

CONSTITUTIONAL PROPOSALS FOR MALAYA.

Report of the Working Committee appointed
by a Conference of His Excellency the
Governor of the Malayan Union, Their
Highnesses the Rulers of the Malay States
and the Representatives of the United
Malays National Organisation.

Revised up to the 19th of December, 1946.

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PUSTAKA PERDANA



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PERDANA
LEADERSHIP
INSTITUTE
VAYASAN
KEPIMPINAN
PERDANA

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VAYASAAN
KEIMPINAN
PERDANA

TO HIS EXCELLENCY Sir GERARD EDWARD JAMES GENT, k.c.m.g.,
D.S.O., O.B.E., M.C., GOVERNOR OF THE MALAYAN UNION, AND THEIR
HIGHNESSES THE RULERS OF THE MALAY STATES.

YOUR EXCELLENCY AND YOUR HIGHNESSES,

We were appointed on the 25th July, 1946, by agreement between Your Excellency, Your Highnesses and the representatives of the United Malays National Organisation, with the concurrence of His Excellency the Governor-General, to be a Working Committee to examine the constitutional proposals put forward by Your Highnesses and the United Malays National Organisation and to work out in detail, for Your Excellency and Your Highnesses to examine and criticise, fresh constitutional arrangements in the form of a provisional scheme which would be acceptable to Malay opinion, and which would provide a more efficient administration and form the basis of future political and constitutional developments.

Your Committee was constituted as follows :

REPRESENTING THE GOVERNMENT.

Mr. A. T. Newboult, c.m.g., m.c., e.d., m.o.s. (Chief Secretary).
Mr. K. K. O'Connor, m.c. (Attorney-General).
Mr. W. D. Godsall, M.c.s. (Financial Secretary).
Dr. W. Linehan, m.c.s.
Mr. A. Williams, M.c.s.

REPRESENTING YOUR HIGHNESSES.

Raja Kamaralzaman bin Raja Mansur, M.c.s., Raja Kechil Tengah, Perak.
Dato Hamzah bin Abdullah, Orang Kaya Menteri, Selangor.
Haji Muhammad Sheriff bin Osman, c.b.e., Secretary to Government, Kedah.
Dato Nik Ahmed Kamil bin Mahmud, d.k., s.p.m.k., Dato Sri Setia Raja, Kelantan.

REPRESENTING THE UNITED MALAYS NATIONAL ORGANISATION.

Dato Onn bin Jaafar, d.p.m.j.
Dato Abdul Rahman bin Muhammad Yasin, s.p.m.j.

SECRETARY TO THE COMMITTEE.

Mr. D. C. Watherston, m.c.s.

In addition the Committee's meetings were attended by:

Sir Ralph Hone, k.b.e., m.c., t.d., k.c. (Observer for H.E. the Governor-General).
Sir Theodore Adams, c.m.g. (Adviser to Your Highnesses).
Dato R. St. J. Braddell, d.p.m.j. (Legal Adviser to the United Malays National Organisation).

The Committee met for the first time on the 6th August, 1946, and sat until 16th of August. We then went into recess over the Hari Raya holidays and met again on the 6th of September. Our discussions continued until the 28th of September, when another recess was taken to enable the Malay representatives to consult their principals. The Committee met again on the 11th of October and completed its discussions on the 1st of November. After a short adjournment to enable full consideration to be given to the committee's recommendations as a whole, we met for our final session on the 11th of November. The report was signed on the 18th of November.





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CHAPTER 1.

INTRODUCTORY.

CONSTITUTIONAL AND POLITICAL DEVELOPMENTS UP TO 1941.

1. In order that our recommendations may be seen in proper perspective, it will be convenient to describe briefly the organisation of government in Malaya before the war, the reason for the decision of His Majesty's Government to create a Malayan Union, and the subsequent events leading up to the appointment of this Committee.

2. Until the Japanese occupation the territories with which we are concerned fell into three groups:

- (a) the Settlements of Penang (including Province Wellesley) and Malacca, forming part of the Straits Settlements;
- (b) the Federated Malay States of Perak, Selangor, Negri Sembilan and Pahang;
- (c) the Unfederated Malay States of Johore, Kedah, Kelantan, Trengganu and Perlis.

3. The Straits Settlements, as a Crown Colony, were under direct British administration with a Governor and an Executive and Legislative Council.

4. *Federated Malay States, 1874-1895.* In the Malay States, British authority rested upon Agreements concluded with the Rulers at varying dates from 1874 onwards. Although not identical, these Agreements preserved the sovereignty of the Ruler in his State, and bound him to accept the advice of a British officer on all matters of general administration in his State except matters relating to the Muhammadan religion and Malay custom. During the early days in the four Federated States the vital need for revenue to develop communications and to provide essential social services, coupled with the lack of qualified Malays, compelled the Residents to take administrative control into their own hands. But, as anyone who has read the diaries of Sir Hugh Low will realise, there was a very close contact between the British officer on the one side and the Ruler and Chiefs and the peasants on the other which ensured that the interests of the people received full attention.

5. *Federated Malay States, 1895-1927.* The Federation Agreement of 1895, unfortunately, did not define the respective functions of the Federal and State Governments. While in the succeeding decade this had but little ill effect, the rapid development of the country, and more especially of the rubber industry, from 1906 onwards, resulted in a steady transfer of many of the powers, previously exercised in the States by the Residents and State Councils, to a central authority which was not in close touch with the Rulers. This unified control undoubtedly stimulated the process of material development and, in the resulting general prosperity, the steady trend of authority away from the States seems to have gone largely unnoticed, although protests were made from time to time by some of the Rulers. A Federal Council was established under an Agreement signed in 1909, which, in some respects, placed on a formal footing, for the first time, the transfer to the Federal Government of certain powers which had, until then, belonged *de jure* but not *de facto* to the States.

6. *Federated Malay States, 1927-1941.* The next change was made in 1927 when, by an Agreement signed by the High Commissioner and the four Rulers of the Federated Malay States, the Federal Council was reconstituted. The Rulers withdrew from active participation in the work of the Council: the Unofficial Membership was enlarged to make it more representative in character; and the legislative and financial authority of the Council was outlined. No further change in the constitutional arrangements was made until the reforms associated with the name of Sir Cecil Clementi were introduced as the result of a request from the four Rulers. The main features of these reforms were:

- (a) the division of Federal and State functions which the Federation Agreement of 1895 had failed to make, and the transfer of a number of departments to State control;
- (b) the abolition of the post of Chief Secretary, and the transfer of his statutory and administrative powers to the States in matters transferred to State control, and to the High Commissioner in matters which were to remain federal;
- (c) the strengthening of the State Councils by broadening the basis of representation through the addition of further Chinese, European and Indian unofficial members.

The control of broad policy and of finance remained in the hands of the Federal Government, which voted each year block grants to each of the States to meet the deficit on their budgets. Within the limits of these grants and the standing financial

instructions, the States were, however, free to allocate their expenditure as they pleased. General policy was controlled by the High Commissioner who retained the power of giving advice through the Residents. The effect of these changes in the States was impressive. The newly constituted State Councils, with their increased responsibilities, tackled the problem of local administration with a degree of energy and interest which they had previously had no opportunity to display. Concern with the welfare of the rural population, hitherto to a large extent neglected, revived and increased. The realisation of responsibility stimulated initiative and, while, up to 1941, executive authority in fact still remained largely in the hands of the Residents, there was a real development of the idea of self-government within the limits of policy decided by the High Commissioner. Thus, the freedom from the stringent control of the over-centralised Government of the nineteen-twenties was fully justified. The co-operation of Malay, Indian, Chinese and British members on the State Councils promoted that mutual understanding of each other's day to day problems, which is an essential foundation for successful government.

7. *Unfederated Malay States, 1885-1941.* The Unfederated States in the North—Kedah, Kelantan, Trengganu and Perlis—came under British protection in 1909, when Siam transferred to Britain her rights over those territories and, under a series of Agreements, a British Adviser was appointed to each State. He had no executive powers. The fifth of the Unfederated States, Johore, had confided the control of its foreign affairs to the care of Great Britain by a Treaty of 1885, but it was not until 1914 that an agreement was concluded with the Sultan under which a British officer was appointed as General Adviser.

In the Unfederated States the executive authority rested with the local State Government, exercised by Malay officials of whom the Menteri Besar, or Chief Minister, was the Head. The Sultan and the State Council, the meetings of which the Adviser attended, passed and enacted all legislation, including the annual supply bill based on estimates prepared by the State financial authority. The Adviser, in close touch with the Ruler and the State officers, was able to assist in the solution of day to day problems of administration, and to keep the High Commissioner fully informed of proposals and policies and so enable the latter to exercise the measure of control vested in him by the fact that the States were Protected States. There was a friendly co-operation between the State administration and the Adviser, which made it unnecessary for the ultimate power of "advice" to be exercised. The value of the system was widely appreciated and accelerated the development of constitutional Government to a much greater extent than did the gradual assumption of direct control by the British in the F.M.S. With the developments occurring in the Federated States before them, the Governments of the Unfederated Malay States set out instinctively to preserve, as far as they could, the Malay way of life and the considerable degree of self-government which they had. Contending that the Federation was disregarding Malay interests, the Unfederated Malay States became increasingly opposed to entry into the Federation. From the time when these States came under British Protection they continued to develop their administration and to train young men in Europe and elsewhere to fill responsible posts in the Government service while the necessity of broadening representation on legislative and other Councils was kept in mind. It had been the hope of His Majesty's Government that the contrasting forms of administration in the Federated and Unfederated States might be assimilated to the point at which a wider Federation embracing them all would be acceptable as an important, and indeed necessary, step towards the ultimate achievement of self-government for the territories as a whole.

8. *Governor and High Commissioner.* The single co-ordinating authority for policy and administration for the whole of Malaya was therefore the Governor of the Straits Settlements in his dual capacity of Governor of the Straits Settlements and High Commissioner for the Malay States. He was in direct charge of the administration of the Straits Settlements; he exercised his authority in the Federated Malay States through the British Resident in each of the four States and through the Federal Secretary in Kuala Lumpur; and in the Unfederated Malay States he acted through the Adviser in each State.

9. *Period of Enemy Occupation.* This was the position in 1942 when the Japanese occupied Malaya. For free discussion, natural development and self-reliance the enemy substituted the rule of compulsion and force. During the years of enemy occupation under the iron rule of a ruthless military power, there emerged a deeper appreciation of fundamental values, which had been obscured during the peaceful and prosperous era that went before. These years of Japanese rule emphasised that the British in Malaya had had the welfare of Malaya at heart, had taught people the value of their own institutions, and had awakened, particularly amongst Malays, a new incipient feeling of independence and unity transcending State boundaries. This period also aroused and exacerbated racial feelings. The sudden and complete

collapse of Japan, without a military campaign on the soil of Malaya, the extreme shortages of supplies of all kinds, more especially foodstuffs, and of transport, the serious disorder accompanied by looting and violence which was rife in many parts of the country owing to the withdrawal of effective control by the Japanese before the arrival of British troops, all had the effect of concentrating the minds of the public on the immediately pressing problems of the day. Locally long-term problems were relegated to the background, but His Majesty's Government had already prepared a comprehensive constitutional scheme for the future.

THE CREATION OF THE MALAYAN UNION.

10. *Reasons for the Malayan Union Policy.* The constitutional scheme referred to in the last paragraph was the proposal to create the Malayan Union. The reasons for this proposal were set out in the White Paper "Malayan Union and Singapore" (Cmd. 6724) presented to Parliament in January, 1946, and had previously, been outlined by the Secretary of State for the Colonies in Parliament on October 10th, 1945. They were that the system of government needed to be simplified in view of the increasing complexity of modern administrative, economic and social developments, and that progress in the direction of responsible self-government would be hampered unless the pre-war system was reformed. In short, it was considered that a closer integration of the many separate political units was required, with the reservation that Singapore, as a centre of entrepot trade on a large scale and as possessing economic and social interests as distinct from those of the mainland, required separate treatment, at least for the time being. The proposals were, therefore, that the nine Malay States and the two Settlements of Penang and Malacca should be combined as a single territory to be known as the Malayan Union.

11. *Citizenship.* As an essential part of this policy, it was stated that His Majesty's Government proposed to create a common form of citizenship for all those who regard Malaya as their real home and as the object of their loyalty. Such people should have the opportunity of a due share in the country's political and cultural institutions.

12. *Successive Steps to Implement Malayan Union Policy.* As a first step towards implementing this policy, Sir Harold MacMichael arrived in Malaya in October, 1945, as the Special Representative of His Majesty's Government and concluded formal Agreements with Your Highnesses under which full power and jurisdiction were conferred on His Majesty in each of the Malay States. The next step was the repeal of the Straits Settlements Act, 1866, by the Straits Settlements (Repeal) Act, 1946, which provided that the Settlements should cease to be a single Colony and that they should on and after a day to be specified, be divided into such territories as His Majesty might direct. This enabled the Settlement of Singapore to be created a separate Colony, and the Settlements of Penang and Malacca to be combined with the Malay States by the Malayan Union Order in Council, 1946. This was the third and last of the steps needed to bring the new arrangements into force. The day fixed for the new constitution to become effective was the 1st of April, 1946, and the military administration which had been in control since the re-occupation of the country in September, 1945, handed over to the Civil Government on that date.

13. *Constitutional Arrangements under the Malayan Union Policy.* The effect of the Malayan Union Order in Council, 1946, was to establish a Constitution which would, had it ever been brought into force in its entirety, have consisted of:

- (i) a Governor;
- (ii) an Executive Council;
- (iii) a Legislative Council consisting of the Governor as President and *ex-officio*, official and unofficial, members to a total of 42.

Legislative Council members were to be appointed by the Governor and there was to be a balance between officials and unofficials, the Governor having a casting vote. There was also to be, in each State and Settlement, a State Council or Settlement Council, with power to legislate on matters of a purely local nature in the State or Settlement or on matters in respect to which legislative powers had been delegated to it by the Legislative Council. Each State and Settlement Council was to consist of the Resident Commissioner as Chairman and such *ex-officio*, nominated Official and nominated Unofficial, Members, as might be prescribed by local legislation. There was also to have been a Central Council of Sultans with advisory functions, and a Sultan's Advisory Council in each State which was to have certain advisory powers and also power to legislate on matters of Muhammadan Religion. In fact this Constitution has never been fully brought into force, and the territories are at present governed, under transitional provisions, by the Governor advised by an Advisory Council. The Malayan Union Order in Council, 1946, vested in His Majesty, for the purposes of the government of the Malayan Union, certain Straits Settlements property and also all property, including land, which had previously been vested in Your Highnesses for the purposes of the government of the Malay States.

APPOINTMENT OF THE WORKING COMMITTEE.

14. *Malay Opposition to Malayan Union Policy.* Opposition to the Malayan Union policy both from Your Highnesses and Your Highnesses' subjects grew rapidly during the early months of this year after the publication of the White Paper referred to above. Malays throughout the country expressed their deep concern over the fundamental changes in the policy which was being implemented without that degree of local consultation to which they considered themselves entitled. Their arguments were directed not so much at the idea of closer integration of the Malay States, but at the form and manner in which the proposals had been presented and at the loss of rights, prerogatives and powers of Your Highnesses and the destruction of Malay rule as it had been immediately prior to the Japanese invasion. They contended that the result of the creation of the Malayan Union was to convert the Malay States into a Crown Colony for all practical purposes except that of nationality. This opposition was reflected in the debates in the House of Commons in March and culminated in the abstention of the Malays from the work of Councils established by the Malayan Union Order in Council. Discussions between His Excellency the Governor-General, Your Excellency, Your Highnesses and the United Malays National Organisation, made it clear that the principal point at issue was the view of Your Highnesses and of Your Highnesses' Malay subjects that no alternative to the Malayan Union would be acceptable which denied to Your Highnesses power in your own States as Constitutional Eiders of those States and which risked the individuality of the States being lost in the large body in which they were to be merged. The Secretary of State felt that any proposals should allow for the progressive constitutional development of the country, with a strong central government and a common form of citizenship for all those who had made Malaya their real home and the object of their loyalty. He suggested that the question of how any new constitutional arrangements should be brought into force, including the possibility of entering into new agreements altering the position set up by the MacMichael Agreements, should be put on one side without prejudice to the discussions which he hoped would take place.

15. *Preparation of Proposals by Your Highnesses and the United Malays National Organisation.* In response to this suggestion Your Highnesses and the United Malays National Organisation prepared a rough draft of proposals which were handed to Your Excellency by His Highness the Sultan of Perak at the meeting at King's House, Kuala Lumpur, on the 24th of July, and, as already mentioned in the Foreword, this Committee was appointed on the following day.

CHAPTER II.

GENERAL REVIEW OF THE SCOPE OF THE COMMITTEE'S WORK AND SUMMARY OF RECOMMENDATIONS.

16. Throughout our discussions, the Committee kept in view, as a guiding principle, the remarks of His Excellency the Governor-General at a meeting on the 24th of July in which he said that we should examine Your Highnesses' proposals in detail and submit agreed views, if possible, for both sides to examine and criticise. His Excellency had added that "the Working Committee would be non-committal", and this freedom has been most valuable to us. It has permitted both sides, from start to finish, to speak fully, frankly and without reserve.

GENERAL PRINCIPLES FOLLOWED BY THE COMMITTEE.

17. There were certain general principles, based on the proposals of Your Highnesses and the United Malays National Organisation referred to in paragraph 15, which formed the subject of the conversations between Your Excellency and Your Highnesses on the 24th and 25th of July, and these we have taken as the basis of our discussions. These principles were :

- (a) that there should be a strong Central Government so as to ensure economical and effective administration of all matters of importance to the welfare and progress of the country as a whole;
- (b) that the individuality of each of the Malay States and of the Settlements should be clearly expressed and maintained;
- (c) that the new arrangements should, on a long view, offer the means and prospects of development in the direction of ultimate self-government;
- (d) that, with a view to the establishment of broad-based institutions which would be necessary if principle (c) is ultimately to become effective, a common form of citizenship should be introduced which would enable political rights to be extended to all those who regard Malaya as their real home and as the object of their loyalty;
- (e) that, as these States are Malay States ruled by Your Highnesses, the subjects of Your Highnesses have no alternative allegiance or other country which they can regard as their homeland, and they occupy a special position and possess rights which must be safeguarded.

PRINCIPAL MATTERS CONSIDERED BY THE COMMITTEE.

18. Bearing in mind the general principles stated in the last paragraph, it was clear that the first task to be undertaken by the Committee should be the allocation of legislative and executive powers between the Central Government and State and Settlement authorities. To this the Committee devoted considerable time. The Committee subsequently addressed itself in turn to the following questions :

- (a) the extent to which executive authority under federal legislation, including rule-making powers, should be delegated by the Central Government to States and Settlements;
- (b) citizenship;
- (c) finance;
- (d) the composition of the Federal Executive and Legislative Councils;
- (e) the composition of State Executive Councils and Councils of State in the Malay States;
- (f) the establishment of a Conference of Rulers and functions of the Conference;
- (g) the method of appointment of Judges and other judicial and legal officers.

FEDERATION AGREEMENT.

19. Your Highnesses made it very clear that whatever form of Government was to be established in the Malay States should not have its sole basis in jurisdiction conferred by the MacMichael Treaties, but should be established by an Agreement signed on behalf of His Majesty and Your Highnesses after the withdrawal of those treaties. Indeed, the proposals put forward by Your Highnesses and the United Malays National Organisation for the creation of a Federal Government postulate a Constitution established by agreement and the proposals of the Committee are therefore based on the assumption that, whatever may be its final form, effect will be given to the new constitution by an Order in Council and by an Agreement of this nature. At the meeting at King's House on the 25th of July, His Highness the Yang di-Pertuan Besar of Negeri Sembilan suggested, and Your Excellency agreed, that it would be a useful step for the Working Committee to embody its proposals in a legal document. Once,

therefore, the preliminary issues on points of principle had been resolved, we turned our attention to the form which the Agreement should take. The Committee is most grateful to its legal members who formed themselves into a drafting sub-committee and undertook the work of preparing the draft Federation Agreement which is attached to this report as Appendix A.

JOINT DELEGATION OF POWERS OF HIS MAJESTY AND YOUR HIGHNESSES TO THE HIGH COMMISSIONER.

20. A discussion of the details of the draft Agreement is contained in Chapter VIII of this Report. There is, however, one point of principle which underlies many of the arrangements proposed in the Agreement and which is of such importance that it should be mentioned in the forefront of our Report. The Federation will be established by the mutual act of His Majesty the King and Your Highnesses, and authority in the internal affairs of the Federation whether legislative, executive or administrative, will be delegated to the High Commissioner by the joint action of His Majesty and Your Highnesses. This principle of joint delegation of powers runs through the whole Agreement and is inherent in the proposals which we make in this Report. It is the most convenient method of effectively exercising central powers throughout the Federation whilst maintaining the constitutional position of His Majesty and Your Highnesses as the contracting parties to the Agreement. An instance of this is the appointment of the Chief Justice and the Judges of the Supreme Court which, we recommend, should be effected by the High Commissioner, for and on behalf of His Majesty and of Your Highnesses, by Letters Patent under the Public Seal of the Federation.

MODEL STATE AGREEMENT.

21. In addition to the draft Federation Agreement, a form of model State Agreement has been drafted and is annexed to this Report as Appendix B. It is suggested that this should serve as a model for the separate State Agreements which, under the proposals put forward in this Report, would be signed by each of Your Highnesses in replacement of existing State Agreements. The model State Agreement provides, as heretofore, that His Majesty shall have complete control of all the external affairs of the State and of all questions of defence, and provides for the appointment of a British Adviser whose advice will be accepted on all matters connected with the government of the State other than matters relating to the Muslim Religion and the Custom of the Malays. New features incorporated in the model are provisions for the grant and promulgation by Your Highnesses, where necessary, of written Constitutions, and for the establishment in each State of a State Executive Council and Council of State. The details of the model State Agreement are dealt with in Chapter IX.

METHOD OF BRINGING NEW CONSTITUTIONAL ARRANGEMENTS INTO FORCE.

22. A matter of first importance which was thoroughly explored by the legal sub-committee of this Committee was the method by which the new constitutional arrangements should be brought into force. We have already said, in paragraph 19, that Your Highnesses and the United Malays National Organisation had made it clear that, whatever form of government was to be established in Malaya, it should be established by an Agreement signed on behalf of His Majesty and by or on behalf of Your Highnesses and not merely by an Order in Council made by His Majesty under the Foreign Jurisdiction Act, 1890. In discussion in the Committee the representatives of Your Highnesses and of the United Malays National Organisation reiterated their opposition to the establishment of the new Constitution by a unilateral act of His Majesty under the Foreign Jurisdiction Act. Indeed, the whole conception underlying the new arrangements is not that of the grant of a constitution by unilateral action, but rather that of a partnership resulting in a Federation of Settlements and States, the terms of the partnership being embodied in a Federation Agreement made between His Majesty and Your Highnesses as contracting parties.

JURISDICTION OF HIS MAJESTY.

23. It was, however, pointed out in the legal sub-committee of the Committee that something more than an Agreement was required to give legal force to future laws and to preserve the legal force of existing laws. It therefore became necessary to endeavour to obtain agreement as to where the jurisdiction to make laws now lay. Here difficulty was encountered in that, while it was recognised on all sides that His Majesty had unquestioned jurisdiction to make laws by Order in Council for regulating the internal affairs of the Settlements of Malacca, and Penang, and had jurisdiction to make laws by Order in Council regulating the external affairs and defence of all the territories to be comprised in the Federation, His Majesty's jurisdiction to make Orders in Council regulating the purely internal affairs of the Malay States rested upon the MacMichael Agreements whose validity was not admitted by the representatives of the United Malays National Organisation,

PROCEDURE RECOMMENDED.

24. After considerable discussion in the legal sub-committee, a procedure was propounded which, while enabling each side to maintain its position, would combine the legal force of both sides behind the new Constitution. In brief, the suggested procedure amounts to this, that His Majesty should be pleased to revoke the Malayan Union Order in Council, 1946, and to substitute for it an Order in Council which would provide laws and institutions of Government for the Settlements and expressly give legal force to the provisions of the Federation Agreement in the Settlements and in the States, that His Majesty should also enter into new State Agreements with Your Highnesses which would supersede the MacMichael Agreements and that, thereupon, Your Highnesses should convene your Councils of State and enact laws ratifying the State Agreements and the Federation Agreement, and declaring the Federation Agreement and the appropriate State Agreement to be in full force in your respective States. These various steps would all take place in the appropriate order upon a day to be appointed by the Order in Council, referred to as "the appointed day". The proposals, if carried into effect, will secure that the new Constitution shall have behind it the combined legal force of an Order of Council and of State Enactments; in short, 'the maximum legal sanction obtainable.

TITLE OF THE NEW FEDERATION.

25. Considerable discussion took place on the question of an appropriate title for the new Federation of Malay States and Settlements and the following alternatives were put forward:

(a) *Malayan Federal Union.*

The principal argument in favour of this title was that it connoted a steady advance towards a greater degree of unity for the good of the whole country, and that the constitutional organisation proposed partook more of the nature of a Federal "Union", as known in the constitution of other States, than of a Federation. The objections were that this title would not put the necessary emphasis on the sovereignty of each individual part of the territory and that, when translated into Malay, "Federal Union" involved contradictory terms. Other titles could also connote a steady advance towards a greater degree of unity. Finally, any title including the word "Union" would be most distasteful to, and suspect by Malays.

(b) *Malayan Federation.*

This proposal was suggested as being the most suitable if *Malayan Federal Union* was to be finally rejected. It was, however, opposed by the Malay representatives on the ground that "Malayans" had come to mean people who had some association with Malaya, but did not include Malays, and that Malays took the strongest objection to being called or referred to as Malayans. There was the further difficulty that the expression "Malayan Federation" could not be translated into Malay. This alternative, too, was consequently discarded as unacceptable.

(c) *Federation of Malaya.*

This alternative, which is a strict translation of the Malay title "Persekutuan Tanah Melayu" and is preferred by the Malay representatives, was found to be generally acceptable and we recommend that it should be adopted.

ADMISSION OF OTHER TERRITORIES TO THE FEDERATION.

26. The Committee bore in mind the fact that it may be desirable, at some future date, to extend the Federation to admit territories not at present included in it, and we have inserted a provision (proviso to clause 3) reserving to His Majesty and Your Highnesses the power, by mutual agreement, to admit other territories from time to time.

OUTLINE OF COMMITTEE'S PROPOSALS.

27. Before proceeding to a detailed examination of the deliberations of the Committee it will be desirable to indicate the basic changes in the present constitutional arrangements of these territories which we propose, and, thereafter, to anticipate our more detailed recommendations by giving a brief outline of our proposals. The departures from the Malayan Union constitution which we suggest are basic. For constitutional arrangements founded upon jurisdiction granted by the MacMichael Treaties we propose to substitute a scheme carefully negotiated after lengthy deliberation: in lieu of a constitutional plan which transferred full power and jurisdiction in the Malay States to His Majesty, we propose the restoration of sovereignty to the Malay Rulers in the internal affairs of the Malay States: instead of an Order in Council declaring a Union which has been regarded as unacceptable by the largest community

in these territories, we propose a Federation based upon mutual agreement and a partnership of British Settlements with Malay States. In framing our proposals we have been mindful of the limits of our reference. We have provided for a strong central government, while maintaining adequate powers and functions in the States and Settlements: we have suggested the establishment of institutions which will, in due course, train and fit the inhabitants of these territories for self-government: and we have endeavoured to make provision for a common citizenship which will be open to those, and only to those, who regard Malaya as their real home and the object of their loyalty. We have noted and appreciate the announcements to the effect that, before final conclusions are reached, there will be consultations with representatives of all those who fulfil this test.

28. In brief, our proposals are as follow:

- (a) that there be established a Federation, to be called the Federation of Malaya, consisting of the nine Malay States of Johore, Kedah, Kelantan, Negri Sembilan, Pahang, Perak, Perlis, Selangor and Trengganu and the Settlements of Malacca and Penang;
- (b) that this Federation be established by a Federation Agreement, to be entered into by a representative of His Majesty and by Your Highnesses, after the conclusion of the State Agreements next mentioned;
- (c) that His Majesty, if His Majesty be so pleased, should enter into new State Agreements with each of Your Highnesses, superseding all previous Agreements (except those scheduled, such, for instance, as boundary Agreements) and restoring to Your Highnesses internal sovereignty in your respective States, and that His Majesty be pleased to revoke the Malayan Union Order in Council, 1946;
- (d) that the State Agreements and the Federation Agreement should expressly preserve His Majesty's jurisdiction to regulate all matters of defence and the external affairs of the Malay States; and maintain intact the power of advising Your Highnesses on all matters of government other than those relating to the Muslim Religion and the Custom of the Malays;
- (e) that the Federation Agreement should provide for
 - (i) a High Commissioner to be appointed by His Majesty;
 - (ii) a Federal Executive Council;
 - (iii) a Federal Legislative Council consisting of the High Commissioner as President and forty-eight members with a strong representation of the States and Settlements and an unofficial majority;
 - (iv) a State Executive Council in each State, and a Council of State with legislative powers;
 - (v) a Settlement Council in each Settlement with legislative and administrative powers;
 - (vi) a Conference of Eulers, to consult with each other and with the High Commissioner on matters of State and Federal concern;
 - (vii) a Supreme Court of the Federation and Subordinate Courts; and
 - (viii) Federal citizenship.

29. We also suggest that State Constitutions should in due course be promulgated by Your Highnesses. Such State Constitutions would accord with the Federation Agreement and cover matters not dealt with by that Agreement and would vary as required by the differing needs of the various States. It is suggested that the Settlement Councils should be established by Order made by His Majesty in Council.

30. The executive authority in the Federation and in the Settlements will be in the High Commissioner. The executive authority in each State, subject to certain special responsibilities of the High Commissioner, will be in the Euler of that State.

31. The legislative powers of the Federal Legislative Council are defined in the Second Schedule to the Federation Agreement. The list is comprehensive. Residual powers of legislation will be with the Councils of State and the Settlement Councils who may also have legislative powers delegated to them by the Federal Legislative Council.

32. A Part of the Federation Agreement deals with Finance and provides amongst other things, for certain sources of revenue to be available to States and Settlements and for the remainder to be Federal. The allocation of expenditure between the Federation and the States and Settlements is worked out, and provision is made from block grants from the Federation to States and Settlements to enable them to meet their expenditure.

CHAPTER III.

LEGISLATION AND EXECUTIVE AUTHORITY.

33. *Federal Legislative List.* It has already been said (in paragraph 18) that the definition of the powers of the Central Legislature was the first task which we undertook. The two lists attached to the proposals of Your Highnesses and of the United Malays National Organisation were based on the Federal Legislative List and the Concurrent Legislative List under the Government of India Act and we went through these, item by item. We continually kept before us the first two of the general principles in paragraph 17, namely, the importance of establishing a strong Central Government and, subject to that condition, the maintenance of the individuality of the Malay States and, as a necessary corollary, of the Settlements. This has led us to recommend that the Federal Legislature should have power to legislate on all matters of policy or administration which are common to the States and Settlements generally. The list as agreed, which appears as the Second Schedule to the draft Federation Agreement in Appendix A to this Report, is consequently long and includes, after amendment to fit the different circumstances of Malaya, nearly all the subjects in both the Indian Federal and Concurrent Legislative Lists. The list is, in fact, so comprehensive that we did not consider that any useful purpose would be served by adopting the Indian system of concurrent legislation on certain subjects by the Central and local Legislatures, or by drawing up a list of subjects on which the State and Settlement Governments would have powers to legislate. We accordingly recommend that all residual legislative powers should lie with the State and Settlement Governments respectively, subject to the power to amend the Federal Legislative List by the inclusion of additional items.

34. *Additional Powers of Legislative Council.* We have included in the draft Federation Agreement a provision to the effect that the Legislative Council, upon being requested to do so by at least two State or Settlement Councils, should have power to pass legislation on subjects outside the range of the Federal Legislative List. The advantage of this proposal is that it will facilitate uniformity in legislation in the different States and Settlements. Once such legislation has been passed it may be adopted by States or Settlements, other than those which had originally asked for it, by resolution of the State or Settlement Council concerned.

35. *Amendment of the Federal Legislative List.* As regards the contents of the Federal Legislative List, it was realised that, no matter how careful the Committee might be in drawing it up, it would be impossible to foresee every type of new legislation which might be required in the future. It was, therefore, considered that some simpler and more expeditious means of amending the List was desirable than that of a formal supplemental agreement between the contracting parties. The merits were accordingly discussed of several proposals to effect this object, and it was finally agreed to recommend that alterations, to the Federal Legislative List should be made by the mutual consent of Your Highnesses on the one hand and the High Commissioner (on behalf of His Majesty) on the other, and should be effected by Proclamation of the High Commissioner to be notified in the *Gazette*.

36. *Delegation of Executive Authority to State and Settlement Governments.* In recommending that the powers of the Federal Legislature shall cover such a wide field, we realise that there will be included in that field matters which the Committee are agreed are properly the concern of the State and Settlement authorities. This has been done deliberately in order to ensure that there may be uniformity of legislation—and so of policy and administration—throughout the Federation. At the same time we are convinced, not only that administrative control in these matters should be in the hands of the States and Settlements on general grounds of policy, but that this arrangement will make for greater efficiency. For this reason the Committee recommends that provision should be made in Federal legislation for sufficient devolution of powers to permit State and Settlement Governments to make rules and regulations in appropriate cases. The extent to which we consider that executive authority should be so delegated is indicated in the second column of the Federal Legislative List (the Second Schedule to Appendix A). The precise line of division between the executive authority to be exercised by the Federal Government, and by State and Settlement Governments, will be a matter to be laid down in each case by legislation, and will be for discussion when the legislation is drafted and brought before the Federal Legislature for enactment.

37. *Examples of Delegation of Executive Authority to States and Settlements.* A number of examples of the type of arrangements we have in mind could be quoted, but two will be sufficient for the purpose of illustration:

- (a) Education is a subject where it is essential that there should be a common policy throughout the Federation, and where the system of administration should conform to a single pattern. It has therefore been included in the Federal Legislative List. But the detailed arrangements for education are of intimate concern to the State authorities and are a matter in which they have shewn great interest in the past. The administration and control of the State and Settlement Governments will not extend to higher education, to colleges for the training of teachers, or to certain other institutions of which not more than one or two are required for the whole country. But we recommend that, within the framework of the common policy and the common system of administration laid down in Federal legislation, the State and Settlement Governments should have complete control over the day-to-day administration of primary and secondary schools, and over trade schools within their respective areas.
- (b) A second example is that of Public Health. Here again certain standards must be laid down by the Federal Government, but the arrangements for carrying out the general policy in each State and Settlement can and should in our opinion be left to the local governments, the regulations being based on model regulations prepared by the Federal Government.

38. *No Rigid Division of Duties between State and Settlement Officers and Federal Officers.* We should be misunderstood if it were thought that we are recommending that there should be any rigid division of duties between Federal and State officers when they are acting in an executive capacity. Where we have recommended that executive authority should rest with the Federal Government, rather than with the State and Settlement Governments, we contemplate that in practice the work will frequently be carried out by State or Settlement officers acting as the agents of the Federal Government: for example, in the case of the Co-operative Societies Department, we recommend that the States and Settlements should be associated with the work to the greatest possible extent.

CHAPTEE IV.

FINANCE AND BUDGETS.

39. *Pooling of Assets and Liabilities.* On the basis of a memorandum by the Financial Secretary, the Committee was able, after a short discussion, to reach agreement that the assets and liabilities of all the States and Settlements constituting the Federation, and of the Malayan Union, should be pooled and remain with the Federation. In the case of the Settlements, their share of the assets and liabilities of the Straits Settlements has yet to be ascertained. In reply to a request from the Malay representatives on the Committee for some form of rough balance sheet which would give an approximate indication of the contributions being made by each member State and Settlement to the new Federation's finances, it was explained by the Financial Secretary that this would be exceedingly difficult to determine. It could not in any case be done for a considerable time, as it was not yet known what expenditure would be charged to Malayan funds for the period of military administration, nor had any records been kept as to how this expenditure should be distributed between the various States and Settlements. The Committee accepted the statement that the preparation of a balance sheet was not a feasible proposition, but we recommend that Government should agree that, when any State or Settlement puts forward claims for large capital expenditure on rehabilitation, the assets which that State or Settlement has thrown into the common pool, and the absence of any loan liabilities (where this is the case), should always be given due consideration.

40. *Allocation of Revenue between the Federal Government and State and Settlement Governments.* The Committee then turned its attention to the division of revenue between the Federal Government and State and Settlement Governments, and considered a further memorandum by the Financial Secretary. The only head on which any material discussion arose was Excise Duties. The representatives of Your Highnesses put forward the view that these duties should be credited to State and not Federal revenue. After an explanation had been given by the Financial Secretary that it would be unsound to permit one State to vary the excise duty on articles manufactured for sale throughout Malaya, we were able to reach agreement that excise revenue generally should be Federal, but that the matter might be reconsidered at a later date. It was also agreed that the All Malaya (Currency Surplus) Fund should be shared among States and Settlements as part of their revenues and should not be treated as Federal revenue. This is in accordance with the practice in the Federated Malay States prior to the Japanese occupation. A list of the items of revenue which we agreed to recommend should go to States and Settlements appears as the Third Schedule to the draft Federation Agreement at Appendix A to this Report. We recommend that other revenues should be Federal.

41. *Allocation of Heads of Expenditure between the Federal Government and State and Settlement Governments.* Having settled the division of the revenue, we next considered which heads of expenditure should appear in the State and Settlement estimates. After discussion, it was decided to recommend that there should be two lists, one for Federal and one for State and Settlement expenditure. The lists in the form ultimately agreed form Parts I and II of the Fourth Schedule to the draft Agreement at Appendix A. It will be seen that, in those departments where we have recommended that the expenditure on Services in the State or Settlement should appear in the State and Settlement estimates, we have, nevertheless, included headquarters expenditure and provision for research in the Federal list.

42. *Recommendations Regarding Certain Departments.* The Co-operative Societies Department, the Fisheries and Social Welfare Departments and the Department of Industry and Commerce have been included in the Federal List, but we recommend that the question of their transfer to States and Settlements should be considered at a suitable opportunity in the future. Other points about individual departments to which we would draw attention are the following:

- (a) *Education.* We were agreed that the Malay Colleges, Kuala Kangsar and Kuala Lumpur, the colleges for training teachers, the Technical College, and Institutes for Higher Education should be Federal Institutions.
- (b) *Electrical.* The proposals for the introduction of a grid system of distribution were regarded as decisive in favour of the Department being included in the Federal List. It was mentioned that the eventual intention was that the Department should be run on commercial lines with independent finances.

(c) *Marine.* We recommend that the general principle on which Marine expenditure should be divided should be that local services should appear in State and Settlement estimates, and services in relation to merchant shipping (lighthouses, for example) should be Federal.

(d) *Industry and Commerce.* We recommend that existing State schemes and the financial provision for them should remain the responsibility of State Governments. An example is the Director, Rural Industries Development, Kedah, for whom provision is made at present in the Agricultural Department's estimates.

43. *State and Settlement Budgets.* The arrangements which we contemplate for balancing the State and Settlement budgets are in general the same as those in force in the Federated Malay States before the war. The deficit in a State or Settlement budget would be met by a block grant from the Federal Government for which provision would be made in the Federation Appropriation Bill. This ensures a measure of control by the Federal Legislature over expenditure throughout the Federation. It is also proposed that the pre-war practice, whereby important items of new expenditure are only inserted in State budgets after consultation with the Financial Secretary of the Federation, should be embodied in General Orders, the first draft of which is included in the Fifth Schedule to the Agreement. It will be observed that provision is made in Clause 127 of the Agreement that no substantial amendment to these General Orders may be made without consultation with the Executive Councils of the States and the Governments of the Settlements.

44. The limits, however, above which consultation with the Financial Secretary is necessary before expenditure can be entered in State and Settlement estimates have been considerably raised by comparison with pre-war Federated Malay States practice and, as regards the figure of \$900 per annum mentioned in the General Orders A and B in the Fifth Schedule, we recommend that, if salary scales are at any time revised in an upward direction, this figure should be proportionately increased. A further amendment of pre-war practice in the direction of decentralisation will be found in Clause 119(2) (c), which contemplates that the Federal Government shall place at the disposal of the States and Settlements, in addition to the block grants referred to in paragraph 43 above, lump sums, which may, subject to the General Orders referred to above, be spent at the discretion of the State and Settlement Councils, either on unforeseen services or to supplement existing votes. Subject to the availability of funds it is recommended that these amounts should take the form of a percentage of the annually recurrent expenditure of States and Settlements so calculated as to produce, under normal financial conditions, sums of the order of \$100,000 per annum in the case of the larger territories and proportionately smaller sums in the case of the smaller territories. This provision will enable States and Settlements to meet small items of urgent expenditure without reference to the Federal Legislative Council, and thereby promote the despatch of public business.

45. *Date of Coming into Force of Financial Provisions of Federation Agreement.* In view of the fact that, on the day appointed for the coming into force of the provisions of this Agreement, there will be no State or Settlement budgets in operation, it is proposed that the existing system of finance should be continued until the 31st of December, 1947, under the authority of the Malayan Union Appropriation Law for 1947. This will enable separate Federal and State and Settlement budgets for 1948 to be prepared and Appropriation Laws passed with a view to bringing the other financial provisions of the Agreement into force on the 1st of January, 1948. It is therefore stated in Clause 1 of the draft Agreement that the operation of Clauses 116, 117, 123, 124, 125 and 126 shall be suspended until the 1st of January, 1948.

CHAPTER V.

CONSTITUTION OF COUNCILS.

A.—Legislative Council.

46. An agreed solution on the constitution of the Legislative Council was reached only after long discussion. The Malay representatives on the Committee put forward, in the first instance, tentative proposals which formed the germ of our ultimate recommendations. Before proceeding to discuss details there were two points of principle on which the Committee wished to clear its mind. These were, firstly, the question of an unofficial majority on the Council, and, secondly, the method of ensuring that the special interests of the State and Settlement Governments, as component parts of the Federation, should be safeguarded through adequate representation.

47. *Unofficial Majority.* Misgivings were expressed by one member on the Government side as to the wisdom of starting with an unofficial majority on the Legislative Council. Accordingly the recommendations which follow as to the composition of the Council are, as regards that member, subject to that reservation. A majority of the Committee, however, agreed to recommend that the time was ripe for this step to be taken. The outcome of our discussions on the second point led us to the conclusion that there should be a third category of members of the Legislative Council, consisting of representatives of the State and Settlement Governments, who would not, in the Legislative Council, have the status of Officials. The Council would thus be made up of:

- (i) Official Members;
- (ii) Representatives of State and Settlement Governments having the status of Unofficial Members; and
- (iii) Unofficial Members;

and we considered these in turn.

(i).—OFFICIAL MEMBERS.

48. We agreed that the High Commissioner should be the President and that the usual practice should be followed of having, as *ex officio* members, the three principal officers of Government, namely, the Chief Secretary, the Attorney-General and the Financial Secretary, and that there should, in addition, be a number of Nominated Official Members. Some discussion took place whether the General Officer Commanding-in-Chief, or equivalent officer of either of the other Services, should have a seat on the Legislative Council, as so little of the work will be of a military character. We hold no strong views on this point. Assuming that the General Officer Commanding-in-Chief is to be a member of the Council, we considered whether he should be included as a fourth *ex officio* member, but we agreed that this was not advisable, as a change in military arrangements might result in his headquarters being moved, say, to Singapore, when it might no longer be appropriate for him to be a member of Council. We recommend, therefore, that, if the senior officer of His Majesty's Services in the Federation is to be a member, he should be one of the Nominated Official Members of the Legislative Council.

49. Bearing in mind that we had already accepted the principle that there should be no official majority on the Council, the Committee took the view that the nominated officials should consist only of

- (a) officers filling appointments which made their presence on the Council essential to the efficient despatch of normal business;
- (b) officers possessing special experience or ability who could be expected to make an active and valuable contribution to the Council's deliberations.

50. In the first of these categories we recommend the inclusion of the following:

Senior Officer of His Majesty's Services (subject to paragraph 48 above);

Economic Adviser

Secretary for Chinese Affairs

Commissioner for Labour

Director of Education

Director of Medical Services.

51. In the second category, the British Advisers in the Malay States clearly have a high claim on grounds of long and varied administrative experience. There is the practical objection that, if they were all appointed, they would swell the number of official members to such a degree that the number of unofficial members would have to be correspondingly increased, and the Council as a whole would be disproportionately large. We reached the conclusion that, while it was not desirable that all nine British Advisers should be appointed, the Council would be the poorer if it was to be

deprived of the experience of them all. We recommend that two of the seats for Official Members should be reserved for two British Advisers to be nominated by the High Commissioner.

52. There remained certain Federal Heads of Departments, other than those already mentioned in paragraph 50, whom the Committee consider might be valuable members of Council.

These are :

Commissioner of Lands
Director of Agriculture
Director of Public Works
Chief Social Welfare Officer.

We recommend that three of the four officers filling these posts should be selected for appointment to the Council.

53. Our recommendations in regard to the Official Members of the Council can be summarised as follows:

(a) Three *ex officio* Members—

Chief Secretary
Attorney-General
Financial Secretary.

(b) Eleven Nominated Official Members who would normally include the following eight:

Senior Officer of His Majesty's Services (subject to paragraph 48 above)
Economic Adviser
Two British Advisers from the Malay States to be selected by the High Commissioner
Secretary for Chinese Affairs
Commissioner for Labour
Director of Education
Director of Medical Services,
and the remaining three would be selected from the following:
Commissioner of Lands
Director of Agriculture
Director of Public Works
Chief Social Welfare Officer.

We recommend further that provision should be made for any Government officer to attend the meetings of the Council when his presence would assist the Council's business.

(ii).—REPRESENTATIVES OF STATE AND SETTLEMENT COUNCILS.

54. The adequate representation of the constituent Governments of the Federation on the Legislative Council, so that their special interests may be given due weight by the Federal Government, seems to us to be of the greatest importance and we recommend that there should be one such representative from each State and Settlement. In the Malay States the representative would naturally be the President of the State Council, that is to say, the Menteri Besar. This arrangement would have the dual advantage of giving these officers an interest and participation in the wider sphere of Federal affairs, and of bringing them into close association with Federal officers, an important consideration in view of their State position and function. We consider that this should materially assist in creating and preserving the best possible relations between the Federal and State Governments, and in removing possible sources of friction before they can develop into serious differences of opinion.

55. In the Settlements we recommend that the representative on the Legislative Council should be selected by the Settlement Council from among its own members. This Committee contained no representative from the Settlements, and consequently has not felt justified in making any suggestions as to the composition of the Settlement Councils, but, whatever their composition, we recommend that their representatives on the Legislative Council should not be the Resident Commissioners but should be unofficials, in order to secure the special position of these representatives referred to in the next paragraph.

56. The function of the eleven representatives of the State and Settlement Councils will be to speak and vote in whatever way they consider is in the best interests of the Federation, and they should not be under any obligation to govern their actions in the Legislative Council by instructions from the Federal Government. We have therefore included them, in the summarised recommendations in paragraph 65,



in the category of Unofficial, rather than of Official Members. This has been done primarily to emphasise that they are not part of the official bloc. They may be expected in practice to take up a middle position independent both of the Official and of the Unofficial parties.

57. The question of the precedence of these members was considered. In the Council of State the British Adviser will take precedence after the President, but the two British Advisers who are members of the Legislative Council would normally, as Official Members, take precedence before the Presidents of the Councils of State, including the two Presidents from their own States. A suggestion was put forward that special provision should be made for the Presidents to take precedence before the Nominated Official Members but it was felt that it was of greater importance to preserve their status as Unofficials. We recommend, therefore, that the Presidents of the Councils of State should take precedence of other Unofficial Members and that, outside meetings of the Legislative Council, they should, at Federal functions, rank immediately after the *ex officio* members. The Presidents of the Settlement Councils should also, at Federal functions, rank similarly to the Presidents of the Councils of State.

(iii).—UNOFFICIAL MEMBERS.

58. It was only after long discussion that we were able to agree on recommendations which appeared to us to provide for proper representation of the general public on the Legislative Council. Our main difficulty lay in attempting to reconcile the two objectives of providing for the representation of certain well-defined non-racial interests, and at the same time, ensuring that the various racial communities should be adequately represented in Council. On general grounds we wished as far as possible to avoid racial representation as such, but this factor could not be altogether excluded. We have on the other hand found it possible to make recommendations for some representation on a functional rather than on a racial basis.

59. The Committee did not start its discussions with any fixed idea as to numbers, but approached the problem from the opposite angle by considering what interests should be represented. Closely linked to this was the question of the extent to which these interests could nominate their own representatives through existing bodies, such as Trade Unions and Chambers of Commerce. The Committee was unanimous that the introduction of any form of elections on a wide franchise would be premature, and could not be regarded as feasible in the early stages of the new Federation, with which the Committee has been primarily concerned. Nomination by representative associations appeared to us to offer a means of escape from nomination in every case by the High Commissioner, and to be a definite step forward on the road to eventual self-Government.

60. We reached the conclusion that the interests which might appropriately be represented through existing bodies were the following:

Labour
Planting
Mining
Commerce.

Turning then to the racial distribution of representatives of these interests the Committee was forced to take into account the fact that it would be difficult, for example, to secure a joint nomination from the various Chambers of Commerce of a single representative. In such cases not only do racial factors come into play, but the interests of the various sections of trade are not always the same. Our final conclusions were that a total of 9 seats should be allocated to these four interests on the following basis:

Representative of:

	European.	Chinese.	Indian.	Total.
Labour		1	...	2
Planting	1	1	...	2
Mining	1	1	—	2
Commerce	1	1	1	3

and we recommend accordingly.

61. The Committee next considered what other interests should be represented and agreed that three additional seats should be reserved for:

(a) a representative of educational and cultural interests, who could come from any community. We thought that, at a later date, the possibility of this seat being filled by a representative of the University College of Malaya, and, still later, of the University when it is founded, deserved consideration;

