

(i)

The Malaysian Parliament:

A Westminster Extention?

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Preface

"The Parliament serves as an enduring monument to the principles of Democracy we in Malaysia stand for and uphold. These principles are the right and responsibility of the people to rule themselves, the freedom of the individual to express his opinion and to follow his own creed, the fairness and impartiality of justice, the equality of citizens before law, the principles of respect and tolerance among men, and the right to own property".

(His Majesty the Yang di-Pertuan Agung
Tuanku Syed Putra ibni Al-Marhum Syed
Hassan Jamalullail at the opening
ceremony on November 2, 1963).

This project paper will examine the concept, functions, organization of the Malaysian Parliament in the background of the British model on which our Parliament is based.

Has our Parliament acquired an identity of its own? Or do the differences with Westminster stop only in the mode of dressing.

Similarities and differences between the institutions in the two countries will be noted. The structure, hierarchy and workings of both Parliaments will be studied.

Though the title of this paper seemingly asks a single question but this student endeavours to answer other questions as well. The most important being, ~~do~~ the parliamentary practices in Malaysia adhere to principles of democracy.

This project paper ~~was~~ based ~~mainly~~ on library research. Materials ~~were~~ gathered from visits to libraries both at I.T.M. and at Parliament House.

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(1) INTRODUCTION

1. Historical Background

The need for 'parliamentary democracy' was well expressed in the American cry of 'No taxation Without Representation' during the Revolution of 1776. While one of the basic functions of Parliament is to legislate, democratic principles enjoin that the people should have a say in the legislative process. Therefore, to put it simply, 'parliamentary democracy' means that the legislation must be in accordance ^{with} the needs of the people as a whole; these needs being voiced out by the representatives of the people.

According to Dias in his book 'Jurisprudence', ⁽¹⁾ Salon (c.638-558 B.C.) laid the foundations of democracy. He preached

"... ..a doctrine of freedom from power, which has to be set against a background of the discontent of the people owing to the tyranny of the rich and the Draconian Code..... Every man should have a say in selecting those to whose rectitude and wisdom he is required to submit, and in this way it was hoped that civic power would be controlled by a sense of moral obligation and measured by public service".

This doctrine was expanded by later Greek and Roman thinkers into a workable concept in the form of forums where representatives of the masses gathered to make policies governing the people. This forum of policy-makers was the precursors of the parliamentary system of today, based on principles of democracy.

2. What is Parliament?

There has been no single meaning found for the word 'Parliament'. Indeed, one eminent writer on constitutional and administrative law maintains that;

".....the word Parliament is still ambiguous". ⁽²⁾

(1) Dias, R.W.M., Jurisprudence, 4th Edition, 1976, Butterworths, at pp.78-79

(2) de Smith, S.A., Constitutional and Administrative Law, 2nd Edition 1973, Penguin Books, at p.229