



**Tindak Malaysia**

# Redelineation: Reflections on the Merdeka Constitution

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**60th  
anniversary  
of Principle  
of Simple  
Multiple!**

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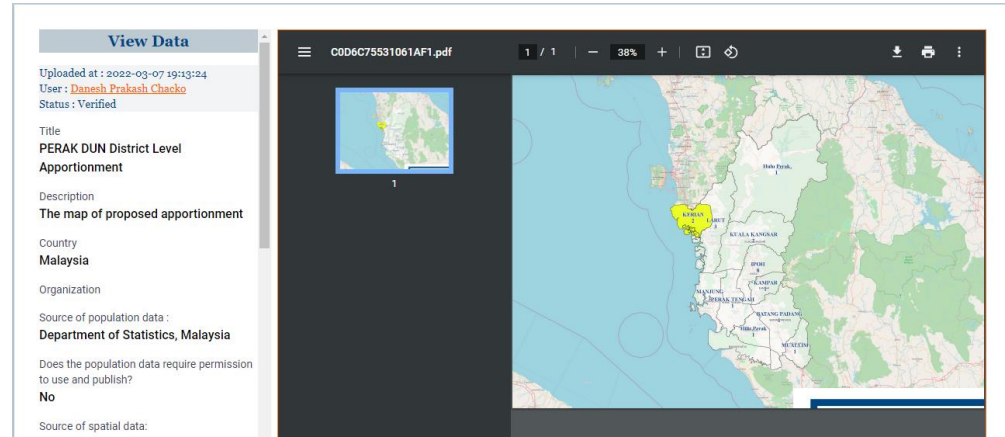
*\*We will make references to 1958 and 1960 Malayan Redelineation Exercises here and there*

# Electoral Redistricting App



- **Universal tool** for creating electoral districts that conforms to International best practices and principles
- Joint initiative between International IDEA, Perludem and QGIS Indonesia.
- Tindak Malaysia was a consultant (Electoral GIS) for the tool

# Electoral Redistricting App



- **A great tool for you to explore (for now):**
  - **How to allocate constituencies to subnational or substate divisions?**
  - **Can adherence to district or local authority boundaries allow you to attain equalization or not?**



# Basics of Constituency Formation

Dewan Rakyat  
(House of Representatives)



Dewan Undangan Negeri (SLA)



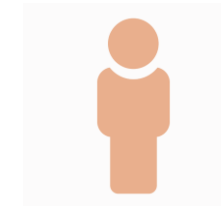
Daerah Mengundi (Polling District)



Lokaliti (Locality)



Pengundi (Voter)



Normal Voter    Early Voter    Absent Voter

A Parliament constituency has two or more DUN constituencies

DUN constituency has two or more polling districts

Polling district with one or more polling centres

Geographical or non-geographical localities

Have complete or incomplete address

# Redelineation Triggers & 13<sup>th</sup> Schedule

- Redelineation can be triggered:
  - State Boundaries were altered or new states admitted to Federation
  - After 8 years lapsed from the past redelineation was done
  - Change in Dewan Rakyat or DUN Constituency Count
- Aim of any redelineation exercise (redrawing of electoral boundaries) is to comply with 13<sup>th</sup> Schedule.  
13th Schedule principles of redelineation
  - Respect State Boundaries and DUN constituency subset of Parliament Constituency (**Honoured**)
  - Constituency with enough machinery for voter registration and polling centres (**Violated**)
  - Equality of Constituency electorate size with some exception for rural constituencies (**Violated**)
  - Respecting local ties (**Violated**)

# Tindak Malaysia's Key Principles

- **Redelineation must result constituencies that are:**
  - Accessible (A)
  - Representative (R)
  - Equal (E)
- **We learn more through the slides**

## Ideal Dewan Rakyat Size

- Our Parliament started out with the size of 104, today is 222
- Ideal Number:
  - 319 (cube root rule)
  - 327 (Wyoming Rule) – using Labuan as base
  - 128 (Wyoming Rule) – using Perlis as base
- Consideration: Legislative Reform & Electoral System Change
- Consideration: Odd Number vs Even Number. This is a Legislative Question, not an Electoral matter
- **References to 1958 and 1960 Redelineation**
  - **Original Article 46 (Merdeka Day)**
    - (1) - the House of Representatives shall consist of one hundred elected members except that the first House of Representatives shall consist of one hundred and four.
    - (2) - After the completion of the first census to be taken after Merdeka Day Parliament may by law alter the number of members of the House of Representatives.”



## Ideal Dewan Rakyat Size

- Fair apportionment of Parliamentary Constituencies (Seats) to state with existing 222 Dewan Rakyat Seat Count – refer to Table below
- References to 1960 redelineation
  - Article 116 (3) (Merdeka Day) - "Constituencies shall be allocated to the several States in such manner that the electoral quota of each State is as nearly equal to the electoral quota of the Federation as it can be without causing undue disparity between the population quota of that State and the population quota of the Federation."

STATE	2018 SEAT ALLOCATION	2021 ELECTORS	NEW ALLOCATION
JOHOR	26	2,597,742	24
KEDAH	15	1,569,569	14
KELANTAN	14	1,399,305	13
MELAKA	6	655,030	6
NEGERI SEMBILAN	8	844,311	8
PAHANG	14	1,127,878	10
PULAU PINANG	13	1,220,552	11
PERAK	24	2,035,817	19
PERLIS	3	195,681	2
SELANGOR	22	3,633,188	33
TERENGGANU	8	915,414	8
W.P. KUALA LUMPUR	11	1,149,243	11
W.P. PUTRAJAYA	1	411,951	1
W.P. LABUAN	1	44,319	1
SABAH	25	1,667,061	28
SARAWAK	31	1,927,750	33

## Ideal Dewan Rakyat Size

- Challenge is our Malaysian politicians have hog their seats (both Dewan Rakyat and DUN level)
- Two attempts to redistribute parliamentary seats – 1960 and 1967/69-71/73 – within Malaya resulted in two destructive attacks on EC. The outcomes of those redelineation exercise were cancelled

# Ideal DUN Size

## How do you equalize constituencies for both state and federal levels?

Each Orange is divided into three neat slices where the weight of each slice is close to 33.3 gm



Each slice of each orange has an approximately equal weight. Slice 1 of Orange 1 will have a similar weight to Slice 3 of Orange 2 or Slice 2 of Orange 3

Slice 1 of Orange 1 is 34 grams, Slice 3 of Orange 2 is 33 grams and Slice 2 of Orange 3 is 35 gm

Hence, we are able to meet the equalization criteria. No slice has a weight more than +/-15% of the average weight

*Question: If there are three oranges and we want eight slices, can we meet the equalization criteria?*



Tindak Malaysia

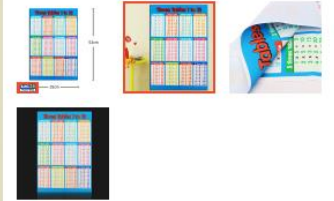
Photo: Charles Deluvio (Unsplash)

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Ideal DUN Size



Educational Times Tables Maths Kids Children Wall Chart Poster



Source: <https://shopee.com.my/Educational-Times-Tables-Maths-Kids-Children-Wall-Chart-Poster-i.33243415.1108549501>

## Ideal DUN Size

- **References to 1960 Redelineation**

- “The provisions of Article 116 (4) which apply to the division of States into both Parliamentary and State constituencies are basically to ensure parity between the various constituencies. It therefore follows that if a State is divided into Parliamentary constituencies which are almost equal then the **State constituencies** if they are to be geographically related to such Parliamentary constituencies and are to be almost equal in electoral population, **must in number be a simple multiple of the number of Parliamentary constituencies.**”

- Report of the Election Commission on the delimitation of parliamentary and state constituencies under the provisions of the Constitution of the Persekutuan Tanah Melayu, 1960.

- While there is no legislative requirement for the DUN to be a simple multiple in 1960, our then fair and independent EC has shown us the foundational principle required for concurrent equalization

# Ideal DUN Size

- **References to 1958 Redelineation**
  - **Article 171 (found on Merdeka era Constitution, deleted in 1963)**
    - (1) - Article 116 shall not apply to the first election to the House of Representatives, but for that election the Federation shall be divided into constituencies by dividing into two constituencies each of the constituencies delimited for the purpose of elections to the Legislative Council under the Federation of Malaya Agreement, 1948.
    - (2) - the number of constituencies for the purpose of the first elections to be held after Merdeka Day to the Legislative Assemblies of the several States shall be as set out in the following Table, and those constituencies shall be delimited by dividing the constituencies delimited for the purpose of the first election to the House of Representatives.
    - We check the new slide of the consequence of Article 171 and 'Table'

## Ideal DUN Size

State	1954 Parliamentary (PAR) Seat Allocation	1958 Parliamentary (PAR) Seat allocation (due to Article 171)	1958 DUN Seat allocation (due to Article 171)	Value of Multiple (Total PAR = Multiple of DUN Count)
PERLIS	1	2	12	<u>x 6</u>
KEDAH	6	12	24	<u>x 2</u>
KELANTAN	5	10	30	<u>x 3</u>
TRENGGANU	3	6	24	<u>x 4</u>
PULAU PINANG	4	8	24	<u>x 3</u>
PERAK	10	20	40	<u>x 2</u>
PAHANG	3	6	24	<u>x 4</u>
SELANGOR	7	14	28	<u>x 2</u>
NEGERI SEMBILAN	3	6	24	<u>x 4</u>
MELAKA	2	4	20	<u>x 5</u>
JOHOR	8	16	32	<u>x 2</u>

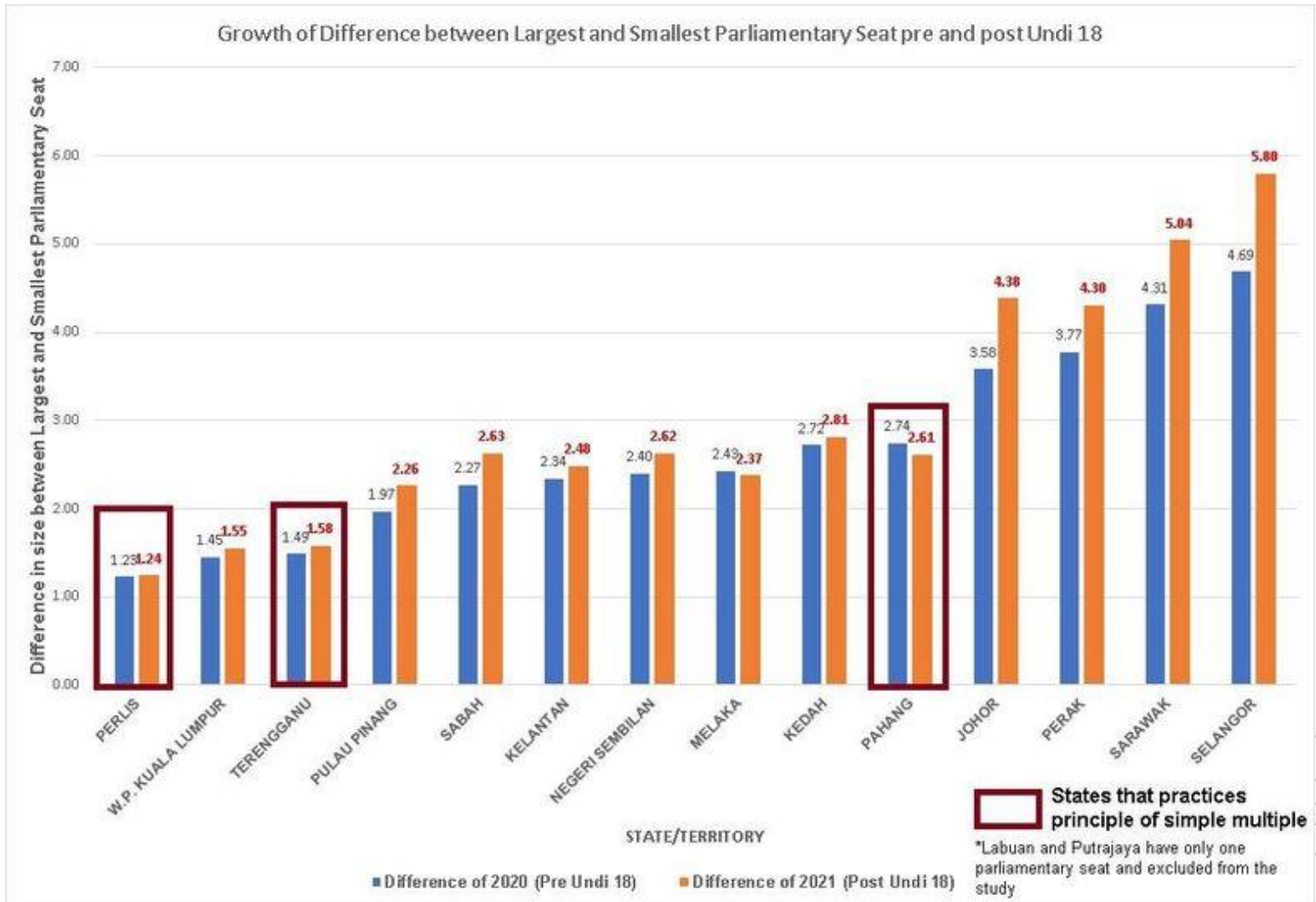
# Ideal DUN Size

- 8<sup>th</sup> Schedule Section 4
  - (1) (original Merdeka Day) - the Legislative Assembly shall consist of such number of elected members as the Legislature may by law provide **and, until other provision is so made, the number of members shall be the number specified in Article 171 of the Federal Constitution**
  - (2) (introduced on 21/6/1962, deleted in 1983) - the **number of elected members of the Legislative Assembly shall be the same as or a multiple of the number of the Federal constituencies** into which the State is divided under Article 116 of the Federal Constitution
- This means **the concept of principle of simple multiple** was **laid on Merdeka day** and legally codified in 1962

60th  
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Multiple!



# Ideal DUN Size



Food for thought – why states least impacted by Undi 18 happen to be states that practice Simple Multiple?

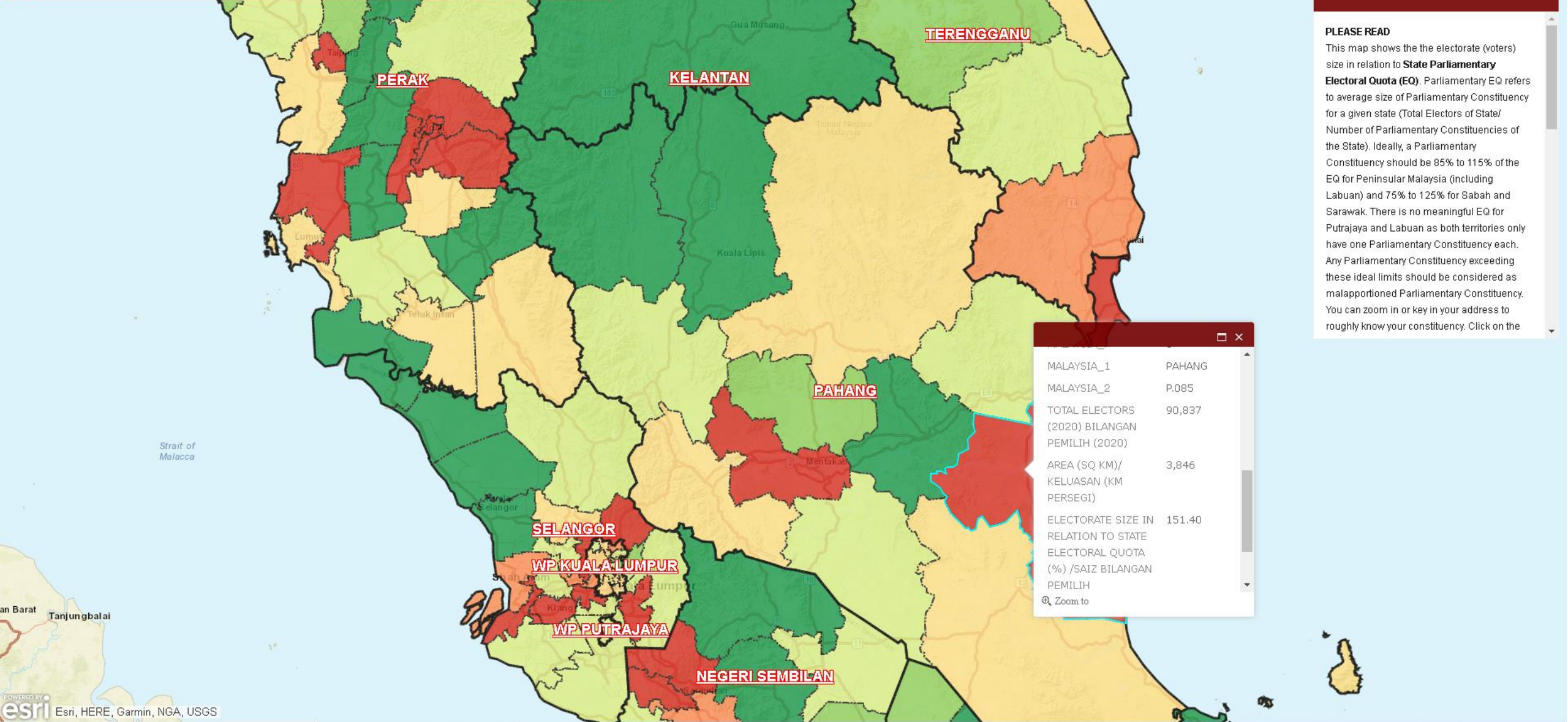
# **Principle of simple multiple (DUN Size) cannot guarantee balance Non multiple GUARANTEES imbalance**

Therefore, Tindak Malaysia has advocated Principle of Simple Multiple for many years to various stakeholders. If Selangor has 22 Parliamentary seats, then DUN Size should be 22, 44 or 66. NOT THE CURRENT NUMBER OF 56

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## Ideal Electorate Size (Equalization)

- Article 8 (1) – “All persons are equal before the law and entitled to the equal protection of the law.”
- 13<sup>th</sup> Schedule 2 (c) – “the number of electors within each constituency in a State ought to be approximately equal except that, having regard to the greater difficulty of reaching electors in the country districts and the other disadvantages facing rural constituencies, a measure of weightage for area ought to be given to such constituencies;
- What does all these clauses mean?



**PLEASE READ**  
 This map shows the the electorate (voters) size in relation to **State Parliamentary Electoral Quota (EQ)**. Parliamentary EQ refers to average size of Parliamentary Constituency for a given state (Total Electors of State/ Number of Parliamentary Constituencies of the State). Ideally, a Parliamentary Constituency should be 85% to 115% of the EQ for Peninsular Malaysia (including Labuan) and 75% to 125% for Sabah and Sarawak. There is no meaningful EQ for Putrajaya and Labuan as both territories only have one Parliamentary Constituency each. Any Parliamentary Constituency exceeding these ideal limits should be considered as malapportioned Parliamentary Constituency. You can zoom in or key in your address to roughly know your constituency. Click on the

Food for thought – why is semi urban Pekan is largest Parliamentary seat for Pahang?

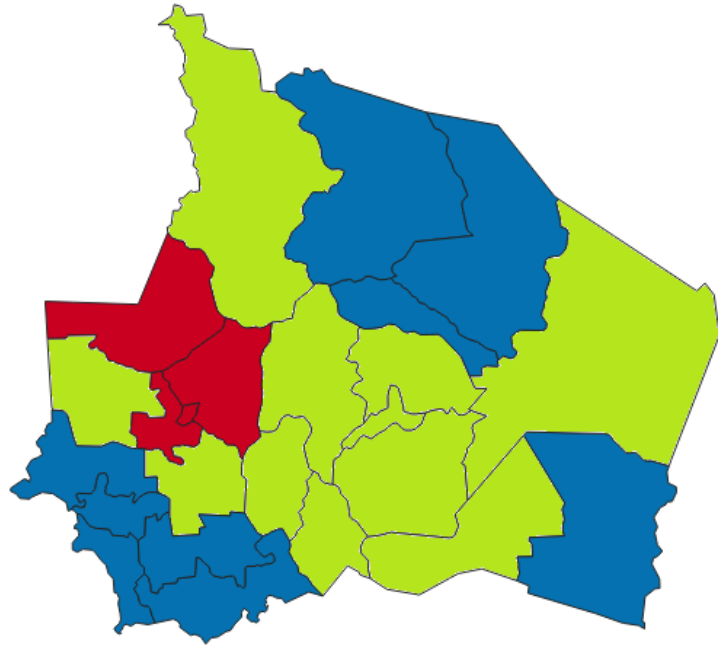
# Ideal Electorate Size (Equalization)

- **Some definitions for equalization**
  - Venice Commission (Code of Good Practice in Electoral Matters) – 10% from the norm, 15% - special circumstances
  - Australia – Deviation of 10% from State Electoral Quota (EQ)\*
  - Malayan 1957 Constitution: 15% from state Electoral Quota
  - 1954 Definition: Number of inhabitants among constituencies shall be nearly equal with exception to rural areas. A rural constituency can have inhabitant size half of urban constituency
  - 1962 Definition: Similar to 1954 but instead of inhabitants, they use electors. Emphasis of unit of review\*\* as one reference measure of equalization
  - \*EQ represents the average constituency electorate size for a country or state level
  - \*\*Unit of review represents Malaya/Peninsular Malaysia, Sabah and Sarawak

# Ideal Electorate Size (Equalization)

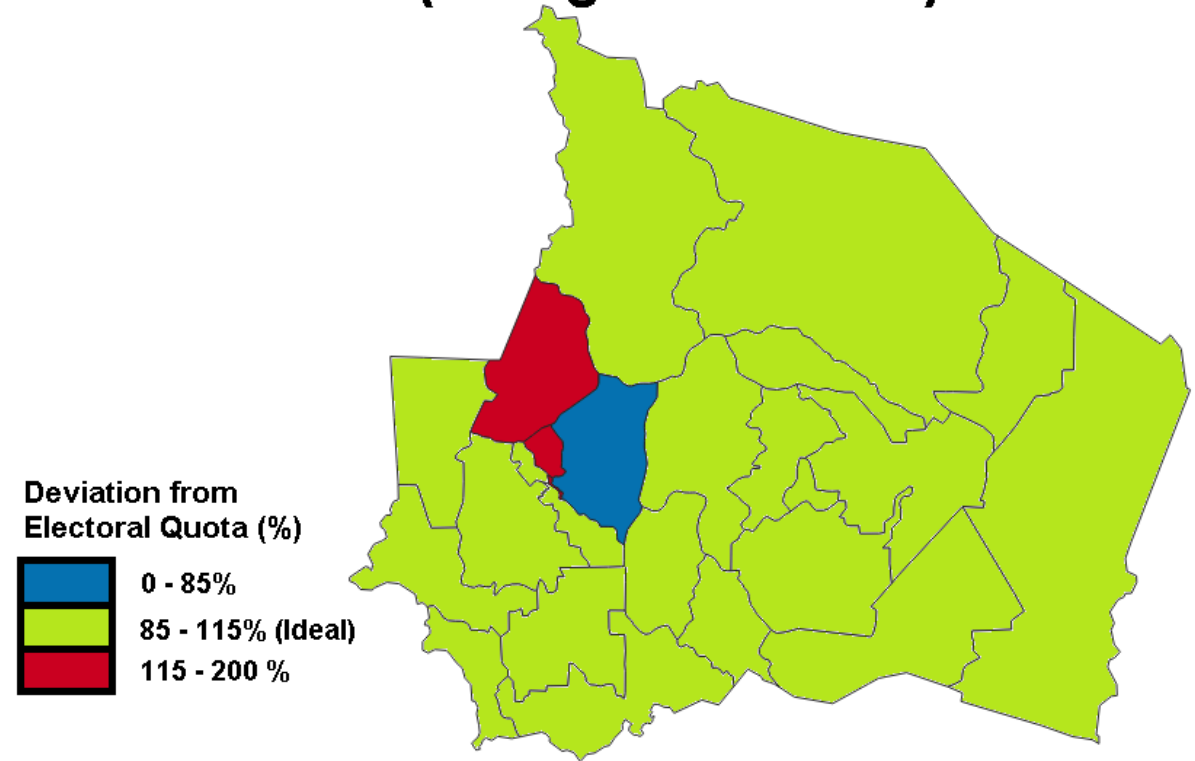
- **Tindak Malaysia stance (for intrastate equality) up to 2030:**
  - +/-15% of State Electoral Quota (for Peninsular Malaysia)
  - +/-25% of State Electoral Quota (for Sabah & Sarawak)
- **Why?**
  - Largely in line with Venice Commission's aspiration
  - Clear definition, not vaguely worded
  - Found in our Merdeka Constitution
- **References to 1958 redelineation**
  - Largest constituency Bungsar is 3.89 times larger Johore Tenggara. Against then constitution? No!
  - Why? No constitutional limits on vaguely worded requirements

## 1958 Redelineation (using Population)



*Parliament Seat Count: 6 DUN Seat Count: 24*

## 1960 Redelineation (using Electorate)



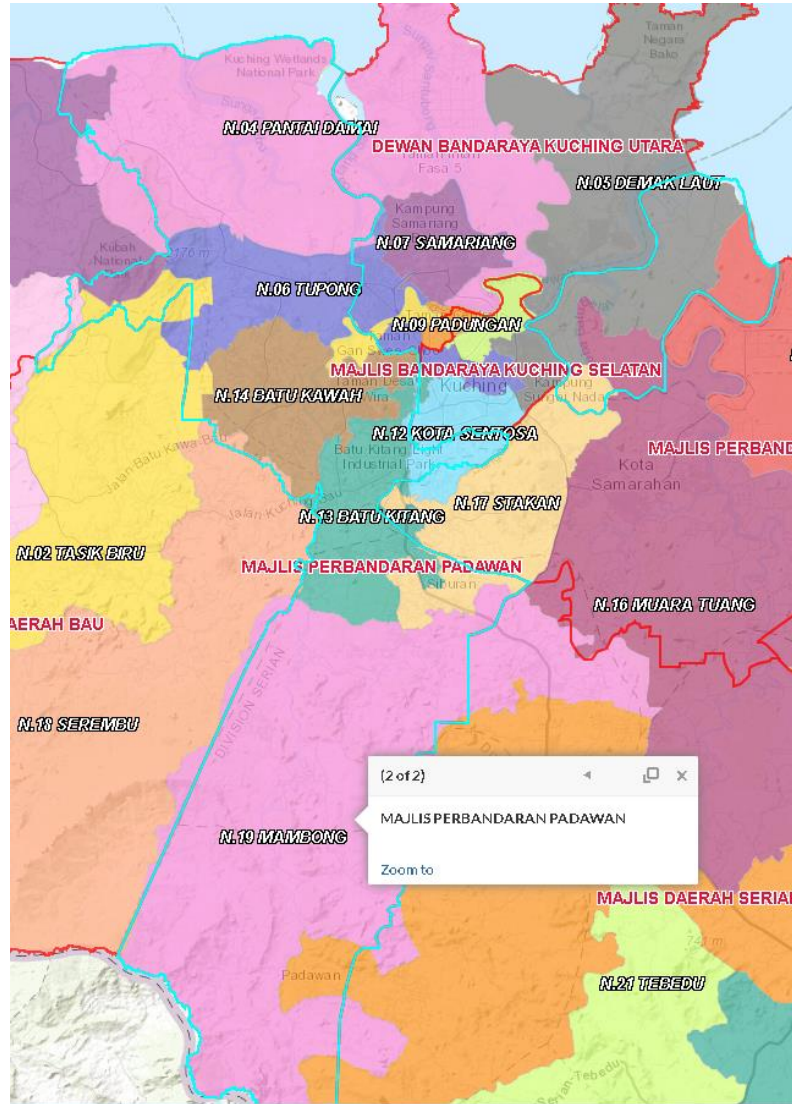
*Parliament Seat Count: 5 DUN Seat Count: 25*

Source: EC Redelineation Reports of 1958 and 1960, *Tindak Malaysia* (digitized by S.M. Sabri)

### *Equalization of Negeri Sembilan DUN constituencies*

- Reflections of 1958 and 1960 redelineation exercises
  - Both represented two missed opportunities to equalization
    - 1958 – no clear limits, 1960 – limits present but not adhered
  - Principle of simple multiple was adhered

# Adherence to Local Ties



Coloured area represent DUN areas

Red boundaries represent Local Council Area

Highlighted blue is the boundaries of Majlis Perbandaran Padawan (MPP). This council has an exclave

DUN boundaries don't respect MPP boundaries

MPP boundaries with an exclave – makes no sense?



## Adherence to Local Ties

- Tindak Malaysia places equalization **ABOVE** local ties on the following grounds:
  - Strict adherence with any local council area or district boundaries will not allow equalization to be attained
  - It may legitimize illogical council or district boundaries (i.e. Muallim (Perak), Majlis Perbandaran Padawan (Sarawak))
  - Administrative boundaries/ council areas are to serve a purpose (that is not equalization) while electoral areas to serve a purpose of respecting local ties and equalization
- Quote from 1954 redelineation report
  - “...owing to great differences in their populations, it is impossible to form constituencies embodying complete administrative districts throughout the Federation, although we have tried to follow the instruction wherever possible and, have succeeded in doing so in four States and Settlements”
  - In 1954, there was no deviation limits +/-15% for constituency electorate sizes

## Adherence to Local Ties

- Tindak Malaysia consider different forms of local ties that is appropriate for States and Territories. They are (subject to different particular hierarchies)
  - Local Council Boundaries
  - District Boundaries
  - Mukim Boundaries
  - Councillor Zone
  - Blok Perancangan (BP) and Blok Perancangan Kecil (BPK)
- Refer to our guide:  
<https://www.tindakmalaysia.org/wp-content/uploads/2013/08/OBJECTOR-GUIDE-SERIES - REDELINEATION-GUIDELINES-FOR-TECHNICAL-COUNTER-PROPOSALS.pdf>

## Adherence to Local Ties

- Quote from 1958 redelineation
  - “In the proposals put to us by the State Governments there was a natural tendency to fit constituencies into boundaries of existing Administrative Districts with the result that such constituencies contained greatly unequal populations. We took the view, however, that although administrative facilities were not entirely to be ignored and we had, in fact, stated that this should be one factor to be taken into account, **boundaries of Administrative Districts and of Mukims must in many cases give way to the paramount importance of balancing the constituencies in weight of population.** We have, therefore, delimited several constituencies, as for example, in Pahang and Malacca, which cut across the boundaries of Administrative Districts. On the other hand, in dividing the existing federal constituency of Wellesley South we did take into account the unsatisfactory state which we were assured would result from ignoring the boundary between the Administrative Districts of Province Central and Province South and have, in this case, permitted administrative considerations to outweigh considerations of population in the delimitation of the Parliamentary constituencies of Seberang Tengah and Seberang Selatan. We accepted the advice of the State Government that any other division would cause confusion in polling arrangements.”
  - No obligation to meet strict equalization criteria for the first redelineation as per Merdeka Constitution

# Adherence to Local Ties

- The 1960 redelineation does not mention explicit reference to local ties (as the concept was codified in 1962) BUT two subfactors were considered for redelineation:
  - Unity of natural communities
  - Keep travelling distances minimum
- Quote from 1960 redelineation exercise
  - “Every effort was made to ensure that constituency boundaries did not therefore pass through places where District Officers have their headquarters. It was of course realised that it was not always possible to make constituency boundaries coincide with the administrative boundaries but nevertheless the factor created by such boundaries had to be noted and every effort was made to see that, if possible, constituencies should be recognisably within the care of a particular District Officer or an Assistant District Officer.”
- Considerations of distribution of communities were contextualized for strict equalization rules

# Fixing the Polling Districts



Polling District of  
Taman Sentosa,  
DUN Triang  
(Bera), Pahang

Does the shape  
of such building  
blocks allow  
constituencies to  
respect local  
ties?

# Fixing the Polling Districts

- Tindak Malaysia's five principles for meaningful polling districts
  - Home to two-publicly accessible locations for polling purpose (no sharing with other polling districts)
  - Respect Local Council Boundaries/ District Boundaries
  - Have an electorate population of 2-4 percent of state electoral quota which is an average Parliament constituency electorate size.
  - Must have the correct association of voters to polling districts.
  - Must have meaningful names of the coverage area

# Fixing the Polling Districts

- References to 1960 redelineation
  - “As a preliminary to building up the new Parliamentary constituencies therefore the Commission had directed that all polling districts with an electoral population of over 1,500 electors in rural areas and over 3,000 electors in urban districts **should be further broken down** in order that groups of electors were available in numbers small enough in size to **enable the Commission to build up the new constituencies in such manner as to keep within the 15 per cent allowance** permitted by Article 116 (4).”
- Food for thought: **Local Government Election Act 1960**
  - “The electoral rolls (local council) shall, unless the Election Commission shall otherwise direct, be combined with the register for Parliamentary electors and State electors maintained under the Election Act 1958 [Act 19].”

# Conclusion

- Tindak Malaysia aims to form Accessible (A), Representative (R) and Equal (E) – ARE – Constituencies for all Malaysians
- With clearly worded limits on constituency electorate size, reinstatement of principle of simple multiple and proper understanding the role of certain local ties, we can attain ARE constituencies

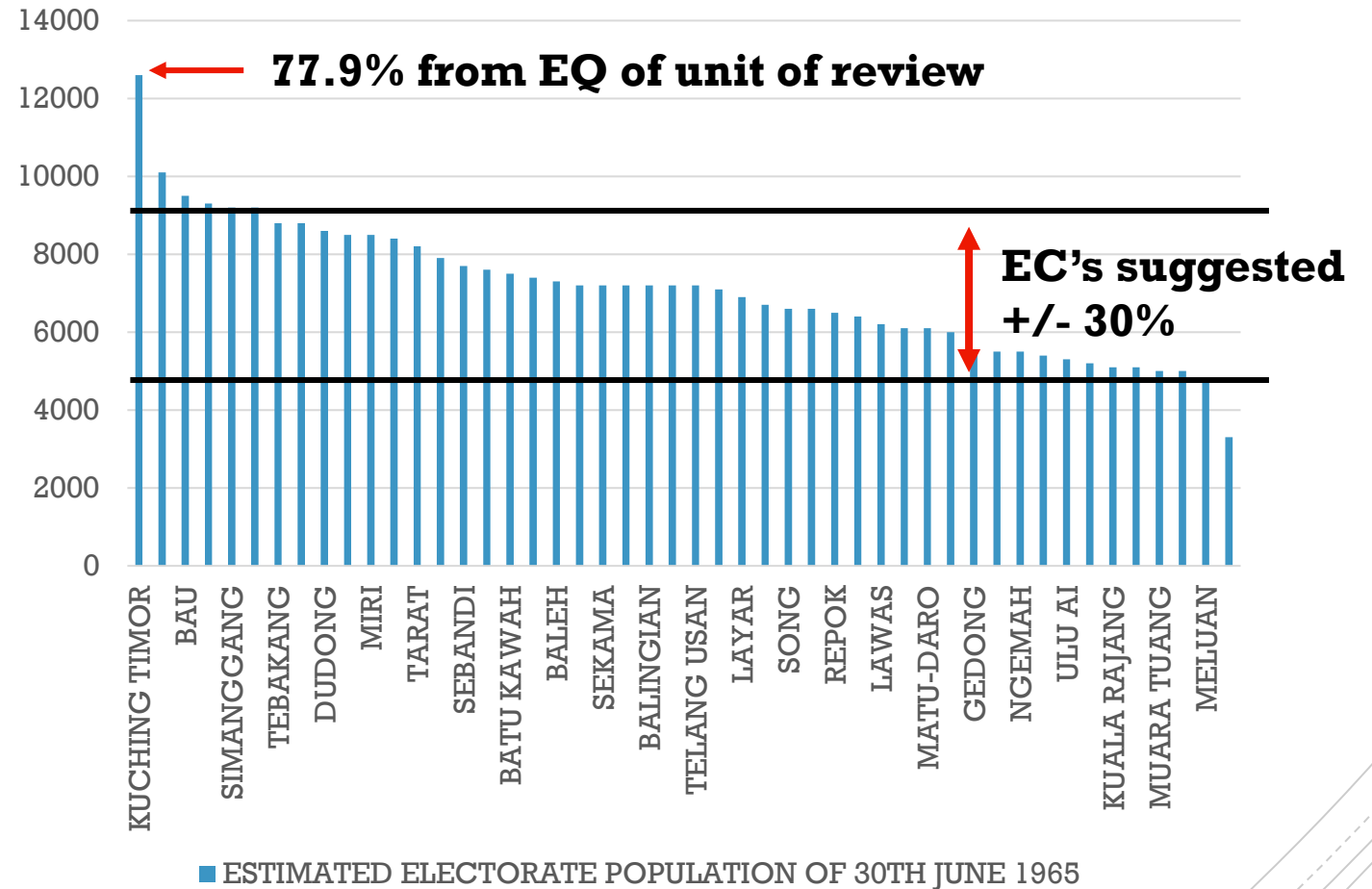


# Appendix 1

- Application of 1962 equalization rule (using 13<sup>th</sup> Schedule 2 ( c )
  - “the number of electors within each constituency ought to be approximately equal throughout the unit of review except that, having regard to the greater difficulty of reaching electors in the country districts and the other disadvantages facing rural constituencies, a measure of weightage for area ought to be given such constituencies, to the extent that in some cases a rural constituency may contain as little as one half of the electors of any urban constituency”
  - Does it mean +/-33%? Does it mean something else
  - Let's see application what EC did for Sarawak delineation (1967/68)

# Appendix 1

## DUN CONSTITUENCY ELECTORATE SIZE OF SARAWAK



Food for thought – Did EC in 1960s went against the constitution? No!  
Vaguely worded constituency size limits allowed disparity above

## Appendix 2

- DUN Constituencies that were created by EC failed to adhere to deviation limits of +/-15% from Electoral Quota (for 1960 redelineation). Refer below
  - Kuala Perlis (Perlis Selatan) - undersized
  - Ulu Trengganu Timor (Trengganu Barat) - undersized
  - Lake (Seremban) - undersized
  - Ladang (Kuala Trengganu) – oversized
  - Batu Burok (Kuala Trengganu) – oversized
  - Dhoby Ghaut (Penang Utara) – oversized
  - Mentekab (Temerloh) – oversized
  - Lenggeng (Lenggeng-Port Dickson) – oversized
  - Temiang (Seremban) – oversized
  - Rahang (Seremban) - oversized

# References

- **Malaysian Constitution**
- **Local Government Elections Act 1960**
- **Tindak Malaysia**
- **Election Commission of Malaysia (SPR)**
- **Report of the Constituency Delineation (Federation of Malaya), 1954**
- **Report of the Election Commission on the delimitation of constituencies for the first elections to the House of Representatives and the State Legislative Assemblies, 1958**
- **Report of the Election Commission on the delimitation of parliamentary and state constituencies under the provisions of the Constitution of the Persekutuan Tanah Melayu, 1960**
- **Report of the Election Commission on the delimitation of Parliamentary and State Constituencies in State of Sarawak, 1969**