



PARLIMEN MALAYSIA



BILL

Internal Security 1960

D.R.17/1960

(Presented and read a first time and ordered to be printed,
19th April, 1960.)

A BILL

intituled

An act to provide for the internal security of the Federation, preventive detention, the prevention of subversion, the suppression of organised violence against persons and property in specified areas of the Federation, and for matters incidental thereto.

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WHEREAS action has been taken by a substantial body of persons to cause a substantial number of citizens to fear organised violence against persons and property:

AND WHEREAS action has been taken and threatened by a substantial body of persons which is prejudicial to the security of Malaya:

AND WHEREAS Parliament considers it necessary to stop or prevent that action:

Now therefore PURSUANT to Article 149 of the Constitution BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Ra'ayat in Parliament assembled, and by the authority of the same, as follows:

PRELIMINARY

1. This Act may be cited as the Internal Security Act, 1960, and shall come into operation on such date as the Minister may by notification in the *Gazette* appoint.

Short title
and com-
mencement.

2. In this Act, unless the context otherwise requires—

Interpreta-
tion.

“Advisory Board” means an advisory board constituted as mentioned in Clause (2) of Article 151 of the Constitution;

“ammunition” means ammunition for any fire-arm as hereafter defined and includes grenades, bombs and other like missiles whether capable of use with such a fire-arm or not and any ammunition containing or designed or adapted to contain any noxious liquid, gas or other thing;

“Chief Police Officer” includes a Deputy Chief Police Officer and any gazetted police officer for the time being lawfully authorised to exercise the powers and perform the duties conferred or imposed upon a Chief Police Officer by this Act;

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“controlled area” means any area declared to be a controlled area under section 49;

“danger area” means any area declared to be a danger area under section 48;

“document” includes any substance on which is recorded any matter, whether by letters, figures, marks, pictorial or other representation, or by more than one of these means;

“entertainment” means any game, sport, diversion, concert or amusement of any kind to which the public has or is intended to have access and in which members of the public may or may not take part, whether on payment or otherwise;

“exhibition” includes every display of goods, books, pictures, films or articles to which the public has or is intended to have access, whether on payment or otherwise;

“explosive”—

(a) means gunpower, nitro-glycerine, dynamite, gun-cotton, blasting powder, fulminate of mercury or of other metals, coloured fires and every other substance, whether similar to those above mentioned or not, used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect; and

(b) includes fog-signals, fireworks, fuses, rockets, percussion-caps, detonators, cartridges, ammunition of all descriptions and every adaptation or preparation of an explosive as above defined; and

(c) includes any substance declared to be deemed an explosive by notification under section 4 of the Explosives Enactment of the Federated Malay States; and

(d) includes any material for making any explosive and any apparatus, machine, implement or material used or intended to be used or adapted for causing or aiding in causing any explosion in or with any explosive, and any part of any such apparatus, machine or implement;

“fire-arm” means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged or which can be adapted for the discharge of any such shot, bullet or other missile and any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing, and includes any component part of any such weapon as aforesaid;

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"Minister" means the Minister charged with responsibility for internal security;

"offence against this Act" includes an offence against any regulations made under section 71;

"Officer in Charge of a Police District" has the same meaning as in the Police Ordinance, 1952;

14 of 1952.

"periodical publication" includes every publication issued periodically or in parts or numbers at intervals, whether regular or irregular;

"police officer" includes a reserve police officer, an auxiliary police officer and a special police officer appointed in accordance with any written law for the time being in force;

"promoter", in the case of an entertainment or exhibition promoted by a society includes the secretary and officials of such society and, in the case of a society organised or having its headquarters outside the Federation, the officials in the Federation of such society;

"proprietor" includes the owner, tenant or other person in possession or control of premises and any person who receives payment for the use of premises;

"protected place" means any place or premises in relation to which an order made under section 50 is in force;

"publication" includes all written, pictorial or printed matter, and everything of a nature similar to written or printed matter, whether or not containing any visible representation, or by its form, shape or in any other manner capable of suggesting words or ideas, and every copy, translation and reproduction or substantial translation or reproduction in part or in whole thereof;

"public place" includes any highway, public street, public road, public park or garden, any sea beach, water-way, public bridge, lane, footway, square, court, alley or passage, whether a thoroughfare or not, any unalienated land, any rubber estate, any plantation, any land alienated for agricultural or mining purposes, any theatre or place of public entertainment of any kind or other place of general resort admission to which is obtained by payment or to which the public have access, and any open space to which for the

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time being the public have or are permitted to have access, whether on payment or otherwise;

“public road” means any public highway or any road over which the public have a right of way or are granted access, and includes every road, street, bridge, passage, foot-way or square over which the public have a right of way or are granted access;

“security area” means any area in respect of which a proclamation under section 47 is for the time being in force;

“security forces” includes the Royal Federation of Malaya Police Force, the Police Volunteer Reserve, the Auxiliary Police, persons commissioned or appointed under the Essential (Special Constabulary) Regulations, 1948, the Armed Forces of the Federation, any local forces established under any written law in force in the Federation, and any force which is a visiting force for the purposes of Part I of the Visiting Forces Act, 1960, and in respect of whom all or any of the powers exercisable by the Armed Forces of the Federation or their members under this Act have been made exercisable by an order made under any such law;

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“supplies” includes ammunition, explosives, fire-arms, money, food, drink, clothing, medicines, drugs or any other stores, instruments, commodities, articles or things whatsoever;

“terrorist” means any person who—

- (a) by the use of any fire-arm, explosive or ammunition acts in a manner prejudicial to the public safety or to the maintenance of public order or incites to violence or counsels disobedience to the law or to any lawful order; or
- (b) carries or has in his possession or under his control any fire-arm, ammunition or explosive without lawful authority therefor; or
- (c) demands, collects or receives any supplies for the use of any person who intends or is about to act, or has recently acted, in a manner prejudicial to public safety or the maintenance of public order.

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PART I

GENERAL PROVISIONS RELATING TO INTERNAL SECURITY

Chapter I—Prohibition of Organisations and Associations of a Political or Quasi-Military Character and Uniforms, Etc.

3. The Minister may from time to time by order prohibit the wearing in public places or at meetings or gatherings to which the public or any section of the public have access, of—

Prohibition of uniforms of political or quasi-military organisations.

- (a) any uniform or dress which signifies association with any political organisation or with the promotion of any political object; or
- (b) any uniform, dress or emblem by members or adherents of any organisation or association specified or described in the order, whether incorporated or not,
 - (i) when, in the opinion of the Minister, members of that organisation or association are organised or trained or equipped for the purpose of enabling them to be employed in usurping the functions of the police or of the Armed Forces; or
 - (ii) when, in the opinion of the Minister, members of that organisation or association are organised or trained or equipped for the purpose of enabling them to be employed for the use or display of physical force in promoting any political or other object or in such a manner as to arouse reasonable apprehension that they are organised or trained or equipped for that purpose.

4. Every person who wears any prohibited uniform, dress or emblem in contravention of an order made under section 3 shall be guilty of an offence against this Part and shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding two thousand dollars, or to both such imprisonment and fine.

Penalty.

5. (1) If the members or adherents of any association of persons, whether incorporated or not, are—

Prohibition of quasi-military organisations.

- (a) organised or trained or equipped for the purpose of enabling them to be employed in usurping the functions of the police or of the Armed Forces; or

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- (b) organised or trained or equipped either for the purpose of enabling them to be employed for the use or display of physical force in promoting any political or other object, or in such a manner as to arouse reasonable apprehension that they are organised or trained or equipped for that purpose;

then any member or adherent of such association shall be guilty of an offence against this Part and shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding two thousand dollars or to both such imprisonment and fine; and any person who promotes or conspires with another to promote, or who takes part in the control or management of, the association, or in so organising or training as aforesaid any member or adherent thereof, shall be guilty of an offence against this Part and shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding ten thousand dollars or to both such imprisonment and fine:

Provided that in any proceedings against any person charged with the offence of taking part in the control or management of such an association as aforesaid it shall be a defence to that charge to prove that he neither consented to nor connived at the organisation, training or equipment of any member or adherent of the association in contravention of the provisions of this section.

(2) No prosecution for any offence under this section shall be instituted except with the consent of the Public Prosecutor.

(3) If upon application being made by or on behalf of the Public Prosecutor it appears to the High Court that any association is an association of which members or adherents are organised, trained or equipped in contravention of the provisions of this section, the Court may—

- (a) make such order as appears necessary to prevent any disposition without the leave of the Court of property held by or for the association;
- (b) direct an inquiry and report to be made as to any such property as aforesaid and as to the affairs of the association;
- (c) make such further order as appears to the Court to be just and equitable for the application of such property in or towards the discharge of the liabilities of the association lawfully incurred before the date of the application or, with the approval of the Court, since that date in or towards the repayment of moneys to persons who

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became subscribers or contributors to the association in good faith and without knowledge of any such contravention as aforesaid, and in or towards any costs incurred in connection with any such inquiry and report as aforesaid or in winding-up or dissolving the association; and

- (d) order that any property which is not directed by the Court to be so applied as aforesaid shall be forfeited to the Government.

(4) In any criminal or civil proceeding under this section proof of things done or of words written, spoken or published (whether or not in the presence of any party to the proceedings) by any person taking part in the control or management of an association or in organising, training or equipping members or adherents of an association shall be admissible as evidence of the purposes for which, or the manner in which, members or adherents of the association were organised or trained or equipped.

(5) If a Magistrate or Chief Police Officer is satisfied by information that there is reasonable ground for suspecting that an offence under this section has been committed, and that evidence of the commission thereof is to be found at any premises or place specified in the information, he may, on an application made by a police officer not below the rank of Inspector, grant a search warrant authorising any such officer with or without assistance to enter the premises or place at any time within one month from the date of the warrant, if necessary by force, and to search the premises or place and every person found therein, and to seize anything found on the premises or place or on any such person which the officer has reasonable ground for suspecting to be evidence of the commission of such an offence as aforesaid.

(6) No woman shall, in pursuance of any warrant issued under sub-section (5), be searched except by a woman.

(7) Nothing in this section shall be construed as prohibiting the employment of a reasonable number of persons as stewards at any public meeting held upon private premises with the permission of the owner of those premises, or the making of arrangements for that purpose or the instruction of the persons to be so employed in their lawful duties as such stewards, or their being furnished with badges or other distinguishing signs.

6. (1) Any person other than a member of the Armed Forces of the Federation or the Police or of a Volunteer Force or Local Force constituted under any written law in force in the Federation, or of any other force which is a visiting force for the purposes of Part I of the Visiting

Illegal
drilling.

of 1960.

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Forces Act, 1960, or of any organisation or association specially exempted by the Minister, who—

- (a) is present at or attends any meeting or assembly of persons for the purpose of training or drilling themselves to the use of arms or of being so trained or drilled, or for the purpose of practising military exercises, movements or evolutions; or
- (b) is present at or attends any such meeting or assembly for the purpose of training or drilling any other person or persons to the use of arms or the practice of military exercises, movements or evolutions;

shall be guilty of an offence against this Part and shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding two thousand dollars or to both such imprisonment and fine.

(2) Any person other than a member of the Armed Forces of the Federation or the police or of a volunteer force or local force constituted under any written law in force in the Federation, or of any other force lawfully present in the Federation under any law for the time being in force relating to visiting forces or of any organisation or association specially exempted by the Minister who—

- (a) trains or drills any other person to the use of arms or the practice of military exercises, movements or evolutions; or
- (b) takes part in the control or management of any association or organisation whose members are trained or drilled in the practice of military exercises, movements or evolutions;

shall be guilty of an offence against this Part and shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding ten thousand dollars or to both such imprisonment and fine.

Prohibition
of uniforms,
emblems,
etc.

7. (1) The Minister may, if he considers it in the national interest so to do, by order prohibit the manufacture, sale, use, wearing, display or possession of any flag, banner, badge, emblem, device, uniform or distinctive dress or any part thereof.

(2) Any person contravening any provision of an order made under this section shall be guilty of an offence against this Part.

(3) Any article in respect of which an offence has been committed under this section may be seized and destroyed or otherwise dealt with as the Minister may direct, whether

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or not the identity of the offender is known and whether or not any prosecution has been commenced in respect of the offence.

Chapter II—Powers of Preventive Detention

8. (1) If the Yang di-Pertuan Agong is satisfied with respect to any person that, with a view to preventing that person from acting in any manner prejudicial to the security of Malaya or any part thereof, it is necessary so to do, the Minister shall make an order—

Power to
order
detention.

(a) directing that such person be detained for any period not exceeding two years; or

(b) for all or any of the following purposes, that is to say—

(i) for imposing upon that person such restrictions as may be specified in the order in respect of his activities and the places of his residence and employment;

(ii) for prohibiting him from being out of doors between such hours as may be specified in the order, except under the authority of a written permit granted by such authority or person as may be so specified;

(iii) for requiring him to notify his movements in such manner at such times and to such authority or person as may be specified in the order;

(iv) for prohibiting him from addressing public meetings or from holding office in, or taking part in the activities of or acting as adviser to any organisation or association, or from taking part in any political activities;

(v) for prohibiting him from travelling beyond the limits of the Federation or any part thereof specified in the order except in accordance with permission given to him by such authority or person as may be specified in such order:

and any order made under paragraph (b) of this sub-section may by such order be required to be supported by a bond.

(2) Every person detained in pursuance of an order made under paragraph (a) of sub-section (1) shall be detained in such place as the Minister may direct and in accordance with instructions issued by the Minister and any rules made under sub-section (3).

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(3) The Minister may by rules provide for the maintenance and management of any place referred to in sub-section (2), and for the discipline of persons detained therein.

Duty to inform person detained of grounds of detention, etc.

9. Whenever any person is detained under any order made under paragraph (a) of sub-section (1) of section 8 he shall, in accordance with Article 151 of the Constitution, as soon as may be—

- (a) be informed of the grounds of his detention;
- (b) subject to Clause (3) of the said Article (which provides that no authority may be required to disclose facts whose disclosure would in its opinion be against the national interest) be informed of the allegations of fact on which the order is based; and
- (c) be given the opportunity of making representations against the order as soon as may be.

Detention order may be suspended.

10. At any time after an order has been made in respect of any person under paragraph (a) of sub-section (1) of section 8 the Minister may direct that the operation of such order be suspended subject to the execution of a bond and to such conditions—

- (a) imposing upon that person such restrictions as may be specified in the direction in respect of his activities and the places of his residence and employment;
- (b) prohibiting him from being out of doors between such hours as may be so specified, except under the authority of a written permit granted by such authority or person as may be so specified;
- (c) requiring him to notify his movements in such manner at such times and to such authority or person as may be so specified;
- (d) prohibiting him from travelling beyond the limits of the Federation or any part thereof specified in the direction except in accordance with permission given to him by such authority or person as may be so specified;
- (e) prohibiting him from addressing public meetings or from holding office in, or taking part in the activities of or acting as adviser to any organisation or association, or from taking part in any political activities;
- (f) permitting him to return to the country to which he belongs or to any other place to which he wishes to proceed provided that the Government of such place consents to receive him,

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as the Minister sees fit; and the Minister may revoke any such direction if he is satisfied that the person against whom the order was made has failed to observe any condition so imposed or that it is necessary in the public interest that such direction should be revoked.

11. (1) A copy of every order made by the Minister under paragraph (a) of sub-section (1) of section 8 shall as soon as may be after the making thereof be served on the person to whom it relates, and every such person shall be entitled to make representations against the order to an Advisory Board.

Representations against detention order.

(2) For the purpose of enabling a person to make representations under sub-section (1) he shall, within fourteen days of the service on him of the order—

- (a) be informed of his right to make representations to an Advisory Board under sub-section (1); and
- (b) be furnished by the Minister with a statement in writing—
 - (i) of the grounds on which the order is made;
 - (ii) of the allegations of fact on which the order is based; and
 - (iii) of such other particulars, if any, as he may in the opinion of the Minister reasonably require in order to make his representations against the order to the Advisory Board.

(3) The Yang di-Pertuan Agong may make rules as to the manner in which representations may be made under this section and for regulating the procedure of Advisory Boards.

12. (1) Whenever any person has made any representations under sub-section (1) of section 11 to an Advisory Board, the Advisory Board shall, within three months of the date on which such person was detained, consider such representations and make recommendations thereon to the Yang di-Pertuan Agong.

Report of Advisory Board.

(2) Upon considering the recommendations of the Advisory Board under this section the Yang di-Pertuan Agong may give the Minister such directions, if any, as he shall think fit regarding the order made by the Minister; and every decision of the Yang di-Pertuan Agong thereon shall, subject to the provisions of section 13, be final, and shall not be called into question in any Court.

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Review.

13. (1) Every order or direction made by the Minister in respect of a citizen of the Federation under section 8 or 10 shall, so long as it shall remain in force, be reviewed not less often than once in every six months by an Advisory Board.

(2) The Advisory Board shall on completing every review under sub-section (1) forthwith submit to the Minister a written report of every such review, and may make therein such recommendations as it shall think fit.

Power to
summon
witnesses.

14. Every Advisory Board shall, for the purposes of this Act, but subject to the provisions of section 16, have all the powers of a Court for the summoning and examination of witnesses, the administration of oaths or affirmations, and for compelling the production of documents.

Member of
Advisory
Board
deemed to
be a public
servant.
Cap. 45.

15. Every member of an Advisory Board shall be deemed to be a public servant within the meaning of the Penal Code, and shall have in case of any action or suit brought against him for any act done or omitted to be done in the execution of his duty under the provisions of this Chapter the like protection and privileges as are by law given to a Judge in the execution of his office.

Disclosure
of
information.

16. Nothing in this Chapter or in any rules made thereunder shall require the Minister or any member of an Advisory Board or any public servant to disclose facts or to produce documents which he considers it to be against the national interest to disclose or produce.

Power to
order
removal.

17. (1) The Minister may by order direct the removal from any place of detention to another place of detention to be specified in such order of any person detained in pursuance of the provisions of this Chapter, and may by arrangement with the Government of the State of Singapore direct the removal of any such person (not being a citizen of the Federation) to such State, to be there detained for the whole or any part or parts of such period for which it has been ordered that such person shall be detained.

(2) Any person in course of removal under the provisions of sub-section (1) shall be deemed to be in lawful custody.

Power to
order
production
of detained
person.

18. (1) On proof to his satisfaction that the presence at any place of any person detained under the provisions of this Chapter, or lawfully in the custody of the police or confined in any prison whether in pursuance of the provisions of this Chapter or under an order of any Court or otherwise howsoever, and notwithstanding any order of any Court or other authority whatsoever, is required in the interests of justice, or for the purpose of any public or

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other inquiry, or in the national interest, or in the interests of the person detained, in custody, or confined, the Minister may order that such person be taken to that place.

(2) Any person in course of being taken to any place in pursuance of the provisions of sub-section (1) and whilst at such place shall be kept in such custody as the Minister may direct and whilst in that custody shall be deemed to be in lawful custody.

19. (1) Any document which purports to be a warrant or an order made in the State of Singapore under any written law in force in such State and similar or equivalent to section 8 and which has been received from any police officer or other Government officer of such State shall be enforceable as if it were an order which had been duly made under section 8, and if the person named therein enters or is within the Federation shall be enforced accordingly by arrest and detention under this Chapter:

Enforcement of warrants, etc., made in the State of Singapore.

Provided that no such document shall be so enforceable unless the Minister shall have signified his approval thereto by endorsement thereon.

(2) Where any person is arrested under the provisions of this section he shall be returned in custody to the State of Singapore unless the Minister is satisfied that there are special circumstances which warrant his detention in the Federation.

(3) Without prejudice to the provisions of section 8, where any person arrested and detained under this sub-section satisfies the Minister that he is a citizen of the Federation such person shall be forthwith released.

(4) Whenever a request is made by a Minister of the State of Singapore that a person detained in such State under any written law in force in such State and similar or equivalent to section 8 should be transferred to the Federation there to be detained, the Minister may direct that such person, when delivered up in the Federation by such Government as aforesaid, be received into the custody of such police officers as the Commissioner of Police shall appoint for the purpose; and such person shall thereafter be detained in the Federation, as if the order under which he was detained in the State of Singapore had been duly made under section 8:

Provided that a copy of any objection made by such person against the order for his detention shall be lodged by the Minister with the appropriate authority in the State of Singapore, and such person shall for the purpose of prosecuting such objection be returned to the custody of the appropriate police officers of the State of Singapore.

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(5) The Minister may, either at the request of a Minister of the State of Singapore or otherwise, order any person who is not a citizen of the Federation and who is detained in the Federation under the provisions of sub-section (4) to be returned to the State of Singapore, and may for that purpose direct such person to be delivered into the custody of police officers of such State.

Enforcement
of orders
issued in the
State of
Singapore.

20. (1) Any person who is not a citizen of the Federation and who has been lawfully ordered to leave and remain out of the State of Singapore is, unless the Minister shall otherwise direct, prohibited from entering or residing in the Federation so long as the order ordering him to leave and remain out of the State of Singapore remains in force; and such person brought in custody to the Federation may be detained in custody by any police officer or immigration officer in such place as the Minister may direct until he can conveniently be placed on board any ship, train, motor vehicle or aircraft, and any such person may be lawfully detained on board so long as such conveyance is within the territories and territorial waters of the Federation.

(2) Except in the case of a citizen of the Federation or a person detained under sub-section (1), any person who having left the State of Singapore in pursuance of any lawful order enters the Federation or is found therein whilst such order is in force shall be guilty of an offence against this Part and, whether or not a prosecution for that offence has been instituted against him, may be detained on board any ship, train, motor vehicle or aircraft for the purpose of removing him from the Federation.

(3) Any person who has been detained in accordance with sub-section (1) or (2) shall be deemed to be in lawful custody.

Saving in
respect of
prosecution
of persons
detained.

21. The detention of any person under this Chapter shall be without prejudice to the taking of any criminal proceeding against such person, whether during or after the period of his detention.

Chapter III—Special Powers relating to Subversive Publications, etc.

Prohibition
of printing,
sale, etc., of
documents
and publica-
tions.

22. (1) Where it appears to the Minister charged with responsibility for printing presses and publications that any document or publication—

(a) contains any incitement to violence; or

(b) counsels disobedience to the law or to any lawful order; or

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(c) is calculated or likely to lead to a breach of the peace, or to promote feeling of ill-will or hostility between different races or classes of the population; or

(d) is prejudicial to the national interest, public order, or security of the Federation,

he may by order published in the *Gazette* prohibit either absolutely or subject to such conditions as may be prescribed therein the printing, publication, sale, issue, circulation or possession of such document or publication.

(2) An order under sub-section (1) may, if the order so provides, be extended so as—

(a) in the case of a periodical publication, to prohibit the publication, sale, issue, circulation, possession or importation of any past or future issue thereof;

(b) in the case of a publication which has or appears or purports to have issued, from a specified publishing house, agency or other source, to prohibit the publication, sale, issue, circulation or importation of any other publication which may at any time whether before or after the date of the order have or appear or purport to have issued from such specified publishing house, agency or other source.

23. The proprietor or agent in the Federation of the proprietor of any publication which is the subject of an order under section 22 may, within one month of the date of publication of such order in the *Gazette*, make an objection against such order to the Yang di-Pertuan Agong, whose decision thereon shall be final and shall not be called into question in any Court.

Objections
against
orders under
section 22.

24. Any person who prints, publishes, sells, issues, circulates or reproduces a document or publication which is the subject of an order under section 22, or any extract therefrom, shall be guilty of an offence against this Part and shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding two thousand dollars or to both such imprisonment and fine:

Printing,
publishing,
etc., in con-
travention
of order
under
section 22.

Provided that no person shall be convicted of an offence under this section if he proves to the satisfaction of the Court that the document or publication in respect of which he is charged was printed, published, sold, issued, circulated or reproduced, as the case may be, without his authority, consent and knowledge, and without any want of due care or caution on his part, and that he did not know and had no reason to suspect the nature of the document or publication.

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Possession of documents, etc., in contravention of order under section 22.

25. (1) Any person who without lawful excuse has in his possession any document or publication the possession of which is prohibited by an order under section 22, or any extract therefrom, shall be guilty of an offence against this Part and shall be liable in respect of a first offence under this section to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand dollars, or to both such imprisonment and fine and, in respect of a subsequent offence, to imprisonment for a term not exceeding two years.

(2) In any proceedings against any person for an offence against this section such person shall be presumed, until the contrary is proved, to have known the contents and the nature of the contents of any document or publication immediately after such document or publication came into his possession.

Importation in contravention of order under section 22.

26. Any person who imports or attempts to import or abets the importation of any document or publication or without lawful excuse has in his possession any document or publication imported in contravention of an order under section 22 shall be guilty of an offence against this Part and shall be liable in respect of a first offence under this section to imprisonment for a term not exceeding two years or to a fine not exceeding one thousand dollars, or to both such imprisonment and fine and, in respect of a subsequent offence, to imprisonment for a term not exceeding three years.

Posting of placards, etc.

27. Any person who posts or distributes any placard, circular or other document containing any incitement to violence, or counselling disobedience to the law or to any lawful order, or likely to lead to any breach of the peace, shall be guilty of an offence against this Part.

Dissemination of false reports.

28. Any person who, by word of mouth or in writing or in any newspaper, periodical, book, circular or other printed publication or by any other means spreads false reports or makes false statements likely to cause public alarm or despondency, shall be guilty of an offence against this Part.

Possession of subversive documents.

29. (1) Any person who without lawful excuse carries or has in his possession or under his control any subversive document shall be guilty of an offence against this Part and shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding ten thousand dollars, or to both such imprisonment and fine.

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(2) Any person or any office bearer of any association or any responsible member or agent of any organisation who receives any subversive document shall deliver the same without delay to a police officer; and any person, office bearer, member or agent who fails to do so, or who, unless authorised so to do by a police officer not below the rank of Superintendent of Police, communicates to any other person, or publishes or causes to be published the contents of any such document, shall be guilty of an offence against this Part and shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding ten thousand dollars, or to both such imprisonment and fine.

(3) In this section "subversive document" means any document having in part or in whole a tendency—

- (a) to excite organised violence against persons or property in the Federation; or
- (b) to support, propagate or advocate any act prejudicial to the security of the Federation or the maintenance or restoration of public order therein or inciting to violence therein or counselling disobedience to the law thereof or to any lawful order therein; or
- (c) to invite, request or demand support for or on account of any collection, subscription, contribution or donation, whether in money or in kind, for the direct or indirect benefit or use of persons who intend to act or are about to act, or have acted, in a manner prejudicial to the security of the Federation or to the maintenance of public order therein, or who incite to violence therein or counsel disobedience to the law thereof or any lawful order therein; or
- (d) to bring into hatred, ridicule or contempt, or to excite disaffection against any public servant in the execution of his duties or any class of public servants or against any armed force lawfully in the Federation or any member of such force in the execution of his duties; or
- (e) to support, propagate or further the interests or aims of any unlawful society.

(4) Every document purporting to be a subversive document shall be presumed to be a subversive document until the contrary is proved; and where in any prosecution under this section it is proved that a person was carrying or had in his possession or under his control a subversive document

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he shall be deemed to have known the contents and the nature of the contents of such document:

Provided that no person shall be convicted of an offence under this section if he proves to the satisfaction of the Court—

- (a) that he was not aware of the contents and the nature of the contents of the subversive document which he was carrying or had in his possession or under his control; and
- (b) that he was carrying or had the subversive document in his possession or under his control in such circumstances that at no time did he have reasonable cause to believe or suspect that such document was a subversive document.

Powers of
search and
seizure of
documents.

30. (1) Any police officer not below the rank of Inspector may, without warrant and with or without assistance—

- (a) enter and search any premises;
- (b) stop and search any vehicle, vessel, train, aircraft or individual, whether in a public place or not,

if he suspects that any document, publication, material or article being evidence of the commission of an offence against this Chapter is likely to be found in such vehicle, vessel, train, aircraft or on such individual, and may seize any document, publication, material or article so found.

(2) Any document, publication, material or article seized under the provisions of sub-section (1) shall be destroyed or otherwise disposed of in such manner as the Commissioner of Police may order.

(3) The Commissioner of Police shall, on making an order under sub-section (2), if he has reason to believe that the owner, or person who was in possession immediately before such document, publication, material or article was seized, is in the Federation, cause a notice to be served on that person informing him of the terms of the order.

(4) Any person aggrieved by an order made under sub-section (2) may appeal against such order to the Minister:

Provided that no appeal against such order shall be allowed unless notice of appeal in writing, together with the reasons for the appeal, is given to the Commissioner of Police and to the Minister within fourteen days of service of notice of the order under sub-section (3).

(5) Where an order has been made under sub-section (2) it shall only be carried into effect if such order has not been appealed against or if any appeal against the order has been dismissed or abandoned.

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(6) No woman shall be searched under this section except by a woman.

31. (1) Where proceedings are taken in respect of any offence against this Chapter the Court by or before which the alleged offender is tried shall, on the request of any police officer not below the rank of Assistant Superintendent of Police, on the final determination of those proceedings order that any document, publication, material or article being an exhibit in such proceedings be delivered to such officer for disposal under sub-section (2) of section 30.

Disposal of
subversive
documents,
etc.

(2) For the purpose of this section any proceedings shall not be deemed to have been finally determined so long as there is pending any appeal in the matter of the proceedings; and an appeal in the matter shall be deemed to be pending during the ordinary time within which such an appeal may be lodged, and if such an appeal be duly lodged the appeal shall be deemed to be pending until it is decided or withdrawn.

Chapter IV—Control of Entertainments and Exhibitions

32. (1) The promoter and every person concerned in the promotion of any entertainment or exhibition and the proprietor of any premises upon which any such entertainment or exhibition is held or is intended to be held shall upon the order in writing of the Minister or of any officer authorised by the Minister in that behalf furnish to the Minister or such officer such information as he may specify relating to the following matters:

Power to
require
information.

- (a) particulars of persons concerned in the promotion of such entertainment or exhibition and the interests represented by such persons;
- (b) particulars of the persons who have agreed to participate or participated in such entertainment or exhibition or have been invited to do so and the interests represented by such persons;
- (c) the purposes to which any profits from the entertainment or exhibition are intended to be or have been applied; and
- (d) such other matters as the Minister may direct.

(2) Any person furnishing as true information required under sub-section (1) which he knows or has reason to believe to be false or incomplete shall be guilty of an offence under section 41.

(3) In the event of any entertainment or exhibition in respect of which information has been furnished under sub-section (1) being conducted in any manner contrary to the

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information so furnished the person by whom such information was furnished shall be guilty of an offence under section 41.

Power to
impose
conditions.

33. (1) The Minister may, if he is satisfied that it is necessary to do so in order to ensure that any entertainment or exhibition shall not be an entertainment or exhibition to which the provisions of section 35 would apply, by order in writing require the promoter and every person concerned in the promotion of the entertainment or exhibition and the proprietor of any premises upon which any such entertainment or exhibition is held or is intended to be held to observe such conditions relating to the holding of such entertainment or exhibition as he may specify.

(2) Every person who commits any breach of or fails to comply with any condition imposed under sub-section (1) shall be guilty of an offence under section 41 :

Provided that no person shall be convicted of an offence under this section if he proves that the breach of or failure to comply with the conditions in respect of which he is charged was done without his authority, consent and knowledge, and without any want of due care or caution on his part.

(3) The Minister may, if in any particular case he shall think it necessary, require any person in respect of whom an order under sub-section (1) has been made to enter into a bond, with or without sureties, in such sum as the Minister may direct, that the conditions contained in such order shall be observed.

Promoter,
etc., to be in
attendance
at entertain-
ment or
exhibition.

34. (1) The promoter and every person concerned in the promotion of any entertainment or exhibition which is the subject of an order under section 33 and the proprietor of any premises upon which any such entertainment or exhibition is held shall severally, and either personally or by a duly authorised agent approved in that behalf by a police officer not below the rank of Inspector, be present throughout the period of every performance or display of every such entertainment or exhibition.

(2) The Minister may by writing exempt any person either absolutely or subject to such conditions as the Minister may prescribe from the provisions of sub-section (1).

Power to
prohibit
certain
entertain-
ments or
exhibitions.

35. (1) The Minister may by order prohibit the holding of or may direct the closing of any entertainment or exhibition—

(a) if he is satisfied that such entertainment or exhibition is or is likely to be in any way detrimental to the national interest; or

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- (b) if there has been in respect of such entertainment or exhibition any refusal of or failure to furnish any information required to be furnished under section 32, or if any information so furnished shall be false or incomplete; or
- (c) if there has been in respect of such entertainment or exhibition any breach of or failure to comply with any condition imposed under section 33.

(2) The promoter and every person concerned in the promotion of any entertainment or exhibition which is held or continued in contravention of an order under sub-section (1) and the proprietor of any premises upon which such exhibition is held shall be guilty of an offence under section 41:

Provided that no person shall be convicted of an offence under this section if he proves that the entertainment or exhibition in respect of which he is charged was promoted or continued without his authority, consent and knowledge and without any want of due care or caution on his part.

36. (1) Any police officer not below the rank of Inspector or any person authorised by the Minister in writing in that behalf may without warrant enter any premises upon which any entertainment or exhibition is being held or is intended to be held with a view to ascertaining whether the provisions of this Chapter or of any order made thereunder are being complied with, and may make such investigation and inspection of such premises and call upon any person to produce such articles, books, accounts, tickets or other documents or things and to furnish any information as such officer or person may consider necessary for such purpose:

Powers of entry and investigation.

Provided that any person not in uniform purporting to exercise any powers under this paragraph shall on demand produce his written authority to exercise such powers to any person lawfully demanding the same.

(2) Any person who—

- (a) obstructs any officer or authorised person lawfully exercising any powers conferred on him by or under sub-section (1) in entering or inspecting any premises or delays to produce any articles, books, accounts or other documents or things which he has been called upon by such officer or authorised person to produce and which are or ought to be in the ordinary course of business in his power to produce; or

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- (b) refuses to furnish any information which he may be required to furnish by such officer or authorised person or who, being required to furnish information by such officer or authorised person, furnishes false or misleading information; or
- (c) obstructs the seizure of any document or other thing under section 38, or the closure of any entertainment or exhibition under section 39, shall be guilty of an offence under section 41.

Search.

37. (1) Any officer or person authorised to exercise the powers of entry or investigation under section 36 may without warrant and with or without assistance enter any premises if he considers it to be necessary and has reason to believe that an offence under this Chapter or any order made thereunder has been committed and may search such place and any person whom he reasonably believes to be concerned in the management or promotion of any entertainment or exhibition or to be a servant or agent of the promoter or of the proprietor of such premises.

(2) No woman shall be searched under this section except by a woman.

Powers of seizure.

38. Any officer or person authorised to exercise the powers of entry or investigation under section 36 may seize any document or other thing in respect of which he reasonably believes an offence to have been committed under this Chapter or any order made thereunder or which he reasonably believes to be or to contain evidence relating to such an offence:

Provided that nothing in this section shall be deemed to affect the powers of a police officer under the provisions of the Criminal Procedure Code.

Powers of closure.

39. Any officer or person authorised to exercise the powers of entry or investigation under section 36 may, without prejudice to the exercise of the powers conferred on him by that section, forthwith take such steps as he may consider necessary to close any entertainment or exhibition which he is satisfied is kept open in contravention of any order under section 33 or 35.

Liability of principal for acts of servant.

40. For the purposes of this Chapter and any orders made thereunder every person shall be liable for every act, omission, neglect or default of any agent or servant employed by him, as fully and effectually as if such act, omission, neglect or default were done or committed by such person; but so that nothing in this section shall affect

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the liability of such agent or servant, and provided that the liability of a principal shall not extend to imprisonment unless he is privy to the offence.

41. Any person who contravenes or fails to comply with any provision of this Chapter or any order made or any condition imposed thereunder, or abets such contravention or failure, shall be guilty of an offence against this Part and shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding ten thousand dollars or to both such imprisonment and such fine.

Abetment
and penalty.

*Chapter V—Other Powers for the Prevention of
Subversion*

42. (1) The Minister may from time to time by order in writing forbid, except in accordance with the written permission of the Commissioner of Police or any police officer not below the rank of Superintendent of Police authorised in writing in that behalf by the Commissioner of Police first obtained—

Powers in
relation to
pupils, etc.,
visiting the
Federation.

- (a) the pupils, students, teachers or members; or
- (b) any class of pupils, students, teachers or members;
or
- (c) any named pupil, student, teacher or member,

of any school, college, educational institution or students' union or association, as the case may be, specified in the order and situated or established outside the Federation to enter into or travel within the Federation as a group, or as one of a group of five or more such pupils, students, teachers, or members, or, for the purpose of effecting as one of a group of such persons some common object within the Federation, otherwise to enter into or travel therein.

(2) The Commissioner of Police or any police officer authorised in writing by him in accordance with the provisions of sub-section (1) may grant permission under sub-section (1) subject to such conditions (if any) as he may think fit to impose, and he may further require as a condition precedent thereto that a pupil, student, teacher or member to whom he proposes to grant such permission or the parent of a pupil, student or member or such other person as he, the Commissioner of Police, or such authorised police officer thinks satisfactory, shall furnish such security by bond or otherwise as the Commissioner of Police or such authorised police officer may think sufficient to secure the due observance and fulfilment of the conditions imposed.

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(3) Where any Chief Police Officer has reason to believe—

- (a) (i) that any person is a pupil, student, teacher or member affected by an order made under sub-section (1); and
- (ii) that he has entered the Federation from a place outside and has not since the date of such entry continuously remained in the Federation for a period exceeding three months; and
- (iii) that he is not the holder of a valid identity card issued to him in the Federation in accordance with the provisions of any written law for the time being in force relating to identity cards and which bears an address within the Federation; and
- (iv) that he has contravened or intends to contravene the provisions of any such order; or
- (b) that any person having obtained written permission under sub-section (1) has failed to observe any condition imposed upon him under sub-section (2) in respect of such permission,

the Chief Police Officer may by order in writing—

- (i) direct that such person be required to leave the Federation within such time as may be specified in the order and thereafter remain out of the Federation for a period of six months from the date of the service of the order upon him, or for such lesser period as the Chief Police Officer may specify; or
- (ii) direct that such person be taken into custody and, as speedily as may be, conducted across the frontier, and such person may lawfully be detained for so long as may be necessary for his removal to take effect; and such person so removed shall remain out of the Federation for a period of six months from the date of such removal.

(4) Any person who contravenes or fails to obey the provisions of any order made under this section or who commits a breach of any condition imposed under sub-section (2) shall be guilty of an offence against this Act.

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(5) The provisions of this section shall not operate to authorise the removal from the Federation of any person who is a citizen of the Federation.

Chapter VI—Miscellaneous

*F.M.S.
Cap. 45.*

43. (1) Without prejudice to the operation of Chapters V and XXIII of the Penal Code any person who attempts to commit, or does any act preparatory to the commission of an offence against this Part shall be deemed to be guilty of that offence against this Part.

Attempts to commit offences and assisting offenders.

(2) No person knowing or having reasonable cause to believe that another person is guilty of an offence against this Part shall give that other person any assistance with intent thereby to prevent, hinder, or interfere with the apprehension, trial or punishment of that person for that offence.

44. Any person who contravenes or fails to comply with any provision of this Part or any order made or any direction or instruction given or requirement imposed thereunder or abets such contravention or failure for which no special penalty is provided shall be guilty of an offence against this Part and shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand dollars or to both such imprisonment and fine.

Abetment and general penalty.

45. Any police officer may without warrant arrest any person suspected of the commission of an offence against this Part or of being a person ordered in pursuance of this Part to be detained.

Arrest.

46. (1) Where any person is required to enter into a bond under sub-section (1) of section 8, or under section 10, or under sub-section (3) of section 33, such bond may be enforced by any Magistrate on the application of any police officer not below the rank of Inspector, in the same manner as under the provisions of the Criminal Procedure Code the Court of such Magistrate may enforce a bond required by such Court to be executed under the provisions of such Code.

Enforcement of bonds.

(2) Nothing in this section shall be deemed to prevent the penalty or any part thereof of any such bond from being recovered by suit or action in any civil court of competent jurisdiction, from the person entering into such bond or from his sureties, in accordance with any law for the time being in force relating to Government proceedings.

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PART II

SPECIAL PROVISIONS RELATING TO SECURITY AREAS

Chapter I—Proclamation of Security Areas

Proclamation of security areas.

47. (1) If in the opinion of the Yang di-Pertuan Agong public security in any area in the Federation is seriously disturbed or threatened by reason of any action taken or threatened by any substantial body of persons, whether inside or outside the Federation, to cause or to cause a substantial number of citizens to fear organised violence against persons or property, he may, if he considers it to be necessary for the purpose of suppressing such organised violence, proclaim such area as a security area for the purposes of this Part.

(2) Every proclamation made under sub-section (1) shall apply only to such area as is therein specified and shall remain in force until it is revoked by the Yang di-Pertuan Agong or is annulled by resolutions passed by both Houses of Parliament:

Provided that such revocation or annulment shall be without prejudice to anything previously done by virtue of the proclamation.

(3) A proclamation made under sub-section (1) shall be published in such manner as the Minister thinks necessary for bringing it to the notice of all persons who in his opinion ought to have notice thereof and shall have effect as soon as such notice has been given, without publication in the *Gazette*.

(4) A copy of every proclamation made under sub-section (1) shall be published in the *Gazette* and laid before Parliament as soon as possible after it has been made.

Chapter II—Powers relating to Preservation of Public Security

Danger areas.

48. (1) The Minister, if he considers it necessary or expedient in the public security so to do, may, by order to be published in the *Gazette*, declare any area within a security area to be a danger area.

(2) The limits and extent of every danger area shall be demarcated at the site by such means as will, in the opinion of the Minister, make apparent to persons in or about the area concerned that such area has been declared a danger area.

(3) No person shall enter or remain in a danger area, and any person who fails to comply with the provisions of

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this sub-section shall be guilty of an offence against this Part:

Provided that the provisions of this sub-section shall not apply to members of the security forces in the performance of their duty, or to any person accompanied by any such member.

(4) Any member of the security forces may within a danger area take such measures, including means dangerous or fatal to human life, as he considers necessary to ensure that no person prohibited from entering or remaining in a danger area shall enter or remain in such area.

(5) No claim of any kind shall accrue to, or in respect of any injury sustained by, any person as a result of his having entered or remained in a danger area in contravention of the provisions of sub-section (3):

Provided that the provisions of this sub-section shall not preclude the award of compensation under any regulations made under section 71 if, in the particular circumstances under which a person sustaining the injury entered or remained in a danger area, the authority empowered to award compensation thereunder considers it equitable to award such compensation.

(6) Where any land, building or other immovable property is within a danger area, a claim for compensation in respect of such land, building or other immovable property may be made in the manner prescribed by regulations made under section 71.

49. (1) The Minister may, if he considers it expedient in the public security so to do, make an order, which shall be published in the *Gazette*, declaring any area within a security area to be a controlled area, and in the same or any subsequent order may declare any specified part of such controlled area to be a residential part.

Controlled
areas.

(2) Every such order shall declare—

- (a) that after the expiration of a period to be specified in the order (which shall not be less than seven days from the date thereof) and subject to any exemption for which provision may be made by the same or by a subsequent order and to any conditions upon which such exemption may be granted, no person shall reside or continue to reside in any part of a controlled area other than a residential part;
- (b) that between such hours or at such times as may be specified in the order and subject to any exemption for which provision may be made by

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the same or by a subsequent order and to any conditions upon which such exemption may be granted, no person shall enter or remain in any part of the controlled area other than a residential part.

(3) Any person who contravenes the provisions of an order made under this section shall be guilty of an offence against this Part.

(4) No order under this section shall apply to—

- (a) the Yang di-Pertuan Agong, a Ruler or Governor;
- (b) any member of the security forces when acting in the course of his duty;
- (c) any person or class of persons exempted from the provisions of such order by the Chief Police Officer or the Officer in Charge of the Police District.

Protected
place.

50. (1) If, as respects any place or premises in any security area, it appears to a Chief Police Officer to be necessary or expedient in the interests of public security or order, or for the maintenance of supplies or services essential to the life of the community, that special precautions should be taken to prevent the entry of unauthorised persons, he may by order declare such place or premises to be a protected place for the purposes of this Part; and so long as the order is in force, no person shall, subject to any exemptions for which provision may be made in the order, enter or remain in that place or those premises without the permission of such authority or person as may be specified in the order.

(2) Where, in pursuance of this section, any person is granted permission to be in a protected place, that person shall, while acting under such permission, comply with such directions for regulating his conduct as may be given by the Chief Police Officer or by the authority or person granting the permission.

(3) Any police officer, or any person authorised in that behalf by the Officer in Charge of the Police District may search any person entering or seeking to enter, or being in, a protected place, and may detain any such person for the purpose of searching him.

(4) If any person is in a protected place in contravention of this section, or, while in such a place, fails to comply with any directions given under this section, then without prejudice to any proceedings which may be taken against him, he may be removed from the place by any police officer or

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any person authorised in that behalf by the occupier of the premises.

(5) Any person who is in a protected place in contravention of this section or who on being challenged by a police officer wilfully fails to stop or who unlawfully refuses to submit to search shall be guilty of an offence against this Part.

(6) It shall be lawful for the Chief Police Officer to take or cause to be taken such steps as he may deem necessary for the protection of any protected place, and such steps may extend to the taking of defensive measures which involve or may involve danger to the life of any person entering or attempting to enter the protected place.

(7) Where any measures involving such danger as aforesaid are adopted, the Chief Police Officer shall cause such precautions to be taken, including the prominent display of warning notices, as he deems reasonably necessary to prevent inadvertent or accidental entry into any protected place, and where such precautions have been duly taken, no person shall be entitled to compensation or damages in respect of injury received or death caused as a result of any unauthorised entry into any such protected place.

(8) For the purposes of this section "police officer" shall include—

- (a) any member of the security forces;
- (b) any prison officer;
- (c) any other person performing the duties of guard or watchman in a protected place, the appointment of whom has been either specially or generally authorised by a Chief Police Officer.

(9) No woman shall be searched under this section except by a woman.

51. The Officer in Charge of a Police District may by order in writing exclude any person or persons from the Police District under his charge or from any part thereof, such District or part being part of a security area. Exclusion of persons.

52. (1) Every person within any Police District or part thereof within a security area which may be designated by order by the Officer in Charge of the Police District shall remain within doors, or within such area as may be defined in the order, between such hours as may be specified in the order, unless in possession of a written permit in that behalf issued by a police officer of or above the rank of Sub-Inspector. Curfew.

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- (2) No order under this section shall apply to—
- (a) the Yang di-Pertuan Agong, a Ruler or Governor;
 - (b) any member of the security forces when acting in the course of his duty;
 - (c) any person or class of persons exempted from the provisions of such order by the Chief Police Officer or the Officer in Charge of the Police District.

Power to
take
possession
of land or
buildings.

53. (1) The Minister may if it appears to him to be necessary or expedient so to do in the interests of public security, or for the accommodation of any security forces, take possession of any land or of any building or part of a building in any security area and may give such directions as appear to him necessary or expedient in connection with the taking of possession of that land or building.

(2) Any police officer may take such steps and use such force as appears to him to be reasonably necessary for securing compliance with directions given to any person under sub-section (1).

(3) While any land or building is in possession of the Minister by virtue of this section, the land or building may, notwithstanding any restriction imposed on the use thereof (whether by any written law or other instrument or otherwise), be used by, or under the authority of, the Minister for such purpose, and in such manner, as the Minister thinks expedient in the interests of public security or for the accommodation of any security forces; and the Minister, so far as appears to him to be necessary or expedient in connection with the taking of possession or use of the land or building in pursuance of this sub-section—

- (a) may do, or authorise persons using the land or building as aforesaid to do, in relation to the land or building, anything any person having an interest in the land or building would be entitled to do by virtue of that interest, and
- (b) may by order provide for prohibiting or restricting the exercise of rights of way over the land or building, and of other rights relating thereto which are enjoyed by any person, whether by virtue of an interest in land or otherwise.

(4) The owner or occupier of any land or building shall, if requested by or on behalf of the Minister so to do, furnish to such authority or person as may be specified in the request such information in his possession relating to the land or building (being information which may reasonably be

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demand of him in connection with the execution of this section) as may be so specified.

(5) For the purposes of this section there shall be one or more Advisory Committee consisting of persons appointed by the Minister; and any such Committee may make rules for the conduct of its proceedings.

(6) Any person aggrieved by reason of the taking possession of any land or building under the provisions of this section may within fourteen days after such possession has been taken give notice of his objection thereto to an Advisory Committee appointed under sub-section (5).

(7) The Chairman of an Advisory Committee to which such notice has been given by an aggrieved person shall inform any person on whose behalf possession of such land or building has been taken, and the Advisory Committee shall thereupon consider the objection made by the aggrieved person and any grounds which may be put forward against such objections by the person on whose behalf such possession has been taken, and shall forward its recommendations to the Minister.

(8) The Minister after considering the recommendations of the Advisory Committee shall give such directions thereon as he may think fit.

54. (1) Where in any security area any building or structure is left unoccupied by reason of the operation of any order made under this Chapter, the Officer in Charge of the Police District in which such building or structure is situate may if it appears to him—

Power to order destruction of certain unoccupied buildings.

(a) to be likely that such building or structure will if left standing be used by any person or persons who intend, or are about, to act or have recently acted in a manner prejudicial to public security or by any other person who is likely to harbour any such persons; and

(b) to be impracticable in any other way to prevent such use,

destroy or authorise the destruction of such building or structure.

(2) Compensation shall be payable in respect of the destruction of any building or structure under this section if the claimant satisfies the Minister—

(a) that such building or structure was erected by or with the consent of the person lawfully entitled to the land on which the same was erected; and

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- (b) that such building or structure was not liable to forfeiture under any regulations made under section 71:

Provided that compensation may be paid to the owner or occupier of any building or structure erected by or with the consent of the person lawfully entitled to the land on which it was erected, notwithstanding that such building or structure is liable to forfeiture under any regulations made under section 71, if such owner or occupier satisfies the Minister that the building or structure was used by persons who intend, or are about, to act or have recently acted, in a manner prejudicial to public security or that such persons were being or had been harboured by his servant or agent, as the case may be, without his knowledge or consent, and that he exercised all due diligence to prevent such building or structure being so used or the harbouring of such persons as the case may be.

- (3) Any compensation payable under this section shall be assessed in accordance with regulations made under section 71.

Power to
control
roads, etc.

55. (1) Any Officer in Charge of a Police District or any person duly authorised by any such Officer may by order, or by giving directions, or in any other manner, regulate, restrict, control or prohibit the use of any road or water-way in any security area by any person or class of persons or any vehicle or vessel or type or description of vehicle or vessel or close any road or water-way in such area.

(2) Any Officer in Charge of a Police District may, by the issue of permits to which conditions may be attached or in any other manner, regulate, restrict, control or prohibit the travelling by any person or class of persons in any train, motor car, motor bus or vehicle of any description in any security area, and may similarly regulate, restrict, control or prohibit the travelling by any person in any vessel in such area.

Power to
seize rice
and other
food.

56. (1) When on duty, any police officer of or above the rank of Corporal or any member of the security forces of or above the rating or rank of leading rate or non-commissioned officer (as the case may be) or any person authorised in writing so to do by the Officer in Charge of the Police District may seize any rice or any other article of food in any security area which by reason of its quantity or its situation is or is likely to or may become available to any persons who intend or are about to act or have recently acted in a manner prejudicial to public security or to the maintenance of public order.

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(2) Any such police officer or member of such forces as aforesaid may without warrant enter and search any premises if he suspects that any rice or any food liable to seizure under this section is likely to be found on such premises.

(3) When on duty any police officer or any member of the security forces or any person who is authorised in writing so to do by the Officer in Charge of the Police District may stop and search any vessel, vehicle, or individual in any security area, whether in a public place or not, if he suspects that any rice or any food liable to seizure under this section is likely to be found on such vessel, vehicle or individual.

(4) No woman shall be searched under this section except by a woman.

Chapter III—Offences Relating to Security Areas

57. (1) Any person who without lawful excuse, the onus of proving which shall be on such person, in any security area carries or has in his possession or under his control—

Offences relating to fire-arms, ammunition and explosives.

(a) any fire-arm without lawful authority therefor; or

(b) any ammunition or explosive without lawful authority therefor,

shall be guilty of an offence against this Part and shall be punished with death.

(2) A person shall be deemed to have lawful authority for the purposes of this section only if he—

(a) is a police officer or a member of the security forces, or any person employed in the Prisons Department of the Federation, and in every such case is carrying or is in possession of or has under his control such fire-arm, ammunition or explosive in or in connection with the performance of his duty; or

(b) is a person duly licensed, or authorised without a licence, under the provisions of any written law for the time being in force to carry, possess or have under his control such fire-arm, ammunition or explosive; or

(c) is a person exempted from the provisions of this section by an Officer in Charge of a Police District, or is a member of any class of persons so exempted by the Commissioner of Police by notification in the *Gazette*:

Provided that no person shall be deemed to have lawful authority for the purposes of this section or to be exempt

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from this section if he carries or has in his possession or under his control any such fire-arm, ammunition or explosive for the purpose of using the same in a manner prejudicial to public security or the maintenance of public order.

(3) A person shall be deemed to have lawful excuse for the purposes of this section only if he proves—

- (a) that he acquired such fire-arm, ammunition or explosive in a lawful manner and for a lawful purpose; and
- (b) that he has not at any time while carrying or having in his possession or under his control such fire-arms, ammunition or explosive, acted in a manner prejudicial to public security or the maintenance of public order.

(4) A person charged with an offence against this section shall not be granted bail.

Consorting
with person
carrying or
having
possession
of arms or
explosives.

58. (1) Any person who in any security area consorts with or is found in the company of another person who is carrying or has in his possession or under his control any fire-arm, ammunition or explosive in contravention of the provisions of section 57, in circumstances which raise a reasonable presumption that he intends, or is about, to act, or has recently acted, with such other person in a manner prejudicial to public security or the maintenance of public order shall be guilty of an offence against this Part and shall be punished with death, or with imprisonment for life.

(2) Any person who in any security area consorts with, or is found in the company of, another person who is carrying or has in his possession, or under his control any fire-arm, ammunition or explosive in contravention of the provisions of section 57, in circumstances which raise a reasonable presumption that he knew that such other person was carrying or had in his possession or under his control any such fire-arm, ammunition or explosive, shall be guilty of an offence against this Part and shall be liable to imprisonment for a term not exceeding ten years.

(3) Where, in any prosecution for an offence under this section, it is established to the satisfaction of the Court that the accused person was consorting with or in the company of any person who was carrying or had in his possession or under his control any fire-arm, ammunition or explosive, it shall be presumed, until the contrary is proved, that such last mentioned person was carrying or had in his

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possession or under his control such fire-arm, ammunition or explosive in contravention of the provisions of section 57.

59. (1) Any person who whether within or outside a security area demands, collects or receives any supplies from any other person in circumstances which raise a reasonable presumption that he intends, or is about, to act, or has recently acted, in a manner prejudicial to public security or the maintenance of public order, or that the supplies so demanded, collected or received are intended for the use of any person who intends or is about, so to act, or has recently so acted, or for the use of any terrorist, shall be guilty of an offence against this Part and shall be liable to imprisonment for life. Supplies.

(2) Any person who whether within or outside a security area is found in possession of any supplies for which he cannot satisfactorily account in circumstances which raise a reasonable presumption that such supplies are intended for the use of any person who intends, or is about, to act, or has recently acted, in a manner prejudicial to public security or the maintenance of public order, or that such supplies are intended for the use of any terrorist, shall be guilty of an offence against this Part and shall be liable to imprisonment for life.

(3) Any person who whether within or outside a security area provides, whether directly, or indirectly, any supplies to any other person in circumstances which raise a reasonable presumption that such other person intends, or is about, to act, or has recently acted, in a manner prejudicial to public security or the maintenance of public order, or that the supplies so provided are intended for the use of any person who intends or is about, so to act, or has recently so acted, or that such supplies are intended for the use of any terrorist, shall be guilty of an offence against this Part and shall be liable to imprisonment for life:

Provided that no person shall be convicted of any offence against this sub-section if he proves that prior to being charged with or accused of such offence by a police officer or a person in authority he voluntarily gave full information of the offence to a police officer.

(4) In any charge for an offence against any provision of this section it shall not be necessary to specify the person or persons from whom any supplies were demanded, collected or received or to whom any supplies were provided or intended to be provided.

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Failure to
report
offences or
to give
information.

60. Any person who whether within or outside a security area, while any proclamation under section 47 is in force:

- (a) knowing or having reasonable cause to believe that another person has committed an offence against this Part fails to report the same to a police officer; or
- (b) having in his possession any information as to the present or intended movements or whereabouts of any person whom he knows or has reasonable cause to believe to be a terrorist fails to report the same to a police officer,

shall be guilty of an offence against this Part and shall be liable to imprisonment for a term not exceeding ten years:

Provided that no person shall be convicted of any offence against this section if he proves that prior to being charged with or accused of such offence by a police officer or a person in authority, he voluntarily gave full information of such other offence or of such movements or whereabouts to a police officer.

Attempt to
commit
offences.

61. Without prejudice to the operation of Chapter V and Chapter XXIII of the Penal Code, any person who whether within or outside a security area, while any proclamation under section 47 is in force attempts to commit, or does any act preparatory to the commission of an offence against this Part shall be deemed to be guilty of that offence against this Part.

*F.M.S.
Cap. 45.*

Assisting
offenders.

62. No person, knowing or having reasonable cause to believe that another person has committed an offence against this Part shall, whether within or outside a security area, give that other person any assistance with intent thereby to prevent, hinder or interfere with the apprehension, trial or punishment of that person for the said offence.

Abetment
and general
penalty.

63. If any person contravenes or fails to comply with any provision of this Part, or any order made under or direction given or requirement imposed under any such section of this Part or, whether within or outside a security area, abets such contravention or failure, he shall be guilty of an offence against this Part; and subject to any special provisions contained in this Part or in any regulations made under section 71, a person guilty of any such offence shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding five thousand dollars or to both such imprisonment and fine.

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Chapter IV—Powers of Police and Others

64. (1) Any police officer may without warrant arrest any person suspected of the commission of an offence against this Part. Arrest.

(2) The powers conferred upon a police officer by subsection (1) may be exercised by any member of the security forces, by any person performing the duties of guard or watchman in a protected place, and by any other person generally authorised in that behalf by a Chief Police Officer.

65. (1) When on duty any police officer or any member of the security forces or any person who is authorised in writing so to do by the Officer in Charge of a Police District, may without warrant and with or without assistance stop and search any vehicle, vessel, train, aircraft or individual, whether in a public place or not, if he suspects that any article or material being evidence of the commission of an offence against this Part is likely to be found in such vehicle, vessel, train, aircraft or on such individual, and may seize any article or material so found. Powers of search.

(2) When on duty any police officer of or above the rank of Corporal or any member of the security forces of or above the rating or rank of leading rate or non-commissioned officer (as the case may be) or any person authorised in writing so to do by the Officer in Charge of a Police District may without warrant and with or without assistance enter and search any premises or place if he suspects that any article or material being evidence of the commission of any offence against this Part is likely to be found on such premises or place and may seize any article or material so found.

(3) No woman shall be searched under this section except by a woman.

66. Notwithstanding anything to the contrary in any written law, in any security area— Power to dispense with inquests, etc.

(a) a Magistrate or a Coroner may dispense with the holding of a death inquiry or inquest on the dead body of any police officer or of any member of the security forces;

(b) where the Magistrate or Coroner responsible for holding a death inquiry or inquest upon the body of any person is satisfied that such person has been killed in a security area as a result of operations by the police or by the security forces for the purpose of suppressing organised

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violence, the Magistrate or Coroner, as the case may be, may dispense with the holding of a death inquiry or inquest on the body of such person.

Medical officers of Armed Forces to be regarded as Government medical officers for purpose of inquiries.

67. The provisions of Chapter XXXII and of section 399 of the Criminal Procedure Code of the Federated Malay States and of Chapter XXX and section 427 of the Criminal Procedure Code of the Straits Settlements shall, in respect of any inquiries into any death in any security area, have effect as if reference therein to a Government Medical Officer and to a Medical Officer included reference in each case to a medical officer of the Armed Forces of the Federation when acting in the course of his duty:

F.M.S.
Cap. 6.

S.S. Cap. 21.

Provided that—

- (a) it shall not be necessary under section 330 of the Criminal Procedure Code of the Federated Malay States to inform such a medical officer of the Armed Forces of the Federation of any death in any such area if it is possible to inform the nearest Government Medical Officer, other than any such medical officer, without undue delay;
- (b) no such medical officer of the Armed Forces of the Federation shall, without his consent, be required by any order or otherwise to perform a *post-mortem* examination of any body.

Chapter V—General

Compensation.

68. (1) Where in the exercise of the powers conferred by section 53 or by any regulations made under section 71, possession is taken of any land, building or other structure or of any movable property or of any space or accommodation in any vessel, aircraft, train or vehicle, compensation in respect of such possession shall be assessed in accordance with regulations made under section 71.

(2) For the avoidance of doubt it is hereby declared that no compensation shall be payable to any person in respect of any damage or injury to his person or property caused by or consequent upon any act authorised by this Part or any regulations made under section 71, unless provision for such compensation is made by this Part or any regulations made under section 71.

Application of section 94 of the Penal Code.

69. Section 94 of the Penal Code (which relates to an act to which a person is compelled by threats) shall have effect as if offences punishable with death under this Part were offences included in Chapter VI of the Penal Code punishable with death.

F.M.S.
Cap. 45.

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*F.M.S.
Cap. 45.*

70. The right of private defence of property conferred by section 103 of the Penal Code shall be deemed to extend to any mischief by fire or explosive committed on a railway engine, railway rolling stock or a motor vehicle in any security area, as it applies to mischief by fire committed on a building used as a human dwelling or as a place for the custody of property.

Extension
of right of
private
defence.

Chapter VI—Power to make Regulations

71. (1) When a proclamation has been made under section 47 it shall be lawful for the Yang di-Pertuan Agong to make in respect of any security area any regulations whatsoever which he considers desirable for the public security.

Power
to make
regulations.

(2) Without prejudice to the generality or scope of the powers conferred by sub-section (1), regulations may be made under sub-section (1) in respect of any matters coming within the classes of subjects hereinafter specified, that is to say—

- (a) the assessment and payment of remuneration, compensation and allowances in respect of all matters done under this Act or any regulations made thereunder or in respect of injuries occasioned by or resulting from any proclamation under section 47;
- (b) the restriction of the movement of persons in any security area;
- (c) processions and meetings in any security area;
- (d) the supply and distribution of food, water, fuel, light and other necessities in any security area;
- (e) the declaration of fences or barriers surrounding any area in a security area as perimeter fences, and the regulation of traffic and supplies from within and outside any such areas;
- (f) the eviction of persons unlawfully in occupation of land within any security area;
- (g) the seizure, occupation and forfeiture of land, buildings and other structures and movable property within any security area belonging to or used by persons who intend or are about to act or have acted in a manner prejudicial to the public security of the Federation, or belonging to or used by persons who are harbouring or have harboured or who by their servants or agents are harbouring or have harboured any such persons;
- (h) the appropriation, control, forfeiture, disposition and use of property in any security area;

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- (i) the requisition of space or accommodation in any vessel, aircraft, train or vehicle within any security area;
- (j) the destruction of buildings and other structures within any security area;
- (k) the clearance of lands within any security area, the recovery of the costs of and the payment of compensation in respect of such clearance;
- (l) the payment of gratuities to workmen injured or to the dependants of workmen killed by acts of terrorism in any security area;
- (m) the restriction and prohibition in any security area of foodstuffs and other supplies;
- (n) the registration of persons or any class of persons and the control of occupations and industries within any security area;
- (o) the control of the movement of rubber and the protection of rubber plants in any security area;
- (p) modification, amendment, supersession or suspension of the provisions of any written law for the time being in force in any security area;
- (q) the powers of the Mentri Besar or Chief Minister of any State under any regulations made under this section;
- (r) entry into and search of premises or other places and the arrest, search and interrogation of persons within any security area;
- (s) the formation of tribunals and other bodies for the purpose of deciding any matters specified in such regulations, but having no powers to inflict fines or imprisonment;
- (t) the prescription of fees and other payments;
- (u) any other matter in respect of which it is in the opinion of the Yang di-Pertuan Agong desirable in the interests of public security that regulations should be made.

(3) Any regulations made under this section may provide for the infliction in the event of a contravention thereof of imprisonment for a term not exceeding three years or of a fine not exceeding two thousand dollars or of both such imprisonment and fine.

(4) Any regulations made under this section shall—

- (a) unless the Yang di-Pertuan Agong otherwise directs, come into force on the day on which they are made, and shall then continue in force so long as the proclamation under section 47 is in force, unless sooner revoked;

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- (b) have effect only within the security area or areas to which the said proclamation applies.

(5) All subsidiary legislation under this Act in force in any security area immediately before the revocation or annulment of any proclamation under section 47, shall cease to have effect in such area upon such revocation or annulment, but without prejudice to the taking or continuance of any proceedings in respect of anything previously done or omitted to be done, or to the payment of any compensation or allowance thereunder.

PART III

MISCELLANEOUS PROVISIONS

72. (1) Every offence against this Act shall be seizable for the purposes of the Criminal Procedure Code.

Seizability
and baila-
bility of
offences.

(2) Every offence against this Act punishable with imprisonment for a term exceeding three years shall be non-bailable for purposes of the Criminal Procedure Code.

73. (1) Any police officer may without warrant arrest and detain pending enquiries any person in respect of whom he has reason to believe—

Power to
detain
suspected
persons.

- (a) that there are grounds which would justify his detention under section 8; and

- (b) that he has acted or is about to act or is likely to act in any manner prejudicial to the security of Malaya or any part thereof.

(2) Any police officer may without warrant arrest and detain pending enquiries any person, who upon being questioned by such officer fails to satisfy such officer as to his identity or as to the purposes for which he is in the place where he is found, and who such officer suspects has acted or is about to act in any manner prejudicial to the security of Malaya or any part thereof.

(3) No person shall be detained under the provisions of this section for a period exceeding twenty-four hours except with the authority of a police officer of or above the rank of Assistant Superintendent of Police or, subject as herein-after provided, for a period of forty-eight hours in all.

(4) If an officer of or above the rank of Superintendent of Police is satisfied that the necessary enquiries cannot be completed within the period of forty-eight hours prescribed by sub-section (3) he may authorise the further detention of any person detained under the provisions of this section for an additional period not exceeding twenty-eight days.

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(5) Any officer giving any authorisation under sub-section (4) shall forthwith report the circumstances thereof to the Commissioner of Police; and where such authorisation authorises detention for any period exceeding fourteen days the Commissioner of Police shall forthwith report the circumstances thereof to the Minister.

(6) The powers conferred upon a police officer by sub-sections (1) and (2) may be exercised by any member of the security forces, by any person performing the duties of guard or watchman in a protected place, and by any other person generally authorised in that behalf by a Chief Police Officer.

(7) Any person detained under the powers conferred by this section shall be deemed to be in lawful custody, and may be detained in any prison, or in any police station, or in any other similar place authorised generally or specially by the Minister.

Use of lethal
weapons in
effecting
arrests.

74. (1) Notwithstanding anything to the contrary contained in any other written law it shall be lawful for any police officer in order—

- (a) to effect the arrest of any person liable to detention under any order made under section 8; or
- (b) to effect the arrest of any person liable to arrest and detention under sub-section (1) or (2) of section 73; or
- (c) to effect the arrest of any person whom he has, in all the circumstances of the case, reasonable grounds for suspecting to have committed an offence against this Act or against any provision of any written law for the time being specified in the First Schedule; or
- (d) to overcome forcible resistance offered by any person to such arrest; or
- (e) to prevent the escape from arrest or the rescue of any person arrested as aforesaid,

to use such force as, in the circumstances of the case, may be reasonably necessary, which force may extend to the use of lethal weapons.

(2) Every person arrested for any of the offences referred to in sub-section (1) shall as soon as possible after his arrest be clearly warned of his liability to be shot at if he endeavours to escape from custody.

(3) The powers conferred upon a police officer by sub-section (1) may be exercised by any member of the security forces, and by any person performing the duties of guard or

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watchman in a protected place, and by any other person generally authorised in that behalf by a Chief Police Officer.

(4) Nothing in this section contained shall derogate from the right of private defence contained in sections 96 to 106, inclusive, of the Penal Code.

F.M.S.
Cap. 45.

75. (1) Where any person is charged with any offence against this Act or against any written law for the time being specified in the Second Schedule any statement, whether such statement amounts to a confession or not or is oral or in writing, made at any time, whether before or after such person is charged and whether in the course of a police investigation or not and whether or not wholly or partly in answer to questions, by such person to or in the hearing of any police officer of or above the rank of Inspector and whether or not interpreted to him by any other police officer or any other person concerned, or not, in the arrest, shall notwithstanding anything to the contrary contained in any written law, be admissible at his trial in evidence and, if such person tenders himself as a witness, any such statement may be used in cross-examination and for the purpose of impeaching his credit:

Admission
of state-
ments in
evidence.

Provided that no such statement shall be admissible or used as aforesaid—

- (a) if the making of the statement appears to the Court to have been caused by any inducement, threat or promise having reference to the charge against such person, proceeding from a person in authority and sufficient in the opinion of the Court to give such person grounds which would appear to him reasonable for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceeding against him; or
- (b) in the case of a statement made by such person after his arrest, unless the Court is satisfied that a caution was administered to him in the following words or words to the like effect: "*It is my duty to warn you that you are not obliged to say anything or to answer any question, but anything you say, whether in answer to a question or not, may be given in evidence*":

Provided that a statement made by any person before there is time to caution him shall not be rendered inadmissible in evidence merely by reason of no such caution having been given if it has been given as soon as possible.

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(2) Notwithstanding anything to the contrary contained in any written law a person accused of an offence to which sub-section (1) applies shall not be bound to answer any questions relating to such case after any such caution as aforesaid has been administered to him.

(3) This section shall apply in relation to any person tried after the commencement of this Act, whether or not the proceedings against such person were instituted and whether or not the relevant statement was made before such commencement.

Inspection
of bankers'
books.

76. The Minister may, if he is satisfied that any evidence of the commission of an offence against this Act or against any written law for the time being specified in the Second Schedule is likely to be found in any banker's book, by order authorise any police officer to inspect any such book, and a police officer so authorised may, at all reasonable times, enter the bank specified in the order and inspect the banker's books kept therein, and may take copies of any entry in any such book.

Disposal of
property.
F.M.S.
Cap. 6.
S.S. Cap. 21.

77. (1) Subject to the provisions of sub-section (2) the provisions of the Criminal Procedure Code relating to the disposal of property the subject of an offence shall apply to any article coming into the possession of a police officer or any other person having any functions in connection with the operation of this Act which such officer or person has reasonable ground for believing to be evidence of the commission of an offence against this Act; and in relation to any such article any reference therein to a police officer shall have effect as if it included a reference to any such person.

(2) Any article or material coming into the possession of a police officer under section 65 may be disposed of in such manner as the Minister may order.

(3) Nothing in this section shall be taken to prejudice any right to retain or dispose of property which may exist in law apart from the provisions of this section.

Registration
of persons
arrested or
detained.
18 of 1948.

78. (1) The provisions of the Registration of Criminals Ordinance 1948, relating to the taking of finger impressions and photographs of persons under arrest and accused of any crime shall apply to persons arrested and detained under this Act as if they were persons accused of any crime within the meaning of that Ordinance.

(2) The provisions of the Registration of Criminals Ordinance, 1948, shall apply to persons convicted of an offence against this Act as if such offence were a crime included in the First Schedule to such Ordinance.

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79. Without prejudice to the jurisdiction of the Supreme Court, a Sessions Court shall have jurisdiction to try any offence against this Act, other than an offence punishable with death, and to pass any sentence prescribed therefor not exceeding five years' imprisonment or a fine of five thousand dollars or to both such imprisonment and fine.

Jurisdiction
of Sessions
Court.

80. A prosecution for any offence against this Act punishable with imprisonment for a term of seven years or more shall not be instituted except with the consent of the Public Prosecutor:

Restriction
on prose-
cution.

Provided that, subject to the provisions of the law for the time being in force relating to criminal procedure—

(a) a person charged with such an offence may be arrested, or a warrant for his arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that the consent of the Public Prosecutor to the institution of a prosecution for the offence has not been obtained, but the case shall not be further prosecuted until that consent has been obtained; and

(b) when a person is brought before a Court under this section before the Public Prosecutor has consented to the prosecution the charge shall be explained to him but he shall not be called upon to plead, and the provisions of such law shall be modified accordingly.

81. (1) When any order or regulation is made or direction or instruction is given under this Act, the Minister or other authority making such order or regulation or giving such direction or instruction shall cause notice of its effect to be given as soon as may be in such manner as he thinks necessary for bringing it to the notice of all persons who in his opinion ought to have notice of it, and such order, regulation, direction or instruction shall have effect as soon as notice as aforesaid has been given, without publication in the *Gazette*.

Publicity
of orders.

(2) Without prejudice to any special provisions contained in this Act or in any rules or regulations made thereunder, a notice to be served on any person for the purposes of any section may be served by leaving it at, or by sending it by post in a letter addressed to that person at, his last or usual place of abode or place of business.

(3) Any order or regulation made or any direction or instruction given under this Act may at any time during its continuance be cancelled by the person empowered to make such order or regulation or to give such direction

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or instruction, but without prejudice to the previous validity thereof or to anything done thereunder or to the power of such person to make a fresh order or regulation or give a fresh direction or instruction under such provisions.

Saving.

82. Nothing in this Act shall affect any other law relating to criminal offences:

Provided that no person shall be punished twice for the same offence.

Amendment,
etc., of
Schedules.

83. The Schedules to this Act may be added to, varied or amended by resolution passed by both Houses of Parliament.

Repeal.
14 of 1947.

84. The Public Order Ordinance, 1947, is hereby repealed.

FIRST SCHEDULE
(Sections 74 and 83)

- | | |
|--|----------------------|
| 1. The Penal Code | Sections 435 and 436 |
| 2. The Corrosive and Explosive Substances and Offensive Weapons Ordinance, 1959 | Sections 3, 4 and 5 |

SECOND SCHEDULE
(Sections 75, 76 and 83)

1. The Penal Code—Any offence under any of the following sections: 117, 141 to 160 inclusive, 189, 190, 212, 216, 216A, 225, 302, 304, 324 to 327 inclusive, 329, 332, 333, 342 to 348 inclusive, 353, 357, 363 to 365 inclusive, 367, 368, 384 to 387 inclusive, 392 to 402 inclusive, 430A, 431, 431A, 435, 436, 448 to 457 inclusive, 458 to 460 inclusive, 505 to 507 inclusive.

2. The Malay Regiment Enactment (F.M.S. Cap. 42)—Any offence under any of the following sections 74, 97, 98 and 100.

3. The Firearms and Ammunition (Unlawful Possession) Ordinance, 1946 (M.U. No. 28 of 1946)—Any offence under the Ordinance.

4. The Societies Ordinance, 1949 (F. of M. No. 28 of 1949)—Any offence under any of the following sections: 10, 11, 12 and 15.

5. The Abduction and Criminal Intimidation of Witnesses Ordinance, 1947 (M.U. No. 26 of 1947)—Any offence under the Ordinance.

6. The Carrying of Arms Ordinance, 1947 (M.U. No. 42 of 1947)—Any offence under the Ordinance.

7. The Railway Ordinance, 1948 (M.U. No. 8 of 1948)—Any offence under any of the following sections: 108, 110 and 111.

8. The Sedition Ordinance, 1948 (F. of M. No. 14 of 1948)—Any offence under the Ordinance.

9. Any abetment of or attempt to commit any offence specified in this Schedule.

10. The Corrosive and Explosive Substances and Offensive Weapons Ordinance, 1958 (F. of M. No. 43 of 1958)—Any offence under the Ordinance.

11. The National Registration Act, 1959 (No. 12 of 1959)—Any offence under any regulations made under the Act.

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EXPLANATORY STATEMENT

As foreshadowed in the Speech from the Throne delivered at the opening of the Second Session of the first Parliament of the Federation, it is intended to repeal the Emergency Regulations Ordinance, 1948, and all subsidiary legislation thereunder, with effect from July 31 next. Such a repeal would, however, have the effect of abolishing certain provisions of the existing law which, in view of the grave risks to internal security presented by the threat of subversion, must still be considered essential: and as long as the possibility of terrorism remains in border areas of the Federation powers must continue to be available to combat organised violence against persons and property within those areas.

2. In consequence it has been considered necessary to prepare the above Bill, which has two objectives: first, the combating of subversion throughout the Federation, a matter dealt with in Part I of the Bill; and second, the elimination of organised violence in such limited areas of the Federation (in the Bill referred to as "security areas") as may be proclaimed under *clause 47* of the Bill: a matter dealt with in Part II of the Bill.

3. In view of the fact that several provisions of the Bill would otherwise be outside the normal legislative competency of Parliament, because they are either inconsistent with Article 5 of the Constitution or are concerned with matters falling within the State list, and because the measure is designed to combat the conditions referred to in Clause (1) of Article 149 of the Constitution, and in the preamble to the Bill, the Bill is, introduced under that Article: for under the Article Parliament may pass a law against subversion, although it would otherwise be inconsistent with Article 5, 9 or 10 of the Constitution, or outside the legislative power of Parliament.

4. The preliminary provisions of the Bill are set out in *clause 1* (short title and commencement) and *clause 2* (interpretation), after which follows Part I of the Bill (*clauses 3 to 46*), in six Chapters. This Part, which contains the general provisions relating to internal security, is intended to have effect throughout the Federation.

5. *Clauses 3 to 6* of the Bill are based upon the Public Order Ordinance, 1947, which is repealed by *clause 84*. The penalties in the existing law have, however, been enhanced, and the Chapter has been reinforced by the introduction of *clause 7*, which is derived from the Emergency Regulations, 1951.

6. Of all the provisions of the Bill, Chapter II of Part I is the most important. Under *clause 8*, if the Yang di-Pertuan Agong is satisfied that such action is necessary in order to prevent any person from acting in a manner prejudicial to the security of Malaya or any part thereof, the Minister charged with responsibility for internal security may order the detention of such person for a period of up to two years, or impose upon him certain conditions, as set out in *clause 8 (1) (b)*. Whenever any person is detained under an order of detention made under *clause 8 (1) (a)* he must, in accordance with Article 151 of the Constitution, be informed of the grounds of his detention; be informed of the allegations of fact on which the order is based—provided that the disclosure of any fact must not be contrary to the national interest; and be given an opportunity of making representations against the order: see *clauses 9 and 11*. For this purpose a detained person may make representations to an Advisory Board constituted under *clause (2) of Article 151 of the Constitution*, and consisting of a chairman appointed by His Majesty from among persons who are or have been

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judges of the Supreme Court, or who are qualified to be judges, and two other members, appointed by His Majesty after consultation with the Hon. the Chief Justice. Such an Advisory Board must, by virtue of Article 151 (1) (b) of the Constitution, in the case of a person who is a citizen of the Federation submit its recommendations to His Majesty within three months of the date of detention (see *clause 12*): but *clause 12* extends the protection of Article 151 (1) (b) to all persons, whether they are citizens of the Federation or not. After considering the recommendations of the Board His Majesty may give the Minister such directions as he shall think fit. In view of continued detention, however, the Minister may, by *clause 10*, at any time after an order of detention has been made direct that the order be suspended upon certain conditions, similar to those referred to in *clause 8 (1) (b)*.

7. In addition to the right to make representations to an Advisory Board, conferred by Article 151 of the Constitution, *clause 13* requires that every order of detention and every direction of the Minister must be reviewed at least once in every six months by an Advisory Board, which is endowed with all the powers of a court for the purpose of summoning witnesses, taking oaths and requiring the production of documents (*clause 14*).

8. The Chapter also retains, in *clauses 17, 19 and 20*, existing arrangements with the State of Singapore in relation to the transfer of detained persons to and from that State, and the enforcement of warrants made and orders issued in that State under the provisions of any parallel legislation in force there. Such parallel provision exists at present in the Singapore Preservation of Public Security Ordinance, 1955, which also contains similar provisions relating to the enforcement of Federation warrants and orders, and the provisions of Chapter II of Part I of the Bill are therefore designed to afford reciprocal provision: but it must be emphasised that in spite of the fact that the Bill could, under Article 149 of the Constitution, override Article 9 of the Constitution, it is not proposed to permit the transfer to the State of Singapore of any citizen of the Federation, and *clauses 17, 19 and 20* do not extend to such a person.

9. *Clauses 22 to 31* constitute Chapter III of Part I of the Bill, and contain special powers relating to subversive publications. These provisions may be regarded as complementary to those of the control of Imported Publications Ordinance, 1958: that Ordinance affording a control over the import of publications from abroad which are prejudicial to the public order, morality and security of the Federation, while the proposed Chapter affords powers of control over publications within the Federation. Under *clause 22* the Minister charged with responsibility for printing presses and publications may prohibit the printing, publication, possession, etc., of documents or publications of a seditious nature, as referred to in *clause 22 (1)*. Objections may be made to His Majesty against any such order by the proprietor or agent in the Federation of any such prohibited document or publication, and the decision of His Majesty thereon is final (*clause 23*).

10. In addition to such powers of prohibition, the Chapter also prohibits the possession of "subversive documents", as defined in *clause 29 (3)* of the Bill, and requires any person receiving any such document to deliver it without delay to a police officer (*clause 29 (2)*). Further, by *clause 27* the posting or distributing of any placard, circular or other document containing any incitement to violence, or counselling disobedience to the law or to any lawful order, or likely to lead to a

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breach of the peace, is an offence, as is the dissemination of any false report or statement likely to cause public alarm or despondency—*clause 28*.

11. Chapter IV of Part I deals with the control of entertainments and exhibitions. Under *clause 32* the promoter and every person concerned in the promotion of any entertainment or exhibition (as defined in *clause 2*), and the proprietor of any premises where such entertainment or exhibition is to be held, may be required by the Minister to furnish certain information relating thereto. The Minister may prohibit the holding of, or close, any entertainment or exhibition in respect of which there is a refusal or failure to furnish adequate information, as well as any entertainment or exhibition detrimental to the national interest (*clause 35*); and he may impose conditions in respect of the holding of an entertainment or exhibition (*clause 33*). A further obligation is imposed by *clause 34*, which requires the promoter and every person concerned in the promotion of any entertainment or exhibition in respect of which the Minister has imposed conditions under *clause 33* to be present either personally or by a duly authorised agent, throughout the period of the performance or display of such entertainment or exhibition, unless exempted from such requirement. The Chapter also contains ancillary powers of entry, investigation, search and seizure (*clauses 36, 37 and 38*) and a power of closure (*clause 39*) similar to a provision for vicarious liability (*clause 40*), which does not, however, extend to imprisonment unless a principal is privy to an offence.

12. By *clause 42* the Minister may by order forbid, except in accordance with the prior written permission of the Commissioner of Police or a senior police officer, the entry into and travel within the Federation for the purpose of some common object (other than travel) of groups of pupils, students, teachers or members of any specified school, college, educational institution or students' union or association, outside the Federation; and a Chief Police Officer may require the removal from the Federation of any person (other than a citizen of the Federation) contravening any such order, and order such person to remain out of the Federation for any period up to six months.

13. In Part II of the Bill are set out special provisions relating to such "security areas" as may be proclaimed by His Majesty under *clause 47*, which sets out the circumstances in which such a proclamation may be issued. Such circumstances will exist only if the public security is seriously disturbed or threatened by reason of any action taken or threatened by any substantial body of persons, whether inside or outside the Federation, causing, or causing a substantial number of citizens to fear, organised violence against persons or property; and any proclamation must be laid before Parliament as soon as possible after it has been made, and may be annulled by resolutions of both Houses of Parliament, or revoked by His Majesty.

14. The consequences flowing from the declaration of any area as a security area are set out in succeeding Chapters of Part II. By *clause 48* the Minister may declare any area within a security area to be a "danger area", in which members of the security forces may take such measures as are necessary to prevent unauthorised persons entering or remaining in such area; by *clause 49* the Minister may prescribe "controlled areas" within a security area; by *clause 50* a Chief Police Officer may prescribe "protected places" within a security area; by *clause 51* an Officer in Charge of a Police District may exclude persons

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from his District, being part of a security area; and by *clause 52* a curfew may be imposed within a security area. Chapter II of Part II also empowers the Minister to requisition land or buildings within a security area (*clause 54*); enables the Officer in Charge of a Police District to destroy certain unoccupied buildings in a security area (*clause 54*); confers on such Officer and other authorised officers a power to control roads in security areas (*clause 55*); and authorises the seizure in a security area of rice and other foodstuffs available to persons who intend or are about to act or have recently acted in a manner prejudicial to public security and the maintenance of public order.

15. Chapter III of Part II deals with offences relating to security areas. Of these the most important are those contained in *clauses 57 and 58*, which impose the death penalty for unlawful possession of arms, ammunition or explosives within a security area, and for consorting with any person having such unlawful possession. The collection of supplies for terrorists (as defined in *clause 2*) and others acting in a manner prejudicial to public order or security, attracts imprisonment for life (*clause 59*), while failure to report offences, or the movements of terrorists, may entail imprisonment for ten years (*clause 60*). It should be noted that the offence relating to supplies, under *clause 59*, may be committed outside, as well as within a security area, as may the offences created by *clauses 60 and 62* (assisting offenders) and attempts to commit and abetment of offences under the Part (*clauses 61 and 63*).

16. Chapter IV of Part II contains the powers of the police and others, in relation to security areas: *clause 64* dealing with arrest, *clause 65* powers of search, and *clause 66* enabling a Magistrate or Coroner to dispense with an inquest in the case of certain deaths occurring in a security area; Chapter V contains certain general provisions relating to compensation (*clause 68*), the application of section 94 of the Penal Code (*clause 69*) and the extension of the right of private defence of property conferred by section 103 of the Penal Code (*clause 70*); and Chapter VI contains, in *clause 71*, power to make regulations in respect of a security area. Such regulations, which are made by His Majesty, are effective only within security areas, and cease to have effect upon the revocation or annulment of any proclamation, under *clause 47*.

17. Part III of the Bill contains a number of miscellaneous provisions complementary to both Parts I and II. By *clause 72* all offences under the Bill are seizable for the purposes of the Criminal Procedure Code, and those entailing imprisonment in excess of three years are also non-bailable. The powers of arrest are contained in *clauses 73 and 74*, the latter of which authorises the use of such force, including the use of firearms, as may be reasonably necessary to effect arrest in the circumstances referred to in *clause 74 (1)*. *Clause 73* authorises the arrest of any person in respect of whom a police officer has reason to believe that there are grounds which would justify his detention under *clause 8*, or who fails to satisfy such officer as to his identity or the purposes for which he is in the place where he is found and who has acted or is about or likely to act in a manner prejudicial to security. No such person can be detained for over twenty-four hours except with the authority of a police officer of or above the rank of Assistant Superintendent; and if a police officer of or above the rank of Superintendent is satisfied that enquiries cannot be completed within forty-eight hours he may authorise further detention for up to twenty-eight

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days. Every such case must, however, be reported to the Commissioner of Police and, where the detention exceeds fourteen days, to the Minister (*clause 73 (3)*).

18. By *clause 75* any statement made by any person charged with any offence under the Bill, or against any law set out in the Second Schedule, is made admissible in evidence in the circumstances set out in *clause 75*, that is, in brief, provided a caution has been duly given, and provided that the statement is not the subject of any threat, inducement or promise; by *clause 76* the Minister may authorise the inspection of bankers' books if he is satisfied that evidence of the commission of an offence under the Bill, or against any law set out in the Second Schedule, is likely to be found therein; and by *clause 78* persons arrested or detained under the Bill will be subject to the taking of fingerprints and photographs.

19. *Clause 79* confers on a Sessions Court jurisdiction to try any offence against the Bill, other than an offence punishable with death, and to pass any sentence prescribed therefor, not exceeding five years' imprisonment or a fine of five thousand dollars; and *clause 80* imposes a restriction on prosecution, by requiring the consent of the Public Prosecutor to any prosecution for any offence against the Bill punishable with imprisonment for seven years or more. *Clause 81* provides for the publicity of orders, etc.; *clause 82* contains a saving in relation to other criminal offences; *clause 83* enables the Schedules to the Bill to be amended by resolution of both Houses of Parliament; and *clause 84* repeals the Public Order Ordinance, 1947. [A.G. 2260.]

