

# Five who framed our national charter

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TUN TAN CHENG LOCK COLLECTION



Members of the Reid Commission after a dinner hosted by Tun Tan Cheng Lock in Malacca on Aug 17, 1956. Seated at the front row, from left: Sir Ivor Jennings, Lady Reid, Tan Cheng Lock, Lord Reid, Lady Jennings, WJ Mckell and Abdul Hamid. Seated on the second row, second from left is BS Malik.

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**T**he task of framing the Malayan Independence Constitution fell on the Reid Commission, a panel of five constitutional experts led by Lord William Reid.

Who were these men and how were they selected?

In setting up the commission, the British Colonial Office considered several options: a British-Malayan commission, a wholly Commonwealth commission or a Malayan commission.

The Alliance proposed an independent commission to review the existing constitution, the 1948 Federation of Malaya Agreement. It stated in its 1955 election manifesto its preference for a non-Malayan commission, deemed to be in a better position to be impartial.

Other than conveying this to the British, the Alliance also sent out feelers to several Commonwealth governments for suitable candidates.

At the London Conference from Jan 18 to Feb 6, 1956, the Secretary of State, the Alliance and representatives of the rulers of Malaya agreed on the Alliance proposal for a Commonwealth commission.

The British high commissioners in Australia, Canada, India and Pakistan were asked to name suitable candidates.

Tunku Abdul Rahman suggested Sir Ivor Jennings, a fellow undergraduate at Cambridge, and the rulers supported the choice.

The candidates' names were finalised after they were approved by the Alliance and the rulers.

Despite coming from different countries, the five men had one thing in common: their legal training and experience were in Commonwealth parliamentary traditions and constitutions, derived largely from English constitutionalism.

» Lord Reid was 66 when he was made commission chairman. He was previously a politician, legislator and member of the judiciary, a member of Parliament, an Appeal Court judge and the Solicitor-General of Scotland.

» Sir William Mckell, 65, was the former Governor-General of Australia. He was also a minister in several cabinets, once a justice minister, and had experience in political administration.

» Justice B. Malik, 61, was a former chief justice of the Allahabad High Court in India.

» Justice Abdul Hamid, 54, was a Pakistan high court judge, and had served as secretary to the Law Ministry in then West Pakistan. He was part of the team that drafted Pakistan's constitution.



» Sir Ivor Jennings, 53, was a former King's Counsel and Cambridge University vice-chancellor who had published works on constitutional matters.

In *The Making of the Malayan Constitution*, Joseph Fernando observed that, "The majority of the members of the Reid Commission were proponents of liberal values and democratic norms."