

Tunku Abdul Rahman's enduring legacy

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Much has changed since 1957 but Malaysia must continue to draw strength from its diversity and unique constitutional design. Our first PM would have been 116 on Feb 8. A rededication to his ideals is the best tribute

NEXT Friday will be the 116th anniversary of the birth of this nation's founding father, Tunku Abdul Rahman Putra Al-Haj.

Tunku was the driving force behind our unique constitutional arrangements and the architect of the Malaysia Agreement.

Bringing diverse people together in 1957 and again in 1963 was his forte. Interracial peace and harmony were his enduring legacy to the nation and the region.

The Constitution of 1957 that he and his colleagues in the Alliance helped the Reid Commission to draft, reflected the panorama of history, geography, economics and culture.

Yet, at the same time, it hitched itself to the ideals and values of the age. It incorporated many features suitable for a democratic, multi-racial and multireligious society.

It incorporated into the basic law some indigenous features of the Malay archipelago.

Among them was the unique system of multiple Malay monarchs united by a Conference of Rulers; Malay Reserve Lands; Islam as the religion of the Federation but freedom of religion for all other communities; and affirmative action provisions to preserve the special position of the majority Malay community (and, in 1963, of the natives of Sabah and Sarawak).

There was protection for Malay customs (and in 1963, for native law and customs of Sabah and Sarawak); Bahasa Melayu as the national language; weightage for rural areas (which are predominantly Malay) in the drawing up of electoral boundaries; reservation of some top posts in the state executive for Malays; and legal restrictions on preaching of other faiths to Muslims.

In 1963, Sabah and Sarawak were given autonomy in some areas.

The Malay-Muslim-Native features of the Constitution were balanced by many provisions suitable for our dazzlingly diverse, multi-racial and multireligious society.

At the stroke of midnight on Aug 31, 1957, citizenship was granted to nearly 1.3 million non-Malays. This was a remarkable act of accommodation for the age. Part III of the Constitution on citizenship does not impose race or religious prerequisites.

The electoral process permits all communities an equal right to vote and to seek elective office at both federal and state levels.

Subject to some exceptions, the chapter on fundamental liberties grants the fundamental right to speech, assembly, association, religion, education and property to all citizens.

At the federal level, membership of the judiciary, the Cabinet, Parliament, the public services and the special Commissions under the Constitution are open to all citizens.

Education is free at the primary and secondary levels and is open to all.

University education is subjected to Article 153 quotas. However, to open up educational opportunities for non-Malays, local and foreign private schools, colleges and universities are allowed.

Education abroad is available to whoever wishes to seek it. Government education

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scholarships are given to many non-Malays though this is an area where a large discontent has developed over the proportions allocated.

Even during a state of emergency under Article 150, some rights like citizenship, religion and language are protected by Article 150(6A) against easy repeal.

Though Islam is the religion of the Federation, Malaysia is not an Islamic state. The Constitution is supreme. Syariah law does not apply to non-Muslims.

All religious communities are allowed to profess and practise their faiths in peace and harmony. State support by way of funds and grant of land is often given to other religions.

Missionaries and foreign priests are allowed. Every religious group has the right to establish and maintain religious institutions for the education of its children.

Though Bahasa Melayu is the national language for all official purposes, there is protection for the formal study in all schools of other languages if 15 or more pupils so desire. There is a right to use other languages for unofficial purposes.

Under the Education Act, there is legal protection for the existence of vernacular schools.

Though Article 89 reserves some lands for Malays, it also provides that no non-Malay land shall be appropriated for Malay reserves and that if any land is reserved for Malay reservation, an equivalent amount of land shall be opened up for non-Malays.

Article 153 on the special position of Malays is hedged in by limitations. For example, along with his duty to protect the Malays and natives of Sabah and Sarawak, the King is enjoined to safeguard the legitimate interests of other communities.

In addition to the above legal provisions, the coalition that ruled the country until May 9 last year and the one that took over after that have been largely built on an overwhelming spirit of accommodation between the races, a moderateness of spirit and an absence of the kind of passions and zeal and ideological convictions that in other plural societies have left a heritage of bitterness.

In the commercial sector, there is right to property; freedom of trade and commerce; a relatively open, globalised economy; encouragement to the non-Malay dominated private sector to invest in the economy; and freedom to import and export and to transfer