



MALAYSIA

TOWARDS NATIONAL HARMONY

DI-CETAK DI-JABATAN CETAK KERAJAAN
OLEH MOHD. DAUD BIN ABDUL RAHMAN, PEMANGKU PENCHETAK KERAJAAN
KUALA LUMPUR

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Perpustakaan Negara
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TOWARDS NATIONAL HARMONY

I. INTRODUCTION

In the lives of nations, as of men, there occur for good or ill certain events which indelibly leave their mark and which irrevocably affect the course of history. The upheaval of 13th May 1969 was such an event in our life which shook our nation to the very core of its being and threatened its viability. Men will no doubt speak of our history in terms of occurrences before and after that date and will judge us by what we do now to avoid the calamity of any such future conflict.

2. It is true that the fears, the bitterness and the anguish of those tragic days have receded in the national consciousness. But its lessons must never be forgotten: we do so at the peril of our very lives.

3. The disturbances point to the ominous dangers which face our multi-racial nation where the attendant differences of language, religion and cultural values are further accentuated by the pronounced economic disparity between the racial groups. But a time of danger is also a time of opportunity. The question before us today is this: do we have the courage and conviction to face these dangers and turn them into opportunities and thus set ourselves anew on a course which will ensure national harmony?

4. Immediately after the disturbances the Government made a careful and thorough study of their causes and implications, and in October 1969 published a report entitled "The May 13 Tragedy". The Report traced the causes of the disturbances and proposed certain measures to be taken to prevent their recurrence. It is clear that the underlying causes of the disturbances were the mistrust among the races fanned by irresponsible elements, and the growing sense of insecurity felt by the Malays due to racial imbalance particularly in the education and economic fields. During the election campaign in April and May 1969 emotions were aroused by racial extremists and irresponsible candidates and their supporters. Among the Malays, these elements created fears by questioning and ridiculing the provisions of the Constitution relating to Bahasa Malaysia and the special position of the Malays while

some of them created dissatisfaction by drawing attention to the inadequate implementation of these provisions. Among the non-Malays, they created the fear and mistrust that their legitimate interest as provided in the Constitution would be eroded.

5. The freedom of speech inherent in a democratic system afforded certain unscrupulous politicians with opportunities to misrepresent deliberately important provisions in the Constitution in order to win support through race-baiting, as evident in April and May, 1969.

6. It is now clear that unless certain restraints are placed on public discussions on issues which are likely to generate anxiety and fear among the races and unless measures are taken to assure the people that their rights and legitimate interests under the Constitution will not be threatened, this nation runs the risk of another, possibly worse, racial conflict.

7. The Constitution of this country is the result of an agreement, reached before Merdeka, among the major communities. It is a binding agreement solemnly entered into by all races and it is clear that the Constitution contains Articles and Clauses which protect the legitimate interests of every community in the country. The provisions relating to the position of the Malays, for example, are balanced by the granting of citizenship to non-Malays and the guaranteed protection of their legitimate interests. This balanced approach runs through the entire Constitution. If important sections of the Constitution—sections pertaining to the delicate compromises among the major races—are attacked it will certainly arouse fears and emotions. It is obvious that these vital clauses must, in the national interest, be protected from the kind of debate that questions the very principle on which the nation was founded.

8. The Government therefore proposes to amend certain provisions of the Constitution. The proposed amendments have, broadly, two objectives. They are to remove sensitive issues from the realm of public discussions so as to allow the smooth functioning of parliamentary democracy; and to redress the racial imbalance in certain sectors of the nation's life and thereby promote national unity. These proposals reflect not only the thinking of the Government, but they also bear the imprint of the frank and careful deliberation among members of the National Consultative Council.

II. AMENDMENTS TO THE CONSTITUTION

(a) *Freedom of Speech and Expression*

9. The Constitution under Article 10 provides, *inter alia*, for the freedom of speech, subject to certain restrictions therein. However, experience during May 1969, showed that freedom of speech has been exercised without discipline and responsibility and without due regard to sensitivities in a multi-racial society. There is no guarantee that this right would not again be abused. In order to ensure that in future the democratic processes will not be used to arouse racial feelings, it is proposed that Article 10 be amended to give power to Parliament to pass laws prohibiting the questioning of any matter, right, status, position, privilege, sovereignty or prerogative established or protected by the provisions of Part III (provisions relating to citizenship), Article 152 (the National Language and the languages of other communities), Article 153 (special position of the Malays and the legitimate interests of other communities) or Article 181 (the sovereignty of the Rulers). Such laws, however, would not affect the right of any person to raise any matter relating to the implementation of the said provisions. The proposed amendment to Article 10 and the laws made under it may only be amended with the consent of the Conference of Rulers.

10. Articles 63 and 72 protect members of Parliament and Legislative Assembly of a State from court proceedings for anything said by them in Parliament or the Legislative Assembly. This is one of the privileges of members of Parliament and Legislative Assembly of a State. This privilege should not extend to saying anything which is likely to arouse racial feelings and endanger racial peace in the country. This is recognised by the Parliament and is embodied in its Standing Orders under Rule 36 which stipulates that it shall be out of order to use words which are likely to promote feelings of ill-will or hostility between different communities in the Federation. However, to be certain that such acts do not take place and to remove all such temptations, it is proposed to amend Articles 63 and 72 to deprive members of Parliament and Legislative Assembly of a State of the protection they enjoy under these Articles if they are charged with an offence under any law passed by virtue of the amended Article 10.

(b) Bahasa Malaysia

11. The Constitution provides that the National Language shall be the Malay Language (Bahasa Malaysia). It does not however prevent or prohibit the use of other languages except for official purposes. Since the Constitution clearly states that the National Language must be used for official purposes, it must be the language to be used for the purposes of all public authorities. These are the Federal Government, the State Governments and other authorities established by law, as already defined under Article 160 of the Constitution. Since the term "official purpose" has not been defined in the Constitution, it is proposed now to amend Article 152 to define "official purpose" to mean the purposes of all public authorities.

(c) Special Position of the Malays

12. Article 153 provides that the Yang di-Pertuan Agong shall be responsible for safeguarding the special position of the Malays and for protecting the legitimate interests of other communities. In accordance with the provisions of this Article, the Yang di-Pertuan Agong is empowered to ensure the reservation for Malays of such proportions as he may deem reasonable of positions in the public service (other than the public service of a State) and of scholarships, and other similar educational or training privileges or special facilities given or accorded by the Federal Government and, when any permit or licence for the operation of any trade or business is required by federal law, then, subject to the provisions of that law and of the Article, of such permits and licences.

13. The purpose of this Article is to provide leverage to the Malays to advance and progress more rapidly, since it is generally recognised that the Malays and the non-Malays have not advanced at the same rate of progress. The Government has made a thorough study of the causes of the comparatively slow rate of progress of the Malays and is determined to step up its efforts to accelerate the pace of their advancement so that they will in time to come be able to compete on equal terms with the non-Malays.

14. It will be recalled that among the reasons attributed for the disturbances in May 1969 was the growing sense of fear and insecurity among the Malays due to the disparity existing between themselves and the

non-Malays particularly in the fields of education and economics. The Government has carried out a number of development projects in the economic field to raise the economic position of the rural population in general and of the Malays in particular. The other important area of imbalance is education which has so direct a relevance to economic and social progress.

15. As a result of Government policy, the number of students of all races qualified to pursue higher education has increased significantly. However, due to the disadvantaged socio-economic background and limited educational facilities in the rural areas, the academic performance of the Malay students at secondary level has comparatively not been as good as desired. This fact has contributed to the racial imbalance in certain courses of study in the university. In addition, the present practice of selecting students based solely on academic performance in courses where there are more qualified applicants than there are places has served to widen even more the numerical gap between Malays and non-Malays in certain departments in the University (Refer to Appendix).

16. According to law the University is required to admit all students who have been awarded scholarships out of public funds, provided they have the necessary qualifications. It would be possible then to facilitate the admission of all qualified Malay students by awarding them scholarships, irrespective of their financial situations. However, this would be inequitable since scholarships to qualified Malays are awarded on the basis of competition amongst themselves and on a means test.

17. The wide numerical gap in certain courses of study in the University between Malay and non-Malay students must be remedied. (See Table I in Appendix). The Government has taken measures to improve the educational facilities in the country particularly in the rural areas. These are long-term measures, the effects of which take time to be felt. However, since there is an urgent need to achieve some measure of racial balance in important areas of the nation's life, and there is a direct relationship between higher education and economic progress, it is necessary in the spirit of Article 153 to reserve for Malays reasonable proportion of places in selected fields of study in institutions of higher learning.

18. Towards this end it is proposed to amend Article 153. The proposed amendment will empower the Yang di-Pertuan Agong to give direction to any university, college or other educational institutions at post secondary level to reserve for Malays certain proportion of places as the Yang di-Pertuan Agong *deems reasonable*. The intention of the amendment is to reserve places in those *selected courses of study where the numbers of Malays are disproportionately small*.

19. The proposed amendment falls under the over-riding Clause (1) of Article 153 which stipulates that it shall be the responsibility of the Yang di-Pertuan Agong to safeguard the special position of the Malays and protect the legitimate interests of the other communities. In other words, in the implementation of the provisions of the proposed amendment it is the intention to be fair and just to all communities.

(d) Amendment to Article 159

20. During the elections campaign in April and May, 1969, extremist candidates and their supporters derided certain important provisions of the Constitution—provisions which embody the agreements reached by the major races before Merdeka. These candidates misrepresented important items of the Constitution as being unfair and discriminatory by quoting only one aspect of the items of the Constitution and deliberately neglecting to mention the other aspects which made up the complete bargain. At the same time they agitated for the removal of these important provisions—clearly a tactic designed to secure racial support. This approach stirred up fears and indignation among the major racial groups in the country.

21. Measures have therefore to be taken to assure the people that their rights and interests under these provisions will be protected. Towards this end it is proposed to amend Article 159 to include under Clause (5) of this Article Part III of the Constitution, the proposed amendment to Article 10 and any laws made thereunder, Articles 63, 72 and 152 amended as proposed, in order that these provisions may not be modified without the consent of the Conference of Rulers. Clause (5) of Article 159 would similarly be entrenched.

III. CONCLUSION

22. A constitution needs to be relevant to the problems and conditions of the society for which it provides the framework of Government. This is particularly true in this country where the constitution must be sufficiently strong to bear the stresses and strains of the democratic process in a multi-racial society. The 13 May disturbances bear tragic witness to this fact. Now that the immediate dangers have passed, it would have been easy to stand back and to avoid the painful decisions which have had to be taken and which are embodied in the proposals contained in this Paper. But it would have been a dangerous shirking of our proper responsibilities. We would purchase peace from the controversies which these proposals may arouse at the price of national unity and national harmony for generations yet to come.

23. The Government does not believe that we can shirk these responsibilities. Parliament is after all the trustees for the peoples of Malaysia: we are the guardians of the nation's heritage and hopes. Upon what we do today, at a time of peril and yet of promise, will depend the future survival and success of Malaysia.

APPENDIX

TABLE I

UNIVERSITY OF MALAYA

STUDENT ENROLMENT INTO YEAR ONE BY FACULTY
NUMBER OF MALAYS AND NON-MALAYS

				<i>Malay</i>		<i>Non-Malay</i>		<i>Total</i>
1960/61								
Agriculture	..	..	..	1	..	18	..	19
Arts	..	..	..	66	..	140	..	206
Engineering	..	..	..	3	..	63	..	66
Science	..	..	..	7	..	61	..	68
1961/62								
Agriculture	..	..	..	4	..	21	..	25
Arts	..	..	..	91	..	166	..	257
Engineering	..	..	..	1	..	81	..	82
Science	..	..	..	7	..	88	..	95
1962/63								
Agriculture	..	..	..	1	..	23	..	24
Arts	..	..	..	108	..	205	..	313
Engineering	..	..	..	1	..	84	..	85
Science	..	..	..	5	..	107	..	112
1963/64								
Agriculture	..	..	..	4	..	27	..	31
Arts	..	..	..	143	..	265	..	408
Engineering	..	..	..	—	..	89	..	89
Science	..	..	..	8	..	130	..	138
Medicine	..	..	..	7	..	33	..	40
1964/65								
Agriculture	..	..	..	8	..	28	..	36
Arts	..	..	..	205	..	300	..	505
Engineering	..	..	..	3	..	89	..	92
Science	..	..	..	14	..	135	..	149
Medicine Year 1	..	..	..	2	..	36	..	38
1965/66								
Agriculture	..	..	..	21	..	26	..	47
Arts	..	..	..	294	..	359	..	653
Engineering	..	..	..	3	..	98	..	101
Science	..	..	..	13	..	169	..	182
Medicine:								
Pre-Med.	..	..	..	11	..	31	..	42
Year 1	..	..	..	4	..	76	..	80
1966/67								
Agriculture	..	..	..	30	..	27	..	57
Arts	..	..	..	350	..	423	..	773
Engineering	..	..	..	3	..	96	..	99
Science	..	..	..	35	..	162	..	197
Medicine:								
Pre-Med.	..	..	..	20	..	20	..	40
Year 1	..	..	..	12	..	84	..	96
Econs. and Adm.	..	..	..	49	..	83	..	32

TABLE I—(cont.)

UNIVERSITY OF MALAYA—(cont.)

STUDENT ENROLMENT INTO YEAR ONE BY FACULTY
NUMBER OF MALAYS AND NON-MALAYS—(cont.)

				<i>Malay</i>		<i>Non-Malay</i>		<i>Total</i>
1967/68								
Agriculture	..	..	..	17	..	38	..	55
Arts	..	..	..	487	..	381	..	868
Engineering	..	..	..	9	..	83	..	92
Science	..	..	..	57	..	241	..	298
Medicine:								
Pre-Med.	..	..	..	23	..	20	..	43
Year 1	..	..	..	24	..	86	..	110
Econs. and Adm.	..	..	..	121	..	177	..	298
1968/69								
Agriculture	..	..	..	8	..	66	..	74
Arts	..	..	..	490	..	461	..	951
Engineering	..	..	..	2	..	96	..	98
Science	..	..	..	84	..	256	..	340
Medicine:								
Pre-Med.	..	..	..	25	..	11	..	36
Year 1	..	..	..	23	..	105	..	128
Econs. and Adm.	..	..	..	185	..	248	..	433
1969/70								
Agriculture	..	..	..	25	..	70	..	95
Arts	..	..	..	722	..	505	..	1,227
Engineering	..	..	..	5	..	109	..	114
Science	..	..	..	79	..	228	..	307
Medicine:								
Pre-Med.	..	..	..	26	..	14	..	40
Year 1	..	..	..	24	..	102	..	126
Econs. and Adm.	..	..	..	197	..	308	..	505

TABLE II

APPLICATIONS AND ADMISSIONS INTO THE FACULTY
OF MEDICINE, UNIVERSITY OF MALAYA, NUMBER OF
MALAYS AND NON-MALAYS

SESSION 1963/64					<i>No. of Applications</i>	<i>No. of Admissions</i>
Total	..	..	..	..	192	40
Malay	..	..	..	..	17	7
Non-Malay	..	..	..	..	175	33
SESSION 1964/65						
Total	..	..	..	..	167	70
Malay	..	..	..	..	13	3
Non-Malay	..	..	..	..	154	67
SESSION 1965/66						
Total	..	..	..	..	229	84
Malay	..	..	..	..	20	13
Non-Malay	..	..	..	..	209	71
SESSION 1966/67						
Total	..	..	..	..	280	93
Malay	..	..	..	..	37	21
Non-Malay	..	..	..	..	243	72
SESSION 1967/68						
Total	..	..	..	..	309	115
Malay	..	..	..	..	44	27
Non-Malay	..	..	..	..	265	88
SESSION 1968/69						
Total	..	..	..	..	422	125
Malay	..	..	..	..	63	26
Non-Malay	..	..	..	..	359	99
SESSION 1969/70						
Total	..	..	..	..	432	134
Malay	..	..	..	..	73	30
Non-Malay	..	..	..	..	359	104
SESSION 1970/71						
Total	..	..	..	..	414	135
Malay	..	..	..	..	67	30
Non-Malay	..	..	..	..	347	105

Source—University of Malaya, Faculty of Medicine. FMC—597, dated 5-10-1970.

TABLE III

TABLE SHOWING BREAKDOWN OF FIRST YEAR MALAY
AND NON-MALAY STUDENTS IN THE HUMANITIES
AND THE SCIENCES

<i>Academic Year</i>	<i>Malay Non-Malay</i>		<i>HUMANITIES</i>		<i>SCIENCES</i>	
			<i>Enrolment</i>	<i>%</i>	<i>Enrolment</i>	<i>%</i>
1960-61	Malay	.. ..	66/206	32.1%	11/153	7.1%
	Non-Malay	.. ..	140/206	67.9%	142/153	92.9%
1961-62	Malay	.. ..	96/257	35.4%	12/202	5.9%
	Non-Malay	.. ..	166/257	64.6%	190/202	94.1%
1962-63	Malay	.. ..	108/313	31.2%	7/221	3.1%
	Non-Malay	.. ..	205/313	68.8%	214/221	96.9%
1963-64	Malay	.. ..	143/408	35.1%	19/298	6.5%
	Non-Malay	.. ..	265/408	64.9%	279/298	93.5%
1964-65	Malay	.. ..	205/505	40.5%	27/315	8.5%
	Non-Malay	.. ..	300/505	59.5%	288/315	91.5%
1965-66	Malay	.. ..	294/653	45.0%	52/452	11.0%
	Non-Malay	.. ..	359/653	55.0%	400/452	89.0%
1966-67	Malay	.. ..	399/905	44.0%	100/489	20.5%
	Non-Malay	.. ..	506/905	56.0%	389/489	79.5%
1967-68	Malay	.. ..	608/1166	52.1%	140/598	23.4%
	Non-Malay	.. ..	558/1166	47.9%	468/598	76.6%
1968-69	Malay	.. ..	675/1384	48.8%	142/676	21.0%
	Non-Malay	.. ..	709/1384	51.2%	534/676	79.0%
1969-70	Malay	.. ..	919/1732	53.0%	159/682	23.3%
	Non-Malay	.. ..	813/1732	47.0%	523/682	76.7%