SPEECH BY THE PRIME MINISTER WHEN HE MOVED THE SECOND READING OF THE CONSTITUTION (AMENDMENT) BILL, 1970, RELATING TO THE PUBLIC SERVICE COMMISSION, ON 17TH MARCH, 1970

In June, 1959, Singapore became a self-governing state. In September '63, it became part of the Federation of Malaysia. In August '65, it became a republic.

The Constitution has undergone three fundamental changes in a space of six years. It has created confusion in several areas, whether certain provisions continued to be law or were superseded and altered. The present Constitutional provisions relating to the P.S.C. are a carry-over of those when we were a state in Malaysia. The government could have left this Constitution (Amendment) Bill to be taken together with the draft Constitution. This draft is now being vetted by expert constitutional draftsmen before it is tabled in this House. But this may take some time. And since it is the intention of the government to afford every institution and citizen an opportunity to make representations on the draft Constitution, it may be a few years before it is promulgated.

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It has therefore been decided that we should take the provisions relating to the Public Service Commission in a separate Bill.

Changes have been made to the existing provisions in the Constitution which were thought too restrictive for the proper and efficient functioning of the Public Service Commission.

The Bill seeks to re-enact and provide a comprehensive part in our Constitution, dealing with the public service. The constitutional changes brought about since independence have necessitated these changes. The Public Service Commission have also recommended other changes as a result of their experiences, especially after August 1965.

The Bill amends the Articles in the Constitution dealing with the qualifications and tenure of office of the Chairman and members of the Public Service Commission. There will now be a maximum of seven and a minimum of four members of the Public Service Commission excluding the Chairman, instead of the present maximum of four and minimum of two members. The provisions relating to the qualifications for membership have been redrafted to widen the choice of suitable candidates for membership. Clause 74 of the Bill now contains, in more specific language, those disqualifications from membership.

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Further, there have been doubts whether the present Article 80 would prevent the Public Service Commission from delegating any of its powers or functions, save to public officers. This may put in question the validity of certain decisions of the Public Service Commission and its delegates which were made in good faith. In several cases, the appointment of a delegate has been at request, or with the express consent or approval, of the persons concerned with, or directly involved in, the exercise of functions by the Public Service Commission.

To avoid litigation on procedural and technical grounds, provisions validating them have been inserted in clause 80D of the Bill so that no proceedings may be instituted or maintained against the Commission as a whole or any of its members for any exercise of such powers and rights. But where the bona fides of the Commission is challenged, and not just legal technicalities, a suit can be taken and remedy sought.

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It is not the intention of the Government that those aggrieved by an excess of authority should be prevented from seeking legitimate redress as the law allows. But the Government has to and is prepared to take the responsibility, with the support of Honourable Members of this House, to move validation clauses in the new Bill, to negate frivolous or vexatious attempts at litigation.

These changes, I hope, will enable the Public Service Commission the more efficiently to carry out their functions.

Sir, I beg to move.

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