviction to face these dangers and turn them into opportunities and thus set ourselves anew on a course which will ensure national harmony?

4. Immediately after the disturbances the Government made a careful and thorough study of their causes and implications, and in October 1969 published a report entitled "The May 13 Tragedy". The Report traced the causes of the disturbances and proposed certain measures to be taken to prevent their recurrence. It is clear that the underlying causes of the disturbances were the mistrust among the races fanned by irresponsible elements, and the growing sense of insecurity felt by the Malays due to racial imbalance particularly in the education and economic fields. During the election campaign in April and May 1969 emotions were aroused by racial extremists and irresponsible candidates and their supporters. Among the Malays, these elements created fears by questioning and ridiculing the provisions of the Constitution relating to Bahasa Malaysia and the special position of the Malays while

some of them created dissatisfaction by drawing attention to the inadequate implementation of these provisions. Among the non-Malays, they created the fear and mistrust that their legitimate interest as provided in the Constitution would be eroded.

5. The freedom of speech inherent in a democratic system afforded certain unscrupulous politicians with opportunities to misrepresent deliberately important provisions in the Constitution in order to win support through race-baiting, as evident in April and May, 1969.

6. It is now clear that unless certain restraints are placed on public discussions on issues which are likely to generate anxiety and fear among the races and unless measures are taken to assure the people that their rights and legitimate interests under the Constitution will not be threatened, this nation runs the risk of another, possibly worse, racial conflict.

7. The Constitution of this country is the result of an agreement, reached before Merdeka, among the major communities. It is a binding agreement solemnly entered into by all races and it is clear that the Constitution contains Articles and Clauses which protect the legitimate interests of every community in the country. The provisions relating to the position of the Malays, for example, are balanced by the granting of citizenship to non-Malays and the guaranteed protection of their legitimate interests. This balanced approach runs through the entire Constitution. If important sections of the Constitution—sections pertaining to the delicate compromises among the major races—are attacked it will certainly arouse fears and emotions. It is obvious that these vital clauses must, in the national interest, be protected from the kind of debate that questions the very principle on which the nation was founded.

8. The Government therefore proposes to amend certain provisions of the Constitution. The proposed amendments have, broadly, two objectives. They are to remove sensitive issues from the realm of public discussions so as to allow the smooth functioning of parliamentary democracy; and to redress the racial imbalance in certain sectors of the nation's life and thereby promote national unity. These proposals reflect not only the thinking of the Government, but they also bear the imprint of the frank and careful deliberation among members of the National Consultative Council.

## II. AMENDMENTS TO THE CONSTITUTION

### (a) *Freedom of Speech and Expression*

9. The Constitution under Article 10 provides, *inter alia*, for the freedom of speech, subject to certain restrictions therein. However, experience during May 1969, showed that freedom of speech has been exercised without discipline and responsibility and without due regard to sensitivities in a multi-racial society. There is no guarantee that this right would not again be abused. In order to ensure that in future the democratic processes will not be used to arouse racial feelings, it is proposed that Article 10 be amended to give power to Parliament to pass laws prohibiting the questioning of any matter, right, status, position, privilege, sovereignty or prerogative established or protected by the provisions of Part III (provisions relating to citizenship), Article 152 (the National Language and the languages of other communities), Article 153 (special position of the Malays and the legitimate interests of other communities) or Article 181 (the sovereignty of the Rulers). Such laws, however, would not affect the right of any person to raise any matter relating to the implementation of the said provisions. The proposed amendment to Article 10 and the laws made under it may only be amended with the consent of the Conference of Rulers.

10. Articles 63 and 72 protect members of Parliament and Legislative Assembly of a State from court proceedings for anything said by them in Parliament or the Legislative Assembly. This is one of the privileges of members of Parliament and Legislative Assembly of a State. This privilege should not extend to saying anything which is likely to arouse racial feelings and endanger racial peace in the country. This is recognised by the Parliament and is embodied in its Standing Orders under Rule 36 which stipulates that it shall be out of order to use words which are likely to promote feelings of ill-will or hostility between different communities in the Federation. However, to be certain that such acts do not take place and to remove all such temptations, it is proposed to amend Articles 63 and 72 to deprive members of Parliament and Legislative Assembly of a State of the protection they enjoy under these Articles if they are charged with an offence under any law passed by virtue of the amended Article 10.