

**RACIAL FACTORS IN THE POLITICAL DEVELOPMENT
OF THE FEDERATION OF MALAYA**

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ABSTRACT

A plural society is like the proverbial iceberg: looking at it is not tantamount to seeing the whole of it. No amount of idealism can erase diversities as long as the stimulants which generate these diversities are rife. Only political maturity and political experience can overcome the separatist trends of a splintered society. Until the foundations for such maturity and experience are firmly laid, politics in such a society will remain complicated and confused, and nationalism will continue being a vicious abstraction.

Communalism has become the cardinal problem of the Federation of Malaya. The peoples of the country are of different racial origins, conform to different social patterns, follow different courses of occupation, exhibit territorial preferences and, consequently, tend to have divergent political aspirations. Indeed, the most conspicuous demographic fact about the Federation rests in the balance of numerical power between the indigenous and immigrant segments of the population. Today, the former is outnumbered by the latter. Broadly speaking, herein lie the roots of the problem.

It is the purpose of the following study to identify and analyse the influences exerted by communal factors in the political development of the Federation of Malaya. The first chapter

is aimed at placing the communal problem in the country in its proper historical and political perspective. The creation of Malaya's plural society is analysed, followed by a study of the inter- and intra-communal diversities which have been so responsible for complicating the Malayan political scene. The chapter also discusses the impact of the Japanese occupation, both on inter-communal relations as well as on the country's nascent nationalism.

Chapter two is based primarily on an analysis of Great Britain's attempt at political experimentation in Malaya during the first few years immediately following the war. As such, discussion is focussed on the two constitutional proposals (namely, the Malayan Union proposals of 1946 and the Federation Agreement of 1948) which form the main body of this experimentation. The period in question is made particularly significant by the fact that British policy during this time was considerably influenced by the reactions and aspirations of the different communities. Included in the chapter is a less detailed survey of some of the more important developments during the first decade after the war.

Chapter three, on Political Parties, is designed to give a better understanding to present day politics in the country. It is also hoped that this chapter will give adequate insight into the present racial paradox, for today's co-operation was achieved largely through the alliance, for inter-communal

purposes, of three parties (the United Malays' National Organization, the Malayan Chinese Association, and the Malayan Indian Congress) which, not so long ago, were organized for the distinct purpose of furthering the individual interests of the country's three main racial groups. This makes a study of the country's political parties a necessity if one is to sufficiently understand the principal features involved in the Federation's attempt to solve the so-called "population puzzle".

In a broad sense, it may be observed that the present Malayan nation is the child of immigration. The country's economic potentialities (coupled with the impoverished condition of labour in India and China) have been responsible for luring a flood of immigrants who, today, have become a part of the settled population and hence demand rights equal to those of the indigenous Malays. The problem which needs to be solved is the extent to which these demands deserve to be satisfied.

Thus a study of Malayan politics at once becomes interesting to both the political historian as well as the political sociologist. Nor is it void of interest to the political theorist, to whom the problem of successful representative government in a plural society, involving such controversial issues as the representation of minorities, has always constituted an absorbing field of study. The Federation of Malaya appears to have solved this problem to an appreciable extent, as evidenced by the electorate's voting behaviour during the country's first (and, to date, only) national elections held in July 1955. The results

have been most gratifying, not only insofar as present socio-political expedience is concerned, but also with regard to future stability.

Issues pertaining to citizenship rights, involving, on the one hand, the demand for less stringent regulations from the non-Malays and, on the other, the necessity to preserve, for political as well as economic reasons, the "special position" accorded to the Malays, have always presented the country's administrators with a very trying problem. Consequently, the interests of two distinct groups (as represented by the "indigenous Malays on the one hand and the "alien" Chinese and Indians on the other) have had to be placated. While the Malays are apprehensive of the fact that lenient citizenship requirements would make them a political minority in their own country (which they already are numerically), the Chinese and Indians demand equal rights stating that, in addition to having made invaluable contributions to the economic development of the country, they also have, especially in post-war years, changed from a primarily non-resident population to a largely resident one. Compromises have had to be made, but opposition has always been significant. From this standpoint, the present Constitution is of particular importance, since the compromises inherent in it have had to be effected by the different races themselves (through the instrumentality of the UMNO-MCA-MIC Alliance), and now it is also up to them to implement it. Those articles in the Constitution related to communal issues will be the focus

for discussion in chapter five.

The encouraging potentialities which the present appears to hold for the future of the Malayan nation is a tribute not only to the races resident therein, but also to the flexibility and good sense displayed by British policy.

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"I would rather sit on a pumpkin
and have it all to myself than be
crowded on a velvet cushion."

Henry David Thoreau

Chapter One

The Origins and Nature of the Communal Problem in Malaya

(A study of racial factors in
Malayan politics before 1945)

The population of the Federation of Malaya, in 1955, was estimated at 6,058,317. Of this 2,967,238 were Malaysians, 2,286,883 Chinese, and 713,810 Indians and Pakistanis.¹ As the figures indicate, none of the groups formed a majority. However, it is significant to note that, in so far as "indigenous" and "non-indigenous" people are concerned, the non-Malaysians have the edge over the Malaysians, thereby revealing that the Malays, today, only represent a numerical minority in their own country. Very broadly speaking, herein lies the crux of the entire problem. The Malayan society lacks the advantages of homogeneity.

The wholesale influx of foreigners into Malaya is by no means a long-standing phenomenon and, for all practical purposes, may be treated as being a twentieth century occurrence. Prior to this migration, the peninsula was populated, very sparsely indeed, by the Malays who were (and still are, to a significant degree) mainly agricultural folk. In spite of evidence (provided mostly by Chinese accounts) that there had existed some

1 Federation of Malaya, Annual Report 1955, Kuala Lumpur, Government Printer, 1956, p. 7.

contact between China and Malaya since very early times, it should be noted that the political and cultural influences imparted to the country by India were of far greater significance. This influence permeated all major aspects of human activity, including the country's religious, social and political structure. Brief periods under Hindu empires divided up the traditional life of the Malays lacking, as it did, all semblance of political unity. Against this background it would almost seem that the arrival of British administration, followed by the mass migration of Chinese and Indians to provide labour for the expanding economy, virtually transferred the Malay States from a mediaeval to a modern existence over a few years.

The Chinese, having originally ventured to the Malayan archipelago in search of trade, gradually began to take an increasing interest in mining the peninsula's tin deposits. With them they brought their own laws and their own secret societies. As more tin was discovered, more Chinese came to the country and, consequently, more mining concerns were set up. More concerns meant an increase in the number of secret societies (which were built mainly on clan foundations), for it was through their instrumentality that each group sought to protect its own interests from those of rival organizations. Due to the belligerent attitude fostered by many of these societies, force and gang-fights gradually became the order of the day.

The Malay States, in the mean time, did not base their existence on mutual dependence; neither did they lead a life of splendid isolation. On the contrary, intrigue and mutual hostility were rife. Hence the activities of the Chinese secret societies merely served to heighten the already-present element of insecurity. Thus the Malays grew increasingly apprehensive of the presence of the Chinese who had conceded but nominal overlordship to the Malay rulers. Mid-nineteenth century was consequently characterised by disintegrating government and explosive civil wars.

It was amidst such chaos that the British decided to officially intervene in the country's internal politics. Such a step had already been requested a little earlier by Chinese merchants and miners, who were doubtful of their future in the country, on the one hand, and harassed Malay chieftains on the other. The step was finally taken in Perak, where one of the would-be Sultans had requested the British Governor's help in restoring law and order, stating:

... if all these dissensions are brought to an end, and the country is restored to peace, we and our great men desire to settle under the British flag.²

As a consequence of this request, a meeting was called at Pangkor in January 1874, which resulted in the negotiation of the Pangkor Agreement. The most important outcome of this Agreement was the acceptance, by the Sultan, of a British

² Emerson, R. Malaysia, New York, The Macmillan Co., 1937, p. 119.

Resident who was to advise him on all matters except those pertaining to Malay religion and custom.³ Such advice was always to be accepted and acted upon. Thus was set the pattern for the ensuing expansion of British influence in Malaya leading to authority over Malays and Chinese alike, and destined to bring into the country masses of Indians to provide cheap labour.

This assumption of authority by the British, it should be noted, was in sharp contrast to their previous behavior.

The Portuguese had captured Malacca in 1511, only to be replaced by the Dutch in 1641. The Dutch, in turn, succumbed to the British in 1795. All the while, however, the European powers had done nothing to restore peace and order in the country. They had, on the contrary, used the chaos to their advantage. Thus, during a greater part of the nineteenth century, the general situation in the mainland tended to degenerate continually after the British, exerting political influence without taking the responsibility for it, had taken over Penang in the north, Malacca in the centre, and Singapore in the south.⁴ The situation was made none the better by the fact that the British allowed a continuous flow of Chinese making their bid for wealth in Malaya's tin and trade.

The establishment of the Residential System in Perak was followed by the drawing up of agreements leading to the

3 Federated Malay States. Annual Report 1933, p. 1

4 Emerson, op. cit., p. 16.

implementation of similar steps in Selangor (1874), Sungei Ujong, one of the nine states constituting Negri Sembilan (1874), and Pahang (1888), and eventually led to the formation of the Federated Malay States, made up of Perak, Selangor, Negri Sembilan, and Pahang, in 1895

As the result of a treaty signed with Siam in 1909, the four northern states - Kedah, Kelantan, Perlis, and Trengganu - were brought under British suzerainty. With Johore in the south, these formed the Unfederated Malay States.

Thus the country was thrown into three different political groupings; namely, the Federated Malay States, the Unfederated Malay States and the Straits Settlements (composed of Penang, Malacca and Singapore, and founded in 1867). This anomaly was truly reflective of the lack of political consciousness and unity which may be attributed to the population itself during these early years. The Malays were still under the influence of regional loyalties, and had not as yet developed a national spirit; the main preoccupation of the Chinese was the improvement of facilities for economic penetration; and the Indians were mainly composed of labourers whose main ambition was to eke out a living for themselves and, if possible, to remit savings to their impoverished relatives at home.

Turning to administration one notices that, in the Straits Settlements, the upper civil service was a field reserved for Europeans. Eligibility for entry into the junior

administrative service, however, was open to everyone, and selection was carried out on a competitive basis. Probably due to a lack of interest and enthusiasm, the Malays were overshadowed in this field by the Chinese, Eurasians, and Indians.

The administration of the Federated Malay States, though nominally in the hands of the Sultans, was subject to overwhelming control by British officials. In the Unfederated Malay States, on the other hand, rule by the Sultans was more direct, though even here the part played by the British was very significant.

While it has been noted that the nineteenth century marked the rise of British influence in Malaya, one may go even further and observe that the 1880's ushered in the period which produced Malaya's present status in the economic world, this being brought about largely through the introduction of rubber and the further development of the tin industry. What is even more important insofar as the present study is concerned, is the fact that it was this development which gave rise to the country's extremely cosmopolitan racial composition. The introduction of rubber into Malaya in 1877, and the subsequent development of the rubber industry during the first quarter of the twentieth century, vastly increased the demand for labour. The supply came from South India, this fact being responsible for the presence in the country of a third major racial group; namely, the Indians.

The outlines of the racial picture were finally completed, and the racial problem was now introduced into the country in its full form. There were three Asian communities, with the Englishman as a common overlord. The racial problem was not merely one of political and linguistic differences. Its texture was far more intricate and several other factors, less obvious perhaps, but equally problematic, were involved - social structure, economic role, religious differences, temperament, degree of education, productive capacity, and, above all, each community's individual attitude towards the country.

Despite their numerical inferiority, the British should be included in the picture due to their importance as the controlling power. Furthermore, it should also be borne in mind that "decisions and mistakes of policy which they [made] vitally affect[ed] the other races."⁵

It has been suggested that, by introducing a system of indirect rule, the British had "at least postponed the evil day of reckoning when the people of a wide colonial area come together to present their political demands."⁶ While this may be accepted as a generalization applicable to the theory of indirect rule, the actual situation in Malaya took a different course. Here indirect rule became as much of a problem as it was an asset, since the situation was made difficult indeed by the presence of, and economic significance attained by, the non-

⁵ Morrison, Ian, "Aspects of the Racial Problem in Malaya," Pacific Affairs, vol. 22, 1949, p. 239.

⁶ Emerson, op. cit., p. 17.

Malays - notably the Chinese and the Indians. The British could not, with a clear conscience (not to mention the dire consequences which may have followed), refuse to placate the more urgent demands of the Chinese and Indians, on whom the economic well-being of the country leaned so heavily. From the British point of view, herein lay the setting of the problem: they had to maintain the old form of government and the old ruling body while a very significant portion of those governed had progressed beyond that form, and had rejected the effective authority of that ruling body. Thus every major decision made by the British in the political field had to breast the difficult and dangerous cross-currents of racial differences. These were the sentiments on which the decentralization issue, which will be discussed shortly, was based.

It would be both helpful and relevant, at this juncture, to discuss the nature and extent of Chinese and Indian immigration into Malaya.

It has been said, and very correctly too, that the Chinese and Indians, the former in particular, provided Malaya with "the energy, industry and adaptability without which British ambitions would never have been realized."⁷ During the first three decades of the twentieth century in particular and, by and large, right up to the beginning of the Second World War, most of the Chinese and Indians who came to Malaya had flocked

⁷ "Races and Parties in Malaya," Round Table, vol. 42 (1951-52), p. 238.

in with only one purpose in mind - to make their fortunes while the going was good and to return home once their pockets were full. Malaya, in their eyes, was just another Klondike or any other El Dorado and, in this sense, these immigrants may be considered as being mere "birds of passage." Fluctuations in the country's economic well-being were invariably accompanied by corresponding fluctuations in the immigration and emigration of Chinese and Indians into and out of Malaya. This was stated very clearly in the Annual Report of the Federated Malay States for 1933, where it was observed:

Malaya . . . is subject to somewhat sharp fluctuations in respect of the numbers of the non-Malay inhabitants. The total population is swelled by immigration in times of prosperity and shrinks through emigration during a period of economic stress such as has ruled for the past two or three years.⁸

The table on page 10 will serve to further establish this point.

In 1881, 89,900 Chinese arrived at Singapore and Penang. In 1901 this figure had rocketed to 224,100 and, in 1913, had further increased to 278,100. This phenomenal figure underwent a temporary check during the war years, but rose again soon after the war, reaching the astounding total of 435,708 in 1927.⁹ Two main factors must have contributed towards this unprecedented rise - the increased world prosperity in general, and the rubber boom in particular.¹⁰ As mentioned earlier, the depression

⁸ Colonial Reports, Annual, No. 1667. Annual Report of the Social and Economic progress of the People of the Federated Malay States, 1933, pp. 7-8.

⁹ Emerson, op. cit., pp. 27-28.

¹⁰ Ibid., p. 28.

Table I

Federated Malay StatesGeneral Return of Revenue, Expenditure, Trade and Population¹¹

Year	Revenue \$	Expenditure \$	Export of Tin & Tin ore (in tons) (Duty on tin-\$- in brackets.)	Export of Rubber (in tons) (Duty on rubber - \$- in brackets.)	Population
1918	68,448,862	45,286,910	37,370 (13,141,841)	78,389 (2,254,556)	1,279,859
1919	72,135,075	70,676,961	39,943 (9,944,177)	106,453 (4,883,123)	1,315,700
1920	72,277,146	100,433,471	34,934 (12,203,531)	101,330 (4,443,100)	1,300,000
1921	54,449,568	114,386,546	34,489 (6,153,360)	94,510 (164,169)	1,298,292
1922	52,494,110	49,811,007	35,286 (5,766,808)	128,461 (802,390)	1,360,876

¹¹ Colonial Reports Annual No. 1667. Annual Report of the Social and Economic Progress of the People of the Federated Malay States, 1933, pp. 102-103. Condensed from a more complete table covering the period 1889 to 1933, and including figures for Trade (imports and exports), Land Revenue and Land Sales, and Railway Receipts.

witnessed a sharp fall in the number of arrivals, there being only 124,460 in 1933.¹² It should be noted at this point that these immigration figures did not represent any "solid" increase in the country's population, nor did the vast number of immigrants add significantly to the number of permanent residents in the country. Large numbers of Chinese were leaving the country all the time. During the 1927 boom, for example, there were 303,497 departures as compared to the 435,708 who arrived.¹³

Indian immigration presents a similar picture. During the period 1911-1920 there were 908,100 immigrants from Madras. During the same period 561,913 Indians returned home from Malaya.¹⁴ During the 1921 depression, the number of South Indian immigrants fell to 74,170.¹⁵

During the depression, vast numbers of Indians were shipped back to India, the figures amounting to 100,452 in 1930 and 104,952 in 1931. There were, at the same time, only 26,945 arrivals in 1932. In 1934, as a result of protests from rubber planters to the effect that their labour force was being cut too drastically, the situation was reversed, there being 102,292 labourers imported from South India during that year.¹⁶

12 Emerson, op. cit., p. 28.

13 Loc. cit.

14 Ibid., p. 32.

15 Ibid., p. 33.

16 Loc. cit.

These figures reveal a very interesting point, namely that Indian labour was, by and large, being treated just like any ordinary economic commodity. It was this feature which brought a wave of protests from official quarters in India. The Indians alleged that their countrymen were treated without much regard being given to human values: they were merely imported into the country during times of economic prosperity and thrown back like "sucked oranges" into India during periods of depression. It was as a result of complaints of this nature that the Indian labour force in Malaya was brought under the supervision of the Malayan Controller of Labour and also of an Indian Agent appointed by the Government of India.

Another point of interest may be mentioned with regard to Indian labour during these years. Despite the fact that this labour was procured at exceptionally cheap rates, there were some planters who came to realise that it was financially more advantageous to offer slightly higher wages and tempt away another man's labour force than to recruit their own labourers from India - a practice known as "crimping". This threatened to upset the entire system involving imported Indian labour, thereby leading to the development of an ingenious immigration system:

... the system of financing Indian immigration and providing all the services necessary to maintain it by means of a special tax levied on all employers of Indian labour.¹⁷

¹⁷ Holland, W.L. Asian Nationalism and the West, New York, Macmillan Co., 1953, p. 273.

By necessitating inspection, the fixing of wages, and the setting up of special camps in India through which labour would be recruited, this system (combined with the Labour Code) enabled the exercising of a high degree of economic control while still maintaining an adequate degree of freedom for the individual labourer.¹⁸

The Chinese, on the other hand, continued to lead a more independent existence and, consequently, the degree to which they were influenced by labour legislation was not nearly as great as one finds in the case of the Indians.

The British, by this time, were becoming more and more involved in the administration and opening up of the country. However, it is interesting to note that their hold in the economic field, though dominant for all practical purposes, was far from being exclusive - as the tendency has been in most colonial regions. Without much hesitation, this may be attributed to the untiring efforts of the Chinese whose interests, all the time, were getting further and further away from those of the Malays who, by and large, continued living in the ways of their ancestors. The economic pressure of the Chinese on the rurally inclined Malays was becoming increasingly apparent and this led to the creation of large Malay land reservations, such areas being made unavailable for alienation to non-Malays.¹⁹

¹⁸ Holland, op. cit., p. 273.

¹⁹ Purcell, V. Malaya: Communist or Free? London, Victor Gollancz Ltd., 1954, pp. 37-38.

Friction was inevitable, the best example of it during these times being the issues woven around the question of decentralization. The racial factors involved in the development of, and reactions to, this question are sufficient for the purpose of this study and, consequently, it would not be expedient to sedulously trace and discuss each move in proper historical sequence.

As mentioned earlier, British participation in Malaya's political life was becoming increasingly apparent, a direct outcome of this being a growing tendency towards centralized government. As one would expect, the motives for this were mainly two-fold - economic and political: centralized government would enhance the possibility of a more consistent economic policy; it would also rule out the necessity for duplication in political action.

To the Malays in general, and the Malay Sultans in particular, increased centralization tended to obliterate the states, divesting them of all their power (or rather what was left of it) and individuality.

Under the direction of the Resident-General a large and efficient central administration [had] been built up in which the Sultans [had] had either no share or a share so small as not to be worth speaking of.²⁰

Consequently, at the second Conference of Malay Rulers²¹ held

20 Emerson, op. cit., p. 141.

21 In addition to the Malay rulers the Conference included Malay chiefs and members of State Councils. It was presided over by the High Commissioner.

in Kuala Lumpur in 1903 the question of increasing over-centralization was introduced. It was obvious that the Sultans were becoming increasingly apprehensive of the fact that the centre of administration had gradually drifted away from them, their Residents and their States to the Resident-General and his secretariat at Kuala Lumpur. Legislation had undergone a similar fate. Kuala Lumpur was thus becoming a focus of bureaucratic centralization at the expense of the Sultans and the State Councils.

In the face of these complaints (other factors, no doubt, being present as well) an Agreement for the Constitution of a Federal Council was drawn up in 1909, and received the signatures of all the Rulers. Despite the fact that this Agreement appeared to make vague references to some distinction in the powers of the State and Central Governments, what actually followed was very much to the contrary. The State Councils were now left to handle petty affairs and the position of the Rulers in the Federal Council was hardly distinguished to say the least.

Up to this time the reactions of the non-Malay communities (the Chinese and European business class, to be more specific) had not been too vocal. However, when the question was introduced again in the 1920's and 1930's (thanks to the rejuvenated efforts of Sir Lawrence Guillemard²²) it became

22 Governor and High Commissioner from 1920-1927.

obvious that these communities were no longer inclined to sit complacently and watch the Sultans sway official opinion.

The year 1932 saw the adoption of a scheme which was aimed at maintaining the legitimate status and authority of the Malay Rulers and which, by encouraging indirect rule, hoped to prevent "the political submersion of the Malays which would result from the development of popular government on Western lines."²³ It was also hoped at the time that such a move, by virtue of its promise of greater autonomy to the States, would be vitally instrumental in attracting the Unfederated Malay States to join the Federation - thus facilitating the ultimate formation of some sort of Malayan Union. Although the arrival of the Japanese deprived the scheme of sufficient time to prove its effectiveness, the initial stages were hardly reflective of much promise. To begin with, the bureaucratic tendencies mentioned above were not effectively checked since the Federal Government at Kuala Lumpur was merely shifted, to a considerable extent, to the High Commissioner at Singapore.²⁴ Furthermore, the Unfederated Malay States failed to show the anticipated enthusiasm for centripetal movement.

Turning now to the reactions of the Chinese and European business classes, it may safely be stated that the views of this group were primarily the outcome of economic considerations. To them a greater degree of centralization meant a

²³ Dodd, E.E. The New Malaya, London, Fabian Publications Ltd., 1946, p. 18.

²⁴ Loc. cit.

proportionately greater degree of security, in that this would have made them less dependent on the non-uniform and possibly inconsistent regulations imposed by the individual State governments. Both the Malays and the Chinese had sufficient grounds to justify their respective attitudes, but it was quite obvious that the interests of the two communities were diametrically opposed. While the former fought against the possible extinction of their political status in the country, the latter were mainly preoccupied with the question of economic security. But there was yet another consideration. At a time when Chinese nationalism was rapidly increasing in its proportions and content, the Chinese were considerably disturbed by Sir Cecil Clementi's hostile attitude towards the Kuomintang in Malaya, which they interpreted as being indicative of an anti-Chinese bias on his part.²⁵ This automatically put them on their guard, and they now became suspicious of every move which seemed to imply an improvement in the status of the Malays. Added to this was the fact that, unlike the British, the Chinese had no reason whatsoever to feel morally responsible for the future well-being of the Malay race.

Another reason why the Chinese considered the breaking down of the centralized federal structure as being a move pregnant with disastrous possibilities lay in the fact that most

²⁵ Emerson, op. cit., p. 322.

of the commercial undertakings controlled by this community were centered in the Federated Malay States and in the colony of Singapore.

Thus the question of decentralization cut right across the field of Sino-Malay interests. Evidently the British had to effect a compromise and, to a large extent, this is exactly what they did. Faced with the situation where both the Malays and the Chinese seemed equally keen on decentralization on the one hand and centralized government on the other, they decided to steer a middle course and, consequently, proposed to bring about decentralization, but by a gradual process. The policy was to be established in three stages, the first dating from 1935 to 1939.

The Chief Secretary who had been the real head of the Federal Government gave place to a Federal Secretary, who was to be the High Commissioner's mouthpiece; departments such as Education, Health and Public works were transferred to the States; and, though the central control of finance was maintained, block grants were made to the States to be used by them under supervision. 26

The decentralization issue was thus instrumental in introducing a very concrete basis for inter-racial disharmony. Prior to its birth, Sino-Malay relations had been fairly satisfactory - but this, however, does not mean that each community was constantly making friendly overtures to the other. The absence of mutual animosity between the two races had been due,

on the other hand, to two other factors. In the first place one may mention their common submission to pax britannica. This factor was instrumental, not in completely overruling the possibility of an inter-racial clash, but rather in postponing its day of arrival. Secondly it may be noted that, up to this time, neither community had had any substantial reason "to step on the other's toes." Their ambitions were different, and so were their fields of interest.

The Malay was not impressed with the achievements of the Chinese, the Chinese was not surprised by the Malay's lack of achievements.²⁷

But all the time, however, there were the few Malays who, as they gained experience in the Government Service, could not help but view the activities of the Chinese as being increasingly bold and presumptuous.

It has been said, with considerable justification, that prior to the Second World War Malaya, unlike India and Ceylon, was a "country with no politics", displaying a "tranquil and complacent atmosphere of public life."²⁸ It is not surprising that British administrators (and, more particularly, spokesmen of colonial commerce and industry) should have made such a boast, especially when one awakens to the fact that it was made at a time when nationalist and labour movements, if not totally absent, were at least feeble and thereby easily overlooked.

²⁷ Jones, S.W. Public Administration in Malaya, London, Royal Institute of International Affairs, 1953, p. 99.

²⁸ Peet, G.L. Political Questions of Malaya, Cambridge, Cambridge University Press, 1949, p. 3.

However, it should be noted that observations such as these were also the product of a detached outlook on the part of these "spokesmen" and administrators whose attitude had been determined by the mere play of circumstances. As far as constitutional progress was concerned, the Malaya of that day was essentially a "back-bencher" in the eyes of the Colonial Office. Paradoxical though it may seem, this was also the time when the country led the race in another field - that of economic usefulness. Its trade figures were of such proportions as to be superior to those of all the other countries in the British Colonial Empire combined.²⁹

In seeking to explain the comparative political stagnation in pre-war Malaya it would be vitally necessary to turn to the country's racial composition. In this respect an analysis of the individual political aspirations and preoccupations of the different racial groupings will be most enlightening.

As far as the Chinese are concerned, despite intense concentration in urban areas there did not exist a unified community worthy of being classified as a distinct political or social force. Hence, from a political standpoint, the statistical classification of two million Chinese under the same category is essentially misleading.

A basic factor determining the absence of an adequately cohesive tendency among the Chinese lay in the fact that the

²⁹ Peet, loc. cit.

entire community was split into several groupings. Divisive forces were rampant. There were cleavages between the rich and the poor, the English-speaking and the non-English-speaking, the local-born and the China-born. On top of it all, the community was broken up into different tribes possessing different customs, traditions and dialects, as shown in the following table:³⁰

Table II

Racial Stock	1921	1931	1947
Hokkien	379,028	538,852	827,411
Cantonese	331,757	417,516	641,945
Hakka (Kheh)	217,697	317,506	437,407
Tiechew	130,026	208,681	364,232
Hainanese (Hailam)	68,200	97,568	157,649
Kwongsai	998	46,095	71,850
Hokchiu	13,821	31,908	48,094
Hokchia	4,058	15,301	12,754
Henghwa	1,659)		(
)	31,025	(17,065
Other Tribes	24,496)		(36,260
Total	1,171,740	1,704,452	2,614,667

Despite the existence of tribal differences the Chinese might have formed a more cohesive unit had the different groups intermingled freely. But as it was, they tended to exhibit

³⁰ Purcell, V. The Position of the Chinese in Southeast Asia, New York, Institute of Pacific Relations, International Secretariat, 1950, p. 32.

regional and occupational preferences. As far as the former is concerned, the Tiechews were the most numerous group in Kedah and the Hainanese (Hailams) were the most so in Trengganu; the Hokchiewes tended to accumulate in Singapore and the Dindings; the Kwongsai were usually found in Lenggong, Kuala Kangsar and Bentong; the Hokkiens were predominant in Singapore, Penang and Malacca; large numbers of Cantonese were employed in the Kinta Valley of Perak; the Hakkas (Khehs) inclined towards the rural areas and Tiechiewes towards urban, their predominance in Kedah being exceptional.³¹

As far as occupational preferences are concerned, one notices that the Cantonese and the Hakkas exhibited the greatest inclination towards agriculture while the Hainanese and the Hokchies revealed the greatest aversion for such enterprise. The Hokkiens were mostly employed in trade and small business, this factor being responsible for their predominance in Singapore, Penang and Malacca. The Hakkas (Khehs), along with considerable numbers of Cantonese, showed interest in mining and agriculture.³² The specific occupational preferences of the other groups seem to be less marked.

Going back to some of the more important cleavages mentioned earlier, one notices that there was a considerable amount of difference in the attitudes fostered by the local-born and the China-born Chinese towards Malaya. Those whose families had been in the country for a few generations had gradually changed

31 Purcell, op. cit., p. 33.

32 Loc. cit.

their habits and customs - going so far as to use Malay instead of Chinese as their first tongue. As might be expected, most of the China-born Chinese had their political interests mainly centered in China, this tendency being further enhanced, no doubt, by the increased pace of political activity in that country.

The differences between the English-speaking and the non-English-speaking groups were somewhat similar. Interest in local politics was restricted almost exclusively to the former group, many of whom had joined the Government Services and hence acquired a sense of participation in the country's political life.

As far as inequalities in income are concerned, the wealthier classes showed a greater interest in constitutional changes, this being primarily due to the fact that the future of their vested interests in the country invariably rested on appropriate legislation. The decentralization issue, discussed earlier, is typically indicative of this tendency.

In analysing the reasons for the comparative absence of political movements among the Indians in Malaya, one notices that the clues are somewhat more apparent. Being primarily an imported labouring class, the Indians failed to strike any permanent roots in Malayan society. Unlike the Chinese they were not involved in the economic penetration of the country and hence their lack of interest in constitutional changes is easily understandable; the Indian labouring class was quite satisfied

to let its fortunes be steered by the patronizing supervision of the Indian Agent and the Malayan Controller of Labour.

As in the case of the Chinese, linguistic differences tended to isolate the different sections of the Indian population in Malaya. Differences in racial stock were usually accompanied by differences in occupational preferences. These preferences determined the social status of each class - and this in turn contributed towards determining the degree of political consciousness. The Indian community was thereby made extremely susceptible to social stratification: the South Indian Tamils were mainly labourers; a great proportion of the Sikhs (from Punjab) were either night-watchmen or enrolled in the police force; the Chettis were the traditional money-lenders; the Ceylon Tamils (most of whom were English-educated) were usually employed in clerical posts - especially in the Malayan Railways; and the Singhalese were primarily businessmen. The result of this social immobility was that while among the Chinese opportunities for social betterment were open to all classes and tribes, the social and economic status of the Indian was almost always fixed - this feature being responsible for the fact that the Indian middle class in Malaya was essentially an imported middle class, while in the case of the Chinese it was one that had been largely recruited from the labouring class itself.

Turning now to the Malays we notice that territorially they owed allegiance to their respective Sultans, culturally to Islam,

... and more specifically to the maritime branch of it speaking Malaysian languages and having a common tradition of culture, trade, and intermarriage among royal families, extending along the coasts of Malaya, Sumatra, Borneo and parts of Java and other islands.³³

Within the (Malay) peninsula itself the non-existence of any appreciable national unity among the Malays was quite apparent. In certain ways the Malays seemed quite content to enjoy the "special position" accorded to them by the British, this attitude being the possible outcome of the fear of Chinese dominance should the British decide to leave the country. Hence the Malays were far from being suitably disposed for political agitation.

It is interesting to note that while politically the Malays have been classified "indigenous" and thus made eligible for "special privileges", a large proportion of those who make up the country's three million "Malaysians" are in fact as much aliens (in the political sense) as the Chinese and Indians, since large numbers of them were actually immigrants from the surrounding areas. If one were to break this down to a strictly political problem void of cultural influences, the most successful method of distinguishing the "indigenous" section of the population from the "non-indigenous" would also involve a division of the country into three parts which, beside their distinct racial composition, also differ in geographic characteristics. The first of these is the island of Singapore which, in addition to

³³ Holland, W.L. Asian Nationalism and the West, New York, Macmillan Co. 1953, p. 279.

being physically separated from the peninsula and serving a completely different economic function from the mainland, also has an overwhelming Chinese majority. Secondly, there is what might be called "Old Malaya", made up of Kelantan and Trengganu -- both of which lie in the northeastern section of the peninsula. Finally we have the rest of the peninsula made up of the remaining seven states and which, in contrast to the second classification, may be called "New Malaya". It is in "New Malaya" that one encounters the kaleidoscopic assortment of Malaysians, Chinese and Indians. Its population is largely the result of immigration, determined by the ups and downs in the country's economic prosperity. The situation in "Old Malaya" is quite different.

Here is a large settled population of long standing with only a very small admixture of other races.³⁴

Hence, demographically speaking, its population has not been widely altered by outside influences. Although not strictly autochthonous, its population may liberally be described as being "indigenous".³⁵

The peculiarities of the Malayan concourse are often ignored by the conventional interpretation of the population of the Federation fostered by those ideologists with Malayophile and Sinophobic tendencies. Thus the really indigenous sections of the population get lost in a peculiar but much larger group

³⁴ Vlieland, C.A. "The 1947 Census of Malaya," Pacific Affairs, vol. 22 (1949), p. 60.

³⁵ Loc. cit.

now commonly referred to as "Malaysians" and thus enjoying the political rights and benefits granted to them for being "sons of the soil". From a sociological and cultural standpoint, however, there is sufficient justification for this "Malaysian" unit. Whether they are actually indigenous or immigrants from surrounding areas, all Malaysians have a great deal in common. They have linguistic similarities, similar customs and traditions and, above all, a common cultural unity provided by Islam.³⁶

The influx of Chinese and Indians into Malaya has made the pattern of urbanization extremely uneven in the country. Penang, Perak and Selangor, all on the western coast, are the most urbanized while Kedah, Kelantan, Perlis and Pahang are the least so. With regard to this phenomenon it is interesting to note that while all the states in the former group have a Chinese majority, those in the latter have more Malaysians than any other racial group. This makes one point very obvious - the growth of cities in Malaya has not been the result of domestic rural-urban migration but rather that of immigration from outside, notably from China and India. In 1947, for example, three-fourths of Malaya's urban population was composed of Chinese and Indian elements (two-thirds by the Chinese alone), while the Malays accounted for only one-fifth of the total figure.³⁷

36 Vlieland, op. cit., p. 60.

37 Cooper, E. "Urbanization in Malaya," Population Studies, vols. 5-6 (1951/52), p. 121.

Table III

Proportion of Urban Population in Various Ethnic Groups ³⁸
 (1931 figures in parentheses)

	Malaysians %	Chinese %	Indians %	Others %	Total
Fed. of Malaya	21.9 (19.2)	62.3 (59.6)	13.8 (17.8)	2.8 (3.4)	100 100
Colony of Singapore	11.1 (9.8)	78.7 (76.4)	7.2 (9.3)	3.0 (4.5)	100 100
Malaya (total)	17.4 (15.9)	68.3 (65.4)	11.4 (14.8)	2.9 (3.9)	100 100

The Malays' preference for rural areas and a largely subsistence economy has been commonly interpreted as being indicative of a traditionally lazy people. This is not true. In actual fact, writers expressing this viewpoint have merely misinterpreted the community's non-susceptibility to capitalistic economy and its natural aversion for employment under someone else as being reflective of a lazy nature.

Among the three main racial groups the Indians have the highest literacy rate (the respective rates being determined by affirmative answers to a question on whether or not they could read and write in any language.)³⁹ As might be expected (because of their predominance in rural areas) the Malays registered the lowest rate.⁴⁰

³⁸ Cooper, op. cit., p. 122.

³⁹ Ibid., p. 129.

⁴⁰ Loc. cit.

Number Literate per 1000 population

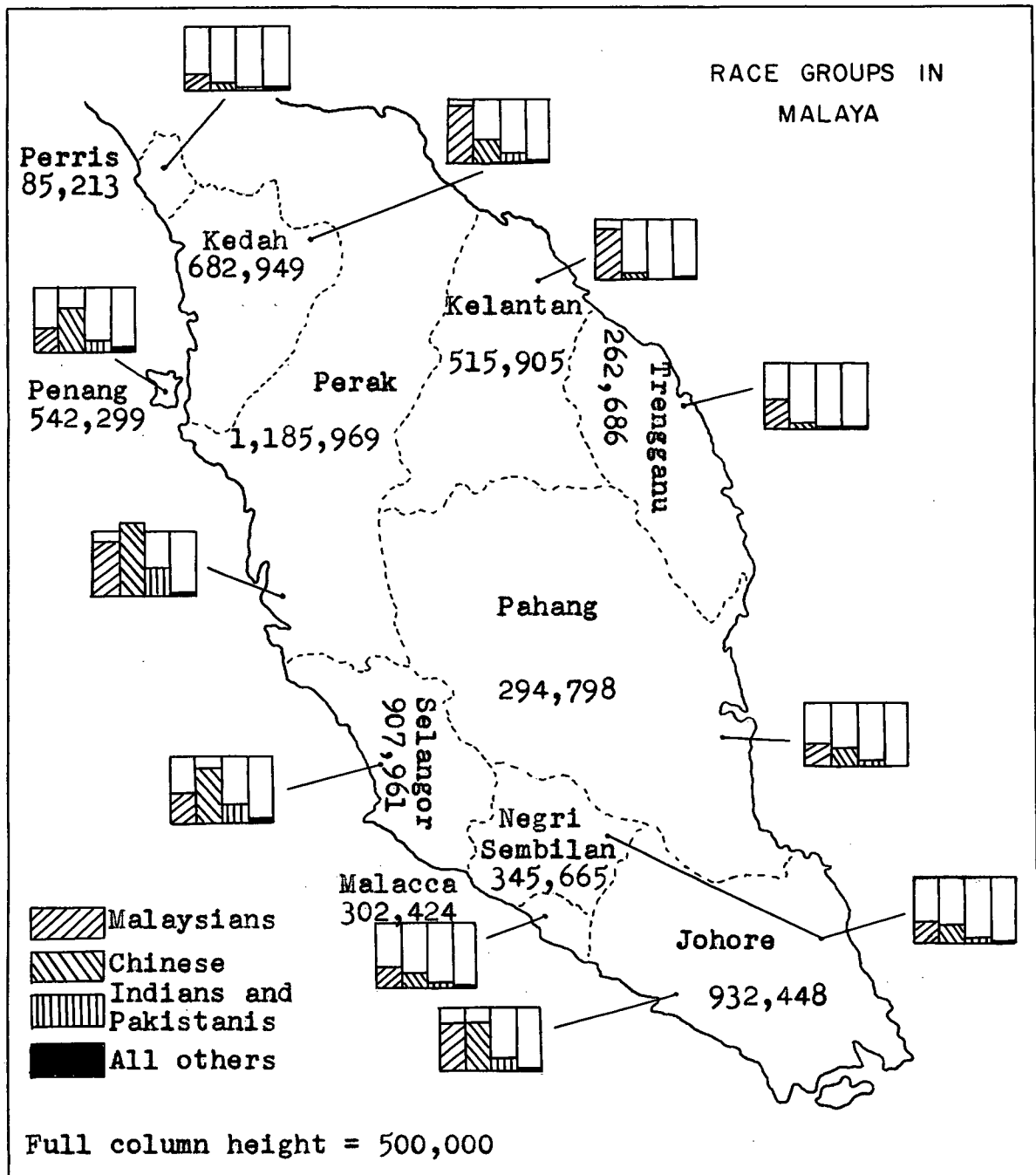
Indians	401
Chinese	354
Malaysians	253

Table IV

Estimated Population of the Federation of Malaya as on June 30, 1955. Distribution by Race Group and Territory

<u>Territory</u>	<u>Malaysians</u>	<u>Chinese</u>	<u>Indians and Pakistanis</u>	<u>All Others</u>	<u>Total</u>
Perlis	66,399	14,206	2,093	2,515	85,213
Kedah	458,941	141,945	68,577	13,486	682,949
Penang	160,827	300,826	72,629	8,017	542,299
Perak	448,362	537,611	188,233	11,763	1,185,969
Selangor	242,373	446,134	197,236	22,218	907,961
Negri Sembilan	142,653	142,095	54,254	6,663	345,665
Malacca	154,077	117,124	26,730	4,493	302,424
Johore	421,990	427,614	75,293	7,551	932,448
Pahang	158,001	113,901	19,865	3,031	294,798
Trengganu	241,953	17,946	2,129	658	262,686
Kelantan	471,657	27,481	6,771	9,996	515,905
Total	2,967,233	2,286,883	713,810	90,391	6,058,317

Source: Federation of Malaya, Annual Report, 1955, Kuala Lumpur, Government Printer, 1956, p. 8.



Figures obtained from Federation of Malaya
Annual Report, 1955, p. 8.

Despite the varied inter- and intra-communal complexities, there did exist in pre-war years some traces of political consciousness among the people in Malaya. As might be expected this consciousness was, by and large, the direct by-product of, and response to, the rising nationalist movements in other countries. In this respect the part played by the Chinese nationalist movement in general (and the Kuomintang in particular) is particularly noteworthy.

The Chinese in Malaya contributed their share in helping the (Chinese) Revolution of 1911 - both financially and by giving asylum to its workers. The Kuomintang was established in China in 1912, and the same year saw a branch being set up in the Straits Settlements under the Societies Ordinance. In 1914, however, this branch was closed owing to certain deceptions and discrepancies in the manner in which its affairs were conducted. Other branches in the Federated Malay States were consequently dissolved or went underground.⁴¹ This lull, however, did not last long - the movement being rejuvenated following Dr. Sun Yat Sen's return to power in Canton. By this time the organization had begun to assume a more leftist character and this led to its suppression again in 1925 as a subversive element. Despite this the movement was not completely beaten and continued operating under the name of "mutual-benefit associations."⁴²

⁴¹ Purcell, The Position of the Chinese in Southeast Asia, p. 46.

⁴² Loc. cit.

Following the achievement of greater power by the Kuomintang in China (in 1926) there was a considerable increase in the volume of revolutionary propaganda in Malaya, with the Hailams (Hainanese) and Hakkas (khehs) playing the most active role in this respect.

Apart from the actually subversive part of the Kuomintang activities, the attitude of the Malayan Governments had been decided by the consideration that recognizing the Kuomintang would legalize in Malaya an imperium in imperio.⁴³

However, the Kuomintang's triumph in 1926 and 1927 put the Malayan Governments in a dilemma. The British Government had recognized the organization's unquestioned leadership in China and, consequently, the Foreign Office was fully aware that its non-recognition in Malaya would undoubtedly appear anomalous. The argument put forward by the Kuomintang in Malaya, for the purpose of having the ban on it lifted, is worthy of note. Saying that there was a general sympathy among the Chinese in Malaya for the nationalist cause, its spokesmen pointed out that there was, furthermore, no inclination on the part of their headquarters to accept the Hailam-led extremist branches. Furthermore, both the Chinese middle-class and the predominantly Cantonese skilled-labour class were disinclined to support the leftist faction's professed desire to back Dr. Sun's proposal to unite the interests of China with those of the Soviet Union.⁴⁴

⁴³ Purcell, The Position of the Chinese in Southeast Asia, p. 46.

⁴⁴ Ibid., p. 47.

The year 1927 saw Chiang Kai-shek purge the communist elements from the ranks of the Kuomintang in China. This led the extremists in Malaya to break off from the central body and to form an organization of their own - this step being an important landmark in the development of the Chinese-dominated Communist Party in Malaya. Having broken away from the parent body the extremists immediately set about channelling their energies into producing an upsurge in communist propaganda. In the meantime the Malayan Governments remained adamant in refusing to lift the ban on the Kuomintang which, as mentioned, was now rid of its communist elements. In 1930, however, following persistent requests from China, a compromise was effected whereby membership of the Kuomintang in China ceased to be illegal; but this compromise did not make it possible for the organization to re-establish branches in Malaya.

With the outbreak of Sino-Japanese hostilities in 1937 a conscious effort was made in Malaya to consolidate the nationalist sentiments of the Chinese in the country. The Malayan Governments exhibited a sympathetic attitude, and allowed the remission of substantial sums of money to China as contributions to the China Distress Relief Fund, used for purposes of resisting Japanese aggression.⁴⁶

The Revolution in China had the effect of eradicating whatever political apathy there was among the Chinese in Malaya,

⁴⁶ Purcell, The Position of the Chinese in Southeast Asia, p. 47.

with the result that a sudden exuberance for education followed. Chinese schools became the centres for nationalist propaganda, the reasons for this being mainly two-fold: first, that teachers had to be imported from South China and most of them invariably belonged to the "revolutionary intelligentsia" of the day; secondly, that the economic importance of Southeast Asia was becoming more fully realised, there existing at this time a "tendency to regard Malaya as a province ripe for annexation to China."⁴⁷ Thus if the Chinese were to enhance the development of nationalist ideas in these regions, the most effective technique naturally lay in the development of the national culture. As one might expect, the anti-British element in this new education was quite apparent.

The Communists followed a similar course of action, turning to schools and education in their search for a nursery suitable for planting the seeds of their political propaganda. However, it should be noted that throughout this period Nationalism was a considerably superior force as compared to Communism in the influence it exerted among the Chinese in Malaya.

Assessing the pre-war political scene in general, it may be said, with proper justification, that Chinese nationalism was by far the most potent political force then in existence in the country.

Turning to Malay nationalism now, one notices that it was essentially a two-pronged movement. First, it reflected

⁴⁷ Holland, W., Asian Nationalism and the West, p. 280.

Islam's cultural reaction against the West; and secondly, it reflected the influence of the rising nationalist movement in Indonesia.

During the early years of the twentieth century, some members of the Malay aristocracy had chosen Cairo, Beirut and Mecca as places for the education of their sons. On their return, these boys became part of a rather small and frustrated Malay intelligentsia, circulating (in private) magazines which discussed issues pertaining to nationalism and the politics of the Middle East.⁴⁸ In their own modest scale, they also set about organizing debates and discussions - these being primarily restricted to their own intimate circles.

During the 1930's this intelligentsia was brought under the influence of the rising nationalism in Indonesia, the process being enhanced both by private contacts and through the influence exerted by Malay journals. This awakening of nationalist ideals went hand-in-hand with the spread of pan-Asianism, brought about mainly through the instrumentality of Japanese businessmen.⁴⁹ At the same time, the British policy of decentralization had helped in returning to the Malay aristocrats some of their status as cultural leaders of their communities - a status which had been considerably diminished by the earlier federation policy. Added to these stimuli was another factor

48 Holland, Asian Nationalism and the West, p. 284.

49 Loc. cit.

which contributed towards furthering the nationalist aspirations of the Malays - the fact that the pace set by British and Chinese enterprisers was rapidly rising beyond their comprehension. The Malays, it must be remembered, are traditionally inclined towards rural areas, and many of those who migrated to urban districts found themselves playing a role subservient to that of the non-Malays. The apparent transformation of the country must have had a shattering influence on their very existence and hence, with the impetus provided by pan-Islamism, Indonesian Nationalism and pan-Asianism (as preached by the Japanese), the Malays sought to reassert themselves - and herein lay the main roots of their pre-war nationalist movements.

Insofar as the Indian population is concerned, the degree of political consciousness was almost negligible in the years before the war. Broadly speaking, there were three influences which determined the political responses of a majority of Indians most of whom, as noted earlier, were merely imported labourers from South India. In the first place there was the direct influence exerted by the Indian Agent in Malaya. As part of his duties, he made periodic visits to some of the rubber estates, inquiring into the living conditions to which Indian labourers were subjected, and generally showing a paternal interest in their welfare. To the labourers, however, his presence was symbolic of the allegiance they owed to India, and in the Indian Agent they saw a figure who reminded them of their heritage.

Secondly, one may mention the influence exerted by the activities of the Central Indian Association, an organization founded in Kuala Lumpur in 1937, following Mr. Nehru's first visit to Malaya. Compared to the Kuomintang, for example, the political influence exerted by this body was very small indeed. However, it was the most visible example of Indian political consciousness in Malaya before the war.⁵⁰ Having gathered into its organization representatives from the different Indian Associations in the country, the Central Indian Association was obviously well equipped to aid in the formation of the Indian Independence League during the years when the country was under Japanese rule.

Finally, there was the role played by Indian journalism in Malaya. Its main function, in actual fact, did not include the spread of Indian political propaganda in the country; neither was it involved in creating a purely Malayan nationalist movement in Malaya. On the other hand, its role in fostering Indian nationalist ideas was merely indirect, this being due to the fact that the journalists involved were predominantly Indian nationalists themselves, and hence the resultant slant in their interpretation of news from India must have been instrumental in helping to stimulate a moderate amount of nationalist feeling among their readers.

From the foregoing analysis one major conclusion may be established; namely, that pre-war nationalism in Malaya was

⁵⁰ Holland, op. cit., p. 287.

composed primarily of the individual reactions of the various communities to external forces and developments. As such these movements failed to unite the people in a common cause - thus failing to produce any profound effects on the political set-up within the country itself. There were no major demands for political concessions, and the British continued to maintain unquestioned authority. There existed no such practice as representation by election, for the vote as such did not even exist. Public representation at the different levels was determined solely by Government selection and nomination. There was, however, one notable exception.

The British Chambers of Commerce in Singapore and Penang had the right to elect representatives to the Legislative Council of the Straits Settlements, this privilege being denied to the Chinese and Indian Chambers of Commerce.⁵¹ In each Malayan legislature there always existed a fixed majority of Government officials. This ensured the success of all official motions, while also giving the Government the opportunity to decide the fate of proposals emanating from unofficial quarters.

There has been a common tendency for people to attribute the said state of affairs solely to the rigid conservatism of British colonial policy. In the light of observations made during the foregoing analysis of pre-war nationalism in Malaya, it is obvious that these people have completely overlooked the fact that Britain was able to follow such a policy primarily

⁵¹ Peet, Political Questions of Malaya, p. 4.

because of the conspicuous absence of any substantial nationalist movements of a purely Malayan nature. Only a few groups had ever taken the initiative to form associations to voice and safeguard their interests - and even these seldom if ever made any sustained effort to attain their objectives. The blame was not all Great Britain's.

It was against such a setting that the occupation of Malaya by the Japanese took place. While racial antagonisms had essentially remained dormant during the pre-war years, the period of occupation was to witness an unpleasant disintegration in inter-communal relations. At the same time, it was during these three-and-a-half years that "the country without politics" ceased to exist, giving way to one with an aroused sense of political awareness.

The divisive effects of the Japanese regime on Malaya's plural society were considerably severe, this being due, undoubtedly, to the high content of "explosive potentialities" in the country. To begin with, judging from the traditional enmity between China and Japan, the fact that a high proportion of Malaya's population was Chinese spelt trouble from the very start. One of the first things the Japanese sought to do when they occupied the country was to try and frighten the Chinese population into submission. (In this they failed miserably because their actions had, in fact, the opposite effect - the Chinese retaliated instead of being cowed into submission.)

All the members of their race suspected of having communistic or nationalistic inclinations were promptly executed; their community was blamed for possessing no spirit of cooperation; the calibre of their leaders was branded as being extremely poor; the community in general was accused of possessing undesirable traits, and its actions were alleged to be detrimental to the maintenance of proper peace and order in the country.

Insofar as this list of 'undesirables' was meant as a euphemism for guerrillas it was substantially correct for guerrilla activity in Malaya was all but exclusively the work of the Chinese.⁵²

Malay and Indian support for the resistance movement were far from being significant. On the contrary, the Japanese were even successful in using these two communities in their fight against the guerrilla forces which, as pointed out, were manned predominantly by the Chinese.

Thus the resistance movement and the opposition that was formed to meet it became, in effect, a racial war. Led by the Japanese, Malay (and some Indian) units attacked the resistance forces and, in retaliation, the Chinese guerrillas began attacking Malay communities - and so proceeded the degeneration in Sino-Malay relations, reaching a climax in the outburst of bitter inter-racial clashes in the days immediately following the surrender of the Japanese.

Another factor which contributed to the tragic deterioration of inter-racial relations during the Japanese regime lay

⁵² Elsbree, W.H., Japan's Role in Southeast Asian Nationalist Movements, Cambridge, Massachusetts, Harvard University Press, 1953, p. 147.

in the fact that, in a plural society, a sense of insecurity makes people inclined to believe that they are safest among members of their own race.⁵³ In a period of aroused suspicion, this tendency invariably led each community to keep very much to itself, shunning the possibilities of freer inter-communal relations.

Although it is quite apparent that the period of Japanese occupation severely divided up the Malayan society, it would be wrong to automatically assume that this was the result of a deliberate policy on the part of the Japanese aimed at producing such a result. On the other hand, it is only logical that the Japanese would not have desired such a division, since it was obvious that social disintegration would undoubtedly have adverse effects both on economic development as well as on defence. Unfortunately, however, the situation in Malaya was hardly what the Japanese could consider as being conducive to healthy progress. The Chinese, by their overwhelming economic strength, posed the main problem. This strength automatically made their co-operation a necessity if the Japanese were to succeed in administering the country efficiently. It was with this in mind that they followed the initial policy of instilling fear into the Chinese community - a policy which, as already noted, was destined to produce drastic consequences.

As far as the Indian community was concerned, the Japanese were fortunate in not having to face the various

⁵³ Elsbree, op. cit., p. 241.

difficulties which had been thrust into their hands by the Chinese. One simple fact could explain this phenomenon - while to the Chinese the Japanese were the invaders of their homeland (and as such their power had to be undermined), they appeared, in the eyes of the Malayan Indians, to be the potential liberators of their own mother-country. England was Japan's opponent and, at a time of aroused nationalism, the Indians felt that their main enemy was Great Britain too. The Japanese had effectively challenged British authority in Malaya - could they not be relied upon to be instrumental in doing the same in India? On this reasoning was based the support the Japanese received from the Indian community in the country.

The Japanese found an invaluable ally in Subhas Chandra Bose, an extremist leader of the Indian nationalist movement - a man in whom the Indians saw the personification of their country's desire to break away from the British colonial yoke. The psychology behind Bose's appeal to the Indians in Malaya is noteworthy. The emotional response he stirred up was basically founded on two things - nationalism and an instilled feeling of responsibility. Insofar as nationalism is concerned, Bose carefully aroused a heightened sense of loyalty among the Indians in Malaya. Basing his arguments on the notion that Indian nationalism was essentially an anti-movement, he emphasized the urgent need for more effective opposition (to the British administration), stating that the British would not relinquish their hold in India if they were not forced to do

so.⁵⁴ It was on this argument that he based his policy of instilling a feeling of responsibility among the Malayan Indians. Saying, "all revolutions have succeeded only with outside help",⁵⁵ he harped on the idea that the success or failure of the Indian liberation movement necessarily rested on the degree of effective support given by Indians living outside India.

Hence at a time when the loyalty of the Malayan Indians was essentially focussed in India, the Japanese found little trouble, if any, in finding potent material for anti-British propaganda. The imprisonment of Congress leaders by the British, the unrest in Bengal following the famine, and other such examples of the turbulence in Indian politics proved to be ideal as fuel for their campaign.

From the foregoing observation, however, one should not derive the mistaken notion that Congress in India was, in fact, pro-Japanese. True, it did not take any outspoken anti-Japanese stand, but this was due more to the Indian bias against political affiliation than, as some people are inclined to believe, to the overwhelming pressure of a general pro-Japanese sentiment. With regard to this it should be noted that Mr. Gandhi himself had warned India against turning to the Japanese for aid in ousting the British, saying "Of course the people must not on any account lean to the Japanese to get rid of the

54 Elsbree, op. cit., p. 152.

55 Loc. cit.

British power. That were a remedy worse than the disease."⁵⁶

From a purely political standpoint, it may be said that the Indian community was the one most substantially affected by the Japanese regime.

From being depressed and uninterested inhabitants of a political backwater, the Indians of Malaya became, in their own estimation at least, the spearhead of a movement to liberate India.⁵⁷

The Indian Independence League was organized (with considerable Japanese backing and encouragement), and several branches of it were set up throughout the country. The intentions of the Japanese, however, did not coincide with those of the Indians. While the former regarded the Indian independence movement merely as another wheel in their wagon carrying the ingredients necessary for the spread of pan-Asianism, the latter, on the other hand, considered the movement as one serving only a single purpose, namely, the liberation of India. To the Japanese it was merely a means of reaching a more elaborate end; to the Indians it was the end itself. Thus while the Japanese thought that they were using the Indians merely to achieve their own ends, the Indians viewed the Japanese in an identical light.⁵⁸

The ambitions of the Indian National Army never went very far. Its defeat was decisive and marked the end of a

⁵⁶ Great Britain, Colonial Office, India. Statement published by the Government of India on the Congress Party's Responsibility for the Disturbance in India 1942-43. Cmd. 6430, p. 4.

⁵⁷ Holland, Asian Nationalism and the West, p. 295.

⁵⁸ Ibid., p. 296.

whole episode. The arrival of the British soon made the entire movement a thing of the forgotten past. As suddenly as it had sprung up, Indian nationalism lost all its prominence in the Malayan political scene. The next time an Indian rose as a noteworthy political figure, his main concern was Malayan and not Indian politics.

Turning to the impact of the occupation on the Malay community, one notices that, as a result of the Japanese regime (and the political responses of the Chinese and Indian communities which followed), the more realistic and responsible Malay leaders came to acknowledge the fact that the Malays themselves were not capable of running the entire political gamut in the country. The occupation had revealed the political potentialities of the non-Malay communities, and this left the Malays with two possible alternatives - either to co-operate with the Chinese and Indian communities or to rely on British protection.⁵⁹ Some of the younger Malays, however, failed to subscribe to this notion, having been convinced, during the occupation, that Malay domination in the country's administration could be achieved and maintained without much complication.

As mentioned earlier, the Japanese occupation was marked by the rise of inter-racial clashes between the Chinese and the Malays. The experience of having had to defend themselves produced a significant effect on the outlook of the rural

59 Holland, op. cit., p. 291.

Malays, in that it led to the spread of the "cult of invulnerability".

This cult, a survival of pre-Islamic Malay magic modified in some measure by Moslem mysticism, was quite strong among the Malays before the days of British rule, and never wholly died out even in fifty years of security. Under the Japanese the cult was revived among the Malay peasants. ... This cult probably strengthened the Malay's consciousness of race. Kiai Salleh (60), for example, not merely encouraged his 'invulnerable' Malays to resist the attacks and demands of the Chinese guerrillas, but also went so far as to attack and loot a Chinese village, presumably with a view to keeping alive the cult ... even when the real enemy in the jungle could not be located.⁶¹

The experience of having borne arms in self-defence had yet another profound effect on Malay outlook. Having thus far remained a passive community seeking protection under the British, they now began to muster up a growing amount of self-confidence in their own potentialities. This seems to have been the result, not of the side on which they fought and for what cause, but rather of the simple fact that they had participated in the fighting. They had no united sentiment worthy of notice, and while many of them channelled their energies into supporting the Japanese, there were others (including the Sultan of Pahang) who engaged in anti-Japanese activities.

With regard to the predominance of Chinese elements in the present guerrilla forces in Malaya, it is significant to note that the British, during the war years, did not organize

60 Kiai Salleh - one of the leading figures in the revival of the cult.

61 Holland, op. cit., p. 291.

and train Malay guerillas in their efforts to form anti-Japanese forces in the country. As observed by Silcock and Aziz,

It seems probable that a considerable number of them would have been willing to do this; but the British authorities were very skeptical about the possibilities of guerrilla warfare, and probably K.M.M. (62) activities had made them distrust the loyalty of the Malays.⁶³

Thus the British placed all their hopes in the activities of the Chinese resistance forces and the resistance movement became, in effect, a Chinese movement - which it still is today. The inference made here is open to debate, especially when one realises the fact that the present guerrilla forces (like those during the Japanese regime) are led and manned by communists - and the Malays, perhaps due to their religious and social background, do not appear to be susceptible to communist ideology.

The racial division which resulted from the Japanese occupation had almost no lasting effects. It seems to have been the outcome of momentary affectations - heightened by the prevalent violence and sense of insecurity. It was merely the outcome of exceptional circumstances and was soon forgotten after the country was reoccupied and restored to order. Animosity gave way to tolerance, and tolerance to co-operation - hence the emergence of the present political partnership among the three main racial groups in the country.

⁶² Kesatuan Muda Malayu (Malay Youth Movement). A pro-Japanese organization.

⁶³ Holland, op. cit., p. 292.

In summing up the reactions of the various communities towards Japanese rule, it is important that one should avoid passing judgements that are coloured by preconceived notions about gratitude and moral obligations. The practical implications behind the problem invalidate the justified application of such notions. The Malayan population at large had no specific reason to defend the legal authority of British colonial rule, especially when it was known that the Japanese had a flare for harsh repressive measures. That was a feat reserved for the more stoic diehards. But this does not necessarily brand the people as being "traitors". The Japanese had successfully challenged the authority and power of the British, and there were even those who felt that the British had deserted the country in a time of need. The situation obviously called for re-adaptation and there were many who were content to "wait and see how things went." The Malays realised that, with Japanese backing, there could be a possibility of restoring their race to a position of unquestioned leadership in the country. They were encouraged, in this view, by Japanese hostility towards the Chinese, whom they considered as being the main threat as far as racial supremacy was concerned. This explains pro-Japanese sentiments among the Malays.

The Indians saw, in Japanese force, the encouraging possibility of the liberation of India - hence their support for the new rulers. True, the Chinese formed a noteworthy resistance movement, but, in the final analysis, it is quite plain that they did not do this because they felt themselves

particularly endeared to the British. Their fight against the Japanese was essentially a personal one.

The reactions of the majority of people in Malaya when the British returned in 1945 is not open to dispute. All communities were equally pleased at their arrival. They made it quite apparent that the emotional appeal behind pan-Asianism was no substitute for proper government and a good life. A new era was now opened in Malaya's political history. The period of occupation had stirred, in the people, an awareness of their political needs, and demands for concessions from the British government were not slow in coming.

Chapter Two

The Malayan Union and the Federation of Malaya

In post-war Malaya Great Britain was faced with problems pertaining to almost every aspect of colonial rule - economic development, rising political-mindedness, education, internal unrest and subversion. To these was added the very unique problem of promoting racial harmony in a divided society - the so-called "population puzzle". Fresh thinking was made imperative regarding the country's problems and needs. The political behaviour and aspirations of the people in this "artificially created colony" had changed, primarily due to the fact that the years of occupation had altered the non-Malay population from being basically transient to being largely settled.

The days immediately following the surrender of the Japanese constitute perhaps the most unpleasant period in the country's history, insofar as inter-racial relationships are concerned. Malaya was hit by a wave of Sino-Malay animosity, characterized by physical clashes between the two communities. In the absence of established British authority, matters were made very much worse by the assumption of authority, for a brief period, by members of the communist-manned and Chinese-dominated Malayan People's Anti-Japanese Army (hereafter referred to as the MPAJA). The violent racial disorders were

gradually terminated after the establishment of the British Military Administration in the country.

In analysing the Malayan Union Proposals of 1946 and the Federation of Malaya Agreement of 1948, emphasis will have to be placed on the two basic issues therein: the relationship between these constitutional proposals and the old treaty relationships between the Malays and the English; and secondly, the question of citizenship.

On the 1st of April, 1946, the British Military Administration was replaced by the Malayan Union, which embodied a fresh set of constitutional proposals and which represented the Colonial Office's efforts at political experimentation in Malaya. Despite the fact that the Union proposals turned abortive, it is important to discuss the scheme and its consequences in some detail since, in addition to intensifying the already-present Sino-Malay tension, the proposals also stirred an unprecedented interest in politics, administration and the policies of the Government among the Malays. The opposition caused by the new proposals represents the first chapter in organized racial agitation, for constitutional ends, in post-war Malaya.

It would be wise, at this juncture, to analyse the relevant sections of the Union proposals, since familiarity with the explosive potentialities contained therein would be invaluable in enhancing the study of the communal reactions which followed.

Saying that the divided nature of the country, which had characterized the political structure of pre-war Malaya, was not compatible with the need for national progress, the British Government proposed, through the Malayan Union scheme, to bring about greater administrative unity.¹ The White Paper explained:

A stage has now been reached when the system of government should be simplified and reformed. International relations as well as the security and other interests of the British Commonwealth require that Malaya should be able to exercise an influence as a united and enlightened country appropriate to her economic and strategic importance.²

The implementation of two vital changes was necessary to bring about this union. In the first place, the administrative structure of the country had to be readjusted whereby Singapore would be established as a separate colony while the other two Settlements (Penang and Malacca), together with the nine Malay States, would constitute a single political entity - to be known as the Malayan Union.³ Secondly, racial preferences had to be abolished insofar as citizenship qualifications were concerned, so as to include everyone (except Japanese nationals), regardless of race, born and resident in the Malayan Union or Singapore. Such a move would enable all those who regarded the country as their homeland to take an active share in its political and cultural institutions.⁴ The racial implications behind the new

1 Great Britain, Colonial Office, Malayan Union and Singapore, Statement of Policy on Future Constitution, London, H.M. Stationery Office, 1946, Cmd. 6724, p. 2.

2 Loc.cit.

3 Ibid., p. 3.

4 Ibid., p. 2.

proposals are worthy of note, and those sections relevant to the present study are given below.

The following were to be citizens of the Malayan Union:

- (a) Any person born in the Malayan Union or Singapore before the date when the Order came into force, who was ordinarily resident in either of the two areas on that date.⁵
- (b) Any person at least eighteen years of age, who was ordinarily resident in the Malayan Union or Singapore on the date when the Order came into force, and who had resided in either territory for a minimum of 10 out of the 15 years preceding the 15th of February 1942.
(Such persons had to take an oath of allegiance saying that they would be faithful and loyal to the Union.)⁶
- (c) Any person born either in the Malayan Union or in Singapore on or after the date when the Order came into force.⁷
- (d) Any person born outside the Malayan Union or Singapore on or after the day when the Order came into force, whose father was a citizen of the Malayan Union at the time of the person's birth.⁸
- (e) The minor children (children under 18 years of age) of persons classified in categories (a) and (b).⁹

⁵ Great Britain, Colonial Office, Malayan Union and Singapore. Survey of Proposed Constitutional Arrangements, London, H.M. Stationery Office, 1946, Cmd. 6749, p. 9.

⁶ Loc. cit.

⁷ Ibid., p. 10.

⁸ Loc. cit.

⁹ Loc. cit.

In order to be naturalized as a citizen of the Malayan Union, a person

- (a) had to have resided in the Malayan Union or Singapore for one year preceding the date of application, and for 4 out of the 8 years preceding the same date;¹⁰
- (b) had to give evidence of good character and an adequate knowledge of either Malay or English;¹¹
- (c) had to take an oath of allegiance to the Malayan Union, and also show the intention to reside either in the Malayan Union or Singapore if the application were granted.¹²

Being lenient, these requirements undoubtedly favoured the non-Malays, who almost exclusively account for the numbers who obtain citizenship through naturalization.

With regard to the traditional and spiritual leadership of the Malay Rulers, it was proposed that the Ruler of each state should preside over a Malay Advisory Council, appointed by him with the approval of the Governor. Though their main function rested in matters pertaining to the Mohammedan religion, these councils also had the opportunity of advising the Rulers on other matters at the request of the Resident Commissioner acting with the approval of the Governor.¹³ As far as legislation concerning the Mohammedan religion was concerned, (which

10, Malayan Union and Singapore, Cmd. 6749, p. 9.

11 Loc. cit.

12 Loc. cit.

13 Cmd. 6724, op. cit., p. 4.

did not include the collection of tithes and taxes), each Ruler, acting with the help of his Council, was to have legislative powers within his State.¹⁴ However, it should be noted that all such legislation had to win the Governor's approval.¹⁵

Prior to discussing the communal reactions stirred by the new proposals, it might prove advantageous to analyse briefly the administrative implications behind the new scheme.

As mentioned in the first chapter of the present study, the British Crown had never before been granted any jurisdiction over the Malay States according to the treaties which had been concluded and which had been in operation during the pre-war years. The situation had merely been one whereby the Malay Rulers had been obliged to accept the advice given to them by British Residents, on all matters except those pertaining to the religion and customs of the Malay inhabitants. According to the Malayan Union scheme, however, this was to be changed and the Malay States were now to be brought under the common jurisdiction of the British Crown. His Majesty was thus enabled to carry out a policy of uniform legislation for all states under the Foreign Jurisdiction Act.¹⁶ It was with this in mind that Sir Harold MacMichael, a Special Representative

14 Malayan Union and Singapore, Cmd. 6724, p. 4.

15 To enhance this procedure, the Governor was to be assisted by a Central Advisory Council of the Malay Rulers sitting under his chairmanship. This council had the additional privilege of discussing matters not pertaining to the Mohammedan religion, either at the instance of the Governor or at that of any Ruler acting with the consent of the Governor.

16 Cmd. 6724, op. cit., p. 3.

of His Majesty's Government, was sent to Malaya for the purpose of getting the approval of Their Highnesses the Sultans by concluding "with each ruler on behalf of His Majesty's Government a formal Agreement by which he (would) cede full jurisdiction to His Majesty in his State,"¹⁷ and abrogating existing agreements that were in any way repugnant to the proposals contained in the new Agreement.

From the Malay point of view, this sudden reversal of policy on the part of the British Colonial Office was most unexpected, to say the least. To the bewildered Malay, the liberation, followed so soon by the new proposals, invariably represented a deterioration in British intentions from the sublime to the very ridiculous. His "special position" was suddenly to be ended by the new citizenship regulations; his Ruler was made nothing more than a mere "stuffed shirt" endowed with powers which, for all practical purposes, were sterile; the principle of decentralization, to which the British had adhered so resolutely in pre-war years, was now abandoned; and, finally, the old treaty relations were now made invalid - discarded in favour of a scheme which would place his community on a political parity with the Chinese and Indians, in whose intentions and loyalties he had no faith. British policy had, up to this time, been dictated by

a conscientious regard for the binding qualities of treaties, a recognition that its economic policies had flooded the country with aliens, and a realization

17 Malayan Union and Singapore, Cmd. 6724, p. 4.

that without protection Malaya would soon cease to be a country of the Malays and would in fact become what casual observation had mockingly called it, another province of China. There was the rub.¹⁸

If they were to judge by their relationship with Great Britain during the preceding seventy years, the Malays had no cause whatsoever to expect this complete volte face in British policy. Having been a protected race up to this time, they now found their very existence threatened. Most baffling of all was the fact that, in their eyes, the new proposals were not in any way a compromise. Neither had they been made necessary. Why, for example, had there been this sudden rush to create equal citizenship? After all, the Chinese and the Indians had not really agitated for such a move; and this was not an urgent problem demanding an immediate answer!¹⁹ The Malays at large felt that they had been cheated. They had placed their trust in the British Government, and the British Government had let them down badly, without any real excuse; they had been anxious to demonstrate their loyalty to Great Britain after the years of submission to Japanese rule - and now that loyalty appeared to have been misplaced. Characteristic of their opinion was the statement made by a Malay Minister during this period when he said,

The question is not so much one of ceding powers as that of whether we are prepared to trust the British Government or not.²⁰

¹⁸ Jones, S.W., Public Administration in Malaya, London, Royal Institute of International Affairs, 1953, p. 137.

¹⁹ Ibid., p. 138.

²⁰ Dodd, E.E., The New Malaya, London, Fabian Publications Ltd., 1946, p. 27.

Nor was all this unknown in Great Britain. Viscount Marchwood, for example, had said in warning the House of Lords about the possible consequences of the new proposals,

... the Malay believes implicitly in the Englishman's word. He believes the Englishman's word is his bond. We must see to it that we do not break faith in any way and whatever changes may be introduced the interests of the Malay must remain a paramount consideration. The Chinese and Indians, it must always be remembered, were admitted to the Malay States on British advice and if the Malay is edged out of the administrative field it will cause considerable dissatisfaction and bitter resentment.²¹

Once the implications behind the new scheme were made clear, the Malays were quick to react - and their stand was unexpectedly strong and consistent, especially when viewed against the background of seventy years of complacent acceptance of British policy. Broadly speaking, their opposition may be said to have rested on three main bases. In the first place, they deplored the haste with which the Sultans had been required to approve the new plan. They were resentful of the arbitrary and high-handed manner in which the scheme had been rushed through and in which the consent of the various Sultans had been procured by the Special Representative of the Crown, Sir Harold MacMichael. They were convinced that the British Government had taken what Lord Elibank, in the House of Lords, had termed a "lump it and take it" attitude towards them. The Sultan of Kedah, for example, represented that his signature to

²¹ Great Britain, Parliament, House of Lords, Official Report of Debates. Second Volume of Session 1945-1946, p. 931.

the new Agreement had been procured "under duress".²² The conditions governing the manner in which Sir Harold had dispatched his business gave added weight to these criticisms. He had been given the authority to confirm as Sultans four acting Rulers whose succession had taken place during the Japanese occupation - and this automatically invited the criticism of "no signature, no confirmation."²³ The word "MacMichael" had indeed "gone into the Malay language and had become a word of opprobrium throughout the whole peninsula."²⁴

Secondly, the Malays regarded the Union proposals as embodying an effort to lower the status of the Malay Sultanates to that of a colony. State sovereignty had been taken away, accompanied by the Sultans' position as traditional and religious leaders of their respective states. In each State, the main body of law had ceased to require the assent of the Ruler - it was now up to the Governor to approve legislation. The Malays clearly felt that there was nothing left which would distinguish them from the alien races which had outnumbered them in their own country.

Finally, the Malay community was apprehensive of the fact that, should the respective States be transferred to Britain, a democratic electorate could easily result, whereby a Chinese

²² Great Britain, Parliament, House of Commons, Report of Debates, vol. 419, pp. 358-9. Sir Harold MacMichael denied this accusation, while agreeing that the Sultan in question had expressed clear dislike for the new proposals.

²³ Gemmans, L.D., M.P. "Crisis in Malaya," The Spectator, vol. 176 (1946), p. 601.

²⁴ Loc. cit.

majority would be made inevitable in the foreseeable future. Chinese and Indian immigrants, with comparatively inadequate residential qualifications, would be given the privilege of acquiring citizenship rights equal to their own. If their political sentiments before the war were any indication of their future political behaviour, it seemed apparent that only a small proportion of the Chinese would give loyalty to Malaya an unquestioned priority over loyalty to China. Faced with possible submersion the Malays objected that, first, they had not been given sufficient warning about the change in British policy and, secondly, that they lacked the education and the economic strength to compete for supremacy on an equal footing with the other races.

The above argument was echoed, with equal emphasis, by ex-Governors and retired civil servants residing in England.²⁵ In the House of Lords, Lord Elibank expressed the fear that, if they became more numerous, the new citizenship scheme would permit the Chinese to gradually assume a position of control in the Malay States. In answering this the Secretary of State for Dominion Affairs, Viscount Addison, justified the Government's policy by stating that British ideals and methods of government did not lend themselves to the establishment of "privileged minorities", adding, "we do not go in for that sort

²⁵ Purcell, V., The Chinese in Modern Malaya, Singapore, Donald Moore, 1956, p. 40.

of thing."²⁶ (This writer is unable to reconcile the above statement with the granting of "special privileges" to the Malays - who were a numerical minority - both before the war and under the Federation scheme which followed the Malayan Union. The exclusion of non-Malays from the Malayan Civil Service had already been a source of conflict before the war. As explained in Volume 36 of The Round Table, "the locally born and bred Chinese, Indians and Eurasians, who regarded Malaya as their real home, felt that they had a claim to appointments which were reserved exclusively for Europeans and Malays. Unfortunately, the Colonial Office took a short-sighted view and adhered to it to the very end."²⁷)

Despite their initial complaisance (which, it was claimed was due to duress on the one hand and faith in British integrity on the other), the Sultans contributed their share in agitating for the withdrawal of the Malayan Union Agreement. In making representation to England on this matter, they echoed some of the objections already voiced by the Malay community in general. They were, however, more categoric in their demands, giving individual attention to matters such as citizenship (stating, for example, that since Singapore Island was not to form part of the Malayan Union, residents of Singapore should not qualify for

²⁶ Great Britain, Parliament, House of Lords, Official Report of Debates, Second volume of session 1945-46, p. 940.

²⁷ "Complications of Union in Malaya," Round Table, Volume 36 (Dec. 1945-Sept. 1946), p. 240.

Malayan Union citizenship²⁸ - a proposal obviously aimed at preventing a Chinese majority), the alienation of state land (stating that this should be left in the hands of the State Councils)²⁹, finance (proposing that the State Governments should control their own finances), and so on. In the final analysis, it is quite apparent that the motivating forces behind their protests were three-fold: they wanted to restore the prestige which they themselves had lost; they wanted the States to regain their sovereignty; and, finally, they wanted to see the Malay community back in the privileged seat it had occupied before the war.

Encouraged by their Sultans' retaliation, the Malays intensified their programme of agitation. Never before had the British known them to display such a potent capacity for oratory and political participation.³⁰ The women, for example, "staggered all conversant with Malay conventions by coming out of their shy seclusion to head processions and address public meetings."³¹ The Malays were convinced that the new proposals represented a camouflaged attack on their race, and were determined to bring about its withdrawal. From "sleepy beneficiaries of a privileged position" they were transformed into "champions of their rights and critics of those who tried to destroy them."³²

28 Great Britain, Parliament, House of Commons, Official Report of Debates, Volume 420, p. 136.

29 Loc. cit.

30 Jones, op. cit., p. 138.

31 Ibid., pp. 138-9.

32 Ibid., p. 139.

Slogans like "Long Live the Malays", "Down with the Malayan Union", and "Has our benign protector turned bully?"³³ were characteristic of the sentiments underlying their opposition. As explained by the Honorable Mr. Gammans, it was obvious that all classes of the Malay community ('from padi-planters to Sultan') were completely united on the issue.³⁴ The Sultans went to the extent of boycotting the installation of the Governor of the Malayan Union, Sir Edward Gent, on April 1, 1946. This act was repeated at the installation ceremony of the Commissioner-General, Mr. Malcolm MacDonald, on May 30th.

As far as the Colonial Office was concerned, the time had now arrived for excuses. With regard to their failure to formulate a policy acceptable, at least in its broad outlines, to the people of Malaya, the British Government sought refuge in the explanation that the war years had changed Malaya considerably, and that they had no definite indication regarding the policy they should have adopted. This cannot fail to strike one as being perhaps a little too naive. The British must have been quite aware of the political turmoil which had developed both within the country and in its neighbouring areas during the war years. How, then, could they even pretend that the Japanese withdrawal would have left behind a tabula rasa suitable for the implementation of a policy without consultation and without compromise?

33 Quoted in Gammans, op. cit., p. 601.

34 Loc. cit.

In the final analysis, the actual issue at stake was not the merely legal rights of the Sultans or the questionable methods used by Sir Harold MacMichael in procuring the signatures of the respective rulers, but rather whether or not Great Britain was going to continue recognizing Malaya as being essentially a Malay country.³⁵ The Malays did not want to see their country transformed into another Palestine, where they would lose their identity in a common citizenship embracing all communities. The situation was not a simple one, and could not have been solved by a simple answer. Herein lay the main cause for the Colonial Office's failure.

Thus the problem at hand invariably centered around whether or not the British were going to recognize the de facto position of the non-Malay races - especially the Chinese - who now regarded Malaya as their real home, and as such considered themselves as being eligible for widely increased political rights.³⁶ In its basic principles the Malays were willing to agree to this demand, but only with reservations which would be vital for the maintenance of their privileged position.³⁷

Among the non-Malay races, the Chinese and the Indians presented a contrast during these times. While the former were

³⁵ "Malays or Malaysans?" The Economist, March 16, 1946, p. 403. Despite this statement, however, it should also be realised that the Sultans continued to be the most concrete symbols of Malay nationality against the immigrant segments of the country's population.

³⁶ Gammans, op. cit., p. 601.

³⁷ Loc. cit.

beginning to show growing signs of political activity (stirred, no doubt, by new developments such as the politico-economic separation of Singapore from the Mainland) while also being inclined to dissociate themselves from the prolonged political strife in China,³⁸ the latter, on the other hand, were now turning more and more to their homeland, mainly because of the increasing prospects of self-government there, which were

far more exhilarating to them than the dubious benefits to be derived from a Malayan Union citizenship which [did] not carry with it even the connotation of a nationality.³⁹

For the Indians who, politically, were already the least vocal community during these times, this pull towards the mother-country was intensified by the attitude taken by Mr. Jawaharlal Nehru during his visit to Malaya in March 1946 when he said, with regard to Malayan citizenship,

Obviously in future Indians in this country will have to choose whether to be nationalists in India or Malaya. If they claim the privileges of Malayan citizenship they cannot at the same time claim the privileges of Indian citizenship.⁴⁰

Even the Pan-Malayan Moslem League had its interests centred on the Indian sub-continent, the focus of its admiration being Jinnah.⁴¹

³⁸ Adloff, V.T., "Opposition in Malaya," Far Eastern Survey, volume 16 (1947), p. 131.

³⁹ Loc. cit.

⁴⁰ Seitelman, M., "Political Thought in Malaya," Far Eastern Survey, vol. 16, (1947), p. 129.

⁴¹ Adloff, op. cit., p. 131.

Another major grievance stirred by the new proposals stemmed from the fact that the Colonial Office had seen fit to attempt the implementation of the new scheme without any effort whatsoever being made towards compromise, or even consultation. It is only proper that a treaty concluded between two parties be submitted to both for agreement, at least on the general principles, before publication. As it was, Their Highnesses the Sultans did not even know about the proposed arrangements until they had read them in the Malayan newspapers!⁴² Needless to say, this must have proved humiliating not only to the Sultans but also to the Malay population at large, which regarded the former as being symbolic of the sovereignty of the individual states. Once again, the Colonial Office cannot deny knowledge of the unpleasant possibilities contained in such a course of action. Lord Elibank, for example, had already warned the House of Lords that the most glaring shortcoming of the new scheme rested in the fact that it had not been moulded through consultations with the Malay and non-Malay communities.⁴³ There was no doubt that such consultations would have been vital in warranting the scheme's acceptance by the Malays. Nor were the non-Malay segments of the populations overjoyed at the nature of the new scheme, despite the fact that it promised them opportunities equal to those held by the Malays. Convinced that

42 "Complications of Union in Malaya," Round Table, vol. 36 (Dec. 1945-Sept. 1946), p. 241.

43 Great Britain, Parliament, House of Lords, Official Report of Debates, 5th series, vol. cxxxviii, pp. 933-4.

they belonged to the country as much as anyone else, they had cause to feel that their views necessarily formed an integral part of Malayan opinion. As stated by Mr. H. B. Lim (Secretary of the Malayan Democratic Union), the people as a whole were the most important factor in the issue, especially in view of the fact that, as a result of the Pangkor Agreement of 1874 and all the subsequent treaties, the Sultans had, in actual fact, ceded their administrative rights and sacrificed their effective sovereignty.⁴⁴ This had made the Malayan Union Agreement nothing unusual as far as the Sultans were concerned. (It is of interest to note here the difference between Malay and non-Malay opinion with regard to the position of the Sultans.) Mr. Lim refers to Captain Gammans' (Conservative member for Hornsey) attempt to represent the constitutional crises as being the product of the violation of the Sultans' sovereignty as being "both factually and chronologically incorrect."⁴⁵ Thus the main objection was that the people had not been consulted. Sir Harold MacMichael and the Sultans had no right to agree on the White Paper in toto on behalf of the people.⁴⁶ In raising these objections to the new "constitution", Mr. Lim indicates the unfortunate dangers contained therein by saying

The aggregate result of this constitutional swindle is that, all popular Malay, Chinese, Indian and Eurasian organizations are being antagonized.⁴⁷

44 Lim, H.B., "Malaya's 'Constitution'," Labour Monthly, vol. 28 (1946), p. 381

45 Loc. cit.

46 Loc. cit.

47 Ibid., p. 382.

Despite the fact that Malay opposition was based considerably on the allegation that the traditional leadership of the Sultans had been undermined, and that the Sultans had not been treated with the dignity they justly deserved, it is most likely that this opposition to the new proposals would not have been quite so intense and consistent as it turned out to be, had the Malays been the only people in the country, or had they formed a large majority therein. As it was, it seems quite obvious that their hostility towards the Union scheme was more the product of considerations regarding their status vis a vis the Chinese and the Indians.

In summing up the reactions of the Malays, it may be noted that three main political groupings are discernible within the community. First there were the Malay Sultans, who felt obliged to support those who were mainly preoccupied with the question of Malay rights. In addition to the objections mentioned earlier, the Sultans also accused that it was quite ridiculous to have the Governor associated with legislation concerning matters primarily related to the Mohammedan religion. Secondly, one may mention the upper class local officials and members of the ruling families. Despite the fact that they held a position of leadership in their rather limited Malay circles, these men now found themselves faced with a situation which made it necessary for them to compete with other racial groups in a broader field of political activity.⁴⁸ Finally, there were the "radical

48 Seitelman, op. cit., p. 128.

elements", made up of the younger generation, with insistence on the recognition of individual political rights.⁴⁹

The somewhat haphazard manner in which the Union scheme had been formulated and rushed through invariably led to severe comments being made against the British. It was alleged that officials in Whitehall had assumed that "a document taken from a pigeon-hole could be safely considered a blueprint."⁵⁰ Sir Harold MacMichael's trip to Malaya and his subsequent approaches to the various Sultans were said to have constituted a "whirlwind tour"⁵¹ - in that all the treaties had been concluded (involving nine separate states) between the 20th of October and the 21st of December.⁵²

A significant outcome of the proposals (and the resultant opposition from Malay quarters) was the birth of the United Malays' National Organization (hereafter referred to as the UMNO) which was formed for the purpose of agitating for the repeal of the Malayan Union⁵³ and which, as will be seen in the following chapters, was destined to play a most decisive role in determining the progress of Malayan politics. Dato Onn bin Ja'afar, the father of the party, claimed that it had the support of about 70 to 80 per cent of the country's Malay population.⁵⁴

49 Seitelman, op. cit., p. 128.

50 "Malayan Union Postponed," The New Statesman and Nation, vol. 31, (1946), p. 203.

51 Round Table, vol. 36, p. 241.

52 Ibid., pp. 241-2.

53 Purcell, Chinese in Modern Malaya, p. 40.

54 Loc. cit.

It would be most enlightening, at this juncture, to analyse the racial factors which contributed to the political separation of Singapore from the mainland. Despite the fact that the word "race" is not even mentioned in that part of the Colonial Office's White Paper which discusses this separation, it is significant to note that the following explanation was given:

In considering the need for a close political integration in Malaya, His Majesty's Government consider that, at least for the time being, Singapore requires special treatment. It is a centre of entrepot trade on a very large scale and has economic and social interests distinct from those of the mainland.⁵⁵

It is the "social interests" referred to which merit close analysis insofar as the present study is concerned.

Table V

Taken from Official Figures as Published in the F.M.S. Government Gazette dated February 27, 1941 (quoted in: Complications of Union in Malaya. Round Table, vol.36 Dec. 1945-Sept. 1946, p.238)
percentages

	Malays	Chinese	Indians	Others	Total
	%	%	%	%	%
Singapore Island	10	78	8	4	100
Straits Settlements	22	64½	10½	3	100
F.M.S.	33	44½	21	1½	100
Unfederated Malay States	66½	24½	7	2	100
Malaya as a whole	41½	43	13½	2	100

⁵⁵ Great Britain, Colonial Office, Malayan Union and Singapore, Statement of Policy on Future Constitution, London, H.M. Stationery Office, 1946, Cmd. 6724, p. 3.

As revealed by the above figures the Malays, by 1941, had already become a numerical minority in Malaya as a whole, this being the outcome of the predominance of Chinese in the Straits Settlements (Singapore in particular) and the Federated Malay States. A closer analysis of the facts reveals yet another most important feature. (For this purpose it might be adequate to use the 1947 census figures for purposes of approximation, these being the first of their kind after the war. Furthermore, the difference between them and the 1946 figures is not likely to be substantial. The following figures, taken from the Federation of Malaya Annual Report for 1953 and the Singapore Annual Report for 1947, have been reduced to the nearest 5,000.) At a time when the population of Malaya as a whole was 5,845,000, of which 2,610,000 were Chinese, Singapore alone accounted for 935,000, including 725,000 Chinese. If Singapore were to be excluded from the peninsula, the number of Chinese in the country would have been reduced to 1,880,000 out of a total population of 4,905,000. Such a move would have automatically given the Malaysians approximately 48 per cent of the population and a numerical superiority over the Chinese who, without Singapore, would have constituted only about 38 per cent of the total population figure. Although the policy statement made no direct reference to the effect, there can be little doubt that the above consideration must have played a major role in determining the exclusion of Singapore from the Malayan Union - a separation which has been maintained ever since. For

the time being at least, the separation of Singapore acted as a guarantee that democratization could be effected without any immediate danger of the Malays being politically submerged by the Chinese. This, however, failed to satisfy many observers, including left-wing elements in the British Labour Party.

Writing in The New Statesman and Nation, a writer (Graham Hough) condemned the separation as being "artificial, expensive, and ridiculously inconvenient."⁵⁶

Reviewed in its proper perspective, it appears quite likely that the Colonial Office's attempt to create and maintain some kind of racial synthesis in Malaya through the Union scheme failed largely due to poor timing. At a time when racial antagonisms were more sharpened than ever before (due both to the intensification of communal rivalries during the Japanese regime and to the fact that economic factors - such as the predominance of Chinese in the more lucrative fields - had tended to exacerbate communal misunderstandings), it was inevitable that such a scheme should turn abortive, as indeed it did.

The British realised that, with the upsurge of Malay nationalism, it was imperative for them to abandon the Malayan Union, set up a federal government, and reinstate the Sultans as "feudal Breakwaters".⁵⁷ As far as the Secretary of State for the Colonies was concerned, the situation at hand undoubtedly called for an urgent rethinking in British policy towards

⁵⁶ New Statesman and Nation, vol. 33 (1947), p. 311.

⁵⁷ "Britain Faces a New Malaya," What is behind Britain's reversal of policy in the Malayan Union? Amerasia, vol. 11, no. 1 (January 1947), p. 15.

Malaya. With regard to its main objectives (namely, the establishment of a strong and effective central government and the creation of a common citizenship for everyone, irrespective of race, who regarded Malaya as his or her real home), the British Government refused to shift its ground.⁵⁸ But now, however, it was willing to consult Malay opinion, knowing full well that such a move would be vital in facilitating the implementation of new policies. With this in mind a Working Committee was appointed, made up of Government representatives on the one hand, and the Rulers, together with representatives from the UMNO (included to represent moderate Malay opinion), on the other.⁵⁹ The findings of this Committee were submitted for examination to a Consultative Committee made up of members representing the non-Malay communities in the country.⁶⁰ This Committee's suggested amendments were sent back to the Working

⁵⁸ Great Britain, Colonial Office, Federation of Malaya: Summary of Revised Constitutional Proposals, London, H.M. Stationery Office, 1947, Cmd. 7171, p. 2.

⁵⁹ Jones, S.W., Public Administration in Malaya, p. 140.

⁶⁰ Loc. cit. Despite this move, it is significant to note that Purcell, for example, is quite critical of the fact that the British did not place adequate emphasis on the value of non-Malay opinion regarding the Federation proposals. Having stated the fact that the alternative constitution (i.e. the Federal plan) had first been submitted to the Working Committee ("consisting entirely of Malay aristocrats") for consideration, he says,

"Then (but not until then) the report was referred to a Consultative Committee of the non-Malay races for comment, but, although this comment was largely hostile, it was almost completely disregarded by the British Government." *

* The Chinese in Modern Malaya, pp. 40-41.

Committee which, after further study, submitted its final recommendations for consideration by a Plenary Conference of the Governor, the Rulers, and other Malay representatives.⁶¹ The scheme which emerged out of these discussions and consultations (aimed, no doubt, at granting some recognition to communal demands and preferences) was accepted by the British Government as being adequate to meet the political exigencies of the time.

The new proposals provided for a Federation Agreement between His Majesty and the Malay Rulers, each of whom would conclude a further Agreement with His Majesty concerning his own State. Each State was subsequently to ratify both the Federation and the State Agreements.⁶² As stated by Purcell, in his book The Chinese in Modern Malaya, the net result of these proposals was the restoration of Malaya as a primarily Malay country.⁶³ The Sultans were to enjoy the "prerogatives, power and jurisdiction which they enjoyed prior to the Japanese occupation";⁶⁴ the State Agreements were also to provide,

that the Ruler desires, and His Majesty agrees, that it shall be a particular charge upon the Government of the State to provide for and encourage the education and training of the Malay inhabitants of the State so as to fit them to take a full share in the economic progress, social welfare and Government of the State and of the Federation;⁶⁵

the High Commissioner's responsibilities were to include "the

61 Jones, op. cit., p. 140.

62 Cmd. 7171, op. cit., p. 1.

63 Purcell, The Chinese in Modern Malaya, p. 41.

64 Cmd. 7171, op. cit., p. 5.

65 Loc. cit.

safeguarding of the special position of the Malays and the legitimate interests of other communities."⁶⁶

As a fair indication of the extent to which consultations with the different communities were instrumental in moulding the new policy, one may consider the composition of the Federal Legislative Council. According to the Working Committee's proposals, it was to be composed of the High Commissioner as President, three ex-officio members, eleven official members and 34 unofficial members whose nomination was to be based partly on direct racial lines and partly on the representation of various interests such as labour, mining, planting and so on, but in such a manner as to ensure that, excluding ex-officio and official members, Malays would outnumber non-Malays by 18 to 16.⁶⁷

The Consultative Committee, on the other hand, recommended that the number of unofficial members be raised to 52, and that the nine (Malay) Presidents of Councils of State be added as official members. Of the resulting 61 seats (that is, excluding the three ex-officio and eleven official members as proposed in the original recommendation), the allocation made by the Consultative Committee gave 29 seats to the Malays and 29 to the other communities, three remaining unallocated.⁶⁸

66 Cmd. 7171, op. cit., p. 5.

67 Loc. cit. The unofficial members were to include the nine Presidents of Councils of State and a representative from each Settlement Council.

68 Loc. cit. It is significant to note that the two Chinese members of the Consultative Committee had desired the classification of the nine presidents of State Council as ordinary Malay members- a proposal which, if adopted, would have reduced the total Malay membership to twenty.

The element of compromise is quite apparent in the final version. The increased strength of the unofficial majority (indicated below), for instance, is clearly suggestive of this fact, having been undoubtedly motivated by the desirability for granting more adequate representation to all important interests.

The number of ex-officio and official members was to remain unchanged. The rest of the Council was to be made up of the nine Presidents of State Councils, two representatives from the Settlement Councils (one from each, and elected by members of the Councils themselves), and 50 other unofficial members who would represent interests, groups and activities and who were to be comprised of:⁶⁹

Labour	6
Planting (rubber and oil palm)	
(a) Public companies	3
(b) Proprietary estates and smallholdings	3
Mining	4
Commerce	6
Agriculture and husbandry (excluding rubber and oil palms).	8
Professional educational and cultural	4
Settlements	2
States	9
Eurasian community	1
Ceylonese community	1
Indian community	1
Chinese community	2

Total

50

⁶⁹ Cmd. 7171, op. cit., p. 7.

The above allocation was expected to give 22 seats to the Malays, 14 to the Chinese, 5 to the Indians, 7 to the Europeans, and one each to the Ceylonese and Eurasians.⁷⁰ Since the nine Presidents of State Councils would invariably be Malays (while the representatives of the Settlement Councils could belong to any community), this allocation maintained the slight Malay majority (excluding ex-officio and official members) proposed by the Working Committee. In recognition of a demand made to that effect by Malay opinion, Malay was established as an official language of the Legislative Council together with English.⁷¹

A very important feature of the new constitution was that the High Commissioner now had to confer with the Rulers ("as occasion arises") on matters pertaining to immigration.⁷² True, the non-Malays had made immense contributions towards the development of the country, but there was an outstanding fact which could not be overlooked - the non-Malays, as revealed beyond all doubt by the 1947 census, were now more numerous than the indigenous Malays. The reasons for the new policy (the High Commissioner's obligation to consult the Rulers on immigration matters) were made quite clear. Though the new scheme was to include in a common citizenship all those who regarded Malaya as the object of their loyalty, no one could deny the fact that the

70 Cmd. 7171, op. cit., p. 7.

71 Ibid, pp. 7-8. However, it was still necessary that matters which had to be printed or "reduced to writing" be expressed in English.

72 Ibid., p. 8.

Malays were "peculiarly the people of the country" who had "no other homeland, no other loyalty."⁷³ They had cause to be concerned over the immigration policy. Despite the fact that the High Commissioner had to consult the Conference of Rulers, from time to time, on the immigration policy of the Government (especially when any major changes were being contemplated by the Federal Government on such policy), the final say in the matter, it should be noted, rested with the legislative Council which, in the event of a disagreement between the High Commissioner and the Rulers would, by resolution, either accept or reject any proposed change. On resolutions of this nature, however, only unofficial members had the right to vote - though official and ex-officio members had the privilege of participating in the debates. This arrangement is noteworthy in that, by taking a unanimous stand, the Malay members of the Legislative Council had the opportunity to either accept or reject a change in immigration policy introduced by the Government and unfavourably received by Their Highnesses the Sultans.⁷⁴

In addition to the restoration of the Sultans as the traditional leaders of the respective states, the Councils of State were now empowered to legislate independently on matters pertaining to Malay customs and the Moslem faith.

⁷³ Cmd. 7171, op. cit., p. 7.

⁷⁴ It should be noted, however, that this procedure was not to be adhered to should a proposed change in immigration policy be related to Great Britain's responsibility for Defence or External Affairs.

The citizenship regulations contained in the new scheme merit detailed analysis, in that they contain significant features revealing an all-important bias in favour of the Malays. They also reveal a certain amount of compromise between Malay and non-Malay opinion.

Automatic citizenship was to be granted to:⁷⁵

- (a) any subject of His Highness the Sultan of any State, irrespective of his or her date of birth;
- (b) any British Subject, born at any time in either of the two Settlements and permanently resident (meaning the completion of a continuous period of 15 years residence) in any of the territories comprised in the Federation;⁷⁶
- (c) any person who, having been born at any time in any of the territories to be comprised in the Federation, habitually spoke the Malay language and conformed to Malay custom;
- (d) any person born at any time in one of the above-mentioned territories both of whose parents had themselves been born in any such territories and had been continuously resident in them for a period of at least 15 years; and
- (e) any person whose father, at the date of the person's birth, was himself a federal citizen.

The term "subject of His Highness the Ruler of any State", as used in provision (a), was to mean any person belonging to an aboriginal tribe in that state; or any Malay born in that state or born elsewhere of a father who, at the time of the person's birth, was himself a subject of the Ruler of that

⁷⁵ All provisions mentioned here are from Cmd. 7171, op. cit., pp. 10-11.

⁷⁶ With regard to this provision the Working Committee, which did not represent non-Malay opinion, had recommended that only residence in either of the two Settlements would qualify. Such a proposal, if accepted, would have denied automatic citizenship to several non-Malays, especially in Penang where their numerical predominance is fairly marked.

State; or any person naturalized as a subject of the Ruler.⁷⁷

The word "Malay", as used in the above definition of a "subject of His Highness the Ruler of any State", referred to a person who habitually spoke the Malay language, professed the Moslem religion, and who conformed to Malay customs. This (coupled with provision (c) mentioned above) is most significant in that while a non-Malay could be a citizen automatically only if both his parents were born in the country themselves, a Malay could be one even if both his parents were born elsewhere. Also significant is the fact that the provision in question (provision (c) above) enabled Indonesians to become citizens automatically if they were born in the country (since they satisfy the requirements mentioned in the provision) while the Chinese and Indians were required to fulfil more stringent regulations. This provision was undoubtedly in favour of the Malays since, as mentioned in the first chapter of the present study, the Indonesians, due to their racial, religious and sociological background, are easily assimilated into the Malay community as a matter of course. Hence the more Indonesians there are in the country, the smaller the possibility of the Malays being politically swamped by the Chinese and Indians. With regard to this it should be noted that the British community - planters, lesser colonial servants, and vested interests - was largely pro-Malay in its attitude. This is understandable in view of the fact that there was a

77 Cmd. 7171, op. cit., p. 11

prevalent opinion, within this group, that every step in the direction of self-government would give the Malays a greater say in their (the British community's) future position in the country.⁷⁸

The net result of the citizenship regulations was that, in June 1949, only 375,000 Chinese (estimated) out of a total of 1,952,682 then resident in the Federation, were made citizens by operation of law.⁷⁹

In addition to evidence of good behaviour, an adequate knowledge of either Malay or English, and a declaration of permanent residence, a person wishing to become a citizen by application also had to satisfy the High Commissioner that he or she had either been both born in one of the territories comprising the Federation and had resided in one or more of those territories for a period of at least eight out of the twelve years preceding the date of his or her application, or that he/she had been resident in one of those territories for not less than 15 out of the 20 years preceding that date.⁸⁰ Here, once again, the element of compromise between Malay and non-Malay opinion, as represented by the recommendations of the Working Committee in the first case and those of the Consultative Committee in the second, is apparent. While the former

⁷⁸ Finkelstein, L.S., "Prospects for Self-Government in Malaya," Far Eastern Survey, vol. 21 (1952), p; 10.

⁷⁹ Purcell, The Chinese in Modern Malaya, p. 41.

⁸⁰ Cmd. 7171, op. cit., p. 11.

had recommended a period of 10 out of 15 years for those born in the country and a period of 15 out of 20 years (retained in the final form) for those not born therein, the latter, with the prospect of making the regulations less stringent for non-Malays, had proposed a period of 5 out of 10 years in the first case and 8 out of 15 in the second. As proposed by the Consultative Committee, it was adopted that, in the case of persons over 45 years of age who had resided in the territory of the Federation for at least 20 years, the language test be waived - provided the application for citizenship was made within two years of the appointed day.

The Chinese community was far from satisfied by the new proposals. In protest, a hartal was held throughout the Malayan Union and Singapore on October 20, 1947, sponsored by the Pan-Malayan Council of Joint Action led by Mr. Tan Cheng Lock (now known as Sir Cheng-lock Tan) and supported by the Associated Chinese Chambers of Commerce, The Malayan Trade Unions and the Malayan Communist Party.⁸¹

Taken as a whole, the Federal constitution was far from being democratic - say, when compared to post-war constitutions in India, Pakistan, Ceylon and the Philippines. It did, however, constitute an improvement on the pre-war situation. Contrary to the tendency then, the Malays and the British now found

81 Purcell, The Chinese in Modern Malaya, p. 41.

it no longer possible to keep completely aloof from the fact that the non-Malay segments of the settled population had become a most vital factor in the country's political life and hence had to be given certain citizenship rights equal to those of the Malays themselves.

It would be interesting, at this point, to analyse the alternatives which might have been considered by the British Government in deciding the constitutional future of the Malay peninsula, and thereby determine the merits of the Federation scheme as implemented in 1948.

To begin with, there was the possibility of following a policy which would gradually reduce two of the three main races to small minorities - a policy which, if implemented successfully, would have meant a termination of the racial problem.⁸² But such a policy, it must be realized, would have been both too radical and too dangerous to be contained within safe bounds. The communities in question would undoubtedly have had to be the Chinese and the Indian, and though such a policy might have found favour among the more extremist Malay nationalists, it would invariably have been contested by the more responsible and politically sane sections of that community - not to mention the violent opposition which would have come from the Chinese and the Indians themselves. The

⁸² Silcock, T.H. "Forces for Unity in Malaya." International Affairs, vol. 25 (1949), p. 455.

plausibility of such a policy was perhaps best assessed by Professor Silcock when he wrote:

So long as Malaya remains politically unsophisticated and is firmly controlled by British administrators backed by British troops, it is possible to call it a Malay country and assume that Chinese and Indians are aliens without implying any intention to take drastic action against them. But anyone with even a rudimentary sense of political possibilities must realize that a self-governing Malay Malaya is an impossibility unless most drastic action is taken against the other two races over a period of years.⁸³

The above policy would not have been feasible for yet another reason; namely that, in order to implement it, the country's distributive trade, large mining concerns and other important fields of economic activity largely held by the Chinese would have had to be transferred over to the Malays who, for all practical purposes, would have been unable to take over and carry on independently. By alienating the Chinese population this policy, if adopted, could also have been instrumental in turning large parts of this community into supporters of communist terrorism.

As a second alternative the British could have ignored all obligations to the Malay community, and withdrawn all restrictions which, hitherto, had prevented the other communities from assuming control in the country. Such a policy would have invariably implied unrestricted immigration from China,

⁸³ Silcock, op. cit., pp. 455-6.

and the natural consequence of this would have been the complete submersion of the other two communities by the Chinese. In addition, it is also possible that, with the influx of immigrants from China, ties with that country would have been considerably strengthened - a factor which could have resulted in serious complications when the "Peoples Government" was set up by the Communists there in 1949. As indicated by the opposition which followed the attempt to set up the Malayan Union, there is absolutely no doubt that the Malays would have used all the political weapons available in combating the implementation of such a policy.

Compared to these alternatives the Federation scheme of 1948 was, without doubt, a fairly sensible one. But it had its shortcomings as well. The most glaring of these was the failure of the new constitution to place adequate emphasis on the fact that the differences in interests between citizens and immigrants were far greater than those between the different races residing within the country.⁸⁴ As it was, the citizenship issue, in particular, brought to the forefront several aspects of the Sino-Malay conflict. Its initial handling, both by the British and the Chinese, has been accused of being indicative of "remarkable ineptitude."⁸⁵ But one cannot afford to be too critical of the Chinese, especially in view

84 Silcock, op. cit., p. 465.

85 Thompson, V., and R. Adloff, Minority Problems in Southeast Asia, California, Stamford Univ. Press, 1955, p. 35.

of the fact that their changed attitude towards Malaya (in that a significant part of the community now regarded the country as being its real home), coupled with their vital hold in the country's economy, must necessarily be accepted as justifying some of their claims for political security. The inadequate educational facilities provided by the Government, for example, were blamed as being instrumental in preventing large numbers of aliens from satisfying the language requirements necessary for acquiring citizenship by application.

The Federation of Malaya (Amendment) Ordinance of 1951 did nothing to remedy this situation. The explanation appended to the new proposals gave expression to the fact that the bill was aimed at safeguarding the Malays against submersion by alien ways of life, and that citizenship would be open only to those who had demonstrated their assimilation "to this country's way of life."⁸⁶ In an editorial entitled "Kill This Bill", the Chinese-owned Singapore Standard asked, "Is this a holy code of some kind?", urging the bill's defeat "before it spreads the virus of communalism throughout the land."⁸⁷

On September 15, 1952, new legislation was put into effect in the Federation governing citizenship and State Nationality.⁸⁸ Requirements were now substantially relaxed, and it

⁸⁶ The Federation of Malaya Agreement (Amendment) Ordinance, 1951, p. 16, quoted in Finkelstein, "Prospects of Self-Government in Malaya," Far Eastern Survey, vol. 21 (1952), p. 13.

⁸⁷ July 11, 1951, quoted in Far Eastern Survey, p. 13.

⁸⁸ The changes were brought into effect through nine State Nationality Bills and a Federation Agreement Amendment Bill.

was possible for a non-Malay to become a citizen if he was born in either of the Settlements or in any of the nine States comprising the Federation, and if only one parent was born in one of those territories. At the same time, conditions governing citizenship by application were also made less stringent.⁸⁹ The proposals were obviously aimed at enhancing the much-needed spirit of common nationality, made so essential by the prolonged war against communist terrorism. As a result of the new measures, about 72 per cent of the population became citizens, including 1,100,000 Chinese and 180,000 Indians, who represented about 50-60 per cent of the Chinese and about 30 per cent of the Indian population in the Federation, and who hitherto had not been given the opportunity to become Federal citizens.⁹⁰ As evidence of the outcome of the new proposals, one may look at the figures indicating the estimated number of citizens (by operation of law) in the country on June 30, 1953. The total figure for the Federation of Malaya represents an increase of about 50 per cent in the number of citizens in the country.⁹¹ (See following page.)

On the same date, the estimated number of persons who, possessing the necessary birth qualifications, had not registered to become citizens/state nationals was as follows:⁹² (See p. 88)

⁸⁹ King, J.K., "Malaya's Resettlement Problem," Far Eastern Survey, vol. 23 (1954), p. 38.

⁹⁰ Loc. cit.

⁹¹ Loc. cit.

⁹² Figures obtained from Federation of Malaya, Annual Report, 1953, p. 17.

Table VI

Estimate of the Number of Citizens/State Nationals by
Operation of Law as at June 30, 1953.

(Figures obtained from the Federation of Malaya
 Annual Report, 1953, p. 16.)

	Malaysians	Chinese	Indians and Pakistanis	Others	Total
Kedah	424,000	72,000	21,000	5,000	522,000
Perlis	62,000	7,000	500	1,000	70,500
Penang & P. Wellesley	149,000	152,000	23,000	3,000	327,000
Perak	411,000	272,000	59,000	4,500	746,500
Selangor	219,000	224,000	61,000	8,000	512,000
Negri Sembilan	128,000	71,000	17,000	2,500	218,500
Malacca	140,000	59,000	8,000	1,500	208,500
Johore	383,000	218,000	24,000	2,500	626,500
Kelantan	441,000	14,000	2,000	4,000	461,000
Trengganu	224,000	9,000	500	-	233,500
Pahang	147,000	59,000	6,000	1,000	213,000
Federation	2,727,000	1,157,000	222,000	33,000	4,139,000

Malaysians - nil; Chinese - 433,000; Indians and
 Pakistanis - 186,000; Others - 28,000; Total - 647,300.

The estimated number of non-citizens born outside the Federation amounted to:⁹³

Malaysians - 80,700; Chinese - 566,200; Indians and
 Pakistanis - 242,900; Others - 21,500; Total - 911,300.

As if to balance the concession made to the non-Malay population through the new citizenship proposals, a new immigration scheme was brought into effect on August 1, 1953. In its final form it was "vainly opposed by every unofficial Chinese member in the Federal Legislative Council."⁹⁴ The new provisions restricted immigration into Malaya to the artisan and professional classes, assured of a position which yielded a minimum salary of Str. \$500/-⁹⁵ The right of unrestricted re-entry was confined to Federal Citizens and British Subjects, either born in the Federation or normally resident there.⁹⁶ All others were obliged to apply individually for permission to re-enter each time they returned after an absence from the country. The official stand regarding the new scheme was stated thus:

The new legislation provides for selective immigration and, whilst it does not prevent the entry of persons whose presence is beneficial to the development of the country, it serves to prevent the entry of aliens and non-aliens of classes not necessary to the development of Malaya.⁹⁷

93 Federation of Malaya, Annual Report, 1953, p. 17.

94 Thompson and Adloff, op. cit., p. 34.

95 Loc. cit.

96 Loc. cit.

97 Federation of Malaya, Annual Report, 1953, p. 9.

It was said that the scheme would help to raise the living standards of workers in the country by terminating the influx of jobless immigrants whose services were no longer believed to be necessary.⁹⁸ The Malayan Chinese Association, however, saw things in a different light, going to the extent of alleging that the bill was "apparently being used as a political weapon to reduce the number of Chinese living in Malaya."⁹⁹

While some Indians acknowledged the fact that it was to their advantage that the country should not be flooded with cheap labour, there were others who resented having to pay higher wages to their employees.¹⁰⁰ Taken as a whole, the Indian community regarded the new legislation as being anti-Indian. Characteristically, though, their protests were channelled to the Indian Government for action.¹⁰¹

In reply to these protests from the Chinese and Indian communities, the Government insisted that the new scheme was an economic rather than a communal measure,¹⁰² aimed at labour in general and not at any particular community or communities.

The Indians were those most seriously affected by the new law.¹⁰³ Throughout 1952 and up to July 1953, there had been

98 Thompson and Adloff, op. cit., pp. 34 and 96.

99 Ibid., p. 34, quoted from The Straits Times, Nov. 24, 1952.

100 Ibid., p. 97.

101 Loc. cit.

102 Ibid., p. 96.

103 Federation of Malaya, Annual Report, 1953, p. 9.

a considerable increase in the number of immigrants from India. From August 1953, however, this number underwent a sharp fall, the arrivals being practically confined to wives and children of residents.¹⁰⁴

Table VII

Arrivals of Indians at Penang from India by Sea, 1953
(Figures obtained from the Federation of
Malaya Annual Report, 1953, pp.11-12)

	Males	Females	Children	Total
January	3,347	323	270	3,940
February	3,718	386	420	4,524
March	3,663	453	382	4,498
April	2,929	304	288	3,521
May	7,213	819	660	8,692
June	5,145	576	467	6,188
July	7,111	903	688	8,702
August	1,298	158	154	1,610
September	212	26	40	278
October	71	11	17	99
November	2,197	334	297	2,828
December	2,136	399	337	2,872
Total	39,040	4,692	4,020	47,752

¹⁰⁴ Federation of Malaya, Annual Report, 1953, p. 9.

During the same year, out of a total of 10,857 persons who were granted documents of entry, 3,038 were alien wives of residents; 2,281 were alien children (under 12) of residents; 1,195 were persons entitled to enter of own right; and 1,007 were alien females on compassionate grounds.¹⁰⁵

It should be realised that, all this time, the British had continued their efforts to win over Chinese sentiment. The latter were encouraged to join the police, the armed forces, and the Malayan Home Guard. A very important move was made in December 1952, when the Malayan Civil Service was thrown open to qualified non-Malays in the proportion of one non-Malay to every four Malay appointees.¹⁰⁶ However, in view of the fact that private firms offer the more financially attractive positions, it has been observed that this concession has been of a moral rather than practical advantage to the Chinese.¹⁰⁷

An analysis of Malayan politics since the establishment of the Federation in 1948 will not be complete if the relationship between racial factors and economic policy during the period in question is completely ignored. The actions of the Government have often been criticised, and suggestions have been made regarding the ideal economic policy for the Malayan plural society.

105 Federation of Malaya, Annual Report, 1953, p. 12.

106 Thompson and Adloff, op. cit., p. 36.

107 Loc. cit.

In this respect the racial implications behind the call for a socialist Malaya deserve some analysis. Writing in The New Statesman and Nation in 1953, a correspondent stated:

Economists are convinced that the only possible hope for a Malayan nationalism, and a Malayan nation, is through Socialism, or through some economic policy which will put the two big groups of people, roughly equal in number, the Malays and the Chinese, on a more or less comparable footing.¹⁰⁸

At that time the Chinese were producing twice as much as the Malays and their standard of living was twice as high.¹⁰⁹

Furthermore, though they produced half the country's wealth in rubber, tin and rice,¹¹⁰ the Malays were getting only about a quarter of the national income - this being largely due to the fact that they were commonly exploited by the dealers on both ends, namely those from whom they bought and those to whom they sold. Since these dealers were mostly Chinese, a racial basis was inevitable in the grievances and misunderstandings which resulted.

Despite these arguments in favour of socialism, this writer is convinced that the prospects of a socialist Malaya were rather dubious at that time, and will continue to be so for at least a substantial portion of the foreseeable future. The reasons for this conviction are mainly two-fold: first, that the word "socialism" is commonly misunderstood and hastily

108 New Statesman and Nation, vol. 46, 1953, p. 280.

109 Loc. cit.

110 Loc. cit.

associated with communism, subversion, sedition and so on; and secondly, that the Chinese element in the UMNO-MCA-MIC Alliance (the party now in power by an overwhelming majority) would, understandably, do its very best to oppose socialist policies. (The chances are that, in the interests of the internal unity of the party, the Malay elements will probably continue to refrain from proposing any important socialist legislation until either the Chinese attitude or the balance of power between the Chinese and the Malays undergoes a substantial change.) While the first factor (namely, the popular misinterpretation of socialism) may be overcome through increased political activity and education in a comparatively short period of time, the second will probably be effective for a much longer period.

There has, however, been made a different approach towards this problem, through the establishment and functioning of the Rural and Industrial Development Authority. The Authority was formed for the basic purpose of helping the Malay smallholder, especially in view of the fact that the Malays had generally been subjected to two main handicaps - the fact that they had failed to "organize in their own interests"¹¹¹ and the fact that the control of industry, trade and commerce had, over the years, accumulated in the hands of the non-Malays. The scheme was designed by Dato Onn bin Ja'afar, and the Authority itself materialized as the result of several inter-communal discussions

¹¹¹ Gamba, C. and Aziz, U.A., "RIDA and Malayan Economic Development," Far Eastern Survey, vol. 20 (1951), p. 173.

which had been sponsored by the Commissioner-General, Mr. Malcolm MacDonald. What followed was nothing short of political bargaining, with the result that the Chinese and Indians received improved citizenship rights in exchange for amelioration in the economic status of the Malays.¹¹² Part of the scheme's intrinsic value stemmed from the fact that initiative was placed within the peasantry itself. The rural Malays were encouraged to organize themselves, the kampongs (villages) being expected to formulate their own plans which the Authority would help implement.¹¹³ Thus the emphasis was placed on self-help, this being a definite effort to get the Malays out of the habit of relying excessively on official support and direction. In addition to the economic and political factors involved, the social betterment of the rural Malays was another of the main considerations.

Brief mention may be given here to yet another problem with a racial basis - the re-settlement of squatters. Living on the periphery of the jungle, the squatters had always been exposed to communist intimidation and extortion and, consequently, had supplied the guerrilla forces with food, money and information. As the communist menace dragged on, the re-settlement of these squatters into areas which could be supervised and protected became imperative. In view of the fact that those

112 Gamba and Aziz, op. cit., pp. 173-4.

113 Ibid., p. 174.

who had to be re-settled were almost entirely Chinese (about 500,000 of them), the re-settlement problem came to be commonly regarded as a Chinese problem, and herein lies the racial basis of the entire issue.

By its very nature, the re-settlement programme had to be forced on most of the squatters, and the fact that the "new villages" into which the re-settlement took place were both fenced and guarded, invariably led to a certain amount of resentment among those who were re-settled. True to their spirit of opportunism, the Communists have used these unpopular methods of re-settlement as fuel for their propaganda.

By the end of 1953, about 550 new villages had been constructed into which about 5000,000 squatters had, according to plan, been moved at a public cost of more than US\$15 million.¹¹⁴ The MCA played a very commendable role throughout the period in question, making valuable contributions both financially and from the point of view of manpower.

Having been originally prompted by security reasons, the re-settlement scheme gradually outgrew its original scope, becoming "the focal point of a sociological and ideological effort of major importance to all Southeast Asia."¹¹⁵ In the wake of this advance, however, racial complications flowed in. While

114 King, Far Eastern Survey, vol. 23, p. 35.

115 Loc. cit.

the Chinese themselves showed (especially in the initial stages) a great deal of resentment to the new scheme, the Malays seemed to grow jealous at the large sums of money which were being spent on the Chinese in the course of social rehabilitation in the new villages.¹¹⁶ The re-settlement issue invariably implied a change in Great Britain's long-standing pro-Malay policy, and "had the practical effect of weighting the delicate Sino-Malay political balance in favour of the Chinese."¹¹⁷ The scheme also tended to isolate the Chinese from the Malay kampongs, and consequently, racial peculiarities were perhaps made more rigid.¹¹⁸

116 King, op. cit., p. 39.

117 Thompson and Adloff, op. cit., p. 35.

118 King, op. cit., p. 38.

Chapter Three

Political Parties

Political parties are essentially a post-war phenomenon in Malaya: the years of political experimentation (which followed the reoccupation of the country by the British) were undoubtedly propitious for their founding and development. As mentioned earlier in this study, the war years had considerably sharpened the political reflexes of the Malaysians who, prior to that period, had complacently accepted their political lethargy. As further explained, most of these reflexes were conditioned in such a manner as to function under communal rather than national motivation. This is reflected both in the founding and the initial functioning of many political parties some of which, today, play a crucial role in conducting the political affairs of the country in such a manner as to progressively eradicate all traces of communalism in the Malaysian political scene.

An analysis of the birth, growth and functioning of all political parties in post-war Malaya is indeed a formidable task, and must necessarily transcend the precincts of a study of this nature and length. Thus it might be considered most advantageous to concentrate on the more important parties and the more significant developments, since perhaps more can be gained from such an analysis than from a superficial survey of

a far broader field which, if undertaken, would fail to give sufficient insight into the topic, in addition to leaving the writer unable to elaborate on those factors and circumstances which he considers to be of vital importance. It is for this reason that the National Association of Perak, the Perak Malay League and the Perak Progressive Party - parties that have been referred to as being "merely minor manifestations of an outmoded Perak provincialism"¹ - have not been subjected to any analysis, since they are not symptomatic of any forces and trends directly relevant to the present study.

The evolution of political parties in Malaya is made particularly significant by the fact that the rise and fall of each party, its periods of triumph and its moments of low morale, can all be taken as being valuably indicative of the balance of power between the conflicting forces of communalism and non-communalism.

It was not until 1952 that party-politics in Malaya assumed its present flavour. In that year an electoral alliance was formed between the country's two most successful communal organizations - the United Malays' National Organization and the Malayan Chinese Association. The development of Malayan politics since that date has been very largely influenced by the evolution of this electoral alliance into a more permanent one which later embraced the Indian community as well. Thus two phases become

¹ Carnell, F. G., "The Malayan Elections," Pacific Affairs, vol. 28 (1955), p. 320.

discernible in a study of political parties in the Federation of Malaya, as represented by the pre-Alliance and the post-Alliance periods. It is for the purpose of drawing some distinction between these two phases that this chapter has been divided into two different sections. So as to avoid confusion between the several parties that are involved, section I treats each party individually; a more integrated analysis is attempted in section II, this being facilitated by the relatively small number of parties that are involved, and made necessary by the fact that the issues involved exhibit a definite trend which might lose its proper significance should an isolated study of the different parties be undertaken.

I

The Malayan Democratic Union (MDU)

The Malayan Democratic Union (MDU) was founded in December, 1945. Despite its non-communal origins, the party gradually assumed a bias, whereby it began to indicate strong intentions of being the foremost body in voicing the views of the non-Malay communities domiciled in the country; it also sought to win representative government for Malaya within the British Commonwealth. When the United Malays' National Organization (UMNO) was formed (by Dato Onn bin Ja'afar) in 1946 to agitate for the withdrawal of the Malayan Union proposals, the MDU came out in a determined effort to oppose the UMNO, and thereby offset its influence. In December of the same year, it (the MDU)

provided the incentive and leadership in forming a federation of all the parties which opposed the UMNO, in an effort to establish greater psychological and numerical consolidation in opposing a common foe. In addition to the MDU, the federation in question comprised the Malay Nationalist Party (an organization intent on integrating left-wing elements in the communally inclined segments of the Malay community), the Pan-Malayan Federation of Trade Unions (which, while being supposedly a mere trade union organization, gradually tended to lean towards communist direction), the Malayan Union Congress, the Malayan Peoples' Anti-Japanese Army Old Comrades Association, the Malayan New Democratic Youth, the Angkatan Wanita Sedara (Women's Party), and the Angkatan Pemuda Insaf (Youth Party).² The new federation called itself the All-Malayan Council of Joint Action (AMCJA).

Prior to viewing the fortunes of the AMCJA, it would be enlightening to obtain a fairly adequate understanding of the nature and functioning of the Malay Nationalist Party (MNP) since this party clearly represents the reactions and aspirations of the leftist elements in Malay nationalism.

The Malay Nationalist Party (MNP).

The MNP's quarrel with the United Malays' National Organization did not have anything to do with the Malayan Union

² Purcell, V., The Chinese in Modern Malaya, Singapore, Donald Moore, 1956, p. 42.

proposals, since both parties were equally opposed to the new scheme. The rivalry necessarily arose from a contest for Malay support in that each party sought to be the main spokesman for its community. Having been established at a congress held in Ipoh in November 1945, the MNP at this time had a membership of about 60,000.³ It had the singular honour of being the first nationalist party of any appreciable strength in the country.

Despite its communal base, the MNP gave consideration to some of the common demands of the three major communities in its programme. These included the right of self-determination, amity between the three races, civil liberties, lower taxes and aid for the peasants, better conditions for labour, and an independent united Malaya. To these was added the desirability of bringing about solidarity with the Indonesian Republic,⁴ an item which obviously tilted the balance very much in favour of the Malays in that had solidarity with Indonesia been successfully accomplished, the non-Malay races in Malaya would have been transformed from the status of a majority (in Malaya) to that of a fairly small minority in the larger Indonesian-Malayan Union. Despite its communal appeal, the MNP failed to win over mass-support from the Malays who were understandably suspicious of a party which had been openly wooing the affections of other left-wing organizations which were composed largely of non-Malays.

3 "Britain Faces a New Malaya," Amerasia, vol. 11, no. 1 (Jan, 1947), p. 13.

4 Loc. cit.

The All-Malayan Council of Joint Action (AMCJA)

While many of the parties which comprised the AMCJA professed a nationalist policy (or at least a semblance of one), there were others which had a strictly communal outlook and policy. Perhaps the best example of such a movement during this period was the Malay Peoples Party which had its origins in Selangor. In addition to reiterating the nation-wide call (among the Malays) for the reestablishment of the Sultans' power and prestige, this party demanded a "Malaya for the Malays", glorified the doctrines of Islam, and condemned the "radicalism" of the Chinese;⁵ its membership was largely drawn from the Malay Youth movement (Kesatuan Muda Melayu) - a movement which had earlier been sponsored by the Japanese.

On the other extreme of the non-nationalist movements was the Pan-Malayan Congress, an organization which based its programme on undivided loyalty to the British Government. The Pan-Malayan Congress is significant in that it is vitally indicative of that suspicious, fear-ridden and unimaginative section of the Malay community - suspicious in that it was becoming increasingly apprehensive of the intentions of the Left in Malayan politics; fear-ridden in that it shuddered at the thought of being left to fend for itself in an independent Malaya in the face of competition from the non-Malay majority; and unimaginative in that it failed both to grasp the significance of the issues at hand and to adapt itself suitably to

⁵ Amerasia, p. 13.

the inevitable changes which were sure to follow in the wake of political concessions from Great Britain.

As opposed to the communal functioning of the United Malays' National Organization, the AMCJA sought, among other things, to establish equal political rights for all those who considered Malaya as their real home and as the object of their loyalty. As one might infer from the heavy Malay membership in this federation, concessions had to be made to placate this majority and, consequently, it was also agreed at that time that the Malay Sultans should be reinstated as fully sovereign constitutional rulers, and that matters pertaining to Malay custom and the Moslem religion be left in the hands of the Malays themselves. It was also resolved that a policy of encouraging the progress of the Malay community be sincerely adhered to.

The Pusat Tenga Ra'ayat (PUTERA)

It was soon clear that the Malays were Malays first and leftist anti-UMNO elements only next. As a result, the AMCJA did not last long in its original composition. Accompanied by the Angkatan Pemuda Insaf, the Malay Nationalist Party withdrew from the main body to organize a Malay Council of Joint Action, this move being the prelude to the founding of yet another front - the Pusat Tenga Ra'ayat (Peoples United Front.) This organization, made up of the main strength of the Malay Nationalist Party, a youth organization, a women's organization, and several

less significant bodies,⁶ came to be known as PUTERA (this name being made up of the first two letters in each of the three words which comprise the Front's name). Having (understandably) acquired a somewhat pronounced Malay outlook as a result of its composition, the PUTERA added another three points to the AMCJA's main programme, mentioned earlier, which stated:⁷

- (a) that the official language of the country should be Malay
- (b) that the Malayan Government should have joint control over foreign affairs with the British Government; and
- (c) that Malaya's national flag should incorporate the Malay national colours.

The PUTERA - AMCJA - a coalition between the Pusat Tenaga Ra'ayat (People's United Front) and the All-Malayan Council of Joint Action

On the more general scene, it was now becoming increasingly clear that the sprawling proliferation of political parties was gradually being grouped into two main camps with the AMCJA, a predominantly Chinese organization, on the one hand, and the PUTERA, evidently based on an anti-UMNO Malay sentiment, on the other.⁸ Consequent to the withdrawal of the Malayan Union proposals, however, a coalition was effected, known as PUTERA - AMCJA. As a natural outgrowth of such a move, the coalition resulted in a certain amount of Sino-Malay political bargaining, with the Chinese agreeing first of all to use Melayu as the word referring to Malayan citizens and, secondly (as stated in the original AMCJA programme), to the retention of the Sultans as the constitutional

⁶ Purcell, The Chinese in Modern Malaya, pp. 42-3.

⁷ Ibid., p. 43.

⁸ Ibid., p.

rulers of the country - in exchange for political privileges closer to those of the Malays.

The coalition was not without initiative, and put forward the People's Constitutional Proposals in the form of political demands for the consideration of the British Government. The latter rejected the proposals, justifying the action by indicating that the coalition did not have the support of any significant portion, not only of the Malay, but also of the domiciled non-Malay communities. This was true. The reasons for the Malay Nationalist Party's failure to be the accepted mouthpiece of the Malay community have already been explained; there are others of equal if not greater importance which need to be added here. Dato Onn (who, in addition to being the Mentri Besar of Johore, had also risen to the position of being the undisputed leader of the Malay community), for one, was vitally instrumental in channelling support away from the AMCJA-PUTERA since, largely as a result of his outlook and leadership, the UMNO was inclined to concentrate its efforts, by preference, on Anglo-Malay negotiations aimed at setting up the Federation of Malaya.

A basic reason for the failure of the left-wing coalition to win over, to its cause, the non-Malay communities - Chinese, Indians, Ceylonese and Eurasians alike - lay in the fact that the English-speaking sections of these communities (which, as mentioned in the first chapter, were also the more politically articulate sections), having found their places in the professions and government services, refused to acknowledge the extremism

displayed by the proponents and adherents of the left wing. The Malayan Democratic Union is a case in point. Its failure may be attributed largely to the fact that its rabid anti-British fanaticism failed to win the approval of the majority of the educated and English-speaking middle class. The Malays had yet another reason for not supporting the left wing in that they seriously doubted the claims of the non-Malay elements in that group to be "true Malaysans".

Above all these factors was the underlying fear that the Left, with its demand for immediate self-government, was merely being manipulated by the Malayan Communist Party to further its own ends. Of course there were also those who feared that, in a country which had never experienced a free election, the sudden bestowal of independence could easily result in deep and hopeless communal separation. Those holding this opinion did not feel that the PUTERA-AMCJA and its demands held any immediate solution to the welter of confusing factors emerging from communalism.

The United Malays' National Organization (UMNO)

Contrary to what one might be led to expect (judging from the hardening of communal divisions which took place during the Japanese regime), the initial phase of the post-war period did not witness the emergence of popular and effective communal parties. The UMNO may be considered an exception, but even in its case the reliance on purely negative forces (such as the threat of the leftist elements and the adverse implications of the

Malayan Union Scheme) for the purpose of encouraging support is significant. Nevertheless, it should be noted that the Organization was definitely an effective one, and also popular by comparison.

The early phase of the UMNO's development is interesting. As already mentioned, the party was founded to strengthen the Malay bid for the repeal of the Malayan Union proposals. Thus, in its initial stages, the UMNO merely exerted the traditional rights of the Malays as a race - in that it strove to bring about a re-establishment of the old order. Identifying the communist threat as being a Chinese threat, the Malays rushed to the aid of the Government and, in so doing, had the full support of the UMNO. It was not long, however, before leaders of the (Malay) community began making political demands in return for the military assistance given to the Government.⁹ It was for this specific purpose that, in the autumn of 1948, the President of the UMNO made a trip to London, where he made the following demands:¹⁰

- (a) Increased Malay participation in federal administration. (This was to include the appointment of Malays as heads of some of the departments and of a Malay as the Deputy High Commissioner.)
- (b) An increase in the number of Malay military units.
- (c) A grant of £10,000,000 from the British Government, to be given over a period of 5 to 10 years, for utilization in raising the economic status of the Malays largely through grants and aid to the peasantry.

⁹ Morrison, I. "Aspects of the racial problem in Malaya," Pacific Affairs, vol. 22 (1949), p. 249.

¹⁰ Loc. cit.

As one might justly expect under the circumstances, these demands could not help but make an unfavourable impression upon the Chinese. In Penang and Province Wellesley, for example, a move was initiated propagating secession from the Federation, in favour of colony status. The Chinese majority in these regions indicated their resentment to living under a constitution which, in their eyes, was clearly weighted in favour of the Malays so as to suit the interests of that community.

The element of racial exclusiveness did not persist indefinitely in the UMNO, and it was not long before departures from the party's purely communal scope came to be discussed and advocated. Dato Onn, for one, began seriously to consider a broadening of the party's base, so as to provide a common roof for all the communities. His efforts in this direction, however, did not have the full support of the party's rank and file. This led to the resignation of the old leaders of the party, notably of Dato Onn himself, who subsequently formed the Independence of Malaya Party (IMP) - a party with a primarily inter-racial programme, to represent a political crystallization of the co-operative aspirations of the Communities Liaison Committee.¹¹

¹¹ The Communities Liaison Committee was formed in 1948 with British encouragement (and especially at the inspiration of Mr. Malcom Macdonald, the Commissioner-General) for the purpose of bringing together the leaders of the different communities. The Committee also represented an effort to unite anti-communist sentiment in the country.

Before proceeding to discuss the Independence of Malaya Party, the initial stages of the Malayan Indian Congress's and the Malayan Chinese Association's development will first have to be understood.

The Malayan Indian Congress (MIC)

The Malayan Indian Congress (MIC) initially represented an effort to embody the political inclinations of all classes in the Indian community, but it cannot be denied that the party gradually tended to get submerged in the left wing in Malayan politics, once having joined the All-Malayan Council of Joint Action. With all the other members (of the AMCJA) either dissolved or driven underground as a result of the declaration of the Emergency, the MIC continued to maintain its legal existence by choosing not to oppose the Government.¹² As will be seen later in the present study, the party subsequently returned to its original function (namely, of being a representative of the Indian community first and foremost), going so far as to become a part of the Alliance Party - the party in power today by an overwhelming majority.

The Malayan Chinese Association (MCA)

Despite the increasing pace in Malayan politics (as depicted, for example, by the rivalry between the UMNO and the

¹² Purcell, V., Malaya: Communist or Free? London, Victor Gollancz Ltd., 1954, p. 67.

Left on the one hand and the efforts of the former to bring about the termination of the Malayan Union on the other), it is true that, at the time of the communist outbreak in 1948, the Chinese in Malaya were still in a state of political apathy. Although the community remained dissatisfied with the Constitution of the Federation of Malaya, its opposition to the new development did not in any way represent a forceful and sustained effort when compared, for example, to the Malay attempt which resulted in the repeal of the Malayan Union. The Associated Chinese Chambers of Commerce, for example, withdrew their official opposition to the Federation proposals, agreeing to see how things went for a while.

Without a shadow of doubt, what the Chinese needed most at this time was leadership that was better organized and that was of a higher calibre. This leadership came in 1949 when the Malayan Chinese Association (MCA) was formed, under the aegis of the Communities Liaison Committee, with Mr. Tan Cheng Lock as president.

The founding of the MCA served a dual purpose: it gave the British a better chance of obtaining co-operation from the Chinese community to end the Emergency; and it gave the wealthier and middle-class Chinese a greatly increased scope in promoting solidarity within their community - for the purpose of creating better opportunities to improve their status under the new constitution. The wealthier and middle-class Chinese

benefited in yet another manner: they were now given the opportunity and the means to compete more effectively with the Communists in wooing the allegiance of the poorer classes within their community - especially the squatters. Thus it may be observed that the MCA was primarily of a short-term value to the British (in that its main value to them was connected with ending the Emergency) while to the Chinese, who had a broader constitutional objective, it invariably was a body with a more permanent significance.

The early life of the MCA was admittedly non-political in essence. This, however, is not tantamount to saying that the party was non-communal as well. The interests of the Chinese community at large, and material aid to the handicapped in that community, were the party's two foremost considerations. With respect to the latter, it should be noted that the leadership and financial aid given by the party for the benefit of the resettled squatters were particularly outstanding. The party ran a lottery to raise funds for this as well as other purposes, and once its participation in politics became apparent, the lottery was terminated by the Government. Aid given to the Malay community and the political bargaining which ensued as a result have already been discussed earlier, and should be borne in mind at this juncture.

As is still the case today, the MCA, during the early years of its existence, represented varying political opinions,

while support was obtained mainly from the "Malayanized" sections of the Chinese community.¹³ The party did not, however, represent the Chinese to quite such an extent as the UMNO represented the Malays. This, too, is still the case today. It should thus be realized that, though the MCA is the organization which represents the Chinese in the Alliance Party (and hence in the present Government as well), there is no assurance that its views are necessarily an accurate reflection of those of the Chinese population at large.

The Independence of Malaya Party (IMP)

The leadership and the non-communal basis of the IMP merit a certain amount of detailed analysis. It has already been noted that the party emerged out of Dato Onn's failure to broaden the base of the UMNO so as to include all the communities. Prior to founding his new party, Dato Onn assured himself of the support of his counterpart in the Chinese community - Dato Tan Cheng Lock - and also of that of Mr. P.P. Narayanan who led the trade union movement in the country and thus indirectly represented a considerable number of Indians (for, as will be seen later, the Indians by this time were playing a very major role in labour movements in the country). Indian support was further ensured by the participation of other leaders, namely Mr. G.V. Thaver (president of the Malayan Indian Congress)

¹³ King, F.H.H. The New Malayan Nation, New York, Institute of Pacific Relations, 1957, p. 52.

and Dr. Samuel (president of the Federation of Indian Organizations). Dato Onn clearly expressed the fact that, while the UMNO would continue to maintain its communal outlook, there had to be some basis for effective understanding between the different communities in the country. In the IMP he personally visualized this much-needed basis - a basis that was necessary to bring about those conditions and changes which he considered both desirable and urgent, namely the unity of the country, the lessening of the authority of the Sultans, common citizenship and the admission of Chinese and Indians into the administrative service.¹⁴

The IMP had the honour of receiving the High Commissioner's blessings. At the inaugural meeting held on September 15 1951, Dato Onn addressed a truly cosmopolitan audience. Thirty of the seventy-five members of the Federal Legislative Council were said to have consequently joined the new party.¹⁵ The beginnings of the IMP were indeed encouraging.

It was not long, however, before it became evident that the party did not have the support of either the Malay or the Chinese community at large. As might be expected under the circumstances, the strongest opposition came from the UMNO which alleged that the IMP was a "destructive move", resolving to expel from its own ranks those who belonged to that party as well.¹⁶

14 Purcell, Malaya: Communist or Free? p. 99.

15 Ibid., p. 100.

16 Loc. cit.

The UMNO was also emphatic in stating that the IMP proposal was "not only highly irregular and improper, but was a betrayal of the birthright of the Malays."¹⁷ Simultaneously, however, the UMNO indicated its willingness to co-operate with those non-Malays whose loyalty to Malaya was undivided, going to the extent of inviting them to be associate members of the party.¹⁸

Malay opposition appeared to be generally vehement, and several Malays seemed to be most alarmed at the rise of the new party. Fear was expressed that the Malays would soon find themselves "reduced to the status of the Red Indians striving to live in the waste lands of America," supported by the warning:

The Malays should first be put in a sound economic position before they are put to face a trial in which they are not prepared to compete.¹⁹

Perhaps typical of the Malay outlook was the statement:

We all want independence, but to share our rights with those of whose loyalty we have grave doubts is a rash policy.²⁰

The Chinese now began to lose all enthusiasm for the IMP. They justly began to doubt the effective leadership, on an inter-communal level, of a man (Dato Onn) who could not obtain the support of his own race, and of a party which did not have the backing of the most numerous community in the country. The result was that by the latter half of 1952, IMP membership was

¹⁷ Singapore Standard, July 9, 1951; quoted in Far Eastern Survey, vol. 21 (1952), p. 12.

¹⁸ Purcell, Malaya: Communist or Free? p. 100.

¹⁹ From a letter to the Straits Times, July 7, 1951; quoted in Far Eastern Survey, vol. 21 (1952), p. 12.

²⁰ Ibid., July 14.

said to have been made up of an Indian majority.²¹

Finally, it should also be observed that one of the factors leading to the IMP's failure arose from the fact that the party had the misfortune of having been officially sponsored, since this encouraged the tendency for it to be associated with the existing "colonial government". Dato Onn, for example, was stigmatized owing to the fact that he was the paid Member for Home Affairs.²² Commenting on this aspect of the factors leading to the downfall of the IMP, Francis G. Carnell, writing in Pacific Affairs in 1953, observes:

Without question one of the main reasons why the nation-building policy fails to win support is its official sponsorship. To the intellectuals, particularly the young, propaganda for the Malayan nation falls on deaf ears; in their view the movement is suspect by reason of its official backing. Those Malays and the single Chinese leader who have supported the regime by accepting lucrative portfolios with the Federation Government have inevitably been discredited in the eyes of the politically conscious who regard them as subservient government nominees representing nobody but themselves. The best proof of this is the complete eclipse of Dato Onn as a political leader since he became Member for Home Affairs.²³

21 Purcell, Malaya: Communist or Free? p. 102. From a purely psychological point of view, there appears to be another explanation for the situation in that strong groups are naturally inclined against merging with other groups to form a single body, since they usually expect such a move to involve sacrifices on their part in favour of the weaker members. The weaker members, on the other hand, as represented by the Indians in this particular case, invariably tend to regard such alliances and mergers as being to their unquestionable advantage - hence the preponderance of Indian participation in the IMP.

22 Ibid., p. 100.

23 Carnell, F.G. "Communalism and Communism in Malaya," Pacific Affairs, vol. 23 (1953), pp. 114-5.

In reply to all the criticisms that were levelled both against him and the IMP, Dato Onn's defence was that the fault definitely lay in the party's leadership; leading figures, he maintained, could not afford to continue their ties with communal organizations while at the same time remaining the mainstay of the IMP;²⁴ such behaviour would invariably defeat the very purpose behind the party. This accusation was quite obviously directed at Sir Cheng-lock Tan, who, while being a leader of the IMP, continued to be the president of the Malayan Chinese Association.

The IMP's decision, in October 1952, to limit membership to Malayan Federal citizens stirred up criticisms from non-Malay quarters which accused the new policy of being representative of an attempt by Dato Onn to cultivate his own community. On the positive side, it was considered that such a move could be beneficial to the party in that it would result in increased Malay membership.²⁵ Nevertheless, the fact remains that the issue gave rise to communally-oriented misunderstandings.

II

Despite their communal foundations, the UMNO and the MCA had one thing in common - their mutual opposition to the IMP. It is this which led to an electoral alliance between the two

24 Purcell, Malaya: Communist or Free? p. 102.

25 Loc. cit.

parties during the Kuala Lumpur Municipal Elections in February 1952 - an alliance which, through its marked success, led to similar attempts being made in the other municipal elections which followed; as in the first case, they were all characterized by success at the polls.

The electoral alliance at Kuala Lumpur is significant in that it formed a basis for the more permanent alliance which followed. Furthermore it should be noted that the experiment at Kuala Lumpur was not in any sense an experiment to test the probability of non-communal voting; nor was it an effort to prove the non-communal aspirations of the UMNO and the MCA. What actually happened was that, through a simple system of municipal gerrymandering, MCA candidates were put up in predominantly Chinese wards and UMNO candidates in those with a Malay majority. This system of agreeing to share the elected seats to their mutual advantage proved to be a windfall both for the UMNO and the MCA. The seeming superficiality of their success, however, is essentially misleading. The two parties in question should be given credit for correctly assessing two basic political facts: first, they realized that the segregation pattern in the Malayan plural society, especially as far as the Chinese and the Malays are concerned, is fairly distinct;²⁶ secondly, they deserve credit for being practical enough to realize that, in the first few elections to be held in the country, voting

²⁶ Carnell, F.G., "Constitutional Reform and Elections in Malaya," Pacific Affairs, vol. 27 (1954), p. 222.

would almost certainly tend to be communal.²⁷ Having clearly understood these facts, all that was left was for the leaders to agree on their apparent spheres of influence in every election.

In achieving its immediate ends the Alliance had, at least for the time being, ignored the desirability of campaigning on a non-communal platform. But by doing so, and especially by succeeding as a result, it (the Alliance) proved to the IMP and the Labour Party the fact that, under the existing social order, the notion that "given a non-communal political platform, a Malay can get elected in a Chinese district or vice versa, [was] completely utopian,"²⁷ - for the IMP and the Labour Party had definitely campaigned on a non-communal platform; this was laudable, but they had lost.

Dato Onn, both bitter and alarmed at the success of the UMNO-MCA Alliance, declared quite plainly that all talk concerning communal harmony was mere sham, and hence of no avail. Writing to the Manchester Guardian (October 29, 1952) Mr. Tan Siew Sin (son of Sir Cheng-lock Tan and Chairman of the MCA) alleged that nothing could be further from the truth than talk about the increasing tension between the Malays and the Chinese. He refused to accept the claim that the IMP was a non-communal body, stating:

²⁷ Carnell, "Constitutional Reform and Elections in Malaya," Pacific Affairs, p. 222.

It is non-communal in everything but in fact. The total membership cannot be more than 2,000, of which the majority are Indians.²⁸

As mentioned earlier, one of the main driving forces which encouraged the alliance between the UMNO and the MCA was the common dislike which the two parties and their leaders had for the IMP and Dato Onn. This was commonly known, and led to the frequent observation that the Alliance was nothing more than a mere "marriage of convenience", and hence doomed to a short life. In the light of the circumstances governing the decision to form the Alliance, this observation must necessarily have made some sense at the time.

Success in the Kuala Lumpur (and other) elections,²⁹ however, led the UMNO and the MCA to think more seriously about their temporary but increasingly fruitful union. A series of meetings took place between the leaders of the two parties (Tengku Abdul Rayman and Sir Cheng-lock Tan), resulting in the establishment of liaison committees linking the local branches of the two parties throughout the Federation. Discussions continued all the time and finally, on March 17, 1953, the Alliance made an announcement that it had reached agreement on the question of general elections for the Federal Legislative Council, stating that "the agreed principle" would be forwarded

²⁸ Quoted in Purcell, Malaya: Communist or Free? p. 113.

²⁹ At the Kuala Lumpur elections the Alliance won 9 seats and the IMP only 2; one seat going to an Independent candidate. During 1952 and 1953 the Alliance won 94 out of 124 seats contested in various municipal and town council elections.

for the consideration of the UMNO and the MCA.³⁰ The draft plan called for a Council of 75 members of whom 44 were to be elected and the other 31 nominated. At a general assembly of the UMNO held in Malacca on April 6, the plan was approved, accompanied by a unanimous resolution calling for Federal elections by 1954, and for the resignation of all UMNO and MCA members from the nominated Federal Legislative Council should the proposal be rejected by the Government.³¹ It is interesting to note that the Alliance's "blue-print" was lacking in issues leaning towards social and economic factors. This is understandable, and may be attributed to the fact that the initiators of the Alliance did not, at such an early stage, wish to disrupt the possibility of harmonious relations by discussing and making resolutions on the more "difficult" problems.

It was at this stage that an interesting development took place. A rival group, consisting mainly of Mentris Besar and a few leaders of the IMP, began organizing itself under the leadership of Dato Panglima Bukit Gantang (the Metri Besar of Perak) who had previously been a leading figure in the UMNO. However, the most prominent figure was perhaps Dato Onn, who was strongly suspected of having inspired the new move and who, "after the failure of the IMP, was in the political wilderness and casting around for a new party."³² He appeared uncomfortable at the success of the UMNO and especially at that of his

³⁰ Carnell, "Constitutional Reform and Elections in Malaya," op. cit., p. 223.

³¹ Loc. cit.

³² Ibid., p. 224.

successor there - Tengku Abdul Rahman; he was outraged and disappointed that Sir Cheng-lock Tan had deserted the IMP in favour of the Alliance. He now went to the extent of reviving the old charge that the MCA was nothing more than an instrument used by the Chinese Chambers of Commerce to "carry out a plan to make this country the twentieth Chinese province."³³ Dato Onn was reviving (consciously or otherwise) that very same communal feeling which he had sought to suffocate and destroy through the founding of the IMP.

It was under these conditions that the above-mentioned group of Mentris Besar called for a Malayan National Conference in which all parties were invited to participate, on July 27, 1953. The Alliance and the Pan-Malayan Labour Party declined the invitation.

The composition of those participating in the Conference is most interesting. There were seven Mentris Besar (all of whom had once been members of the UMNO), the Malay leaders of the IMP (every one of them an ex-member of the UMNO), a few Chinese (all of whom were either members or ex-members of the MCA), and representatives of the Indian, Ceylonese and Eurasian organizations who, it seemed apparent, were becoming increasingly suspicious of the Alliance's attitude towards the minorities.³⁴ Thus it is evident that almost every person present fostered

33 Malay Mail, March 28, 1953, quoted in Carnell, loc. cit.

34 Loc. cit.

some kind of dissatisfaction and suspicion with regard to the policies and ambitions of the Alliance. As expected, the central figure throughout the conference was Dato Onn.

In addition to condemning communalism for what it was, the Conference also appointed a working committee to construct a plan for a future self-governing Malaya. The efforts which followed, however, lost some of their appeal and dynamism when, quite unexpectedly, General Templer (the High Commissioner) took the initiative by agreeing to appoint a Federal Elections Committee.³⁵ On July 15, 1953, a 46-man Committee of the Federal Council was established; on August 17 this somewhat bulky body delegated all detailed investigation to a group of 20, made up of 10 Malays, 3 Chinese, 3 Europeans, 2 Indians, 1 Ceylonese and 1 Eurasian.³⁶

Other parties now began to formulate their own constitutional "blue-prints", thus following in the footsteps of the Alliance which had taken the initiative in this field. The Pan-Malayan Labour Party (PMLP), for example, sought to establish a united independence front with the Alliance. The attempt was a failure, and understandably so too, since the PMLP's plan calling for the nationalization of Malaya's basic industries, could hardly win the alliance's approval. (The reasons for this have already been discussed earlier, while analysing the

35 Malay Mail, March 28, 1953, quoted in Carnell, loc. cit.

36 Loc. cit.

the possibilities of a socialist Malaya.) Inche Mohammed Sopiee, the leader of the PMLP, had no other alternative but to break off negotiations with the Alliance. This he did, and in fine style too, accusing the Alliance of being nothing more than a "feudal-commercial-communal alliance."³⁷ Having thus eased its frustrations, the PMLP went on to forward its own blue-print which called for an 11-year plan for independence and socialism. This period was to be divided into three phases, culminating in independence by 1964. In agreement with the Alliance, the party called for elections by 1954, but wanted to have a far larger majority of elected members than the Alliance was willing to support,³⁸

The Malayan National Conference (MNC) submitted its own plan too, but owing to the mild and cautious approach inherent therein (it had suggested, for example, that the Federation was not ready for an elected legislature, arguing that any move to force an election immediately would make "a mockery of democracy"),³⁹ the plan was heartily condemned by most of the other parties - the Alliance and the PMLP in particular. The former called the scheme "a retrograde step" and "a brazen effort to postpone the day when the Federation would have a popular Government";⁴⁰ the latter branded it as being nothing more than "a job-preserving blue-print".⁴¹ The Singapore Standard warned

37 New Statesman and Nation, vol. 46 (July-Dec. 1953), p. 280.

38 Carnell, Pacific Affairs, vol. 27 (1954), p. 225.

39 Loc. cit.

40 Straits Times, August 31, 1953, quoted in loc. cit.

41 Malay Mail, Sept. 14, 1953, quoted in loc. cit.

that the acceptance of such "stoogeocracy" would reduce Malaya to a position where it would be made "the laughing stock of Asia and Africa," suggesting, rather boldly, that the MNC's plan was "the product of men who [were] in a blue funk as to what their fate would be in a self-governing and democratic Malaya."⁴²

As one might justly expect, a considerable amount of confusion and bitterness invariably resulted from the attempt by these different political groups to forward their separate constitutional proposals. To broaden the possibilities of success, the Federation Elections Committee soon saw fit to invite suggestions on which it could base its own proposals. It is interesting to note, at this point, that a large proportion of those sitting in this Committee were either MNC or Alliance leaders, which meant that they were in the curious situation of having to review their own proposals. However, since the MNC members had a numerical advantage over the Alliance members, many of the proposals made by the Alliance were defeated. Consequently, the plan which finally emerged called for a Council of 92 with an elected minority of 44, this being the proposal of the majority group of 29, made up mostly of MNC members. The minority group (mostly Alliance and Labour leaders), on the other hand, proposed a Council of 100, with a three-fifths elected majority of 60.⁴³ With regard to the date for holding

42 Singapore Standard, Aug. 24, 1953, quoted in ibid., p.226.

44 Loc. cit.

Federal elections, the minority Alliance group maintained that it was possible for a constituency delimitation commission to complete its work in time to enable Federal elections by November 1954.⁴⁴ The majority MNC group, however, did not share this enthusiasm and optimism and hence deplored any haste, stating that the proper date would be fixed at the appropriate time.⁴⁵

The reactions of the Alliance were far from being tame and subdued. Led by Tengku Abdul Rahman and Sir Cheng-lock Tan, the party expressed, in no uncertain terms, its determination to oppose the proposals to the bitter end; there was no room for compromise. Nor was the Alliance void of support in its stand, since the PMLP held equally strong views on the subject.

At the first meeting between General Templer and the Rulers, held to consider the Election Committee's Report, no agreement could be reached since the Rulers were apparently lacking in unity over the election issue. Apprehensive of the fact that the majority proposal, calling for an elected minority, might be accepted should their pressure be relaxed, the Alliance petitioned the Rulers as well as the High Commissioner, while at the same time making demands for talks with the Colonial Secretary, Mr. Oliver Lyttleton, in London.⁴⁶ Mr. Lyttleton,

44 Singapore Standard, Aug. 24, 1953, quoted in ibid., p. 226.

45 Loc. cit.

46 Ibid., p. 228.

however, declined to receive a delegation and the Alliance, in turn, reacted by demanding a fully elected Council, thus abandoning its original demand for an elected majority of three-fifths. Despite the Colonial Secretary's refusal to see them, the Alliance delegation, headed by Tengku Abdul Rahman, left for London where, after successfully lobbying for British support, it was eventually received by Mr. Lyttleton.⁴⁷

As far as British colonial policy was in question, submission to the Alliance's demands would have constituted a marked deviation from established practice. No colony had hitherto advanced from having a wholly nominated legislative council to having one with an elected majority. Despite this, however, Britain saw fit to make a compromise in the Alliance's favour. This was made known when General Templer and the Malay Rulers, acting in conjunction with the Government of Great Britain, rejected the Election Committee's proposal advocating an elected minority, and made provision for a Council of 98 with 52 elected seats - a majority of six.

This concession, however, should not be mistaken for a "surprise gift" from the British Government to the Malayan people for it was, in the final analysis, very largely the result of sustained Alliance pressure. (This writer, by this statement, is not attempting to minimize the good intentions of the British Government or, even less, to give the impression that they were

⁴⁷ Singapore Standard, Aug. 24, 1953, quoted in ibid., p. 229.

totally non-existent. He merely wishes to attract sufficient attention to the role played by the Alliance in deciding the issue.) For the first time ever, the Federation now beheld an undaunted, persistent and united Sino-Malay political movement - a movement that was able to put weight behind its words. On the other hand the MNC (which, under the leadership of Dato Onn, had changed its name to Party Negara on February 28, 1954 - by which name it will be referred to hereafter) could make no such claim; it could not possibly pose as a representative of the electorate at large.

Interest was beginning to mount in Malayan politics. In 1952 the Colonial Secretary had stated that Malaya was unfit to receive any major political concessions,⁴⁸ and that independence would not be forthcoming until unity between the different races domiciled in the country had been established.⁴⁹ Through its ability to present a strong and united front, the Alliance had now challenged that statement.

Carried by the momentum it had already gained, the Alliance continued to protest, saying that a majority of six was far too small to enable any single party in the Federal Council to obtain sufficient support so as to direct, successfully, the policies of the Executive Council. Consequently, the Alliance leaders called for an immediate review of the whole election

48 Singapore Standard, Aug 24, 1953, quoted in ibid., p. 229.

49 Purcell, Malaya: Communist or Free? p. 108.

issue by a Royal Commission, which failing, they promised to boycott the Federal elections. This threat was given some weight when the party withdrew its 14 members from the Council as it met to debate the Federal Elections Bill. Although the move failed to alter the fate of the Bill, the Alliance had succeeded in adding to its reputation for being the country's most dynamic political party.

Some of the attitudes fostered both by the Alliance and the other parties will be discussed in the following chapter, in conjunction with party campaigns in the Federal elections. However, it would be enlightening to make certain basic observations here pertaining to the ideals and foundations of the other major parties (that is, besides the Alliance) which are nationally organized - namely, the Party Negara, the Pan-Malayan Islamic Party and the Labour Party of Malaya.

As opposed to the Alliance, the Party Negara represents an outlook which, in some ways, has a foundation similar to that of French colonial policy. Not wanting to present itself as a supra-communal or non-communal party, Negara strongly advocated just before the Federal elections in 1955, that it was possible - and indeed desirable - that the non-Malay communities be assimilated into a common Malay base. From an organizational point of view this attitude had an advantage in that it enabled the party's programme to be more cohesive.⁵⁰ Negara's goal was

⁵⁰ Tinker, I., "Malayan Elections: Electoral Pattern for Plural Societies?" Western Political Quarterly, vol. 9 (1956) p. 275.

a united Malay state. With this in mind it proposed a single national language and a single Malayan nationality.⁵¹ Dato Onn's belief appeared to be that

a single nation, with a Malay base, could absorb other nationalities willing to forego their own national traditions. To encourage such absorptions, political parties should include those non-Malays willing to adapt themselves to a single Malay nationalism.⁵²

It is indeed difficult to believe that a man of Dato Onn's stature and political experience could have succumbed to such idealism at such a moment - and seriously contemplated success at that! Optimism would indeed have had to be in its hey-day for any practical politician to seriously expect the Chinese and the Indians, with their deep-rooted and long-standing cultural backgrounds, made manifest in their social behaviour, to conform to a "Malay base" and to forego their own "national traditions" - especially when a majority of them were either illiterate or monolingual and hence prone to communal isolation. True, Negara had conceded that the culture of other groups should be "conserved",⁵³ but then this would still not have solved the basic problem of getting all the non-Malays in question even acquainted with the different facets of the "Malay base" and of "Malay nationalism".

The above observation should not be taken to mean that Party Negara's goal is essentially either undesirable or

51 Tinker, op. cit., p. 275.

52 Loc. cit.

53 Loc. cit.

impossible at any time in Malaya's future. There is every hope that the country will some day reach that goal. The point in question is that there is no doubt that the propagation of such a policy as early as 1955 was sorely indicative of "poor politics". The elections proved that.

For those who have hopes in the gradual evolution of a well-integrated Malayan society, the Pan-Malayan Islamic Party (PMIP) is indeed an uncomfortable phenomenon and a dangerous symptom. Religion, perhaps more than anything else, could delay or possibly even destroy the possibilities of mutual tolerance among the different races resident in Malaya. Just before the Federal elections, for example, there was a most disturbing "whisper campaign", attributed to the PMIP, which warned the voters that it was haram (forbidden) for a Moslem to cast his vote for a non-Moslem.⁵⁴ In refuting the validity of this warning Inche Nasaruddin Zakaria, a Kuala Lumpur religious leader who was also an UMNO officer, explained that there was nothing in the Koran to prove such a notion.⁵⁵

It is interesting to note that this apparent concern over the administration of Moslems by non-Moslems was by no means a new one at this time. One could go back to the days when the Federation of Malaya had its birth to find a similar example. Despite the fact that the Federation scheme had definitely weighted the balance in favour of the Malays, it had failed to

54 Tinker, op. cit., p. 277.

55 Loc. cit.

fully satisfy this community - especially those to the extreme Right. The example that needs mention here is the Lembaga Kesatuan Melayu (a traditional-conservative Malay organization) which stated, in its evidence to the Consultative Committee:

When we look at the handing over of the Government of Islam to the Government of non-Islam we shall find that the action is against the wishes of Islam (holy Qu'ran (Koran), 4:58, 2:38, 3:158) ... according to Islam there is no separation between politics and religion. It is a great sin for Islamic peoples to transfer the Government of the Malay States to non-Islam ... 56

To the Alliance, the religious appeal of the Pan-Malayan Islamic Party was indeed pregnant with dangerous possibilities in that the tendency was for people in rural areas to give unhesitating support to their religious leaders.

To understand the foundations and potentialities of the Labour Party, one would have to get a basic understanding of the part played by Labour in Malayan politics ever since the immediate post-war years.

Between 1945 and 1948 there were many trade unionists who participated actively in Malayan politics. With the declaration of the Emergency, however, many communist and communist-inclined trade union leaders were arrested on security grounds. This tolled the knell for many trade unions and resulted in a sharp fall in trade union membership in the country. This,

⁵⁶ Quotation taken from Purcell, Malaya: Communist or Free? p. 98.

however, should not instinctively lead one to the accusation that the British had found it expedient to completely stifle the growth of democratic trade unionism per se. In addition to being essentially misleading, such an accusation would also tend to overlook the real substance behind the shadow. Of particular significance is the fact that Chinese participation during this phase in Malayan trade unionism was considerable active.

The declaration of the Emergency and the subsequent decline in trade union activities produced a marked change in the racial composition of the labour movements which later emerged. In more recent years, statistics pertaining to these movements have revealed a most interesting phenomenon. Of the 126,000 registered trade union members at the end of 1955, about 62 per cent were Indians, 20 per cent Malays, 16 per cent Chinese, and 2 per cent "others".⁵⁷ Thus a striking feature of the labour movement in Malaya today, insofar as racial participation is concerned, is the preponderance of Indian members. While the low proportion of Malays can easily be explained by the fact that, of the three communities, they are the least inclined

⁵⁷ King, The New Malayan Nation, p. 60. There is considerable variation between these figures and those given by Palmer, J.N., in his article "Trade Unions and Politics in Malaya," published in the Far Eastern Survey, vol. 24, No. 3 (March, 1955). In this article the writer says that 75% of the entire trade union membership (including almost the entire membership of estate workers' unions) is Indian. It does not seem very possible that such a significant shift in the racial composition of trade union membership could have been brought about between March and the end of the year.

towards unionized industry, the remarkably low percentage registered by the Chinese is completely out of proportion to their employment figures. The point to be noted here is that this tendency has led Malay political leaders to accuse the Indian community of being responsible for all the labour discontent in the country.⁵⁸ It is significant to note that in recognition of Chinese control in the country's economy and Indian control in its labour movements, the Finance Minister in the present Alliance Government is Chinese (Co. H.S. Lee) and the Minister of Labour is Indian (Mr. V.T. Sambantham).

Broadly speaking, four main reasons may be given for the poor Chinese participation in Malayan trade unions in recent years.⁵⁹ First, there is the fact that the police, and even some employers, have tended to be apprehensive of possible communist influence where there has been substantial Chinese participation in trade unions.⁶⁰ This may be attributed to two factors: their knowledge of the fact that between 1945 and

58 King, The New Malayan Nation, p. 60.

59 The low degree of Chinese participation in the Federation's labour movements, it should be noted, is very much in contradiction to Singapore's experience in the same field. The activities of the predominantly Chinese-manned and seemingly communist-infiltrated unions in Singapore appears to be one of the factors discouraging the conservative UMNO (and hence Alliance) leaders from seriously considering political union with Singapore.

Ibid., p. 61.

60 Palmer, J.N. "Trade Unions and Politics in Malaya," Far Eastern Survey, vol. 24, number 3 (March, 1955), p. 34.

1948, when Chinese participation in labour movements was heavy, these movements had been inclined very much to the left;⁶¹ and the fact that about 95 per cent of the communist terrorists today are Chinese. Secondly, one may consider the fact that quite a few Chinese are hesitant to join trade unions for fear of communist reprisals.⁶² This is understandable in view of the fact that trade unions are no longer associated with any substantial opposition to government policies. Thirdly, it is true that some Chinese are, by nature, averse to government regulations wherever and whenever they encounter them - and due to the Emergency, the Government in the Federation of Malaya has found it necessary to keep a close watch on the activities of trade unions. Finally, there is the very real possibility that, once the Indians began to dominate the labour movements in the country, the Chinese instinctively began to lose interest in trade union membership. This possibility would appear to be true particularly in view of the fact that, among the labouring classes, there has been very little fusion among the races.

The reasons for the poor support received by the Labour Party now become obvious. The Pan-Malayan Labour Party, formed

61 In June 1948, there were 302 such unions in Malaya which had a total membership of 150,000. Of these, 129 unions, accounting for about 82,000 of the total membership, were under the control of the Malayan Communist Party through the Pan-Malayan Federation of Trade Unions.

Josey, A. Trade Unionism in Malaya, Singapore, Donald Moore, 1954, p. 17.

62 Palmer, op. cit., p. 34.

for the basic purpose of co-ordinating the activities of labour and socialist organizations,⁶³ found that it did not have the dynamic inter-communal appeal which might have been a guarantee for a considerable amount of success in politics. Consequently, in 1953 the party was said to have been nothing more than a "discussion club for social democratic intellectuals, deriving scant support even from the trade union movement."⁶⁴ It would perhaps be relevant to note in addition that the activities of the Independence of Malaya Party had been considerably responsible for the birth of the Pan-Malayan Labour Party in that, contrary to Mr. Narayanan's hopes,⁶⁵ the former had failed to meet the needs of labour. This was probably due to the fact that the IMP was unduly preoccupied with communal issues, thinking that a solution to that problem would act as some sort of panacea, bringing an end to all the country's ills.

Despite the fact that it is now outlawed and hence unable to participate openly in the country's political scene, the Malayan Communist Party needs to be discussed in the present study. To begin with, it should be clearly understood that the party's claim to be a force working to liberate the country from

63 Purcell, Malaya: Communist or Free? p. 103.

64 Carnell, "Communalism and Communism in Malaya," Pacific Affairs, vol. 26, p. 108.

65 Mr. P. P. Narayanan was the President of the Malayan Trade Union Council.

"British imperialism" is essentially nonsensical; otherwise the party would have no excuse for continuing its existence today. Secondly, it is also vital that one should not erroneously identify the communist movement in Malaya as being an indigenous one. In the first place a vast majority of the communist guerillas in the country are Chinese.⁶⁶ This might not be accepted as being conclusive proof to substantiate the observation, in which case it might also be added that a majority of this group are, in fact, China-born.⁶⁷ Furthermore, there is no denying the fact that the Malayan Communist Party is in no way steeped in the aspirations of the nation as a whole. The party's refusal to comply with the requests of the present elected Government would necessarily invalidate any claim to that effect.

The fact that a majority of the communist terrorists in the Federation are Chinese is no excuse for believing that the entire Chinese population in the country - or even any considerable part of it - is in sympathy with the movement. One only has

66 According to the casualty lists published by the Federation Government in Kuala Lumpur, and covering the period from June 1948 (the beginning of the Emergency) to 31 January 1952, out of a total of 2,778 communists killed during that period, 2559 were Chinese, 102 Malays, and the remaining 117 were Indian, Siamese, Indonesian and aborigine. According to the official figures published in January 1953, out of a total of 3,791 communists killed up to that time, 3,510 were Chinese - or 92.6% of the total.

Purcell, Malaya: Communist or Free? p. 146.

67 Peet, Political Questions of Malaya, Cambridge, Cambridge University Press, 1949, p. 21.

to look at the civilian casualty list covering the first eight years of the Emergency to prove this point. Out of a total of 2,504 civilians who were killed, 1,685 were Chinese, while only about 100 were Europeans.⁶⁸ What greater incentive could there be for the majority of Chinese to despise the communist movement as much as any other race does?

In view of the multi-racial content of the country's population, the Malayan Communist Party would be faced with a problem unprecedented in the history of Communism itself, if it were given the opportunity to implement its ideological objective by bringing about the traditional "alliance between the proletariat and the peasantry."⁶⁹ The factor of importance and interest here is the composition of the "proletariat" on the one hand and that of the "peasantry" on the other. Under the former category one would include the Chinese who work on estates, mines, and in the towns and cities. To this group will have to be added the numerous Indian labourers, both in the estates as well as in the urban areas. The peasantry, on the other hand, is very predominantly Malay. This creates a unique situation: in trying to overthrow the existing social, political and economic order in the country, the Malayan Communist Party will also have to bridge racial barriers - those very same barriers which prominent political leaders have found and still are

⁶⁸ Great Britain, Central Office of Information, Malayan Record, Swindon, printed for H.M. Stationery Office by the Swindon Press Ltd., p. 11.

⁶⁹ Peet, op. cit., p. 21.

finding difficult to overcome, working under conditions far more temperate than one would expect after a political upheaval of such a type as there will have to be if the communists are to assume power.

From the analysis thus far, it would seem that the future of Malayan politics could very well depend upon the success or failure of the Alliance to fulfil the tasks of government while at the same time placating the interests of the different communities. Thus it would be in order to discuss those issues which might throw some light on the nature of the Alliance and its chances of survival as the foremost political party in Malaya.

Shortly before Nomination Day (for the Federal elections in 1955), the original UMNO-MCA Alliance accepted the Malayan Indian Congress (MIC) into its fold. This was decidedly a magnanimous gesture in view of the fact that the Indians, with a total of 50,000 registered voters, were split into different organizations and hence unable to act as a pressure group on any substantial scale.⁷⁰ Even more magnanimous was the gesture promising the MIC two elected seats despite the fact that there was not a single constituency where the Indian community amounted to even 15 per cent of the electorate.⁷¹

70 Tinker, I. "Malayan Elections: Electoral Pattern for Plural Societies?" Western Political Quarterly, vol. 9 (1956), p. 268.

71 Smith, T.E. Report on the First Election of Members to the Legislative Council of the Federation of Malaya, Kuala Lumpur, Government Printer, 1955, pp. 10-11.

By means of the partnership it has established between the Malay, Chinese and Indian communities, the Alliance has been successful in striking a more effective note in Malayan politics than any other party in recent years. This, however, does not also mean that the three communities involved have further succeeded in attaining a complete identity of interests; the UMNO, for example, is not an organization that is totally void of Malay nationalist sentiment. With regard to this, F.H.H. King observes with an obvious tinge of cynicism,

The Malay leaders of the UMNO have not renounced their birthright nor denied what they consider to be the essentially Malay nature of the country. In order to present the kampong Malay with an attractive alternative to the status quo, national leaders must promise something, and local leaders tend to promise a great deal more. There is little substance to promise, however, and politicians can be accused of playing off the anti-Chinese sentiments of the Malays often thinly disguised as anti-communist or anti-capitalist campaign talk. Thus many a country youth expects merdeka (independence) to work miracles - rubber will flow from the trees without tapping, the estates of the "exploiting British" will be expropriated, the Chinese will be forced to leave and debts will be cancelled. When this does not happen, UMNO may lose support.⁷²

While these local aspirations may have existed (but surely to a somewhat lesser degree!) in the villages, the educated and urbanized sections of the Malay community recognized the supra-communal nature of the party's outlook on the national level, conscious, no doubt, of the stresses and strains which would accompany progress towards independence and which would follow its achievement.⁷³

72 King, The New Malayan Nation, pp. 10-11.

73 Ibid., p. 11.

There was also a third opinion-group to the interests of which the UMNO has had to cater, made up of the Malay Rulers and their advisors - a group beset by two fears: that the new trend might result in the gradual abolition of the "special position" of the Malays; and that their own position and powers could possibly undergo a marked change for the worse. However, it is significant to note that, in view of the manner in which the situation was balanced (in that the Alliance had such a wide following), this group decided to give its support to the Malayan political delegation at the 1955 London Constitutional Conference.⁷⁴ Thus it is quite apparent that despite its internal divisions, Malay nationalism has presented a fairly well-integrated front, thanks largely to the instrumentality of the UMNO and its membership in the Alliance. But this, however, does not completely obliterate the fact that there still exist submerged differences which need to be delicately erased if future solidarity is to be assured.

Insofar as the Chinese are concerned, the attitude towards merdeka varies from "the extreme conservatism of the Straits Chinese British Association to the terrorism of the Malayan Communist Party."^{74a} In a way it may be said that both these extremes reflect a suspicion of Malay outlook towards larger concessions to the Chinese community. To those belonging to these extremes, the reactions and demands of the Malays which followed the Malayan Union proposals invariably seem to cast a gloom over the

74 King, The New Malayan Nation, p. 11.

74a Loc. cit.

possibilities which exist for compromises and concessions on an inter-communal level. This attitude, however, appears to have had little widespread support, as evidenced by the encouraging measure of popularity enjoyed by the MCA, a party with a 'middle policy'. Between them the UMNO and the MCA have, through direct contact, been able to satisfy both the Malay and the Chinese communities - by calling for certain preferences and privileges on behalf of the former, and by guaranteeing conditions which would make loyalty to Malaya a fairly decent proposition to the latter.

Despite the above statement, there is always the shortcoming that some of the compromises reached within the Alliance might fail to satisfy many of the Chinese in Malaya. This appears to have been the most outstanding factor which led the MCA leaders to urge that the Constitutional Commission set up in 1956 be made up entirely of non-Malayans⁷⁵ - a move obviously aimed to invalidate all accusations of one community "selling out" to the other.

Although the MCA is decidedly a party of moderates, it would certainly be an overstatement to say that the party has the support of all moderates. As observed earlier, the MCA does not have nearly as much contact with the people as the UMNO certainly

⁷⁵ This independent body of non-Malayans, it should be noted, was not one that was completely detached in its outlook, since its decisions were largely the outcome of the testimony and evidence given by the people in the country. In this respect the Alliance made substantial contributions in that the memorandum submitted by it came to be accepted in most instances.

Ibid., p. 12.

seems to have. As verification of this fact one might mention the oft-noticed tendency for the Chinese guilds, labour unions and chambers of commerce to represent views and voice opinions that are definitely different from those of the MCA. As an example one may take the varied reactions of the Chinese community to the manner in which the question of citizenship was settled in the new constitution. Outraged by the fact that the regulations appeared to be unduly stringent, a number of Chinese guilds and associations sought British intervention for the purpose of assuring greater leniency. Fortunately, however, the British Government decided against such intervention, knowing full well that any attempt to placate more interests than was absolutely necessary (especially those arising from intra-communal diversities) would only have served to throw the entire issue "back into the pot".

The stand taken by the MCA over these demands was most commendable. Its statement on the issue made quite clear the fact that "the guilds' protest [was] a deplorable attempt to divide Chinese opinion on an issue which [could] only too easily inflame Malay opinion."⁷⁶ The MCA deserves to be congratulated here in that it appears to have fully understood the implications and responsibilities inherent in an alliance with the UMNO and, consequently, for realizing that agitation, within the Alliance, for racial concessions, can succeed only if one knew how far one should go - and went no further.

⁷⁶ Straits Budget, Singapore, Thursday, April 18, 1957, p. 4.

The tasks facing the Alliance are indeed manifold and, to iterate a former observation, the manner in which these tasks are handled could very well decide the political future of Malaya. The fact that the Alliance won 51 out of the 52 elected seats in the 1955 Federal elections, coupled with the fact that the party has continued to maintain its popularity, would justify one in thinking that this triangular union will perhaps continue to run the affairs of the country for a considerable period of time.

In elaborating on some of the tasks referred to above, one may first of all observe that the Alliance has had to be, and will have to continue being, extremely careful in handling those marginal Chinese who appear to have been prone to a tendency to equate communism with nationalism, despite the fact that the former has been thoroughly discredited in the country. Racial harmony is still far from being fully achieved. The anti-communist measures taken by the British Government, and supported by the Malays, have been dangerously vulnerable to misinterpretation by those Chinese susceptible to propaganda insinuating an anti-Chinese bias in Government policy. The Malays, on the other hand, are now more strongly aware than perhaps ever before that they have to "hold their own" in an alliance with the economically and numerically superior non-Malay section of the population. While they (the Malays) may tend to wonder whether or not it would be imperative for them to possess that amount of political control as would be necessary to balance the economic

control which is in the hands of the Chinese, the latter could very well feel that the degree of political power at their disposal should, as far as possible, be in proportion to their economic strength.

A problem which permeates the very existence of the Alliance Party is the long-term need for the creation of a common socio-cultural basis which would give greater substance to Malayan nationality. By standing united in the demand for independence this triangular union has in no way solved the said problem for the future. It has, however, proved itself to be the best-available agent for attempting such a solution.

Those with Anglophile tendencies had hoped that the social habits and common language introduced by the British and accepted, to some degree, by the middle and upper classes, would possibly solve the problem by providing a common base on which the different communities could effect some kind of social synthesis. There are two major factors which would discourage any optimism in this direction. In the first place the rural Malays, who constitute a sizeable portion of the country's population, have not had any appreciable contact with this Western base. Secondly, there have been, especially since the war, noticeable streaks of anti-British sentiment among the Chinese who have accused the Colonial Government of having persistently adhered to a pro-Malay policy at their expense and in contradiction to their justified claims.

Despite these problems, there is every justification for one to have at least a certain amount of optimism with regard to the future ability of the Alliance Party to maintain itself in its present form. In defending such optimism, one might mention four main factors, the validity and significance of which cannot be easily denied. In the first place, despite the fact that the UMNO can easily form a government should the Alliance break up in the near future, it is almost certain that the moderate and realistic policy of its leadership would prevent such a breach as long as it is possible to do so. The value of Chinese support in the future is beyond question and the leaders of the UMNO appear to be quite aware of this - hence their realization that communal partnership will have to be consolidated now if it is to bear fruits in the future. On the more practical level, it should be realized that the financial backing given by the MCA for the benefit of the Alliance is a factor which will not be easily dismissed by many politicians, especially when there is every indication that it is being given in the interests of a common goal.

Secondly, one might consider the reasons which must necessarily urge the MCA to regard as being desirable the perpetuation of the communal partnership which the Alliance has made possible, and to which it has given considerable reality. To begin with, there is no reason why the party (MCA) should be unduly averse to a political alliance with the Malays and the Indians, especially when its members, as indicated earlier, are mostly Malayan-oriented. Along with this goes the fact that,

due to the variations in political opinion which its members have, the party lacks that narrow-minded militancy which may very well prove to be the main obstacle to compromise. To mention a more practical factor again, the MCA must be fully cognizant of the fact that, without entering into a partnership with the UMNO, the chances of its candidates being elected at the Federal elections (and hence the chances of its community being favourably represented in the Government) would indeed be discouragingly poor. The validity of this assumption was more than sufficiently proved at the 1955 Federal elections, the details and significance of which will be discussed in the following chapter.

With the entry of the MIC into its fold, the Alliance has definitely grown in stature. With a third member added to its ranks, the party has indeed acquired a truly national significance - a status which can only be maintained by keeping the triangular partnership intact. As in the case of the MCA, the MIC profits considerably from its membership from the point of view of political representation since, as earlier mentioned, there is not a single constituency where the Indians have anything close to a majority.

It appears that the leaders of the Alliance have recognized the vital necessity for a national political party to transcend communal limits. Despite this, however, the party is still beset by fairly significant communal undercurrents. It is

possible that, in the course of solving the practical day-to-day problems, the leaders may be able to progressively overcome these undercurrents.

Finally, it should be realized that, contrary to the experience in bigger countries, the Alliance does not seriously have to contend with certain difficulties of administration and of falling regional enthusiasm (which the Congress Party in India, for example, is having to face). The contact established by the UMNO, in particular, is both extensive as well as effective. As far as the Chinese are concerned, despite the efforts of their guilds and chambers of commerce to ease citizenship requirements and to introduce multi-lingualism in the country, the MCA (and hence the Alliance) still continues to be the best organization to support - since, unlike the others, it has got itself into a position where it can get things done far more easily and far more effectively.

The Alliance, nevertheless, is not the only party which aims to eradicate communalism. The Labour Party and the Straits Chinese British Association appear to be other examples. While the former bases its solution to the problem on the assumption that communal motives are subservient to class motives (thereby believing, for example, that effective trade union movements would be fully non-communal), the latter seems to be attempting an extension of the ideals and aspirations of the Alliance. With regard to his organization's decision to join the Alliance, the President of the Straits Chinese British

Association is reported to have said that such a move would necessarily have to be of a temporary nature since there was no room for communal politics in an independent Malaya.⁷⁷

His suggestion was that the member parties of the Alliance fuse completely to form a United Malaysians⁷⁸ National Organization. In suggesting this he was undoubtedly expressing more than his own share of optimism since, as pointed out by the Chief Minister, communal parties will continue to exist as long as there is communal feeling, since parties necessarily represent their members.⁷⁹

In conclusion it may be observed that the threat of essentially pro-Malay political parties is not completely wiped out as far as the Alliance is concerned. There is always the fear that the rural Malays might swing over to the support of these parties should it be felt that the political manoeuvrings of the Alliance leadership exhibit an unduly liberal trend in favour of the non-Malay communities. With the hope of "cashing in" on such a situation, a Malay Congress has been organized by an UMNO rebel, demanding, among other things, that citizens of the Federation be referred to as "Malays".⁸⁰ The

77 King, The New Malayan Nation, p. 53.

78 Note "Malayans" instead of "Malays" as in the present "UMNO".

79 King, op. cit., p. 53.

80 Loc. cit.

Pan-Malayan Islamic Party is another similar threat, since it is equally if not more capable of stirring up a considerable amount of emotional appeal should the right situation arise. Dato Onn's Party Negara, on the other hand, appears to be in a curious situation: it has not swung far enough in either direction to appear dynamic in the eyes of the electorate - it is neither violently pro-Malay nor sufficiently supra-communal!

Chapter Four

The 1955 Federal Elections

In analysing the 1955 Federal Elections (the only elections of that nature to date), emphasis will have to be placed on what must necessarily be considered the four dominant aspects of the issue: the delimitation of constituencies, the racial composition of both the electorate as well as the candidates, the nature of and implications behind the different electoral campaigns and, finally, an assessment of the election results themselves. It is hoped that, by using the above pattern as the basis, the chances of one's getting a properly integrated understanding of the subject in question will be considerably enhanced.

In deciding on the nature of the Federation's introduction to national elections, the Federal Elections Committee (referred to in the last chapter) rejected, without any opposition, the idea of communal rolls. This is understandable in view of the fact that the Committee was dominated by IMP and Alliance members - and both groups had sufficient reasons to want a retention of the existing system: the former, being an inter-racial organization, realized that it would undoubtedly have stood the risk of creating serious rifts within its own ranks should a system demanding communal rolls have been introduced; the latter, having found the precedent set by municipal

delimitations (which had no communal directives) to its definite advantage, saw no reason which could possibly prompt a desire to experiment with a new system. Universal adult suffrage, on a non-communal basis, was the resultant agreement.

The Committee's report, however, was not totally lacking in any communal gesture, there having been provision made for the reservation of three nominated seats for the lesser minorities - Ceylonese, Eurasians and Aborigines - and another seven for the "unrepresented minorities."¹ The factor of greatest overall importance was that everyone, irrespective of race, was to vote together.

In April 1954, a three-man Constituency Delineation Commission was appointed,² "for the purpose of dividing the country into constituencies in preparation for the holding of elections to the Federal Legislative Council."³ According to its terms of reference the Commission was merely asked to divide the country into constituencies which would provide for the election of 52 members to the Legislative Council,⁴ drawn in such a manner as to possibly coincide with the country's administrative districts while, at the same time, embracing approximately equal

1 Tinker, I. "Malayan Elections: Electoral Pattern for Plural Societies?" Western Political Quarterly, vol. 9 (1956), p. 265.

2 The Chairman of this Commission was Lord Merthyr, while the two other members were Mr. W.C.S. Correy, C.B.E., and Mr. E.G. Farrington, Acting Surveyor-General, Malaya. Mr. T.E. Smith was appointed Secretary to the Commission.

3 Federation of Malaya, Report of the Constituency Delineation Commission, (Kuala Lumpur, Government Printer, 1954), p. 1.

4 Loc. cit.

portions of the population.⁵ Although the Commission was given discretion to recommend multiple-member constituencies "for urban districts together with their contiguous areas,"⁶ its members decided against the creation of such constituencies, stating that

a single member [could] represent the views and aspirations of a limited number of people in a comparatively small constituency more clearly and accurately than can two or more members in a correspondingly larger constituency,⁷

adding:

The necessity for simplicity and uniformity of procedure at the start of these new democratic processes in the Federation is a further argument against multiple-member constituencies.⁸

The result, consequently, was the creation of 52 single-member constituencies.

The terms of reference were silent as to whether or not the Commission should give due consideration to the preponderance of any one race in particular localities.⁹ Saying that the reasons for this were not difficult to understand since there did not exist any doubt regarding the hope that the future would bring the different racial groups into a single community, the Commission declared:

5 Despite their efforts to adhere as closely as possible to the terms of reference, the Commission succeeded in doing this in only four States and Settlements.

Ibid., p. 8.

6 Loc. cit.

7 Ibid., p. 9.

8 Loc. cit.

9 Ibid., p. 4.

In pursuance of this policy we have, in delineating constituencies, wholly ignored racial considerations; but we have taken into account community of interest where it exists, for example in coastal as opposed to inland population groups; or where it depends upon occupation and industry.¹⁰

The outcome was that, of the 52 constituencies, 50 had a Malay majority and 2 a Chinese majority, while there was not a single one where the Indians formed as much as 15 per cent of the electorate. This might very well have appeared alarming to some, but the elections in 1955 proved the wisdom and forethought implicit in the Commission's decision.

In the meantime, however, criticism was abundant.

F.G. Carnell's article entitled "Constitutional Reform and Elections in Malaya", published in Volume 27 of Pacific Affairs, abounds in such criticism. In that article the writer refers to the Commission's proposals as "a rather pedestrian and unimaginative document", and further adds:

In conformity with the growing ostrich-like belief in Malaya that communalism can best be scotched by refusing to recognize its existence, nothing at all was said about communalism as a factor to be taken into account in the drawing of the constituency boundaries. The Commission has blindly adhered to its terms of reference. No attempt has been made to estimate, on the basis of Federal citizenship statistics the relative Malay, Chinese and Indian strengths in the constituencies that have been devised, and thus to forecast the representation each community may expect to secure in the Legislature. Moreover, the claims of minorities have been ignored. Multi-member constituencies with "fancy franchises" such as "plumping" and the limited vote, which might possibly give some representation to the Indian minority in large urban areas

¹⁰ Report of the Constituency Delineation Commission, p. 4.

like Kuala Lumpur and Penang have been rejected for the rather naive reason that multiple-member constituencies have now been abandoned in England.¹¹

In attempting to give weight to his rather scathing attack on the Commission's recommendation, the writer went on to suggest that it (the Commission) would have done well to benefit from the Ceylonese experiment in "honest gerrymandering" (or "honest swindling" as sometimes called), so as to ensure the representation of minorities by segregating the different races in such a manner as to limit communal antagonisms.¹²

Criticisms of this nature had neither a foundation nor sufficient justification. Indeed, it is pessimists and alarmists like Mr. Carnell who, in the last analysis, appear to have been sadly "unimaginative". There was little in the way of substantial evidence which Mr. Carnell could have had at his disposal. Up to July 27, 1955 (the date of the Federal elections), only some 25 per cent of the registered electorate had had the opportunity to vote in a previous election.¹³ Even they had not given any clear indication (assuming, for a while, that they could) as to what the voting behaviour of the country would be should the elections be conducted on a non-communal basis, since the Alliance (which, as pointed out in the last chapter, had won most of these elections), during the first few years,

11 Carnell, F.G., "Constitutional Reform and Elections in Malaya," Pacific Affairs, vol. 27 (1954), p. 230.

12 Ibid., p. 231.

13 Smith, T.E., Report of the First Election of Members to the Legislative of the Federation of Malaya, Kuala Lumpur, Government Printer, 1955, p. 1.

had merely followed a policy of "honest gerrymandering" whereby Chinese candidates had been put up in Chinese areas and Malay candidates in Malay areas - a policy which had in no way tested the electorate's response to a national and supra-communal platform. These elections, furthermore, had mainly been held in urban areas; the votes of the mass of the electorate living in rural areas had never been tested.

If Mr. Carnell had any reasons at all for his fears, they must necessarily have been based on certain assumptions which, in his eyes, may have seemed legitimate. In the first place, there was the possibility that the Alliance might not be a lasting union. But then it should be realized that, with the mounting success experienced during 1952 and 1953, there must surely have been a growing likelihood of a more permanent union being contemplated by the UMNO and the MCA. Secondly, there was the fear that, with only two constituencies having a Chinese majority, there would invariably be some difficulty in assigning a sufficient number of constituencies to Chinese candidates. Although there is some justification to this fear, it should also be noted that, in view of UMNO's desire to further consolidate the Alliance (after all, it had "been in the dumps" in 1952 before its decision to form an electoral alliance with the MCA), there was at least some room for optimism regarding a solution to this problem. Finally, Mr. Carnell could have been a little suspicious of the fact that the "honest gerrymandering" carried on by the Alliance up to that time had not in

any way indicated the possibility of non-communal voting should a party have chosen to present a non-communal platform. This is true, and one only has to look at the failure of the IMP to prove the point. But this is not the issue in question. Surely such a belief overlooks the fact that, since all previous elections had been for local councils, they had not substantially indicated whether or not the electorate (or at least that part of it which had voted in these elections) would react differently in the face of national issues - especially at a time when independence appeared to be within reach.

In discussing the composition of the electorate, it has to be observed at the very outset that, of a total of just over 1,280,000 persons who were ultimately registered as electors, about 84.2 per cent were Malays, 11.2 per cent Chinese, and the remaining 4.6 per cent mainly Indians.

Table VIII
Electoral Roll by Race ¹⁴

Race	Voters	Per cent
Malays	1,078,000	84.2
Chinese	143,000	11.2
Indians	50,000	3.9
Others	9,000	.7
Total	1,280,000	100.00

¹⁴ Tinker, op. cit., p. 269.

There were only two constituencies where the Malays accounted for less than 50 per cent of the electorate, while there were 37 (out of a total of 52) where they amounted to more than 75 per cent.¹⁵ One of the reasons for the preponderance of Malay electors (beside the fact that a good majority of Federal citizens were Malays) lay in the fact that about 75 per cent of the Chinese and Indian Federal citizens were under 21 years of age at that time, and hence ineligible to register as voters.¹⁶ Among the Malays, male and female electors were fairly even; among the Chinese the males outnumbered the females by about two to one; and among the Indians the former outnumbered the latter by about four to one.¹⁷

A more detailed analysis of the Chinese and Indian sections of the electorate brings out certain very significant features. It has been estimated that the number of Chinese eligible to vote amounted to 600,000, or about half that community's adult population.¹⁸ Of these, those who registered amounted only to 143,000, roughly one in every four, the resultant fact being that only one adult Chinese in approximately

15 Smith, op. cit., p. 10.

16 Ibid., p. 11.

17 Loc. cit.

18 Carnell, "The Malayan Elections," Pacific Affairs, vol. 28, (1955), p. 316.

every eight actually cast a vote. While lack of interest and insufficient confidence in elections may be given as possible reasons for the low rate of Chinese participation in the elections,¹⁹ there is also considerable truth in the observation that one of the main reasons for this was "the feeling of ineffectiveness which a minority group so often feels."²⁰

Turning to the Indians now, one finds that the entire community amounted to about 650,000 in population. Of these, those who registered as electors amounted to only about 50,000. Should the Indian adult population be estimated at half the total figures, the result would be that only one Indian in every seven cast a vote at the Federal elections. This is indeed surprising when viewed in contrast to the disproportionately high degree of political consciousness and participation displayed by the community in Singapore.

The net result of this badly restricted number of Chinese and Indian voters was that, particularly in urban constituencies, the electorates were, in effect, somewhat unrepresentative minorities. As an example one might take the two Kuala Lumpur constituencies (Kuala Lumpur Barat and Kuala Lumpur Timor) where, out of a total population of 255,000, only 22,000 people registered as voters.²¹ Furthermore, of those who had registered,

19 The Economist, June 25, 1955, p. 1139.

20 Tinker, op. cit., p. 260.

21 Loc. cit.

64 per cent were Malays - and the Malays, as a community, are heavily outnumbered by the Chinese and Indians in Kuala Lumpur.

In passing from the racial composition of the electorate to that of the candidates themselves, it might perhaps be more enlightening to begin the analysis by submitting to discussion the manner in which racial allocation was conducted by the respective parties. Had there been any specific indication suggesting purely communal voting, the Alliance would have had the alternative of either running more Chinese candidates than the electorates in the different constituencies would have permitted, thereby standing the risk of losing seats (to Negara and the Pan-Malayan Islamic Party in particular) in the interests of intra-party discipline, or of doing exactly the reverse and putting up 50 Malay and only two Chinese candidates, thereby sacrificing intra-party goodwill in the interests of winning the elections.

But, as earlier indicated, there was nothing which indicated communal voting on any large scale; thus Tengku Abdul Rahman decided to give the MCA fifteen nominations. This decision, however, was not accompanied by a complete absence of opposition from all UMNO quarters. The MCA had originally been given only 12 nominations but, following certain changes that were made in the whole lineup ("to stave off a threatened rift")²²

²² Tinker, op. cit., p. 267.

the figure had been raised to 15. While some Malays questioned this decision on the grounds that there had not been any absolute necessity to be unduly liberal towards the MCA, the Chinese, on the other hand, criticised the leaders of the MCA for having been too submissive. In defending the number as being adequate, Mr. Leong Yew Koh, Secretary-General of the MCA, explained that the Chinese expected to provide ten nominated members in the new Council: "the representatives for Penang and Malacca, two of the six representatives for Commerce, two of the four representatives for Mining, one of the six for Planting, and three of the seven 'nominated reserve'."²³ In view of the fact that this would have given them 25 out of the 98 seats in the Legislative Council (provided, of course, that all their candidates got elected), the situation seemed to indicate a fair compromise in that it would have enabled the Chinese to get 25.5 per cent of the seats in the Council while they constituted about 11 per cent of the electorate and about 40 per cent of the country's population.²⁴

Despite this, the Chinese were far from being fully satisfied. The Singapore Standard appeared to be convinced that there would be several constituencies where the Chinese would vote against the Alliance candidates;²⁵ and dissension went to

23 Tinker, op. cit., p. 267. As things turned out, the Chinese actually received 26 seats in the end, since they were given 2 of the 6 Planting seats.

24 Loc. cit.

25 Loc. cit.

the point where a member of the MCA considered opposing Mr. Leong Yew Koh in Ipoh.²⁶ The situation worsened when, three days before Nomination Day on June 15, Col. H.S. Lee, the man later referred to as the "brains behind the almost frighteningly-efficient machine" of the Alliance,²⁷ decided to withdraw from contesting the elections. His decision was severely criticised in an editorial in the Singapore Standard where it was said: "The public would like all self-styled leaders to have the courage to put their qualities of leadership to the public test by standing for elections." ²⁸

With two elected seats assigned to the MIC, the 52 Alliance candidates were eventually composed of 35 Malays, 15 Chinese, one Indian and one Ceylonese (one of the MIC candidates being Ceylonese) - a distribution which no community could seriously condemn. Party Negara, on the other hand, put up 30 candidates of whom 29 were Malays and one Chinese. Since the party did not contest the two constituencies with a Chinese majority, its lone Chinese candidate contested the election in a constituency with a Malay majority (Seremban), but in fact was opposed by another Chinese candidate, representing the Alliance.

The eleven candidates who represented the Pan-Malayan Islamic Party were all Malays. This is understandable and needs

²⁶ Tinker, "Malayan Elections: Electoral Pattern for Plural Societies?" Western Political Quarterly, vol. 9 (1956), p. 267.

²⁷ Ibid., p. 268, (from the Straits Times, July 29, 1955).

²⁸ Loc. cit., (from the Singapore Standard, June 12, 1955).

no elaboration. All the candidates belonging to the National Association of Perak, the Perak Malay League, and the Perak Progressive Party, contested seats in Perak. There is nothing unusual in this since the parties in question were provincial both in organization and outlook.

In all there were 129 candidates contesting the 52 seats. The following table illustrates their classification by parties and by race:

Table IX

Classification of Candidates by Parties and by Race

	Malays	Chinese	Indians	Total
UMNO/MCA/MIC Alliance	35	15	2 (including 1 Ceylonese)	52
Party Negara	29	1	-	30
Pan-Malayan Islamic Party	11	-	-	11
Labour Party	-	2	2	4
National Association of Perak	8	1	-	9
Perak Malay League	3	-	-	3
Perak Progressive Party	1	-	1 (Ceylonese)	2
Independent Candidates	16	1	1	18*
Total	103	20	6	129

* One of the Independent candidates, finding that he had to contest the election against Tengku Abdul Rahman, withdrew from the contest. Since there did not exist any provision for such withdrawal, his name nonetheless appeared on the final list of candidates. (Ibid., p. 271)

There was at least one Malay candidate contesting in all but three of the constituencies, the exceptions being George Town (which had a clear majority of Chinese voters and where all three candidates contesting were Chinese), Ipoh-Menglembu (the other constituency with a Chinese majority) where there were two Chinese candidates (Alliance and National Association of Perak), one Indian (Independent) and one Ceylonese (Perak Progressive Party), and finally Seremban where there was a straight fight between two Chinese (Alliance and Negara).

The electoral campaign did not by any means appear to be lacking in communal issues. One would be justified in suggesting that, in the event of purely communal voting, Party Negara would have stood a fair chance of beating the Alliance since there would have been the possibility that UMNO's communal appeal might very well have diminished as a result of its partnership with the MCA and MIC. Even if UMNO's popularity had ensured success for all the Malay candidates representing the Alliance, the party that would have stood to gain most as a result of communal voting would still have been Negara: of the 20 Malay candidates who opposed the Alliance's non-Malay candidates in constituencies with a Malay majority, 8 belonged to Party Negara, 3 to the Pan-Malayan Islamic Party, 3 to the National Association of Perak, 2 to the Perak Malay League and one to the Perak Progressive Party, while 3 were Independents. It is further significant to note that 6 of the 8 Negara candidates mentioned above were in the position of being the only Malay candidates running against non-Malays.

Knowing these facts, and perhaps assuming that voting would, in effect, be most probably communal, Party Negara lost no time in launching a communally-oriented campaign. In keeping with his position of leadership in the party, Dato Onn featured very prominently in this respect. In a speech made over Radio Malaya on July 5, he warned the Malays that, in the face of the increasing birth-rate among the Chinese and Indian communities, a quota immigration system encouraging Malaysian immigration would have to be introduced if the Malays were to avoid the fate of being made a racial minority in their own country, and if they were to solve the problem of having to cope with a "babel of languages".²⁹ The editorial in the Straits Times the following day commented: "His approach (Dato Onn's) is disturbingly communal. It seems to involve some sort of racial arithmetic."³⁰ Stronger reactions came from a "Federal citizen" who, in writing to the Straits Times, stated:

Such ideas coming from the secretary of a party pledged to support the national and moral progress of the minorities is very disappointing to say the least. ... If he considers Sumatrans are better citizens than those born here ... then I say Dato Onn is a communalist. Once again religion is confused with nationalism.³¹

Nor was this the limit of Dato Onn's confusion. Despite the fact that Negara appeared to be based on conservative

29 Tinker, "Malayan Elections: Electoral Pattern for Plural Societies?" op. cit., p. 273.

30 Quoted in Loc. cit.

31 Straits Times, July 20, 1955, quoted in ibid., p. 277.

foundations,³² Dato Onn was now found making overtures to former leaders of the banned left-wing Malay Nationalist Party (which had been strongly suspect of communist influence, if not domination) in an obvious effort to endear his party to the aspirations of Malay youth - both in the UMNO and in the recently organized Malay Nationalist Front - many of whom found great inspiration in the idea of "Malaya for the Malays".³³ This was decidedly his reason for supporting men like Dr. Burhannudin; men with close ties with Indonesia. Success at the elections would indeed have left Dato Onn with a curious selection of bedfellows!

With regard to the Alliance's proposal to establish a state bank, Dato Onn claimed that the move was the product of certain ulterior motives, in that he interpreted it as a scheme designed to benefit the MCA Chinese. Tengku Abdul Rahman was quick to react. Claiming that "stooges" were being used to spread false propaganda against the Alliance, to the effect that he was selling "the UMNO to the MCA and the Malays to the Chinese", he declared:

I want to tell you that no amount of money can buy the Malay race - the Malays can only be bought with my life.

34

32 With regard to independence, for example, the Alliance Election Manifesto sought its achievement within four years, while Negara considered a period of 10 years to be a more appropriate figure. Ibid., p. 274.

33 Carnell, "The Malayan Elections," op. cit., p. 319.

34 Quoted in Tinker, op. cit., p. 274.

In the face of communal attacks of this nature, heightened by the Pan-Malayan Islamic Party's accusation that the UMNO was doing a forbidden thing in co-operating with non-Moslems,³⁵ the Alliance's campaign simply centred around the call for merdeka. Over the question of citizenship the party now began to modify its stand; having earlier promised to agitate for equal citizenship rights for all races, it now began to call for the setting up of a neutral commission to conduct investigations into the problem.³⁶ A very striking feature of the party's Manifesto lay in the fact that the more controversial issues such as those pertaining to education and language remained intentionally vague.

Despite the somewhat alarming possibilities implicit in the communal pattern followed by Party Negara and the Pan-Malayan Islamic Party in their respective electoral campaigns, the Alliance did not appear to be too perturbed. Indeed, if the trend exhibited by the electorate in the more recent local elections had in any way been indicative of the future behaviour of the electorate in the country as a whole, the Alliance had no cause for worry. As a clear indication of the said trend one might quote the results of the Johore State elections. Despite the fact that Party Negara had put up bitter opposition to the end (and the electorate, it should be borne in mind, was predominantly Malay), the Alliance had won all the sixteen

35 Quoted in Tinker, op. cit., p. 274.

36 Loc. cit.

seats contested, gathering 64 per cent of the total number of votes while Negara had been able to get only 9.4 per cent.³⁷ Particularly significant was the fact that a Ceylonese candidate, contesting the election on an Alliance ticket, had been elected with the day's greatest majority - 8,018 votes over his closest rival. Ceylonese votes had constituted only an extremely small percentage of the total, and the overwhelming support given to the candidate in question by the Malay and Chinese voters had indeed given a valuable boost to the Alliance's morale.

It appears quite obvious that the Labour Party did not contemplate much success at the Federal elections, since the very limited support received by the party and by socialism in general (the reasons for which have already been discussed) was a fact well known in Malayan political circles. Motivated by doubts as to whether affiliation to the Labour Party would in fact be in the interests of the satisfactory development of trade unionism, the Indian-dominated leadership of the Malayan Trade Union Council decided to give its support to Party Negara.³⁸ Condemning the elections as being nothing more than a mere "farce", the Labour Party put up its four candidates mainly as a gesture against the "reactionary aims" of the opposing parties.³⁹

37 New Commonwealth, vol. 28 (1954), p. 528.

38 Malay Mail, July 30, 1955, q. in Carnell, Pacific Affairs, vol. 28, p. 320.

39 Malay Mail, July 27, 1955, q. in loc. cit.

For a period of time during the pre-election period there existed some possibility of an anti-Alliance electoral front, consisting of all the parties with the exception of the Pan-Malayan Islamic Party;⁴⁰ however, as is quite often the case in such attempts, the different parties could not come to full agreement, the result being that of the ten contests in Perak, only one was a straight fight.⁴¹

On July 27, 84.86 per cent of the registered electorate cast their votes in the country's first Federal elections. In winning 51 out of the 52 elected seats, the Alliance got a total of 818,013 votes - four times the combined total of all its opponents together and ten times that of Negara, a fact which clearly overruled all possibility that the Negara had lost because Malay votes had been split among the different Malay parties.

The only seat lost by the Alliance was in Krian (Perak) where a Malay candidate (Haji Ahmad bin Haji Hussain) belonging to the Pan-Malayan Islamic Party beat the Alliance candidate (also Malay) by a mere 450 votes. The number of votes declared invalid in this particular constituency amounted to 1,071.⁴²

40 Tinker, op. cit., p. 269.

41 Loc. cit.

42 Smith, T.E. Report on the First Election of Members to the Legislative Council of the Federation of Malaya, Kuala Lumpur, Government Printer, 1955, p. 69.

Table X

Indicating the Support Received by the Different Parties⁴³

Party	No. of Candidates	Seats won	Votes Polled	Percentage of total votes
Alliance	52	51	818,013	79.6
Negara	30	-	78,909	7.6
Pan-Malayan Islamic Party	11	1	40,667	3.9
National Association of Perak	9	-	20,996	2.0
Perak Malay League	3	-	5,433	0.5
Perak Progressive Party	2	-	1,081	0.1
Labour Party	4	-	4,786	0.4
Independents	18	-	31,642	3.0

Whether or not the outcome of the election was affected by this is a matter purely for speculation. Out of a total of 77 candidates who opposed the Alliance, 43 lost their deposits (having polled less than one-eighth of the total number of valid votes counted in their respective constituencies). The smallest margin gained by an Alliance candidate amounted to more than 3,000. Inche Johari, the General Secretary of the UMNO, had the greatest majority of the day - 29,646 votes.

⁴³ Carnell, F.G. "The Malayan Elections," Pacific Affairs, vol. 28 (1955), p. 315.

According to Mr. Carnell's table, Negara was supposed to have fielded 33 candidates, of whom 32 were Malays. This is an error.

There was no doubt that the electorate had given national issues and the Alliance platform an unquestioned priority over communal issues and individual candidates. One only has to take the earlier-discussed example of the 14 Malay-dominated constituencies (where non-Malay Alliance candidates had contested Malay candidates belonging to other parties) to prove this point. Out of a total of 247,069 valid votes that were cast in these constituencies, 205,004 were for the 14 Alliance candidates and only 39,929 for the 20 non-Alliance Malay candidates, while 2,136 went to other non-Malays; that is, non-Malays who did not represent the Alliance. Perhaps no example can do more justice to the point in question than that of Mr. S. Chelvasingam MacIntyre, the MIC candidate representing the Alliance, who contested the election in Batu Pahat. Of the 27,323 registered electors in the constituency, only 530 were Indians and 5,679 Chinese.⁴⁴ And yet, of a total of 21,685 valid votes that were cast in the constituency, Mr. MacIntyre collected 18,968 while his sole opponent, a Malay representing Negara, was able to get only 2,717.⁴⁵ The results in the other 13 constituencies were not very different, and an examination of appendix "A" of this study will help in establishing the point.

44 Tinker, op. cit., p. 271.

45 Despite the fact that Mr. MacIntyre belonged to the MIC, he was, in fact, a Ceylonese. This proves the point even more emphatically since the Ceylonese are even a smaller minority than the Indians.

The Alliance had assumed that it could win the elections because it had expected voting to be non-communal. Said the elated Tengku (Abdul Rahman) when the results were all known:

The result today is the first step towards racial harmony in this plural society country. ... It is one thing I am damned proud of.⁴⁶

Earlier elections in Singapore had revealed poor participation on the part of the Chinese; but the April (1955) elections there had been different in that a large Chinese vote had been recorded.⁴⁷ Consequently, there was considerable speculation regarding the extent to which the community would participate in the Federal elections.⁴⁸ As the results were analyzed it was found that, in the 23 constituencies where the Chinese electorate had accounted for at least 10 per cent of the total, the percentage vote was slightly lower than for the Federation as a whole: 79.92 per cent as compared to 84.86 per cent.⁴⁹ This does not necessarily indicate anything of particular significance since the tendency in the earlier local elections had been for the rural voters to participate more heavily than urban voters - and almost all Chinese areas in the Federation are urban in nature.⁵⁰ At the same time, it is

⁴⁶ Straits Times, July 29, 1955, quoted in Tinker, op. cit., p. 280.

⁴⁷ Ibid., p. 279.

⁴⁸ Loc. cit.

⁴⁹ Loc. cit.

⁵⁰ Loc. cit.

significant to note that the lowest percentage poll recorded in the Federal elections (52.6 per cent) was in George Town, one of the two constituencies with a Chinese majority and a constituency where all three candidates contesting were Chinese. In the other constituency with a Chinese majority (Ipoh-Menglembu), however, the vote turnout amounted to 82.7 per cent, and here (perhaps significantly) there were also an Indian and a Ceylonese candidate in addition to the two Chinese.

It is possible that the results in the two constituencies in question (that is, the two with a Chinese majority), reveal a trend towards communal voting by the Chinese community. It may be argued that the vote turnout in George Town was low because, in view of the fact that all three candidates contesting were Chinese, the electorate had been certain that a Chinese would have been elected in any event; conversely, the turnout in Ipoh-Menglembu could have been high because since there were two non-Chinese competing as well, the electorate might have wanted to ensure a Chinese victory. But there are other factors which need to be considered as well. As explained in the Report on the First Election of Members to the Legislative Council of the Federation of Malaya (p. 26), Penang (where George Town is situated) was "one of the few areas which experienced heavy showers on Polling Day." To this may be added the fact that George Town is an urban area and hence less likely to have had heavy polling when compared to the more rural districts. Penang Island, one of the two constituencies with a one-third

Chinese electorate, was the only other constituency where the votes fell below 70 per cent. Here, both candidates contesting were Malays, and hence it may be suggested that the low percentage was due to the fact that the Chinese, expecting a Malay candidate to win regardless of how they voted, had not seen much point in casting their votes. While this might be a possibility, it should also be borne in mind that the two factors which could destroy the validity of the assumption in the case of George Town are also applicable in the case of Penang Island. In any event, there is nothing in the election results which could conclusively prove that those Chinese who had registered as electors had in any way been less active than their Malay counterparts, if indeed they were.

In almost every respect, the election results were more than gratifying; to those who had earlier been sceptical, they were indeed startling.⁵¹ Expecting to find 50 Malays and two Chinese elected, they saw 35 Malays, 15 Chinese, 1 Indian and 1 Ceylonese emerge as the day's victors; all but one Malay on an Alliance ticket.

⁵¹ Mr. Carnell is a good example. His condemnations of the Constituency Delineation Commission and his grave doubts regarding the outcome of the elections have already been discussed. In analysing the outcome of the elections, however, he says: The results ... have confounded some of the political prophets. ... The most surprising thing about the election for the new Malayan Legislative Council was not the triumph of the triple Alliance of the United Malays National Organization, the Malayan Chinese Association and the Malayan Indian Congress - this was generally expected - but that this party should have so completely annihilated its opponents. ("The Malayan Elections", Pacific Affairs, vol. 28 (1955), p. 315.)

The reasons for the Alliance's overwhelming success are indeed manifold. In one sentence, Mr. Carnell has summed them up as follows:

The Alliance won on account of its superior party organization, its success at municipal, State and Settlement elections, its record of opposition in the old nominated Legislative Council, and its highly emotional anti-colonial slogan of merdeka.⁵²

In analysing the first reason ("its superior party organization"), it is significant to note that, ever since the Kuala Lumpur municipal elections in 1952, the Alliance had gradually been building up an extremely efficient election machinery. With regard to this Mr. Carnell observes:

Its efficiency was the outcome of Chinese business acumen rather than of party organization in the Western sense. None of the poverty-stricken opposition parties could compete with the vote-catching machine created by the wealthy Chinese tin-magnate, Colonel H.S. Lee, a behind-the-scenes organizer of victory ...⁵³

Secondly, it may be stated that the Alliance also owed its success to its repeated victories in the local elections between 1952 and 1955. It had gained sufficient momentum to warrant some success at the Federal elections; there was "something like a stampede to be associated with the winning side."⁵⁴

⁵² Carnell, Pacific Affairs, p. 317.

⁵³ Ibid., pp. 317-8.

⁵⁴ Ibid., p. 318.

The third factor ("its record of opposition in the old nominated Legislative Council") brings out an interesting point: unlike the case with most members of "colonial councils", a large number of Alliance leaders who had been nominated unofficial members in the old (colonial) council were now successful at the polls. There has been a tendency in other colonial territories (Singapore, for example, as evidenced by the decline of the Progressive Party) for the electorate to deny support to candidates who, having been nominated members in colonial councils, had exposed themselves to criticism for being "colonial stooges". The Alliance was successful in overcoming this tendency, and no less than six of the ten Alliance Ministers who were later given portfolios had been nominated unofficial members in the old council. In seeking to explain this, one would be justified in turning to the fact that the Alliance had gained a valuable reputation for militant opposition in the old nominated council, especially in its closing stages.⁵⁵ It had made a very commendable stand in demanding the elected majority which had been granted by the British Government, and had further added to its dynamism by using the "walk-out" as a political weapon.⁵⁶

The fourth reason for the Alliance's success ("its highly emotional anti-colonial slogan of merdeka") is indeed self-

⁵⁵ Carnell, Pacific Affairs, p. 318.

⁵⁶ Loc. cit.

explanatory. Said Tengku Abdul Rahman after the elections: "Our tremendous success resulted from this issue of independence and nothing else - absolutely nothing else."⁵⁷ True, Negara had wanted independence as well, but then it had to labour under a very real handicap. It has earlier been pointed out that the party had had its origins in the Malay National Conference, a movement started by the Mentris Besar and other members of the Malay aristocracy. Herein lay the party's weakness in that, as pointed out by Carnell, it was

never able to overcome the widespread suspicion of the electorate that it was the tool of the Sultans and of ultra-conservative British elements hostile to a rapid move towards self-government.⁵⁸

Despite the fact that voting appears to have been indicative of a completely non-communal approach on the part of the electorate, there is one factor which should not be overlooked. On July 27 the Malayan electorate had been put to a test - a test which was to indicate its ability (or inability) to place national political issues over the more emotional demands of communalism. On the surface the results of the elections would appear to indicate, without any reservations, that the electorate had emerged triumphant; that it had proved its political maturity beyond all question. This may be true, but only with a

⁵⁷ Straits Times, July 29, 1955, quoted in Carnell, Pacific Affairs, p. 318.

⁵⁸ Ibid., p. 319.

vital limitation: the triumph of the electorate has, in the final analysis, only been a Malay triumph; the test has only proved the ability of the Malays to surmount communal appeal. In both the constituencies where the Chinese had formed a majority of the electorate, Chinese candidates were elected. This means that the Chinese have not exhibited their ability to vote non-communally. The Indians, on the other hand, had not even approached a majority in any constituency - and this means that their votes have not been tested either. Only the Malays had returned candidates not of their own race. But this, however, does not prove that the Chinese and the Indians had in fact voted communally. There is every possibility that, like the Malays, they had voted for a party and not for a community. Both the Chinese constituencies had elected candidates belonging to the Alliance - and, in doing this, the Chinese had not in any way acted differently from the Malays. In George Town they had had to choose between two Chinese candidates - and they had elected the one representing the Alliance; in Ipoh-Menglembu they had been faced with four candidates - two Chinese, one Indian and one Ceylonese - and they had elected the Chinese representing the Alliance. The Ceylonese had represented the Perak Progressive Party and the Indian had been an Independent - and there is little possibility that they had lost because they were not Chinese.

Thus it may be said that while the Malays have shown their ability to vote non-communally, the Chinese and the Indians

have not been given the opportunity to do likewise. Even if the sentiments of the two communities (Chinese and Indian) had been communally oriented on polling day, there is a strong possibility that they will not continue to be so in the future, since the Malays have already set the necessary example by indicating their good faith to the fullest possible extent.

The party-line voting of the electorate produced another very significant result. Despite the fact that the constitution of the Federation, in 1955, had not been as advanced as that of Singapore, the overwhelming success achieved by the Alliance gave Tengku Abdul Rahman a far greater measure of control over his council than Mr. David Marshall had over his in Singapore. The clear mandate which the Tengku received, although it came mainly from the Malays, stood in direct contrast to the 27 per cent poll of Mr. Marshall's Labour Front in Singapore.⁵⁹ Indeed, the Federation's new Council contained a formidable phalanx of Alliance members; Tengku Abdul Rahman did not have to depend on an improvised coalition, as had Mr. Marshall.

Of the 98 members in the new Legislative Council (52 elected and 46 nominated), 50 were Malays, 26 Chinese, 12 Europeans, 7 Indians, 2 Ceylonese and one Eurasian. The nominated seats were filled by 9 Malay Mentris Besar, 2 Settlement members, 5 European officials, and 30 other members appointed to represent

⁵⁹ Carnell, Pacific Affairs, p. 321.

"Scheduled Interests", namely Planting, Mining, Commerce, Agriculture, Trade Unions and Racial Minorities.⁶⁰ The Executive Council, "a quasi-cabinet with a divided responsibility to the Legislature and to the High Commissioner and Malay Rulers", consisted of 5 European officials, 6 Malays, 3 Chinese and one Indian, all of whom had seats in the legislature.⁶¹ The five Europeans were made up of the Chief Secretary, the Attorney-General, the Secretary for Finance, the Secretary for Defense and the Minister for Economic Affairs; the six Malays were the Chief Minister (who also held the portfolio of Home Affairs), and the Ministers of Agriculture, Natural Resources, Education, Works and Local Government and Housing; the three portfolios held by Chinese were those of Transport, Health and Social Services and Posts and Telecommunications; the only Indian member in the Executive Council, Mr. Sambanthan, was the Minister for Labour.⁶²

By not resorting to any sort of electoral device to ensure minority representation, and by succeeding despite the splintered nature of its society, the Federation of Malaya appears to have made a unique contribution towards the solving of electoral problems in plural societies. Precedents, ranging from the

60 Carnell, Pacific Affairs, p. 321.

61 Loc. cit.

62 Loc. cit.

communal rolls attempted in India to the "honest gerrymandering" of Ceylon, were ignored in favour of a system which, by reason of its non-proven potentiality, was necessarily both bold and imaginative. Furthermore, by overlooking the very existence of racial differences and conflicts, the Malayan electoral system has the "merit of simplicity."⁶³ The Alliance Party deserves some of the credit for having inspired the success of the experiment. By realizing that communal co-operation was "the best way to maximize their own power and the only way to achieve merdeka",⁶⁴ and especially by succeeding in convincing the electorate of this, the leaders of the Alliance appear to have been at least partly responsible for having made Malaya's electoral system a feasible one; their success has added substance to it.

The dramatic success of the system, made quite evident by the outcome of the elections, has made a strong possibility out of an ageing hope, insofar as political aspirations in plural societies are concerned. By encouraging racial co-operation, this new formula appears to have the capability of contributing towards the establishment of a Malay étatism which can eradicate the separatist and often contradicting trends of Malay, Chinese and Indian nationalism.⁶⁵

⁶³ Tinker, "Malayan Elections: Electoral Pattern for Plural Societies?" Western Political Quarterly, vol. 9, p. 265.

⁶⁴ Loc. cit.

⁶⁵ Loc. cit.

Chapter Five

The 1957 Constitution

Federal Government in Malaya is characterized by its broad base; the legal stipulations and structural manifestations implicit in a federal system merely represent the shadow cast by a more complex and vital set of issues. The prevalence of regional peculiarities deepens the implications behind the theory of division of powers between the Central and State governments.

To begin with, there is the lack of uniformity in stages of economic development; Pahang and Perak, for example, though they lie next to one another, present a direct contrast in this respect - the former is the most backward of all the states in the country while the latter is one of the most advanced and definitely the most populous. Secondly, there are differences in social and cultural traditions: Negri Sembilan and Malacca, for example, are matriarchal in social structure; due to its proximity to Thailand, Kedah exhibits significant traces of Siamese cultural tradition; Penang and Malacca, having considerable numbers of Straits Chinese, stand out by themselves in several ways. Finally, there are variations in communal proportions: Trengganu and Kelantan are almost wholly Malay while

Perak, Selangor and Penang have a Chinese majority. Differences in communal proportions are also accompanied by conflicts in economic interest. Malay-dominated states are largely agrarian in nature while those with a Chinese majority invariably tend to be urbanized.

In observing the functioning of federal government in Malaya, one invariably notices the outstanding fact that an increase in the degree of states' rights would automatically imply a somewhat proportionate increase in the degree of Malay influence in Government, since the majority of citizens in a majority of states are Malays and will continue to be so for some time in the future.¹ On the other hand it may also be observed that increased states' rights could be equally favourable to the Chinese in that it would give them the opportunity to assume a significant degree of local control before they can equalize the political power of the Malays on a national level. The Chinese already form the most numerous racial group in Perak, Selangor, Penang and Johore (they only have a very slight advantage over the Malays in Johore) and, with the new citizenship regulations (which will be discussed in the following analysis), it should not be too long before they challenge the electoral control still held by the Malays in these states.²

1 King, F. H. H., The New Malayan Nation, New York, Institute of Pacific Relations, 1957, p. 13.

2 Ibid., p. 25.

Thus it becomes obvious that Federalism in Malaya strikes its roots very deep into the life of the country; the fact that social, political and economic divergencies are considerably pronounced between the states makes its flavour rich and its implications far-reaching.

An analysis of the Constitution of the new Malayan nation will have to be preceded by a study of the Draft Constitution drawn up by the Constitutional Commission set up for that purpose. The forces and circumstances which conditioned the Commission's proposals, the note of dissent submitted by one of its members, Mr. Justice Abdul Hamid, and the reactions which followed the publication of the draft must first be analysed if the full implications behind the final Constitution are to be adequately understood. From the point of view of the present study it would be aimless to analyse the entire Constitution, and hence emphasis will be placed on the four most pertinent issues: citizenship, religion, national language and the "special position" of the Malays.

The findings of the Constitutional Commission³ were largely the product of the testimony provided by the people in the country. Saying that many different proposals had been received in the form of memoranda, the Commission declared:

3 As mentioned earlier in this study, the Commission was an independent body made up entirely of non-Malayans. It was headed by Lord Reid and the other members were Mr. W.J. McKell, Mr. B. Malik, Mr. Justice Abdul Hamid and Sir Ivor Jennings.

We have come to the conclusion that the best proposals for dealing fairly with the present situation are those put forward by the Alliance. The parties of the Alliance have given full consideration to this matter and apart from a few minor points they have reached agreement. We are satisfied that this agreement is a reasonable and proper compromise between the views of the parties, each of which has the most widespread support from the race which it represents, and we are further satisfied that this agreement is a better way of doing justice between the races than any other that has been suggested or occurred to us.⁴

The Commission's terms of reference fostered certain inherent contradictions: it was asked to create a strong central government while at the same time providing for states' rights - a problem complicated by the request to safeguard the prestige of the Rulers; it was asked to draw up a constitution based on democratic ideals while at the same time maintaining the "special position" of a single community; it was asked to draft proposals for a common nationality while ensuring the Rulers that this will not be interpreted "in a strictly legal sense."⁵

Thus the Commission invariably had to labour under certain fundamental difficulties and hence whatever shortcomings there were in its recommendations should not be taken as being necessarily reflective of defective analysis.

Citizenship

In submitting its recommendations on the question of citizenship, the Commission explained that there were four main

⁴ Great Britain, Colonial Office, Report of the Federation of Malaya Constitutional Commission 1957, London, H.M. Stationery Office, Colonial No. 330, p. 16.

⁵ Ibid., p. 6.

categories of persons who had to be given consideration: persons who already possessed the rights of citizenship; persons born in the Federation on or after Merdeka Day; those born in the Federation before Merdeka Day and resident there on that day; and those resident in the Federation on Merdeka Day but not born there.

The Commission suggested that the first category of persons (those already possessing the rights of citizenship) should continue to be citizens and that those already entitled to become citizens should continue to be so entitled (Arts. 14 and 15(1)). With regard to the second category (those born in the Federation on or after Merdeka Day), it was proposed that those concerned be made citizens by operation of law (Art. 14(1)). In commenting on suggestions from certain quarters that all those who were born in the country should be made citizens retrospectively, the Commission's statement explained:

We are not satisfied that it is entirely possible or desirable to provide that all those who were born in Malaya, whatever be the date of their birth, wherever they may be now and whatever be their present nationality should be retrospectively made citizens of the Federation by operation of law.⁶

The recommendations regarding the third category of persons (those born in the Federation before Merdeka Day and resident there on that day - Arts. 16 and 18(1)) were that these persons should be enabled to obtain citizenship "without undue

⁶ Report of the Federation of Malaya Constitutional Commission, p. 6.

difficulty" provided they showed their intention of residing in the Federation permanently, were prepared to take an oath of allegiance and were willing to declare that they would not exercise any right or privilege which they might have under the nationality laws of any foreign country.⁷ The conditions governing the eligibility of such persons were that they be over 18 years of age and of good character, that they had resided in the Federation for at least five out of the preceding seven years, and that they had an elementary knowledge of the Malay language.⁸ With regard to the language requirement, the Commission agreed (Art. 16) that the test should be waived in favour of all who submitted their applications within one year from Merdeka Day.

Regarding those who fell under the fourth category (those resident in the Federation on Merdeka Day but not born there), the Commission declared:

Those to whom this recommendation applies are very numerous, and, in order that a sense of common nationality should develop, we think that it is important that those who have shown their loyalty to the Federation and have made it their permanent home, should participate in the rights and duties of citizenship.⁹

Insofar as the requirements were concerned, the only difference between this and the last category was that the period of residence enabling one to qualify was raised to 8 out of the

7 Report of the Federation of Malaya Constitutional Commission, p. 6. (hereafter referred to as Colonial No. 330, Report)

8 Loc. cit.

9 Loc. cit.

preceding 12 years, (art. 17(c)). It was also proposed that the language test be waived for those who were over 45 years of age ("it might be unreasonable in some cases to expect persons over 45 years of age to learn Malay"), while others only had to have an elementary knowledge of that language.¹⁰ It was further recommended (Art. 15(2) and (3)) that women who were or had been married to citizens, and children of citizens who were under 21 years of age, be entitled to be registered as citizens if they were not citizens already.

There were six main conditions which governed a person's eligibility to become a citizen by naturalization (Art. 19): he had to be at least 21 years of age; he had to be of good character; he had to have resided in the Federation for at least 10 out of the preceding 12 years; he had to give sufficient indication of an intention to reside in the Federation permanently; he had to take an oath of allegiance and promise not to exercise the rights and privileges granted to him by the nationality laws of a foreign country; and, finally, he had to have an "adequate" knowledge of the Malay language (as opposed to the "elementary" knowledge required of persons in the third and fourth categories mentioned above).

State Religion

The memorandum submitted by the Alliance to the Commission had taken a definite stand on the matter of State religion. It

10 Colonial No. 330, Report, p. 18.

had stated:

The religion of Malaysia shall be Islam. The observance of this principle shall not impose any disability on non-Muslim nationals professing and practicing their own religions and shall not imply that the state is not a secular state.¹¹

Despite this recommendation, the Commission decided not to make any legislation on the matter in question, pointing out that the Counsel for the Rulers had himself made a request to that effect when he stated:

It is Their Highnesses' considered view that it would not be desirable to insert some declaration such as has been suggested that the Muslim Faith or Islamic Faith be the established religion of the Federation. Their Highnesses are not in favour of such a declaration being inserted ...¹²

The reasons behind Their Highnesses' attitude on this matter are obvious. As explained later by the Keeper of the Rulers' Seal, Tuan Haji Mustapha Albakri, the Rulers were of the opinion that the establishment of Islam as the State religion would invariably have "tended to prejudice" their own position as Head of the Faith in the respective states.¹³ Such a move would further have constituted an encroachment upon the rights of the States and their Governments to control matters pertaining to the Muslim faith within each State.¹⁴ The Rulers could also have been apprehensive of the fact that the establishment of a State religion would encourage the setting up of a Ministry of Religious

11 Colonial No. 33, Report, p. 73.

12 Loc. cit.

13 Straits Budget, Singapore, February 28, 1957, p. 15.

14 Loc. cit.

Affairs - a move which would have undoubtedly violated their superior position with regard to religious matters in their own territories.¹⁵

As will be seen later, the Commission's decision not to adhere to the recommendations of the Alliance on this matter proved to be one of the most disputed issues following the publication of the Draft Constitution in February 1957. Mr. Justice Abdul Hamid disagreed with the majority view on the subject, and his reasons will be discussed while analysing his Note of Dissent.

National Language

The Commission recommended (Art. 140) that Malay be established as the national language, but maintained that English should continue being used as an official language for at least a period of 10 years after Merdeka Day, since it was quite apparent that a very substantial portion of the non-Malay population was not fluent in the Malay language.¹⁶ It was also proposed that, at the end of the 10 years, Parliament should decide on when any change with regard to this matter should be brought into effect. The Commission then went on to make what later proved to be a most hotly contested proposal. Saying:

We have been impressed by representations that the law may prevent the election to the legislatures of persons whom the electors may desire to elect, ¹⁷

¹⁵ Straits Budget, p. 15.

¹⁶ Colonial No. 330, Report, p. 73.

¹⁷ Ibid., p. 74.

it went on to make two recommendations:¹⁸

- (a) that there should not exist any language qualification for candidates wishing to contest elections; and
- (b) that for a period of 10 years there should be a limited right for members of a legislature to speak in a Chinese or Indian language.

Explaining that they did not recommend the institution of a system of interpreters ("it would be cumbrous and expensive and might be difficult to operate"), the Commission made it quite clear that speeches in Chinese or Indian languages should be exceptional, and that these languages should not be used in ordinary debate.¹⁹

Special Position of the Malays

The Commission's terms of reference had stated that provision should be made in the Constitution for the "safeguarding of the special position of the Malays and the legitimate interests of the other communities."²⁰ In addition to this, provision had to be made enabling the creation of a common nationality for the whole of the Federation and ensuring a democratic form of government. Explaining that, in considering the above requirements, it had seemed that a common nationality was the basis upon which a unified Malayan nation was to be created and that under a democratic form of government it was inherent that all the citizens of the Federation, regardless

18 Colonial No. 330, Report, p. 73.

19 Loc. cit.

20 Ibid., p. 70.

of race, creed or culture, should have the benefits of certain fundamental rights including full equality before the law,²¹ the Commission gave expression to a problem which had permeated Malayan politics for a considerable period of time by observing:

We found it difficult, therefore, to reconcile the terms of reference if the protection of the special position of the Malays signified the granting of special privileges, permanently, to one community and not to others.²²

The Alliance had been fully cognizant of this problem when, led by Tengku Abdul Rahman, its representatives had submitted:

...in an independent Malaya all nationals should be accorded equal rights, privileges and opportunities and there must not be discrimination on the grounds of race and creed ...²³

Their Highnesses had been in agreement with this broad principle, and their memorandum had said that they looked forward to a time within the reasonable future when it would become possible to free the economic and political life of the country from the forces of communalism.²⁴

There were four main matters with regard to which the special position of the Malays had to be recognized and safeguarded:²⁵ land reservations; quotas for admission to the public service; quotas in respect to the issuing of permits or licences for operating business; and preferences in connection with scholarships, bursaries and other forms of aid for educational purposes. The Commission found little opposition in any quarter to the

21 Colonial No. 330, Report, pp. 70-71.

22 Ibid., p. 71.

23 Loc. cit.

24 Loc. cit.

25 Ibid., pp. 71-72.

continuance of the existing system for a certain length of time, but met with very strong opposition in certain quarters to any increase in preferences or prolonged continuation of the preferences given to the Malays.²⁶ Having assessed all the arguments presented with regard to the question, Commissioners found it necessary to continue the existing preferences in certain cases, explaining:

The Malays would be at a serious and unfair disadvantage compared with the other communities if (the preferences) were suddenly withdraw.²⁷

They were confident that, with the integration of the various communities into a common nationality, the necessity for the maintenance of the said preferences would automatically disappear. Thus their recommendations were made on the belief that the Malays should be assured that the existing conditions would continue for quite some time into the future, but that the ultimate goal would be the gradual reduction of these preferences, culminating in their complete withdrawal.²⁸

In considering land reservations, the Commission recommended (Art. 82) that there should not be any extension of Malay reservations and that each State should be left to cause reductions in such reservations "at an appropriate time."²⁹ There were two conditions which governed the recommendation not to extend Malay reservations:³⁰

26 Colonial No. 330, Report, p. 72.

27 Loc. cit.

28 Loc. cit.

29 Loc. cit.

30 Loc. cit.

- (a) if a reserved area ceased to be so reserved, an equivalent area could be made available for reservation, provided it was not occupied by a non-Malay; and
- (b) had an undeveloped area been opened up, part of it could be converted into a Malay reservation, provided that an equivalent area was made available for use by non-Malays.

Concerning the entire issue relating to the special position of the Malays, the Commission recommended that the whole matter be reviewed after 15 years and that the procedure should be that the appropriate Government should be responsible for presenting a report on the whole matter to the appropriate legislature; following this the legislature was to determine whether to retain, reduce or entirely discontinue any quota which might then have been in existence.³¹

Both the procedure and the placing of a time limit on the issue of "special rights" by the Commission were in contradiction to the recommendations made on the matter by the Alliance Party. In its memorandum, the Alliance had stated:

The Constitution should ... provide that the Yang di-Pertuan Besar (32) should have the special responsibility of safeguarding the special position of the Malays.³³

31 Colonial No. 330, Report, p. 72.

32 The Yang di-Pertuan Besar was the Chief of State, to be elected by the Conference of Rulers for a period of five years, and exercising the powers of a constitutional monarch. In the final Constitution he is referred to as the Yang di-Pertuan Agong, to avoid confusion with the Ruler of Negri Sembilan who is known by the former title.

33 Colonial No. 330, Report, p. 72.

The Commission (with the exception of Mr. Justice Abdul Hamid who dissented) chose to interpret the role of the Yang di-Pertuan Besar over this matter as part of his duties as the constitutional Ruler, which meant that he had to act on the advice of the Cabinet - hence the decision to leave the matter in the hands of the Government of the day.³⁴

Mr. Justice Abdul Hamid, Pakistan's representative on the Commission, was at variance with the other members of the Commission in his views on citizenship, State religion and the special position of the Malays. On all three matters he expressed agreement with the suggestions made by the Alliance, with reference to which he says:

We are all aware how solutions of those controversial problems were found by that Party after long and protracted deliberations and discussions. It was in the light of these considerations that I found it difficult to accept such decisions of the Commission on those controversial matters as are not in accord with the solutions produced by the Alliance.³⁵

With this in mind, the substance behind Mr. Justice Hamid's Note of Dissent should now be subjected to analysis.

Citizenship

With regard to citizenship there was only one point over which Mr. Justice Hamid disagreed with the other members of the Commission. Art. 15(1) of the Draft Constitution had provided

34 Colonial No. 330, Report, p. 73.

35 Ibid., p. 95.

that all those who were already entitled to become citizens before Merdeka Day should continue to be so entitled after that day. According to Article 126 of the Federation Agreement, 1948, citizens of the United Kingdom and Colonies born in the Federation were as of right entitled to be registered as citizens of the Federation if they had resided therein for 5 years or, if they had not so resided, were certified to have maintained substantial connection with the country. This meant that Article 15(1) of the Draft Constitution enabled these persons to continue to be retrospectively made eligible for citizenship as of right by reason of birth in and connection with the Federation. Mr. Justice Hamid was of the opinion that they should not continue to be so entitled, in view of the fact that others who fell under the same category but were not citizens of the United Kingdom and Colonies had to satisfy additional requirements, namely, those of character, residence and language.³⁶

State Religion

As mentioned earlier, the Alliance had recommended that Islam be established as the State religion; Mr. Justice Hamid maintained that this should be upheld in the Constitution. Saying that the Alliance had been unanimous in making its recommendation, he proposed the insertion of the following provision in the Draft:

Islam shall be the religion of the State of Malaya but nothing in this article shall prevent any citizen professing any religion other than Islam to profess,

³⁶ Colonial No. 330, Report, pp. 95-96.

practice and propagate that religion, nor shall any citizen be under any disability by reason of his being not a Muslim.³⁷

This provision, according to Mr. Justice Hamid, was "innocuous";³⁸ there were no less than 15 other countries which had a similar provision entrenched in their constitutions.³⁹ "In fact," he adds,

in all the Constitutions of the Malay States a provision of this type already exists. All that is required to be done is to transplant it from the State constitutions and to embed it in the Federal.⁴⁰

Special Position of the Malays

With regard to the safeguarding of the special position of the Malays, Mr. Justice Hamid once again upheld the recommendations made by the Alliance on the subject, urging that the matter be left as a special responsibility of the Yang di-Pertuan Besar and the Ruler or Governor of the State as the case may be, and not that of the Parliament and the Legislature of the State as set out in Article 157 of the Draft Constitution. Mr. Justice Hamid's interpretation of the Alliance's proposal on the matter

37 Colonial No. 330, Report, p. 99.

38 Loc. cit.

39 Among the Christian countries there were Ireland (Art. 6), Norway (Art. 1), Denmark (Art. 3), Spain (Art. 6), Argentine (Art. 2), Bolivia (Art. 3), Panama (Art. 36) and Paraguay (Art. 36); and among the Muslim countries there were Afghanistan (Art. 1), Iran (Art. 1), Iraq (Art. 13), Jordan (Art. 2), Saudi Arabia (Art. 1), and Syria (Art. 3).

The Constitution of Thailand (Art. 7) was similar in that it required the King to uphold Buddhism.

Loc. cit.

was later acknowledged as being correct by a spokesman of that Party.⁴¹ (Appendix "B" - section 1 of this study sets out Article 157 of the Draft Constitution and the amendments proposed to it by Mr. Justice Abdul Hamid.)

The Malayan public received the Draft Constitution with mixed feelings. Said the Straits Times of February 21, 1957:

It is not an ideal solution that the five wise men of the Commission have devised, in the sense that it does not promise all things to all the interests affected. But the perfectionist approach was ruled out by a host of factors; by the problems inherent in a plural society, by the resistance of the past to the claims of the present, by the existence of uneven economic conditions, by the forced pace of political transformation, and by the very nature of the task the Commission was set, 42

adding later,

It is the recommendations on citizenship, special Malay rights and on the question of State religion that will command wide attention

The reactions which followed proved this prediction correct to the letter.

Chinese and Indian leaders were generally enthusiastic in their first reaction to the Draft Constitution. Comments ranged from the Penang Straits Chinese British Association's "this is what we had prayed for" to the "reasonable document" of Dato Sir Cheng-lock Tan and "a broad-minded document" of

41 Straits Budget, Singapore, February 28, 1957, p. 16.

42 Ibid., p. 2.

43 Ibid., p. 3.

44 Ibid., p. 16.

Mr. D. S. Ramanathan, the chairman of the Labour Party of Malaya.⁴⁴ The China-born Chinese welcomed the proposal which gave members of the legislatures unable to speak fluently in English a limited right to speak in their own mother tongues for a period of 10 years after Merdeka Day.⁴⁵ At a meeting held on February 26, the working committee of the Malayan Indian Congress accepted "in principle", the Report presented by the Constitutional Commission.⁴⁶

The Malays, on the other hand, found themselves unable to accept some of the provisions contained in the Draft Constitution. The United Malays' National Organization (UMNO), for example, was thoroughly dissatisfied with those sections concerning Islam and the special position of the Malays. Said Tengku Abdul Rahman: "The report has overlooked provisions for the Malays, but the Alliance Government has not."⁴⁷ Regarding the liberal provisions which governed citizenship, Dato Onn expressed great concern over the future voting strength of the Malay community.⁴⁸ He supported Mr. Justice Abdul Hamid's recommendation that Islam be established as the State religion; he was further apprehensive of the possibility that the special privileges enjoyed by the Malays might be evoked at the end of

44 Straits Budget, p. 16.

45 Loc. cit.

46 Ibid., March 7, 1957, p. 9.

47 Ibid., March 21, 1957, p. 14.

48 Ibid., March 7, 1957, p. 13.

15 years, being particularly worried about the fate of land reservations, since he was of the opinion that the Malays would gradually find themselves pushed out of the better areas.⁴⁹ The Secretary-General of the Pan-Malayan Islamic Association was similarly inclined, and let it be known that, in his view, the Malays had been badly let down by the Commission.⁵⁰

After second thoughts on the subject, the Rulers gave their agreement to the Alliance's proposal that Islam be established as the State religion, on the condition that such a move would not prejudice their position as Head of the Muslim Faith in the respective states. Together with the Alliance, they agreed that the Federation should continue to be a secular state, and that the rights of the non-Muslims should not be made to suffer any disabilities on account of religion.⁵¹ With regard to their sovereign rights over land matters, however, the Rulers stood their ground. The limit of their compromise was agreement to a uniform land policy; they agreed to this only on condition that they had the last say in matters pertaining to their own territories.⁵²

The question of dual citizenship was another issue which the Malays (the UMNO in particular) showed every intention of opposing. According to the Draft Constitution, those born in

49 Straits Budget, March 7, 1957, p. 13.

50 Ibid., February 28, 1957, p. 16.

51 Ibid., March 14, 1957, p. 4.

52 Ibid., April 11, 1957, p. 17.

Penang or Malacca were to be given the opportunity to enjoy the rights of Malayan citizenship while continuing to remain citizens of the United Kingdom. The Alliance took the view that there should only be a single nationality, and that subjects of the United Kingdom and Colonies should be given the alternative of either maintaining their former status or of giving it up in favour of Malayan citizenship. In this the Party was supported by the Rulers.⁵³ Saying that there was "no question of compromise on this issue", Tengku Abdul Rahman explained his attitude by saying: "if Britain cedes Penang and Malacca to the Federation, all rights must go with this cession."⁵⁴

Being rather proud of their British nationality, the Straits Chinese found the Alliance's attitude on the matter of dual citizenship most disturbing. The Straits Chinese British Association, for example, demanded that ties be maintained with Great Britain, going to the extent of suggesting that consideration be given to the Settlements' right to secede from the Federation.⁵⁵ There is little doubt to the fact that the Straits Chinese were apprehensive of the special position of the Malays. It is possible that the actual factor underlying their attitude was one of local Chinese confidence in the Federation.⁵⁶ It is obvious that, by maintaining certain ties with

⁵³ Straits Budget, March 14, 1957, p. 15

⁵⁴ Ibid., April 11, 1957, p. 11.

⁵⁵ King, The New Malayan Nation, p. 13.

⁵⁶ Ibid., p. 14.

Britain, they sought the preservation of something they could always fall back on.

Most of the arguments put forward by the UMNO with regard to the various issues in question were fairly reasonable, and did not call for any radical change in the racial balance. However, the Association might have gone a bit too far when it proposed that the special rights enjoyed by the Malays in the nine states be extended to the Settlements of Penang and Malacca when they assumed state status under the new constitution. If one is to criticise this proposal, one should not do so on any moral issue; it is the practical consequences which deserve the greatest attention. Post-war constitutional developments had in no way violated the concept of a non-communal state in these territories, and this had not been found to be detrimental to any community in particular. The non-Malay races in these territories are bound to have viewed a provision to the effect proposed with intense misgivings, and the object of their animosity would undoubtedly have been the Malay community. The proposal was soundly criticised in the editorial of the Straits Times, April 8, where it was said:

The proposal is certain to cause disquiet. In the Settlements the foundation of all political and constitutional development has been the belief that all citizens are equal and that differences in race or religion confer no benefits and impose no disabilities.⁵⁷

Saying that the Settlements were proud of the fact that a non-communal outlook had been preserved in their territories and

⁵⁷ Straits Budget, April 11, 1957, p. 4.

that there had been no quotas placed on civil service appointments ("the idea of racial quotas is repugnant"), the editorial went on to suggest that the UMNO's proposal was in direct contradiction to the established tradition in the two areas. In conclusion it stated:

It is not difficult to justify special Malay rights in the Malay States. They have been enjoyed in the past and the time is not opportune for change. But it is a retrograde step to destroy equality where equality has always existed.⁵⁸

At the meeting of the 15-man Alliance political committee (held on April 2), the UMNO presented its proposal for the consideration of its two partners in the Alliance - the Malayan Chinese Association and the Malayan Indian Congress. The two latter parties were in agreement that there should be settlements for the Malays in the two territories in question, but submitted that there should neither be Malay reservations nor any quotas in favour of that community.⁵⁹

Due to the fact that the main points of contention arose from the Malay community's efforts to improve its status under the new Constitution, it is possible that the reactions which followed the publication of the Draft Constitution could easily have involved a major racial split between the Malays and the non-Malays in the first place, and a minor one between the

⁵⁸ Straits Budget, April 11, 1957, p. 4.

⁵⁹ Ibid., p. 9.

moderates and extremists within the latter in the second. Statesmanship and political maturity combined to prevent the first-mentioned crisis; the latter was not of sufficient magnitude to generate a national upheaval.

Tengku Abdul Rahman, for one, recognized the dangers of haste and panic. Addressing the annual meeting of the Malayan Association of Youth Clubs, he warned that there were people who aimed

to cause trouble, upheaval and bad feeling among the various races in the country.... The harm that they can cause can be very serious, and therefore their activities must be checked.⁶⁰

Later, in speaking to the UMNO General Assembly, he emphasised the fact that, while there was a need to preserve the rights of the Malays, those of the non-Malay communities should never be made to suffer in an independent Malaya.⁶¹ To those Malays who wanted all rights for their community, the Tengku said that the history and racial make-up of Malaya should be borne in mind while studying the Commission's report, asking:

How can we seize all rights for ourselves alone?
Will the other races keep quiet? Will the world
allow us to make the other races suffer? Will
the British then free our country? ⁶²

The stand taken by the Chief Minister and other responsible political leaders with a wide following was the most substantial factor which prevented the eruption of racial misunderstandings at a time when the situation was delicate, and at a time

⁶⁰ Straits Budget, March 7, 1957, p. 15.

⁶¹ Ibid., April 4, 1957, p. 9.

⁶² Loc. cit.

when an eruption of this nature could have caused the greatest harm. It is apparent that these leaders, while recognising the desirability of unity within their respective races, did not overlook the deeper implications of a wider unity which each race had to have with the others. The Tengku had made it quite clear that the Malays were not seeking to establish their own position at the expense of the other communities. The leaders of the Malayan Chinese Association and the Malayan Indian Congress now reciprocated by acknowledging the fact that it would have been wrong, at that moment, to confront the Malays with the possibility of change, or to substantially weaken in any way the safeguards which that community already had. Thus there was no opposition from any community (that is, not on any significant scale) to the continuance of the special rights enjoyed by the Malays, as they were, for a considerable period of time; neither did the non-Malay members of the Alliance oppose the constitutional recognition of Islam as the State religion, especially since freedom of worship was to be guaranteed to all.⁶³

The central working committee of the Malayan Chinese Association unanimously agreed not to press for those recommendations of the Constitutional Commission which had gone beyond the proposals made by the Alliance, despite the fact that they were essentially to the advantage of the non-Malay communities.⁶⁴

⁶³ Straits Budget, April 4, 1957, p. 4.

⁶⁴ Ibid., April 11, 1957, p. 14.

In the true spirit of solidarity and mutual tolerance, the three parties of the Alliance now presented a united front with regard to the four main issues at hand - State religion, the special position of the Malays, citizenship and national language. For a while there existed the possibility of a serious rift within the UMNO over the question of whether or not the Report of the Constitutional Commission was adequate as a basis for the future Constitution of the country, but the situation was saved when, at a General Meeting of the Association, Tengku Abdul Rahman and the Executive Council were given a vote of confidence and the "complete authority" to make the Commission's Report the foundation on which the new Constitution would be constructed.⁶⁵ The meeting was most important in that, had the Tengku and the Executive Council been denied the vote of confidence, the Alliance Government might have been forced to resign.⁶⁶

While the country was throbbing with political activity and varying opinions were being expounded to consolidate the varying views in the Commission's findings, the Report was undergoing part of its life in a more temperate and dignified atmosphere, being the object of scrutiny both by Her Majesty's Government in the United Kingdom and by the Working Party⁶⁷ in the

⁶⁵ Straits Budget, April 4, 1957, p. 8.

⁶⁶ Ibid., p. 11.

⁶⁷ Great Britain, Colonial Office, Constitutional Proposals for the Federation of Malaya, London, H.M. Stationery Office, 1957, Cmnd. 210, pp. 3-4. The Working Party consisted of the High Commissioner, four representatives of Their Highnesses the Rulers, four representatives of the Government of the Federation, the Chief Secretary and the Attorney-General. It held 23 meetings between February 22 and April 27, and reported to the Conference of Rulers on March 14, April 10 and May 7, and to the Federal Executive Council on May 3 and 6.

Federation. When the latter had agreed on their recommendations concerning the Commission's proposals, a delegation consisting of the High Commissioner, the Chief Minister, the Attorney-General and representatives of Their Highnesses the Rulers and the Government of the Federation went to London for the purpose of discussing the Report, and the amendments which they had considered necessary, with Her Majesty's Government. Having lasted from the 13th May to the 21st May, the talks resulted in agreement being reached "between all parties on all points of principle."⁶⁸

As the discussions on the substance of the Constitution were in progress, its drafting was the subject of close scrutiny in the Office of the Parliamentary Counsel in the United Kingdom, the purpose of this scrutiny being the removal of ambiguities and inconsistencies and, in certain cases, improvement in form. Once the recommendations of the Working Party reached the Draftsmen, the task of revising the form of the Constitution was unified with that of incorporating the amendments required to give effect to the recommendations.⁶⁹ On the completion of this process, the revised draft was once again submitted for consideration at meetings of the Working Party in the Federation, at which officials of the United Kingdom were present. It was hoped that, by following this procedure, all doubts regarding the

⁶⁸ Cmd. 210, Constitutional Proposals, pp. 3-4.

⁶⁹ Loc. cit.

accurate representation of agreed policy in the revised draft would be removed.⁷⁰ The Constitutions of Malacca and Penang were subjected to the same procedure. The final outcome was that the Constitutions (that is, constitutions for the Federation and for Penang and Malacca which were being established as states) proposed by the Constitutional Commission were made to undergo changes "both of substance and of form." The Commission, in presenting its report, had attempted to effect a compromise between all the demands which, in its opinion, had been legitimate. The Constitution which now emerged was a compromise between that compromise and the opposition which had followed the publication of the Draft. As opposed to the recommendations of an independent body (the Commission), it was geared to suit the realities of Malayan politics.

For purposes of clarity, the main issues in question will be discussed individually, and the order of presentation will be the same as the one followed in analysing the report of the Constitutional Commission. (The full text of those sections of the Constitution which will be discussed is set out in Appendix "B" - section 2, of the present study.)

Citizenship

The Constitution upholds the Commission's proposal that all those who were citizens of the Federation before Merdeka Day should continue to be citizens, and that all those born in

70 Cmd. 210, Constitutional Proposals, p. 4.

the country on or after that day should be made citizens by operation of law (Art. 144). With regard to the Commission's disputed recommendation, namely that certain citizens of the United Kingdom and Colonies who were born in the Federation before Merdeka Day and who were entitled, under clause 126 of the Federation Agreement, 1948, to be registered as citizens as of right, should continue to be so entitled, the Constitution effected a modification. It was proposed that these persons be accepted only on condition that they claimed to be registered within a period of one year from Merdeka Day. An Article to this effect is set out among the temporary provisions in Part XIII of the Federal Constitution where it is stated:

170-(1) Subject to the provisions of this Article, any person who, immediately before Merdeka Day, was qualified to make application for registration as a citizen of the Federation under clause 126 of the Federation of Malaya Agreement, 1948, shall be entitled, upon making application to the registration authority within the period of one year beginning with that day, to be registered as a citizen.

With regard to those in the above category who might have absented themselves from the Federation for a continuous period of five years during the ten years immediately preceding the date of application, it is stated that these persons will not be entitled to be registered unless it is certified by the Federal Government that they have maintained "substantial connection" with the Federation during the period in question.⁷¹

⁷¹ Cmnd. 210, Constitutional Proposals, p. 110.

Insofar as the question of dual citizenship is concerned, a question which had drawn diametrically opposed views from the Malays on the one hand and the Straits Chinese on the other, the Constitution provides that a Federal citizen can enjoy the rights of a citizen of the United Kingdom while in Britain but that a United Kingdom citizen will not be granted Malayan rights if he came to the Federation after Merdeka Day. In commenting on this the Tengku said: "There will be no reciprocity on this matter because we are too small a nation."⁷²

While Commonwealth citizenship is made available to every person who is a citizen of the Federation, the Constitution also makes it clear (Art. 24) that this will be so only if a person does not accept rights and privileges which are incompatible with undivided allegiance to the Federation.

With regard to the treatment of dual citizenship (that is, concerning citizens of the United Kingdom and Colonies born in the Federation), it has been observed that the final outcome is a great moral victory for the Straits Chinese, but of little practical effect⁷³ since most of those concerned will not leave the Federation in any event.

State Religion

Clause (1) of Article 3 of the Constitution reads:

72 Straits Budget, June 6, 1957, p. 15.

73 King, The New Malayan Nation, p. 36.

"Islam is the religion of the Federation; but other religions may be practiced in peace and harmony in any part of the Federation."

This makes the final verdict on the issue of State religion a victory for the Alliance; the Commission's recommendation that the Constitution be silent on the matter has been rejected, and recognition given to Mr. Justice Abdul Hamid's note of dissent on the subject, based, as already pointed out, on the original proposals of the Alliance. Despite this, however, the Federation continues to maintain all the trappings of a secular state. All religions are given ample safeguards regarding their future in the country. In this connection it is stated (Art. 11) that every person has the right to pursue his own religious convictions and, subject to clause (4) of the same Article which makes this provision, to propagate it.

(Clause (4) reads:

State law may control or restrict the propagation of any religious doctrine or belief among persons professing the Muslim religion.

In view of the fact that Islam is the established religion of the Federation, this is understandable, the idea being to reduce the vulnerability of the Muslims to proselytization by other religions.) Clause (3) of the same Article gives every religious group the right to manage its own affairs, cater for the establishment and maintenance of institutions either for religious or charitable ends and, in accordance with law, to acquire, own and administer property.⁷⁴

⁷⁴ Cmnd. 210, Constitutional Proposals, p. 36.

The establishment of Islam as the State religion sends its roots into certain fields of education as well. Clause (2) of Article 12 makes this quite clear when it states:

Every religious group has the right to establish and maintain institutions for the education of children and provide therein instruction in its own religion, and there shall be no discrimination on the grounds only of religion on any law relating to such institutions or in the administration of any such law; but federal law may provide for special financial aid for the establishment or maintenance of Muslim institutions or the instruction in the Muslim religion of persons professing that religion.

In effect, the latter part of this Clause grants the Federal Government the right to give financial aid for the building and maintenance of Malay schools for, in actual fact, this is what "Muslim institutions" amount to. However, since the Malay community is the one which needs most aid in this field, and since this fact is acknowledged by the other communities, the provision has not proved to be a controversial one.

The Rulers have been given assurance that the establishment of Islam as the State religion is not to violate their traditional leadership in the States. This guarantee is given by Clause (2) of Article 3 where it is stated that, subject to the Constitution of each State, all the rights, privileges, prerogatives and powers enjoyed by the Ruler are left "unaffected and unimpaired". Since there are no Malay Rulers in Penang and Malacca, the Constitution gives the Yang di-Pertuan Agong the position of Head of the Muslim religion in the two territories (Art. 3, Clause (13)).

Taken as a whole, the treatment of religion in the Constitution is far from being offensive in any respect. There is no denying the fact that the core of Malayan society is essentially Malay in nature. The Chinese and the Indians should recognize the fact that their claims in the country should not take precedence over those of the Malay community; they should realize that a pro-Malay policy need not necessarily imply an anti-Chinese or anti-Indian bias. The leaders of the two communities appear to have recognized this. Otherwise the Alliance would not have come to full agreement on the Constitution.

National Language

Article 152 establishes Malay as the national language, provided:

- (a) that no person should be prevented from using (other than for official purposes), teaching or learning any other language; and
- (b) that the Federal and State Governments should not in any way be discouraged from preserving and sustaining the use and study of the languages of the other communities in the country.

Clause (2) of the same Article states that, for a period of ten years after Merdeka Day, "and thereafter until Parliament otherwise provides", English may be used in both Houses of Parliament, in the Legislative Assemblies of the States and also for all other official purposes. With the same time regulations as set out in Clause (2), Clause (3) stipulates that the authoritative texts of all Bills and amendments to be moved in either House of Parliament, and also of all Acts of Parliament together

with all subsidiary legislation issued by the Federal Government, shall be in the English language. Clause (4) states that, during the same period, all proceedings of the Supreme Court shall be in the English language as well.

The extensive use of English recommended by the above provisions is undoubtedly in favour of the non-Malay communities. Only a negligible portion of the non-Malays in the country can both speak and write in the Malay language, and it is not likely that there will be any drastic change in their proficiency in that language within the next ten years. Furthermore, Malay political leaders will not be unduly handicapped if English were to be continued as an official language for quite some time into the future and, judging from the present situation, it appears to be quite likely that it will be.

The Constitution does not give recognition to the Commission's proposal that a limited use of the Chinese and Indian languages be permitted in the legislatures for a period of ten years from Merdeka Day. This is a wise decision not only because it prevents a great deal of confusion in the legislatures, but also because monolingual politicians are liable to be more communal in their outlook than those who speak English as well, or those non-Malays who are fluent in the Malay language.

Finally, there is the question of the extension of the special privileges of the Malays into the States of Penang and

Malacca. As mentioned earlier, a proposal calling for an extension of this nature had been proposed by the UMNO, and had been the object of severe criticism in the press. The Constitution does not give recognition to this request; at the same time it does not overrule all possibility of any preferences in favour of the Malay community in these territories. This is quite evidently the purpose behind Clause (5) of Article 89 where it is stated that

the Government of any State may, in accordance with law, acquire land for the settlement of Malays or other communities, and establish trusts for that purpose.

Special Position of the Malays

The Constitution clearly sets out provisions which make the Malays eligible for a certain amount of preferential treatment. With regard to responsibility in these matters, the Commission's proposals were rejected and, as in the case of State religion, Mr. Justice Abdul Hamid's note of dissent, based on the Alliance's views on the subject, accepted. Thus the matter becomes the special responsibility of the Yang di-Pertuan Agong and not, as suggested by the Commission, that of the "Government of the day".

The question of special Malay rights is not restricted to any special provision, but rather spread out to cover those fields in which the Malays need a certain amount of protection. The first of these concerns land policy. Clause (1) of Article 89 states:

Any land in a State which immediately before Merdeka Day was a Malay reservation in accordance with the existing law may continue as a Malay reservation in accordance with that law until otherwise provided by an Enactment of the Legislature of that State.

To be made valid, such an Enactment has to be passed by a majority of the total membership of the Legislative Assembly and by the votes of at least two-thirds of those present and voting; it further has to be approved by resolution of each House of Parliament passed, as in the case of the State Legislatures, by a majority of the total number of members of that House and by the votes of at least two-thirds of those present and voting.

These regulations make the future of Malay reservations safe for a considerable period of time. As pointed out earlier, State Legislatures are mostly dominated by the Malays at present, and this will continue to be the case for a substantial period in the future. In addition to this, the Malays also form the most numerous racial group in Parliament. This means that, in all probability, the Malays will have little difficulty in continuing to benefit from land reservations designed to favour them until such time as the Chinese outnumber them in voting strength. There is no doubt that this will not be possible at any time within the reasonable future; population and citizenship figures prove this conclusively.

In June 1955, out of the total population of 6,058,317, the Malays accounted for 2,967,233 while the Chinese amounted to 2,286,883 - a difference of almost 700,000.⁷⁵ According

⁷⁵ Federation of Malaya, Annual Report, 1955, p. 7.

to official statistics for the end of 1955, there were 4,427,845 federal citizens by operation of law; of these 2.9 million were Malays and 1.2 million Chinese.⁷⁶ Of the 146,762 persons who had acquired citizenship through registration and through being naturalized, 36,891 were Malays and 58,187 Chinese.⁷⁷ Thus of a total of just under 4.6 million citizens at that time, about 2.94 million were Malays and only 1.26 million Chinese - that is, almost the entire Malay population and just over half that of the Chinese. Under the present Constitution, however, every person born in the Federation becomes a citizen by operation of law. This deprives the Malays of all advantage in this field. Despite this, the above observation regarding the superior electoral strength of the Malays for a substantial period into the future still stands. The figures that have been quoted establish their present dominance in this respect. In attempting to forecast the future of this dominance, two factors will have to be taken into consideration: the rate of natural increase and the rate of immigration. According to the official figures for 1955, the rate of natural increase (per thousand of population) among the Malays was 31.1, while the Chinese recorded a rate of 31.6 during the same year.⁷⁸ This disparity does not endanger the Malays in any substantial degree. Immigration presents a somewhat uneven picture. During 1951, the Malaysians

76 King, The New Malayan Nation, p. 16.

77 Loc. cit.

78 Federation of Malaya, Annual Report, 1955, p. 9.

had an inward migration deficit of 2,387; during 1952 and 1953 they had a surplus of 7,922 and 8,079 respectively; and during 1954 and 1955 they had a deficit of 12,273 and 25,826.⁷⁹ The Chinese, on the other hand, recorded a deficit during every year from 1951 to 1954, the figures for the respective years being 26,169; 9,788; 4,653; and 3,772. In 1955 they registered a surplus of 2,298.⁸⁰

The fact now becomes obvious that, while the Malaysians have shown a trend towards outward migration during recent years (although this trend is by no means an established one - the fluctuations in migration figures prevent the recognition of any set pattern), the Chinese have established an unmistakable trend in the opposite direction. These figures, however, do not merit the drawing of any specific conclusions for the future. As explained in the Federation of Malaya Annual Report for 1955 (p. 19), the main bulk of these immigrants from China were wives and children of residents. Since the Immigration (Prohibition of Entry) Order of 1953 (discussed in Chapter 2 of the present study) continued to be in force, the entry of other categories of persons was severely restricted.

The entry of wives and children must of necessity be a temporary phenomenon, and the increasing desire of the locally

79 Federation of Malaya, Annual Report, 1955, p. 14.

80 Loc. cit.

resident Chinese to bring their wives over from China and to make Malaya their home⁸¹ will probably make the period even shorter. At the same time, the incentive on the part of the husband to return to China has almost completely disappeared, largely as a result of the fact that, in many cases, properties owned by Overseas Chinese have been confiscated and redistributed by the Peoples' Government in China.⁸²

The present Constitution of Malaya does not imply any alterations in the immigration trends discussed above since it is provided, among the Temporary and Transitional Provisions (Art. 162), that existing laws would continue in force after Merdeka Day until repealed by the authority having the power to do so. Thus the chances appear to be that, in the not-too-distant future, the Chinese population in Malaya will become an almost completely stabilized one, depending almost exclusively on the rate of natural increase for its increase in population. Until this stability is attained, and until the Malaysians exhibit a set pattern with regard to migration, it would be difficult to make an estimate of the numerical strength of the Chinese and Malays at the end of a given number of years. There is also the possibility that the present political instability in Indonesia might very well cause an inward migration surplus among the Malaysian group in Malaya. Thus, since the advantage

81 Federation of Malaya, Annual Report, 1955, p. 19.

82 Loc. cit.

held by the Chinese in population increase at the moment is neither substantial nor will be permanent, the fact remains that the Malays will be able to maintain their electoral superiority for quite some time, and hence maintain their land reservations while attempting to bring themselves closer to the Chinese in economic capacity.

There are further provisions regarding Malay reservations. Clause (2) of Article 89 stipulates that new reservations may be created, on condition that an equal area is made available for general alienation. The Clause in question also declares that the total land area reserved for Malays in a State shall not at any time exceed the total area (in that State) made available for general alienation. Clause (4) of the same Article states that authority is not given for the conversion of land owned by non-Malays into Malay reservations. This Clause is obviously aimed at checking the extent to which Malay reservations can be carried, so as to guarantee certain safeguards to the non-Malay communities.

The other matter which will have to be discussed in relation to the special position of the Malays is the reservation of quotas in respect of services, permits and scholarships for that community. Clause (2) of Article 153 states that the Yang di-Pertuan Agong shall exercise his functions under the Constitution in such a way as would be necessary to safeguard the special position of the Malays:

and to ensure the reservation for Malays of such proportion as he may deem reasonable of positions in the public service (other than the public service of a State) and of scholarships, exhibition 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 this Article, of such permits and licences.

As in the case of land reservations, the clauses which follow serve to establish a limit on this power. With respect to this it is stipulated that the above reservations are not to be made at the expense of a person who is already holding an office, scholarship, permit or licence. Clause (9) makes it quite clear that

Nothing in this Article shall empower Parliament to restrict business or trade solely for the purpose of reservations for the Malays.

Once again the Constitution gives privileges to the Malays, while at the same time ensuring the "legitimate interests" of the other communities.

With regard to the Commission's proposal that the entire issue of Malay reservations be reviewed at the end of 15 years, it was now decided that it is more desirable "in the interests of the country as a whole as well as the Malays themselves", for the Yang di-Pertuan Agong to cause the matter to be reviewed "from time to time."⁸³ This gives the issue greater flexibility in that legislation can now be made to keep in step with the rate of economic advancement achieved by the Malay community.

⁸³ Cmd. 210, Constitutional Proposals, p. 19

The factor of crucial importance insofar as the Constitution is concerned is the degree to which the federal structure of government solves the problems of the Malayan plural society. Solution can be attempted in one of two ways - either by placing emphasis on compromises on the national level, or by delegating a substantial amount of power to the state governments, so that each community can fully establish itself in the State where its numerical superiority gives it a firm control over administration. In giving preference to the former, the present Constitution has established a strong central government, which enables a wide range of policies to be moulded by inter-communal discussions. Had the latter alternative been given precedence, there would have been no basis created for the eradication of communalism, since the logical consequence would have been racial consolidation and not racial compromise.

Taken as a whole, the Constitution appears to be a happy compromise. The establishment of Islam as the State religion and the preservation of the special rights of the Malays give the Federation of Malaya the trappings of a Malay state. This has satisfied the Malays. On the other hand, the non-Malay communities have not really been offended; despite opposition from certain Chinese quarters, the citizenship regulations, for example, do not give the Malays any permanent advantage. Finally, the Rulers are given their due: in addition to maintaining their traditional position, they have also been given the residual powers, and this despite the Alliance's request to the contrary.

Reactions to the new Constitution have, by and large, been most favourable. In commenting on the document, the Straits Times of July 12 stated:

It is a workable constitution, the best that honest patience and goodwill could devise. It draws its essential strength from the unity of the Alliance partners whose memorandum became the broad basis of the Reid Commission's proposals. The agreement on citizenship is the main pillar, buttressed by democratic institutions which can make Malaya the envy of her neighbours.⁸⁴

Some indication of the general spirit of goodwill which characterized the country's reactions to the Constitution can perhaps be obtained by viewing the opinions expressed by members of the Federal Legislative Council when they met to debate the new proposals.

Mr. Chelvasingam MacIntyre placed the debate in its true perspective when he astutely observed that what the House was in the process of discussing was not the Constitution of a united Malayan nation, but rather the proposals which were aimed at stimulating the growth of such a nation.⁸⁵ The truth behind this observation can hardly be overestimated; all Malaya had at the time was the nascent stage of unity - there was no nation in the full sense of the term.

Mr. Tan Siew Sin made another very pertinent remark when he stated:

⁸⁴ Straits Budget, July 18, 1957, p. 3.

⁸⁵ Ibid., p. 12.

The Constitution has not satisfied any community completely. No single community has obtained all that it asked for or what it thinks it should get, but I suggest that no community will be adversely affected by it.⁸⁶

With regard to the special position of the Malays, the speaker displayed a remarkable degree of good sense when he said:

The Malays ... cannot be expected to give up what they already have in the same way as they do not expect the other communities to give up their existing rights.⁸⁷

Warning that the Malays would not be able to co-operate fully with the other communities as long as they remained economically depressed, he added that, consequently, it would be in the long-term interests of everyone to extend their support to that community.⁸⁸

Saying that if the Chinese tried to understand and respect the Malays, the Malays would reciprocate by doing likewise, Mr. Tan added, with great realism:

There are extremist Malay political parties, but there are also extremist Chinese parties. We must not lose our sense of perspective and balance by paying undue regard to the lunatic fringe which is to be found in every country. There is an enormous fund of goodwill among the Malays and Chinese for one another. All that is required is leadership to harness that goodwill towards worthy objects.⁸⁹

86 Straits Budget, July 18, 1957, p. 12.

87 Loc. cit.

88 Loc. cit.

89 Loc. cit.

Despite the fact that the atmosphere was one of almost complete agreement, the debate did not merely consist of a series of speeches lauding the Constitution on all points; this could very well have been the case had it not been for the dramatic attack made by Mr. S. M. Yong, a nominated member of the Council and also a member of the Malayan Chinese Association, who opened his speech by clearly revealing his intention to "argue and take the consequences" insofar as the Alliance Party was concerned.⁹⁰ Branding the Constitutional proposals as being "radically wrong and contrary to natural justice",⁹¹ Mr. Yong urged the Council to examine more closely the grievances of those Chinese who demanded citizenship by birth (that is, irrespective of whether it was before or after Merdeka Day), complete equality of all citizens, multi-lingualism in the Council, and a five-year residential qualification for those seeking citizenship through naturalisation.⁹² Mr. Yong was obviously echoing the demands made by the Chinese Guilds and Chambers of Commerce.

The views expressed by Mr. Yong were severely attacked by a series of speakers who took the floor after him, most of whom were Chinese. Commenting on the demand for multi-lingualism which came from certain Chinese quarters, Che Halimahton

90 Straits Budget, July 18, 1957, p. 12.

91 Loc. cit.

92 Loc. cit.

Binte Abdul Majid, the only woman in the Council, said:

These people are asking for the head after
being given the face and demanding the thigh
after getting the calf.⁹³

The Constitution came into effect on August 31, 1957, the day the Federation of Malaya became an independent nation. In being the set of laws which regulates the life of a plural society, it embraces the maximum area of agreement among the different communities. The members of this plural society deserve as much credit as its leaders for the compromises which are inherent in this Constitution. Unlike the experience in most other colonial territories, independence, in Malaya, does not appear to have weakened the unity which was necessary for its achievement. The continued goodwill within the Alliance and the popularity which the Party still enjoys are an adequate testimony for this fact.

93 Straits Budget, July 18, 1957, p. 14.

Conclusion

Numerically speaking, the Malayan nation is one of minorities. The two most numerous groups, the Malays and the Chinese, tend to offset each other's superiority by their dominance in the political field on the one hand and the economic field on the other. Delicate as is the racial balance, the manner in which the scale adjusts itself to suit the changing times will determine the nature of inter-communal relations in the future.

The Malays occupy a unique position, perhaps in the whole world. They are the most numerous group in the Federation, and yet are a numerical minority; they are economically depressed, and politically the most powerful; in their own country they have had to take refuge in a "special position" to ensure their status vis a vis races which they outnumber; while their privileged position might be justified by virtue of the priority which the history of the country bestows on them, there are some (Chinese in particular) who question the validity of this position, saying that the non-Malay communities have contributed more in developing the country than the Malays themselves, and hence deserve complete equality in all things -

What lies they told, and worse still,
what scandalous truths!

(Winston Churchill)

Placed in the hands of a ruthless politician, communism can become a dangerous weapon, fatal to the development of a democratic society. The Malayan example reveals the explosive potentialities inherent in racial particularism beyond all doubt. On the one hand are the Malays, alarmed at the economic power which already exists in the hands of the other communities, and apprehensive of the political power which the future holds for them; on the other hand are the Chinese and the Indians, who complain of an enforced feeling of insecurity - some of it real and some, no doubt, imagined. The consequences of such a situation can indeed be most disconcerting. Possibilities range from partition, as in India, to totalitarian rule, with authority in the hands of the strongest community, as in South Africa. However, if the political evolution of the Federation thus far is any indication regarding future stability, the country does not have to fear these political monstrosities. The general temperament of the people seems to guarantee this. The Malays, for example, could very well have attempted to cultivate their racial kinship with the Indonesians for the purpose of consolidating their own position at home. Politicians have tried using this as a vote-catching proposition, but have found little support. The Chinese, on the other hand, could have given their support for the communist movement just because that movement is manned almost exclusively by members of their own race. They have not done so, and, to the contrary, have tended to completely ignore the racial content of the Malayan Communist Party.

It might be argued that a colonial regime is the only solution to racial chaos and that Britain, as in her African plural societies, should have continued her role as a mediator for an indefinite period of time. It might further be suggested that colonial rule would be more acceptable to the mass of the people in that it would be able to provide them with a common controlling power. Any Malayan who uses an argument such as this is merely trying to excuse a reluctance to assume responsibility. It should also be noted that British rule in Malaya would have had serious difficulty (as has been proved in the past) in surmounting a major problem caused by the country's racial composition. With the increasing tendency for the Chinese and the Indians to become Malayan-oriented, it would hardly have been possible for Great Britain to hold the communal balance with an impartial hand since, due to the responsibility they hold for the creation of the Malayan plural society, the British would have been obliged to favour the Malays, thereby intensifying the long-standing grievance, especially among the Chinese, that the non-Malay races are denied their due by being made less effective as a pressure group. As it is, the Malays will have to give greater concessions to the other communities since Malay authority can never be as strong as British authority.

Nor is this the only argument against colonialism as the only solution to chaos in the Malayan society. Post-war political developments in Asia have established a definite link between prolonged colonial rule and the rise of communism.

Communism has gained much of its popularity on an anti-colonial programme, in that it has succeeded in establishing itself as a form of transferred nationalism.

In politics, as in most other things, both pessimism and alarmism are essentially morbid in nature. Why assume that the differences between the Malays and the Chinese are unbridgable? Great Britain has lived up to her pledges to work towards the granting of independence; a substantial amount of racial co-operation has already materialized; and Communism is a diseased and a dying force. The climate of opinion is not hostile to the development of a satisfactory democracy, and there is no real danger which threatens the crystallization of a Malayan consciousness.

The Alliance Party perhaps holds the key to the entire issue. Its success has been overwhelming, and its policies have in no way been really offensive. However, there is the possibility that the Party has been able to overcome the evils of racial division through its ability to make the separatist trends generated by communalism subservient to the call for independence. Now that independence has already been achieved, the racial issue is once again laid wide open. Theory would perhaps have it that the next step would be a retrograde one whereby each race, in the absence of a common foe, would return to its former ground, and attempt to exert itself against its rival groups. The actual practice in Malaya, however, does

not endorse this assumption. In the first place, Great Britain was not a dangerous foe, and the Malaysans were not really driven to desperation in their attempts to gain self-government. Secondly, no one can seriously contest the fact that the Malays, Chinese, and Indians have found their agreement to co-operate through the establishment of a political alliance to their mutual advantage. The Alliance Party is no longer a mere "marriage of convenience". Its scope has widened, and its existence has assumed a more permanent basis. The factor of importance here is not the Party itself, but rather what it signifies. The Alliance has brought so much within the realm of possibility and thereby created such a reputation for itself that, to be defeated in the political field, it will have to be faced by a party with an equally strong inter-communal appeal. Herein lies the argument for optimism, not in a blind faith in the future policies of the Alliance Party itself, or its ability to hold the reins of power indefinitely. The ideal, of course, would be the eventual development of a two-party system, where both the Government as well as the Opposition would be non-communal in outlook. With the increase in electoral strength which the future holds for the non-Malays, this might become a practical necessity since no party, campaigning on a strictly communal platform, will be able to form a majority government. Until such time, there will always be the disturbing possibility that the Malays might succumb to communal appeal in the course of an effort to consolidate themselves for the present.

The future of Malayan politics will depend on whether or not some permanent basis can be established for the development of a social synthesis. By bringing the different races in a common endeavour, political factors appear to have provided the nucleus for this movement. The ultimate goal should be the emergence of a common socio-cultural base embracing all communities. That goal, however, is not likely to be achieved within the reasonable future. The new Malayan consciousness will have to continue being restricted to the politico-economic field for a considerable period of time. The idea that the social and cultural "superstructures" rapidly adapt themselves to changes in the economic base is fallacious and essentially utopian. The evolution of a truly Malayan society will have to be gradual, and the success or failure of this evolution will depend on the degree to which the political leaders of the country are able, first, to convince the non-Malay races that they have more in common with the Malays and with each other than with members of their own race coming in as immigrants; and secondly, to make the Malays believe that any increase in the amount of political power held by the non-Malay communities signifies a readjustment within the same political unit, and not a power shift from one unit to another. Once this is done, the Malayan nation will have been born in the full sense of the term.

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Appendices

Appendix ADetails of Election Results

(Each candidate has his party and name indicated against his name. Insofar as the names of the respective parties are concerned, All. stands for Alliance, Neg. for Party Negara, NAP for National Association of Perak, Lab. for Labour Party of Malaya, PMIP for Pan-Malayan Islamic Party, PPP for Perak Progressive Party, PML for Perak Malay League, and Ind. for Independent. Candidates with an asterisk against their name forfeited their deposits. The 14 Malay-dominated constituencies where non-Malay Alliance candidates had contested against Malay candidates belonging to other parties may be identified by a double asterisk.

Wellesley South: **

Tay Hooi Soo	All. Chinese	15,697 votes
Haji Zabidi bin Haji Ali	PMIP Malay	3,523 votes
No. of rejected ballot papers		240
No. of names on register of electors		
used at the poll		24,320
Percentage of registered electorate voting		80.0%

George Town: (Chinese majority)

Chee Swee Eee	All. Chinese	7,253 votes
Ooi Thiam Siew	Lab. Chinese	2,650 votes
* Cheah Phee Aik	Ind. Chinese	429 votes
No. of rejected ballot papers		163
No. of names on register of electors		19,935
Percentage of registered electorate voting		52.6%

Penang Island:

Zainul Abidin bin Sultan Mydin	All. Malay	14,865 votes
Md. Isa bin Sulaiman	Ind. Malay	2,925 votes
No. of rejected ballot papers		346
No. of names on register of electors		27,281
Percentage of registered electorate voting		66.5%

Malacca Central: **

Tan Siew Sin	All. Chinese	17,104 votes
Abdul Karim bin Bakar	Ind. Malay	3,194 votes
No. of rejected ballot papers		429
No. of names on register of electors		25,511
Percentage of registered electorate voting		81.3%

Malacca Luar:

Abdul Ghafar bin Baba	All. Malay	26,790 votes
*Jaafar bin Mohd. Tan	Neg. Malay	2,821 votes
No. of rejected ballot papers		547
No. of names on register of electors		34,204
Percentage of registered electorate voting		88.2%

Krian:

Haji Ahmad bin Haji Hussain	PMIP Malay	8,685 votes
Haji Sulaiman bin Haji Ahmad	All. Malay	8,235 votes
Mohd. Jan bin Ngah Mohamed	NAP Malay	3,315 votes
No. of rejected ballot papers		1,071
No. of names on register of electors		27,239
Percentage of registered electorate voting		78.3%

Batang Padang:

Abd. Hamid Khan Haji Sakhawat Ali Khan	All. Malay	9,170 votes
*Mohd. Shamsuddin bin Haji Hamzah	NAP Malay	1,218 votes
*Abdul Majid bin Ariffin	PML Malay	766 votes
No. of rejected ballot papers		212
No. of names on register of electors		13,677
Percentage of registered electorate voting		83.1%

Larut and Matang: **

Dr. Cheah Khay Chuan	All. Chinese	15,407 votes
Abu Bakar bin Said	PML Malay	4,453 votes
Wan Zarazillah bin Wan Haji Ismail	NAP Malay	3,437 votes
*Dr. Purnan Singh	Lab. Indian	761 votes
No. of rejected ballot papers		833
No. of names on register of electors		30,454
Percentage of registered electorate voting		81.7%

Dindings:

Haji Mior Ariff bin Mior Alwi	All. Malay	10,511 votes
*Mohd. Yunus bin Mahmood	NAP Malay	1,629 votes
*Abdul Wahab bin Haji Md. Noor	PMIP Malay	1,197 votes
No. of rejected ballot papers		326
No. of names on register of electors		16,512
Percentage of registered electorate voting		82.7%

Sungei Perak Ulu:

Mohamed Ghazali bin Jawi	All. Malay	16,781 votes
Mat Judin bin Haji Ahmad	Ind. Malay	4,595 votes
*Syed Nordin Wafa	NAP Malay	2,099 votes
No. of rejected ballot papers		449
No. of names on register of electors		28,206
Percentage of registered electorate voting		84.8%

Sungei Perak Hilir:

Abdul Aziz bin Haji Mat Jabar	All. Malay	17,483 votes
Meor Ahmad bin Meor Yusof	NAP Malay	4,794 votes
*Mohd. Daham bin Khatib	Ind. Malay	264 votes
No. of rejected ballot papers		363
No. of names on register of electors		25,677
Percentage of registered electorate voting		89.2%

Telok Anson:

Bahaman bin Samsudin	All. Malay	10,514 votes
Haji Hassan Adli bin Haji		
Haji Arshad	PMIP Malay	3,812 votes
No. of rejected ballot papers		555
No. of names on register of electors		18,131
Percentage of registered electorate voting		82.1%

Ipoh and Menglembu: (Chinese majority)

Leong Yew Koh	All. Chinese	7,421 votes
*Loh ah Kee	NAP Chinese	983 votes
*D.R. Seenivasagam	PPP Ceylonese	808 votes
*W.E. Balasingam	Ind. Indian	439 votes
No. of rejected ballot papers		1,069
No. of names on register of electors		12,948
Percentage of registered electorate voting		84.3%

Kinta Utara: **

V.T. Sambantham	All.	Indian	7,900 votes
Chik Mohamed Yusuf bin Sheik Abdul Rahman	NAP	Malay	1,832 votes
*K.R.R. Choudhary	Lab.	Indian	357 votes
*Mohd. Ramly bin Abdullah	PML	Malay	214 votes
No. of rejected ballot papers			260
No. of names on register of electors			12,304
Percentage of registered electorate voting			85.9%

Kinta Selatan: **

Too Joon Hing	All.	Chinese	11,611 votes
*Mohd. Baki bin Haji Daud	NAP	Malay	1,689 votes
*Mohamed Idris bin Hakim	Ind.	Malay	401 votes
*Zaharie bin Hassan	PPP	Malay	273 votes
No. of rejected ballot papers			184
No. of names on register of electors			16,216
Percentage of registered electorate voting			87.3%

Kuala Lumpur Barat: **

Ong Yoke Lin	All.	Chinese	4,667 votes
Abdullah bin Ibrahim	Neg.	Malay	1,371 votes
Tan Tuan Boon	Lab.	Chinese	1,018 votes
No. of rejected ballot papers			45
No. of names on register of electors			8,862
Percentage of registered electorate voting			80.1%

Kuala Lumpur Timor: **

Cheah Ewe Keat	All.	Chinese	6,790 votes
Mohd. Salleh bin Hakim	Neg.	Malay	2,431 votes
*Abdul Wahab bin Abdul Majid	Ind.	Malay	1,003 votes
No. of rejected ballot papers			163
No. of names on register of electors			13,184
Percentage of registered electorate voting			78.8%

Ulu Selangor:

Halimahton binti Abdul Majid	All.	Malay	5,430 votes
Ab. Rahman bin Haji Maulana	Neg.	Malay	1,160 votes
No. of rejected ballot papers			131
No. of names on register of electors			7,835
Percentage of registered electorate voting			85.8%

Kuala Selangor:

Raja Rastam Shahrome bin Raja Said Tauphy	All. Malay	11,857 votes
Othman bin Abdullah	PMIP Malay	4,778 votes
*Md. Ambia bin Sanusi	Neg. Malay	756 votes
No. of rejected ballot papers		425
No. of names on register of electors		21,410
Percentage of registered electorate voting		83.2%

Langat:

Abu Bakar bin Baginda	All. Malay	7,069 votes
Mohd. Nazir bin Aj. Abdul Jalil	Neg. Malay	2,147 votes
No. of rejected ballot papers		255
No. of names on register of electors		10,834
Percentage of registered electorate voting		87.4%

Selangor Barat:

Abdud Aziz bin Ashak	All. Malay	8,713 votes
Mohamed Rashid bin Ahmad	Neg. Malay	3,092 votes
No. of rejected ballot papers		238
No. of names on register of electors		13,847
Percentage of registered electorate voting		87.0%

Selangor Tengah: **

Lee Eng Teh	All. Chinese	5,652 votes
Zulkifli Mohamed	PMIP Malay	1,711 votes
*Atan Chik bin Lengkeng	Neg. Malay	839 votes
No. of rejected ballot papers		172
No. of names on register of electors		9,465
Percentage of registered electorate voting		88.5%

Negri Sembilan Utara:

Mohd. Idris bin Mat Sil	All. Malay	21,155 votes
*Dato Ujang bin Menuang	Neg. Malay	1,572 votes
*Noordin bin Haji Abdul Samad	Ind. Malay	506 votes
No. of rejected ballot papers		435
No. of names on register of electors		26,502
Percentage of registered electorate voting		89.3%

Negri Sembilan Selatan:

Abdul Jalil bin Haji Aminudin	All. Malay	12,099 votes
Baba bin Ludek	Neg. Malay	3,590 votes
No. of rejected ballot papers		326
No. of names on register of electors		18,651
Percentage of registered electorate voting		85.9%

Seremban:

Lim Kee Siong	All. Chinese	8,402 votes
B.H. Tan	Neg. Chinese	2,306 votes
No. of rejected ballot papers		142
No. of names on register of electors		12,979
Percentage of registered electorate voting		83.7%

Ulu Pahang:

Mohamed Sulong bin Mohamed Ali	All. Malay	16,075 votes
*Abd. Hamid bin Ma'ajab	Ind. Malay	1,910 votes
No. of rejected ballot papers		452
No. of names on register of electors		22,812
Percentage of registered electorate voting		80.8%

Semantan:

Dato Abdul Razak bin Hussain	All. Malay	14,094 votes
*Mohamed Yassin bin Mohd. Salleh	PMIP Malay	1,999 votes
No. of rejected ballot papers		280
No. of names on register of electors		19,849
Percentage of registered electorate voting		82.5%

Pahang Timor:

Abdul Rahman bin Haji Talib	All. Malay	16,763 votes
*Sheik Kadir bin Sheik Omar	Ind. Malay	1,334 votes
No. of rejected ballot papers		439
No. of names on register of electors		22,291
Percentage of registered electorate voting		83.2%

Johore Timor:

Dr. Ismail bin Dato Abdul Rahman	All. Malay	10,800 votes
*Jaafar bin Haji Ali	Neg. Malay	350 votes
*Haji Abdullah bin Haji Talib	Ind. Malay	253 votes
No. of rejected ballot papers		326
No. of names on register of electors		14,155
Percentage of registered electorate voting		82.9%

Johore Bahru:

Suleiman bin Dato Abdul Rahman	All. Malay	8,745 votes
Dato Onn bin Jaafar	Neg. Malay	2,802 votes
No. of rejected ballot papers		128
No. of names on register of electors		15,042
Percentage of registered electorate voting		77.6%

Johore Selatan: **

Dr. L.H. Tan	All. Chinese	21,581 votes
*Kassim bin Awang Chik	Neg. Malay	2,318 votes
No. of rejected ballot papers		473
No. of names on register of electors		29,090
Percentage of registered electorate voting		83.7%

Johore Tengah: **

Teo Chze Chong	All. Chinese	7,100 votes
Haji Anwar bin Haji Abdul Malik	Neg. Malay	1,068 votes
No. of rejected ballot papers		251
No. of names on register of electors		11,737
Percentage of registered electorate voting		71.7%

Batu Pahat: **

S. Chelvasingam MacIntyre	All. Ceylonese	18,968 votes
Dato Haji Syed Abdul Kadir bin Mohamed	Neg. Malay	2,717 votes
No. of rejected ballot papers		293
No. of names on register of electors		27,323
Percentage of registered electorate voting		80.4%

Muar Selatan: **

Tan Suan Kok	All. Chinese	23,580 votes
Dato' Mahmud bin Md. Shah	Neg. Malay	4,108 votes
No. of rejected ballot papers		425
No. of names on register of electors		34,321
Percentage of registered electorate voting		81.9%

Muar Utara:

Haji Hassan bin Haji Yunos	All. Malay	19,802 votes
Haji Mohamed Nor bin A. Hamid	Neg. Malay	3,623 votes
No. of rejected ballot papers		604
No. of names on register of electors		29,272
Percentage of registered electorate voting		82.1%

Segamat:

Sardon bin Haji Jubir	All. Malay	11,072 votes
Razali bin Abdul Manap	Neg. Malay	2,447 votes
No. of rejected ballot papers		400
No. of names on register of electors		17,482
Percentage of registered electorate voting		79.6%

Alor Star: **

Lee Thian Hin	All. Chinese	27,897 votes
*Haji Salim bin Haji Mohd. Rejab	Neg. Malay	1,784 votes
No. of rejected ballot papers		481
No. of names on register of electors		35,261
Percentage of registered electors voting		85.5%

Kota Star:

Tunka Kassim ibni Almarhom		
Sultan Abdul Hamid	All. Malay	27,357 votes
*Haji Rejab bin Haji Darus	Neg. Malay	2,168 votes
No. of rejected ballot papers		624
No. of names on register of electors		34,043
Percentage of registered electorate voting		88.6%

Kedah Utara:

Syed Ahmad bin Syed Mahmud		
Shahabudin	All. Malay	25,544 votes
*Haji Abdullah bin Haji Abbas	Ind. Malay	1,578 votes
*Haji Laidin bin Haji Abdul Manan	Neg. Malay	1,309 votes
No. of rejected ballot papers		713
No. of names on register of electors		33,966
Percentage of registered electorate voting		85.8%

Kedah Tengah:

Md. Khir bin Johari	All. Malay	31,077 votes
*Puteh bin Napa	Neg. Malay	1,431 votes
No. of rejected ballot papers		542
No. of names on register of electors		37,176
Percentage of registered electorate voting		88.9%

Sungei Muda:

Tengku Abdul Rahman Putra	All. Malay	22,226 votes
*Syed Jan Aljeffri	Ind. Malay	1,239 votes
No. of rejected ballot papers		459
No. of names on register of electors		27,426
Percentage of registered electorate voting		87.2%

Kedah Selatan: **

Lim Teng Kuang	All. Chinese	21,050 votes
*M. Saleh bin Haji Shafie	PMIP Malay	1,563 votes
No. of rejected ballot papers		382
No. of names on register of electors		25,917
Percentage of registered electorate voting		88.7%

Kelantan Selatan:

Abdul Khalid bin Awang Osman	All. Malay	21,746 votes
Dato' Nik Ahmed Kamil bin Mahmood	Neg. Malay	7,175 votes
*Haji Mohamed Noor bin Haji Yusoff	PMIP Malay	3,600 votes
No. of rejected ballot papers		1,136
No. of names on register of electors		39,084
Percentage of registered electorate voting		86.1%

Kelantan Timor:

Nik Hassan bin Haji Nik Yahya	All. Malay	30,954 votes
*Dato' Nik Ahmed bin Haji Nik Mahmood	Neg. Malay	4,019 votes
*Mohd. Asri bin Haji Muda	PMIP Malay	2,292 votes
*Mohamed bin Ibrahim	Ind. Malay	883 votes
No. of rejected ballot papers		1,011
No. of names on register of electors		46,221
Percentage of registered electorate voting		84.7%

Pasir Mas:

Tengku Ahmad bin Tengku Abdul Ghaffar	All. Malay	20,963 votes
Haji Mokhtar bin Haji Ahmed	PMIP Malay	7,507 votes
No. of rejected ballot papers		979
No. of names on register of electors		34,779
Percentage of registered electorate voting		84.7%

Kelantan Utara:

Tengku Indra Petra bin Sultan Ibrahim	All. Malay	28,428 votes
Dato' Nik Hussein bin Nik Zainal	Neg. Malay	6,295 votes
No. of rejected ballot papers		1,137
No. of names on register of electors		42,510
Percentage of registered electorate voting		84.8%

Kelanta Tengah:

Abdul Hamid bin Mahmud	All. Malay	28,422 votes
*Tengku Annuar Zainal bin Tengku Zainal Abidin	Neg. Malay	2,970 votes
*Dato Nik Mohamed bin Abdul Rahman	Ind. Malay	1,154 votes
*Idris bin Haji Mohamed	Ind. Malay	721 votes
No. of rejected ballot papers		1,003
No. of names on register of electors		43,149
Percentage of registered electorate voting		79.4%

Trengganu Utara:

Ibrahim Fikri bin Mohamed	All. Malay	22,041 votes
*Mohd. Salleh bin Ahmad	Neg. Malay	3,866 votes
No. of rejected ballot papers		1,259
No. of names on register of electors		32,482
Percentage of registered electorate voting		80.6%

Trengganu Tengah:

Engku Muhsein bin Abdul Kadir	All. Malay	19,038 votes
Sulaiman bin Ali	Neg. Malay	4,746 votes
No. of rejected ballot papers		1,067
No. of names on register of electors		33,719
Percentage of registered electorate voting		73.7%

Trengku Selatan:

Wan Yahya bin Haji Wan Mohd	All. Malay	16,345 votes
Ibrahim bin Matnoh	Neg. Malay	2,628 votes
No. of rejected ballot papers		690
No. of names on register of electors		23,831
Percentage of registered electorate voting		82.5%

Perlis:

Sheikh Ahmad bin Mohd. Hashim	All. Malay	17,769 votes
Matt bin Haji Kassim	Ind. Malay	8,814 votes
No. of rejected ballot papers		590
No. of names on register of electors		30,936
Percentage of registered electorate voting		87.8%

(An Alliance candidate, a Malay, was returned unopposed in Wellesley North.)

Appendix "B" - Section 1.

The Constitutional Commission's Recommendations
with Regard to Special Quotas for the Malays

Reservation of quotas in respect of services,
permits, etc. for Malays

157. -

(1) Notwithstanding anything in this Constitution where there was reserved on the first day of January, 1957, either by legislation or otherwise, any quota for Malays in -

- (a) any branch of the public services, or
- (b) the issuing of permits or licences for the operation of any trade or business, or
- (c) the award of scholarships, bursaries or other forms of financial aid for the purposes of education,

such quota may, subject to the provisions of this Article, be continued after Merdeka Day.

(2) If in any year there are insufficient Malays duly qualified to fill such quota, the quota shall be reduced for that year.

(3) After the expiration of a period of fifteen years from Merdeka Day but not earlier the appropriate Government shall cause a report to be made to the appropriate legislature as to whether the quotas be continued, reduced or discontinued; and after considering such report the appropriate legislature may continue, reduce or discontinue any quota; and, if a quota is not then discontinued similar reports shall be made to the appropriate legislature at intervals of not more than fifteen years.

(4) For the purposes of this Article, "the appropriate legislature" means the legislature to which the matter to which the quota relates is assigned by the Legislative Lists, and "the appropriate Government" shall be construed accordingly, and "quota" means a proportion of the total number of persons to be appointed or places to be filled in respect of the matters specified in clause (1).

In his Note of Dissent, Mr. Justice Abdul Hamid suggested the following changes to Article 157:

(1) If the special quotas mentioned in article 157 are to be the special responsibility of the Yang di-Pertuan Besar and the Rulers, then the following changes should be made:

(a) A provision to the following effect should be inserted in the Constitution as article 157A:

"157A (1) The safeguarding of the special position of the Malays and the legitimate interests of other communities in relation to matters specified in article 157 shall, in respect of matters which are within the legislative authority of Parliament, be the special responsibility of the Yang di-Pertuan Besar and in respect of matters which are within the exclusive legislative authority of the Legislature of the State by the special responsibility of the Ruler or Governor of the State as the case may be.

(2) In the discharge of the aforesaid special responsibility the Yang di-Pertuan Besar or, as the case may be, the Ruler or the Governor may take such action and make such provision as he may deem fit, and no such action or provision shall be invalid by reason of the fact that it is contrary to the provisions of any Federal or State law."

A provision like this will be in conformity with the position obtainable under the Federation Agreement, 1948. It will also be in accordance with the recommendations of the Alliance.

(b) Apart from inserting an article to the above effect, article 157 should be amended and in clause (3) of that article for the words "appropriate legislature", the words "Yang di-Pertuan Besar or as the case may be the Ruler or Governor" should be substituted and clause (4) should read as follows:

"(4) for the purposes of this article 'quota' means a proportion of the total number of persons to be appointed or places to be filled in respect of matters specified in clause (1)."

(c) In article 35 another sub-clause (d) should be added after clause (c) as follows:

"(d) the safeguarding of the special position of the Malays and the legitimate interests of the other communities."

(d) Similar amendments will have to be made in the Essential Provisions in Schedule V and in the Constitutions of Malacca and Penang.

(2) If the special quotas are not to be the special responsibility of the Yang di-Pertuan Besar then these quotas should not be alterable to the disadvantage of the Malays unless the Parliament takes a decision by a majority of the total number of members of each House and by the votes of not less than two-thirds of the members present and voting in respect of Federal matters, and the State Legislatures take decisions by a similar majority in relation to State matters. That would bring the safeguard relating to special quotas under the same protection under which Malay reservation rests under article 82. In that case a proviso of the type added to article 82 will have to be added to article 157 as well.

Section II.

Sections of the Constitution Relevant to the Present Study

Religion of the Federation

3.- (1) Islam is the religion of the Federation; but other religions may be practised in peace and harmony in any part of the Federation.

(2) In every State other than Malacca and Penang the position of the Ruler as the Head of the Muslim religion in his State in the manner and to the extent acknowledged and declared by the Constitution of that State, and, subject to that Constitution, all rights, privileges, prerogatives and powers enjoyed by him as Head of the religion, are unaffected and unimpaired; but in any acts, observances or ceremonies with respect to which the Conference of Rulers has agreed that they should extend to the Federation as a whole each of the other Rulers shall in his capacity of Head of the Muslim religion authorise the Yang di-Pertuan Agong to represent him.

(3) The Constitutions of the States of Malacca and Penang shall each make provision for conferring on the Yang di-Pertuan Agong the position of Head of the Muslim religion in the State.

(4) Nothing in this Article derogates from any other provision of this Constitution.

Fundamental Liberties

Freedom of religion

11.--(1) Every person has the right to profess and practise his religion and, subject to clause (4), to propagate it.

(2) No person shall be compelled to pay any tax the proceeds of which are specially allocated in whole or in part for the purposes of a religion other than his own.

(3) Every religious group has the right -

- (a) to manage its own religious affairs;
- (b) to establish and maintain institutions for religious or charitable purposes; and
- (c) to acquire and own property and hold and administer it in accordance with law.

(4) State law may control or restrict the propagation of any religious doctrine or belief among persons professing the Muslim religion.

(5) This Article does not authorise any act contrary to any general law relating to public order, public health or morality.

Rights in respect of education

12.--(1) Without prejudice to the generality of Article 8, there shall be no discrimination against any citizen on the grounds only of religion, race, descent or place of birth -

- (a) in the administration of any educational institution maintained by a public authority, and, in particular, the admission of pupils or students or the payment of fees; or
- (b) in providing out of the funds of a public authority financial aid for the maintenance or education of pupils or students in any educational institution (whether or not maintained by a public authority and whether within or outside the Federation).

(2) Every religious group has the right to establish and maintain institutions for the education of children and provide therein instruction in its own religion, and there shall

be no discrimination on the ground only of religion in any law relating to such institutions or in the administration of any such law; but federal law may provide for special financial aid for the establishment or maintenance of Muslim institutions or the instruction in the Muslim religion of persons professing that religion.

(3) 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 own.

(4) For the purposes of clause (3) the religion of a person under the age of eighteen years shall be decided by his parent or guardian.

Citizenship

Chapter I - Acquisition of Citizenship

Citizenship by operation of law.

14.-(1) Subject to clause (2), the following persons are citizens by operation of law, that is to say:-

- (a) every person who, immediately before Merdeka Day, was a citizen of the Federation by virtue of any of the provisions of the Federation of Malaya Agreement, 1948, whether by operation of law or otherwise;
- (b) every person born within the Federation on or after Merdeka Day;
- (c) every person born outside the Federation on or after Merdeka Day whose father is a citizen at the time of the birth and either was born within the Federation or is at the time of the birth in service under the Government of the Federation or of a State;
- (d) every person born outside the Federation on or after Merdeka Day whose father is a citizen at the time of the birth, if the birth is registered at a Malayan Consulate within one year of its occurrence, or within such longer period as the Federal Government may in any particular case allow.

(2) A person is not a citizen by virtue of paragraph (b) of Clause (1) if, at the time of his birth, his father, not being a citizen of the Federation, possesses such immunity from suit and legal process as is accorded to an envoy of a sovereign power accredited to the Yang di-Pertuan Agong, or if his father is then an enemy alien and the birth occurs in a place under occupation by the enemy.

Citizenship by registration (wives and children of citizens)

15.--(1) Subject to Article 18, any woman who is married to a citizen is entitled, upon making application to the registration authority, to be registered as a citizen.

(2) Subject to Article 18, any person under the age of twenty-one years whose father is a citizen or, if deceased, was a citizen at the time of his death, is entitled, upon application made to the registration authority by his parent or guardian, to be registered as a citizen if that authority is satisfied that he is ordinarily resident in the Federation and is of good character.

(3) The reference in this Article to a woman who is married is a reference to a woman whose marriage has been registered in accordance with any written law in force in the Federation including any such law in force before Merdeka Day.

Citizenship by registration (persons born in the Federation before Merdeka Day)

16. Subject to Article 18, any person of or over the age of eighteen years who was born in the Federation before Merdeka Day is entitled, upon making application to the registration authority, to be registered as a citizen if he satisfied that authority -

- (a) that he has resided in the Federation, during the seven years immediately preceding the date of the application, for periods amounting in the aggregate to not less than five years;
- (b) that he intends to reside permanently therein;
- (c) that he is of good character; and
- (d) except where the application is made within one year after Merdeka Day, that he has an elementary knowledge of the Malay language.

Citizenship by registration (persons resident in the Federation on Merdeka Day)

17. Subject to Article 18, any person of or over the age of eighteen years who was resident in the Federation on Merdeka Day is eligible, subject to the provisions of the Second Schedule, to be registered as a citizen upon making application to the registration authority if he satisfied that authority -

- (a) that he has resided in the Federation, during the twelve years immediately preceding the date of application, for periods amounting in the aggregate to not less than eight years;
- (b) that he intends to reside permanently therein;
- (c) that he is of good character: and
- (d) except where the application is made within one year after Merdeka Day and the applicant has attained the age of forty-five years at the date of the application, that he has an elementary knowledge of the Malay language.

General provisions as to registration.

18.-(1) No person of or over the age of eighteen years shall be registered as a citizen under Article 15, 16 or 17 until he has taken the oath set out in the First Schedule.

(2) Except with the approval of the Federal Government, no person who has renounced or has been deprived of citizenship under this Constitution, or who has renounced or has been deprived of federal citizenship or citizenship of the Federation before Merdeka Day under the Federation of Malaya Agreement, 1948, shall be registered as a citizen under any of the said Articles.

(3) A person registered as a citizen under any of the said Articles shall be a citizen by registration from the day on which he is so registered.

(4) For the purpose of any application for registration under any of the said Articles, a person shall be deemed to be of good character unless, within the period of three years immediately preceding the date of the application -

- (a) he has been convicted by a competent court in any country of a criminal offence for which he was sentenced to death; or

- (b) he has been detained under a sentence of imprisonment of twelve months or more imposed on him on his conviction of a criminal offence (whether during or before the said period) by such a court,

and in either case has not received a free pardon in respect of the offence.

Citizenship by naturalization

19. Subject to Article 21, the Federal Government may, upon application made by any person of or over the age of twenty-one years, grant a certificate of naturalization to that person if satisfied -

- (a) that he has resided in the Federation, during the twelve years preceding the date of the application, for periods amounting in the aggregate to not less than ten years;
- (b) that he intends, if the certificate is granted, to reside permanently therein;
- (c) that he is of good character; and
- (d) that he has an adequate knowledge of the Malay language.

Naturalization of members of Federation forces

20.-(1) Subject to Article 21, the Federal Government shall, upon application made by any person in accordance with clause (2), grant a certificate of naturalization to that person if satisfied -

- (a) that he has served satisfactorily for a period of not less than three years in full-time service, or for a period of not less than four years in part-time service, in such of the armed forces of the Federation as may be prescribed by the Federal Government for the purposes of this Article; and
- (b) that he intends, if the certificate is granted to reside permanently in the Federation.

(2) An application under this Article may be made either while the applicant is serving in such service as aforesaid or within the period of five years, or such longer period as the Federal Government may in any particular case allow, after his discharge.

(3) References in this Article to service in the armed forces of the Federation include references to service before Merdeka Day; and in calculating for the purposes of this Article the period of full-time service in such forces of a person who has served both in full-time and in part-time service therein, any two months of part-time service shall be treated as one month of full-time service.

General provisions as to naturalization

21.--(1) A certificate of naturalization shall not be granted to any person under Article 19 or 20 until he has taken oath set out in the First Schedule.

(2) A person to whom a certificate of naturalization is granted under either of the said Articles shall be a citizen by naturalization from the date on which the certificate is so granted.

Citizenship by incorporation of territory

22. If any new territory is admitted to the Federation in pursuance of Article 2, Parliament may by law determine what persons are to be citizens by reason of their connection with that territory and the date or dates from which such persons are to be citizens.

Chapter 2 - Termination of citizenship

Renunciation of citizenship

23.--(1) Any citizen of or over the age of twenty-one years and of sound mind who is also a citizen of another country may renounce his citizenship of the Federation by declaration registered by the registration authority, and shall thereupon cease to be a citizen.

(2) A declaration made under this Article during any war in which the Federation is engaged shall not be registered except with the approval of the Federal Government, but except as aforesaid the registration authority shall register any declaration duly made thereunder.

(3) This Article applies to a woman under the age of twenty-one years who has been married as it applies to a person of or over that age.

Deprivation of citizenship on acquisition or exercise of foreign citizenship, etc.

24.-(1) If the Federal Government is satisfied that any citizen has at any time after Merdeka Day acquired by registration, naturalisation or other voluntary and formal act (other than marriage) the citizenship of any country outside the Federation, the Federal Government may by order deprive that person of his citizenship.

(2) If the Federal Government is satisfied that any citizen has at any time after Merdeka Day voluntarily claimed and exercised in a foreign country any rights available to him under the law of that country, being right accorded exclusively to its citizens, the Federal Government may by order deprive that person of his citizenship.

(3) Where provision is in force under the law of any Commonwealth country for conferring on citizens of that country right not available to other Commonwealth citizens, clause (2) shall apply, in relation to those rights, as if that country were a foreign country.

(4) If the Federal Government is satisfied that any woman who is a citizen by registration under clause (1) of Article 15 has acquired the citizenship of any country outside the Federation by virtue of her marriage to a person who is not a citizen, the Federal Government may by order deprive her of citizenship.

Deprivation of citizenship by registration under Article 17 or by naturalization

25.-(1) Subject to clause (3), the Federal Government may by order deprive of his citizenship any person who is a citizen by registration under Article 17 or a citizen by naturalisation if satisfied -

- (a) that he has shown himself by act or speech to be disloyal or disaffected towards the Federation;
- (b) that he has, during any war in which the Federation is or was engaged, unlawfully traded or communicated with an enemy or been engaged in or associated with any business which to his knowledge was carried on in such manner as to assist an enemy in that war; or

- (c) that he has, within the period of five years beginning with the date of the registration or the grant of the certificate, been sentenced in any country to imprisonment for a term of not less than twelve months or to a fine of not less than five thousand dollars or the equivalent in the currency of that country, and has not received a free pardon in respect of the offence for which he was so sentenced.

(2) Subject to clause (3), the Federal Government may by order deprive of his citizenship any person who is a citizen by registration under Article 17 or a citizen by naturalisation if satisfied that he has been ordinarily resident in foreign countries for a continuous period of seven years and during that period has neither-

- (a) been at any time in the service of the Federation or of an international organisation of which the Federal Government was a member, nor
- (b) registered annually at a Malayan Consulate his intention to retain his citizenship.

(3) No person shall be deprived of citizenship under this Article unless the Federal Government is satisfied that it is not conducive to the public good that that person should continue to be a citizen; and no person shall be deprived of citizenship under clause (1) if, as the result of the deprivation, he would not be a citizen of any country outside the Federation.

Other provisions for deprivation of citizenship by registration or naturalisation

26.-(1) Subject to clause (3), the Federal Government may by order deprive of his citizenship any citizen by registration or by naturalization if satisfied that the registration or certificate of naturalization -

- (a) was obtained by means of fraud, false representation or the concealment of any material fact; or
- (b) was effected or granted by mistake

(2) Subject to clause (3), the Federal Government may by order deprive of her citizenship any woman who is a citizen by registration under clause (1) of Article 15 if satisfied that the marriage by virtue of which she was registered has been dissolved, otherwise than by death, within the period of two years beginning with the date of marriage.

(3) No person shall be deprived of citizenship under this article unless the Federal Government is satisfied that it is not conducive to the public good that that person should continue to be a citizen; and no person shall be deprived of citizenship under paragraph (b) of clause (1) unless the notice required by Article 27 is given within the period of twelve months beginning with the date of the registration or of the grant of the certificate, as the case may be.

(4) Except as provided by this article, the registration of a person as a citizen or the grant of a certificate of naturalization to any person shall not be called in question on the ground of mistake.

Procedure for deprivation

27.--(1) Before making an order under Article 24, 25 or 26, the Federal Government shall give to the person against whom the order is proposed to be made notice in writing informing him of the ground on which the order is proposed to be made and of his right to have the case referred to a committee of inquiry under this article.

(2) If any person to whom such notice is given applies to have the case referred as aforesaid the Federal Government shall, and in any other case the Federal Government may, refer the case to a committee of inquiry consisting of a chairman (being a person possessing judicial experience) and two other members appointed by that Government for the purpose.

(3) In the case of any such reference, the committee shall hold an inquiry in such manner as the Federal Government may direct, and submit its report to that Government; and the Federal Government shall have regard to the report in determining whether to make the order.

Application of Chapter 2 to certain citizens by operation of law.

28.--(1) For the purpose of the foregoing provisions of this Chapter -

- (a) any person who before Merdeka Day became a federal citizen or a citizen of the Federation by registration as a citizen or in consequence of his registration as the subject of a Ruler, or by the grant of a certificate of citizenship, under any provision of the Federation of Malaya Agreement, 1948, or of any State law shall be treated as a citizen

by registration and, if he was not born within the Federation, as a citizen under Article 17;

- (b) a woman who before that day became a federal citizen or a citizen of the Federation by registration as a citizen, or in consequence of her registration as the subject of a Ruler, under any provision of the said Agreement or of any State law authorizing the registration of women married to citizens of the Federation or to subjects of the Ruler shall be treated as a citizen by registration under clause (1) of Article 15;
- (c) any person who before that day was naturalized as a federal citizen or a citizen of the Federation under said Agreement or became a federal citizen or a citizen of the Federation in consequence of his naturalisation as the subject of a Ruler under any State law shall (subject to clause (2)) be treated as a citizen by naturalisation,

and references in those provisions to the registration or naturalization of a citizen shall be construed accordingly.

(2) No person born within the Federation shall be liable by virtue of this Article to be deprived of citizenship under Article 25.

Chapter 3 - Supplemental

Commonwealth citizenship

29.-(1) In accordance with the position of the Federation within the Commonwealth, every person who is a citizen of the Federation enjoys by virtue of that citizenship the status of a Commonwealth citizen in common with the citizens of other Commonwealth countries.

(2) Any existing law shall, except so far as Parliament otherwise provides, apply in relation to a citizen of the Republic of Ireland who is not also a Commonwealth citizen as it applies in relation to a Commonwealth citizen.

Certificates of citizenship

30.--(1) The registration authority may, on the application of any person with respect to whose citizenship a doubt exists, whether of fact or of law, certify that that person is a citizen.

(2) A certificate issued under this Article shall, unless it is proved that it was obtained by means of fraud, false representation or concealment of any material fact, be conclusive evidence that the person to whom it relates was a citizen on the date of the certificate, but without prejudice to any evidence that he was a citizen at an earlier date.

Application of Schedule 2

31. Until Parliament otherwise provides, the supplementary provisions contained in the Second Schedule shall have effect for the purposes of this Part.

Land.

Malay reservations

89.--(1) Any land in a State which immediately before Merdeka Day was a Malay reservation in accordance with the existing law may continue as a Malay reservation in accordance with that law until otherwise provided by an Enactment of the Legislature of that State, being an Enactment -

- (a) passed by a majority of the total number of members of the Legislative Assembly and by the votes of not less than two-thirds of the members present and voting; and
- (b) approved by resolution of each House of Parliament passed by a majority of the total number of members of the House and by the votes of not less than two-thirds of the members voting.

(2) Any land in a State which is not for the time being a Malay reservation in accordance with the existing law and has not been developed or cultivated may be declared as a Malay reservation in accordance with that law:

Provided that:

- (a) where any land in a State is declared a Malay reservation under this clause, an equal area of land in that State which has not been developed or cultivated shall be made available for general alienation; and
- (b) the total area of land in a State for the time being declared as a Malay reservation under this clause shall not at any time exceed the total area of land in that State which has been made available for general alienation in pursuance of paragraph (a).

(3) Subject to clause (4), the Government of any State may, in accordance with the existing law, declare as a Malay reservation -

- (a) any land acquired by that Government by agreement for that purpose;
- (b) on the application of the proprietor, and with the consent of every person having a right or interest therein, any other land;
- (c) in a case where any land ceases to be a Malay reservation, any land of a similar character and of an area not exceeding the area of that land.

(4) Nothing in this Article shall authorise the declaration as a Malay reservation of any land which at the time of the declaration is owned or occupied by a person who is not a Malay or in or over which a person has then any right or interest.

(5) Without prejudice to clause (3), the Government of any State may, in accordance with law, acquire land for the settlement of Malays or other communities, and establish trusts for that purpose.

(6) In this Article "Malay reservation" means land reserved for alienation to Malays or to natives of the State in which it lies; and "Malay" includes any person who, under the law of the State in which he is resident, is treated as a Malay for the purposes of the reservation of land.

(7) This Article shall have effect notwithstanding any other provision of this Constitution; but (without prejudice to any such other provision) no land shall be retained or declared as a Malay reservation except as provided by this Article and Article 90.

National language

152.-(1) The national language shall be the Malay language and shall be in such script as Parliament may by law provide:

Provided that -

- (a) no person shall be prohibited or prevented from using (otherwise than for official purposes), or from teaching or learning, any other language; and
- (b) nothing in this clause shall prejudice the right of the Federal Government or of any State Government to preserve and sustain the use and study of the language of any other community in the Federation.

(2) Notwithstanding the provisions of clause (1), for a period of ten years after Merdeka Day, and thereafter until Parliament otherwise provides, the English language may be used in both Houses of Parliament, in the Legislative Assembly of every State and for all other official purposes.

(3) Notwithstanding the provisions of clause (1), for a period of ten years after Merdeka Day, and thereafter until Parliament otherwise provides, the authoritative texts -

- (a) of all Bills to be introduced or amendments thereto to be moved in either House of Parliament, and
- (b) of all Acts of Parliament and all subsidiary legislation issued by the Federal Government,

shall be in the English language.

(4) Notwithstanding the provisions of clause (1), for a period of ten years after Merdeka Day, and thereafter until Parliament otherwise provides, all proceedings in the Supreme Court shall be in the English language:

Provided that, if the Court and Counsel on both sides agree, evidence taken in the language spoken by the witness need not be translated into or recorded in English.

(5) Notwithstanding the provisions of clause (1), until Parliament otherwise provides, all proceedings in subordinate courts, other than the taking of evidence, shall be in the English language.

Reservation of quotas in respect of services,
permits, etc. for Malays

153.-(1) It shall be the responsibility of the Yang di-Pertuan Agong to safeguard the special position of the Malays and the legitimate interests of other communities in accordance with the provisions of this Article.

(2) Notwithstanding anything in this Constitution, but subject to the provisions of Article 40 and of this Article, the Yang di-Pertuan Agong shall exercise his functions under this Constitution and federal law in such manner as may be necessary to safeguard the special position of the Malays and 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, exhibitions 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 this Article, of such permits and licences.

(3) The Yang di-Pertuan Agong may, in order to ensure in accordance with clause (2) the reservation to Malays of positions in the public service and of scholarships, exhibitions and other educational or training privileges or special facilities, give such general directions as may be required for that purpose to any Commission to which Part X applies or to any authority charged with responsibility for the grant of such scholarships, exhibitions or other educational or training privileges or special facilities; and the Commission or authority shall duly comply with the directions.

(4) In exercising his functions under this Constitution and federal law in accordance with clauses (1) to (3) the Yang di-Pertuan Agong shall not deprive any person of any public office held by him or of the continuance of any scholarship, exhibition or other educational or training privileges or special facilities enjoyed by him.

(5) This Article does not derogate from the provisions of Article 136.

(6) Where by existing federal law a permit or licence is required for the operation of any trade or business the Yang di-Pertuan Agong may exercise his functions under that law in such manner, or give such general directions to any authority charged under that law with grant of such permits or licences, as may be required to ensure the reservation of such proportion of such permits or licences for Malays as the Yang di-Pertuan Agong may deem reasonable; and the authority shall duly comply with the directions.

(7) Nothing in this Article shall operate to deprive or authorise the deprivation of any person of any right, privilege, permit or licence accrued to or enjoyed or held by him or to authorise a refusal to renew to any person any such permit or licence or a refusal to grant to the heirs, successors or assigns of a person any permit or licence when the renewal or grant might reasonably be expected in the ordinary course of events.

(8) Notwithstanding anything in this Constitution, where by any federal law any permit or licence is required for the operation of any trade or business, that law may provide for the reservation of a proportion of such permits or licences for Malays; but no such law shall for the purpose of ensuring such a reservation -

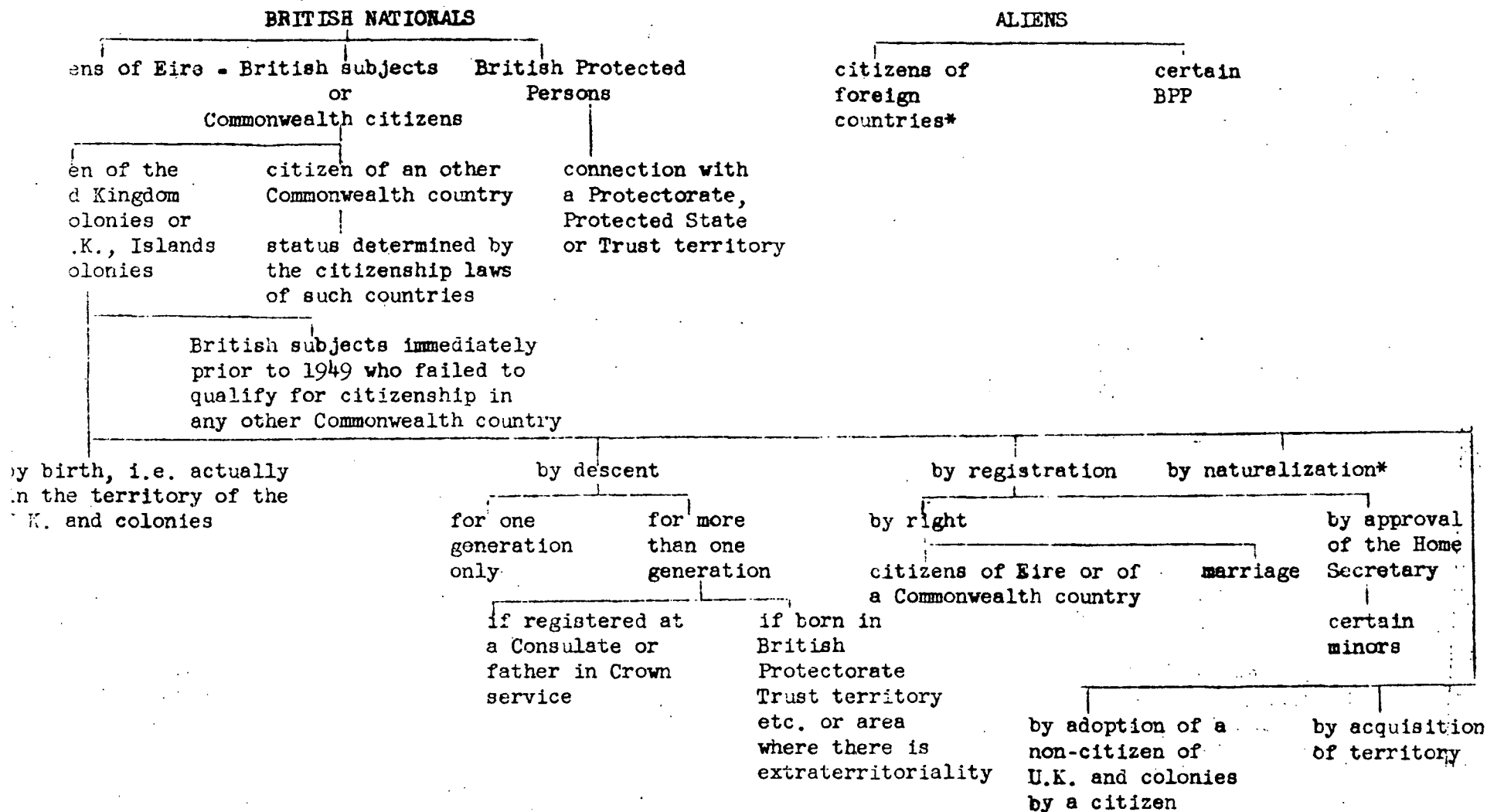
- (a) deprive or authorise the deprivation of any person of any right, privilege, permit or licence accrued to or enjoyed or held by him; or
- (b) authorise a refusal to renew to any person any such permit or licence or a refusal to grant to the heirs, successors or assigns of any person any permit or licence when the renewal or grant might in accordance with the other provisions of the law reasonably be expected in the ordinary course of events, or prevent any person from transferring together with his business any transferable licence to operate that business; or
- (c) where no permit or licence was previously required for the operation of the trade or business, authorise a refusal to grant a permit or licence to any person for the operation of any trade or business which immediately before the coming into force of the law he had been bona fide carrying on, or authorise a refusal subsequently to renew to any such person any permit or licence, or a refusal to grant to the heirs, successors or assigns of any such person any such permit or licence when the renewal or grant might in accordance with the other provisions of that law reasonably be expected in the ordinary course of events.

(9) Nothing in this Article shall empower Parliament to restrict business or trade solely for the purpose of reservations for Malays.

(10) The Constitution of the State of any Ruler may make provision corresponding (with the necessary modifications) to the provisions of this Article.

Appendix C

Nationality and Citizenship Charts



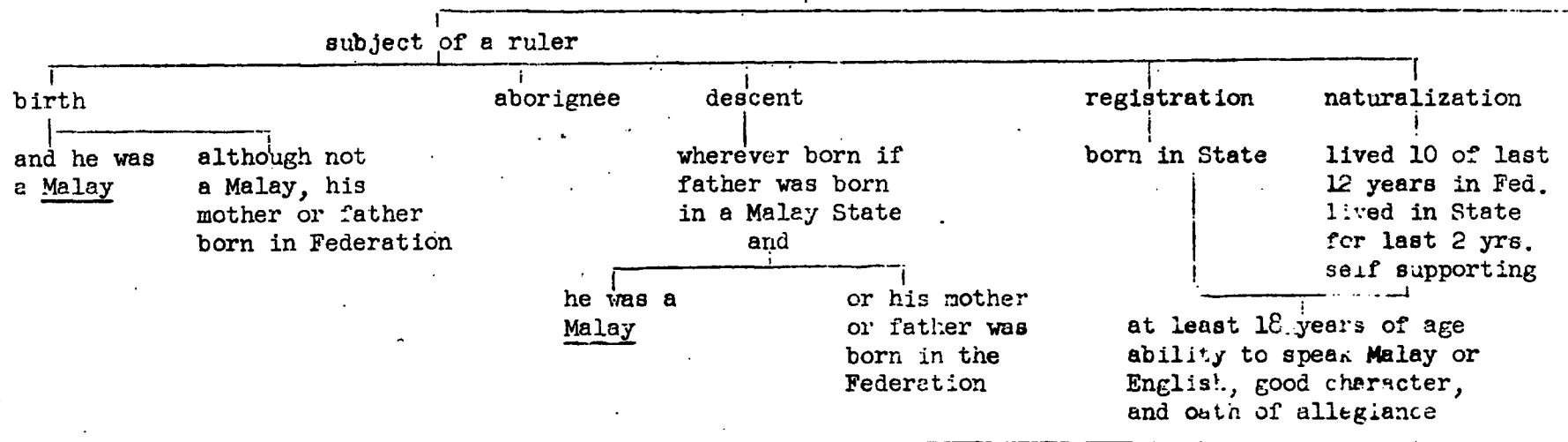
∴ The Republic of Ireland (Eire) while not one of Her Majesty's territories is not a foreign country. British Protected persons (BPP) although British Nationals are not British subjects and must, therefore, be naturalized if they wish to be citizens of the U.K. and Colonies, but the requirements are less stringent than for others, i.e. than for aliens. Since 1949 citizenship of the U.K. and Colonies cannot be lost by naturalization in a foreign state.

∴ Clive Parry, British Nationality (London: Stevens and Sons, Ltd., 1951).

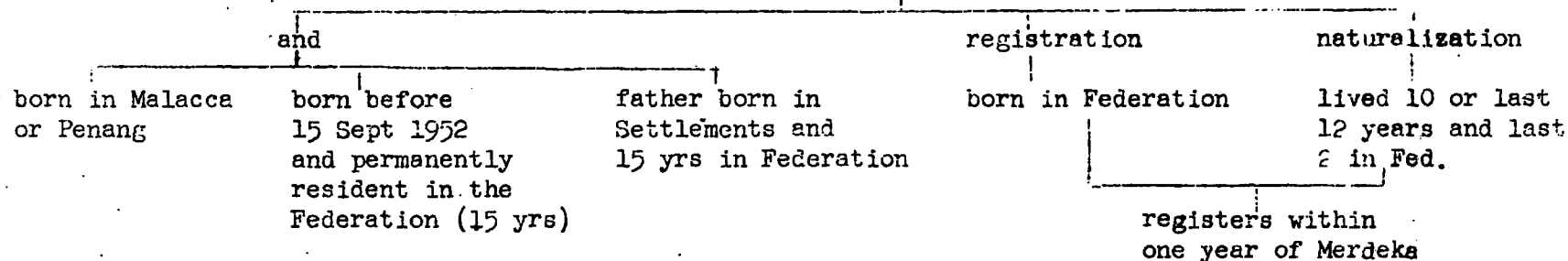
British Nationals

British Protected Persons

Federation citizens



citizen of the U.K. and Colonies



Note: A Malay is a person who:

- i. habitually speaks the Malay language
 - ii. professes the Muslim religion
 - iii. conforms to Malay custom
- (The Laws and Constitution of Perak)

no other requirement

self support, ability to speak English or Malay, intention to reside permanently

Source: A Short Guide to Citizenship Laws (Federation Government, Kuala Lumpur).

Commonwealth Citizens

Federation Citizens

