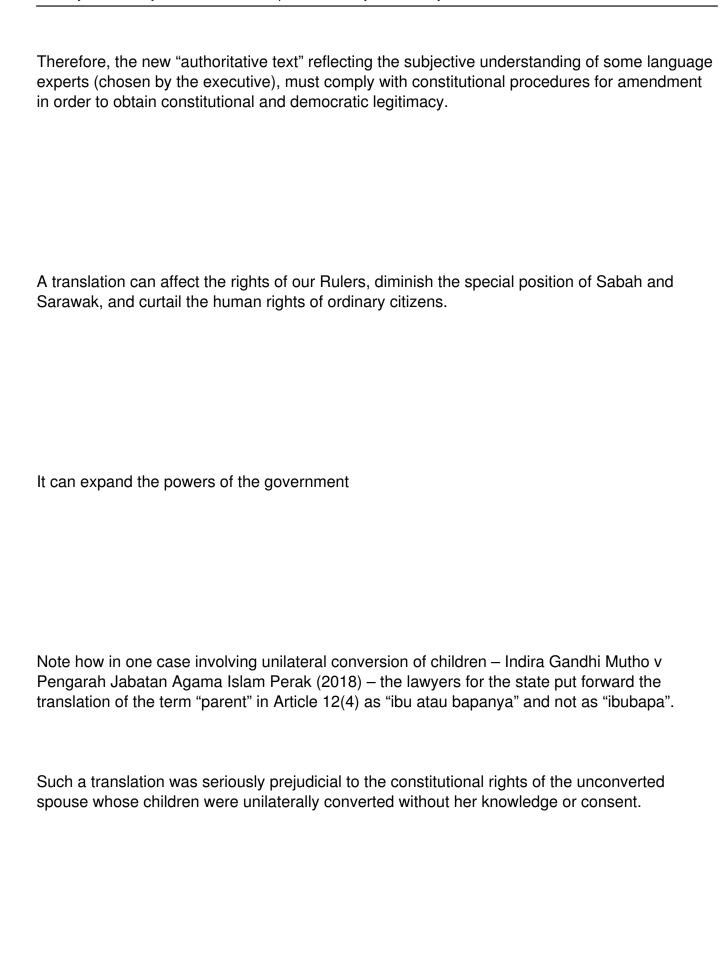
Article 160B provides that if the Federal Constitution is translated into the national language and

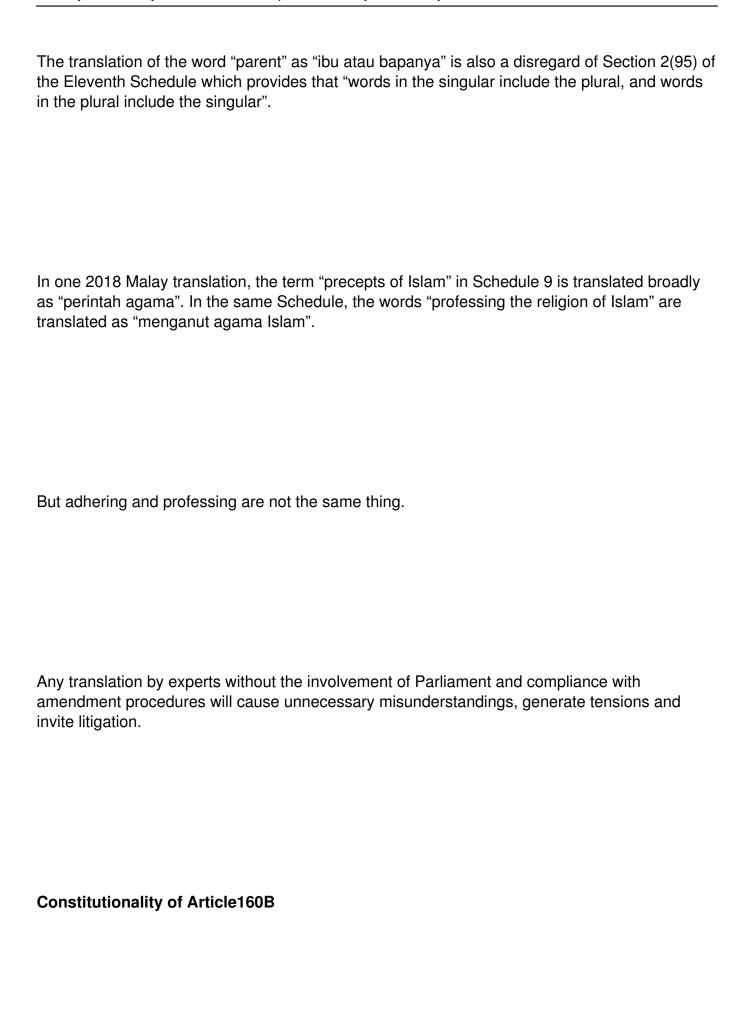
submitted to the King, His Majesty may prescribe such national language text to be

authoritative.

From then on, the national language text will prevail over the English text.
It is submitted that having an authoritative text of our basic law in the national language is understandable as Malay is our Bahasa Kebangsaan under Article 152.
However, this delicate job requires a non-partisan approach and a process of wide consultation with constitutional and language experts.
The translators must have knowledge of constitutional history and a deep understanding of the nuances of both Malay and the English language.
There must be a commitment to the letter and spirit of the original charter.
In addition to linguistic and historical issues, there are several important questions of constitutionality:

> The effect of an authoritative translation;
> The constitutionality of Article 160B;
> Violation of the special rights of Sabah and Sarawak; and
> The need to read Article 160B harmoniously with other Articles.
Effect of a translation
A translation substitutes the earlier text with a newer text. It is akin to a super amendment. It amounts to a replacement of the 1957/1963 Federal Constitution with a new executive version of our supreme law.
A translation is a work of art. No two people will translate a text exactly alike.





Giving effect to a Malay translation.....

special rights.

Article 160B must not be read in isolation

* Article 159(5) which requires the consent of the Conference of Rulers.

It will be most regrettable if the 1957 Constitution was replaced by a new Constitution with no involvement of the Conference of Rulers, citizens' groups, and no participation by the federal or

state legislatures.

The reliance on a constitutionally questionable Article 160B is open to challenge.
In sum, while the move to produce an authoritative Malay text is desirable, the new text must go through Parliament and the formal procedures of the amendment process.
A monumentally significant move as this should not be achieved by a purely executive act.
The supreme Constitution is not a piece of subsidiary legislation that can be enacted, amended and enforced by executive fiat without parliamentary scrutiny.
> The writer is the Tunku Abdul Rahman Chair, Universiti Malaya. The views expressed here are entirely the writer's own.