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**Tuesday,
21st June, 1960**

PARLIAMENTARY DEBATES

**DEWAN RA'AYAT
(HOUSE OF REPRESENTATIVES)**

OFFICIAL REPORT

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FEDERATION OF MALAYA
DEWAN RA'AYAT
(HOUSE OF REPRESENTATIVES)

Official Report

Second Session of the First Dewan Ra'ayat

Tuesday, 21st June, 1960

The House met at Ten o'clock a.m.

PRESENT:

- The Honourable Mr. Speaker, DATO' HAJI MOHAMED NOAH BIN OMAR, S.P.M.J., P.I.S., J.P.
- „ the Prime Minister, Y.T.M. TUNKU ABDUL RAHMAN PUTRA AL-HAJ, K.O.M. (Kuala Kedah).
- „ the Deputy Prime Minister and Minister of Defence, TUN ABDUL RAZAK BIN DATO' HUSSAIN, S.M.N. (Pekan).
- „ the Minister of External Affairs, DATO' DR. ISMAIL BIN DATO' ABDUL RAHMAN, P.M.N. (Johore Timor).
- „ the Minister of Finance, ENCHE' TAN SIEW SIN, J.P. (Malacca Tengah).
- „ the Minister of Works, Posts and Telecommunications, DATO' V. T. SAMBANTHAN, P.M.N. (Sungei Siput).
- „ the Minister of the Interior, DATO' SULEIMAN BIN DATO' ABDUL RAHMAN, P.M.N. (Muar Selatan).
- „ the Minister of Agriculture and Co-operatives, ENCHE' ABDUL AZIZ BIN ISHAK (Kuala Langat).
- „ the Minister of Transport, ENCHE' SARDON BIN HAJI JUBIR (Pontian Utara).
- „ the Minister of Health and Social Welfare, DATO' ONG YOKE LIN, P.M.N. (Ulu Selangor).
- „ the Minister of Commerce and Industry, ENCHE' MOHAMED KHIR BIN JOHARI (Kedah Tengah).
- „ the Minister of Education, ENCHE' ABDUL RAHMAN BIN HAJI TALIB (Kuantan).
- „ TUAN SYED JA'AFAR BIN HASAN ALBAR, J.M.N., Assistant Minister (Johore Tenggara).
- „ ENCHE' ABDUL HAMID KHAN BIN HAJI SAKHAWAT ALI KHAN, J.M.N., J.P. Assistant Minister (Batang Padang).
- „ TUAN HAJI ABDUL KHALID BIN AWANG OSMAN, Assistant Minister (Kota Star Utara).
- „ ENCHE' CHEAH THEAM SWEE, Assistant Minister (Bukit Bintang).
- „ ENCHE' V. MANICKAVASAGAM, J.M.N., P.J.K., Assistant Minister (Klang).

The Honourable ENCHE' MOHAMED ISMAIL BIN MOHAMED YUSOF, Assistant Minister (Jerai).

- „ ENCHE' ABDUL GHANI BIN ISHAK, A.M.N. (Malacca Utara).
- „ ENCHE' ABDUL RAUF BIN A. RAHMAN (Krian Laut).
- „ ENCHE' ABDUL SAMAD BIN OSMAN (Sungei Patani).
- „ TUAN HAJI ABDULLAH BIN HAJI ABDUL RAOF (Kuala Kangsar).
- „ TUAN HAJI ABDULLAH BIN HAJI MOHD. SALLEH, A.M.N., P.I.S. (Segamat Utara).
- „ TUAN HAJI AHMAD BIN ABDULLAH (Kota Bharu Hilir).
- „ ENCHE' AHMAD BIN ARSHAD, A.M.N. (Muar Utara).
- „ ENCHE' AHMAD BOESTAMAM (Setapak).
- „ ENCHE' AHMAD BIN MOHAMED SHAH, S.M.J. (Johore Bharu Barat).
- „ TUAN HAJI AHMAD BIN SAAID (Seberang Utara).
- „ ENCHE' AHMAD BIN HAJI YUSOF, P.J.K. (Krian Darat):
- „ TUAN HAJI AZAHARI BIN HAJI IBRAHIM (Kubang Pasu Barat).
- „ ENCHE' AZIZ BIN ISHAK (Muar Dalam).
- „ DR. BURHANUDDIN BIN MOHD. NOOR (Besut).
- „ ENCHE' CHAN CHONG WEN (Kluang Selatan).
- „ ENCHE' CHAN SIANG SUN (Bentong).
- „ ENCHE' CHAN SWEE HO (Ulu Kinta).
- „ ENCHE' CHAN YOON ONN (Kampar).
- „ ENCHE' CHIN SEE YIN (Seremban Timor).
- „ ENCHE' V. DAVID (Bungsar).
- „ DATIN FATIMAH BINTI HAJI HASHIM, P.M.N. (Jitra-Padang Terap).
- „ ENCHE' GEH CHONG KEAT (Penang Utara).
- „ ENCHE' HAMZAH BIN ALANG, A.M.N. (Kapar).
- „ ENCHE' HANAFI BIN MOMD. YUNUS, A.M.N. (Kulim Utara).
- „ ENCHE' HARUN BIN ABDULLAH, A.M.N. (Baling).
- „ ENCHE' HARUN BIN PILUS (Trengganu Tengah).
- „ TUAN HAJI HASAN ADLI BIN HAJI ARSHAD (Kuala Trengganu Utara).
- „ TUAN HAJI HASSAN BIN HAJI AHMAD (Tumpat).
- „ ENCHE' HASSAN BIN MANSOR (Malacca Selatan).
- „ ENCHE' HUSSEIN BIN TO' MUDA HASSAN (Raub).
- „ TUAN HAJI HUSSAIN RAHIMI BIN HAJI SAMAN (Kota Bharu Hulu).
- „ ENCHE' IBRAHIM BIN ABDUL RAHMAN (Seberang Tengah).
- „ ENCHE' ISMAIL BIN IDRIS (Penang Selatan).
- „ ENCHE' KANG KOCK SENG (Batu Pahat).
- „ ENCHE' K. KARAM SINGH (Damansara).
- „ ENCHE' KHONG KOK YAT (Batu Gajah).
- „ ENCHE' LEE SECK FUN (Tanjong Malim).
- „ ENCHE' LEE SIOK YEW (Sepang).

The Honourable ENCHE' LIM JOO KONG (Alor Star).

- „ ENCHE' LIM KEAN SIEW (Dato Kramat).
- „ DR. LIM SWEE AUN, J.P. (Larut Selatan).
- „ ENCHE' LIU YOONG PENG (Rawang).
- „ ENCHE' MOHAMED BIN UJANG (Jelebu-Jempol).
- „ ENCHE' MOHAMED ABBAS BIN AHMAD (Hilir Perak).
- „ ENCHE' MOHAMED ASRI BIN HAJI MUDA (Pasir Puteh).
- „ ENCHE' MOHAMED DAHARI BIN HAJI MOHD. ALI (Kuala Selangor).
- „ ENCHE' MOHAMED NOR BIN MOHD. DAHAN (Ulu Perak).
- „ DATO' MOHAMED HANIFAH BIN HAJI ABDUL GHANI, P.J.K. (Pasir Mas Hulu).
- „ ENCHE' MOHAMED SULONG BIN MOHD. ALI, J.M.N. (Lipis).
- „ ENCHE' MOHAMED YUSOF BIN MAHMUD, A.M.N. (Temerloh).
- „ TUAN HAJI MOKHTAR BIN HAJI ISMAIL (Perlis Selatan).
- „ NIK MAN BIN NIK MOHAMED (Pasir Mas Hilir).
- „ ENCHE' NG ANN TECK (Batu).
- „ DATO' ONN BIN JA'AFAR, D.K., D.P.M.J. (Kuala Trengganu Selatan).
- „ ENCHE' OTHMAN BIN ABDULLAH (Tanah Merah).
- „ ENCHE' OTHMAN BIN ABDULLAH (Perlis Utara).
- „ ENCHE' QUEK KAI DONG (Seremban Barat).
- „ TUAN HAJI REDZA BIN HAJI MOHD. SAID (Rembau-Tampin).
- „ ENCHE' SEAH TENG NGIAB (Muar Pantai).
- „ ENCHE' D. R. SEENIVASAGAM (Ipoh).
- „ ENCHE' S. P. SEENIVASAGAM (Menglembu).
- „ TUAN SYED ESA BIN ALWEE, S.M.J., P.I.S. (Batu Pahat Dalam).
- „ TUAN SYED HASHIM BIN SYED AJAM, A.M.N., P.J.K. (Sabak Bernam).
- „ ENCHE' TAJUDIN BIN ALI, P.J.K. (Larut Utara).
- „ ENCHE' TAN CHENG BEE, J.P. (Bagan).
- „ ENCHE' TAN KEE GAK (Bandar Malacca).
- „ ENCHE' TAN PHOCK KIN (Tanjong).
- „ ENCHE' TAN TYE CHEK (Kulim-Bandar Bahru).
- „ TENGKU INDRA PETRA IBNI SULTAN IBRAHIM, J.M.N. (Ulu Kelantan).
- „ DATO' TEOH CHZE CHONG, D.P.M.J., J.P. (Segamat Selatan).
- „ ENCHE' V. VEERAPPEN (Seberang Selatan).
- „ WAN SULAIMAN BIN WAN TAM, P.J.K. (Kota Star Selatan).
- „ WAN YAHYA BIN HAJI WAN MOHAMED (Kemaman).
- „ ENCHE' WOO SAIK HONG, J.P. (Telok Anson).
- „ ENCHE' YAHYA BIN HAJI AHMAD (Bagan Datoh).
- „ ENCHE' YEOH TAT BENG (Bruas).
- „ ENCHE' YONG WOO MING (Sitiawan).

The Honourable PUAN HAJAH ZAIN BINTI SULAIMAN, J.M.N., P.I.S. (Pontian Selatan).

„ TUAN HAJI ZAKARIA BIN HAJI MOHD. TAIB (Langat).

„ ENCHE' ZULKIFLEE BIN MUHAMMAD (Bachok).

ABSENT:

The Honourable the Minister of Labour, ENCHE' BAHAMAN BIN SAMSUDIN (Kuala Pilah).

„ ENCHE' HUSSEIN BIN MOHD. NOORDIN, A.M.N., P.J.K. (Parit).

„ CHE' KHADIJAH BINTI MOHD. SIDEK (Dungun).

„ ENCHE' LEE SAN CHOON (Kluang Utara).

„ ENCHE' T. MAHIMA SINGH, J.P. (Port Dickson).

„ WAN MUSTAPHA BIN HAJI ALI (Kelantan Hilir).

IN ATTENDANCE:

The Honourable the Minister of Justice, TUN LEONG YEW KOH, S.M.N.

PRAYERS

(Mr. Speaker *in the Chair*)

ORAL ANSWERS TO QUESTIONS

Establishment of a Ministry of Shipping

1. Tuan Haji Mokhtar bin Haji Ismail minta kepada Perdana Menteri menerangkan ia-itu memandang kepada sebok-nya perniagaan sekarang ini di-antara Persekutuan Tanah Melayu dengan negeri² luar ada-kah Kerajaan berchadang menubuhkan sa-buah Kementerian baharu yang di-namakan Kementerian Perkapalan.

The Prime Minister: Tuan Yang di-Pertua, berkenaan dengan soal ini Kerajaan tidak berchadang hendak mengadakan satu Kementerian bagi perkapalan. Berkenaan dengan perkapalan dan juga perniagaan yang berkaitan dengan kapal itu ia-lah di-jaga oleh Kementerian² Pengangkutan dan Perdagangan dan Perusahaan.

Food Supplies for Muslim Pilgrims

2. Tuan Haji Mokhtar bin Haji Ismail minta kepada Menteri Luar menerangkan saudagar mana-kah yang membekal barang² makanan keperluan Jama'ah Haji di-dalam masa pelayaran di-antara pelabohan² Persekutuan Tanah Melayu dan Jedda.

The Minister of External Affairs (Dato' Dr. Ismail): Tuan Speaker, Sharikat Kapal yang menghidangkan makanan untuk penompang yang naik Haji, tambang yang di-bayar itu termasuk harga makanan. Sharikat kapal sudah pun di-beri tahu dan mereka faham bahawa makanan yang dihidangkan itu hendak-lah makanan yang halal dan yang sesuai kepada penompang² kapal Haji.

3. Tuan Haji Mokhtar bin Haji Ismail minta kepada Menteri Luar menerangkan ia-itu memandang kepada banyak-nya bilangan penduduk² Persekutuan Tanah Melayu yang menunai perdzu Haji pada tiap² tahun, ada-kah Kerajaan berniat hendak mengadakan satu dasar baharu, ia-itu membekal barang² keperluan makanan Jama'ah Haji, di-dalam pelayaran di-antara Pelabohan Persekutuan Tanah Melayu dengan Jedda, di-buat sechara jalan tawaran tender, dan saudagar² Islam Persekutuan Tanah Melayu di-beri keutamaan.

Dato' Dr. Ismail: Tuan Speaker, sekarang ini belum ada sungutan tentang makanan, kalau ada pun saya belum menerima lagi. Sa-kira-nya dikehendaki orang lain daripada Sharikat Kapal menghidangkan makanan, maka perkara ini boleh-lah di-timbangkan, sa-kira-nya tidak berlawanan dengan sharat² kapal Haji.

Evasion of Income Tax

4. Enche' Yong Woo Ming asks the Minister of Finance to state whether he is aware that a number of owners of rubber land and also big businessmen who have good incomes are not paying any income-tax, or are paying very little income-tax, and, if so, whether he is planning any steps to investigate into this matter.

The Minister of Finance (Enche' Tan Siew Sin): Sir, Government is aware that evasion of income tax is practised on a considerable scale and is taking steps to deal with the matter, firstly through the increased powers it is seeking to give to the Comptroller in the Bill to amend the Income Tax Ordinance and secondly by the recruitment of a large team of experienced investigation officers. I have already enlarged on these points in my speech on the second reading of the Bill. If the Honourable Member has specific information about any person who is evading tax and will pass on the information either to the Comptroller or myself he may be assured that the case will be fully investigated.

Enche' D. R. Seenivasagam: Mr. Speaker, Sir, on a point of clarification, will the Honourable Member be entitled to the informers' reward? *(Laughter)*.

Enche' Tan Siew Sin: Certainly, if he wishes to take it!

Exemption from Income Tax

5. Enche' Yong Woo Ming asks the Minister of Finance to state whether any wage-earners with income of \$2,000 a year, who have to pay income-tax under the new amendment of the Income Tax Ordinance, have appealed for exemption, and if so, has his Ministry considered their request.

Enche' Tan Siew Sin: Mr. Speaker, Sir, an allowance of \$2,000 is given under section 35 of the Income Tax Ordinance to every individual who is resident in the Federation. Accordingly, a resident individual whose total income is \$2,000 a year pays no tax and the question of an appeal for exemption does not arise.

Report of Education Policy Review Committee

6. Enche' Yong Woo Ming asks the Minister of Education to state whether the Committee of Review on the New Education Policy is ready with its report; and if so, when it will be implemented.

The Minister of Education (Enche' Abdul Rahman bin Haji Talib): Sir, I hope that the report of the Committee appointed to review the policy set out in the Report of the Education Committee, 1956, will be ready at the end of this month and that I shall be able to present it to Parliament at the next meeting. The Committee's recommendations cannot, of course, be implemented without Parliamentary approval.

Technical and Vocational Schools

7. Enche' Geh Chong Keat asks the Minister of Education to state the types of examinations students are prepared for in the Technical and Vocational Schools.

Enche' Abdul Rahman bin Haji Talib: Mr. Speaker, Sir, pupils in Technical Institutes are prepared for examinations in Overseas School Certificate, Federation of Malaya Certificate and City and Guilds. Pupils in Junior Technical Trade Schools are prepared for examination in City and Guilds, Electrical, Mechanical and Building. Pupils in Sekolah Lanjutan Kampong will be prepared for the Lower Certificate of Education Examination.

Enche' Geh Chong Keat: Mr. Speaker, Sir, who are the officers advising on Technical Education for these types of examinations and what are their academic and professional qualifications and teaching experience?

Enche' Abdul Rahman bin Haji Talib: That is entirely a separate question. I need notice of it.

8. Enche' Geh Chong Keat asks the Minister of Education whether pupils who have passed out of these institutions and schools found employment for which they were trained.

Enche' Abdul Rahman bin Haji Talib: As regards pupils who have

passed out of Technical Institutes, the answer is yes. Those trained in electrical and mechanical courses in the Junior Trade Schools are able to find jobs. Very few of those trained in building are able to find jobs due to the system adopted by employers who do not readily admit outsiders into the trade.

9. Enche' Geh Chong Keat asks the Minister of Education to state what are the prospects of employment or of further technical education for pupils who have completed their courses in such institutions or schools.

Enche' Abdul Rahman bin Haji Talib: Mr. Speaker, Sir, generally speaking, prospects of employment are very good. Prospects of further technical education and continuation of studies are provided in the evening classes.

Irrigation Schemes in Kedah

10. Enche' Abdul Samad bin Osman minta kepada Menteri Pertanian dan Sharikat² Kerjasama menerangkan bilakah Kerajaan hendak mulakan pekerjaan yang di-namakan Merbok-Bujang Scheme untuk memugar tanah baharu bendang sa-banyak 3,000 relong dan memperbaiki lagi 5,000 relong di-Kedah Tengah yang telah di-mulakan beberapa tahun dahulu dan segala sukat menyukat telah siap dalam tahun 1953.

The Minister of Agriculture and Co-operatives (Enche' Abdul Aziz bin Ishak): Tuan Yang di-Pertua, boleh jadi Ahli Yang Berhormat itu hendak tahu tentang Ranchangan Membena Merbok Bunding itu telah pun di-kemukakan kepada Kerajaan negeri Kedah untuk di-masokkan dalam Ranchangan Kemajuan Negeri tahun 1961-1965.

Enche' Abdul Samad bin Osman: Untuk pengetahuan tuan, ada-kah Ranchangan ini akan di-jalankan oleh negeri Kedah sendiri atau Federal.

Enche' Abdul Aziz bin Ishak: Mudah²an boleh di-jalankan oleh negeri Kedah.

Dato' Onn bin Ja'afar (Kuala Trengganu Selatan): Kenapa mudah²an. (Ketawa).

Enche' Abdul Aziz bin Ishak: Tanggong jawab dia, bukan kita.

11. Enche' Abdul Samad bin Osman minta kepada Menteri Pertanian dan Sharikat² Kerjasama menerangkan ia-itu memandang bahawa Pump Ayer yang telah di-bena dalam kawasan Province Wellesley yang membolehkan sa-banyak 15,000 relong bendang mendapat ayer dari Sungei Muda dan lebeh daripada 6,000 relong bendang boleh di-buat sa-tahun dua kali, apakah sebab-nya ranchangan saperti itu tidak di-buat di-Bumbong Lima, Sungei Patani.

Enche' Abdul Aziz bin Ishak: Tuan Yang di-Pertua, Ranchangan Pump Ayer di-Bumbong Lima, Kedah telah pun di-kemukakan untuk di-masokkan dalam Ranchangan Kemajuan Negeri tahun 1961-1965.

12. Enche' Abdul Samad bin Osman minta kepada Menteri Pertanian dan Sharikat² Kerjasama menerangkan satakat mana-kah kemajuan yang telah terchapai dalam ranchangan menyelidiki "diversity of crops".

Enche' Abdul Aziz bin Ishak: Tuan Yang di-Pertua, kemajuan bertambah dalam masa 4 tahun yang lalu atas tumbohan² perusahaan yang boleh dilihat saperti berikut:

| | | | | |
|-------------|-----|-----|--------|------|
| Kelapa | ... | ... | 26,000 | ekar |
| Kelapa Bali | ... | ... | 17,000 | " |
| Tea | ... | ... | 6,900 | " |
| Kopi | ... | ... | 700 | " |
| Manila Hemp | ... | ... | 500 | " |

Enche' Abdul Samad bin Osman: Pertanyaan tambahan. Dalam ini, Tuan Menteri tidak sebutkan koko. Saya dapat tahu, fasal koko Kerajaan ada mengambil langkah untuk menyelidiki dan apa-kah jadi-nya tanaman koko yang telah di-adakan di-Trengganu dan lain² negeri.

Enche' Abdul Aziz bin Ishak: Koko² pada masa ini di-chadangkan tidak hendak di-teruskan kerana tidak berapa maju.

Construction of Pasir Mas Bridge and Wakaf Setan-Bachok Road

13. Enche' Mohd. Asri bin Haji Muda asks the Minister of Works,

Posts and Telecommunications to state when the construction of the proposed Pasir Mas bridge and of the proposed road from Wakaf Setan to Bachok will begin.

The Minister of Works, Posts and Telecommunications (Dato' V. T. Sambanthan): Mr. Speaker, Sir, both these projects are included for consideration under the 1961-1965 Development Plan.

Dato' Onn bin Ja'afar: Is it not the fact that boring and other works were completed in 1959 and that money allocated for the construction of the Pasir Mas bridge was transferred to another State?

Dato' V. T. Sambanthan: I am not aware of such a thing, but I am aware of the fact that these projects have been included for consideration in the 1961-1965 Development Plan.

Period of Notice for Termination of Employment

14. Enche' V. Veerappen asks the Minister of Labour to state whether he is aware that workmen are forced to accept, through circumstances, contracts of service in which the "period of notice" for termination of service may be so short as to be a week or even a day; and whether he will consider amending section 12, para. 3 of the Employment Ordinance, 1955, to provide for a minimum period of one month for termination of service so that employers may not take undue advantage over workers.

The Assistant Minister of Labour (Enche' V. Manickavasagam): Mr. Speaker, Sir, sub-section 3 (a) of section 12 states that the period of notice shall be the period specified in a contract of service but that it shall not exceed one month. This means that it may be for a period of less than a month. This section gives liberty to both an employer and his labourers to mutually agree to a period of notice less than a month. Moreover, it will not be equitable to require employers to give their labourers one month's notice if the nature of the work to be performed is for a period of less than a month.

Sub-section 3 (b) of section 12 states that, where no period is specified in a contract of service, or where the period so specified exceeds one month, the period of notice shall be one month.

Wrongful dismissals or termination of contracts, when referred to Labour Offices by labourers, are heard by Labour Courts and decisions given with the least possible delay at no cost to them.

It will be seen, therefore, that the labourers' interests are already well protected by this section.

I wish to assure the Honourable Member that the Ministry constantly refers matters of this nature to the National Joint Labour Advisory Council for review when circumstances demand, but such a necessity has not so far arisen in connection with this section. If the Honourable Member cares to bring any specific cases to the notice of the Department of Labour and Industrial Relations, it will do all its best to investigate them.

Enche' V. David: Is there any move on that part of the Government to revise the present Employment Ordinance?

Enche' V. Manickavasagam: I require notice for that, Sir.

Enche' V. Veerappen: Is it not a fact that this particular section is used to the disadvantage of the workers?

Enche' V. Manickavasagam: Sir, I said earlier that this has been discussed by the National Joint Labour Advisory Council where we have 19 representatives of the workers.

Enche' V. David: Has the Ministry or the Labour Department received any complaints or dissatisfaction among the workers of dismissals of this nature from time to time?

Enche' V. Manickavasagam: They are being dealt with by the Labour Courts, Sir.

Strike on Seremban Estate, Seremban

15. Enche' V. David asks the Minister of Labour, with reference to the strike at the Seremban Estate in Seremban, if he is aware that the

employer is making attempts to incite a communal clash between the workers, and if so, what action the Government has taken to bring an end to the strike in the interest of the workers and the economy of the country.

Enche' V. Manickavasagam: Mr. Speaker, Sir, with reference to the strike at the Seremban Estate in Seremban, I am not aware that the employer is making attempts to incite a communal clash between the workers. I can assure the Honourable Member that Government will not tolerate at any time any person from whatever quarter attempting to disrupt the present inter-racial harmony enjoyed in this country. (*Applause*). The strike in Seremban Estate is receiving the close attention of myself and the Officers in my Ministry and every effort is being made to bring about a satisfactory settlement.

Enche' V. David: Mr. Speaker, Sir, will the Government consider setting up a Court of Inquiry under the Trade Disputes Ordinance?

Enche' V. Manickavasagam: Sir, I said that we are investigating. We are trying to settle the thing and the matter does not arise.

Enche' V. David: If the matter is not amicably settled, will the Government consider setting up a Court of Inquiry?

Enche' V. Manickavasagam: We will consider it then, Sir.

Alleged Case of Rape, Johore Bahru General Hospital

16. Enche' S. P. Seenivasagam asks the Minister of Health and Social Welfare, what action he has taken regarding a complaint that a girl patient of about 4 (four) years of age was raped by an attendant in the Children's Ward of Johore Bahru General Hospital on or about the 4th January, 1960.

The Minister of Health and Social Welfare (Dato' Ong Yoke Lin): Mr. Speaker, Sir, no formal complaint of the incident referred to in the question was made either to the Police or to the medical authorities. However, on

the information received, the medical authorities immediately caused a full investigation to be carried out which established that there was no evidence to support the allegation. I am satisfied that this investigation was properly carried out and that its conclusion is correct, and consequently that no further action is required.

Enche' S. P. Seenivasagam: Mr. Speaker, Sir, was the report of the investigation submitted to the Ministry?

Dato' Ong Yoke Lin: Yes, Sir.

17. Enche' S. P. Seenivasagam asks the Minister of Health and Social Welfare what action he has taken regarding a complaint that the Ward Sister failed to take any action or even to report the alleged rape incident to the doctor on duty.

Dato' Ong Yoke Lin: No such complaint has come to the notice of the Ministry or the medical authorities in Johore.

18. Enche' S. P. Seenivasagam asks the Minister of Health and Social Welfare if no action has yet been taken, whether Government will hold an Inquiry into the circumstances in which the patient was raped in the Johore Bahru Hospital.

Dato' Ong Yoke Lin: In view of my reply to question number 16, this question does not arise.

BILL

THE INTERNAL SECURITY BILL

Second Reading

The Deputy Prime Minister (Tun Abdul Razak): Sir, I beg to move that 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" be read a second time.

Sir, as announced in His Majesty's gracious speech from the Throne at the opening of the Second Session of Parliament, the Government intends to declare the Emergency at an end at midnight on 31st July this year. I am

happy to inform the House that our programme to this end is going according to plan and, in presenting a number of Bills for their second and third readings at this sitting of the House, I now call upon Honourable Members to play their part in this programme. The Internal Security Bill which I am now putting before this House is the most important of those Bills.

The Hon'ble Prime Minister and other Members of the Government, including myself, have made it quite clear on a number of occasions that, because the Emergency is to be declared at an end, the Government does not intend to relax its vigilance against the evil enemy who still remains as a threat on our border and who is now attempting by subversion to succeed where he has failed by force of arms. It is for this reason that this Bill is before the House. It has two main aims: firstly to counter subversion throughout the country and, secondly, to enable the necessary measures to be taken on the border area to counter terrorism.

Let me deal with terrorism first. In Perlis, Kedah, northern Perak and western Kelantan and across the Thai border, there are now still 583 armed terrorists of whom perhaps 90 might be on the Federation side of the border at any time. We know quite well that it is their intention to avoid contact with the Security Forces and merely to remain in existence until a favourable opportunity arises for them to revive their so-called "armed struggle" against the people of this country. They remain, therefore, as a potential threat to the security of this country which cannot be disregarded.

We are however, fortunate, Sir, in having a friendly neighbour with whose Government we are on the best of terms, and it is therefore the intention both of the Federation and the Royal Thai Governments, to continue taking the necessary action to eliminate the remnants of the Communist terrorist movement. For this reason we have already established a Joint Senior Staff Committee and Border Operations Committee for the co-ordination and execution of the necessary security measures on the border area. It is

intended that these arrangements should continue after the end of the Emergency.

Under Section 47 of the Bill it is proposed to proclaim a border security area embracing parts of Perlis, Kedah, northern Perak and Kelantan. A Border War Executive Committee will be established to control all anti-terrorist measures in that area in place of the State War Executive Committees in those States. The State War Executive Committees will, however, remain in being to wind up certain residual Emergency security measures. A Border Security Council, under the chairmanship of the Prime Minister, will take the place of the Emergency Operations Council and will be responsible for overall policy. The Director of Emergency Operations will become the Director of Border Security. It is the firm intention of the Government to continue to fight our enemies on the border until they are completely eliminated or until they are reduced to such a strength as not to constitute a security threat to this country.

Hon'ble Members will realise that Part II of the Bill is applicable only to a Security Area, that is to say, Operations Area, i.e. an area where we are fighting the terrorists and it will not be applicable to any other. Therefore, much more powers are required to deal with a situation which is tantamount to war.

Hon'ble Members will note from Chapter III of Part II that the death penalty will be retained solely in respect of those persons who are in possession of arms and ammunition in a security area without lawful authority and those who consort with them. There will be no death penalty in respect of food suppliers. I might also mention at this stage that Government's policy with regard to rewards and surrenders will remain unchanged.

It is not intended to proclaim a security area in any other part of the Federation. Although there are three terrorists left in central Pahang and perhaps eight in the more remote areas of eastern Pahang and Trengganu, it is considered that these insignificant remnants can be dealt with without the

additional powers provided by Part II of this Bill.

Within the border security area the Federation Government will continue to have the assistance of the Commonwealth Land and Air Forces. While it might be possible for the Federation Government to employ only Federation Army units on the ground it is not considered advisable to do so. Most of our units have been engaged in terrorist operations for many years and it is now desirable that some of them should be given an opportunity of being stationed in their permanent barracks throughout the Federation and of undergoing normal training. The Commonwealth Governments concerned have expressed their readiness to make forces available as long as may be required. There are only four such battalions engaged at the present time and it is expected that this number will be gradually reduced.

With regard to Air Forces, the Royal Malayan Air Force, in addition to its communication and "mercy mission" duties, is fully committed to the supply of jungle forts which will be maintained either as security posts within the border security area or as administrative posts for the aborigines in other areas of the Federation. The Commonwealth Air Force is ready to continue the assistance which it has given over the past few years including the very heavy supply dropping commitment which is well beyond the capacity of the Royal Malayan Air Force.

I would like to take this opportunity of expressing the Federation Government's appreciation of the generous manner in which this assistance is being extended thereby allowing the Federation Government to divert more of its resources to social services and rural development.

I come now to Part I of the Bill, and in particular to Chapter II, which provides powers of preventive detention. The principle of preventive detention has been debated frequently in this House and was debated at full length in connection with the amendment to Article 149 of the Constitution at the last sitting of this House. There is

therefore no need for me to go over the ground again.

Let me make it quite clear once again that the object of detention is to safeguard the security of the country and not to punish persons for crime. A person is detained for what it is considered he may reasonably be expected to try to do but not for what he is proved beyond doubt to have done. He is detained because he represents a risk to the security of the country and not because he is a member of a lawful political party. The Government has no desire whatsoever to hinder healthy democratic opposition in any way. This is a democratic country and the Government intends to maintain it as such. It is the enemies of democracy who will be detained.

We have already defeated these enemies—the Communist terrorists—who have taken up arms against the people of this country and against its democratic form of Government. Some of them remain, however, as a potential menace. At the same time there are those who are seeking to achieve by subversive means what the terrorists failed to achieve by force of arms—namely, to overthrow democracy in this country.

There is nothing novel about the use of preventive detention for this purpose and reference has already been made in previous debates to the fact that such provisions exist in India and also in Singapore where indeed the grounds for detention are more extensive than those provided in this Bill and include not just a threat to the security of the country but also threats to law and order and the maintenance of essential services.

If there must be preventive detention then there must also be in a democratic country, safeguards for the individual and those are provided in the Bill in accordance with the provisions of Clause 2 of Article 151 of the Constitution. Persons detained have a right to make representations to an Advisory Board which must consider such representations within three months and make recommendations thereon to the Yang di-Pertuan Agong. If these representations fail then the case of the

person detained must continue to be reviewed by the Advisory Board not less often than once in every six months.

The original order of detention is made, as expressed in Clause 8 of the Bill, by a Minister but only if His Majesty, acting on advice in accordance with Article 40 (1) of the Constitution, is satisfied 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. Further, when the representations have been made to the Advisory Board the recommendations of the Advisory Board are similarly submitted to the Yang di-Pertuan Agong. The Government is responsible for the security of the country and Government must, subject to the safeguards to which I have referred, be the final authority to decide whether persons should continue to be detained.

Let me make it quite clear that it is no pleasure for the Government to order the detention of any person. Nor will these powers be abused. The Alliance Government is prepared to stand on its record which is well demonstrated by the constant reduction of the number of persons in detention. From a figure of over 250 in 1957 the number, including terrorists, has been reduced to under 70. Even after a person has been detained every effort is made to achieve his release as soon as it can be shown that he is loyal to the country and is no longer a risk to the security of this country.

Now, Sir, the remaining chapters in this Part deal with a number of matters which are not covered by provisions in any other permanent law. I do not think that anyone who is a loyal citizen of this country and a firm supporter of democratic government would quarrel with these provisions which are solely designed to deal with those who may wish to demonstrate either their disloyalty to this country or their desire to destroy democracy which we all cherish.

There is, however, one matter which I would explain, and that is the question of the continuance of this Internal Security Bill. It has been suggested in some quarters that the life

of this Bill should be only for a period of one year and its extension beyond that period should be subject to the approval of Parliament.

This Bill is moved under Article 149 of the Constitution and clause 2 provides for the continuance of the Bill until repealed or annulled by Parliament. So, this is really a matter which has already been decided in the Constitution. However, Sir, I suggest that apart from being a matter of convenience not only for this House but also for the Opposition, this Bill is terminable at any time by resolution of both Houses of Parliament as set out in our Constitution, and the question of the termination of this Bill can be raised at any time on a motion whenever it is considered necessary. So the question of the length of its life is, to my mind, not a very material question.

Now, Sir, I would like to explain briefly the principles of this Bill in Malay.

Tuan Yang di-Pertua, saya suka hendak terangkan sedikit berkenaan dasar Rang Undang² ini. Saperti Ahli² Yang Berhormat ketahui bahawa Kerajaan berchadang hendak menamatkan Dharurat yang ada pada ketika sa-sudah 12½ tahun lama-nya ia-itu akan tamat pada 31 haribulan July, oleh itu mustahak-lah di-adakan Rang Undang² termasuk-lah Rang Undang² Keselamatan dalam Negeri atau Internal Security Bill. Saperti yang telah diterangkan kerap kali bahawa sunggoh pun Dharurat akan tamat pada 31 haribulan July ini, tetapi musuh ia-itu pengganas komunis maseh lagi ada di-negeri kita di-antara sempadan Tanah Melayu.

Sudah saya terangkan tadi lebih kurang 580 orang lagi pengganas komunis di-sempadan Tanah Melayu dan barangkali 90 orang lagi ada dalam negeri Tanah Melayu. Jadi, mustahak-lah kita mengadakan satu undang² supaya dapat Kerajaan meneruskan serangan terhadap pengganas² komunis ini supaya dapat di-hapuskan dengan seberapa segera. Begitu juga oleh sebab musuh maseh ada dalam negeri kita yang mana musuh itu di-sebabkan dan memikirkan

yang mereka itu telah kalah dalam peperangan yang akan menjalankan seberapa usaha tenaga-nya dengan chara meresap subversive hendak menjatuhkan Kerajaan negeri ini dan hendak merosakan keamanan. Oleh sebab itu, mustahak-lah kita mengadakan undang² bagi mencheegah atau melawan anasir² subversive itu.

Undang² atau Rang Undang² yang ada ini bertujuan satu bagi hendak menjalankan peperangan di-sempadan antara Tanah Melayu dengan Siam supaya pengganas komunis akan dihapuskan dengan segera. Kedua, hendak mencheegah anasir² pengganas komunis yang ada dalam negeri ini yang menjalankan pekerjaan dengan chara meresap atau subversive. Berkenaan dengan bahagian yang kedua Rang Undang² ini ia-itu bagi melawan pengganas komunis di-sempadan Siam, dan oleh sebab peperangan akan diteruskan maka terpaksa-lah di-adakan kuasa² yang banyak sedikit pada pihak Kerajaan dan pihak tentera dan juga pihak Polis bagi menjalankan tugas mereka itu. Oleh sebab itu-lah di-dapati bahagian yang kedua dalam Rang Undang² ini ada kuasa yang besar itu di-beri sa-tengah dari pihak Kerajaan dan pihak pegawai² tentera, akan tetapi kuasa itu hanya-lah boleh digunakan dalam kawasan² yang tertentu yang telah di-istiharkan menjadi security areas, dan Kerajaan hendak menjadikan di-kawasan sempadan Siam ia-itu kawasan² di-sebelah utara negeri Perlis sebelah timur negeri Kedah di-utara negeri Perak dan sebelah barat negeri Kelantan. Kawasan yang lain tidak akan di-jadikan security area.

Jadi, kawasan yang kedua dalam Rang Undang² ini akan di-gunakan dalam tempat yang tersebut sahaja. Berkenaan bahagian yang pertama dalam Rang Undang² ini sa-bagaimana yang saya katakan tadi bahawa kuasa yang di-kehendaki itu supaya hendak mencheegah anasir² subversive yang ada dalam Tanah Melayu ini. Dan fasal yang mustahak sekali dalam bahagian ini ia-lah bahagian Fasal 8 berkenaan dengan kuasa hendak mempertahankan orang yang di-fikirkan merbahaya kepada Keselamatan dalam Negeri.

Saya suka terangkan di-sini Kerajaan tidak suka hendak memberi perintah supaya sa-saorang itu di-tahan, akan tetapi oleh sebab di-fikirkan kadang² mustahak kerana keselamatan negeri, maka terpaksa di-gunakan kuasa ini, dan apabila sa-saorang itu telah di-tahan, Kerajaan berusaha supaya mereka itu dapat di-lepaskan dengan sa-berapa segera. Semenjak tahun 1957 hampir 200 orang tahanan telah di-keluarkan, bagitu juga orang yang di-tahan sekarang apabila Kerajaan berpendapat mereka itu tidak lagi merbahayakan kepada keselamatan negeri dan mereka itu benar² ta'at setia kepada negeri ini, mereka itu akan di-lepas dan di-bebaskan dengan sa-berapa segera. Jadi itu-lah chara-nya Kerajaan menjalankan kuasa yang ada di-dalam tangan Kerajaan pada masa yang telah lalu. Dan saya boleh memberi akuan kepada Dewan ini bahawa kuasa² yang akan di-beri kepada Kerajaan akan di-gunakan dengan chermat-nya dan dengan samata² memikirkan kepada kepentingan dan keselamatan negeri.

Oleh itu, saya harap Ahli² Yang Berhormat akan memberi sokongan kepada Rang Undang² ini.

To conclude, Sir, I do hope that Honourable Members will give this Bill their support. It is, as I said, designed solely to prevent those whose loyalty is elsewhere either from enslaving this country or overthrowing our democratic institutions, and I can do no more than remind Honourable Members of the final sentence in His Majesty's Gracious Speech referring to the end of the Emergency: "It remains now for us all, with God's help standing on guard against the sinister forces that do not rest in their attempts to undermine the Government by secret and subversive means, to ensure that this great victory is not wasted but becomes, instead, the starting point for building a yet more peaceful and prosperous Persekutuan Tanah Melayu".

Sir, I beg to move. (*Applause*).

The Minister of the Interior (Dato' Suleiman): Sir, I beg to second the motion.

Enche' D. R. Seenivasagam (Ipoh): Mr. Speaker, Sir, Malaya attained

independence in 1957, and we pledged to uphold the principles of democracy in this country. Whether we are doing that, or whether we are not doing that, must depend very largely on the actions of the Government from time to time from that date until to-day.

Mr. Speaker, Sir, let us briefly consider what has been happening in this land. In 1957 the Emergency Regulations were in full force, and they are in full force until to-day. Arbitrary detention, loss of liberty without trial in a court of law, are all features of this land and until to-day nothing was done about that by the Government. Recently, the independence of the judiciary was shaken by legislation which says that in the future the Prime Minister of this country would have a say in the selection of judges. In my opinion, in the opinion of the Peoples' Progressive Party of Malaya, that was a step towards the curtailment of the independence of the judiciary in this country—a blow to the people of this country, a blow to democracy itself. Legislation passed between the period of 1957 and now in criminal laws clearly indicate that the normal practice of trials in courts, or judicial decisions in criminal matters, is slowly but steadily being destroyed in this country. And now before us is an Internal Security Bill which Parliament is asked to pass. What does the Preamble say? It says: "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." What we would like to know is evidence, circumstantial or otherwise. Who are the body, or substantial body, of persons who have taken action to cause a substantial number of citizens to fear organised violence against persons and property? No. 2 "Whereas action has been taken and threatened by a substantial body of persons which is prejudicial to the security of Malaya." Who comprise this body of persons who have taken action which is prejudicial to the security of Malaya? Mr. Speaker, Sir, we all know that Communist terrorists were in this country and are still in this country according to the statement

just now by the Honourable the Deputy Prime Minister. But what we would want to know is, is there an attempt to distinguish from the Communist terrorists another body of persons who come under the Preamble recited, or has it reference to the same Communist terrorists?

Mr. Speaker, Sir, in every country laws are necessary—sometimes extreme laws—to deal with extreme situations. The Emergency Regulations were such a law to deal with such a situation. We are told that the need for the Emergency Regulations no longer exists, and on the 31st July they will be done away with. Therefore, it is reasonable to assume that the circumstances which require the Emergency Regulations are no longer in existence in this country; then, the provisions of the Emergency Regulations themselves should not be re-enacted in another form, because if we are going to re-enact something under a different code, under a different cloak, then we might as well have it under the same name, as the Emergency Regulations.

Mr. Speaker, Sir, the very strong objections to this Bill are on a number of grounds: (1) preventive detention without proper safeguards; (2) the Bill encompasses not only organised violence but it encompasses every citizen in this country, whether peaceful or otherwise; (3) powers given to the Police are so wide, so terrifying, that every citizen of this country will be in constant fear, in constant and absolute fear throughout the days of his life so long as this Bill remains law. Mr. Speaker, Sir, a comparison is necessary to see the motive of the Government in introducing this Bill, because I charge the Government and say that their motive is not that a substantial body of persons is subverting the Government of the country, but that their motive is intimidation, political intimidation, not only of political organisations, but of the people of this country. That is the motive of the Internal Security Bill.

Mr. Speaker, Sir, under the Emergency Regulations, when a man is detained he has the right to protest

against the detention to what is known as a Committee of Review. If that Committee of Review, which is presided over by a High Court Judge, orders his release, that man is released. And, here, I would quote the example of the Honourable Mr. V. David who sits here. He was ordered to be released by a Committee of Review and he was released, because nobody could do anything about it. A question was asked in this House in relation to detention and the answer was given from the Ministerial bench saying, "There was no interference by the Ministerial side."; in the case of detainees who were detained, the answer was, "If we had the power to interfere, perhaps you will not be sitting here to-day—that was the answer given to the Honourable Mr. David.

Now, what does the Internal Security Bill suggest? The Bill says—"All right, go ahead and object to the Committee of Review. We will give you a Judge, we will give two others to sit with the Judge; but even if that Committee says that you are to be released, the Minister can say, 'I don't care for the recommendation': and the Yang di-Pertuan Agong acting on the advice of the Minister can say, we are not bothered about the recommendation. It may recommend that Mr. So-and-So be released, but we are not going to release him." That is the most terrifying aspect of the Internal Security Bill—even more terrifying than the Emergency Regulations in this country. What is the use of a Committee presided over by a High Court Judge, if you are going to tell that Committee, "We do not bother about your recommendation; we have considered it but we are not going to act on it."? The Yang di-Pertuan Agong can—it is very nice to put those words in—but we must remember that under Article 40 (1) the Yang di-Pertuan Agong does not act on his own. He acts on the advice of either the Cabinet or the Minister authorised by the Cabinet to advise the Yang di-Pertuan Agong. Therefore, there at once we have the clearest indication of the attempt by the Ministry to be in a position to suppress

and oppress not only political opponents but also anybody in this country if it so wishes to do. Whether the Minister in charge at the present moment will act in that manner is a matter to be seen. But if that is possible, a good law should guard against such a danger. What we heard just now—that in preventive detention there are safeguards—is no safeguard at all. The man who is to be detained is not safeguarded.

Then, what does the Internal Security Bill say? It says you can arrest a man and you tell him why you arrest him. It looks very nice, but there is a proviso which says that if it is in the interest of the country, you need not tell him those things, those can be kept confidential—and we know it for a fact that those who are arrested are not told what they are arrested for; if they are told, they are given one or two lines from which they know nothing. They do not know who has complained against them, and they do not know why they are arrested—and they are asked to object.

Mr. Speaker, Sir, freedom to speak, freedom to write, was a feature of this country, but to-day the freedom to speak, and even the freedom to write in the newspapers, is not a feature of this country; if proof is wanted of that, we have just to look up some of the licences now granted to newspapers in this country and we will see the terms or conditions of the licences which are granted. If one looks at those, one knows that the freedom to write, which is normal under the law of the country, no longer exists. As if that is not enough, what does the Security Bill say? The Security Bill says that no one can write anything with which the Government does not agree. In accordance with this Bill, for example, if a newspaper writes something which says that the Chinese in this country want Chinese as an official language, or that the Chinese want Chinese reservations, that newspaper can get its licence cancelled, because it will be a matter which raises a communal issue and which may cause heartache to certain sections of the people; or if a Malay newspaper writes something

to say that all Chinese should be kept in another area in this country, that newspaper can lose its licence; or if a political speaker says any of these things, he can lose his freedom by being put under detention. It is all very nice to say that the Government will be very fair, it wants the Bill as a protective measure and it does not intend to use it indiscriminately. Those are promises which are not binding. What is binding is the law—and the law is what is contained in the Internal Security Act.

Mr. Speaker, Sir, then there is the question of using words of a communal nature which are likely to cause communal illwill. Nobody intends to cause communal illwill, but communal problems are present in this country as they are present in South Africa, and communal problems will continue to be raised. Recently, an attempt was successfully made by this House in amending the Standing Rules and Orders to attempt to muzzle Members of this House from raising communal issues in this House. The effect of that amendment has not yet been tested in this House, but I say that is one more indication of the way in which the Government is working—the Government is taking the road towards the deprivation of all liberty either in this House or outside this House. Therefore, the *bona fides* of the Government in introducing the Internal Security Bill is greatly suspect. One after another, you are depriving the citizens of this country of their liberty—liberty to talk, liberty to write, liberty even to think.

Mr. Speaker, Sir, there are other provisions of this Bill dealing with police officers' powers and I have no doubt that other speakers will touch on them. With regard to trials in Courts, anybody knows what has been happening in past years, where under special legislation any statement made to a police officer is admissible in a Court of Law, even to hang a man, provided a caution in some form is given to him. Sir, it is only necessary to look at the law records of this country to see how many times persons have been walloped, if that is a parliamentary word

to use, in police stations, how many times people arrested have been beaten up in police stations and confessions or statements under Section 124 of the Emergency Regulations extorted from these men, how many times Judges in this country, independent Judges, have rejected those confessions, and how many times people have been acquitted. Even to-day, in police stations, people are being hammered by police officers and the Government says, "re-enact that provision in this law"—for what purpose? Is it to allow police officers to go on treating inhumanly people who are arrested, for that purpose? Or is it for the purpose, if you have no evidence, of torturing the men to get evidence from the mouth of the man concerned to hang him—is it for that purpose? Have we not learnt from past experience? Have we not learnt that in democratic countries that provision does not exist? We are told that for certain purposes the Malayan people are not educated enough to understand the full implication of democracy; for certain other purposes we are told that they are wise enough, they know what to do and what not to do.

Recently in the *Malay Mail* there was a caricature of the Honourable the Prime Minister bringing back a bell of freedom on his return from England. Mr. Speaker, Sir, that bell, I think, has tolled the death of democracy for the people of Malaya and it has not opened any door for the people of South Africa.

On the question of what is communal, what is likely to cause feeling of illwill, what is subversive, one has only to read the parliamentary debates in this House on the 30th November, 1959. The Opposition of the Peoples' Progressive Party asked that China be allowed to enter the United Nations and that Malaya should support this stand. From the Government Bench there were shouts of, "They look to the Rising Sun for their inspiration; they look to Russia and China for inspiration." The Honourable the Minister of External Affairs gave a reply saying, "Malaya cannot support the entry of China into the United

Nations, because China is an aggressive nation, and Malaya can never support the entry of China into the United Nations unless Malaya recognises China." We were attacked as being communistic in outlook, because we asked for the recognition of China or its entry into the United Nations. If we had said that in the padang after this Bill has been passed, would it be considered subversive or an act which places the security of Malaya in jeopardy? It was only two days ago that the Honourable Prime Minister said, "We will support the entry of China into the United Nations".

Mr. Speaker: Is that relevant?

Enche' D. R. Seenivasagam: Yes, Sir. I am saying that to show how easily what is subversive and what is not subversive can be misconstrued. When we said it, the retort was, "You are looking to the Rising Sun for inspiration"; the Minister of External Affairs said, "We can never do it.". Now the Prime Minister has said, "We will support it." Now, who is subversive and who is not? Is the Minister of External Affairs right or the Prime Minister right?

Mr. Speaker, Sir, that is the sum total of objection to this Bill. I do not intend to go through the whole ground, as was done when the Constitution was amended, as it serves no purpose. We made our strongest objection to the amendment to the Constitution, because it took away the liberty of the subjects. The Constitution, as it was drawn up, clearly stated under Article 149 that preventive detention should not be effected—preventive detention, if at all, can only last for three months. That, of course, has been amended now. I say that amendment has taken away the liberty of the people and this Bill seals up all liberty in this country.

To deal with subversion you do not need a public security Bill of this nature. This Security Bill not only attempts to deal with terrorism, but it also attempts to deal with any citizen who dares to open his mouth. That is the purpose of this Bill, and nobody, and no amount of white-washing, can take away that flavour from the

Internal Security Bill. I say to the Government side—"You pass this Bill, but remember that one day somebody else, perhaps not as democratic as you are, may be sitting on that very Bench; and when that time comes you—perhaps not you but the children of those who to-day support this Bill—will say "My God! we regret the day we introduced this Bill into this House.'"

Enche' Ahmad Boestamam (Setapak):

Tuan Yang di-Pertua, dalam mengemukakan Internal Security Bill ini tadi Menteri Pertahanan menerangkan kepada kita tujuan-nya yang pertama untuk menentang subversive dan yang kedua untuk menentang bahaya dalam negeri, erti-nya Undang² Keselamatan Dalam Negeri ini terbahagi atas dua bahagian.

Tuan Yang di-Pertua, bahagian yang pertama dari undang² ini menyentuh beberapa soal yang menurut anggapan saya bukan-nya untuk menegakkan demokrasi akan tetapi untuk menghanchor-leborkan demokrasi. Tuan Yang di-Pertua, bahagian yang pertama dari undang² ini berhubung dengan larangan menggunakan pakaian sa-ragam—uniform. Di-sini di-sebutkan "The Minister may from time to time" erti-nya Minister boleh dari sa-masa ka-samasa kalau "in the opinion of the Minister" menggunakan uniform itu membahayakan keselamatan dalam negeri. Tuan Yang di-Pertua, perkataan "in the opinion of the Minister" dan "may from time to time" ini menunjokkan ketiadaan ketegasan pemerentah. Kalau pemerintah mengatakan menggunakan uniform salah—ia, katakan menggunakan uniform itu salah bagi sa-siapa juga pun. Tetapi tidak, "may"—boleh, kalau "in the opinion of the Minister" dan di-sini menimbulkan kewas-wasan dari saya. Mungkin, Tuan Yang di-Pertua, "in the opinion of the Minister" pakaian sa-ragam tidak salah dan tidak membahayakan keselamatan umum kalau di-pakai oleh Pemuda Perikatan umpamanya. Jadi ini sendiri-nya menunjukkan pandangan yang berat sa-belah dan ini, Tuan Yang di-Pertua, terbukti waktu kita di-perintah oleh penjajah Inggeris dahulu.

Saya mengetuai Angkatan Pemuda Insaf—API, dan waktu itu juga ada gerakan yang bernama San Min Chui. Pemerintah Inggeris menganggap bahawa API ini membahayakan keselamatan-nya dan melarang-nya memakai pakaian sa-ragam tetapi, Tuan Yang di-Pertua, San Min Chui itu terus berlepasan menggunakan uniform itu. Jadi saya tidak menghendaki kalau pemerintah kita juga mengikut langkah yang demikian itu. Ini membahayakan keselamatan umum di-haramkan, ini tidak membahayakan keselamatan umum tidak di-haramkan. Kalau mahu mengharamkan penggunaan uniform, haramkan dia dengan tidak memberi kuasa kepada Menteri memikirkan memberi bahaya kepada keselamatan umum atau tidak-nya.

Tuan Yang di-Pertua, cheraian 7:

"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."

Tuan Yang di-Pertua, soalan yang pertama timbul di-sini, apa-kah istilah national interest itu, apa-kah istilah kepentingan kebangsaan ini. Di-sini, Tuan Yang di-Pertua, ada tersebut bendera, banner, badge. Ini ada-kah bendera atau banner Kominis umpamanya yang sudah memang haram? Tetapi kalau mengikut istilah ini bendera dan banner yang mengikut pandangan Menteri boleh membahayakan national interest dapat seluroh-nya di-haramkan dan ada kemungkinan di-sini bahawa bendera daripada parti pembangkang juga ada membahayakan national interest dan itu di-haramkan.

Sekarang kita masuk kepada cheraian 8 ia-itu berkenaan dengan preventive detention. Tuan Yang di-Pertua, saya berchakap tentang preventive detention ini sa-bagai sa-orang yang mempunyai pengalaman. Saya melihat, Tuan Yang di-Pertua, undang² mengenai preventive detention ini tiada bezanya dari Undang² Dzarurat yang telah lalu. Undang² ini berbunyi:

"If the Yang di-Pertua 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—

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

Sa-saorang boleh di-tahan bagi satu masa tidak lebeh daripada dua tahun. Tuan Yang di-Pertua, erti-nya sa-saorang itu boleh di-tahan sa-lama dua tahun. Dua tahun bukan-lah satu masa yang singkat. Dua tahun, Tuan Yang di-Pertua, satu masa yang dapat orang menghasilkan dua orang chahaya mata (*Ketawa*).

Tuan Yang di-Pertua, di-sini tidak ada ternyata apa-kah sa-saorang itu boleh di-tahan terus atau tempoh tahanan itu di-teruskan, sebab pengalaman saya waktu saya di-tahan dahulu juga tempoh tahanan itu tidak sampai dua tahun, tetapi bila di-review apa yang datang kepada saya "C.D." bukan "Corp Diplomatic", Tuan Yang di-Pertua, tetapi "continued detention" (*Ketawa*).

Dua tahun, sesudah dua tahun nanti tahanan itu di-teruskan lagi. Ini menunjokan sa-saorang itu dapat di-tahan bukan dua tahun, tetapi empat tahun malah enam tahun dan mungkin sampai kiamat. Dalam undang² ini tidak di-nyatakan apa-kah sa-saorang yang di-tahan kerana tuduhan membahayakan keselamatan umum itu tidak boleh di-tahan terus apabila telah chukop tempoh tahanan-nya itu, tidak ada. Erti-nya dia boleh di-tahan terus menerus.

Di-sini juga ada di-nyatakan sa-saorang itu boleh tidak di-tahan, sebab perkataan "or" di-sini, tetapi Menteri itu hendak-lah mengenakan syarat² kepada orang itu dan salah satu daripada syarat² itu ia-lah melarang dia—

"8. (iv) for prohibiting him from addressing public meeting 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."

Jadi, dia mungkin tidak di-tahan, tetapi dia mungkin akan di-kenakan syarat ini. Di-pandang sepintas lalu ada kelonggaran di-sini. Tetapi ia menimbulkan keraguan pula. Mungkin pemerintah menganggap keselamatan dia sendiri, dan mengenakan syarat ini

atas sa-saorang. Ra'ayat tidak mengatakan ini tidak baik, tetapi kalau syarat demikian ini di-gunakan dengan sewenang²-nya maka bererti melumpuhkan sa-tiap orang yang berkata menyalahkan pemerintah. Sa-saorang itu kalau dia berchakap dalam rapat umum dan lain²-nya bukan-kah dia mesti tundok kepada kuasa² Polis? Menteri Pertahanan semalam juga telah mengatakan bahawa rapat umum yang bukan pilihan raya juga dapat di-hadiri oleh Polis dan dapat merekodkan ucapan². Kenapa kalau kuat-kuasa ini ada maka syarat² demikian juga harus di-kenakan kepada sa-saorang itu. Kalau sa-saorang itu di-agakan merbahaya bagi keselamatan umum, bukan-kah lebih baik membenarkan dia berchakap dalam rapat umum dalam public meeting, supaya di-situ dapat kita buktikan benar tidak-nya dia membahayakan keselamatan umum itu? Kalau dia berchakap mari kita memberontak mithal-nya, dengan tidak payah menggunakan syarat ini tindakan pemerintah tentu-lah dapat di-lakukan atas-nya.

Ceraian 9 ada menyebutkan soal sa-saorang itu di-tahan dan akan diberi tahu alasan² atau grounds of detention-nya. Kedua perkara Clause 3, Article 151 Perlembagaan yang mensyaratkan pihak berkuasa tidak di-mestikan menyatakan alasan² sa-saorang itu di-tahan. Sa-waktu kami di-tahan dahulu kami ada di-beri grounds of detention ini, tetapi apa yang di-berikan kepada kami itu ia-lah: "You are acting or suppose to act prejudicial to public security and order." Ini umum. Grounds of detention ini tidak tegas.

Ceraian 10. Sa-saorang itu di-tahan dan jika Menteri Keselamatan Dalam Negeri memikirkan orang ini tidak merbahaya lagi, bukan security risk lagi, dia boleh di-bebaskan dari tahanan dan di-samping itu boleh di-kenakan syarat² termasuk juga tak boleh berchakap dalam rapat umum tadi. Sa-sudah itu di-sebutkan pula—

" and the Minister may revoke any such direction if he is satisfied that the person against whom the order was made "

kalau dia sudah di-tetapkan tak boleh keluar dari rumah pukul 6 malam tetapi dia keluar juga maka Menteri itu boleh membatalkan syarat² itu—

" or that it is necessary in the public interest that such direction should be revoked."

dia sudah di-tahan, dan Menteri sudah puas hati dia boleh di-bebaskan dengan di-kenakan syarat²; akan tetapi syarat² itu boleh di-tarek semula kalau dia menentang keputusan ini atau—

" that it is necessary in the public interest that such direction should be revoked."

public interest, national interest dan entah apa lagi. Dan sa-sudah Menteri itu sendiri mengenakan syarat² itu dia akan revoke balek. Tidak-kah ini aneh? Dan berkenaan dengan "security risk" ada baik-nya kalau kita meninjau kenyataan sa-saorang itu di-tahan dan kita tanya kenapa dia di-tahan? Kerana security risk. Tetapi, semalam sa-orang itu di-tahan berhubung dengan security risk maka hari ini dia di-bebaskan hilang security risk itu dalam tempoh 24 jam sahaja. Hilang kerana apa, kerana tahanan. Dan di-sini timbul pula maksud tahanan itu. Apakah ini di-maksudkan untuk "brain washing" kepada sa-saorang itu sahingga yang mula²-nya security risk itu 100 peratus, kemudian tinggal 99 peratus sahingga tak ada security risk lagi?

Jadi, di-sini saya membuktikan bahawa perkataan "security risk" itu ada-lah satu perkataan umum sama sekali. Sekarang, Tuan Yang di-Pertua, berkenaan dengan Advisory Board. Pada zaman dharurat dahulu ada juga satu Committee of Review. Committee of Review atau Advisory Board yang datang-nya dari orang yang boleh menjadi Hakim. Kalau dahulu waktu Perlembagaan Persekutuan Tanah Melayu ini belum di-pinda, kehakiman ada-lah satu badan yang bebas, satu badan yang tidak tundok atau tidak di-kuasai oleh pemerintah, tetapi sekarang sa-sudah pindaan perlembagaan di-adakan yang meletakkan kehakiman itu bersangkut paut dengan pemerintah, maka kedudukan Advisory Board itu jauh lebih tidak ada guna-nya daripada kedudukan Committee of Review dalam Undang² Dharurat dahulu itu.

Committee of Review yang dahulu ada kebebasan-nya (independent), ada kemerdekaan-nya, kita boleh perchaya, kalau tidak 100 peratus, 50 peratus, kerana Hakim² itu tidak tunduk kepada pemerintah, tetapi sekarang, Advisory Board ini mungkin, kerana kehakiman sekarang di-kuasai oleh pemerintah, menjadi Advisory Board yang tidak sama sa-kali dapat menunjukkan kesama tengahan-nya. Walau pun, Tuan Yang di-Pertua, Advisory Board ini dapat kita katakan orang yang akan menunjukkan sikap kesama tengahan-nya, tetapi Advisory Board ini mengikut Perlembagaan ini tidak mempunyai kuasa langsung, sebab di-sini ada dinyatakan:

"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."

Jadi, Tuan Yang di-Pertua, Advisory Board ini sa-mata² hanya suatu lembaga yang mahu menunjok²kan demokrasi negeri ini tetapi satu lembaga yang tidak mempunyai kuasa langsung untuk menentukan, apa-kah sa-saorang yang di-tahan itu patut di-bebaskan atau tidak? Dia hanya boleh memberi nasehat, tetapi nasehat-nya itu tidak di-katakan "mesti" di-terima.

Tuan Yang di-Pertua, cheraian 16 berbunyi:

"Nothing in this Chapter or in any rules made thereunder shall require the Minister of 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."

Ayat yang demikian ini ada dalam Undang² Dharurat dahulu. Kalau ayat yang demikian ada dalam Undang² Dharurat dahulu mungkin dapat kita ma'afkan, sebab waktu dharurat. Waktu komunis menganas dahulu orang menggunakan kekuatan senjata, tembak sana-sini, memang keselamatan sa-saorang itu tidak terjamin, tetapi, Tuan Yang di-Pertua, sa-sudah dharurat tamat, kita kembali kepada undang² yang biasa di-negeri ini.

Saya tidak nampak, kenapa sebab² ini harus di-adakan? Kita harus takut apa? Pemerintah harus takut apa? Apa-kah pemerintah takut kepada 1-2 orang yang barangkali mempunyai senjata? Di-belakang pemerintah berdiri polis dan tentera, kenapa takut membuktikan kesalahan sa-saorang itu? Apa-kah ketidak sanggupan itu kerana tidak ada bukti, tidak ada keterangan pada tangan pemerintah untuk membuktikan sa-saorang itu salah, maka di-adakan syarat ini? Dan bila ada syarat² ini, kerana pemerintah tidak payah hendak menunjukkan bukti², maka perkara yang sewenang² dapat berlaku. Tetapi kalau pemerintah di-kehendaki menunjukkan bukti atas kesalahan yang di-kehendaki, maka mahu tidak mahu, baharu-lah dapat di-pastikan sa-saorang itu patut ditahan atau tidak.

Berkenaan dengan "Special Powers relating to Subversive Publications", di-sini Menteri yang bertanggung jawab dalam perchetakan (printing) boleh mengharamkan perchetakan² itu ia-itu ada di-nyatakan jenis perchetakan yang boleh di-haramkan dan menyatakan dalam *Government Gazette*, perchetakan ini, bahagian ini tidak boleh. Dalam cheraian 23, di-nyatakan sa-saorang itu boleh mengemukakan bantahan (objection) terhadap keputusan Menteri yang menjaga soal perchetakan ini tadi dalam tempoh satu bulan kepada Yang di-Pertuan Agong, dalam cheraian ini mengatakan:

"... whose decision thereon shall be final and shall not be called into question in any Court."

Apa erti-nya objection ini? Dia boleh menghantar bantahan atas keputusan Menteri yang menjaga soal perchetakan ini, tetapi segala keputusan, terserah kepada Yang di-Pertuan Agong, dan ini tidak boleh di-chabar dalam mana² Mahkamah. Sa-sudah sa-saorang itu membantah sikap Menteri itu, kenapa ini tidak di-dengarkan dalam Mahkamah terbuka supaya dapat di-pastikan siapa benar dan siapa tidak?

Pada akhir-nya, Tuan Yang di-Pertua, berkenaan dengan kuasa polis. Dalam cheraian ini di-sebutkan: sa-orang Pegawai Polis yang di-bawah pangkat Inspector boleh melakukan

penangkapan dengan tidak ada menggunakan warrant. Kalau dalam masa dharurat hak yang demikian itu diberikan kepada polis menangkap sa-saorang dengan tidak ada warrant, barangkali dapat di-ma'afkan, tetapi dalam masa ini—dalam masa dharurat tidak ada, kenapa sa-orang Pegawai Polis itu tidak di-beri warrant untuk melakukan penangkapan, pemereksaan, pengelidahan dan lain²? Tuan Yang di-Pertua, saya menganggap bahawa kuasa yang ada kepada Pegawai Polis sekarang ini sudah terlalu luas, dan memberikan kuasa yang demikian ini menangkap sa-saorang, menggelidahkan rumah sa-saorang dengan tidak ada warrant, ini ada-lah keterlaluan dalam semua kuasa² ini.

Saya bertanya, apa-kah ini di-adakan, apa-kah ini, di-chiptakan dengan maksud untuk menjelmakan negara ini kepada satu negara polis?

Enche' Zulkiflee bin Muhammad (Bachok): Tuan Yang di-Pertua, di-hadapan kita ini ada satu Rang Undang² yang bertujuan hendak memerangi subversive, dan di-dalam Undang² ini ada beberapa peratoran yang di-tujukan kepada maksud itu. Tuan Yang di-Pertua, saya bangun di-sini menyokong Undang² ini. Tetapi saya hendak menceritakan beberapa perkara yang ada di-dalam Undang² ini yang pada fikiran saya akan boleh menimbulkan kepayahan dan kesusahan dan akan boleh di-gunakan bagi maksud yang lain daripada maksud yang asal Undang² ini.

Tadi, Timbalan Perdana Menteri sudah memberikan fikiran-nya dan di-dalam ucapan-nya yang panjang itu dia telah memberi satu tegasan mengatakan bahawa Undang² ini tidak di-maksudkan untuk menchengkam kebebasan dan democracy di-dalam negeri ini. Dan dia telah berjanji dan memberi jaminan tidak pula ada tujuan Kerajaan hendak menggunakan Undang² ini bagi maksud menahan perkembangan parti² politik yang bertentangan dengan Kerajaan. Saya tidak tahu sama ada janji ini boleh di-pegang atau tidak. Itu akan di-terangkan oleh perbuatan² yang akan di-tunjokkan kepada Menteri

itu, tetapi saya memberi amaran, Tuan Yang di-Pertua. Di-dalam mem-persetujukan ini saya memberi amaran bahawa kalau sah dan benar tujuan Kerajaan hendak mengawal, memelihara dan mengembangkan democracy di-negeri ini maka amalkan-lah Undang² ini menurut dasar pengu-balan-nya. Sa-barang salah guna dari Undang² ini akan membawa satu reaction yang burok dan tidak-lah menjadi mustahil kalau sa-sudah berjanji hendak di-jalankan-nya dengan baik, tidak mustahil Kerajaan itu hendak menjalankan dengan tidak baik. Orang² atau sa-tengah atau sa-bahagian daripada manusia daripada negeri ini akan menjadi komunis jika di-salah pakai Undang² ini.

Kita, Tuan Yang di-Pertua, tahu kesalahan² dan penyakit² yang ada di-dalam Undang² sa-bagaimana saya sebutkan, tetapi bagi kepentingan keselamatan negeri dan atas asas bahawa Undang² ini menuju kepada menchegeh perkembangan subversion dan terrorism maka kita sokong. Tuan Yang di-Pertua, apabila kami menyokong Undang² ini, kami tuntutan kepada Kerajaan supaya meluaskan fahaman di-dalam ma'ana subversion, tidak sahaja subversion dari komunis, tetapi sa-barang anasir yang tidak di-ingini yang ingin menjatuhkan tata hidup democracy di-dalam negeri ini hendak-lah di-tegah sama ada dia melakukan subversion-nya itu dengan chara langsung atau tidak langsung. Saya maksudkan puak² Amereka, puak² Inggeris, puak² apa sahaja yang chuba hendak menggunakan helah dan daya-nya bagi menjahanamkan tata hidup di-negeri ini di-dalam subversion. Sebab-nya, Tuan Yang di-Pertua, "Prejudicial to the interest of this country" yang menjadi teras bagi perkara yang besar di-dalam Undang² ini tidak-lah sa-mata² di-hadkan kepada sa-suatu puak sahaja. Saya bersetuju, Tuan Yang di-Pertua, bahawa bahaya² komunis amat-lah besar. Dan ada masa-nya ia-itu akan bertambah besar. Chara² mengembangkan komunis di-dalam negeri ini bukan-lah payah, sedikit ka-silapan akan membalekkan sejarah negeri ini kepada apa yang telah berlaku. Bagi

pehak saya, Tuan Yang di-Pertua, sahingakan pengishtiheran Perdana Menteri menyokong ka-masokkan China ka-dalam United Nation itu pun saya rasa, ada mempunyai bibit yang menyeronokkan orang² komunis di-dalam negeri ini, dengan memberikan kekuatan kapada-nya bahawa sekarang negara besar-nya telah di-aku¹ dan komunis-nya sa-kurang² dihormati. Sa-kurang²-nya Perdana Menteri kita telah memberi sedikit angin kapada goyang-nya pokok komunis di-Tanah Melayu ini dengan pengishtiheran yang saya tidak hendak bahathkan kerana itu soal luar negeri tetapi tidak di-nafikan ada-nya sokongan moral komunis.

Tuan Yang di-Pertua, di-dalam Undang² ini, ada beberapa perkara yang ta' terang dan ini akan saya chuba menyebutkan-nya, supaya dengan menyebutkan perkara² itu dapat-lah Kerajaan itu betul² mengamalkan Undang² ini dengan jiwa dan roh Undang², ini tidak dengan jiwa dan roh yang lain dari dasar menggunakan Undang² ini. Lagi sakali saya katakan, sa-barang silap amal, salah gunakan Undang² ini bukan akan mengurangkan terroris yang 400 orang itu bahkan akan menambah bilangannya. Sa-barang penekanan yang tidak di-bolehkan oleh Undang² ini akan mengakibatkan kesan balas yang tidak di-ingini. Pergi kapada satu²-nya Undang² ini dan saya perchaya Kerajaan katika sakira-nya orang menyokong satu Undang² Kerajaan itu maka beri-lah pertimbangan yang berat kapada fikiran yang di-kemukakan-nya itu sebab dia tidak membangkang, chuma menyokong, kerana ada perkara² yang di-risau, kok salah masok maka akan senget-lah perjalanan jentera Undang² ini.

Tuan Yang di-Pertua, sekarang ini saya mulakan umpama-nya; ini soal satu²-nya. Di-dalam Fasal 7. Fasal 7 ini perkara-nya kechil sangat, Tuan Yang di-Pertua, tetapi yang kechil-nya ini-lah kalau salah kita, kata orang, ta' ada, berdemocracy, kita kata ada, jadi bergaduh akhir-nya. Fasal 7 bahagian (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 or not the identity of the offender is known and whether or not any prosecution has been commenced in respect of the offence".

Jadi, belum pun dia di-da'wa, dia di-bicharakan orang itu dan benda yang kita jumpa di-rumah itu boleh kita hanchorkan, boleh kita rosakkan. Tuan Yang di-Pertua, itu berlawanan dengan mengikut ke'adilan, kata-lah saya ada satu buku, entah macham mana saya di-tangkap oleh orang dan kemudian buku saya itu; belum lagi saya di-jail atau di-hukum, buku saya di-bakar-nya, Bichara saya ta' salah! Apa hal jadi-nya kapada buku saya itu. Orang kata, perkara ini kechil. Ini lain soal, Tuan Yang di-Pertua. Itu soal ke'adilan democracy. Satu² benda yang belum tentu salah benar-nya tidak-lah boleh di-pandang salah.

Tuan Yang di-Pertua, di-sini bahagian yang ka-8 pechahan (iv):

"for prohibiting him from addressing public meetings, etc.

Tuan Yang di-Pertua, Menteri yang bersangkutan dengan hal ini, ini fasal kuasa-nya, dia boleh tangkap kita dan dia boleh kita di-tahan. Sa-tengah orang memahamkan, bila kita keluar maka dia pun boleh keluar dan memberi syarat ini. Sa-benar-nya dia boleh ta' di-tangkap, ta' di-tahan tetapi di-kenakan-nya syarat ini kapada-nya. Syarat dalam bahagian (b) boleh pula di-pileh-nya ia-itu bahagian kechil (iv) itu sahaja. Kata-nya, "awak ini tidak boleh bersharah, memegang Jawatan-Kuasa pun ta' boleh". Jadi, saya pun kalau orang itu bersharah dia ta' boleh; saya bukan suka hendak bersharah, Tuan Yang di-Pertua, tetapi di-dalam perkembangan politik ini, bersharah adalah mustahak. Jadi, kalau ini di-hadkan-nya dengan sebab security, maka akan terchabut-lah daripada democracy, sifat² asasi yang telah di-berikan oleh Perlembagaan Persekutuan Tanah Melayu. Jadi, kemungkinan Menteri, oleh kerana baik sangat, "saya ta' mahu tahan, ta' mahu apa", tetapi yang ini di-kenakan. Ini akan menyebabkan kelumpohan bagi perkembangan politik di-negeri ini.

Ini yang saya takut kalau salah guna. Kalau salah guna, bila sa-saorang tidak dapat menjalankan kerja politik ini

dengan chara yang sehat maka pergilah dia menjalankan politik ini dengan chara yang tidak sehat. Itu-lah saya berikan ingatan saya, Tuan Yang di-Pertua.

Dalam Fasal 9, Tuan Yang di-Pertua, di-nyatakan :

"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;"

"As soon as may be" ini ada-lah satu kesamaran, "as may be" 3 bulan, 6 bulan, boleh jadi tangkap dahulu bechara kemudian pun satu jalan, Tuan Yang di-Pertua. Sebab masa menangkap dia tidak mesti menyebut sebab-nya tetapi "as soon as may be" dia mesti menchari sebab²-nya. Jadi saya berharap kepada Kerajaan supaya soal yang sa-macam ini beri-lah "definite time" supaya boleh mengelakkan kelambatan yang tidak mustahak yang akan menyebabkan Bill ini menuju kepada satu arah yang lain daripada arah yang telah kita buat pada hari ini.

Tuan Yang di-Pertua, sa-lain daripada soal itu, dahulu di-dalam Dewan ini kita telah membahath dengan panjang berkenaan dengan "ill feeling and ill-will" dan sa-bagai-nya; lagi sekali kita berjumpa. Di-sini tuan² dari pehak Kerajaan boleh mengatakan kalau perkara telah di-persetujukan maka tidak boleh-lah di-bahath lagi sekarang ini. Kalau di-dalam Perlembagaan kita membuat perkataan² yang luas maka boleh-lah di-fahami dan boleh di-pandang betul sebab tidak tepat dalam Perlembagaan berjela² keterangan-nya, tetapi ini dalam undang² yang berhajat kepada tegas-nya. Saya risau, Tuan Yang di-Pertua, ia-itu sa-lain daripada "ill-will" atau "hostility" ini akan di-gunakan bagi penekanan kepada faham politik. Persatuan Islam Tanah Melayu mempunyai dasar memperjuangkan hak kebangsaan Melayu, Kerajaan tidak suka kepada dasar ini, maka terbukalah lapangan kepada Kerajaan menggunakan tujuan ini.

Tuan Yang di-Pertua, di-dalam mem-persetujui Rang Undang² ini, Persatuan

Islam Tanah Melayu memegang apa yang di-chakapkan oleh Kerajaan bahawa dia tidak bertujuan hendak menchegeh perkembangan politik yang sehat di-dalam negeri ini. Sebab apa, Tuan Yang di-Pertua? Kerana kita memikirkan kepentingan keselamatan negara. Apa yang di-sharahkan oleh orang² Persatuan Islam Tanah Melayu mudah sangat membawa kapada apa yang di-sebutkan di-sini.

Tuan Yang di-Pertua, di-dalam pindaan Perlembagaan Persekutuan Tanah Melayu dahulu saya maseh ingat ada satu perkataan ia-itu "hostility" di-tukar "violence" ia-itu perkataan yang sa-dikit sa-banyak-nya memberikan satu gambaran pada benda yang di-pandang salah, tetapi malangnya apabila datang undang² ini, Tuan Yang di-Pertua, Kerajaan tidak hendak memberi keterangan yang lebeh jelas, benda itu pun di-tarek balek sa-hingga tinggal-lah perkataan "feeling of ill-will or hostility". Jadi, Tuan Yang di-Pertua, hal yang sa-macam ini tidak berapa terang, samar² dan saya per-chaya kalau sunggoh-lah Kerajaan bertujuan hendak menjaga demokrasi di-dalam negeri ini maka jangan sekali² perkataan yang saperti ini di-gunakan bagi maksud menekan perkembangan Persatuan Islam di-dalam negeri ini.

Tuan Yang di-Pertua, dalam bahagian yang kedua daripada fasal itu ada satu perkara yang saya rasa tidak berapa sedap ia-itu :

"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;"

Kata-lah Utusan Melayu atau Mujallah Mastika bukan main baik-nya, lima tahun "good service". Akhir tahun yang kelima bulan December keluar satu issue yang tidak bagus yang salah pada pandangan Kerajaan dan salah pada undang² ini dan thabit-lah salah-nya. Pada ketika itu, Tuan Yang di-Pertua, mengikut bahagian (b) dia boleh pula menahan dan merampas benda yang sudah dahulu. Apa-kah dosa-nya, apa-kah sebab-nya, oleh kerana perbuatan mereka pada hari ini maka yang dahulu di-bongkar². Ini pun, Tuan Yang di-Pertua, satu perkara yang saya rasa

terang² berlawanan dengan tujuan undang² ini.

Tuan Yang di-Pertua, di-bawah bahagian 29 "Possession of Subversive Document." Di-sini pun tidak berapa terang, Tuan Yang di-Pertua. Kata-nya: "In this section 'subversive document' means any document having in part or in whole a tendency"—(a)—(b)—(c) dan tentang (d) tersebut:

"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;"

Kita kata-lah Postman dalam masa'alah ini pada sakan haribulan umpamanya telah memberi surat itu biadap—sudah subversive. Jadi "any public servant" di-dalam menjalankan kerjanya akan menyebabkan terok benar-lah ra'ayat menjalankan kerja negeri ini dan menjalankan hak-nya untuk menyatakan fikiran-nya kepada orang ramai. Saya perchaya Timbalan Perdana Menteri akan menjawab tidak-lah sampai ka-situ tujuan saya, tetapi undang² ini tidak menahan sampai ka-situ. Jadi ini satu perkara yang saya rasa undang² ini ada mempunyai ke-longgaran² yang mungkin salah faham dan merbahaya kepada yang berlawanan. Mungkin pula di-pegang oleh orang itu sakira-nya di-dapati bahawa—

"(e) to support, propagate or further the interests or aims of any unlawful society."

Apa nama-nya dia? Menurut Undang² Society bahawa tiap² satu pertubohan yang belum mendapat pendaftaran maka dia itu not lawful. Kata-lah sa-saorang itu atau tegas-nya orang kampung yang mana satu persatuan yang banyak orang²-nya maka dia berkata sendiri sementara dia menghantarkan surat kepada pegawai² yang mengesahkan Pendaftaran Undang² itu maka dia pun membuat siaran menyuroh orang² masuk menjadi ahli persatuan-nya, dan dengan sendiri-nya itu menjadi subversive document. Saya perchaya perkara itu tak sampai, tetapi siapa-kah boleh melarang undang² itu? Maka itu-lah yang menjadi soalan dalam meluluskan sa-suatu-nya.

Kemungkinan ini mesti-lah ada "safe guard" atau kawalan yang membolehkan ra'ayat yang tidak ada penjaminan dengan subversive ini supaya dapat di-selamatkan dalam kebebasan mereka hidup dalam negeri ini, dalam bergerak, berkumpul dan berchakap dalam negeri ini. Kemudian saya pergi kepada bahagian yang kedua ia-itu berkenaan dengan menentang terrorist. Dalam hal menentang terrorist ini, Tuan Yang di-Pertua, kita tentu-lah tidak berapa risau sebab category atau jenis manusia yang di-sebutkan sa-bagai terrorist ada-lah kurang orang yang mungkin di-tudoh. Maka apa yang ada dalam undang² ini yang menerangkan bahawa boleh kita ma'afkan, kalau pun ia itu terkeluar sedikit sa-sudah batas kebebasan hidup biasa. Sebab kita ada-lah berhadapan dengan terrorist. Walau bagaimana pun kalau ada kemungkinan kezaliman yang dapat di-lakukan kepada orang yang kita rasa bukan diri-nya penjahat maka patut di-hendarkan dalam undang² atau yang menjalankan undang² ini.

Fasal 53 kata-nya "the Minister" dengan sebab demikian "may take possession of any land", kerana maksud yang demikian. Kemudian dalam dia hendak mengambil maka tidak pun di-sebutkan dalam undang² itu apa² atau procedure yang hendak di-buat-nya. Saya risau, kerana menurut undang² ini apabila di-ambil sa-suatu bangunan atau rumah maka di-bawah-nya ada di-buat suatu lembaga atau badan atau commission yang boleh kita merayu dalam satu² waktu yang tertentu ia-itu "within 14 days". Dalam bahagian 53 (1) tidak menyebutkan kalau dia hendak mengambil rumah itu mesti-lah di-beritahu kepada orang itu, dan kalau kita tahu security area itu di-dalam-nya meriam dan senapang menjadi unsur yang tegas. Jadi, yang selalu-nya mengambil rumah orang itu bukan terrorist, kerana tak akan dalam hutan pula. Umpama-nya dalam sa-suatu kampung yang hendak membuat camp bagi kegunaan tentera dan sa-bagai-nya, maka keadaan ada-lah memaksa berbuat demikian. Apa-kah salah-nya dalam undang² ini di-buat satu peratoran kalau kita hendak mengambil itu hendak-lah memberi notice kepada orang itu terlebih dahulu

supaya dia tahu dan apabila dia tahu, kata-lah dalam masa 14 hari, dia boleh kemukakan bantahan kepada commission, atau Board of Committee itu.

Satu daripada perkara yang memayahkan dan yang patut di-buat kawalan dalam undang² ini, sebab kuat-kuasa undang² ini ada pada tangan Menteri, ia-lah jika sakira-nya orang itu tidak ada dalam negeri yang membolehkan notice sampai kapada-nya itu maka hendak-lah di-buat satu jalan supaya boleh di-panjangkan masa-nya, ia-itu masa appeal, sebab kita terpaksa-lah mengambil security risk kerana hal itu lebeh panjang dan lebeh kuat supaya dia dapat menjalankan hak² asasi-nya. Saya sengaja membawakan perkara ini kerana saya rasa mustahak-lah hak asasi manusia itu di-kawal, walau pun kita terpaksa berperang dengan terrorist. Sa-telah saya menyebutkan dalam perkara ini tadi maka saya ingin mengemukakan kepada Tuan Yang di-Pertua bahawa kami menyokong Rang Undang² ini demi kepentingan keselamatan negara, dan saya ulangkan peringatan yang di-beri tadi bahawa sebarang salah gunakan di-atas undang² ini akan mengakibatkan satu perkara yang sebak-nya.

Enche' Mohamed Yusof bin Mahmud (Temerloh): Tuan Yang di-Pertua, sa-telah negeri kita Merdeka, maka negeri kita di-kawal dengan satu undang² menjaga keselamatan ia-itu Undang² Dharurat. Undang² Dharurat ini telah berjalan 12½ tahun. Negeri kita telah Merdeka, maka undang² ini tidak sesuai lagi kapada negeri ini, oleh sebab berkurang-nya perkara berkenaan dengan hal terrorist ini, maka tiap² satu negeri yang Merdeka, wajib-lah mengadakan satu undang² untuk menjaga keselamatan-nya. Maka undang² yang ada di-hadapan kita hari ini, ada-lah satu undang² untuk tidak lain dan tidak bukan menjaga keselamatan negeri kita, sunggo pun ada sa-orang Ahli Yang Berhormat mengatakan lebeh baik kita mengamalkan Emergency Regulations. Tuan Yang di-Pertua, pada fahaman saya Emergency Regulations atau pun Undang² Dharurat adalah berbeza. Undang² Dharurat ini ia-lah satu undang² yang akan menyebabkan pihak yang tidak bersangkut-paut menderita daripada tindasan undang²

itu, tetapi dalam undang² yang baharu ini, kita tujukan undang² ini kapada mereka² atau pun sa-kumpulan mereka yang chuba hendak merosakkan ketenteraman negeri kita, kerana negeri kita pada masa ini banyak ra'ayat yang ta'at setia-nya belum kita ketahui dengan betul. Maka dengan sebab itu-lah undang² ini sangat² mustahak, kerana sa-kira-nya dalam negeri kita, ada orang² yang kita tahu mengamalkan satu chara yang bertentangan dengan chara² yang ada dalam negeri ini, satu daripada-nya ia-lah communist terrorist, ini ada-lah bertentangan dengan keadaan negeri kita yang beragama Islam.

Sa-orang sahabat saya daripada sebelah pembangkang mengatakan dengan ada-nya undang² ini, kebebasan berchakap, kebebasan menulis surat akhbar terancham. Di-sini saya mengulang sa-bagaimana yang telah saya katakan dahulu ia-itu kebebasan kita ia-lah terhad di-dalam lengkongan undang² negeri, bukan-lah kebebasan itu berma'ana kita boleh membuat suka hati. Ada-kah sahabat saya itu tadi ma'anakan kebebasan itu ia-itu bebas mengeluarkan perkataan atau pun menchetak perkara² yang boleh membangkitkan huru-hara dalam negeri ini? Jadi, pada fahaman saya kebebasan itu ia-lah kebebasan di-dalam lengkongan undang². Tiap² buah negeri ada undang² untuk menjaga keselamatan negeri-nya, bukan Persekutuan Tanah Melayu sahaja.

Sa-perkara lagi yang di-khuatirkan oleh sahabat saya daripada Setapak berkenaan dengan tanda² atau pun bendera serta pamphlet dan tanda satu² pertubohan yang boleh Kerajaan mengharamkan-nya. Di-sini, Tuan Yang di-Pertua, jikalau Kerajaan hendak mengharamkan itu, lebeh baiklah Kerajaan mengharamkan parti-nya. Saya sebutkan tanda itu ia-lah tanda² yang tidak di-kehendaki dan yang luar daripada negeri ini yang boleh menyebabkan ta'at setia atau ketenteraman negeri ini terancham.

Tuan Yang di-Pertua, saya rasa undang² ini bukan-lah di-tujukan kapada mereka² yang ta'at kapada undang², tetapi ia-lah di-tujukan kapada mereka² yang tidak takut, yang

chuba mengancham dan mengachau negeri ini supaya negeri ini huru-hara.

Tuan Haji Ahmad bin Saaid (Seberang Utara): Tuan Yang di-Pertua, saya bangun menyokong dengan kuat-nya di atas chadangan yang dikemukakan oleh Yang Berhormat Menteri Pertahanan. Undang² ini adalah berasaskan kepada tiga dasar. Pertama, undang² berkenaan dengan keselamatan negara, yang kedua, berkenaan dengan tahanan untuk keselamatan dan yang ketiga mengawasi penyeludupan. Parti Perikatan di-masa Pilihan Raya dahulu telah berjanji di atas tiga dasar ia-itu keamanan, ke'adilan dan kema'moran. Oleh yang demikian itu menjadi kewajipan bagi parti ini mengekalkan keamanan dan menjalankan sa-penoh² ke'adilan untuk menchapai maksud yang ketiga ia-itu memberi kema'moran kepada ra'ayat jelata negeri ini. Itu-lah sebab-nya maka undang² ini di-laksanakan oleh kerana hendak menggantikan Undang² Dharurat.

Ada di-antara beberapa Ahli Yang Berhormat yang mengatakan bahawa undang² ini menchabol hak asasi manusia dan hak kebebasan manusia. Di-sini, Tuan Yang di-Pertua, saya menarek perhatian Ahli² Yang Berhormat itu berkenaan dengan apa yang termaktub di-dalam Perlembagaan kita ia-itu "Fundamental Liberties" atau "Asas Kebebasan". Daripada asas inilah di-bena kebebasan untuk ra'ayat jelata, dan juga yang sa-benar-nya asas kebebasan ini terta'alok kepada undang² yang berbunyi:

"No person shall be deprived of his life or personal liberty save in accordance with law."

dengan chara undang² boleh di-beri kebebasan. Ahli Yang Berhormat dari Ipoh juga menyebutkan tadi berkenaan dengan kebebasan berchakap, kebebasan berhimpun dan kebebasan membuat persatuan². Di-sini Clause 2 ada menyatakan: "Parliament may make laws . . ." Parlimen di-benarkan membuat sa-barang undang² untuk mengawal keselamatan negeri ini. Ada di-antara Ahli² Yang Berhormat telah menyatakan ia-itu Preventive Detention dan juga kawasan untuk keselamatan tidak sesuai. Saya suka menarek

perhatian Ahli² Yang Berhormat sakalian kepada Atikal 74 yang mengatakan:

"Without prejudice to any power to make laws conferred on it by any other Article, Parliament may make laws with respect to any of the matters enumerated in the Federal List or the Concurrent List (that is to say, the First or Third List set out in the Ninth Schedule).

Dalam Jadual Yang Kesembilan 3 (c) ada tertulis Preventive detention; restriction of residence. Maka sebab itu-lah kita membuat undang² berpandukan kepada Perlembagaan ini.

Saya berasa khuatir ia-itu ada dua perkara yang saya rasa patut di-masokkan dalam undang² ini tetapi tidak di-masokkan. Perkara ini jika tidak di-masokkan akan merbahayakan pementah kita ia-itu pementah yang mengamalkan demokrasi dengan chara berparlimen. Satu daripada-nya ia-lah berkenaan dengan pergerakan da'ayah² falsu seluruh tempat untuk menjatohkan Kerajaan atau hendak menche-roboh dasar demokrasi. Saya berharap supaya Y.B. Menteri Pertahanan mengambil berat di atas perkara ini, kerana ra'ayat jelata tidak begitu faham dari segi siasah dan tidak begitu tahu hal-ehwal pementah sebab kebanyakan-nya boleh di-katakan buta huruf, maka dengan mudah sahaja mereka itu menerima da'ayah² falsu itu, dengan jalan ini pehak yang hendak meruntuhkan Kerajaan senang sahaja menjalankan da'ayah² falsu untuk mempengaruhi ra'ayat jelata. Yang kedua, saya minta juga Y.B. Menteri Pertahanan mengambil perhatian berkenaan dengan sumpah sulit yang dalam bahasa Inggeris-nya "rite". Di-antara sumpah sulit ini ia-lah sumpah ta'at setia kepada pemimpin, ta'at setia kepada parti, ta'at setia kepada dasar dan ta'at setia kepada fahaman; ini satu perkara yang merbahayakan. Kita ada mendengar keterangan² yang jelas, konon-nya, di-adakan sumpah dengan junjong Koran dan ada yang menjunjung Bible dengan mengatakan "demi Allah" dan ada yang minum ayer sumpah dan sa-bagai-nya. Perkara ini patut di-chegah, jikalau tidak, harus akan mendatangkan satu akibat yang burok di-masa hadapan kelak, negeri kita ini akan menjadi huru-hara. Tuan

Yang di-Pertua, di-sini saya ingin menyatakan ia-itu pepatah Melayu ada berkata: "Jangan pisang berbuah dua kali" kita mengatakan perkara ini mustahil, tetapi sudah ada "Pisang berbuah dua kali".

Sejarah dapat membuktikan apa yang saya sebutkan di-sini berkenaan dengan pergerakan² yang dahulu-nya telah berjalan di-seluruh Persekutuan Tanah Melayu ini daripada sa-belum perang dahulu. Saya menarek perhatian kepada satu pergerakan yang di-namakan K.M.M. dahulu—pergerakan sulit yang telah menjalar di-seluruh Persekutuan Tanah Melayu ini. Dan dengan chara sulit itu-lah mereka itu mendapatkan pengaruh dan tujuan dasarnya, pada dzahir-nya ada-lah untuk membebaskan negara ini daripada penjajahan British. Apa-kah telah jadi, K.M.M. telah bekerja sama dengan memasukkan satu perjanjian dengan pemerintahan Jepun bagi melaksanakan dasar "Dai toha nosento". Kita masih ingat lagi pergerakan K.M.M. ini dengan menunjokkan jalan kepada tentera² Jepun dan memberi rahsia kepada Jepun supaya senang masuk negeri kita. Sa-banyak 30,000 tentera Jepun dapat mengalahkan 100,000 tentera British. Jika tidak ada persatuan yang sa-macam ini, tentu-lah sekali Jepun tidak dengan mudah-nya mena'alok Malaya ini. Oleh yang demikian, Tuan Yang di-Pertua, saya mengharapkan mesti-lah di-awasi dengan sa-kuat²-nya. Dan di-samping itu, ada satu pula pergerakan komunis dengan berjalan sulit sejak tahun 1933 atau 1932 kalau saya tidak salah. Jadi, pergerakan itu berkembang dari satu masa ka-satu masa sa-hinggakan pada waktu itu pun Kerajaan British chukup mengawasi tetapi tidak dapat mengawal dengan sa-penoh²-nya kerana di'ayah mereka itu chukup kuat. Dan berkembang-lah komunis dari satu masa ka-satu masa, waktu British dahulu dan waktu Jepun dan sa-hingga lepas perang. Dan pada waktu lepas perang terdapat satu peluang yang chemerlang terbuka kepada pergerakan komunis untuk mendirikan sa-buah Kerajaan komunis.

Di-sini, Tuan Yang di-Pertua, saya ingin membachakan untuk penjelasan

daripada "Standard Merdeka Souvenir", memberi ulasan perkembangan dan pergerakan komunis yang mengancam keselamatan negeri ini.

Dato' Onn bin Ja'afar (Kuala Trengganu Selatan): Tuan Yang di-Pertua, sa-belum Yang Berhormat itu membachakan-nya itu saya suka hendak menerangkan ia-itu K.M.M. itu bukan sa-buah pertubohan yang telah di-haramkan oleh Kerajaan. Pertubohan yang telah di-haramkan oleh Kerajaan itu ia-lah "Angkatan Pemuda Insaf", bukan-nya K.M.M.

Tuan Haji Ahmad bin Saaid: Untuk pengetahuan Ahli Yang Berhormat sakalian, saya ingin membacha bagaimana-kah pergerakan komunis . . .

Mr. Speaker: Berapa panjang hendak di-bachakan itu?

Tuan Haji Ahmad bin Saaid: Tidak berapa panjang. Saya mengambil sa-bahagian sahaja. "Time was ripe" kepala-nya.

" TIME WAS RIPE

In their frame of mind, anything that the Communists did was tolerated and conditions were ripe for the implementation of Loi Tek's plan.

Almost immediately, the results were clearly evident. And the British Military Administration which was so involved in the enormous task of government had only a vague idea of what was going on.

The sprinkling of political parties and the societies that grew up suddenly were merely looked upon as the inevitable awakening of nationalism.

It was altogether a unique situation. Army majors and captains who in civilian life were clerks or factory hands suddenly found themselves discharging the duties of magistrates, district officers and administrative officers.

The atmosphere was ideal for intrigue and the Communists had the field all to themselves. By the end of 1946, the political parties and labour unions found themselves deeply enmeshed in Communist subterfuge.

Communist influence was soon dominant in the more militant nationalist organisations like the Malay Nationalist Party, the API (Malay youths party), PETA (peasants' organisation) AWAS (Malay Women's Awakening Party) and the Communist brainwaves like the Malayan Democratic League.

With the battle cry of 'Fight the British,' the Communists rallied . . .

Mr. Speaker: Panjang nampak-nya itu!

Tuan Haji Ahmad bin Saad: Sikit sahaja lagi

" the political parties to form a common front.

The crystallization of this united front was the Pan-Malayan Council of Joint Action which soon gave the British Colonial Government so many anxious moments.

Although it was clearly a Communist inspiration, many top ranking politicians of to-day were unwittingly drawn into it, so potent was Loi Tek's plan in its execution. "

Jadi, Tuan Yang di-Pertua, dengan ada-nya perkara² yang telah berlaku yang sa-macham itu, patut-lah kita mengawasi sunggoh² supaya jangan jadi pisang berbuah dua kali seperti yang saya katakan tadi.

Lagi satu perkara bagi menarek perhatian Ahli Yang Berhormat sakanian di-atas apa yang telah di-katakan oleh Chin Peng, waktu perjumpaan-nya dengan Yang Teramat Mulia Tunku, Perdana Menteri di-Baling dahulu. Kata-nya: "Sakali kami menjadi komunis, tetap terus jadi komunis". Itu-lah kata-nya, oleh itu orang² yang biasa terpengaruh oleh komunis dan faham komunis walau pun apa juga chorak fahaman pada batin-nya tetapi tetap sakali dia komunis. Jadi, mestilah kita mengawasi di-atas perkara ini. Ada pehak² yang konon-nya berasa churiga dan berasa bimbang dan takut, Kerajaan Perikatan atau Menteri yang bertanggung jawab itu salah gunakan Rang Undang² yang kita hadapi ini. Ini perkara jangan-lah tuan² bimbang, oleh kerana pemerentahan Kerajaan Perikatan ini ada-lah di-bawah pimpinan orang yang chukup ada ikhsan dan rahim bukan sahaja kepada ra'ayat jelata bahkan kepada seteru yang ketat sakali ia-itu Chin Peng, Kepala Komunis seluruh Malaya pun. Di-waktu perjumpaan Tunku dengan Chin Peng, kalau Tunku hendak mengkhianat atau hendak menganiayakan, tetap sakali Tunku dengan mudah boleh menangkap Chin Peng dan kawan²-nya kerana tiada siapa boleh mengganggu tambahan pula tentera kita sa-waktu itu kuat tetapi Tunku tidak berbuat demikian. "Apa yang di-kata, kami kotakan, kami hendak berunding tetap berunding". Jadi, sebab itu ta' payah di-churigakan. Kedua-nya banyak diantara pehak² yang bersimpeti dengan

pehak komunis, bekerja sama dengan pehak komunis hendak meruntuhkan Kerajaan dan hendak menegakkan Kerajaan Komunis dan banyak diantara mereka itu telah pun menyerah diri dan di-kawal. Orang² yang menyerah diri ini sa-tengah-nya diantara mereka itu di-beri layanan yang istimewa yang orang² kampung yang ta'at setia pun tidak dapat. Ini menunjukkan Kerajaan Perikatan tidak akan memalingkan kapada orang² yang telah mengkhianat atau chuba hendak khianat kapada Kerajaan ini. Lagi satu, Tuan Yang di-Pertua, berkenaan dengan apa yang kita jalankan pada masa ini ia-lah kesemua-nya mengikut dan berpandu kapada manifesto kita urtok menegakkan keamanan, ke'adilan dan juga memberi kema'amoran kapada ra'ayat dalam Semenanjung Tanah Melayu ini. Sekian, Tuan Yang di-Pertua, terima kaseh. (tepok).

Enche' Othman bin Abdullah (Perlis Utara): Tuan Yang di-Pertua, saya bangun menyokong penoh Rang Undang² Keselamatan Umum yang di-bentangkan oleh Kerajaan atau pun yang di-bentangkan oleh Menteri Pertahanan dan bersama² itu mengalukan Undang² Dharurat yang akan di-tamatkan tidak lama lagi yang mana memberi harapan besar kapada ra'ayat² di-dalam negeri ini yang chintakan keamanan, ke'adilan dan kema'amoran di-masa yang ka-hadapan kelak. Kita sedar walau pun Undang² Dharurat tamat, tetapi jiwa dan semangat Parti Komunis memang tetap tumbuh dengan subor-nya kalau tidak di-awasi dengan betul kerana gerakan *subversive* itu perjalanan-nya tumbuh sama sahaja dengan perjalanan Komunis², kerana gerakan² seperti itu bermula daripada pekan² ka-kampung² hingga ka-pertubohan² pekerja dan didalam sekolah² kemudian baharu-lah gerakan itu berjalan dengan lancar-nya semenjak tahun 1948 yang lalu. Maka dengan sebab itu-lah sa-bagai ra'ayat yang chintakan keamanan, ke'adilan dan kema'amoran tanah ayer kita ini tentu sa-kali menyambut dengan rasa penoh hati dan rasa riang dan gembira.

Mengalah pula kapada undang² baharu—Undang² Keselamatan, yang

di-bentangkan oleh Menteri yang berkenaan. Perlis khas-nya kawasan yang di-sebutkan² oleh Menteri yang berkenaan, akan di-jadikan satu kawasan yang merbahaya, terbayang-lah kepada saya bahawa di-kawasan tanah yang di-buka oleh ra'ayat ia-itu tanah baharu yang sedang giat di-usahakan oleh ra'ayat beberapa tahun yang lalu yang bertanam getah, sayur-sayoran, pisang, ubi, tembakau dan lain²-nya yang mana kawasan itu terpaksa di-jadikan suatu kawasan yang merbahaya dan terbayang-lah kepada saya bahawa boleh jadi di-antara penduduk² di-situ yang berusaha berbagai² perusahaan itu akan terpaksa mengikut hukuman ia-itu berpindah keluar. Tetapi walau bagaimana pun saya perchaya demi kepentingan dan keselamatan negara kita untuk melancarkan gerakan melawan *subversive* dan gerakan Kominis ini dengan lebih chepat-nya lagi, saya perchaya-lah penduduk² di-situ akan keluar semua sa-kali.

Tadi beberapa banyak hujah² telah di-keluarkan oleh pihak pembangkang yang merasa ragu² tentang undang² tadi, takut salah di-gunakan. Saya juga menyertai hujah² yang telah di-berikan oleh saudara² saya tadi bahawa memang-lah bagi Kerajaan kita, Kerajaan Perikatan, tidak akan mengabaikan bagaimana dasar-nya ia-itu dasar keamanan dan ke'adilan yang telah ditumpahkan keperchayaan oleh tiga suku ra'ayat, hampir² 90 peratus penduduk Tanah Melayu ini kepada Kerajaan Perikatan yang memerintah Tanah Melayu pada hari ini.

Pada masa sa-belum Merdeka dahulu Undang² Dharurat atau tangkapan atau tahanan di-jalankan kepada mana² pertubohan politik yang di-haramkan, tetapi pada hari ini kita jalankan undang² itu ia-itu menchegegah gerakan *subversive* ia-itu gerakan² yang di-salurkan melalui penuntut² dan pertubohan² orang ramai. Jadi gerakan² yang tersebut kita perlu perhatikan kerana daripada gerakan² ini-lah yang akan menimbulkan perselisihan besar di-dalam tanah ayer kita yang membawa pergadohan dan perselisihan di-antara kaum² dan parti² yang ada di-dalam tanah ayer kita ini. Sekian-lah sahaja dan saya ulangi menyokong dengan sa-penoh²-nya undang² baharu

ini dan mengalu²kan dengan sa-penoh-nya undang² ini yang akan lebih menyelamatkan lagi bangsa dan keturunan kita di-masa yang akan datang. Sekian-lah, Tuan Yang di-Pertua.

Enche' Lim Kean Siew (Dato Kramat): Mr. Speaker, Sir, I rise to my feet with great fear in my heart after listening to the learned discourse on law by our Honourable Member for Seberang Utara. As I remember it, the Honourable the Minister of Finance did say the other day that the more unqualified a person is the more vociferous he is. I believe the Honourable Member for Seberang Utara has proved to be no exception to that rule (*Laughter*).

Enche' Tan Siew Sin: Mr. Speaker, Sir, on a point of explanation, it was not meant to apply to all human beings.

Enche' Lim Kean Siew: I know, Sir, that he did not intend it to apply to everybody and I suppose he must have excluded the Honourable Member for Seberang Utara!

Mr. Speaker: Proceed!

Enche' Lim Kean Siew: In fact, we have to-day witnessed a very unusual scene. The Honourable Member for Ipoh is usually the person who is most emphatic about questions of law, but in this case the Honourable Member for Seberang Utara has overshadowed the Honourable Member for Ipoh, now coming into this Chamber.

The other point is the unusual phenomenon of the P.M.I.P. speaking up for this Bill and supporting it. It is surprising because the preamble says, "Now therefore PURSUANT to Article 149 of the Constitution BE IT ENACTED"—this Bill. If I remember, the Honourable Member for Bachok was most vociferous against the amendment to Article 149 of the Constitution. This is very unfortunate indeed because the P.M.I.P. is standing up in support of the Bill enacted under an amended Article, the amendment to which they have voted against. They, in fact, ought to be speaking against the Bill instead of supporting it. But though the P.M.I.P. supports this Bill, they object to its provisions. How can one support

the Bill and object to its provisions? This is equivalent to the case of a person who says, "Well, Sir, I like you; but I do not like your face, I do not like your nose, I do not like how you walk, I do not like the way you speak, I do not like your behaviour—in fact I do not like you at all." (*Laughter*). Of course, it may be quite possible that the P.M.I.P. has not really read through this Bill at all, because had they done so they would have spoken against the Bill and had they done so they would have realised that those arguments which they have against the provisions of this Bill are valid, are good, are proper and are correct; that they have not spoken against this Bill is either because they have had no time really to make up their minds or they do not quite understand the procedure in Parliament. If one supports this Bill, one votes for this Bill. If one votes for this Bill, one votes for all the provisions of this Bill. If we vote for all the provisions of this Bill, we vote for all the sections of this Bill; but if we disagree even with one section of this Bill, we must vote against the Bill. We are not asked to vote for this Bill section by section. The House is asked to approve this Bill or to reject this Bill, and if the P.M.I.P. have so much against this Bill, I think it would be logical—if by "logical" they mean the same thing as myself—for them to reject it. Yet that very eloquent Honourable Member for Bachok stood up this morning saying that he supports this Bill, but in fact goes on to criticise its provisions.

Now, if we will remember, during the last session, the Honourable Member, who calls himself "the Member from the town of great peace", rose up to speak for the first time at any length. I hope he has not gone back to sleep again. He said this: "At least the cancer of the Emergency is being removed and by July the 31st we are going to have a glorious new era." I warned that in fact a spectre might arise from the ashes and I did say, "I prophesy that another Bill or Ordinance will take the place of the Emergency Regulations", and I believe the Honourable the Minister of the Interior stood up and said, "You are quite right". Of

course, I am quite right because this Bill is coming into force.

The Honourable Member from Taiping, to give him his proper name, did say that, "We do not dance to the tune of the Tengku"—which Tengku he meant, I do not know—I presume he meant of course the Honourable the Prime Minister himself. Mr. Speaker, Sir, this time it does not happen to be the Tengku who is calling the tune, but the Honourable the Deputy Prime Minister. Will he now dance to the tune of the Honourable the Deputy Prime Minister?

Actually this Bill, if one looks at it very carefully, is divided into two parts. As the Honourable the Deputy Prime Minister has said this morning, the first part of this Bill deals with subversion, with publication, with speech, with all political organisations and with little school boys; the other section—Part II—deals with armed insurrection, with terrorism and with disturbances of what is generally known as the lawful order. Now, practically everyone has stood up this morning to support this Bill, because they are against terrorism. I say this, "Yes, if you believe that you are correct, then you support Part II of the Bill and not Part I, because Part I does not, and I emphasise it, does not deal with terrorism. As someone has pointed out to me quite correctly this morning, this Bill has only two faults. This Bill permits breathing without permission, this Bill permits thinking without permission except that it has gone a long way towards the control of thought. Suppress these two things and the Bill would have been perfect. I would go farther than that. I would say that on the whims of one man will lie the political destiny of Malaya. The colour of his personality will stain the face of Malaya and the condition of his liver when he wakes up in the morning may decide the liberty of our subjects. The Bill may be harmless whilst the present Deputy Prime Minister is the Minister responsible for the maintenance of Internal Security, because we may all like him, but supposing it is the Assistant Minister of Information (*Laughter*), then what will happen? The other day the Assistant Minister of Information

stated quite clearly that there are spies and traitors to the Government in Radio Malaya. I understand—of course, I am not prepared to vouch for it, not like the Honourable Member for Ipoh who may have better sources of information—that now the people in Radio Malaya walk about in great fear. I understand that when they have to go downstairs to the bathrooms, they even leave the doors open for fear. . . .

Mr. Speaker: How is that relevant? (Laughter).

Enche' Lim Kean Siew: Sir, sometimes it may not be, but sometimes it is relevant in the sense that according to the personality of the Minister, fear may be created, since too much power is given or is put into the hands of the Minister concerned for the time being. However, I think I have made my point. There is no need to press too hard on the Assistant Minister of Information.

Now, we must remember that there is a well-known saying. "All power corrupts and absolute power corrupts absolutely". Let us now hope that the Government in its attempt to stop terrorism, as it puts it, will not use that attempt to terrorise the people. Let us remember that what we are doing by this Bill is to introduce a new principle of law—that by an ordinary law of the land, power is now taken out of the Courts and is put into the hands of the Executive. Let us remember that if we approve this Bill, the question of the supremacy of law will be destroyed. Let us remember that the inspiration of our Constitution is based upon the *Magna Charta* which states that let no man be deprived of his liberty of life or limb except through the judgment of his peers—in other words, by the judgment of the people. What could have been tolerated under an Emergency is now being made a permanent feature of the law in this land. You may think that what I say is an exaggeration. Therefore, to run before my own argument, for instance, I would like to read Clause 31 of this Bill:

"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."

Now, the word "shall"—not "may"—means that any police officer of the rank of Assistant Superintendent of Police or above may order our Chief Justice to do an act against the Judge's inclination. Therefore, not only are we subjected to the indignity at the whim of any police officer but also our Chief Justice and Judges of our Courts, our Presidents and our Magistrates, can in fact be ordered, whilst in Courts over which they are supposed to have control, by a little police officer to do what they may not want or like to do. The danger of unqualified politicians who are untrained, is obvious, but the danger of a bumptious police officer who is untrained in law, is sometimes not known. It would seem that if we approve this Bill we may be opening the doors to executive control over our political destiny. Whilst I am not quarrelling with the Honourable the Deputy Prime Minister on the question of the need to bring about law and order in this country, we must not forget that Part I of this Bill is not directed towards that end.

Now, in order to understand the implications and the far-reaching effects of this Bill, I would have to refer to certain sections of it. Let us first take the preamble, which has been referred to by our Honourable Member from Ipoh, and that reads:

"Whereas action has been taken by a substantial body of persons And Whereas action has been taken and threatened by a substantial body of persons"

You will note that the language, the grammar, is "has been taken" or "has been threatened" and not "is being threatened" or "is being taken". In other words, we may even say "Whereas action has been taken by a substantial body of persons in 1850," it is necessary to approve this Bill, and if we look forward we can then say, "Whereas a substantial body of persons have threatened the peace and security of Malaya in 1950," in 1999 this Bill is still necessary. It sounds very nice

for the Honourable the Deputy Prime Minister to say, "Well, you know, if you do not like this Bill, it can always be revoked by resolution". But he did not say that to revoke it we need the proper resolutions of both Houses of Parliament, as the amendment to Article 149 states that before this Bill can be revoked it has got to come before the two Houses and to be approved by the two Houses.

Now, even at the height of the Emergency, when General Sir Gerald Templer was in command—he who brought about the curse of the new villages of Malaya—he never attempted to make the Emergency Regulations permanent; that Regulation was brought before the Legislative Council or Parliament year after year to be renewed and the term of that Ordinance was that if it was not renewed it would die of itself at the end of a year and be of no effect. But in this case, the principle is completely different, that is to say, if it is not revoked it will live forever. It might be said that even if it is to last forever there would be no need to be alarmed. But one has to be alarmed because Clause 5 (1) states:

"If the members or adherents of any association of persons, whether incorporated or not, are—"

That means any association, not any political association, even if it is a debating society, will come under the provisions of this Bill; even a bird watching association or a bee watching association will come under this Bill.

Then we come to (b) which says:

"If the members or adherents of any association of persons, whether incorporated or not, are—"

(b) organised or trained"—that sounds very nice—"or equipped either for the purpose of enabling them to be employed for the use or display of physical force in promoting any political"—then comes the difficult part—"or other object"—that means not political object; there is a distinction here—"or in such a manner as to arouse reasonable apprehension that they are organised or trained or equipped for that purpose;"

Therefore, according to this paragraph, if you display physical force for any object, if you display physical force in promoting any object, you come under this provision. In other words, if you go on to the streets in a

body and make a lot of noise or climb trees, you are organised for a display of physical force, since you cannot climb trees without physical force—you cannot lie down on your back to go up to a tree—and if you are organised to climb trees, you come under this section, and this section says that you will be entitled to imprisonment for a term of not more than one year, or to a fine of two thousand dollars, or to both. So for climbing a tree you can be sentenced to imprisonment, and you can be fined up to a maximum of two thousand dollars. You might say that I am exaggerating, that I am making the objects too wide, but I am not because the Bill gives an exemption to certain persons thereby making all others subject to its provisions. And who are those persons? They are stewards. Under-sub-section (7) of the same section 5 on page 7, it is stated:

"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, . . ."

This clause is so wide that you have to put down a special clause to exempt even the stewards.

Section 5 of this Bill, sub-section (1) reads—

"If the members or adherents of any association of persons, whether incorporated or not, are—"

—any association (not any political association), any association, even a photographic association, comes under this Bill; a debating society comes under this Bill; even a bird-watching association or a bee-watching association, comes under this Bill. Anyway, if members of any association of persons, whether incorporated or not are—

"(b) organised or trained or equipped either for the purpose . . ."

—it sounds very nice, the first part of it—

" . . . 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 . . ."

—then comes the not so nice part—

" . . . or other object . . ."

—"or other object" may mean non-political object, because this clause

distinguishes itself from the clauses dealing with political objects—

“ . . . or in such a manner as to arouse reasonable apprehension that they are organised or trained or equipped for that purpose.”

Now, if you display physical force for any object, if you display physical force in the promoting of any object, then you come under this Section. In other words—I repeat—if we go to the streets in a body and make a lot of noise, or climb trees, we are organised for a display of physical force, because you don't climb trees without physical force! (*Laughter*). You can't lie down on your back and get up a tree, and of course you have got to use physical force to go up a tree, and if you are organised to climb trees, you come under this Section, and if you do that, it says you will be liable to imprisonment for a term of not more than one year and/or to a fine of \$2,000. So, for climbing a tree, you can be sentenced to one year's imprisonment! (*Laughter*). But you might say I am exaggerating, that I am making the objects too wide. But I am not, because the Ordinance gives an exemption to certain persons. And who are those persons? Stewards—what they call “boys”—because sub-section (7) of Section 5, at page 7, provides—

“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”

You see, it is so wide that they have to put down a special clause to exempt stewards, because otherwise even “boys”—or stewards—can be arrested and sentenced to one year's imprisonment because he happens to be present there.

Then, you might well argue that if you are not there you won't get into trouble; why should you be there? But the Bill has also taken care of that, because even if you are not there, you can be held responsible. I will read this to you—sub-section (4) of the same section:

“In any criminal or civil proceedings 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 for the purposes for which, or the manner in which, members or adherents of the association were organised or trained or equipped.”

In other words, you may be away in Japan, having a nice holiday, and somebody has merely climbed a tree in Penang; but you may be charged for the tree climbing offence on your return; and if somebody shouts “Merdeka” from the tree, that statement can be used against you in your trial.

Again, you might say: “Oh, well, that is all right!” We will not argue over small points. But the Bill has introduced something else. It has introduced what the Honourable the Deputy Prime Minister has stated as a provision to prevent crime. Now, Mr. Speaker, normally, in this country, if a person has not committed a crime, he cannot be punished, because, as they say, there is a big gulf between thought and action. Many of us in our anger may think of shooting someone, of knocking him on the head. That is not a crime. It is only a crime when you begin to try and knock somebody on the head. In this Bill, even the thought is crime (N.P.) Section 59 (3) very clearly states—

“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”

“ . . . within or outside a security area”. Malaya is divided now into two areas: a security area and a non-security area, so that any person who is within Malaya “provides directly or indirectly” That means if I give to my Honourable friend from Tanjong a piece of cake any place in Malaya and he takes it and he meets a man who is a terrorist sympathiser and gives him the cake, and that terrorist sympathiser gives that piece of cake to a terrorist who is arrested on his way to a security area. We will all be liable. So now it seems, you can't even give a piece of cake to anybody on his birthday (*Laughter*)—

“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, . . . ”

Of course what the last phrase exactly means I do not know—

“ . . . or that the supplies so provided 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: ”

Give a piece of cake to a friend and we may all go into prison for life, on a presumption which the security forces say is reasonably suspect. But how many men are really reasonable? So, you see, Sir, this Bill, although we may accept the explanation of the Honourable the Deputy Prime Minister that it is intended against armed insurrection, we cannot agree with him that its implications do not go far wider.

And since this Bill has a tendency of lasting for ever, we have to consider the probable effects of an order made by the Yang di-Pertuan Agong on any person, under their Bill. The Yang di-Pertuan Agong under this Bill has power to make an order of detention of two years. Other than that, the Yang di-Pertuan Agong can prohibit any person from doing anything at all on the advice of his Minister, so that if our bathroom is next door and we are confined to our house under that order, we cannot use that bathroom. It says so under section 8:

“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—

(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 ”

So, the Minister can do all these things—prevent us from even using our bathroom legitimately under this order provided he can satisfy the Yang di-Pertuan Agong. There is no appeal against such an order and I dare the Honourable the Deputy Prime Minister to show where there is an appeal under this Bill!

We have heard a lot of words about Advisory Boards, three months, six months and so on, in practice the Minister seldom listens to the Advisory Boards; anyway, that provision, I believe or suspect, is nothing more than a sop to ease our conscience when we are asked to vote for this Bill.

You might think that these are all the evils I have to say about such a Ministerial order of restriction. By no means. There is something even worse. Under section 10, the Minister may suspend this order for as long as he wishes, on conditions he wishes to impose. The Bill says:

“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—

as are laid out in the Bill. The Minister may direct that the operation of such an order be suspended subject to conditions as the Minister sees fit; and then, 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.

Now, the Minister has the right to suspend and the right to remove the suspension, and on such suspension the original order of restriction would apply. What can this mean in practice? If the Government disapproves of a person, the Executive may recommend that the person be restricted to Penang or Johore Bharu; we may then appeal to the Minister, and the Minister may say: "All right, we will suspend that order provided you do not speak at all at public meetings." So the person agrees and says "All right, I won't speak at all at public meetings." But since there is no time limit to such a suspension the suspension can go on year after year, for the rest of that person's life, since there is no time limit.

Mr. Speaker: The time is up now! *(Laughter)*.

Enche' Lim Kean Siew: I will just finish on this part of the Bill: this part has no time limit *(Laughter)*. If the Minister, at the end of ten years, thinks that his suspension has gone on too long, he may then revoke the suspension of the order, in which case the original order of restriction is then revived and for perhaps another ten years the person may be under bond or under restriction. At this stage of our nation's development is it possible to have a natural and proper growth of political activity with such a Bill? I think not. And perhaps my Honourable friends will, during their lunch, consider this point. With your permission, Sir, I wish to continue after lunch.

Sitting suspended at 1.00 p.m.

Sitting resumed at 2.30 p.m.

(Mr. Speaker in the Chair).

THE INTERNAL SECURITY BILL

Debate resumed on Question, "That the Bill be now read a second time".

Question again proposed.

Enche' Lim Kean Siew: Mr. Speaker, Sir, to repeat where I ended before lunch, under section 8 and section 10 we have already noticed that there is no time limit given to the order and

there is no appeal either from the order itself or the suspension of the order made by the Minister. I would like now, Sir, to emphasise another point with regard to this question of detention orders. The Honourable Deputy Prime Minister has stated this morning quite categorically that he can see no reason why the House should be so upset because the Bill is introducing nothing now. "Why," he said "we have that in India." Yes, but I should like to remind the Honourable the Deputy Prime Minister that in India there is the *habeas corpus* so that if a person has been detained by the order of the Minister, the order of the Minister can be challenged in the court by *habeas corpus*. Now, *habeas corpus* is a prerogative right. The *habeas corpus* is to safeguard and protect the rights of the citizen and to put it beyond the powers of a Minister to curtail such rights. Under our law there is no *habeas corpus* that can be applied in such orders of detention; this Bill does not say that the Minister must act "reasonably" or that the Minister should act "judicially," but merely that the Minister may make orders. In other words, if the Minister wishes to act unreasonably, he may do so without right of judicial challenge. Now, I am not saying he will do so, but that he may do so. And he may do so with impunity since, if a person's act cannot be challenged by any authority or in front of any other authority, if a person cannot be called to answer for his acts, he can always with impunity say: "I acted reasonably and under this Ordinance, and I do not see why any person should complain. After all I am not an unreasonable man. I am a very reasonable man, otherwise I would not be a Minister, and I do not see why people should complain and say that I have not acted reasonably." Whether a person has acted reasonably or not, one ought always to be able to challenge his reasonableness in front of a judicial tribunal, and this Act does not allow for a judicial tribunal. So we can never be sure of the Minister's reasonableness.

There is another peculiarity in this Bill, under this Bill a person can both be tried criminally and be detained for

the same offence. Section 21, on page 14 of the Bill, reads as follows:

"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."

It is a cardinal principle of our law that no man shall be tried twice and no man shall be punished twice for the same offence. It would appear to me that this section 21 is going to break that cardinal principle of our criminal law, because it says here that even if a person is detained he can be tried also for a criminal offence, and not only can he be tried whilst he is being detained but he can also be tried after his detention. Therefore, let us take this instance: if a person has been detained for two years for a crime to which he could have been sentenced for two years, he can then be detained for two years and then tried and sentenced to another two years, which would therefore make his punishment one of imprisonment or detention of four years. Mr. Speaker, Sir, I would like to ask the members of the Government whether they consider that this was in fact what the Ministry intended or was this Bill done in a hurry and therefore there has been this error. Or is it because the Ministry is demanding for itself greater powers than it would want us to believe it is asking for?

Section 28 reads—here I would suggest that even if you cause somebody a headache you can be guilty of a criminal offence because it says—

"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."

Now, the word "despondency" means a depression. In other words, I may stand up in Bukit Bintang Park tonight and I may make a speech. Tomorrow five people can go to the police station and say: "After listening to Mr. Lim Kean Siew's speech we all got a headache; we were very despondent and we could not sleep."

Dato' Suleiman: I assure you they will! (*Laughter*).

Enche' Lim Kean Siew: You might! (*Interruption*).

Mr. Speaker: Please proceed!

Enche' Lim Kean Siew: Once any person by word of mouth makes statements which may not be quite correct, and therefore false, and gives a headache to some people, he may become a criminal for causing such headaches. I did not realise certainly that an offence is caused because you cause despondency amongst certain members of the public. But there you are, that seems to be the law according to section 28 which, as we are going to approve this Bill, we are going to approve.

It was stated by the Deputy Prime Minister this morning that this Bill is aimed at terrorist activity and people aiming to overthrow the Government by force. I would like to suggest that that is perhaps too simplified a way of looking at this Ordinance, because section 29 says quite clearly that if any person has in his possession or under his control any subversive document, he shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding ten thousand dollars. So, if you have a subversive document in your possession you can go to prison for five years. And sub-section (3) says that "subversive document" means "any document having in part"—not whole, "in part" which means one sentence or even one word—"or in whole a tendency to support, propagate or further the interests or aims of any unlawful society". In other words—I would like to use again my illustration—if we belong to a bird watching society and we have documents referring to the bird watching society and the bird watching society loses its licence, then any documents relating to that society will become refers to an unlawful documents of that society. Now if you have those documents in your possession you can go to jail for five years; and it would certainly not please me if the Minister stands up and assures that he will not arrest me, because I may have his word but I have not the word of his successor, if there may be a successor (*Laughter*).

Of course, our argument against this Bill is that it is not only a Bill against terrorists activity but a Bill which gives the Ministry powers wider than that required and I would like the Minister to consider this point, because under section 32, for example, power is given to the Minister to demand that information be given to the Minister on any public exhibition, and if any person fails to make a report, or makes a report which is incomplete, he shall be guilty of an offence which will make him liable to imprisonment for a term of three years; and this section reads, i.e. section 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:

(a), (b), (c) and (d) such other matters as the Minister may direct.”

Therefore, (d) makes (a), (b) and (c) irrelevant because clause (d) says that the Minister may demand for any information as he wishes on any public exhibition. What has that got to do with the suppression of terrorist activity? It does not limit itself to a political exhibition. It does not limit itself even to exhibitions which are likely to encourage political dissemination. It does not even limit itself in any way to any public performance of any importance because it says “entertainment or exhibition and the proprietor of any premises”. “Any premises” means anywhere, in front of any person, relating to any matter that the Minister may wish to find out.

Mr. Speaker, Sir, we also notice, apart from the power the police have in a court, the powers they have elsewhere under this Ordinance. Under this Ordinance, a police officer, if he has reason to suspect, may search or go into any premises for the purposes of discovering a crime under this Ordinance. As this has been dealt with by the previous speakers and I shall not speak on it any further.

We come now to the last part—Part II of this Bill. Part II deals with terrorist activities as such. If, in the opinion of the Yang di-Pertuan Agong, public security is being threatened in any area, he may declare that area to be a security area and so on. Anybody going in and out of that area without permission is liable to be shot; anybody found there with arms is liable to death penalty. That part in fact contains nothing new. The words “special area” is equivalent to the present “black area”. This deals with black areas where troops are operating and, of course, measures are very strict there. Now, since this part is exactly the same as that contained in the Emergency Regulations, how, may the Honourable the Deputy Prime Minister kindly tell us, has the Emergency in fact ended? How is it that this cancer, as an Honourable Member from the Government side said, will be removed by the 31st of July? They say a rose by any other name is still a rose. A cancer by any other name, I am sure, is still a cancer, and the Emergency Regulations under any other name are still Emergency Regulations, except that in this case the Emergency has taken permanent form to be dealt with by a permanent law that is not subject to yearly review. Mr. Speaker, Sir, there is one significance in this, and it is that Part II, which deals with terrorists, allows trials in our ordinary courts of law with the normal recourse of appeal to the highest court of the land, although the first part which deals with the so-called subversive elements, or people, as the Assistant Minister of Information has said, who are disloyal to the Government, meaning the Alliance, there is no such legal recourse and persons can be detained by orders which are subject to no appeal in any court of law of the land.

It would appear, therefore, that a person who carries arms has at least a greater chance to obtain justice than a person, who may have carried an in-offensive and innocent document in his pocket. We all know that if one carries a gun, one is liable to kill somebody and, therefore, unless there is a proper excuse or lawful reason, one should not carry a gun or use it. But that is

not a new thing which we have just discovered to-day, or during the period of the Emergency, and we already have laws dealing with this namely, the Penal Code. Our Penal Code follows the Indian Penal Code and—here I would like to emulate my Honourable friend, the Deputy Prime Minister and say—why should we not follow Indian law? Our Penal Code allows for punishment with death for treason after a man has been tried by the ordinary Court of the land, why then have a duplication of the law by this Bill, with special exemptions to enable police officers a freer and more unrestricted hand—especially when the Government is proudly proclaiming that the Emergency is ending—after the period of the Emergency? And you might understand why the Government prefers this Bill—if we refer to this Part—because if any person is shot or killed in a security area, there is no need for a coroner's inquiry as is required under our Criminal law, since death under this Ordinance precludes a coroner's inquiry. It may be argued, that it is unnecessary to have a coroner's inquiry as this is a matter dealing with the security area and peace is threatened. But have we not heard of any person being shot by mistake in a black area due to some careless handling of weapons? Why should a death in a security area be precluded from a coroner's inquiry? If we are afraid that people may know about the death, then we can have the coroner's inquiry in camera with the public excluded, but why preclude a coroner's inquiry?

Now, we must remember that we should not think that if we approve this Bill, it will not affect us and, therefore, it does not matter; because if we approve this Bill, we are introducing new methods, new principles, into the ordinary law of our land. Take, for example, Clause 57 of this Bill, which says that a person, if he is found carrying a gun, shall be presumed to have intended to use it in a manner prejudicial to public security or the maintenance of public order; and that a person shall be deemed to have lawful excuse for the purpose of this section only if he proves that he has acquired the firearm, etc., for a lawful

purpose and that he has not, at any time, while carrying or having in his possession or under his control such firearms, ammunitions or explosives acted in a manner prejudicial to public security or the maintenance of public order. Now the onus is shifted to the person who carries the gun—this is a more important point—to prove that he has not been using the gun in a special way. In other words, not only is the onus of proof shifted to a person who is charged with an offence to prove he is not guilty but he is also asked to prove a negative, and how can anyone prove a negative? Supposing, turning to anyone, I say, "I saw you last night walking along a five-foot way and looking guilty. Prove that you were not walking along the five-foot way and that you were not looking guilty." How can that person prove that? How can you have an alibi or evidence to prove to the satisfaction of the Court that from seven o'clock last night up to two o'clock in the morning before you went to bed, you had never walked along the five-foot way looking very guilty. A person here is asked to prove a negative, to prove that he was not doing something. This may sound a bit difficult to understand, but I am sure that everyone of us know that it is far more difficult to prove a negative than it is to prove a positive.

There is one other Clause in this Bill which has been resisted time and time again by all the practising barristers or advocates of this land—and it is that no statement made or purported to be made by anyone while in the custody of a police officer, shall be admitted as evidence against him. But Clause 75 here says that any statement made, after a man's arrest, to a police officer shall be admissible unless he can prove that it has not been caused by inducement, threat or promise and that the Court is satisfied that a caution has been administered to that man. This sounds very good until we come across a phrase which reads as follows:

"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,”

Confessions is a very complicated section of the law, but when you say that it is irrelevant whether the statement has been interpreted by any police officer or not, you come to the following situation. Let us say that the accused happens to be an aboriginal Malay—a *Jakun* or *Temiar*: he has made a statement before a Chinese police officer, who did not pass his *bahasa kebangsaan*, and both of them have been speaking in Malay. When the accused comes before the Court he will swear until he is blue in the face that he did not say sentence “A”, and that what he meant was “B”. The police officer on the other hand will say that he did. The law, if this Bill is passed, says that whether the question giving rise to the answer was interpreted or not to the *Jakun* or *Temiar* is irrelevant.

I would like to end, Sir, by appealing to the Members of the P.M.I.P. not to confuse the second part of the Bill, which deals with armed insurrection, with the first part of the Bill, which deals with ordinary citizens of this land. If they think that they should fight and stand against terrorism, if they think that they should fight and stand against insurrection, against treason, then they can support the second part of the Bill. However, they must reject the first part, because they have not shown in their speeches that they are in agreement with it since it does not deal with terrorist activities.

To my Honourable friend from Seberang Utara, I would wish that he read this Bill again in order to understand it more clearly, and I would wish him to go through his arguments in order to know where he has gone wrong. I sincerely appeal to him that Chin Peng has nothing to do with the first part of the Bill. I would also appeal to him that what he has read from the *Sunday Standard*, I believe, of long ago has nothing to do with many portions of the first part of the Bill.

Sir, if we approve the second part, we must consider whether or not we

are going to approve the first part. The first part gives powers to the Minister to such an extent that any person can be detained and he could not appeal to any person other than the Minister himself, because after all the Yang di-Pertuan Agong acts on the advice of his own Ministers. I am sure that we remember the case of Wan Hamid. A few weeks ago he was an awful security risk, he was a danger to the country, he was such a danger that when questions were asked by the Honourable Member from Setapak, the Minister concerned stood up and said that it was because of security that he was prevented from telling the House why Wan Hamid was detained. However, to-day that very man is no longer considered a security risk. How did he change overnight from a security risk to a non-security risk? How is it that that man, who was never allowed to set foot in Malaya, is now released, and he is probably in Kuala Lumpur, the Capital of the country, where the Ministries are set up, when he was until only recently such a security risk? Is the Police following him for fear that he might plant a bomb underneath our Parliament building? (*Laughter*). You laugh because you agree that it is so absurd (*Laughter*) but at the whim of a Minister, everything can be altered overnight—from a security risk to a loyal citizen and *vice-versa*. Therefore, I ask, Sir, that the Government consider the need to put back this Bill for a few months at least, in order that it may be thought over properly by the rest of the Members of the Government Bench, because once we have passed this Bill, it would be very difficult to take it out of our law again.

Enche' Othman bin Abdullah (Tanah Merah): Tuan Yang di-Pertua, sa-telah kita bentangkan dan kemukakan Bill ini dan telah pun diterangkan bahawa Bill ini mengandungi dua bahagian, yang pertama berkenaan dengan subversion dan yang kedua ia-lah berkenaan dengan maseh ada-nya lagi penjahat² atau pun pengganas². Tetapi walau bagaimana pun kedua-nya daripada bahagian ini ada-lah terkandung dalam Bill ini sendiri. Pada permulaan tadi sa-orang daripada sahabat saya dari kawasan Dato

Kramat telah pun menyentuh² dan menudoh kepada kedudukan kami dari Persatuan Islam yang kata-nya, amatlah menghairankan sakali kedudukan kami itu, di-mana pada waktu ini kami memberikan sokongan kepada Bill yang ada di-hadapan kita sekarang. Sa-benar-nya, Tuan Yang di-Pertua, terkeliruan sahabat saya daripada kawasan Dato Kramat itu mungkin agak-nya timbul kerana dia tidak begitu faham apa yang telah kami kemukakan baik di-dalam perbahathan pada pindaan Perlembagaan dahulu mahu pun di-dalam masa membahathan Bill yang ada di-hadapan kita sekarang ini. Pendirian Persatuan Islam di-dalam kedua² masa'alah ini nyata terang, kechuali bagi orang yang barangkali tidak dapat mengikuti bahasa yang kami gunakan.

Tuan Yang di-Pertua, kenapa-kah kami membantah di-dalam pindaan Perlembagaan yang di-kemukakan dahulu? Kami tahu bahawa dengan di-pinda sahaja Perlembagaan itu, tidaklah berarti bahawa suatu Bill yang berkenaan tidak harus di-kemukakan di-dalam Majlis Dewan Ra'ayat ini. Ma'ana-nya dengan lain perkataan dengan tidak ada-nya Perlembagaan itu di-pinda maka Bill yang saperti ini dapat jua di-kemukakan. Sebab itu-lah pada pendapat kami, Perlembagaan itu tidak perlu di-pinda dengan alasan sabagaimana yang telah di-bahathan pada masa dahulu. Ini lain, Tuan Yang di-Pertua, dengan Rang Undang² di-hadapan kita sekarang. Maseh ada orang salah faham dalam pendirian Persatuan Islam di-dalam masa perbahathan pindaan Perlembagaan dahulu. Dengan itu telah heboh-lah orang bercampaign dengan mengatakan bahawa Persatuan Islam ini pro-komunis. Kawan saya, Menteri Muda Penerangan telah pun beria² benar di-satu tempat dalam negeri Kelantan, Tuan Yang di-Pertua, mengatakan jangan perchaya kepada Persatuan Islam ini, dia itu komunis, tanda-nya PAS telah menentang pindaan Perlembagaan, tetapi ini satu kesilapan; apa yang sa-benar-nya . . .

Mr. Speaker: Jangan meleret.

Enche' Othman bin Abdullah: Saya tidak meleret. Apa yang sa-benar-nya, ia-lah kami tidak mahu pindaan itu

di-buat dalam Perlembagaan, malah yang kami mahu, ia-lah adakan-lah sahaja suatu Undang² yang saperti di-hadapan kita ini. Jadi, Tuan Yang di-Pertua, bila sampai-lah pada peringkat tujuan kami itu, mudahan² apa yang saya terangkan sekarang ini dapat difahami oleh sahabat saya dari Dato Kramat, ia-itu kami telah pun menyatakan bahawa kami menyokong Bill ini. Tetapi sa-panjang² alasan yang di-kemukakan oleh sahabat saya dari Dato Kramat baik pun kawan²-nya yang lain tidak pernah terdengar sapatah pun mengatakan yang dia menentang Bill ini atau dia menyokong-nya, ta' pernah saya dengar, menentang tidak pula, menyokong pun tidak pula. Apa yang di-kemukakan-nya ia-lah fikiran-nya sendiri, jadi kalau begitu saya pun tidak faham apa pendirian-nya yang sa-benar.

Tuan Yang di-Pertua, Persatuan Islam tegas dalam soal ini tetapi menakala tegas kami menyokong, nanti ada pula orang mengatakan kami mengambil modal Menteri Pelajaran yang mengatakan Persatuan Islam ini mengekor sahaja, sebab dahulu pun kami berbuat demikian, orang kata kami mengekor dan sekarang pun kami berpendirian menyokong, nanti di-katakan kami mengekor pula. Jadi, sa-benar-nya, Tuan Yang di-Pertua, kami bukan mengekor dalam perkara ini tetapi kami mempunyai berpendirian sendiri yang telah pun berkali² kami tegaskan bahawa sa-suatu yang penting bagi negara dan masharakat kami tidak segan² memberi sokongan kami. Tuan Yang di-Pertua, apa yang di-kemukakan oleh sa-orang sahabat saya dari kawasan Bachok tadi, sudah cukup memberikan pandangan yang tegas kenapa mustahak-nya Bill ini di-terima. Sebab pada pendapat kami dan rasa-nya tidak-lah ada sa-orang Anggota Yang Berhormat pun dalam Dewan ini yang tidak berpendapat bahawa sa-suatu negara yang merdeka perlu di-kawal keselamatan di-dalam-nya. Kedudukan negara kita sekarang ini nyata sakali menghadapi dua kemungkinan yang akan timbul saperti kata sahabat saya dari Bachok ia-itu dengan ada-nya saki baki pengganas dalam negeri ini yang walau pun sa-bahagian kechil

sahaja daripada-nya, akan boleh merebak pada masa akan datang.

Yang kedua-nya ia-lah kuasa² yang maseh meresap², ini sudah semua-nya kita faham dan kita tahu bahawa keselamatan dalam negeri ini perlu dijaga. Tetapi apa yang menjadi pendapat daripada Persatuan Islam, ia-lah kami mengemukakan pandangan² kami yang di-harapkan oleh Kementerian ini terutama-nya sakali kapada Yang Berhormat Timbalan Perdana Menteri supaya dapat memberikan jaminan bukan sahaja kapada wakil² ra'ayat yang ada dalam Dewan ini tetapi juga memberikan jaminan kapada ra'ayat di-seluruh Persekutuan Tanah Melayu ini bahawa Undang² ini bukan-lah dimaksudkan untuk menangkap sa-saorang atau pun hendak menyalahgunakan Undang² ini. Tetapi sa-mata² di-adakan untuk menghadapi sa-suatu kemungkinan yang akan timbul dalam negeri ini. Jadi, kalausakira-nya Undang² ini di-buat kerana hendak menghadapi sa-suatu kemungkinan maka tidak-lah ada salah-nya bagi sa-suatu negara ini membuat-nya tetapi sakira-nya Undang² ini di-buat supaya dapat membalas dendam mithal-nya, atau menekan perkembangan politik dan democracy dalam negeri ini dengan niat untuk "Biar-lah saya tegak, dan orang lain biar-lah rebah," maka Undang² yang saperti ini mungkin akan di-salahgunakan pada masa yang akan datang. Ada sa-orang daripada Yang Berhormat telah berkata dan membukakan satu surat khabar barangkali tahun 14 agak-nya. Surat khabar itu sudah kuning nampak-nya daripada jauh, dan dia mengait²kan perkara² yang tidak ada kena mengena sama sakali mithal-nya, di-sebutkan-nya bahawa orang berfahaman komunis sampai bila pun fahaman itu tidak boleh habis. Saya rasa soal ini tidak-lah timbul, Tuan Yang di-Pertua, kerana dia telah menudoh K.M.M. Saya khuatir dan saya waktu ka-masokkan Jepun dahulu maseh belum chukup umor, Tuan Yang di-Pertua, ada di-antara Menteri² kita di-sini pernah menjadi pemimpin K.M.M. dahulu yang kalau menurut istilah, kawan itu sesat kerana K.M.M. telah menolong memasokkan tentera Jepun ka-dalam negeri ini. Ini suatu keganjilan tetapi telah menudoh

sa-orang Menteri kerana telah masok K.M.M.—bukan P.K.M.M., jadi, Tuan Yang di-Pertua, termasuk-lah dalam tuduhan-nya itu bahawa orang itu tidak boleh mengubah fikiran²-nya dan dia minta supaya Kerajaan mengambil tindakan kapada orang yang bersumpah dengan darah ayam dan Kor'an itu. Tetapi, Tuan Yang di-Pertua, saya sokong juga pendapat-nya bahawa orang² yang bersumpah berchakap begitu bukan sahaja dengan Kor'an dan dengan bible² tetapi ada orang yang bersumpah dengan 3 "S" Orang² yang bersumpah dengan perkumpulan 3 "S" itu patut-lah di-ambil tindakan walau pun mereka berada di-dalam kocek Kerajaan sendiri supaya keamanan dalam negeri ini dapat di-chapai.

Tuan Yang di-Pertua, berbalek saya kapada menyebut K.M.M. dahulu, kalau K.M.M. ini dahulu di-tudoh sabagai perkumpulan yang telah menjadi sayap kelima—yang membawa Jepun masok ka-negeri ini, tetapi di-dalam sejarah pergolakan di-tanah ayer kita ini ada juga di-jumpai satu gerakan yang di-namakan "wataniah" di-mana juga ada di-antara Menteri² kita yang menjadi Lieutenant dan Captain-nya yang telah memberi jalan kapada pasokan² orang puteh masok ka-dalam negeri ini. Apa-kah kata kawan saya, bahawa orang ini tidak boleh mengubah fikiran-nya? Jadi itu-lah saya katakan tadi, Tuan Yang di-Pertua, perkara itu tidak timbul tetapi kerana sekadar hendak menchiut² dan menchochok² kita sahaja, kita pun faham juga, Tuan Yang di-Pertua. (*Ketawa*). Jadi, Tuan Yang di-Pertua,

Mr. Speaker: Dalam Parlimen tidak boleh mengata².

Enche' Othman bin Abdullah (Tanah Merah): Tadi kawan saya itu berchakap lebeh dahshat daripada itu tidak kena tegor?

Tuan Yang di-Pertua, perdirian Persatuan Islam yang sa-benar-nya ia-lah ikhlas di-dalam menghadapi sa-barang kemungkinan dalam negeri ini, sama ada akan di-timbulkan oleh saki baki penjajahan atau pun di-timbulkan oleh subversion yang menyeludup masok ka-dalam semua gerakan atau sa-barang perkumpulan. Tetapi apa yang menjadi

soal kapada kita ia-lah kemungkinan menyalah gunakan dalam melaksanakan undang² ini, ini-lah yang di-khuatirkan oleh Persatuan Islam ia-itu jangan-lah dengan ada-nya undang² ini di-luluskan kebebasan sa-saorang telah tertekan. Jaminan ini perlu ada dari pihak Menteri atau pihak yang berkewajipan mithal-nya pihak Polis. Apasebab saya katakan demikian, walau pun Perikatan mengatakan "Kami tidak pernah membuat lagu tu" ada satu kejadian. Tuan Yang di-Pertua, kejadian yang rasa saya perlu mendapat perhatian ia-itu berhubung dengan sa-orang ahli Persatuan Islam di-Kedah yang bernama Sa'ad bin Ibrahim telah ditahan sa-lama 70 hari di-bawah kuat kuasa Undang² Dharurat pada hal sa-telah di-selideki bahawa Sa'ad bin Ibrahim ini di-dapati salah kerana semata² melanggar Peratoran Pilehan Raya. Chuba tengok, Tuan Yang di-Pertua, oleh kerana salah dengan Peratoran Pilehan Raya maka dia telah di-tangkap di-bawah Undang² Dharurat supaya dia tidak dapat bergerak, tidak dapat bekerja di-dalam usaha² parti-nya, dalam pilehan raya.

Jadi, saya khuatir, Tuan Yang di-Pertua, jikalau sa-kira-nya Bill ini sunggoh untuk menjaga keselamatan dalam negeri dengan tidak ada sa-barang niat untuk menekan sa-barang gerakan dan tidak akan menyalah gunakan—"sebab di-dalam Bill ini diterangkan sa-saorang anggota Pegawai Polis boleh masuk ka-dalam rumah dengan tidak berwarrant, dengan tidak payah lagi menggunakan 'adat isti'adat yang biasa dalam undang²," maka saya khuatir, Tuan Yang di-Pertua, Pegawai² Polis akan dapat di-pengarohi oleh anasir² politik Parti Kerajaan dalam negeri ini sendiri yang boleh menahan sa-saorang itu dengan tidak payah di-pereksa—di-tahan begitu sahaja. Maka saya yakin perkembangan politik dalam negeri ini akan hanchor kalau pengelaksanaan perjalanan undang² ini di-salah gunakan. Apakah yang akan jadi, Tuan Yang di-Pertua, yang akan jadi ia-lah ra'ayat kena hukum sedang dia tidak tahu kesalahannya dengan sendiri-nya dia di-tudoh memasoki gerakan yang melawan undang² negeri ini. Jadi kita yang menegah orang daripada membuat satu

gerakan yang membahayakan keselamatan negeri tetapi dengan tindakan Kerajaan yang sewenang² itu sendiri sa-akan² menyuruh supaya ra'ayat membuat gerakan jenayah di-dalam negeri ini. Jadi ini-lah yang akan timbul sa-kira-nya pemerintah atau pihak Kementerian atau pihak Polis yang menchuba hendak menyalah gunakan undang² ini. Maka saya khuatir suatu hal yang berat akan berlaku dalam negeri ini dan waktu itu terpaksa pula kita mengadakan balek undang² dharurat bagi menghadapi kekacauan di-dalam negeri ini. Tetapi sebak-nya kami harap-lah supaya Menteri yang berkenaan dapat memberikan jaminan bahawa undang² ini tidak akan di-salah gunakan bagi menekan suatu perkembangan politik dan tidak akan dilakukan dengan sewenang²-nya malahan untuk di-laksanakan sa-telah mendapat kenyataan dan keterangan yang ma'kul di-terima maka baharu-lah undang² ini di-jalankan. Tetapi jikalau-lah orang itu di-tangkap, Tuan Yang di-Pertua, di-masokkan dalam tahanan baharu-lah hendak di-buat suatu penyelidikan maka ini ada-lah satu tekanan kapada hidup sa-orang manusia di-dalam sa-buah negara yang merdeka saperti negeri kita ini.

Demikian-lah, Tuan Yang di-Pertua, keterangan dan pendapat kami dalam soal ini, kemudian saya ulangi sa-kali lagi kapada kawan saya daripada Dato' Kramat ini-lah pendirian kami pada keselurohan-nya dan pada keselurohan-nya juga ada-lah untuk menjaga negara ini daripada sa-barang kerosakan pada masa yang akan datang.

Enche' K. Karam Singh (Daman-sara): Mr. Speaker, Sir, the Honourable mover of this motion has got his history a bit mixed up, and in that mixing up of his history he has, I don't know whether consciously or unconsciously, sought to mislead opinion in our country. He has said that there was a revolt against the Government. I tell this House that there has been no revolt against our Government, although in our recent history there has been a revolt against an alien Government, a Government which was not rooted in our country; that revolt was not against the Government of our

country, and I would like to remind the Honourable mover of this motion that the Alliance Government only became the Government of this country in 1957, when this country became free. Before that, although the Alliance Government did have an elected majority, it could be said that it was the real Government of this country. As such, I would ask the Honourable mover, who himself lived through this period, not to mix up and not to mislead this nation as the nature of any alleged revolt against any Government.

We find that there has been talk earlier by the Honourable mover of this motion about democracy. He himself has earlier said of double talk about democracy, and I quote the *Straits Times* of Saturday, 11th June, 1960, the heading of which is "Lip-Service Democracy" by the Honourable mover, and what does he say in it? He says:

"In carrying out our policy, we may have to adopt measures which are not strictly compatible with our ideals of freedom and parliamentary democracy. But we do that as a temporary expediency in order to defend our freedom and our democracy."

If this is not a split tongue, a double talk, about democracy, what is it? You want to mutilate democracy; you want to destroy freedom in the name of freedom; and you want to defend freedom by killing it, by standing over its graveyard. That is the double talk that we had on democracy from one of the highest officials of the Alliance Government.

Now, what is this Bill? This Bill is the death sentence of Malayan freedom, and if there is any mythical father of independence, I would like to see him defend the freedom of our country. Otherwise, the father who claims parentage is just mythical.

Now, I will go into the lineage of the Internal Security Bill. It was the child of the British Colonial Government, and it was born, I think, in 1958. On August 31st, 1957, through the unhappy demise, or the unlamented demise, of its father—the British Government—it became an orphan and since then it has been artificially kept

alive from year to year until to-day when the Alliance Government has seen fit to adopt this orphan—the Emergency Regulations—and give it its own name. But it is the same Emergency Regulations. It is a worse Emergency Regulation. It is an Emergency Regulation which has developed and has become stronger, and it has become a greater threat to the freedom of our country, and I say without fear that the Alliance Government is to-day riding on the same charger that Henry Gurney and Gerald Templer rode—the charger of the Emergency Regulation.

There was some absurd talk about the necessity of this. There was one Honourable Member who said the Tunku, or the Prime Minister, is a good man because he did not kidnap Chin Peng. But neither did Chin Peng kidnap the Tunku. So, if the Tunku is a good man, Chin Peng is also a good man (*Laughter*).

Mr. Speaker, Sir, on page 9, section 8, what do we find? We find that a Minister can impose conditions, and the conditions are that he may restrict a person to a particular place, he may specify restrictions on his activities and may put him under restriction regarding his employment. Mr. Speaker, Sir, we know that in war you have an economic blockade. You can destroy the freedom of any man by putting him in another place from the place where he earns his livelihood. For instance, you take a lawyer or doctor or accountant who practises in Kuala Lumpur and put him in a place very far away from his professional office. What do you do to him? You crush him economically, you finish him, and yet we have a Government which claims to be democratic. Then that man may be prohibited from coming out at any time of the day. Okay, you prohibit members of the Opposition from coming out after 6.30. What happens? They stay at home. They can't address any rallies and they can't go anywhere. Now, sub-clause (iii) of the section says,

"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;"

We know from the working of the Prevention of Crimes Ordinance—I am just saying from the working—how inconvenient, how oppressive can be this requirement of having to report to so and so, going and telling a person in authority where you are. Before you leave that place you have to report again; again, when you arrive you have to report. But one of the sinister provisions is contained in sub-section (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;"

Mr. Speaker, Sir, by preventing a man from addressing public meetings you deprive him of his most democratic, his most fundamental, right, and then you can curb his activities in relation to any organisation. Why should you prevent a man who is a member from a legal political organisation from going up to a stage and pin-pricking you on your faults and exposing the Government, saying where you all are wrong, saying if you are corrupt, saying you deceive the people. Why should you be frightened? What we demand is democratic right, and I will tell the Government that they will have to face the people and then answer why they are preventing their opponents from exposing them.

Mr. Speaker, Sir, section 22 (1) (c) says—

"Where it appears to the Minister charged with responsibility for printing presses and publications that any document or publication—

is calculated or likely to lead to a breach of the peace, or to promote feelings of ill-will or hostility between different races or classes of the population;"

Now, we know that the plantocracy of Malaya, the people who manage and run the rubber estates, are oppressing the workers there. If we in the Opposition give a statement to the effect that the plantocracy is exploiting and oppressing the rubber tappers of Malaya and a paper publishes that, the Minister can turn round and say: "You are exciting—or promoting—ill-will between the tappers and the

plantocracy, the bosses in the estates. I ban your paper; I would put such conditions on you." What is the effect? This is a blow aimed at the Press. It is a loaded gun put at the freedom of the Press.

On page 16, section 25 (2) says—

"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."

That again is going into the question of the state of a man's mind and you do not give proof or evidence of the condition of the state of his mind. You go on a presumption, and that is brain washing which the Government always says the communists practice. But they forget when they practise it themselves.

Now my Honourable friend from Dato Kramat has already dealt with section 28 where it says—

"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."

There is no one to judge whether a statement is false or not, and we know that many times the Alliance Government has been subjected to despondency, especially when we have attacked them for loss of Government funds. When we do that they can at once say that these statements are false and take action against the speakers. I would give an example. We know that our Prime Minister has just returned from a tour of Europe and very proudly he has announced that West Germany will be making a gift of one million marks. If I term that as a terrific feat in international beggary, it may cause terrible depression, terrible despondency among the Alliance. Can they on the score of that, on the score that it hurts them, lock me up and ban my political activities?

Dato' Suleiman: We will laugh at that (*Laughter*).

Mr. Speaker: I don't like to interrupt you. But these points have already been raised in the House by many people. Please proceed.

Enche' K. Karam Singh: We find that the most sinister and crooked provision in this Bill is contained in section 29. Section 29 (1) reads—

"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."

And sub-section (3) (d) of the same section says:

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

to bring into hatred, ridicule or contempt, or to excite disaffection against any public servant in the execution of his duties or any class or public servants or against any armed force lawfully in the Federation or any member of such force in the execution of his duties;"

Now, what is this provision? It is a very well hidden provision right in the middle of the Bill so that we in the Opposition may not see it (*Laughter*). And what does it amount to? It amounts to this, that we shall not criticise the presence on Malayan soil—on the soil of our country—of foreign troops, of British troops. If we write up a speech in which we condemn foreign troops, in which we condemn the British army in Malaya, or if we have spoken condemning the British army and calling for its withdrawal and if a newspaper reports our speech, that becomes subversive document. I would like to inform the Government that we in the Opposition have since the very start, even before Malaya became independent, made a definite stand against foreign troops and we will continue that stand until the withdrawal of the last

Mr. Speaker: Is that relevant?

Enche' K. Karam Singh: Yes, Sir.

Mr. Speaker: It is not the issue at all. You can give example, but it is not relevant. Up to that point you are all right, don't proceed any further on that (*Laughter*).

Enche' K. Karam Singh: But, Mr. Speaker, Sir, we find that it is not necessary to go against any armed forces lawfully in the Federation if it is going to be a Malayan force. So, it is obvious that the armed force mentioned here must be a foreign armed force and not an armed force of the Malayan Government.

Mr. Speaker: Yes, proceed!

Enche' K. Karam Singh: And we will persist in our stand, as I have said, until the complete withdrawal of the last foreign troop.

Lastly, what does this Bill make of Malaya? It makes Malaya a complete police State. (*Laughter*). The Alliance Minister can laugh, because they are not at the receiving end.

Dato' Suleiman: They can laugh last! (*Laughter*).

Enche' K. Karam Singh: But we know that he who laughs last laughs best, and we will see who laughs last! (*Laughter*).

It makes this country a complete police State. Anyone, even the leading members of the opposition parties, can have their political activities controlled and curbed and their freedom completely destroyed. We ask, since our freedom will be destroyed by this Bill, what becomes of the conception of freedom and the conception of independence? Independence without freedom is an empty independence, because the people of this land fought for their freedom, fought for their independence, so that they will be free. They did not fight for independence so that they become unfree, so that they become slaves of the police. Without freedom, independence becomes nothing but a hard cast iron shell to enslave and cripple the people; and I would like to tell the new gods of the Alliance that is not they who created us or our minds. Since they did not create us or our minds, I tell them that they have no right to control us or our minds; if they do not have the intellectual capacity to control and guide the people of Malaya, then I tell them to give up. (*Laughter*).

My Honourable friend, the Member for Dato' Kramat, referred to the Magna Charta of almost eight centuries ago, and we know about the French Revolution of approximately two centuries ago. These were historical events concerning the acquisition of freedom by the people. Sir, what is happening today is a backward step taken by the Alliance Government to the dark past, to the days when there was no freedom in the world—and even farther back than before the Magna Charta, we are taken back to the days of the cave dwellers. (*Laughter*). The Alliance in a more refined way is attempting to club its opponents who do not accept the Alliance, who do not accept their type of political ideology, the thoughts and ideas represented by the Alliance. I ask them to be more civilised (*Laughter*) to come back to the twentieth century and let ideas fight with ideas, so that the people of the country can reject or accept, can follow or not follow our ideas.

The Honourable Mover of this motion has said in his speech, which I quote from the papers: "Therefore we have to defend this ideal of ours and we owe a duty to the future generations." Sir, I would like to tell the Honourable Mover that the future unborn generations will be free from the clutches of the police that to-day seek to constrain the minds of Malaysians; and I can tell the Alliance that the future generations will not care anything for what the Alliance was. If they are remembered in history, they will be remembered as the desecrators of the freedom of this land.

Now, there is another provision in Clause 32, Chapter IV, Control of Entertainments and Exhibitions, and it says "control", and the control is exercised so that there may not be anything subversive. However, what is the effect of this control on entertainments and exhibitions and of books? We find in today's *Berita Harian*, adorned by the photographs of Tuan Syed Nasir, the Honourable the Minister of Education and Tuan Syed Esa, the caption, "Dewan Bahasa,

Lebih banyak buku tahun ini" (*Laughter*). It is relevant in this way. You are seeking to control entertainments and exhibitions; you are seeking to control the press. I ask you whether under such condition of oppression and the severest curtailment of freedom, freedom of press, freedom of entertainments and freedom of exhibition, can this country provide the breeding ground, can the conditions here be conducive to the growth and development or production of a George Bernard Shaw—a great creative mind—who would not care what the Prime Minister thought, or who would not care for ten Deputy Prime Ministers? (*Laughter*).

Mr. Speaker: How is that relevant to the debate on this Bill?

Enche' K. Karam Singh: What is the result? The result is that no original mind, no thinker, no creative mind, can be allowed to flourish in the type of climate created by the Alliance Government to-day.

Tuan Syed Hashim bin Syed Ajam (Sabak Bernam): Tuan Yang di-Pertua, saya menyokong undang² ini dan menguchapkan terima kaseh kepada Yang Berhormat Timbalan Perdana Menteri mengadakan undang² ini kerana saya fikir undang² ini tidak jauh beza-nya dengan undang² Tuhan. Undang² Tuhan dalam begitu banyak dua sahaja tujuan-nya ia-itu menyuruh orang membuat baik dan menegah membuat jahat. Jadi jikalau tidak ada yang demikian maka tidak dapat keamanan dan tidak dapat menggunakan yang di-katakan demokrasi dan kalau tidak ada keamanan tidak boleh demokrasi berjalan, jadi kita mesti menchari jalan mendapatkan keamanan.

Tuan Yang di-Pertua, ada-lah saya tidak hendak membicarakan bill ini. Kalau-lah bill ini kita hadapkan kepada ra'ayat di-dalam Malaya ini saya perchaya 95 peratus daripada-nya mengaku mahu bill ini. Apa sebab-nya kerana mereka telah merasa perbuatan komunis sa-lama 12 tahun yang sudah yang telah menjadikan penduduk dan Kerajaan negeri ini kuchar kachir. Apa telah jadi sa-bagai bukti-nya di-Singapura negeri yang dekat dengan kita

tiap² orang kaya kena tangkap oleh penjahat dan kena tebus wang, dan orang miskin tidak dapat kebebasan dan apa hal-nya kalau terjadi samacham itu dalam negeri kita ini. Jadi sangat patut-lah undang² ini kita adakan dan tidak-lah payah kita undi, kalau di-hadapkan kapada orang itu dia mesti dan tentu mahukan undang² ini sebab saya perchaya orang kaya mahu berlindung kapada Polis kerana hendak menjaga diri-nya. Jikalau tidak ada keamanan boleh-kah orang kaya itu keluar daripada rumah dia daripada pukul 6 petang sampai pukul 6 pagi, tentu dia berkehendakkan perlindungan dari pemerintah negeri ini. Ini ada-lah satu jalan yang sangat bijak-sana.

Tuan Yang di-Pertua, menilek kapada hal² dalam rang undang² ini banyak pula orang mengatakan perkara ini tidak boleh di-terima kerana sangat berat. Ini saya fikir tidak berat, yang berat ia-lah yang kita rasa sa-lama 12 tahun dahulu. Kalau di-bentangkan kapada penduduk mana berat undang² ini dengan undang² yang 12 tahun dahulu maka semua manusia yang ada di-dalam Tanah Melayu ini mahu undang² ini. Jadi di-sini saya tidak-lah membicarakan lebeh panjang berkenaan dengan bill ini kerana saya tengok masa pun sudah berlanjutan. Jadi saya menguchapkan terima kaseh kapada Timbalan Perdana Menteri kerana pada fikiran saya ra'ayat sangat² bersetuju dengan undang² ini.

Enche' V. David (Bungsar): Mr. Speaker, Sir, I do not have very much to say since my colleague the Honourable Member for Dato Kramat has given a proper analysis of the entire Bill, but I cannot let it go without making certain observations, which are necessary as a result of my experience under the Emergency Regulations. Sir, I know that whatever speeches may be made, whatever explanations we may be given in this House, the Back Benchers of the Alliance have always come up here with fixed ideas, with directives, so that they will not be persuaded. However, Sir, I must give a warning that the supporting of this Bill will be a political suicide. It is a last minute and desperate attempt by the political bankrupts to move a Bill aimed at curtailing the activities of

Opposition Parties in this country. The two reasons given in this House by the Honourable Mover of this Bill are: (1) to counter subversion; and (2) to take necessary measures in the border to prevent terrorism. Sir, with regard to countering subversion, I am at a loss to understand what the Honourable Mover means by subversion. Yesterday when the Honourable the Prime Minister gave a long history about his recent talks with Mr. Eric Louw of South Africa, he said that he was not satisfied with Mr. Eric Louw for making allegations against the Pan-African Organisation and as subversive. But here, to-day, an attempt is being made by the Honourable the Deputy Prime Minister, to adopt this Bill so that in time to come he will have the sole authority, to ban political parties and if necessary to detain any leader of a political party for opposing his views and policies.

Mr. Speaker, Sir, the Emergency Regulations Ordinance in this country was intended to check communist activities, but it did not confine itself to communist activities only, in particular it went beyond its scope by arresting anybody whom the Cabinet did not like, and many had been the victims; and some of us who have been victims of the law are here to tell the truth. The Honourable the Prime Minister, or the Deputy Prime Minister, or any Member of the Government Bench cannot refute the fact that there are still so many citizens, who have not been brought before a Court of Law, for the alleged offences but are under detention—for instance, Mr. Balan who has been detained for twelve years. This is all done in the name of democracy, and though our detainees are privileged to write letters, those letters written by them are not delivered to the respective persons; and I am sure that the Honourable the Minister of the Interior will be able to reply to me.

Dato' Suleiman: I will.

Enche' V. David: Mr. Speaker, Sir, I do not think Malaya can claim to be a model of democracy to the other part of the world. Unfortunately, people in other parts of the world do not know what is happening in the Federation

of Malaya. As the Honourable Member for Ipoh has said, the Police are beating persons who are arrested for alleged offences. I can dare say in this House that there are not only one or two cases, but there are hundreds of cases. It has become a full-time occupation for the Police, the moment anybody is arrested, to assault him, and he is forced to admit what he has not committed. All these are under the disguise of democracy.

Mr. Speaker, Sir, a few years back if I were to say that China should be admitted into the United Nations, I would be charged for subversive activities. But to-day after brain-washing at the Commonwealth Prime Ministers' Conference, the Prime Minister of the Federation of Malaya has realised the necessity and importance of admitting China into the United Nations. We are happy to hear that, but as far as we in the Opposition are concerned, we do not need any brain-washing in foreign countries. We can decide ourselves for what we stand in this country. This will clearly indicate that the Alliance Members need brain-washing from time to time from other parts of the world.

Constant reference has been made to India. The Honourable the Deputy Prime Minister has said that India has preventive detention. Yes, it has, but the Indian Government recognises the Communist Party in India—that we do not do in Malaya. The Indian Government has established diplomatic relationship with all Communist countries regardless of their internal political structure, but we have not done so. Therefore, making references to India is absurd. We are only making reference to certain advantages at certain times. If we make references to India, then we must apply so many things which are adopted in India.

Mr. Speaker, Sir, referring to Wan Hamid who had been all through, until recently when he was released, a security risk to this country, he would not have been detained the moment he entered Malaya if he would have joined the Alliance. Unfortunately, Gentlemen, he had

different views which were diametrically opposed to the views and policies of the Alliance and, therefore, he had to spend a few months in the Rest House.

Mr. Speaker, Sir, these Clauses here are not new. Two of them were imposed on me when I was released. I refer Sir, to page 9, Clause 8, subparagraphs (iv) and (v) of the Bill which read: "... 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;" and "... prohibiting him from travelling beyond the limits of the Federation ...". Mr. Speaker, Sir, when I was arrested, the Honourable the Deputy Prime Minister made wide publicity in the press that I was not arrested for political or trade union activities, but for purely subversive activities. What I did find when I was released? The two conditions imposed on me were: one was that I should not participate in trade union activities, and the other that I should not leave the Federation for one year.

Mr. Speaker, Sir, the Honourable the Deputy Prime Minister and his Cabinet cannot deceive the people. People are constantly reading newspapers and they follow events from time to time. I say that this Bill here is not intended to take measures against terrorists' interference in the border, but it is aimed at political parties which are opposed to the views of the Alliance.

Mr. Speaker, Sir, by the provisions of preventive detention,—suppose a trade union calls a strike, especially in the essential services—as a result of an industrial dispute—the Minister may consider that it is important not to allow the strike to take place, and in order to destroy the strike and the aspirations of the workers, then the leaders of the strike can be placed under restrictive residence far away from their homes. By this means, the normal functions and the normal activities of a legitimate trade union itself can be interrupted. The Bill here has been

given wide powers, powers which can be misinterpreted and abused at the will and pleasure of the Honourable the Deputy Prime Minister and his colleagues. I have no doubt in my mind, Mr. Speaker, Sir, that this is not a security Bill; it is a Bill which is a threat to the views and expressions of the Opposition political parties.

The Bill also covers the activities of freedom of publications. We through experience in this country have seen permission for publishing papers have been turned down on many occasions. The reason is not given—according to answers given to questions in this House it was considered as confidential—but I must warn the Press will one day be curtailed if it does not act to the whims and fancies of the Alliance, and one day I won't be surprised the Assistant Minister of Information will go round to the editors and say: "You can only publish three lines, four lines, of what is expressed by the Opposition political parties, and full coverage should be given only to the ruling Party". Therefore, the Press cannot enjoy the freedom to criticise and the freedom of publication which is being enjoyed in other parts of the world. This is not only aimed at English papers, it is aimed on most of the vernacular papers which have been showing a progressive trend, which have been freely expressing their views on the various subjects of this country and the various issues arising from time to time. Therefore, the Press will be gagged by this new Bill.

While moving the Bill, the Deputy Prime Minister said no loyal citizens should dispute over the provisions of this Bill. I here completely oppose and deplore this Bill—do you mean that I am disloyal to this country? Mr. Speaker, it is absurd to say that anybody who opposes this Government is disloyal to the country. We have a right to criticise, and will continue to criticise. If you think that we should not criticise, the only measure left to you is just lock us up—which you have done, and which you will do

Mr. Speaker: You need not shout!

Enche' V. David: Mr. Speaker, by criticising the Government or the ruling

Party cannot be construed as disloyal. We are citizens of this country, we are entitled and we are provided the right under the Constitution of this country to criticise, to deplore and condemn whenever it is necessary. Therefore, the test of loyalty cannot be tested in this Bill.

Mr. Speaker, Sir, the mover also said a person is arrested because he is a risk to the security of the country, second, if he is considered as an enemy of democracy. How could the Minister consider somebody as an enemy of democracy? The word "democracy" has got a wide meaning and a wide interpretation. Democracy is now become the tool of the Alliance and is being applied and twisted and turned as they like. Mr. Speaker, I wonder how the Honourable the Deputy Prime Minister is going to decide who are the enemies of democracy? Maybe people who criticise his Cabinet Ministers and his policies can be considered as enemies of democracy. Maybe the Alliance may consider that they are the representatives of God who have come to this world to preserve and protect democracy and anybody who opposes their views and policies are against democracy.

Mr. Speaker, Sir, my colleagues and myself, we feel that if this Bill is accepted, it will be a tragedy to the human rights, democratic liberties and self-determination of the people of Malaya, and as such we condemn and deplore this Bill. Mr. Speaker, Sir, the Emergency Regulations have given a test to the people of Malaya, and the wounds which were received in time of the Emergency Regulations have not yet been healed. It will take years to be healed. Hundreds of people have been tortured and are still being tortured in the hands of our colleagues sitting opposite, and these people will take years to be healed of their wounds. For example, Mr. Balan's detention for 12 years is a clear example to the world, and it should become an international issue. I hope this issue will be known to the leaders of other countries so that they will know where Malaya stands, and the Honourable the Minister of the Interior even went to the extent of not delivering the letters, withholding letters

of Mr. Balan which he had sent to friends and others. This will clearly indicate where we stand in a democratic country. This is Fascism! Power is in your hands, you are abusing those powers vested by the people in you.

Mr. Speaker, Sir, finally, I oppose this Bill and call upon the Government to entrust this Bill in the hands of a Select Committee for another six or seven months so that it can be studied in detail.

Before I finish, I like to touch on the question of bond. It says here in Section 8 (1):

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

Mr. Speaker, Sir, a Review Commission about a year back, under the Emergency Regulations, decided to release four union officials on a bond of \$10,000 each, and they were asked to get in touch with their friends to obtain persons to stand surety. These gentlemen obtained people to stand surety. After that, the Government suddenly announced that it had withdrawn its decision. This clearly indicates the Review Commission and the Review Committee had been under constant dictatorship of the Government, and not independent. The same thing will happen to the Advisory Board which will be set up under the Internal Security Bill. Mr. Speaker, this is a farce, and it is not going to help the residents of this country; it will just try to deceive the people under the powers vested by them during the last election. However, we hope that the Members of the Government Bench will be fair to the electorates and not allow themselves to be dictated by the Cabinet Ministers.

Enche' Chin See Yin (Seremban Timor): Mr. Speaker, Sir, the Honourable Minister of Defence, in introducing the Bill this morning, told us that it is intended to fight against Communist bandits lurking in the jungles, and, secondly, that it is intended to fight against subversion by evil forces now in our midst. This Bill is the result of an amendment recently made to the Constitution, and I supported that amendment after the

Honourable the Deputy Prime Minister withdrew a proposal to include preventive detention provision in the Constitution. This move is, to my mind, a complete reversal of the practice of democracy. We are in fact moving from the frying pan into the fire. If this Bill is intended to fight Communist bandits, Sir, then I say we must not allow the Emergency Regulations to be repealed; let them remain.

Now, Sir, having studied the Emergency Regulations and compared them with the present Bill, I think there is quite a lot to be said about the present Bill and much of it has already been said by previous speakers. The question before us is: whether this Bill, if we adopt it, will be good or evil to the country. The success or failure in the administration of a law depends on the governing party. Now we are going to enact a law that contains very wide powers—the power of preventive detention for a period of up to two years is a very wide power, and can be said to be very dangerous—and if it is left in the hands of someone who is not fair, who practises something that is not good, or who is revengeful or vindictive, then it is going to cause harm to the country. I am not suggesting that the present Ministers will abuse the powers, but the powers that are given to the Police in this Bill are so wide. The senior officers may use them very carefully, no doubt, but the junior officers may abuse them. That is the trouble that we have got to face.

We have condemned the South Africans for the passport system without which the natives cannot find employment, and that resulted in hardship and starvation to the natives. We called this an inhuman act—unjust, unfair and what not. No doubt, Sir, the policy we condemned in South Africa is against the fundamental principles of human rights and liberties. Let us examine the two proposals contained in this Bill. One is preventive detention; the other is the restriction of the movements of certain individuals. Both of these, I say, can create much hardship and starvation

to lots of people. And if it is necessary to do so, then we must do it in a more humanly manner. We must not make the innocent to suffer. In the past, under the Emergency Regulations, when a person is detained he is usually kept in a detention camp. If he is the breadwinner, Sir, then we know his wife and children, who are depending on him, would suffer. If this Bill becomes law—no doubt it will be passed by this House—I suggest there should be an island for reform. Let us send the suspect to the island; let us give him land to cultivate, so that his wife and children, who have to depend on him for support, may not have to live in starvation and hardship. That is something the Government should do. By detaining the suspects you are going to create hatred and bitterness among their wives and children, because these innocent people have got to suffer as a result of the detention of the suspects. For that reason, Sir, I say it is important. If this Bill is going to be law, the Government must look for an island where we can keep the suspects there, and where they can work hard to support their wives and children. This is a thing which I say is most important.

If we can retain the Emergency laws, let us retain them. But let us not create a law, and leave it to somebody else. If we do that, we are going to repent at a later date. I think we should consider very carefully before we pass this law, and I hope everybody will give this Bill very careful consideration as to whether or not we are going to create a monster that will one day harm us very much.

Dato' Onn bin Ja'afar: Sir, unlike the Member for Damansara, I am not opposing this Bill. In fact, I support the general principles of this Bill, although I differ in opinion on some of the details in the Bill itself. Anyone who has been in contact or who has studied political events within the Federation since 1945 will undoubtedly support this Bill, and cannot deny the necessity for some sort of legislation of this kind. The Emergency will terminate, so we are informed, on the

31st July this year; the Emergency Regulations will be abolished and some other law will have to be provided in order to safeguard the interests of the country. Subversion is a weapon used by opponents of democratic government in this country and elsewhere and it is with subversion that the Government of this country is closely concerned at this vital stage in the development of the Persekutuan Tanah Melayu as a free self-governing nation.

On the Bill itself, Sir, I have in fact very little to say excepting to point out that in April of this year when the amendment to the Constitution was brought before this House, there was a section—section 30—dealing with legislation against subversion, empowering a Minister to detain any person for a period of exceeding two years. Now, this particular provision was withdrawn by the Minister moving the amending Act. And if I remember rightly, a Member of the Alliance—I think it was the Member for Larut Selatan—got up with great glee to point out to this House that that particular section was withdrawn because of the insistence of the Alliance backbenchers that it should not be included in the amending Act. Now, to my utter surprise, I see practically the same provision being inserted in this Internal Security Bill, and I do feel that it is a breach of trust on the part of the Government to have withdrawn section 30 from the amending Bill to the Constitution and now to include it in this Internal Security Act. This particular section, section 8, empowers the Minister to make an order directing that such person or persons be detained for any period not exceeding two years. Now, having issued an order directing that I should be detained say for 18 months, then I am told that I could make representations to an advisory committee and that advisory committee would then review my case and make recommendations to the Yang di-Pertuan Agong.

Now, the provisions under section 12 are slightly different to those prevailing

in Article 151 of the present Constitution, because under Article 151 it says:

“(b) no citizen shall be detained under that law or ordinance for a period exceeding three months unless an advisory board constituted as mentioned in Clause (2) has considered any representations made by him under paragraph (a) and has reported, before the expiration of that period, that there is in its opinion sufficient cause for the detention.”

I would like to point out the words “that there is in its opinion sufficient cause for the detention”. Now, in the existing section 12 of this Bill, it says:

“(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.”

Tun Abdul Razak: On a point of information, Sir, that part of the Constitution has been repealed—that part of the Constitution quoted by the Honourable Member has been amended at the April meeting. There is now a new provision to Article 151 (b).

Dato' Onn bin Ja'afar: Would it not be better to have retained Article 151 than amending it and making it more difficult for the person detained to have his case reviewed with some satisfaction? I would much prefer to retain the original clause 151, or even a variation of it—something in accordance with the relevant provisions in the Indian Constitution which give complete freedom of action to the Board of Review or the Advisory Committee to make whatever recommendations it seeks to do, to the President of India or, in our case, to the Yang di-Pertuan Agong. But here the value of such recommendations made by the Advisory Committee is very little indeed, because that Advisory Committee merely makes recommendations to the Yang di-Pertuan Agong and the Yang di-Pertuan Agong is under the thumb of the Cabinet or of the Minister concerned.

Now, Sir, another matter which deals with this detention business is

that any person may have his detention reviewed by this Advisory Committee. But in the case of non-citizens in the Federation, as I read the Bill, that review can only be made once; whereas in the case of Federal citizens, section 13 says:

“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.”

That is all right. But in the case of a non-citizen, as far as I can see his case is reviewed once: the Advisory Board makes a recommendation and that is the finish of it. He is locked up for two years, 18 months or 20 months, or whatever it is. Is that the way to deal with an individual, to create a distinction between a citizen of the Federation and a person who is not a citizen but who should have the same rights under our fundamental liberties which says, under Article 5 of the Constitution, “No person shall be deprived of his life or personal liberty save in accordance with law”? Now, Article 5 of the Constitution says “no person”—it does not say “no citizen”. “No person” includes a citizen and a non-citizen as well.

The other matter which I would like to say a few words is on the clauses dealing with publications. Article 10 of the Constitution says: “Subject to Clause (2), every citizen has the right to freedom of speech and expression.” This Bill curbs in a very considerable degree the freedom of speech, the freedom of expression of newspaper editors, magazine writers and people like that. Section 22 says “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.” I agree with that. Or, (b) “counsels disobedience to the law or to any lawful order.” I agree with that. Or, (c) “is calculated or likely to lead to a breach of the peace.” I agree with that. But what I disagree with is “or to promote feeling of ill-will.” We may have an Honourable Member in this House who gets up and advocates a policy in

favour of certain sections of the population and in advocating that policy he may tread very heavily on the toes of other Members or other parties and may create feelings of ill-will. I myself may stand up here and advocate greater measures for helping the Malays; I may be creating ill-will towards members of the Chinese or Indian communities or *vice versa*. I would much prefer to see the word "ill-will" taken out of this Bill. I agree to "to promote feeling of hostility between different races or classes of the population"; but I do say that the word "ill-will" is far too wide and incompatible with the existing racial composition and racial aspirations in this country as we have it today.

It is only on these two points which I have comments to make. As I have said, I agree with the general principle of this Bill. I feel that it is absolutely necessary that there should be legislation of this kind to replace the Emergency Regulations which will expire on the 31st of July, but I do hope that the Honourable the Minister will make a careful note of this. I would like to warn him—and I hope he will accept it, but I have my doubts—that on the second reading of this Bill I would propose that this Bill be referred to a Select Committee. I quite realise the urgency for passing this Bill. I realise that the Emergency Regulations will expire on the 31st of July, that the Select Committee will have to get down to its work quickly, and that it will mean, Sir, that this House will have to meet some time before 31st July to receive the Report of this Select Committee and to pass this legislation. But nevertheless, I do say that in the interest of the country, it should not be a difficult matter for this House to meet towards the end of July, before the 31st, to deliberate on the Report of this Select Committee and to pass this legislation.

Mr. Speaker: Honourable Members, time is up now. It is half past four.

Enche' S. P. Seenivasagam (Menglembu): Sir, there are others who wish to speak.

Mr. Speaker: We can carry on to-morrow.

ADJOURNMENT

Tun Abdul Razak: Sir, I beg to move that the House do now adjourn.

Enche' Tan Siew Sin: Sir, I beg to second the motion.

ADJOURNMENT SPEECH

Seremban Estate

Enche' K. Karam Singh: Sir, My subject is the strike on Seremban Estate. It is now entering its fourth month and the strike was the first solid action on the part of those tappers after a long time of being kicked about by their employers, of being oppressed, and of being treated like cattle. The strike was a protest against the dismissal of 18 co-workers by the Manager, and, like full-blooded members of the working class, they rallied to the defence of their sacked colleagues and of their own honour. What is suprising, Sir, was the role of the police to this strike. The role of the Police was most villainous, and we can see that behind the villainy of the Police was the hand of the Government. For instance, the leaders of the strike were arrested, and, even for a minor offence, they were not offered bail. Why was this so, and why did the Police act like this? The obvious answer is that the Police sought to break the strike by detaining the leaders of the strike in jail, but they failed in that. Further, the Manager of that Estate had used armed thugs to come to terrorise the strikers. When these armed thugs with weapons were arrested and handed over to the Police, nothing was done to charge these thugs, but, on the other hand, the strikers were arrested. Later, the strikers asked a responsible officer of the Police, the O.C.P.D. of that area, why had these thugs not been charged, the O.C.P.D. said, "You can carry chains, you can carry knives, but please do that inside the estate." Now, we know that by having more than ten workers in the estate, that makes it a public place. So, for them to carry knives and chains in the estate is a criminal offence. I would like to ask why did the O.C.P.D., why did the Police, give this sinister advice—why

this crooked advice? Obviously, it was meant to trap the strikers, to brand them as criminals, to brand them as thugs, to give them a bad name, and to charge them in Court and to hang them in front of the whole country. Further, the Police assaulted even boys and girls and women who were picketing, and on one occasion the police sought to smuggle four strike breakers in a Land Rover across the picket line. It was only the persistence and courage of the strikers that foiled them. To those valiant strikers, I would say that the heart of every tapper in Malaya, not only in Negri Sembilan, is behind them and would wish them to continue the strike until they get victory.

National Union of Plantation Workers

My second topic is about the the National Union of Plantation Workers. We know that one or two leaders of the N.U.P.W. had been the stooges of the British Government and they later became the stooges of the Alliance Government. I have no hesitation to mention that the Secretary-General of the N.U.P.W. and its president have betrayed that Union both to the "plantocracy", to the bosses in the estates, and to the Government. First, they became puppets, in the former Legislative Assembly, of the British. The British effectively silenced them—not a single demand for the workers, not a single benefit was asked for the workers by those people in their tenure of office in the former Legislative Assembly. And to-day what has the Secretary-General of the N.U.P.W. made the N.U.P.W.? On every annual conference the Deputy Prime Minister is invited, the Assistant Minister of Labour is invited to come and do propaganda on behalf of the Alliance. I ask—is this keeping the Union non-political by making it a platform first for the Honourable the Deputy Prime Minister and then for the Honourable the Assistant Minister of Labour? And, further, we know that the policy of the Secretary-General has been to send out people from Malaya on espionage activities to other parts of the world on behalf of American capitalism.

Dato' V. T. Sambanthan: Nonsense!

Enche' K. Karam Singh: Please reply later. For instance, people have been sent on assignment to South Africa, to India, to Bangkok and to Burma. Why? To subvert the unions in those countries, to infiltrate into unions of those countries and subvert them in favour of American capitalism. And these are the so-called union leaders of Malaya. We know that, for more than a decade, the Secretary-General of the N.U.P.W. has held that position. But has he achieved one thing on behalf of the workers, on behalf of its members; has he achieved a single demand of pay rise or guaranteed employment; has he achieved gratuities and agreement on compensation from the bosses? No. The bosses love him and the Government loves him, because he has been able to play their game. It pains me to say this, because it pains me to see a betrayal of the workers. To-day the monolithic unity of the N.U.P.W. has been weakened by such leadership. The ordinary rubber tapper of Malaya is enthusiastic for his union, and he is enthusiastic because he wants the union to fight. (*Interruption*). The ordinary tapper is enthusiastic as a unionist, because he wants it to fight for a better life for him. He is under-paid, underfed; he has not even shoes to wear, his children are underfed and unclothed. That is why he wants the Union to fight for him. But what has this leadership done?

I would like every press

Mr. Speaker: Your time is almost up.

Enche' K. Karam Singh: I would like every press to carry what I say, so that I can be criticised and I can be answered. I issue this challenge even to the papers, because I know there have been occasions on which some papers have been bribed by the leadership of the Union not to publish certain news, and to publish certain news favourable to them. I issue this challenge and I want a reply from these people as to what they have done in their long tenure of office for the workers. They talk of their activities all over the world. They

say that the N.U.P.W. is the biggest union in the free world. But what have they done for the workers? The workers are suffering and that is why I am asking this question.

Enche' V. Manickavasagam: Mr. Speaker, Sir, as far as I am aware, the Police are carrying out their normal duty, that is to ensure peaceful picketing while a strike is in progress. Sir, the Honourable Member, who comes from the legal profession, should know that there are certain laws by which we govern the country. The laws are not framed only for the workers. They are also framed for employers and all workers, irrespective of whether they are on that estate or elsewhere.

As far as the National Union of Plantation Workers is concerned, Sir, I am at a loss to understand what the Honourable Member hopes to achieve by his attempt to undermine the officials of the National Union of Plantation Workers in connection with this strike. Government has stated from time to time that it will not at any time interfere with the internal administration of any union. Therefore, I do not propose to try to reply to the points raised by the Honourable Member in connection with the operation of the National Union of Plantation Workers. Furthermore, Sir, I do not think that this is the place for the Honourable Member to

raise the question about the Union, because there is no Member from the Union to reply to him. He should have gone either to the Union itself or a place where he can get a reply. Not only that, Sir, but he has also said that the officials of the N.U.P.W. have been tools of Government. For the last six months I have had the honour of performing the duties of an Assistant Minister, and I have never found that they have been, at any time, the tools of anybody. They have always been championing the cause of the workers, and I can tell this House, Sir, that it is one of the strongest and best organised unions in this country to-day (*Applause*).

The Honourable Member has also said that I had been invited to their Conferences. Sir, I have not so far attended any Conference of the N.U.P.W., but on the other hand, I have received an invitation to open a Conference by my colleague the Honourable Mr. David on 3rd July—a conference of the National Union of Transport Workers. Sir, this quite well shows that the Honourable Member is speaking at random.

Mr. Speaker: The House is adjourned to 10.00 o'clock to-morrow morning.

Adjourned at 4.45 o'clock p.m.

WRITTEN ANSWERS TO QUESTIONS

MINISTRY OF INTERIOR

Restricted Residence

1. Enche' V. David asks the Minister of Interior why Lan Wah Ying and Lan Siew Seng, recently arrested at Lornie Road and Petaling Jaya, Kuala Lumpur, respectively, have been placed under restricted residence at Sepang and Ijok New Village, why were they not tried in the court of law, and why as citizens, they have been deprived of their civil rights.

The Minister of Interior (Dato' Suleiman bin Dato' Abdul Rahman): After an inquiry under section 9 of the Prevention of Crime Ordinance, 1959 (No. 13), an Inquiry Officer duly appointed under section 8 reported that he was satisfied that there were reasonable grounds for believing that these persons were members of the registrable category specified in paragraph 4 of Part I of the First Schedule to the Ordinance, viz.—

“All traffickers in women and girls, including persons who live wholly or in part on the proceeds of prostitution.”

The persons were duly registered under section 12 and subjected to an order of restricted residence by the Minister under section 15 (2) of the Ordinance.

MINISTRY OF LABOUR

Shop Assistants Working Hours

2. Enche' V. David asks the Minister of Labour if he is aware that certain shops in Kuala Lumpur are employing workers more than eight hours a day and whether there are constant checks on shops by the Labour Department.

The Minister of Labour (Enche' Bahaman bin Samsudin): Officers of the Department of Labour and Industrial Relations make constant surprise visits to shops to investigate matters of this nature.

If the employer and the labourer come to some mutual acceptable agreement, there is nothing illegal in the labourer, as defined in Section 59 (1) of the Employment Ordinance No. 38 of 1955 (and by L.N. 366 shop assistants are covered by the Employment Ordinance), working more than 8 hours a day, as long as the employer does not require his labourer to work more than 48 hours in a week.

In order to secure that mutual agreement, it is common for an employer to offer some inducement to the labourer in the form of overtime payment. Whether or not the labourer wishes to do that work beyond a 48-hour week is entirely at his own discretion.

This question of hours of work for shop assistants will receive the attention of the Wages Council, whose work is in progress at present.