

Govt To Table Motion To Revoke Three Emergency Proclamations, Says Najib
MalaysianMirror.com
September 16,2011

KUALA LUMPUR -- The government will table a motion in parliament for three proclamations of emergency made many years ago and regarded to be still in force, to be revoked.

Prime Minister Najib Tun Razak said the motion to be made under Clause 3, Article 150 of the Federal Constitution was in line with the people's aspiration for Malaysia to be more open and its democracy, more dynamic.

"As many are aware, only the emergency proclamation made following the confrontation in 1964 had been implicitly revoked, while the other emergency proclamations are regarded to be in force until today," he said.

He said, realising that Malaysia had changed over the years and in line with the people's aspirations based on the universal philosophy on democracy, the government would table in the lower and upper houses of parliament for the three emergency proclamations to be revoked.

Najib was delivering his Malaysia Day 2011 special address which was broadcast live over RTM1 from Auditorium Perdana at Angkasapuri, here, last night, with over 800 people present in the auditorium.

Since independence, four emergency proclamations had been made - on Sept 3, 1964 for the whole federation, on May 15, 1969 also for the whole federation, on Sept 14, 1969 in Sarawak and on Nov 8, 1977 in Kelantan.

However, the 1964 emergency proclamation was revoked by implication with the emergency proclamation made in 1969, as decided by the Privy Council in the case of Teh Cheng Poh vs the Public Prosecutor (1979) 1 MLJ 50.

The 1969 emergency proclamation is still in force because the 1977 emergency proclamation clearly did not touch on the former.

Clause 3, Article 150 of the Federal Constitution gives the power to the Yang di-Pertuan Agong to revoke the emergency proclamations and ordinance, or these to be ineffective if decided by parliament.

Najib said one of the effects of the 1969 emergency proclamation was the suspension of the uncompleted Sabah and Sarawak election process, and the subsequent development was that the parliamentary election was carried out within a period of 20 months later and parliamentary democracy restored when the country was stable again.

The prime minister said the time had come for Malaysia to move towards a future with a paradigm based on new hopes and not shackled by nostalgia.

"We should indeed be grateful because from time to time, whatever the obstacles, whether from in or inside the country which threatened our democracy and individual freedom like the communist insurgency, confrontation against the formation of Malaysia, racial riots, economic downturn, religious extremism and racial chauvinism, thank God, each had been successfully tackled based on the principles of the supremacy of the Constitution and the rule of law.

"It has to be reminded too, that throughout this period, the government had never thought of changing the existing system of parliamentary democracy and constitutional monarchy with any anti-democracy system.

"How great the challenges were. For instance, because of the May 13 tragedy, the Yang di-Pertuan Agong, acting on the advice of the then prime minister as provided under Article 150 of the Federal

Constitution, had proclaimed a period of emergency."

Najib said as a country practising parliamentary democracy, the power to decide which political party would form the government, whether at the state or parliamentary level, lay entirely with the people.

"After after over 50 years of independence and almost five decades since the formation of Malaysia, our rich experience, maturity and people's wisdom in choosing a government to determine the country's future direction they wish for, cannot be denied by anyone."

Najib stressed that the government would stay committed to upholding the country's system of parliamentary democracy and constitutional monarchy, sovereignty of law, federation principle, and the system of check and balance among the three branches of the government.

In conjunction with the Malaysia Day celebration, the prime minister urged the people to continue to work hard and not be easily satisfied with what have been achieved thus far although Malaysia has emerged as a modern industrialised country with moderately high income.

"Let's double our efforts to increase our national competitiveness through creativity, innovations and the creation of new wealth based on independent entrepreneurship.

"But all our goals would not have been achieved without national unity, peace, stability and harmony," he said.

(Bernama)