

THE STAR

DATE: 17/08/2007

# Equal partnership for all

In Tunku's time, the author's social activism and non-establishment views were not held against her.

By DATUK P.G. LIM

**T**UNKU Abdul Rahman observed once that there was too much emphasis on bumiputras and not enough on Malaysians. After all, the three communities had gone in equal partnership and as one to the negotiating table at the Colonial Office to press for independence.

Of the 1956 Merdeka delegation Tunku said, "Every Malay, Chinese and Indian leader acted as a Malayan and genuinely wanted unfettered independence for the people and the country".

Tunku was a nationalist. He deplored that expatriates comprised 90% of the civil service and that no attempt was made to recruit Malays or those born in the Federation into the legal and judicial service, which employed only three Malays.

He recalled: "Without independence there was nothing we could do to uplift the position of the Malays. The Chinese wanted citizenship for all those born in the Federation and this was agreed to by Umno".

It was hard work. As Tunku recollected, "Many jeered at my efforts,

Hailing from an old Nyonya-Baba family in Penang, Datuk P.G. Lim was born in 1918 in London and spent her early career as a lawyer and social activist, helping to establish trade unions. In 1964, she lost as a Labour Party candidate for the Sentul state seat. In 1970 she was invited to sit on the National Consultative Council chaired by the late Tun Abdul Razak. In 1971 she was appointed Malaysian Deputy Permanent Representative to the United Nations in New York, and subsequently posted to Yugoslavia, Austria, Belgium and the EEC. She is presently a consultant to a legal firm.



*Malaysiaku Gemilang*

Excerpt from  
**Prince Among Men**  
Published by Arkib Negara

some expressed pity for me. Only headstrong and determined men of all races, real fighters for independence rallied to the cause".

All these events took place against the backdrop of the Emergency which was declared in 1948 due to industrial unrest in the estates and

mines, resulting in the banning of the Communist Party of Malaya (CPM) which until then had been operating legally in Malaya.

The party went underground. The CPM had declared that they would lay down arms once independence was achieved. On becoming Chief Minister, and with Merdeka on the cards, Tunku turned his attention towards ending the Emergency which was draining the resources of the country.

The CPM had offered to meet with Tunku to discuss peace. Tunku offered the CPM amnesty if they would lay down their arms. At the Baling talks held in December 1955 - somewhat reluctantly agreed to by

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**Mutual respect:** Tunku with Lim at the opening of the National Art Gallery (Balai Seni Lukis Negara), of which she was deputy chairman, in 1963. - National Archives

# Humanity, compassion and conviction

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the British – Chin Peng, accompanied by Chen Tien and Rashid Mydin, refused to accept the amnesty and to lay down arms if it meant surrender. There Chin Peng told the government team represented by Tunku, David Marshall and Tan Cheng Lock: “As between you and the Communists there can be no co-existence”.

But despite the breakdown of the talks, public opinion swung in his favour and Tunku's stock went up, especially in the eyes of the colonial Government, which was impressed by Tunku's handling of the situation.

In the words of Tunku, the Baling talks changed the whole course of the war. It certainly strengthened the hand of the Alliance in obtaining the agreement of the Colonial Office that independence need not await

the ending of the Emergency.

“Baling”, said Tunku, “led straight to Merdeka”.

Significantly, on August 1960, three years after independence, our new government was able to declare the Emergency “over and ended”.

Tunku's government was characterised by his humanity, compassion and conviction that the rigours of the law should be tempered with mercy.

During Konfrontasi, Indonesian soldiers together with some misguided young Malaysians were air-dropped into Johor.

They were quickly rounded up and tried, convicted and sentenced to death, but the cases of 11 among them had gone through the gamut of High Court, the Court of Appeal, the Supreme Court and subsequently to the Privy Council in London.

The appeal failed but by this time

several years had elapsed. Many of us, who thought that they should be spared the death penalty, thankfully found Tunku sympathetic. The Alliance, the DAP, the Malayan Medical Association and Amnesty International added their appeals for clemency.

Thanks to Tunku's timely intervention, the Sultans of Johor and Perak were persuaded to commute the sentences to life imprisonment.

Tunku was also responsible for introducing trial by jury into the Malay States where, until 1958, the system of trial by two assessors in cases involving the death penalty applied.

In the landmark case of Lee Meng in 1964, a woman guerilla had been sentenced to death under the Emergency Regulations for possession of arms.

At the trial, a Chinese and an Indian assessor found her not guilty.

But the British judge disagreed and ordered a retrial before a different judge. This time, the Chinese and European assessors were divided in their verdict. The judge agreed with the guilty verdict and the accused was sentenced to death.

The trial, in which an accused could be tried and retried until the desired verdict was reached, drew public reaction and surprising media coverage. The Sultan of Perak was eventually prevailed upon to commute the death sentence to life imprisonment.

A public rally organised by concerned citizens to replace the assessor system obtained 2,000 signatures.

Although Tunku's motion to introduce it in the Legislative Council was rejected, he kept his promise when he became Chief Minister in 1955. (Trial by jury was abolished in 1994).