

CONSTITUTION OF MALAYSIA

Constitution of Malaysia

PART I - THE STATES, RELIGION AND LAW OF THE FEDERATION

Article number: 1

1.

- (1) The Federation shall be known, in Malay and in English, by the name Malaysia.
 - (2) The States of the Federation shall be Johore, Kedah, Kelantan, Malacca, Negeri Sembilan, Pahang, Penang, Perak, Perlis, Sabah, Sarawak, Selangor and Trengganu.
 - (3) Subject to Clause (4), the territories of each of the States mentioned in Clause (2) are the territories comprised therein immediately before Malaysia Day.
 - (4) The territory of the State of Selangor shall exclude the Federal Territory of Kuala Lumpur established under the Constitution (Amendment) (No. 2) Act 1973 and the territory of the State of Sabah shall exclude the Federal Territory of Labuan established under the Constitution (Amendment) (no. 2) Act 1984, and both the said Federal Territories shall be territories of the Federation.
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Article number: 2

2. Parliament may by law -

- (a) admit other States to the Federation;
 - (b) alter the boundaries of any State, but a law altering the boundaries of a State shall not be passed without the consent of that State (expressed by a law made by the Legislature of that State) and of the Conference of Rulers.
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Article number: 3

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 States not having a Ruler the position of the Ruler as the Head of the religion of Islam in his State in the manner and to the extent acknowledged and declared by the Constitution, all rights, privileges, prerogatives and powers enjoyed by him as Head of that religion, are unaffected and unimpaired; but in any acts, observance 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 religion of Islam authorize the Yang di-pertuan Agong to represent him.

- (3). The Constitution of the States of Malacca, Penang, Sabah and Sarawak shall each make provision for conferring on the Yang di-Pertuan Agong shall be Head of the religion of Islam in that State.
- (4) Nothing in this Article derogates from any other provision of this Constitution.
- (5) Notwithstanding anything in this Constitution the Yang di-Pertuan Agong shall be the Head of the religion of Islam in the Federal Territories of Kuala Lumpur and Labuan; and for this purpose Parliament may by law make provisions for regulating Islamic religious affairs and for constituting a Council to advise the Yang di-Pertuan Agong in matters relating to the religion of Islam.

Article number: 4

4.

- (1) This Constitution is the supreme law of the Federation and any law passed after Merdeka Day which is inconsistent with this Constitution shall, to the extent of the inconsistency, be void.
- (2) The validity of any law shall not be questioned on the ground that -
 - (a) it imposes restrictions on the right mentioned in Article 9 (2) but does not relate to the matters mentioned therein; or
 - (b) it imposes such restrictions as are mentioned in Article 10 (2) but those restrictions were not deemed necessary or expedient by Parliament for the purposes mentioned in that Article.
- (3) The validity of any law made by Parliament or the Legislature of any State shall not be questioned on the ground that it makes provision with respect to any matter with respect to which Parliament or, as the case may be, the Legislature of the State has no power to make laws, except in proceedings for a declaration that the law is invalid on that ground or -
 - (a) if the law was made by Parliament, in proceedings between the Federation and one or more States;
 - (b) if the law was made by Legislature of a State, in proceedings between the Federation and that State.
- (4) Proceedings for a declaration that a law is invalid on the ground mentioned in Clause (3)

(not being proceedings falling within paragraph (a) or (b) of the Clause) shall not be commenced without the leave of a judge of the Supreme Court; and the Federation shall be entitled to be a party to any such proceedings, and so shall any State that would or might be a party to proceedings brought for the same purpose under paragraph (a) or (b) of the Clause.

PART II - FUNDAMENTAL LIBERTIES

Article number: 5

5.

- (1) No person shall be deprived of his life or personal liberty save in accordance with law.
- (2) Where complaint is made to a High court or any judge thereof that a person is being unlawfully detained the court shall inquire into the complaint and, unless satisfied that the detention is lawful, shall order him to be produced before the court and release him.
- (3) Where a person is arrested he shall be informed as soon as may be of the grounds of his arrest and shall be allowed to consult and be defended by a legal practitioner of his choice.
- (4) Where a person is arrested and not released he shall without unreasonable delay, and in any case within twenty-four hours (excluding the time of any necessary journey) be produced before a magistrate and shall not be further detained in custody without the magistrate's authority:

Provided that this Clause shall not apply to the arrest or detention of any person under the existing law relating to restricted residence, and all the provisions of this Clause shall be deemed to have been an integral part of this Article as from Merdeka Day.

- (5) Clauses (3) and (4) do not apply to an enemy alien.
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Article number: 6

6.

- (1) No person shall be held in slavery.
- (2) All forms of forced labour are prohibited, but Parliament may by law provide for compulsory service for national purposes.
- (3) Work incidental to the serving of a sentence of imprisonment imposed by a court of law

shall not be taken to be forced labour within the meaning of this Article.

- (4) Where by any written law the whole or any part of the functions of any public authority is to be carried on by another public authority, for the purpose of enabling those functions to be performed the employees of the first mentioned public authority shall be bound to serve the second mentioned public authority shall not be taken to be forced labour within the meaning of this Article, and no such employee shall be entitled to demand any right from either the first mentioned or the second mentioned public authority by reason of the transfer of his employment.

Article number: 7

7.

(1) No person shall be punished for an act or omission which was not punishable by law when it was done or made, and no person shall suffer greater punishment for an offence than was prescribed by law at the time it was committed.

- (2) A person who has been acquitted or convicted of an offence shall not be tried again for the same offence except where the conviction or acquittal has been quashed and a retrial ordered by a court superior to that by which he was acquitted or convicted.

Article number: 8

8.

- (1) All persons are equal before the law and entitled to the equal protection of the law.

- (2) Except as expressly authorized by this Constitution, there shall be no discrimination against citizens on the ground only of religion, race, descent or place of birth in any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment.

- (3) There shall be no discrimination in favour of any person on the ground that he is a subject of the Ruler of the State.

- (4) No public authority shall discriminate against any person on the ground that he is resident or carrying on business in any part of the Federation outside the jurisdiction of the

authority.

- (5) This Article does not invalidate or prohibit -
 - (a) any provision regulating personal law;
 - (b) any provision or practice restricting office or employment connected with the affairs of any religion, or of an institution managed by a group professing any religion, to persons professing that religion;
 - (c) any provision for the protection, wellbeing or advancement of the aboriginal peoples of the Malay Peninsula (including the reservation of land) or the reservation to aborigines of a reasonable proportion of suitable positions in the public service;
 - (d) any provision prescribing residence in a State or part of a State as a qualification for election or appointment to any authority having jurisdiction only in that State or part, or for voting in such an election;
 - (e) any provision of a Constitution of a State, being or corresponding to a provision in force immediately before Merdeka Day;
 - (f) any provision restricting enlistment in the Malay Regiment to Malays.
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Article number: 9

9.

- (1) No citizen shall be banished or excluded from the Federation.
 - (2) Subject to Clause (3) and to any law relating to the security of the Federation or any part thereof, public order, public health, or the punishment of offenders, every citizen has the right to move freely throughout the Federation and to reside in any part thereof.
 - (3) So long as under this Constitution any other State is in a special position as compared with the States of Malaya, Parliament may by law impose restrictions, as between that State and other States, on the rights conferred by Clause (2) in respect of movement and residence.
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Article number: 10

10.

- (1) Subject to Clauses (2), (3) and (4) -

- (a) every citizen has the right to freedom of speech and expression;
 - (b) all citizens have the right to assemble peaceably and without arms;
 - (c) all citizens have the right to form associations.
 - (2) Parliament may by law impose -
 - (a) on the rights conferred by paragraph (a) of Clause (1), such restrictions as it deems necessary or expedient in the interest of the security of the Federation or any part thereof, friendly relations with other countries, public order or morality and restrictions designed to protect the privileges of Parliament or of any Legislative Assembly or to provide against contempt of court, defamation, or incitement to any offence;
 - (b) on the right conferred by paragraph (b) of Clause (1), such restrictions as it deems necessary or expedient in the interest of the security of the Federation or any part thereof, or public order;
 - (c) on the right conferred by paragraph (c) of Clause (1), such restrictions as it deems necessary or expedient in the interest of the security of the Federation or any part thereof, public order or morality.
 - (3) Restrictions on the right to form associations conferred by paragraph (c) of Clause (1) may also be imposed by any law relating to labour or education.
 - (4) In imposing restrictions in the interest of the security of the Federation or any part thereof or public order under Clause (2) (a), Parliament may pass law prohibiting the questioning of any matter, right, status, position, privilege, sovereignty or prerogative established or protected by the provisions of Part III, article 152, 153 or 181 otherwise than in relation to the implementation thereof as may be specified in such law.
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Article number: 11

11.

- (1) Every person has the right to profess and practice 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 and in respect of the Federal Territories of Kuala Lumpur and Lubuan, federal law may control or restrict the propagation of any religious doctrine or belief among persons professing the religion of Islam.
 - (5) This Article does not authorize any act contrary to any general law relating to public order, public health or morality.
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Article number: 12

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 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 it shall be lawful for the Federation or a State to establish or maintain or assist in establishing or maintaining Islamic institutions or provide or assist in providing instruction in the religion of Islam and incur such expenditure as may be necessary for the purpose.

• (3) No person shall be required to receive instruction in or 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.

Article number: 13

13.

(1) No person shall be deprived of property save in accordance with law.

- (2) No law shall provide for the compulsory acquisition or use of property without adequate compensation.
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PART III - CITIZENSHIP

Chapter 1 - Acquisition of Citizenship

Article number: 14

14.

• (1) Subject to the provisions of this Part, the following persons are citizens by operation of law, that is to say:

- (a) every person born before Malaysia Day who is a citizen of the Federation by virtue of the provisions contained in Part 1 of the Second Schedule; and
 - (b) every person born on or after Malaysia Day, and having any of the qualifications specified in Part 11 of the Second Schedule.
 - (c) (Repealed).
 - (2) (Repealed).
 - (3) (Repealed).
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Article number: 15

15.

• (1) Subject to Article 18, any married woman whose husband is a citizen is entitled, upon making application to the Federal Government, to be registered as a citizen if the marriage was subsisting and the husband a citizen at the beginning of October 1962, or if she satisfies the Federal Government -

- (a) that she has resided in the Federation throughout the two years preceding the date of the application and intends to do so permanently; and
- (b) that she is of good character.
- (2) Subject to Article 18, the Federal Government may cause any person under the age of

twenty-one years whose parents one at least is (or was at death) a citizen to be registered as a citizen upon application made to the Federal Government by his parent or guardian.

- (3) Subject to Article 18, a person under the age of twenty-one years who was born before the beginning of October 1962, and whose father is (or was at his death) a citizen and was also a citizen at the beginning of that month (if then alive), is entitled upon application made to the Federal Government by his parent or guardian, to be registered as a citizen if the Federal Government is satisfied that he is ordinarily resident in the Federation and is of good character.

- (4) For the purposes of Clause (1) residence before Malaysia Day in the territories comprised in the States of Sabah and Sarawak shall be treated as residence in the Federation.

- (5) The reference in Clause (1) to a married woman 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, or with any written law in force before Malaysia Day in the territories comprised in the States of Sabah and Sarawak:

Provided that this Clause shall not apply where the woman applies to be registered as a citizen before the beginning of September 1965, or such later date as may be fixed by order of the Yang di-Pertuan Agong, and is at the date of the application ordinarily resident in the States of Sabah and Sarawak.

- (6) (Repealed)

Article number: 16

16.

- Subject to Clause (9), the Federal Government may, upon application made by any person of or over the age of twenty-one years who is not a citizen, grant a certificate of naturalization to that person if satisfied -

- (a) that -

- (i) he is resided in the Federation for the required periods and intends, if the certificate is granted, to do so permanently;

- (ii) (Repealed).

- (b) that he is of good character; and

- (c) that he has an adequate knowledge of the Malay language.

- (2) Subject to Clause (9), the Federal Government may, in such special circumstances as it

thinks fit, upon application made by any person of or over the age of twenty-one years who is not a citizen, grant a certificate of naturalization to that person if satisfied -

- (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 do so permanently;
 - (c) that he is of good character; and
 - (d) that he has an elementary knowledge of the Malay language.
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Article number: 16a

16A. Subject to Article 18, any person of or over the age of eighteen years who is on Malaysia Day ordinarily resident in the State of Sabah or Sarawak is entitled, upon making application to the Federal Government before September 1971, to be registered as a citizen if he satisfies the Federal Government -

- (a) that he has resided before Malaysia Day in the territories comprised in those States and after Malaysia Day in the Federation for periods which amount in the aggregate to not less than seven years in the ten years immediately preceding the date of the application, and which include the twelve months immediately preceding that date;
 - (b) that he intends to reside permanently in the Federation;
 - (c) that he is of good character; and
 - (d) except where the application is made before September 1965, and the applicant has attained the age of forty-five years at the date of the application, that he has a sufficient knowledge of the Malay language or the English language or, in the case of an applicant ordinarily resident in Sarawak, the Malay language, the English language or any native language in current use in Sarawak.
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Article number: 17

(Repealed)

Article number: 18

18.

- (1) No person of or over the age of eighteen years shall be registered as a citizen under this Constitution 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 this Constitution.
 - (3) A person registered as a citizen under this Constitution shall be a citizen by registration from the day on which he is so registered.
 - (4) (Repealed).
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Article number: 19

19.

- (1) Subject to Clause (9), the Federal Government may, upon application made by any person of or over the age of twenty-one years who is not a citizen, grant a certificate of naturalization to that person if satisfied -
 - (a) that -
 - (i) he has resided in the Federation for the required periods and intends, if the certificate is granted, to do so permanently;
 - (ii) (Repealed).
 - (b) that he is of good character; and
 - (c) that he has an adequate knowledge of the Malay language.
- (2) Subject to Clause (9), the Federal Government may, in such special circumstances as it thinks fit, upon application made by any person of or over the age of twenty-one years who is not a citizen, grant a certificate of naturalization to that person if satisfied -
 - (a) that he has resided in the Federation for the required periods and intends, if the certificate is granted, to do so permanently;
 - (b) that he is of good character; and
 - (c) that he has an adequate knowledge of the Malay language.

- (3) The periods of residence in the Federation or the relevant part of it which are required for the grant of a certificate of naturalization are periods which amount in the aggregate to not less than ten years in the twelve years immediately preceding the date of the application for the certificate, and which include the twelve months immediately preceding that date.
 - (4) For the purposes of Clauses (1) and (2) residence before Malaysia Day in the territories comprised in the States of Sabah and Sarawak shall be treated as residence in the Federation; and for purposes of Clause (2) residence in Singapore before Malaysia Day or with the approval of the Federal Government residence in Singapore after Malaysia Day shall be treated as residence in the Federation.
 - (5) A person to whom a certificate of naturalization is granted shall be a citizen by naturalization from the date on which the certificate is granted.
 - (6) (Repealed)
 - (7) (Repealed)
 - (8) (Repealed)
 - (9) No certificate of naturalization shall be granted to any person until he has taken the oath set out in the First Schedule.
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Article number: 19a

19A. (Repealed)

Article number: 20

20. (Repealed)

Article number: 21

21. (Repealed)

Article number: 22

22. If any new territory is admitted to the Federation after Malaysia Day 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.

PART III - CITIZENSHIP

Chapter 2 - Termination of Citizenship

Article number: 23

23.

- Any citizen of or over the age of twenty-one years and of sound mind who is also or is about to become a citizen of another country may renounce his citizenship of the Federation by declaration registered by the Federal Government, 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.
- (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.

Article number: 24

24.

- (1) If the Federal Government is satisfied that any citizen has acquired by registration, naturalization 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 voluntarily claimed and exercised in any country, being rights accorded exclusively to its citizens, the Federal Government may by order deprive that person of his citizenship.
- (3) (Repealed)
- (3A) Without prejudice to the generality of Clause (2), the exercise of a vote in any political election in a place outside the Federation shall be deemed to be the voluntary claim and exercise of a right available under the law of that place; and for the purposes of Clause (2), a

person who, after such date as the Yang di-Pertuan Agong may by order appoint for the purposes of this Clause -

- (a) applies to the authorities of a place outside the Federation for the issue or renewal of a passport; or
 - (b) uses a passport issued by such authorities as a travel document,
 - shall be deemed voluntarily to claim and exercise a right available under the law of that place, being a right accorded exclusively to the citizens of that place.
 - (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 her citizenship.
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Article number: 25

25.

(1) The Federal Government may by order deprive of his citizenship any person who is a citizen by registration under Article 16A or 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 ringgit or the equivalent in currency of that country, and has not received a free pardon in respect of the offence for which he was so sentenced.
- (1A) The Federal Government may by order deprive of his citizenship any person who is a citizen by registration under Article 16A or 17 or a citizen by naturalisation if satisfied that without the Federal Government's approval, he has accepted, served in, or performed the duties of any office, post or employment under the Government of any country outside the Federation or any political sub-division thereof, or under any agency of such a Government, in any case where an oath, affirmation or declaration of allegiance is required in respect of the office, post or employment:

Provided that a person shall not be deprived of citizenship under this Clause by reason of anything done before the beginning of October 1962, in relation to a foreign country, and before the beginning of January 1977, in relation to a Commonwealth country, notwithstanding that he was at the time a citizen.

- (2) The Federal Government may by order deprive of his citizenship any person who is a citizen by registration under Article 16A or 17 or a citizen by naturalization if satisfied that he has been ordinarily resident in countries outside the Federation for a continuous period of five years and during that period has neither -
 - (a) been at any time in the service of the Federation or of an international organization of which the Federal Government was a member; nor
 - (b) registered annually at a consulate of the Federation his intention to retain his citizenship: provided that this Clause shall not apply to any period of residence in any Commonwealth country before the beginning of January 1977.
 - (3) (Repealed)
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Article number: 26

26.

- (1) 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) 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 the marriage.
 - (3) (Repealed).
 - (4) (Repealed).
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Article number: 26a

26A. Where a person has renounced his citizenship or been deprived thereof under Clause (1) of Article 24 or paragraph (a) of Clause (1) of Article 26, the Federal Government may by order deprive of his citizenship any child of that person under the age of twenty-one who has been registered as a citizen pursuant to this Constitution and was so registered as being the child of that person or of that person's wife or husband.

Article number: 26b

26B.

- (1) Renunciation or deprivation of citizenship shall not discharge a person from liability in respect of anything done or omitted before he ceased to be a citizen.
 - (2) No person shall be deprived of citizenship under Article 25, 26 or 26A unless the Federal Government is satisfied that it is not conducive to the public good that he should continue to be a citizen: and no person shall be deprived of citizenship under Article 25, paragraph (b) of Clause (1) of Article 26, or Article 26A if the Federal Government is satisfied that as a result of the deprivation he would not be a citizen of any country.
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Article number: 27

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 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.

Article number: 28

28.

- (1) For the purposes 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 a citizen or in consequence of his registration as the subject of the 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 by registration 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 the Ruler, under any provision of the said Agreement or 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 naturalised as a federal citizen or a citizen of the Federation under the said Agreement or became a federal citizen or a citizen of the Federation in consequence of his naturalization as the subject of a Ruler under any State law shall (subject to Clause (2)) be treated as a citizen by naturalization.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.
- (3) A person who on Merdeka Day became a citizen by operation of law as having been citizen of the Federation immediately before that day shall not be deprived of citizenship under Clause (1) or (2) of Article 24 by reason of anything done on or before that day, but in the case of any such person Clause (2) of Article 25 shall apply equally in relation to a period of residence in foreign countries beginning before Merdeka Day and in relation to such a period beginning on or after that day.

Article number: 28a

28a.

- (1) (Repealed)
- (2) For the purposes of Articles 24, 25, 26 and 26A a person who on Malaysia Day becomes a citizen by operation of law because immediately before that day he has the status of a citizen of the United Kingdom and Colonies shall be treated -
 - (a) as a citizen by registration if he acquired that status by registration; and
 - (b) as a citizen by naturalisation if he acquired that status by or in consequence of naturalisation;and references in those Articles to the registration or naturalisation of a citizen shall be construed accordingly.
- (3) Where a woman is under this Article to be treated as a citizen by registration, and the status consequence of which she is to be treated was acquired by her virtue of marriage, then for purposes of Clause (4) of Article 24 and Clause (2) of Article 26 she shall be treated as a citizen by registration under Clause (1) of Article 15.
- (4) Where a person born before Malaysia Day is under this Article to be treated as a citizen by registration by virtue of a connection with the State of Sabah or Sarawak and he was not born in the territories comprised in the States of Sabah and Sarawak, Article 25 shall apply to him as if he were a citizen by registration under Article 16a or 17.
- (5) Notwithstanding that a person is under this Article to be treated as a citizen by naturalisation, he shall not be deprived of his citizenship under Article 25 if he was born before Malaysia Day in the territories comprised in the States of Sabah and Sarawak and is to be treated by virtue of a status acquired by or in consequence of naturalisation in those territories.
- (6) Without prejudice to the forgoing Clauses, where on Malaysia Day a person becomes a citizen by operation of law in virtue of any status possessed by him immediately before that day to be deprived of that status under the law relating thereto, then the Federal Government may by order deprive him of his citizenship, if proceedings for that purpose are begun before September 1965: but Clause (2) of Article 26b and, subject to Clause (7), Article 27 shall apply to an order under this Clause as they apply to an order under Article 25.
- (7) Where a person is liable to be deprived of citizenship under Clause (6) and proceedings had before Malaysia Day begun to deprive him of the status of virtue of which he acquired his citizenship, those proceedings shall be treated as proceedings to deprive him of citizenship under that Clause, and shall be continued in accordance with the law relating to that status immediately before Malaysia Day, and the functions the Federal Government in

relation thereto shall be delegated to such authority of the State in question as the Federal Government may determine.

PART III - CITIZENSHIP

Chapter 3 - Supplemental

Article number: 29

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.
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Article number: 30

30.

- (1) The Federal Government may, on the application of any person with respect to whose citizenship a doubt exists, whether of fact or of law, certify that person is a citizen.
 - (2) A certificate issued under Clause (1) 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.
 - (3) For the purpose of determining whether a person was born a citizen of the Federation, any question whether he was born a citizen of another country shall be decided by the Federal Government, whose certificate thereon (unless proved to have been obtained by means of fraud, false representation or concealment of a material fact) shall be conclusive.
 - (4) (Repealed)
-

Article number: 30a

30A. (Repealed)

Article number: 30b

30B. (Repealed)

Article number: 31

31. Until Parliament otherwise provides, the supplementary provisions contained in Part III of the Second Schedule shall have effect for the purposes of this Part.

PART IV - THE FEDERATION

Chapter 1 - The Supreme Head

Article number: 32

32.

- (1) There shall be a Supreme Head of the Federation, to be called the Yang di-Pertuan Agong, who shall take precedence over all persons in the Federation and shall not be liable to any proceedings whatsoever in any court.
- (2) The Consort of the Yang di-Pertuan Agong (to be called the Raja Permaisuri Agong) shall take precedence next after the Yang di-Pertuan Agong over all other persons in the Federation.
- (3) The Yang di-Pertuan Agong shall be elected by the Conference of Rulers for a term of five years, but may at any time resign his office by writing under his hand addressed to the Conference of Rulers or be removed from office by the Conference of Rulers, and shall cease to hold office on ceasing to be a Ruler.
- (4) The provisions of Part I and III of the Third Schedule shall apply to the election and removal of the Yang di-Pertuan Agong.

Article number: 33

33.

- (1) There shall be a Deputy Supreme Head of the Federation (to be called the Timbalan Yang di-Pertuan Agong) who shall exercise the functions and have the privileges of the Yang di-Pertuan Agong during any vacancy in the office of the Yang di-Pertuan Agong and during any period during which the Yang di-Pertuan Agong is unable to exercise the functions of his office owing to illness, absence from the Federation or for any other cause, but the Timbalan Yang di-Pertuan Agong shall not exercise those functions during any inability or absence of the Yang di-Pertuan Agong which is expected to be less than fifteen days, unless the Timbalan Yang di-Pertuan is satisfied that it is necessary or expedient to exercise such functions.
- (2) The Timbalan Yang di-Pertuan Agong shall be elected by the Conference of Rulers for a term of five years, or if elected during the term for which the Yang di-Pertuan Agong was elected, for the remainder of that term, but may at any time resign his office by writing under his hand addressed to the Conference of Rulers and shall cease to hold office on ceasing to be a Ruler.
- (3) If during the term for which the Timbalan Yang di-Pertuan Agong was elected a vacancy occurs in the office of the Yang di-Pertuan Agong his term shall expire on the cessation of the vacancy.
- (4) the provisions of Part II of the Third Schedule shall apply to the election of the Timbalan Yang di-Pertuan Agong.
- (5) Parliament may by law provide for the exercise by a Ruler of the functions of the Yang di-Pertuan Agong in cases where those functions would under Clause (1) fall to be exercised owing to a vacancy in the office of the Timbalan Yang di-Pertuan Agong or to his illness, absence from the Federation or to any other cause; but such a law shall not be passed without the consent of Conference of Rulers.

Article number: 34

34.

- (1) The Yang di-Pertuan Agong shall not exercise his functions as Ruler of his State except those Head of the religion of Islam.
- (2) The Yang di-Pertuan Agong shall not hold any appointment carrying any remuneration.
- (3) The Yang di-Pertuan Agong shall not actively engage in any commercial enterprise.
- (4) The Yang di-Pertuan Agong shall not receive any emoluments of any kind payable or accruing to as the Ruler of his State under the provisions of the Constitution of that State or of any State law.
- (5) The Yang di-Pertuan Agong shall not, without the consent of the Conference of Rulers, be absent from the Federation for more than fifteen days, except on a State visit to another country.
- (6) Clauses (2) and (3) shall apply to the Raja Permaisuri Agong.
- (7) Where the Timbalan Yang di-Pertuan Agong or any other person authorised by law exercises the functions of the Yang di-Pertuan Agong for a period exceeding fifteen days Clause (1) to (5) shall apply to him during that period as they apply to the Yang di-Pertuan Agong.
- (8) Nothing in Clause (1) shall prevent the Yang di-Pertuan Agong exercising as Ruler of his State any power vested in him either alone or in conjunction with any other authority -
 - (a) to amend the Constitution of the State; or
 - (b) to appoint a Regent or member of a Council of Regency in the place of any Regent or member, as the case may be, who has died or has become incapable for any reason of performing the duties of the office of Regent or member of the Council of Regency.....respectively.

Article number: 35

35.

- (1) Parliament shall by law provide a Civil List of the Yang di-Pertuan Agong which shall include provision of an annuity to be paid to the Raja Permaisuri Agong, and shall be charged on the Consolidated Fund and shall not be diminished during the Yang di-Pertuan Agong's continuance in office.
- (2) Parliament shall by law make provision for the remuneration of the Timbalan Yang di-Pertuan Agong or any other person authorized by law to exercise the functions of the Yang

di-Pertuan Agong during any period during which he exercises those functions and the remuneration for which provision is made in pursuance of this Clause shall be charged on the Consolidated Fund.

Article number: 36

36. The Yang di-Pertuan Agong shall keep and use the Public Seal of the Federation.

Article number: 37

37.

- (1) The Yang di-Pertuan Agong shall before exercising his functions take and subscribe before the Conference of Rulers and in the presence of the Lord President of the Supreme Court (or in his absence the next senior judge of the Supreme Court available) the oath of office set out in Part 1 of the Fourth Schedule; and the oath shall be attested by two persons appointed for the purpose by the Conference of Rulers.
 - (2) The Timbalan Yang di-Pertuan Agong shall before exercising his functions, other than the functions exercisable for the purpose of convening the Conference of Rulers, take and subscribe before the Conference of Rulers and in the presence of the Lord President of the Supreme Court (or in his absence the next senior judge of the Supreme Court available) the oath of office set out in Part 11 of the Fourth Schedule.
 - (3) The said oaths, translated into English, are set out in Part 11 of the Fourth Schedule.
 - (4) Any law made under Article 33 (5) shall make provision corresponding (with the necessary modifications) to Clause (2).
-

PART IV - THE FEDERATION
Chapter 2 - The Conference of Rulers

Article number: 38

38.

- (1) There shall be a Majlis Raja-Raja (Conference of Rulers), which shall be constituted in accordance with the Fifth Schedule.
- (2) The Conference of Rulers shall exercise its functions of -
 - (a) electing, in accordance with the provisions of the Third Schedule, the Yang di-Pertuan Agong and Timbalan Yang di-Pertuan Agong;
 - (b) agreeing or disagreeing to the extension of any religious acts, observances or ceremonies to the Federation as a whole;
 - (c) consenting or withholding consent to any law and making or giving advice on any appointment which under this Constitution requires the consent of the Conference or is to be made by or after consultation with the Conference, and may deliberate on questions of national policy (for example changes in immigration policy) and any other matter that it thinks fit.
- (3) When the Conference deliberates on matters of national policy the Yang di-Pertuan Agong shall be accompanied by the Prime Minister, and the other Rulers and the Yang di-Pertua-Yang di-Pertua Negeri by their Menteri-Menteri Besar or Chief Ministers; and the deliberations shall be among the functions exercised, by the Yang di-Pertuan Agong in accordance with the advice of the Cabinet, and by other Rulers and the Yang di-Pertua -Yang di-Pertua Negeri in accordance with the advice of their Executive Councils.
- (4) No law directly affecting the privileges, position, honours or dignities of the Rulers shall be passed without the consent of the Conference of Rulers.
- (5) The Conference of Rulers shall be consulted before any change in policy affecting administrative action under Article 153 is made.
- (6) The members of the Conference of Rulers may act in their discretion in any proceedings relating to the following functions, that is to say -
 - (a) the election or removal from office of the Yang di-Pertuan Agong or the election of the Timbalan Yang di-Pertuan Agong;
 - (b) the advising on any appointment;
 - (c) the giving or withholding of consent to any law altering the boundaries of a State or affecting the privileges, position, honours or dignities of the Rulers; or
 - (d) the agreeing or disagreeing to the extension of any religious acts, observances or ceremonies to the Federation as a whole.
- (7) (Repealed).

PART IV - THE FEDERATION

Chapter 3 - The Executive

Article number: 39

39. The executive authority of the Federation shall be vested in the Yang di-Pertuan Agong and exercisable, subject to the provisions of any federal law and of the Second Schedule, by him or by the Cabinet or any Minister authorised by the Cabinet, but Parliament may by law confer executive function on other persons.

Article number: 40

40.

- (1) In the exercise of his functions under this Constitution or federal law and of the Second Schedule, by him or by the Cabinet or any Minister authorised by the Cabinet, but Parliament made by law confer executive function on other persons.
-

Article number: 40a

40a.

- (1) In the exercise of his functions under this Constitution or federal law the Yang di-Pertuan Agong shall act in accordance with the advice of the Cabinet or of a Minister acting under the general authority of the Cabinet, except as otherwise provided by this Constitution; but shall be entitled, at his request, to any information concerning the government of the Federation which is available to the Cabinet.
- (2) The Yang di-Pertuan Agong may act in his discretion in the performance of the following functions, that is to say -
 - (a) the appointment of a Prime Minister;
 - (b) the withholding of consent to a request for the dissolution of Parliament;
 - (c) the requisition of a meeting of the Conference of Rulers concerned solely with the

privileges, position, honours and dignities of Their Royal Highnesses, and any action at such a meeting and in any other case mentioned in this Constitution.

- (3) Federal law may make provision for requiring the Yang di-Pertuan Agong to act after consultation with or on the recommendation of any person or body of persons other than the Cabinet in the exercise of any of his functions other than -
 - (a) functions exercisable in his discretion;
 - (b) functions with respect to the exercise of which provision is made in any other Article.
-

Article number: 41

41. The Yang di-Pertuan Agong shall be the Supreme Commander of the armed forces of the Federation.

Article number: 42

42.

(1) The Yang di-Pertuan Agong has power to grant pardons, reprieves and respites in respect of all offences which have been tried by court-martial and all offences committed in the Federal Territories of Kuala Lumpur and Labuan; and the Ruler or Yang di-Pertua Negeri of a State has power to grant pardons, reprieves and respites in respect of all other offences committed in his State.

- (2) Subject to Clause (10), and without prejudice to any provision of federal or State law to remit, suspend or commute sentences for any offence shall be exercisable by the Yang di-Pertuan Agong if the sentence was passed by a court-martial or by a civil court exercising jurisdiction in the Federal Territories of Kuala Lumpur and Labuan and, in any other case, shall be exercisable by the Ruler or Yang di-Pertua Negeri of the State in which the offence was committed.
- (3) Where an offence was committed wholly or partly outside the Federation or in more than one State or in circumstances which make it doubtful where it was committed, it shall be treated for the purposes of this Article as having been committed in the State in which it was tried. For the purpose of this Clause the Federal Territory of Kuala Lumpur or the Federal

Territory of Labuan as the case may be, shall each be regarded as a State.

- (4) The powers mentioned in this Article -
 - (a) are, so far as they are exercisable by the Yang di-Pertuan Agong, among functions with respect to which federal law may make provision under Article 40 (3);
 - (b) shall, so far as they are exercisable by the Ruler or Yang di-Pertua Negeri of a State, be exercised on the advice of a Pardons Board constituted for that State in accordance with Clause (5).
- (5) The Pardons Board constituted for each State shall consist of the Attorney General of the Federation, the Chief Minister of the State and not more than three other members, who shall be appointed by the Ruler or Yang di-Pertua Negeri; but the Attorney General may from time to time by instrument in writing delegate his functions as a member of the Board to any other person, and the Ruler or Yang di-Pertua Negeri may appoint any person to exercise temporarily the functions of any member of the Board appointed by him who is absent or unable to act.
- (6) The members of a Pardons Board appointed by the Ruler or Yang Dipertua Negeri shall be appointed for a term of three years and shall be eligible for re-appointment, but may at any time resign from the Board.
- (7) A member of the Legislative Assembly of a State or of the House of Representatives shall not be appointed by the Ruler or Yang Dipertua Negeri to be a member of a Pardons Board or to exercise temporarily the functions of such a member.
- (8) The Pardons Board shall meet in the presence of the Ruler or Yang di-Pertua Negeri and he shall preside over it.
- (9) Before tendering their advice on any matter a Pardons Board shall consider any written opinion which the Attorney General may have delivered thereon.
- (10) Notwithstanding anything in this Article, the power to grant pardons, reprieves and respites in respect of, to remit, suspend or commute sentences imposed by any court established under any law regulating Islamic religious affairs in the State of Malacca, Peneng, Sabah or Sarawak or the Federal Territories of Kuala Lumpur and Labuan shall be exercisable by the Yang di-Pertuan Agong as Head of the religion of Islam in the State.
- (11) For the purpose of this Article, there shall be constituted a single Pardons Board for the Federal Territory of Kuala Lumpur and the Federal territory of Labuan and the provisions of Clauses (5), (6), (7), (8) and (9) shall apply mutatis mutandis to the Pardons Board under this Clause except that reference to "Ruler or Yang di-Pertua Negeri" shall be construed as

reference to the Minister responsible for the Federal Territory of Kuala Lumpur and the Federal Territory of Labuan.

Article number: 43

43.

- (1) The Yang di-Pertuan Agong shall appoint a Jemaah Menteri (Cabinet of Ministers) to advise him in the exercise of his functions.
- (2) The Cabinet shall be appointed as follows, that is to say -
 - (a) the Yang di-Pertuan Agong shall first appoint as Perdana Menteri (Prime Minister) to preside over the Cabinet a member of the House of Representative who in his judgment is likely to command the confidence of the majority of the members of that House; and
 - (b) he shall on the advice of the Prime Minister appoint other Menteri (Ministers) from among the members of either House of Parliament;but if an appointment is made while parliament is dissolved a person who was a member of the last House of Representatives may be appointed but shall not continue to hold office after the beginning of the next session of Parliament unless, if he has been appointed Prime Minister, he is a member of the new House of Representatives, and in any other case he is a member either of that House or of the Senate.
- (3) The Cabinet shall be collectively responsible to Parliament.
- (4) If the Prime Minister ceases to command the confidence of the majority of the members of the House of Representatives, then, unless at his request the Yang di-Pertuan Agong dissolves Parliament, the Prime Minister shall tender the resignation of the Cabinet.
- (5) Subject to Clause (4), Ministers other than the Prime Minister shall hold office during the pleasure of the Yang di-Pertuan Agong, unless the appointment of any Minister shall have been revoked by the Yang di-Pertuan Agong on the advice of the Prime Minister but any Minister may resign his office.
- (6) Before a Minister exercises the functions of his office he shall take and subscribe in the presence of the Yang di-Pertuan Agong the oath of office and allegiance and the oath of secrecy set out in the Sixth Schedule.
- (7) Notwithstanding anything in this Article, a person who is a citizen by naturalization or by registration under Article 17 shall not be appointed Prime Minister.
- (8) If a member of the Legislative Assembly of a State is appointed a minister he shall

resign from the Assembly before exercising the functions of his office.

- (9) Parliament shall by law make provision for the remuneration of members of the Cabinet.
-

Article number: 43a

43A.

- (1) The Yang di-Pertuan Agong may on the advice of the Prime Minister appoint Deputy Ministers from among the members of either House of Parliament; but if an appointment is made while Parliament is dissolved a person who was a member of the last House of Representatives may be appointed but shall not hold office after the beginning of the next session of Parliament unless he is a member either of that House or of the Senate.
 - (2) Deputy Ministers shall assist Ministers in the discharge of their duties and functions, and for such purpose shall have all the powers of Ministers.
 - (3) The provisions of Clauses (5), (6) and (8) of Article 43 shall apply to Deputy Ministers as they apply to Ministers.
 - (4) Parliament shall by law make provision for the remuneration of Deputy Ministers.
-

Article number: 43b

43B.

- (1) The Prime Minister may appoint Parliamentary Secretaries from among the members of either House of Parliament; but if an appointment is made while Parliament is dissolved, a person who was a member of the last House of Representatives may be appointed, but shall not hold office after the beginning of the next session of Parliament unless he is a member either of that House or of the Senate.
- (2) Parliamentary Secretaries shall assist Ministers and Deputy Ministers in the discharge of their duties and functions, and for such purpose shall have all the powers of Ministers and Deputy Ministers.
- (3) A Parliamentary Secretary may at any time resign his office, and his appointment as such may be determined at any time by the Prime Minister.
- (4) Before a Parliamentary Secretary exercises the functions of his office he shall take and

subscribe in the presence of the Prime Minister the oath of secrecy set out in the Sixth Schedule.

- (5) Parliament shall by law make provision for the remuneration of Parliamentary Secretaries.
-

Article number: 43c

43C.

- (1) The Prime Minister may appoint such number of persons as he may think fit to be Political Secretaries.
- (2) A person appointed as a Political Secretary by virtue of this Article-
 - (a) need not be a member of either House of Parliament;
 - (b) may resign his office at any time;
 - (c) subject to paragraph (b), shall continue in office until such time as his appointment is determined by the Prime Minister.
- (3) The provisions of Clause (4) of Article 43B shall apply to Political Secretaries as they apply to Parliamentary Secretaries.
- (4) The duties and functions of Political Secretaries, and their remuneration, shall be determined by the Cabinet.

PART IV - THE FEDERATION

Chapter 4- Federal Legislature

Article number: 44

44. The legislative authority of the Federation shall be vested in a Parliament, which shall consist of the Yang di-Pertuan Agong and two Majlis (Houses of Parliament) to be known as the Dewan Rakyat (House of Representatives).

Article number: 45

45.

- (1) Subject to Clause (4), the Senate shall consist of elected and appointed members as follows:

- (a) two members for each State shall be elected in accordance with the Seventh Schedule; and
- (aa) two members for the Federal Territory of Kuala Lumpur and one member for the Federal Territory of Labuan shall be appointed by the Yang di-Pertuan Agong; and
- (b) forty members shall be appointed by the Yang di-Pertuan Agong.
- (2) The members to be appointed by the Yang di-Pertuan Agong shall be persons who in his opinion have rendered distinguished public service or have achieved distinction in the professions, commerce, industry, agriculture, cultural activities or social service or are representative of racial minorities or are capable of representing the interests of aborigines.
- (3) The term of office of a member of the Senate shall, subject to the provisions of the Seventh Schedule, be three years and shall not be affected by a dissolution of Parliament.
- (3A) A member of the Senate shall not hold office for more than two terms either continuously or otherwise:

Provided that where a person who has already completed two or more terms of office as a member of the Senate is immediately before the coming into force of this Clause a member of this Clause a member of the Senate, he may continue to serve as such member for the remainder of his term.

- (4) Parliament may by law -
 - (a) increase to three the number of members to be elected for each State;
 - (b) provide that the members to be elected for each State shall be elected by the direct vote of the electors of that State;
 - (c) decrease the number of appointed members or abolish appointed members.

Article number: 46

46.

- (1) The House of Representatives shall consist of one hundred and eighty elected members.
- (2) There shall be -
 - (a) one hundred and seventy-two members from the States in Malaysia as follows -
 - (i) eighteen members from Johore;
 - (ii) fourteen members from Kedah;
 - (iii) thirteen members from Kelantan;
 - (iv) five members from Malacca;

- (v) seven members from Negeri Sembilan;
 - (vi) ten members from Pahang;
 - (vii) eleven members from Penang;
 - (viii) twenty-three members from Perak
 - (ix) two members form Perlis;
 - (x) twenty members from Sabah;
 - (xi) twenty-seven members from Sarawak;
 - (xii) fourteen members from Selangor;
 - (xiii) eight members from Trengganu; and
 - (b) eight members from the Federal Territories of Kuala Lumpur and Labuan as follows -
 - (i) seven members from the Federal Territory of Kuala Lumpur;
 - (ii) one member from the Federal Territory of Labuan.
-

Article number: 47

47. Every citizen resident in the Federation is qualified to be a member -

- (a) of the Senate, if he is not less than thirty years old;
 - (b) of the House of Representatives, if he is not less than twenty-one years old,
- unless he is disqualified for being a member by this Constitution or by law made in pursuance of Article 48.
-

Article number: 48

48.

- (1) Subject to the provisions of this Article, a person is disqualified for being a member of either House of Parliament if -
 - (a) he is and has been found or declared to be of unsound mind; or
 - (b) he is an undischarged bankrupt; or
 - (c) he holds an office of profit; or
 - (d) having been nominated for election to either House of Parliament or to the Legislative Assembly of a State, or having acted as election agent to a person so nominated, he has failed to lodge any return of election expenses required by law within the time and in the manner so

required; or

- (e) he has been convicted of an offence by a court of law in the Federation (or, before Malaysia Day, in the territories comprised in the State of Sabah or Sarawak or in Singapore) and sentenced to imprisonment for a term of not less than one year or to a fine of not less than two thousand ringgit and has not received a free pardon; or
- (f) he has voluntarily acquired citizenship of, or exercised rights of citizenship in, any country outside the Federation or has made a declaration of allegiance to any country outside the Federation.
- (2) Federal law may impose, for such periods as may be specified thereby, disqualification for membership of either House of Parliament on persons committing offences in connection with elections; and any person who has been convicted of such an offence or has in proceedings relating to an election been proved guilty of an act constituting such an offence, shall be disqualified accordingly for a period so specified.
- (3) The disqualification of a person under paragraph (d) or paragraph (e) of Clause (1) may be removed by the Yang di-pertuan Agong and shall, if not so removed, cease at the end of the period of five years beginning with the date on which the return mentioned in the said paragraph (d) was required to be lodged, or, as the case may be, the date on which the person convicted as mentioned in the said paragraph (e) was released from custody or the date on which the fine mentioned in the said paragraph (e) was imposed on such person and a person shall not be disqualified under paragraph (f) of clause (1) by reason only of anything done by him before he became a citizen.
- (4) Notwithstanding anything contained in the foregoing provisions of this Article, where a member of either House of Parliament becomes disqualified from continuing to be a member thereof pursuant to paragraph (e) of Clause (1) or under a federal law made in pursuance of Clause (2) -
 - (a) the disqualification shall take effect upon the expiry of fourteen days from the date on which he was -
 - (i) convicted and sentenced as specified in the aforesaid paragraph (e); or
 - (ii) convicted of an offence or proved guilty of an act under a federal law made in pursuance of Clause (2); or
 - (b) if within the period of fourteen days specified in paragraph (a) an appeal or any other court proceedings is brought in respect of such conviction or sentence, or in respect of being so convicted or proved guilty, as the case may be, the disqualification shall take effect upon the expiry of fourteen days from the date on which such appeal or other court proceedings is

disposed of by the court; or

- (c) if within the period specified in paragraph (a) or the period after the disposal of the appeal or other court proceedings specified in paragraph (b) there is filed a petition for a pardon, such disqualification shall take effect immediately upon the petition being disposed of.
 - (5) Clause (4) shall not apply for the purpose nomination, election or appointment of any person to either House of Parliament, for which purpose the disqualification shall take effect immediately upon the occurrence of the event referred to in paragraph (e) of Clause (1) or in Clause (2), as the case may be.
-

Article number: 49

49. A person shall not at the same time be a member of both Houses of parliament, nor be elected to the House of Representatives for more than one constituency or to the Senate for more than one State, nor be both an elected and an appointed member of the Senate.

Article number: 50

50.

- (1) If a member of either House of Parliament becomes disqualified for membership of that House his seat shall become vacant.
 - (2) If a person disqualified for being a member of the House of Representatives is elected to that House or if a person disqualified for being a member of the Senate is elected or appointed to the Senate or if an election or appointment to either House is contrary to Article 49, the election or appointment shall be avoid.
 - (3) (Repealed)
 - (4) A person cannot be validly nominated for election to membership of either House or appointed to the Senate without his consent.
-

Article number: 51

51. A member of either House of Parliament may resign his membership by writing under his hand addressed, if he is a member of the Senate, to the President of the Senate, and if a member of the House of Representatives, to the Speaker of that House.

Article number: 52

52.

- (1) If a member of either House of Parliament is without the leave of the House absent from every sitting of the House for a period of six months the House may declare his seat vacant.
 - (2) A member of either House of Parliament who has been granted leave of absence from the sittings of the House of which he is a member shall not, for the duration of such leave, participate in any manner in the affairs and business of that House.
-

Article number: 53

53.

- (1) If any question arises whether a member of a House of Parliament has become disqualified for membership, the decision of that House shall be taken and shall be final: Provided that this Article shall not be taken to prevent the practice of the House postponing a decision in order to allow for the taking or determination of any proceedings that may affect the decision (including proceedings for the removal of the disqualification).
 - (2) Where a member of either House of Parliament becomes disqualified under paragraph (e) of Clause (1) of Article 48 or under a federal law made in pursuance of Clause (2) of Article 48, Clause (1) shall not apply and he shall cease to be a member of that House, and his seat shall become vacant, immediately upon his disqualification taking effect in accordance with Clause (4) of Article 48.
-

Article number: 54

54.

- (1) Save as provided under Clause (3) whenever there is a vacancy among members of the Senate or a casual vacancy among members of the House of Representatives such vacancy or casual vacancy shall be filled within sixty days from the date on which it is established by the Election Commission that there is a vacancy, and an election shall be held or an appointment made accordingly:

Provided that failure to make any such appointment within the period specified in this Clause shall not invalidate any appointment made out of time:

Provided further, if a casual vacancy in the House of Representatives is established on a date within six months of the date Parliament shall, in accordance with Clause (3) of Article 55, stand dissolved, such casual vacancy shall not be filled.

- (2) (Repealed).
- (3) Where a vacancy among members of the Senate relates to a vacancy which shall be filled by a member who shall be elected by a State in accordance with the Seventh Schedule, the provisions of Clause (1) shall not apply to the filling of such vacancy.

Article number: 55

55.

- (1) The Yang di-Pertuan Agong shall from time to time summon Parliament and shall not allow six months to elapse between the last sitting in one session and the date appointed for its first meeting in the next session.
- (2) The Yang di-Pertuan Agong may prorogue or dissolve Parliament.
- (3) Parliament unless sooner dissolved shall continue for five years from the date of its first meeting and shall then stand dissolved.
- (4) Whenever Parliament is dissolved shall continue for five years from the date of the dissolution and Parliament shall be summoned to meet on a date not later than one hundred and twenty days from that date.
- (5) A Bill pending in Parliament shall not lapse by reason of the prorogation of Parliament.
- (6) A Bill pending reconsideration by Parliament in pursuance of Clause (4A) of Article 66 shall not lapse by reason of the prorogation or dissolution of Parliament.
- (7) A Bill pending the assent of the Yang di-Pertuan Agong under Clause (4) (a) or Clause (4A) of Article 66 shall not lapse by reason of the prorogation or dissolution of Parliament.

Article number: 56

56.

- (1) The Senate shall from time to time choose one of its members to be Yang di-Pertua Dewan Negara (President of the Senate) and one to be Deputy President of the Senate, and shall, subject to Clause (3), transact no business while the office of President is vacant other than the election of a President.
- (2) A member holding office as President or Deputy President shall cease to hold his office on the expiry of the term for which he was elected or appointed a member or on otherwise ceasing to be a member of the Senate, or upon being disqualified under Clause (5), and may at any time resign his office.
- (3) During any vacancy in the office of President or during any absence of the President from any sitting, the Deputy President or, if the Deputy President is also absent or if his office is also vacant, such other member as may be determined by the rules of procedure of the Senate, shall act as President.
- (4) If a member of the Legislative Assembly of a State is chosen to be President he shall resign from the Assembly before exercising the functions of his office.
- (5) A member who is elected to be President shall be disqualified from holding office if after three months of his election to such office or at any time thereafter he is or becomes a member of any board of directors or board of management, or an officer or employee, or engages in the affairs or business, of any organization or body, whether corporate or otherwise, or of any commercial, industrial or other undertaking, whether or not he receives any remuneration, reward, profit to benefit from it:
provided that such disqualification shall not apply where an organization or body carries out any welfare or voluntary work or objective beneficial to the community or any part thereof, or any other work or objective of a charitable or social nature, and the member does not receive any remuneration, reward, profit or benefit from it.
- (6) Where any question arises regarding the disqualification of the President under Clause (5) the decision of the Senate shall be taken and shall be final.

Article number: 57

57.

- (1) The House of Representatives shall from time to time elect -
 - (a) as Yang di-Pertua Dewan Rakyat (Speaker), a person who either is a member of the House or is qualified for election as such a member, and
 - (b) two Deputy Speakers from among members of the House;
- and the House shall, subject to Clause (3), transact no business while the office of Speaker is vacant other than the election of a Speaker.

- (1A) Any person elected as Speaker who is not a member of the House of Representatives -
- (a) shall before he enters upon the duties of his office, take and subscribe before the House the oath of office and allegiance set out in the Sixth Schedule; and
- (b) shall, by virtue of holding his office, be a member of the House additional to the members elected pursuant to Article 46:

Provided that paragraph (b) shall not have effect for the purposes of any of the following provisions of this Constitution, that is to say, Articles 43, 43A, 43B, 50 to 52, 54 and 59; and no person shall be entitled by virtue of that paragraph to vote on any matter before the House.

- (2) The Speaker may at any time resign his office by writing under his hand addressed to the Clerk of the House of Representatives, and shall vacate his office -
- (a) when the House first meets after a general election;
- (b) on his ceasing to be a member of the House otherwise than by reason of a dissolution thereof or, if he is a member by virtue only of paragraph (b) of Clause (1A), on his ceasing to be qualified to be a member;
- (bb) upon being disqualified under Clause (5);
- (c) if the House at any time so resolves.
- (2) A Deputy Speaker may at any time resign his office by writing under his hand addressed to the Clerk of the House of Representatives, and shall vacate his office -
- (a) on his ceasing to be a member of the House;
- (b) if the House at any time so resolves.
- (3) During any vacancy in the office of the Speaker or during any absence of the Speaker from any sitting, otherwise than by reason of the House first meeting after a general election, one of the Deputy Speakers or, if both the Deputy Speakers are absent or if both their offices are vacant, such other member as may be determined by the rules of procedure of the House, shall act as Speaker.
- (4) If a member of the Legislative Assembly of a State is chosen to be Speaker he shall resign from the Assembly before exercising the functions of his office.

- (5) A person who is elected to be Speaker shall be disqualified from holding such office if after three months of his election to such office or at any time thereafter he is or becomes a member of any board of directors or board of management, or an officer or employee, or engages in the affairs or business, of any organization or body, whether corporate or otherwise, or of any commercial, industrial or other undertaking, whether or not he receives any remuneration, reward, profit or benefit from it.

Provided that such disqualification shall not apply where such organization or body carries out any welfare or voluntary work or objective beneficial to the community or any part thereof, or any other work or objective of a charitable or social nature, and the member does not receive any remuneration, reward, profit or benefit from it.

- (6) Where any question arises regarding the disqualification of the Speaker under Clause (5) the decision of the House of Representatives shall be taken and shall be final.

Article number: 58

58. Parliament shall by law provide for the remuneration of the President and Deputy President of the Senate and the Speaker and Deputy Speakers of the House of Representatives, and the remuneration so provided for the President of the Senate and the Speaker of the House of Representatives shall be charged on the Consolidated Fund.

Article number: 59

59.

- (1) Every member of either House of Parliament shall before taking his seat take and subscribe before the person presiding in the House an oath in the form set out in the Sixth Schedule, but a member may before taking that oath take part in the election of a President of the Senate or Speaker of the House of Representatives.

- (2) If a member has not taken his seat within six months from the date on which the House first sits after his election or such further time as the House may allow, his seat shall become vacant.

Article number: 60

60. The Yang di-Pertuan Agong may address either House of Parliament or both Houses jointly.

Article number: 61

61.

- (1) In addition to his rights as a member of one of the Houses of Parliament every member of the Cabinet shall have the right to take part in the proceedings of the other House.
 - (2) Either House of Parliament may appoint as a member of any of its committees the Attorney General or any member of the Cabinet notwithstanding that he is not a member of that House.
 - (3) This Article does not authorize any person who is not a member of a House to vote in that House or any of its committees.
 - (4) In this Article "member of the Cabinet" includes a Deputy Minister and a Parliamentary Secretary.
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Article number: 62

62.

- (1) Subject to the provisions of this Constitution and of federal law, each House of Parliament shall regulate its own procedure.
- (2) Each House may act notwithstanding any vacancy in its membership, and the presence or participation of any person not entitled thereto shall not invalidate any proceedings.
- (3) Subject to Clause (4) and to Articles 89 (1) and 159 (3) and to sections 10 and 11 of the Thirteenth Schedule, each House shall, if not unanimous, take its decision by a simple majority of members voting; and the person presiding shall unless he is a member of the House by virtue only of paragraph (b) of Clause (1A) of Article 57 cast his vote whenever necessary to avoid an equality of votes, but shall not vote in any other case.
- (4) In regulating its procedure each House may provide, as respects any decision relating to its proceedings, that it shall not be made except by a specified majority or by a specified

number of votes.

- (5) Member absent from a House shall not be allowed to vote.
-

Article number: 63

63.

- (1) The validity of any proceedings in either House of Parliament or any committee thereof shall not be questioned in any court.
 - (2) No person shall be liable to any proceedings in any court in respect of anything said or any vote given by him when taking part in any proceedings of either House of Parliament or any committee thereof.
 - (3) No person shall be liable to any proceedings in any court in respect of anything published by or under the authority of either House of Parliament.
 - (4) Clause (2) shall not apply to any person charged with an offence under the law passed by Parliament under Clause (4) of Article 10 or with an offence under the Sedition Act 1948 as amended by the Emergency (Essential Powers) Ordinance No. 45, 1970.
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Article number: 64

64. Parliament shall by law provide for the remuneration of members of each House.

Article number: 65

65.

- (1) There shall be a Clerk to the Senate and a Clerk to the House of Representatives.
- (2) The Clerk to the Senate and the Clerk to the House of Representatives shall be appointed by the Yang di-Pertuan Agong and, subject to Clause (3), each shall hold office until he attains the age of sixty years or such other age as Parliament may by law provide, unless he sooner resigns his office:

Provided that this Clause shall not be taken to prevent the Yang di-Pertuan Agong from

making the appointment from amongst the members of the public services to which Part X applies for such shorter period as he may deem fit, and this proviso shall be deemed to have been an integral part of this Article as from Merdeka Day.

- (3) The Clerk to the Senate and the Clerk to the House of Representatives may be removed from office on the like grounds and in the like manner as a judge of the Supreme Court, except that the representation mentioned in Article 125 (3) shall be a representation made by the President of the Senate or, as the case may be, the Speaker of the House of Representatives.
- (4) Except as otherwise expressly provided by this Article, the qualifications for appointment and condition of service of the Clerk to the Senate and the Clerk to the House of Representatives, and of member of the staff of the Houses of Parliament, may be regulated by federal law.
- (5) The Clerk to the Senate, the Clerk to the House of Representatives and member of the staff of Parliament are disqualified for being members of either House of Parliament or the Legislative Assembly of any State.

PART IV - THE FEDERATION
Chapter 5 - Legislative procedure

Article number: 66

66.

- (1) The power of Parliament to make laws shall be exercised by Bills passed by both Houses (or, in the cases mentioned in Article 68, the House of Representatives) and, except as otherwise provided in this Article, assented to by the Yang di-Pertuan Agong.
- (2) Subject to Article 67, a Bill may originate in either House.
- ? (3) When a Bill has been passed by the House in which it originated it shall be sent to the other House; and it shall be presented to the Yang di-Pertuan Agong for his assent when it has been passed by the other House and agreement has been reached between the two Houses and any amendments made in it or when it is required to be so presented under Article 68.
- (4) The Yang di-Pertuan Agong shall within thirty days after a Bill is presented to him -
 - (a) assent to the Bill by causing the Public Seal to be affixed thereto; or
 - (b) if it is not a money Bill, return the Bill to the House in which it originated with a

statement of the reasons for his objection to the Bill, or to any provision thereof.

- (4A) If the Yang di-Pertuan Agong returns a Bill to the House in which it originated in accordance with Clause (4) (b), the House shall as soon as possible proceed to reconsider the Bill. If after such reconsideration the Bill is passed by the votes of not less than two-thirds of the total number of members of that House in the case of a Bill for making any amendment to the Constitution other than any amendment excepted pursuant to Article 159, and by a simple majority in the case of any other Bill, with or without amendment, it shall be sent together with the objections to the other House, by which it shall likewise be reconsidered, and if similarly approved by members of that House, the Bill shall again be presented to the Yang di-Pertuan Agong for assent and the Yang di-Pertuan Agong shall give his assent thereto within thirty days after the Bill is presented to him.
- (4B) If a Bill is not assented to by the Yang di-Pertuan Agong within the time specified in Clause (4) (a) or (4A) hereof, it shall become law at the expiration of the time as specified in Clause (4) (a) or (4A), as the case may be, in the like manner as if he had assented to it.
- (5) A Bill shall become law on being assented to by the Yang di-Pertuan Agong or as provided in Clause (4B), but no law shall come into force until it has been published, without prejudice, however, to the power of Parliament to postpone the operation of any law or to make laws with retrospective effect.
- (6) Nothing in this Article or in Article 68 shall invalidate any law confirming an undertaking given by the Federal Government to the effect that a Bill to which the undertaking relates shall not be presented to the Yang di-Pertuan Agong for his assent except in accordance with the undertaking.

Article number: 67

67.

- (1) A Bill or amendment making provision (whether directly or indirectly) for -
 - (a) imposing or increasing any tax or abolishing, reducing or remitting any existing tax;
 - (b) the borrowing of money, or the giving of any guarantee, by the Federation, or the amendment of the law relating to the financial obligations of the Federation;
 - (c) the custody of the Consolidated Fund, the charging of any money on the Consolidated Fund or the abolition or alteration of any such charge;
 - (d) the payment of moneys into the Consolidated Fund of the payment, issue or withdrawal

from the Consolidated Fund of any moneys not charged thereon, or any increase in the amount of such a payment, issue or withdrawal;

- (e) the compounding or remission of any debt due to the Federation;
- (f) the assignment of a tax or fee or the making of a grant to any State;
- (g) the receipt of moneys on account of the Consolidated Fund or the custody or issue of such moneys or the audit of the accounts of the Federation or a State;

being provision as respects which the Minister charged with responsibility for finance signifies that it goes beyond what is incidental only and not of a substantial nature having regard to the purposes of the Bill or amendment shall not be introduced or moved except by a Minister, and a Bill making any such provision shall not be introduced in the Senate.

- (2) A Bill or amendment shall not be deemed to make provision for any of the said matters by reason only that it provides -
 - (a) for the imposition or alteration of any fine or other pecuniary penalty or for the payment or demand of a licence fee or a fee or charge for any service rendered; or
 - (b) for the imposition, alteration or regulation of any tax or rate by any local authority or body for local purposes.

Article number: 68

68.

- (1) Where a money Bill is passed by the House of Representatives and, having been sent to the Senate at least one month before the end of the session, is not passed by the Senate without amendment within a month, it shall be presented to the Yang di-Pertuan Agong for his assent unless the House of Representatives otherwise directs.
- (2) Where -
 - (a) a Bill which is not a money Bill is passed by the House of Representatives and, having been sent to the Senate at least one month before the end of the sessions, is not passed by the Senate or is passed by the Senate with amendments to which the House of Representatives does not agree; and
 - (b) in the following session (whether of the same Parliament or not) but not earlier than one year after it was first passed by the House of Representatives the same Bill, with no other alterations than those mentioned in Clause (3), is passed again by the House of Representatives and sent to the Senate at least one month before the end of the session and is

not passed by the Senate or is passed by the Senate with amendments to which the House of Representatives does not agree,

the Bill shall, unless the House of Representatives otherwise, directs, be presented to the Yang di-Pertuan Agong for his assent with such amendments, if any, as may have been agreed to by both Houses.

- (3) The alterations referred to in Clause (2) are alterations certified by the Speaker of the House of Representatives to be necessary owing to the time which has elapsed since the Bill was passed in the earlier session or to represent amendments made in that session by the Senate.
- (4) When a Bill is presented to the Yang di-Pertuan Agong in pursuance of this Article it shall bear a certificate of the Speaker of the House of Representatives that the provisions of this Article have been complied with, and that certificate shall be conclusive for all purposes and shall not be questioned in any court.
- (5) This Article does not apply to any Bill for making any amendment to this Constitution, other than an amendment excepted from the provisions of Article 159 (3).
- (6) In this Article "money Bill" means a Bill which, containing in the opinion of the Speaker of the House of Representatives only provision dealing with all or any of the following matters, that is to say -
 - (a) the matters mentioned in Article 67 (1) or the regulation of any tax;
 - (b) the reduction of any such amount as is mentioned in paragraph (d) of Article 67 (1); and
 - (c) any matter incidental to those matters or any of them, is certified by him as a money Bill.