

Five who framed our national charter

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

TUN TAN CHENG LOCK COLLECTION

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

Who were these men and how were they selected?

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

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

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

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

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

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

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

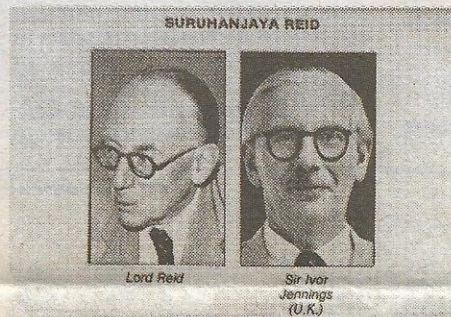
Despite coming from different countries, the five men had one thing in common: their legal training and experience were in Commonwealth parliamentary traditions and constitutions, derived largely from English constitutionalism.

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

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

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

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



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

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

Fundamental rights

Article 3

Islam is the religion of the federation but other religions may be practised in peace and harmony.

Article 4

The Federal Constitution is the supreme law of the federation and any law passed after Merdeka Day which is inconsistent with this constitution shall, to the extent of the inconsistency, be void.

Article 5

No person shall be deprived of his/her life or personal liberty save in accordance with law.

Article 6

Slavery and forced labour are prohibited.

Article 7

Protection against retrospective criminal laws and repeated trials.

Article 8

All persons are equal before the law and entitled to equal protection of the law. Unless authorised by the constitution, there shall be no discrimination against citizens on the grounds of religion, race, descent, place of birth or gender.

Article 9

Freedom of movement – subject

to any law relating to security – and prohibition of banishment.

Article 10

Freedom of speech, assembly and association, subject to restrictions relating to security, public order or morality.

Article 11

Every person has the right to profess and practise his/her religion and to propagate it. State and federal laws may control/restrict the propagation of any religious doctrine among Muslims.

Article 12

Right to education, including

religious education. The federation and state can help establish and maintain Islamic institutions. No person shall be required to receive instruction in or to take part in any ceremony or act of worship of a religion other than his/her own. The religion of a person under 18 is decided by the parent or guardian.

Article 13

Rights to property and adequate compensation in the event of compulsory acquisition.

*Source: Federal Constitution
(as at Jan 15, 2007)*