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Friday
22nd April, 1960

PARLIAMENTARY DEBATES

DEWAN RA'AYAT
(HOUSE OF REPRESENTATIVES)

OFFICIAL REPORT

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FEDERATION OF MALAYA

1960

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

Official Report

Second Session of the First Dewan Ra'ayat

Friday, 22nd April, 1960
The House met at 9.30 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 Labour, ENCHE' BAHAMAN BIN SAMSUDIN (Kuala Pilah).
- „ 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).

- The Honourable ENCHE' V. MANICKAVASAGAM, J.M.N., P.J.K., Assistant Minister (Klang).
- „ 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 (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' 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 MOHD. 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).
- „ ENCHE' HUSSEIN BIN MOHD. NOORDIN, A.M.N., P.J.K. (Parit).
- „ 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).
- „ CHE' KHADIJAH BINTI MOHD. SIDIK (Dungun).
- „ ENCHE' KHONG KOK YAT (Batu Gajah).

- The Honourable ENCHE' LEE SAN CHOON (Kluang Utara).
- „ ENCHE' LEE SECK FUN (Tanjong Malim).
- „ ENCHE' LEE SIOK YEW (Sepang).
- „ 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' T. MAHIMA SINGH (Port Dickson).
- „ 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).
- „ 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 (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 MUSTAPHA BIN HAJI ALI (Kelantan Hilir).
- „ WAN SULAIMAN BIN WAN TAM (Kota Star Selatan).
- „ WAN YAHYA BIN HAJI WAN MOHAMED (Kemaman).
- „ ENCHE' WOO SAIK HONG (Telok Anson).

The Honourable ENCHE' YAHYA BIN HAJI AHMAD (Bagan Datoh).
 „ ENCHE' YEOH TAT BENG (Bruas).
 „ ENCHE' YONG WOO MING (Sitiawan).
 „ HAJJAH ZAIN BINTI SULAIMAN, J.M.N., P.I.S. (Pontian Sela-
 tan).
 „ TUAN HAJI ZAKARIA BIN HAJI MOHD. TAIB (Langat).
 „ ENCHE' ZULKIFLEE BIN MUHAMMAD (Bachok).

ABSENT:

The Honourable ENCHE' S. P. SEENIVASAGAM (Menglembu).

IN ATTENDANCE:

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

PRAYERS

(Mr. Speaker *in the Chair*)

African Government to abandon its policies of apartheid and racial discrimination.

QUESTIONS FOR ORAL
ANSWERS

Mass Killing of Africans by South African Government

1. Enche' V. David asks the Minister of External Affairs whether the Federation is willing to take the initiative to condemn the latest slaughter of South Africans by the Union Government in the United Nations.

The Minister of External Affairs (Dato' Dr. Ismail bin Dato' Abdul Rahman): Mr. Speaker, Sir, the question of what action should be taken at the United Nations in respect of the inhuman action of the South African Government was discussed by the Afro-Asian Group after the event. The Federation participated fully in this discussion which is secret and it is not therefore possible to reveal what actually transpired.

However, on 25th March the Federation Government in concert with other Afro-Asian members of the United Nations requested an urgent meeting of the Security Council to consider the situation arising out of the large scale killing of unarmed and peaceful demonstrators against racial discrimination and segregation in the Union of South Africa. The question was discussed by the Security Council and as a result the Security Council adopted a resolution initiated by the Afro-Asian members urging the South

Foreign Policy of the Federation

2. Enche' V. David asks the Minister of External Affairs whether it is the policy of the Federation Government to stand along with the Afro-Asian Nations in the United Nations or with the Western Bloc, or to keep a neutral attitude.

Dato' Dr. Ismail: Mr. Speaker, Sir, as Honourable Members are fully aware by now the Federation Government has an independent foreign policy which is entirely its own and not tied to any group or bloc. It decides each question entirely on its merits and in accordance with the fundamental principles of foreign policy as set out in the manifesto of the Alliance.

Enche' V. David: Mr. Speaker, Sir, will the Federation send participants to participate in the Conference if it is called by the Afro-Asian Bloc in Bandoeng?

Dato' Dr. Ismail: I think that is entirely a different question. I require notice.

Recognition of the Peoples Republic of China

3. Enche' V. David asks the Minister of External Affairs whether the Federation Government has been considering the recognition of the Peoples Republic of China and the U.S.S.R. and if not, why.

Dato' Dr. Ismail: Mr. Speaker, Sir, first in respect of the Peoples Republic of China, the Federation Government has considered this question and has decided not to recognise the Peoples Republic of China. One of the fundamental principles of our foreign policy is that it should be such as to ensure internal security and stability. Since there are two claimants to the rightful government of China, the Federation has decided not to recognise either in order that none could influence the people in the Federation in view of the Government policy to weld the various races in this country into a single nation.

Secondly in respect of the U.S.S.R. there is no question of the Government considering the question of the recognition of the U.S.S.R. for the Government has already recognised it.

Enche' V. David: Have we established diplomatic relations between U.S.S.R. by establishing an embassy at U.S.S.R.?

Mr. Speaker: Do you require notice of that?

Dato' Dr. Ismail: No, I do not require notice, but it is obvious to the Honourable Member.

Temporary Bailey Bridge, Sungei Rambai, Province Wellesley

4. Enche' V. Veerappen asks the Minister of Works, Posts and Telecommunications whether he is aware that the temporary Bailey Bridge across the Sungei Rambai, on the main trunk road near Bukit Tengah, Province Wellesley, is in a rather dangerous condition, and if so, when he intends to replace it by a permanent bridge.

The Minister of Works, Posts and Telecommunications (Dato' V. T. Sambanthan): Mr. Speaker, Sir, the temporary Bailey Bridge across the Sungei Rambai, on the main trunk road near Bukit Tengah is considered to be in a reasonably good and sound condition. It is inspected twice weekly and it is greased weekly as a normal routine. It is scheduled for replacement in the 1961/1965 Development Plan.

Railway Level Crossing, Nibong Tebal

5. Enche' V. Veerappen asks the Minister of Works, Posts and Telecommunications whether he is aware that considerable delays are caused to trunk road traffic by the position of the level crossing at Nibong Tebal, and if so, when will work on the proposed deviation and overhead bridge be put in hand to obviate such delays.

Dato' V. T. Sambanthan: Mr. Speaker, Sir, it is known that the main trunk road, Route 1, crosses the railway line at Nibong Tebal and that the gates are closed when railway traffic requires to pass. Whether this in itself should warrant an expenditure of around half a million dollars on building a bridge to replace this crossing is a matter which has to be weighed on its merits. I am of the view that this sum could be better expended elsewhere towards more urgent needs of the country.

Over-Expenditure by Overseas Missions in 1958

6. Enche' D. R. Seenivasagam asks, under Standing Order 24, the Minister of External Affairs with reference to paragraph 160 of the Auditor-General's Report for 1958 why there was no proper central check and no inquiry into over-expenditure by Overseas Missions in 1958.

Dato' Dr. Ismail: Mr. Speaker, Sir, it must be remembered that the report refers to the year 1958 when the Federation of Malaya had just attained its Merdeka and when in order to fulfil its international obligations as a sovereign and fully independent country the Government had to quickly set-up, and from scratch, a foreign service and establish a number of diplomatic missions overseas, which owing to lack of trained and experienced personnel had to be manned by skeleton staffs. Difficulties were encountered under conditions not usually met with in this country and under these abnormal circumstances it was not possible to strictly observe financial rules and regulations which were made to apply to the conditions existing in this country. However, now that most of the missions are now on

their proper feet, it is possible to ensure the proper observance of these rules and regulations.

Dato' Onn bin Jaafar: Mr. Speaker, Sir, the Honourable Minister has not replied to the second part of the question. It was why there was no proper central check and no inquiry into over-expenditure by Overseas Missions in 1958.

Dato' Dr. Ismail: I have replied to the question.

1958 Accounts of Federation High Commission, London

7. Enche' D. R. Seenivasagam, under Standing Order 24, asks the Minister of External Affairs with reference to paragraph 161 of the Auditor-General's Report for 1958:

- (a) why were vouchers not produced to support payments made by the London Office during December, 1957;
- (b) what the circumstances are in which the accounts of the London Office for October, 1958, were lost in transit;
- (c) who was responsible for the alleged loss and what action was taken against those responsible.

Dato' Dr. Ismail: Mr. Speaker, Sir, the answers are:

- (a) This again is largely due to lack of financial experience on the part of the staff employed in some of the Missions. However, vouchers in support of expenditure had been received by the time this report was published.
- (b) October 1958 accounts of the London Office were despatched by the postal channel in accordance with the usual practice. These were not received in Kuala Lumpur. Inquiries were made to no avail and it is therefore presumed that it had gone astray in transit. Since then the duplicates had been obtained.
- (c) Since the accounts were lost while in postal transit there is

no negligence on the part of any of our officers.

Dato' Onn bin Jaafar: Sir, would the Honourable the Minister state why copies of the accounts were not produced; if only single copies were made if they were lost, they were lost?

Dato' Dr. Ismail: I think if the Honourable Member had listened carefully to my answer instead of anticipating supplementary question he would have heard what I said—duplicate had been obtained.

Enche' D. R. Seenivasagam: May I know whether these duplicate copies were obtained before the Auditor-General started work on his Report—not after—why they were not produced then?

Dato' Dr. Ismail: I think it is obvious, since it is mentioned in the Auditor-General's Report that no receipts were forwarded and that they were obtained after the Report.

Federal Citizens Employed in Pioneer Industries

8. Tuan Haji Ahmad bin Abdullah minta kapada Menteri Perdagangan dan Perusahaan menerangkan berapa orang-kah daripada anak² negeri yang telah dapat bekerja di-dalam perusahaan² perintis yang telah di-luluskan Kerajaan dan di-antara-nya berapa-kah pula orang² Melayu, China dan India dan lain².

The Minister of Commerce and Industry (Enche' Mohamed Khir Johari): Tuan Yang di-Pertua, tidak ada angka² yang boleh di-dapati kerana menunjukkan:

- (a) berapa banyak orang² Melayu dan
- (b) berapa banyak orang China, India dan lain² yang bekerja di-dalam perusahaan² pioneer itu.

Jumlah-nya yang ada ada-lah angka² yang menunjukkan berapa banyak orang² Malayan dan juga berapa banyak orang² dagang yang bekerja dalam perusahaan² tersebut. Di-dalam 36 sharikat yang telah di-beri taraf pioneer itu sa-banyak 2,597 orang

Malaya dan 149 orang dagang yang bekerja. Semua sharikat² yang di-beri taraf pioneer itu ada-lah di-kehendaki memberi tahu kepada Kementerian saya berapa banyak orang² dagang yang mereka berchadang hendak mengguna¹ dan juga ranchangan mereka itu tentang hendak memberi latehan kepada orang² Malaya untuk mengambil tempat² orang dagang itu.

Tuan Haji Ahmad bin Abdullah: Tuan Yang di-Pertua, soal tambahan. Bila-kah angka² orang Melayu dapat di-kemukakan oleh Jabatan Kementerian ini.

Enche' Mohamed Khir Johari: Apabila di-dapati.

Capital invested by Federal Citizens in Pioneer Industries

9. Tuan Haji Ahmad bin Abdullah minta kepada Menteri Perdagangan dan Perusahaan menerangkan rujok kepada kenyataan yang di-buat oleh Menteri Penolong Perusahaan dan Perdagangan melalui Radio Malaya pada 7 February, 1960, bahawa modal² yang di-tanam oleh anak² negeri di-dalam perusahaan perintis ia-lah sebanyak \$8,886,500.00 boleh-kah pehak yang bersangkutan di-dalam perkara ini memberi keterangan berapa-kah banyak-nya daripada modal yang di-tanami itu kepunyaan orang² Melayu, China dan India dan lain²; dan adakah Kerajaan telah membuat peratoran² yang memudahkan orang² Melayu menanam modal² mereka di-dalam perusahaan² ini.

Enche' Mohamed Khir Johari: Tuan Yang di-Pertua, tidak ada angka² yang menunjukkan berapa banyak modal² yang di-tanam di-dalam perusahaan² pioneer ini yang datang-nya daripada orang² Melayu, China, India dan sabagai-nya. Berkenaan dengan memberi galakan kepada orang² Melayu, memang Kementerian saya dan juga saya sendiri memberi galakan kepada orang Melayu untuk menanam modal dalam perusahaan² ini. Dan memang juga orang Melayu di-galakan meminta taraf pioneer itu dan juga mereka itu boleh, jikalau di-kehendaki, meminta pertolongan wang daripada Malayan Industrial Development Finance Ltd. yang sudah pun di-dirikan.

Port of Penang—Ferries

10. Enche' Tan Phock Kin (Tanjong) asks the Minister of Transport to inform the House as to:

- (a) how the inquiry, if any, was conducted to ascertain the causes of the breakdown of the four new ferries of the Penang Port Commission;
- (b) whether the breakdown is due to bad workmanship by the shipyard in assembling the engine and other parts or to poor and unsuitable engine, propellers or parts supplied by the manufacturers;
- (c) whether the Penang Port Commission is safeguarded against these hazards by some form of guarantee and if so, what are those guarantees in accordance with the terms of the agreement with the respective parties and how they apply in respect to the present breakdown.

The Minister of Transport (Enche' Sardon bin Haji Jubir): Mr. Speaker, Sir, the answers are as follows:

- (a) The problem is highly technical and calls for metallurgical and mechanical investigation which is currently being carried out by the manufacturers of the propellers in the United Kingdom. In addition, the Penang Port Commission has authorised its consulting engineers, Sir Bruce White, Wolfe Barry and Partners, to institute a separate and independent technical investigation, which is being carried out by Professor W. A. Tuplin of Sheffield University.
- (b) The answer is no, the breakdown is not due to bad workmanship by the shipyard in assembling the engine and other parts, or to poor and unsuitable engines, propellers or parts supplied by the manufacturers. The steel used in the hulls of the ferry vessels is in accordance with

Lloyd's specification and the various parts of the machinery manufactured in the United Kingdom were subject to examination and check by either Lloyd's surveyors or United Kingdom Ministry of Transport officials. The construction of the vessels in Hong Kong was subject to very stringent examination the whole time by Lloyd's Registry of Shipping.

The known, immediate cause of the breakdown of the four new ferries was fatigue in and fracture of the teeth in the gear rings and pinions which transmit the power generated by the engines through a right-angle to the propellers. At this stage, and until the results of the investigations are known, all that can be said is that the failure appear to be associated with the method adopted in hardening the steel in the gear rings and pinions. The Commission has made several public announcements on these matters.

- (c) The answer is yes, the Penang Port Commission is safeguarded against breakdowns such as have occurred, by a guarantee from the manufacturers. The manufacturers have gone beyond the terms of the guarantee in that they have accepted full responsibility for the failures and are providing temporary replacements in nitrided steel of the gear rings and pinions free of charge. They have also met the heavy costs of air-freighting these units from the United Kingdom to Penang and have provided the services of a skilled erector from their works who has been in Penang since January 23rd and will remain as long as he can be of assistance to the Commission.

Enche' Tan Phock Kin: May I know from the Honourable Minister whether

the type of steel used for propellers is really in the experimental stage or whether the type of steel used has already been tried, tested and found to be suitable?

Enche' Sardon bin Haji Jubir: Mr. Speaker, Sir, all these propellers have been tried and have been experimented for some time, but unfortunately it did happen and this breakdown took place.

11. Enche' Tan Phock Kin asks the Minister of Transport to inform the House as to what sum of money has been incurred to date by the Penang Port Commission in running the additional terminals, rendered necessary by the breakdown, and whether this sum of money is recoverable from the party responsible for the breakdown.

Enche' Sardon: Mr. Speaker, Sir, the sum of money incurred by the Penang Port Commission in restoring the old ferry service and opening the old terminals is negligible. The deck hands and engine room staff were transferred *en bloc* from the new ferries to the old ferries and the terminal staff were divided between the new and the old terminals.

The Commission will no doubt consult its legal advisers regarding the possibilities of recovering the sum, which represents consequential damage.

Enche' Tan Phock Kin: Mr. Speaker, Sir, my question is whether the sum of money incurred, however negligible it may be, is recoverable according to the terms of the agreement, and if the agreement is clear, there is no question of consulting legal advisers. So I want to know from the Minister whether the agreement is clear on this particular point.

Enche' Sardon: Sir, as far as the size of the sum of money is concerned, I need time to obtain that information, and I will send it direct to the Honourable Member when it is received. As far as the legal liability is concerned, I mentioned just now that the Penang Port Commission was consulting its legal advisers, and the legal advisers have not yet given advice.

Enche' Tan Phock Kin: Mr. Speaker, Sir, I am afraid the Minister is not

answering my question. I am not asking as to whether it is recoverable or not. I am asking whether this particular point is incorporated in the agreement.

Enche' Sardon: I have answered that!

12. Enche' Tan Phock Kin asks the Minister of Transport to inform the House as to:

- (i) the individual or firm responsible for advising the Commission on:
 - (a) the drafting of the agreement;
 - (b) the type and quality of engine, propellers and other parts used in the new ferries;
- (ii) why the same type of engine, propellers and other parts as used in the "Pulau Pinang" were not recommended for use in the new ferries.

Enche' Sardon: Mr. Speaker, Sir, the Voith-Schneider propellers for the ferries were purchased through the Crown Agents for Overseas Governments and Administrations, and the transaction is therefore subject to the Crown Agents' standard terms and conditions applicable to such purchases. No separate agreement has been entered into by the Commission with the manufacturers.

The type of ferries, engines, propellers and other component parts were decided upon by the former Harbour Board in 1953 on the advice of the Board's consulting engineers, Sir Bruce White, Wolfe Barry & Partners, London.

The answer to the second part of the question is that the engines, propellers and other parts used in the new ferries are of the same type as those used in the prototype ferry "Pulau Pinang". The Voith-Schneider propellers which are installed in all the ferry vessels are a patent or proprietary trade article. In specifying these propellers, the Penang Port Commission accepted the technical specifications currently being used by the manufacturers, whereas in the propeller units

installed in the prototype "Pulau Pinang" the gear rings and pinions were manufactured from nitrided steel, the specification of the gear rings and the pinions for the propellers in the four new ferries had, in the meantime, been changed to flame-hardened steel. The change was made after considerable research both in Germany and the United Kingdom and was due, I understand, to the then existing shortage of capacity in both these countries for nitriding gear units as large as those on the Penang ferries.

Enche' Tan Phock Kin: Mr. Speaker, Sir, it appears from the reply that though the Minister stated quite categorically that the propellers and gear rings used are of the same type, in his explanation he has shown the House that it is not quite the same type. So I like to know as to why there was this departure from the type of metals used in the "Pulau Pinang" when the "Pulau Pinang" was purchased as a prototype for test and was found to be suitable, and whether this departure was made on advice, and whether the advice was sound in view of what happened.

Enche' Sardon: Mr. Speaker, Sir, I have replied to the question.

FEDERAL CITIZENSHIP

Applications

13. Enche' K. Karam Singh asks the Minister of the Interior if he is aware that hundreds of successful applicants for Federal Citizenship who applied through the Registry of Citizens, Klang; have not been given their citizenship certificates, and, if so, when the Government will send the citizenship certificates to those concerned.

The Minister of the Interior (Dato' Slueiman): Mr. Speaker, Sir, I am only too well aware, because the Registrar of Citizens, Selangor, has been trying, without success, to send the certificates to those concerned at the addresses given, but these have been returned by the Postal authorities to Registrar of Citizens, Selangor, as undeliverable. If, however, Sir, the Honourable Member would like to help, he might furnish details of names, identity card

numbers and the correct addresses of the persons concerned to the Registrar of Citizens, Selangor, and arrangements will be made to effect delivery of those certificates.

Enche' K. Karam Singh: Mr. Speaker, Sir, I will supply the names and the other particulars required.

Mr. Speaker: That is not a question!

Dato' Suleiman: Thank you, Sir!

BILLS

THE SERVICE COMMISSIONS (AMENDMENT) BILL

Second Reading

The Prime Minister: Mr. Speaker, Sir, I beg to move that the Bill intituled "an Act to amend the Service Commissions Ordinance, 1957" be read a second time.

Sir, I think everybody is aware that under Article 139 of the Constitution it is provided that State Governments should either extend the jurisdiction of the Public Service Commission to their State or else establish their own Public Service Commissions. A number of States have already set up their own Public Service Commissions—States such as Johore, Selangor, Perak, Kelantan and Trengganu.

Now, Sir, the Federal Service Commissions established under the Service Commissions Ordinance, No. 74 of 1957, and the members of these Commissions are vested with certain privileges of communications and to the same protection as is given to Magistrates and so on, and it is now the intention, by this amending Bill, to extend those privileges and protection to the State Service Commissions and to their members, so that they may enjoy the same privileges as are applicable to the Federal Service Commissions under the State law.

Therefore, Sir, there is nothing more for me to say than to move that this Bill be read a second time.

The Deputy Prime Minister (Tun Abdul Razak): Sir, I beg to second the motion.

Question put, and agreed to.

Bill accordingly read a second time and committed to a Committee of the whole House.

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. Speaker *in the Chair*)

Clauses 1 and 2 ordered to stand part of the Bill.

Bill reported without amendment: read the third time and passed.

THE INCOME TAX (AMENDMENT) BILL

Withdrawal

Mr. Speaker: Honourable Members, the Minister of Finance has given notice of withdrawal of the motion for the second reading of the Income Tax (Amendment) Bill, which is before the House, and a note to that effect will be entered in the Votes and Proceedings as provided under Standing Order 29 (2).

THE CONSTITUTION (AMENDMENT) BILL

Second Reading

Tun Abdul Razak: Mr. Speaker, Sir, I beg to move that a Bill intituled "an Act to amend the Constitution of the Federation" be read a second time.

Tun Abdul Razak: Tuan Yang di-Pertua, saya menhadangkan bahawa Rang Undang² bagi meminda Perlembagaan Persekutuan Tanah Melayu 1960 di-bacha bagi kali yang kedua.

Perlembagaan Persekutuan Tanah Melayu yang ada sekarang telah diishtiharkan dan berjalan kuat-kuasanya pada hari Tanah Melayu menchapai kemerdekaan, dan ia-lah sa-benar²-nya piagam Kebangsaan kita dan menjadi rangka bagi kita untuk mendirikan Bangsa dan Negara yang berdasarkan demokrasi chara berparlimen. Dasar Demokrasi chara berparlimen ada-lah tertulis dalam Perlembagaan kita dan ini-lah dasar yang kita benar² perchaya dan yang kita hormati dan jaga dengan sa-berapa

daya upaya kita. Akan tetapi sambil negara kita maju kahadapan dan masharakat Kebangsaan kita berubah daripada satu masa ka-satu masa mustahak-lah kita dari sa-hari ka-sahari menyemak rupa atau bentok rangka negara kita ini, atau pun piagam Kebangsaan kita ini. Sambil negara kita yang merdeka dan muda ini maju ka-hadapan dan sambil keadaan negeri ini berubah dan sambil kita mendapat pengalaman berkenaan dengan perjalanan Perlembagaan kita ini maka tidak dapat tiada akan di-dapati Perlembagaan ini berkehendakkan perpindaan dari satu masa ka-satu masa. Oleh itu menjadi kewajiban bagi Kerajaan yang ada sekarang ini menyemak perjalanan Perlembagaan itu daripada satu masa ka-semasa dan meminda jika dikehendakki mustahak bagi fa'edah Bangsa dan Negara kita.

Oleh itu Perlembagaan kita di-bawah Fasal 159 telah menentukan chara-nya Perlembagaan ini boleh di-pinda dan dasar yang patut di-ikut bagi menjalankan pindaan itu ada-lah di-tentukan oleh Surohanjaya bagi Perlembagaan yang mengatakan bahawa mustahak-lah chara meminda Perlembagaan itu tidak terlalu susah atau pun terlalu senang. Kerana kalau terlalu susah tentu-lah akan menghampakan chita² kita untuk memperbaiki Perlembagaan itu, dan lagi kalau terlalu senang maka akan melemahkan dasar² yang ada dalam Perlembagaan itu. Oleh itu ada-lah di-tentukan jika hendak di-pinda Perlembagaan ini maka mustahak-lah Rang Undang² itu mendapat persetujuan—apabila di-bacha bagi kali yang kedua dan yang ketiga—daripada 2/3 ahli² Dewan Ra'ayat dan Dewan Negara. Pehak Kerajaan membentangkan pindaan² yang tersebut bagi Perlembagaan ini sa-telah menimbangkan perkara ini dengan sa-halus²-nya dan sa-telah di-semak dengan halus menurut pengalaman yang telah di-dapati pada 2½ tahun yang lalu dan apabila memikirkan kepentingan dan fa'edah negara kita, maka Kerajaan telah mempersetujui pindaan² itu.

Rang Undang² ini mengandongi beberapa pindaan dan saya berchadang

untuk memberi pandangan hanya-lah kapada pindaan² yang mustahak sahaja dan kapada pindaan² yang lain boleh-lah Ahli² Yang Berhormat menyemak bersama dengan keterangan² yang di-beri di-dalam Rang Undang² ini. Akan tetapi sa-belum saya menerangkan satu persatu Fasal² dalam Rang Undang² bagi meminda Perlembagaan ini, saya suka menyebutkan bahawa Kerajaan telah menchadangkan satu pindaan yang mustahak pada Rang Undang² ia-itu Fasal 30 yang menchadangkan Fasal 150 dalam Perlembagaan kita itu di-pinda dan di-tambah dengan Fasal 150A itu di-mansokhkan. Akan tetapi dengan chadangan ini Fasal 149 itu di-pinda dan di-luaskan sedikit menurut pindaan yang telah pun di-edarkan kapada Ahli² Yang Berhormat, perkara ini berma'ana menchegeh atau pun menahan orang² yang di-fikirkan merbahaya kapada keselamatan negeri ini tidak di-sebutkan dalam Perlembagaan kita. Akan tetapi Kerajaan menchadangkan hendak membentangkan bagi persetujuan Dewan ini satu Rang Undang² yang akan mengadongi kuasa menahan orang² yang tersebut itu. Kuasa itu sangat²-lah mustahak ada-nya pada Kerajaan bagi menchegeh anasir² kominis yang meresap atau pun subversive, di-negeri² yang berada dalam anchaman anasir kominis dan berhajat hendak tinggal bebas, ta' dapat tiada menghadapi serangan kominis yang meresap. Oleh sebab tujuan kominis yang di-terangkan dalam tulisan² mereka sendiri ia-lah untuk menjatohkan Kerajaan yang berdasarkan demokrasi dengan apa chara juga meresap atau pun subversive dengan tidak melanggar undang² negeri.

Tiap² negeri yang menghadapi musuh sa-macam itu, telah mendapati bahawa satu senjata yang besar bagi melawan musuh saperti itu ia-lah kuasa menahan orang² itu supaya orang² itu tidak dapat menjalankan anasir² itu. Saperti Ahli² Yang Berhormat mengetahui keadaan di-negeri ini pada masa ini berkehendakkan Kerajaan mempunyai kuasa yang sa-macam itu; dan jika tidak ada kuasa sa-macam itu tentu-lah Kerajaan ta' dapat menjalankan tugas-nya dengan sempurna.

Pada mesuarat Dewan ini pada bulan November yang lalu, Ahli Yang Berhormat wakil dari Setapak sendiri telah berkata bahawa mustahak diadakan satu undang² bagi menchegeh anasir² subversive itu. Akan tetapi saya ta' tahu sama ada ia maseh berpegang lagi kepada perchakapannya itu atau pun tidak.

SA-ORANG AHLI YANG BERTHORMAT:
Dolak-dalik!

Tun Abdul Razak: Kita ta' payah pandang kepada tempat yang jauh di-atas perkara ini melainkan kita boleh pandang ka-sebelah selatan selat negeri Johor sahaja ia-itu kita dapati bahawa negeri yang berjiran dengan kita ia-itu Singapura ada mempunyai undang² yang sa-macham ini. Dan chadangan Kerajaan ia-lah hendak mengadakan undang² yang sama juga dengan undang² yang ada di-Singapura bagi menchegeh anasir² subversive ini.

Sekarang saya suka hendak menerangkan fasal Rang Undang² ini satu persatu dalam bahasa Inggeris.

Mr. Speaker, Sir, the present Constitution which was promulgated on the day we achieved independence is really the charter of our Nation and is a framework within which the aims of our society and the aspirations of our people may be achieved through a democratic process based on the principles of parliamentary democracy. This is the principle which is enshrined in our Constitution and which we all strongly believe in and which we are pledged to uphold and cherish. As our country progresses and as our society evolves we must inevitably be continually reviewing the shape of this framework of our country, this charter of our Nation. As conditions change, as our young and newly independent country develops, and as we gain experience in the working of this Constitution, it will from time to time be seen to need amendments. Therefore, it must always be the duty of the Government in power to keep the working of the Constitution under constant review and to change it where necessary to meet the needs of our country.

The Constitution accordingly provides under Article 159 the machinery

for its own amendment, designed in accordance with the principle laid down by the Constitutional Commission to the effect that "it is important that the method of amending the Constitution should be neither so difficult as to produce frustration nor so easy as to weaken seriously the safeguards which the Constitution provides." For this reason an amendment to the Constitution must obtain the support on second and third readings of two-thirds of total members in each House. The Government, in placing these amendments before this House, have given them the most careful consideration. It was only as a result of experience so far gained and in considering the true interests of our country and the progress of our Nation that the Government have decided on these amendments.

This Bill, as the House is aware, contains a number of amendments but I hope to speak only on the more important provisions and shall refer the House to the explanatory statements for any elucidation that Members may require on the others. Before I endeavour to explain the provisions of this amendment Bill I should like to inform this House that it has been decided to effect a rather major amendment to the draft Bill before the House, and the amendment has now been circulated to Honourable Members. It is proposed that Clause 30 which seeks to amend the Constitution by adding a new Article 150A should be deleted. Clauses subsequent to Clause 30 will be re-numbered accordingly. However, with the abolition of Clause 30 it is proposed to amend Clause 28 slightly, as circulated, in order to expand Article 149. Now, this amendment means that the provision of preventive detention will not be incorporated in our Constitution, but it is the Government's intention, as stated in His Majesty's speech, to submit to Parliament a draft Bill under Article 149 of the Constitution, as to be amended, which will contain provisions for preventive detention. This principle of preventive detention in the law of a country is not a new thing at all. Many countries have preventive detention and it has become

a permanent feature of the law of those countries. The Constitution of our great neighbour India has accepted preventive detention as a normal and permanent feature. The object of having this provision of preventive detention is to prevent anti-social and subversive elements from imperilling the welfare and the security of our country. We have had 12 years of Emergency and although the Emergency is about to come to an end we know only too well how dangerous it is to allow such a situation to arise again. It is, therefore, the incumbent duty of the Government of the day to see that the Communists and their agents are prevented from carrying out their objects and their plans. The power of preventive detention is merely to prevent a person from acting in a particular way, and from achieving his objectives. It is not punitive but merely preventive. Every country which lives under the direct threat of communism and wishes to remain free has to face the established fact—established in the writings of the communists themselves—that one of the policies of communism is to undermine democratic Government by every subtle weapon of subversion that can be contrived without an open breach of the law. Our country has found that one weapon is essential in defence against such an attack—the detention of agents to prevent them from proceeding with their plans. The situation in this country demands that the Government assumes this weapon of defence and we would be failing utterly if we allowed ourselves to be deterred from doing so. As I said, every country which desires to be free from communist threat of domination has this provision in its permanent law and we here need not go further than across the Straits of Johore, to our neighbour in Singapore. It is the proposal of the Government to have similar provisions for preventive detention in our permanent law as they have in Singapore.

This provision in the law will be subject to safeguards, and Clause 31 of the Bill lays down the proposed safeguards. Every citizen detained has the right to have his case considered by

an advisory board under the chairmanship of a person who is, has been, or is qualified to be, a judge. This is already in the Constitution. The amendment of the article provides that the final decision on continued detention shall in future rest with the Government, which alone is responsible for security and alone has access to the fullest information. Subversion is a threat against the security of the country and against constituted authority. It should, therefore, be the responsibility of the Government to deal with that threat.

Clause 28 seeks to amend Article 149 of the Constitution. The special powers of Parliament to make laws in this Article are confined to conditions of organised violence, but we know from experience that very serious threat could develop to public safety without actual threat of organised violence and the wording has therefore been expanded to include attempts to stir up communal hostility and to upset the established order by unlawful means. The latest amendment includes a new sub-clause “which is prejudicial to the security of the Federation or any part thereof.” The Constitution at present provides for such a law to lapse after one year; this country is likely to have to deal with the remnants of the communist terrorist organisation operating on the border for some time to come and we consider it a sufficient safeguard that Parliament should be able to annul the special legislation by resolution at any time.

Clause 29 seeks to amend Article 150 of the Constitution. Similarly, we feel that it is a sufficient safeguard if Parliament may annul by resolution an Emergency Proclamation and Ordinances made thereunder. The present requirement for positive approval by Parliament could hamper the Government of the day in dealing with a national crisis, in time of war or a grave national emergency.

Clause 14 seeks to amend Article 119 of the Constitution. The present qualification of six months residence in a constituency has been found unsatisfactory in various ways. One is that it is very difficult to establish,

when revising the rolls, exactly how long a person has resided in a constituency. Another difficulty is that a move of a few miles may disqualify a person from voting, with the further complication that such a move may disqualify him as a State voter while leaving him eligible as a Federal voter, thus producing anomalies between the Federal and State rolls. Another complication is that persons serving the Federation abroad cannot qualify as voters. The amendment will substitute residence on a given date as the qualification and will permit legislation for the registration of absent voters.

Now, Clause 12 of the Bill seeks to amend the Constitution by adding a new Article 95A. It has been felt for some time that in the field of Local Government, which at present is the responsibility of the State Governments, there should be a fair degree of uniformity as in Land Administration. In the case of land administration there is provided under the Constitution the establishment of the National Land Council and it has been found in practice that by means of this National Land Council it has been possible to achieve considerable degree of co-ordination in Land Administration. The Federal Government, therefore, on the initiative of my friend and colleague the Minister of the Interior, has had this matter of co-ordination in Local Government affairs discussed with the Mentri-Mentri Besar and Chief Ministers of the States. As a result of that discussion it has been agreed with the State Governments that there should be established a National Council for Local Government on the same lines as the National Land Council. It is hoped that with the establishment of this National Council for Local Government there will be continuous consultation between Federal and State Governments on matters of policy and legislation affecting local Government. By this means it is hoped that it will be possible to achieve a fair degree of uniformity in Local Government affairs which the Government considers would be in the interests of good administration and stability of our country.

Clause 32 seeks to amend Article 154 by deleting sub-clause 3 thereof. The intention of the present Constitution as stated in the sub-clause is that the Federal Parliament should have power to legislate on Local Government in the Federal Capital, but this power can only be exercised on the removal of the State Capital elsewhere. But, as the House is aware, removal of the State Capital from Kuala Lumpur is an immense task and is likely to take many years. However, as Kuala Lumpur is to all intents and purposes the Federal Capital, it is considered desirable that the Federal Government should have the power to legislate on Local Government matters in the Federal Capital. After all, the ultimate responsibility for the good government of the National Capital should lie with the Federal Government and with this Parliament.

Therefore, both the Federal Government and the Selangor Government have agreed that the operation of sub-clauses 1 and 2 of this Article should not be delayed any longer, and it has therefore been decided that sub-clause 3, which is really the suspending clause, should be deleted. This is the purpose of this amendment.

Clause 15 seeks to amend Article 122 which deals with the judiciary. As the House will no doubt agree, appointments to the judiciary are matters of the greatest importance in the administration of the country as on these appointments depend the standard of justice, the standing and impartiality of the courts and the good name of the Government. In putting forward this amendment I would like to make it quite clear that it does not reflect in any way on the appointment of Judges and others in the judiciary so far made. These appointments are made from those most suitable to fill them.

However, the Government feels that as the Government will in the last resort be held responsible for these appointments, the appropriate course is for the Government to assume direct responsibility as is the case in the United Kingdom and other countries who have the same system of justice as

we have here. The proposed amendment follows the system practised in the United Kingdom from which our system of justice is derived. It also follows the practice adopted in all other countries which practise parliamentary democracy. I would like to say here quite clearly that there is no intention whatsoever to bring political influence in these appointments. Indeed, this is far from the wish of Government. In the proposed amendment there are adequate safeguards. In recommending the appointment of the Judges the Prime Minister will have the advice of the Chief Justice and also the Conference of Rulers will have to be consulted.

It will also be the practice of the Prime Minister to recommend for appointment as Judges persons who command the respect of both the Bench and the Bar. This practice has been found satisfactory, and has worked satisfactorily, under parliamentary system of Government, because the Prime Minister is responsible to Parliament.

Now, with the introduction of these new arrangements for the appointment of Judges it is considered no longer necessary to retain a separate Commission for the remaining members of the judiciary and legal services. They can in the future be dealt with by the Public Services Commission along with other members of the public service. This proposal is intended to simplify the administrative structure and working of the Service Commissions which will mean economy and efficiency.

Now, Clause 26 seeks to amend Article 145 of the Constitution. Under the present arrangement the Attorney-General, who is the Government's chief legal adviser, must be a permanent official in the judicial and legal service. It is not possible to have as an Attorney-General a political man as is the practice in several other countries including the United Kingdom. The Government is of the view that with the progress of our country and of our democratic institutions, it may prove desirable at some future date to have an Attorney-General as a member of the Government and a member of this House. It may be convenient, and it

may be desirable, for the chief legal adviser to the Government to sit in this House to explain and answer legal matters. Now, this amendment makes it possible, should it prove desirable in the future, to appoint an Attorney-General from outside the judicial and legal service.

Now, Clause 24 seeks to amend Article 144 of the Constitution. As the House is aware, under Part X of the Constitution there are various Service Commissions. Although the various responsibilities of these Commissions are similar, the actual duties vary considerably and, the amount of work they have to undertake also varies considerably. The Public Services Commission, since it was established, has been carrying out a very heavy burden of work in connection with the administration of the services under its jurisdiction and in carrying out the functions entrusted to it under the Constitution. Indeed, the Public Services Commission has been so overburdened with work that there have been, from time to time, complaints of delay in carrying out certain of its functions. Therefore, in the light of experience gained over the last two years, the Government has reached the conclusion that it will be more satisfactory and, indeed, it will be in the interests of efficiency if some of the work now entrusted to the Public Services Commission could be delegated to officials under the jurisdiction of the Commission and the Commission itself were left with more time to concentrate on those major functions of permanent appointment, substantive promotion and disciplinary appeal which really constitute the safeguards of an independent public service. It is proposed that such delegation should be made by law and that the more important functions so delegated shall be exercised by a public service board of very senior permanent officials, possibly under the chairmanship of the head of the civil service himself. It is considered these arrangements would have the double benefit of retaining the necessary safeguards of an independent public service as well as lessening the burden of the Public Services Commission so that various matters affecting

administration of the public service could be carried out more expeditiously.

I would like to reiterate here that there is no suggestion whatsoever in this amendment that there will be any political influence in the administration of, or appointments to, the public service as the power to be delegated from the Public Services Commission will be given to permanent officials who will exercise them without being subject to any political influence.

I would like further to explain in suggesting these amendments the Government is not departing from the principle which it upholds that the public service should be free from political influence. Under the proposed amendment the Public Services Commission will still retain the major functions of the Public Services Commission which really constitute the safeguards to the public service. I am advised that the United Kingdom from where we derived our system of the Public Services Commission, only possesses those important functions and no more. Therefore, we are not departing from the established practice found in the United Kingdom by proposing the amendment. I saw yesterday from the press that the Staff Side of the Whitley Council decided to suspend dealings with the Government to protest against this decision to amend this part of the Constitution without their being consulted. I suggest, Sir, that this action is unnecessarily hasty. It is true that under the agreement with the Whitley Council the Government undertakes to consult the Whitley Council in any proposed legislation so far as it has a bearing upon the position of officers in Divisions I to IV inclusive of the public service in relation to their employment. But amendments to the Constitution are matters of the highest national policy and are matters of decision by the Government and by Parliament, and Government cannot undertake to do more than inform those concerned of the proposed amendment such as the Staff Side in this case, which was duly done. Also amendment to Article 144 merely permits powers to be delegated by

legislation and that delegation will not take effect until the legislation has been initiated and passed by this House. When such legislation or regulations are to be passed then they will be subject to consultation in the Whitley Council in accordance with Clause 2 (6) of the Council's Constitution. The position of the public service, Sir, will not in any way be affected until such legislation or regulations are passed. I, therefore, feel that the proposed action by the Whitley Council is premature and quite unnecessary. Surely amendment to the Constitution, which is a matter of the highest national policy, should be a matter for this Parliament.

Now, Sir, Clause 22 seeks to amend Article 140. This amendment proposes to create a new Police Force Commission in place of the Police Service Commission. As a result of experience of the working of the Armed Forces Council which administers the affairs of the Armed Forces, it has been found that this Council provides a very successful machinery for dealing with a disciplined force. Indeed, the Armed Forces Council has been working very well to the satisfaction of all concerned. Now, the Police Force is a disciplined force, and it is therefore thought that it would add to efficiency and economy of administration if matters pertaining to the Police Force are administered by a Commission similar to the Armed Forces Council. This is the purpose of the amendment and the composition of the new Police Force Commission is broadly similar to that of the Armed Forces Council. It should be noted, however, that this Commission, unlike the Armed Forces Council, will not be responsible for the administration of the Police Force, which will continue to be administered as a Department in the normal way.

Now, under Clause 17 opportunity is taken to insert an express statement that members of the public service hold office at pleasure. This does not affect normal procedure under the Constitution. Also, opportunity is taken to exclude the key diplomatic posts abroad from the scope of the

Service Commission and to provide for their appointments to be made by Government. This follows an existing practice which has already been adopted with the agreement of the Public Services Commission.

Clauses 2 and 34 seek to amend Part III of the Second Schedule. At present the responsibility for registration of citizens is divided between the Government and the Election Commission. As the House is aware, in all other countries citizenship is entirely a matter for Government. However, at the time of the framing of our present Constitution it was thought it would be in the interest and to the advantage of an independent authority were to be responsible for registering the very large numbers of persons who were expected to apply for citizenship by registration in the first year after Merdeka. A large number of such persons have acquired citizenship in this way. Now that the flow has fallen to a trickle the Government feels that it is time to assume responsibility for registration of citizens as is the practice everywhere else in the world. It is proposed at the same time to repeal Sections 13, 14 and 15 and the Second Schedule so that applicants for citizenship shall not be exempted from the obligation to furnish full proof in support of their claims. Since the Registration Authority will in future be the Government itself the provision in Section 5 for an appeal to the Supreme Court on a point of law is to be repealed.

Clause 7 seeks to amend Article 48 of the Constitution. The Government regards the present disqualification for Parliament as unduly narrow in one respect, in that a person who has been sentenced to prison for any period up to two years or a fine of any size can still become a member. The Government believes this to be undesirable and proposes to make the disqualification one year's imprisonment and a fine of \$2,000, the disqualification to last for 5 years from the date of release from prison, as at present, or from the date of imposition of the fine.

Clause 13 seeks to amend Article 144 of the Constitution. The Government always holds the view that the Election Commission should be absolutely independent and it should not only be so in law but must appear to be so. Therefore, the Government proposes to tighten up the qualifications for members of the Election Commission. It is considered not quite compatible with the independence of the Commission if members are allowed to hold any paid employment outside the duties of their offices. Provision has therefore been included for a member to be removed if he engaged in any paid employment outside the duties of his office.

Now, the other amendments which are of interest to the House are those in clauses 8, 9 and 10. Clauses 8 and 9 provide that the President and Speaker shall not be members of a State Legislative Assembly since this will conflict with the independence of their position. The amendment under clause 10 seeks to permit Assistant Ministers to take part, like Ministers in the proceedings of both Houses so that they can share Parliamentary duties as Government spokesmen in the Senate with the Ministers.

These are briefly the important amendments which I have endeavoured to explain to the House. There are, of course, other amendments in the Bill which are of lesser importance and are non-controversial and I do not wish to take the time of this House by explaining them as they are adequately explained in the explanatory statement attached to the Bill.

Sir, as I have explained in introducing this Bill, these amendments are put forward as a result of very careful consideration by Government. It is, as I said, the duty of Government to make a continual review of the provisions of our Constitution in the light of experience.

Our Constitution was promulgated on the day of Merdeka as the Constitution of an independent country. We have had experience of the operation of such a Constitution during the last two and a half years. Therefore, it is

in the light of this experience that the Government has considered these amendments to be necessary, and the Government sincerely believe them to be desirable in the interests of good and orderly government of the people of this country and in the interests of the peace and prosperity of our Nation. An amendment to the Constitution of a country is indeed a very important matter and I do not expect this amendment to be passed without close scrutiny by this House, but I do ask this House to consider these amendments most carefully in the light of circumstances pertaining to our country and, above all, if there is any criticism let it be constructive and realistic in the circumstances in which this country is situated. It is, as I said, necessary that we should have a Constitution which enshrines all the ideals for which we stand, but at the same time we should also have a Constitution which can work smoothly and efficiently and for the good and orderly government of this country and for the peace and prosperity of our people.

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

The Prime Minister: Sir, I beg to second the motion.

Enche' D. R. Seenivasagam (Ipoh): Mr. Speaker, Sir, this morning on arrival in this Chamber, we had placed on the table a number of proposed amendments to this Constitution (Amendment) Bill. They are somewhat lengthy and important amendments to the Bill as published some time ago. I may not be as clever as our friends on the opposite side, and it is not possible for me to analyse each one of the proposed amendments to this proposed Bill. Therefore, in the course of what I say, if I go a bit out of the way, it is due to the fact that I have been unable to comprehend or to place side by side all the important proposed amendments to the Constitution (Amendment) Bill.

Mr. Speaker, Sir, the Constitution of a country is drawn up by constitutional experts after very careful consideration, after very lengthy deliberations, after receiving opinions and memoranda, from the people of that country which

is going to get the Constitution. It has been said that the Constitution of the Federation of Malaya is the framework within which the nation will progress. I say that it is not only the framework—it is the foundation, it is the bible, it is a sacred document by which the life and destiny of the nation must be carried on.

Mr. Speaker, Sir, speaking generally, an amendment to a Constitution only comes if that amendment is so vital, so important, or it is impossible for the nation to go on without that amendment. Otherwise, an amendment to the Constitution should never come from any side of the House. We have been told that in the light of experience it has been found necessary to amend certain Articles of our Constitution. But we have not been told, as a result of these two odd years or more of this Constitution being worked in this country, what the defect of the Constitution is in regard to the proposed amendment. Let us take the more major and important amendments which are coming before the House.

The Emergency had been on for 12 years. The persons who sat on the Constitutional Commission were aware of the Emergency when they drew up their recommendations, and when these recommendations were accepted by the Alliance Government on a mandate from the people of this country, and I refer to the Emergency Regulations as referred to in that Report by the Constitutional Commission on page 74 of their Report. On page 75, dealing with the Emergency powers, and making references to the Emergency on the pages before and after that page, it goes on to say:

"The most obvious examples are war and such serious internal disturbances as constitute an immediate threat to the life of the nation. But the history and continued existence of the present emergency show that organised attempts to subvert constitutional government by violence or other unlawful means may have to be met at an early stage by the use of emergency powers if they are to be prevented from developing into serious and immediate threats to the safety of the State. We recommend different provisions for dealing with these different situations."

Then, in paragraph 174, it says:

"To deal with any further attempt by any substantial body of persons to organise

violence against persons or property, by a majority we recommend that Parliament should be authorised to enact provisions designed for that purpose notwithstanding that such provisions may involve infringements of fundamental rights or State rights. It must be for Parliament to determine whether the situation is such that special provisions are required, but Parliament should not be entitled to authorise infringements of such a character that they cannot properly be regarded as designed to deal with the particular situation. It would be open to any person aggrieved by the enactment of a particular infringement to maintain that it could not properly be so regarded and to submit the question for decision by the Court."

Mr. Speaker, Sir, therefore we at once get the position that constitutional experts trusted by the free world, trusted by the Government of Malaya at that time, were called upon to make a report, to recommend a Constitution for this country—and they had in mind the Emergency, they had in mind subversive activities, they had in mind the probability that emergency through subversion may arise in this country—with all that in mind, these constitutional experts decided that whatever the danger, however grave the situation, there should be no preventive detention, there should be no power in Parliament to pass a law for preventive detention. Therefore, if we are now to hear—at least we heard when this blue paper came out that there was an attempt by the Government to get power for preventive detention, how does that compare with what was stated in this Constitutional Report, which was accepted by the Alliance Government, which was given to this nation as a sacred document; how can the Government now come and say: "We think there is danger of subversion, therefore we want to get power of preventive detention." But I am glad to note that at least that attempt has been quickly changed, and whilst there is no attempt to get power for making preventive detention, there is an attempt to amend a very important and very vital clause in the Constitution to give power to the Government to pass arbitrary laws or emergency laws in accordance with the Constitution when a state of emergency is almost declared by His Majesty the Yang di-Pertuan Agong.

Mr. Speaker, Sir, what is important is this. I agree, and we all agree, that every modern nation, every free nation, must have in its Constitution the power to pass extraordinary laws, as I call it, or laws which are not the normal laws of the country, if a state of emergency exists; but where normal conditions exist, where no state of emergency exists, although a danger may exist, then I say no democratic nation should pass any laws of an extraordinary or arbitrary nature. That will be violating the fundamental principle that the law of the land, the rule of law, will be maintained in the country. Mr. Speaker, Sir, it is clear why the Constitution (Amendment) Bill is being introduced at this meeting. We had the announcement of His Majesty the Yang di-Pertuan Agong that the Emergency Regulations as such would come to an end on the 31st July this year. Therefore, for all purposes, the Emergency will be at an end. But to-day we are being asked to amend Article 149 of the Constitution. With what purpose? To proclaim another state of emergency in this country on the ground that subversion is going on. Is this a revocation of the Emergency Regulations, or is this an attempt by the Government to hoodwink the ordinary people of this country by saying: "All right! You don't like the Emergency. Therefore, we will revoke the Emergency Regulations. We will proclaim a state of emergency and give you regulations ten times more fearful, ten times more deadly, than the Emergency Regulations."

Mr. Speaker, I must admit—I am not on the Government Bench—that my information therefore would obviously be much less than that of the Government's on the question of subversion in this country. Let us take that as a fact. In every country, there are ways of dealing with an emergency. Let us look at the countries from which we say we have derived all these things—Justice, Fair Play, Rule of Law, Maintenance of Law and Order, Equality before the Law—England, other free countries, India is quoted very often, so many other countries. What is subversion? Subversion is to do something secret, something bad in

a secret manner. Let us take the case of Malaya. The Emergency Regulations came into operation, the Government passed the Emergency Regulations to deal with the situation. The Emergency Regulations are legal documents drafted by legal men, with legal words used carefully, specifically, and the object of the Emergency Regulations was to deal with terrorism and terrorists in this country. Mr. Speaker, Sir, subsequently, by the usage of time—perhaps deliberately, perhaps not deliberately—the Emergency Regulations were referred to as Regulations to deal with Communist terrorism in this country. We get, therefore, the first point: Emergency Regulations framed and enacted and worded to deal with terrorism in this country was turned into something to deal with Communist terrorism in this land. Mr. Speaker, Sir, good! Communist terrorism now as a violent force, we are told, will be at an end on the 31st July, this year. Malaya is a democratic nation. The Constitution of this country guarantees certain fundamental rights: freedom of speech, freedom of association—the usual fundamental freedoms of men, freedoms which we have inherited or say we have inherited from our former Colonial rulers and also incorporated from other independent nations in the East. Mr. Speaker, Sir, if you want to fight subversion, you have got to fight it, but you can only fight it with one method, that is by removing the cause for subversion. How are you going to remove the cause for subversion?

What is the cause for subversion in this country—if there is, now? The cause is that fundamental rights, a fundamental liberty, is being denied by the attitude of the Alliance Government in this country: that is, the fundamental liberty of any person, whoever he may be, by peaceful and democratic means, to propagate and to preach the principles of Communism and Communist ideology in this country if he so wants.

Mr. Speaker, Sir, I stand up in this House and I say that if Malaya is a democratic nation, if Malaya is a democratic nation following the principles of democracy as in India, as in Ceylon,

so often referred to as our friends and neighbours, then Malaya must recognise the principle and ideology of Communism as a subject to be preached by the free people of this country. Then you will get no subversion. Mr. Speaker, Sir, I say that any man of this country, any man, including the Members who are laughing there, should have a right if they want to to stand up and say: "I want to preach the Communist ideology. You follow me if you like; you don't follow me if you don't like." If that person resorts to violence, to unlawful acts in his attempt to do that, then he should suffer the consequences of the law. Mr. Speaker, Sir, that is the way to stop subversion in the land. What do you want to do if a man wants to preach Communism? All you do now is that you call him a subversive element. If he is not a subversive element, then he cannot preach political propaganda.

Mr. Speaker, why? Why does this Government say: "We will not allow a party to say they are the Communist Party or to preach and practise Communist principles in this land." What is the reason? They say: "Well, Communist terrorists have caused untold suffering in this country, untold damage in this country." But what I am saying is that you cannot disregard the fact that in this international world there is an ideology known as Communism, and that ideology is one which free nations have given their citizens the right to preach. England has it; India has it; Ceylon has it. Why can't Malaya have it? Are the citizens of this country so untrustworthy that our Government doesn't trust them to see what is right and what is wrong?

Mr. Speaker, therefore I say that if the Emergency is coming to an end on the 31st July, then this Emergency must be at an end, and this Government should not attempt to proclaim a state of emergency as a means to re-introduce laws more fearful than the Emergency Regulations themselves.

Mr. Speaker, Sir, what does the Government say is subversive activity? Let us agree that those who went into the jungle, let us agree that those who are trying to carry out subversive

activities of a violent or semi-violent nature in the jungle are subversive elements. Let us agree that they should be punished. But what is the Government trying to do in amending Article 149? Let us read the amendment.

Mr. Speaker, Sir, the amendment is this—

“If an Act of Parliament recites that action has been taken or threatened by any substantial body of persons, whether inside or outside the Federation—

(a) to cause, or to cause a substantial number of citizens to fear, organised violence against persons or property; or

(b) to excite disaffection against the Yang di-Pertuan Agong or any Government in the Federation.”

Mr. Speaker, Sir, what is the meaning of “to excite disaffection against the Yang di-Pertuan Agong or any Government in the Federation”? If I stand up, or if any Member of this House stands up and say: “We want Malaya to be a Republic”, is that an act of disaffection against His Majesty the Yang di-Pertuan Agong? If anybody stands up and says: “We want a President of Malaya, we do not want a Yang di-Pertuan Agong”, is that an act of disaffection? Who is going to decide that? If we stand up and say: “The Alliance Government has a Dr. Goebels in their midst”, is that an act of disloyalty against the government of this country? If we say: “The Alliance Government is trying to control Radio Malaya, therefore they are a bad government”, is that an act of disloyalty against the government of this country?

Mr. Speaker, Sir, let us go to (c)—

“(c) To promote feelings of ill-will and hostility between different races or other classes of the population.”

Mr. Speaker, Sir, this is so fundamentally important; so deliberately put into this proposed amendment that it cannot pass without comment. Mr. Speaker, Sir, we have heard in this very House Members from the Pan-Islamic organisation speaking for Malay rights; we have heard in this very House Members from the People's Progressive Party of Malaya speaking for equal rights—quite naturally, that will cause embarrassment. Perhaps, when I speak, it might create embarrassment to the

P.M.I.P. and when they speak perhaps it might cause embarrassment, or perhaps anger, to me. But is that an act creating ill-will or hostility between different races? There are issues of a communal nature in this country and we must face those issues; we must have the right and liberty to speak on those issues. There are no communal issues which cannot be said to cause some resentment, perhaps, amongst the races. But so long as we can control, so long as the leaders can control their various races, then there will be no conflict. But I do not think in any country in the world you have a provision which says you cannot raise or you cannot speak on a matter which is so fundamental an issue in a multi-racial nation such as ours. The Constitution itself raises those very issues and we must have the liberty, from whatever Party we may come from, to make our stand, to put our views to the people of this country.

Mr. Speaker, Sir, we come next to (d)—

“(d) to procure the alteration, otherwise than by lawful means, of anything by law established”.

Good enough.

Mr. Speaker, Sir, item (e)—

“(e) any matter which is prejudicial to the security of Malaya or any part thereof”.

Mr. Speaker, Sir, if an amendment to the Constitution is being proposed in this House that amendment should be so specific that there can be no misunderstanding of what is intended when the Government proposes it. What is the meaning of “any matter which is prejudicial to the security of Malaya or any part thereof”? What is prejudicial to the security of Malaya? Anything anybody says? If the Alliance Government thinks that Malaya belongs to them, then if it is prejudicial to the Alliance Government, it is prejudicial to Malaya? Perhaps that could be their construction. Perhaps if somebody says: “Elections should be held again, the Alliance has no mandate to amend the Constitution, therefore we call upon them for fresh elections in this country”, would that be an act prejudicial to the security of Malaya

or any part thereof? We would like amplification of what is meant; we would like a clear statement so that there can be no dispute as to the construction of what something means at a later date. This amendment is dealing with the liberty, with the safety and with the future of a nation. It is dealing with the God given right of freedom of men. You are trying to take away from the citizen of this country his right to say what he wants within the law, his right to propagate what he wants within the law of this land.

Mr. Speaker, Sir, then we come to the question of what is to happen to a person who may be detained under Article 149 after the proclamation of a state of emergency had been made. Under the Constitution, Mr. Speaker, Sir, as framed by the constitutional experts and again as accepted by the Alliance Government and put to the people as a sacred document, what is the position? A person so detained would have to be released after a period of three months unless a special board said there were grounds for his detention. That board would for all material purposes be an independent board and its decision would be final, unless the subject is going to challenge in a court of law the declaration of a state of emergency. What is the Government now trying to do? Oh, no, that is not good enough. We do not want an independent body to discuss this matter, we do not want an independent body to have a final say, we want the Government itself—we want the Cabinet to have a final say. What is this inquiry going to be? A farce, a mere farce—a bigger farce than it is now under the Emergency Regulations. The constitutional experts said that a safeguard must be given to a person arrested under Article 149, if ever that Article comes into operation, and they found that the best safeguard would be for the final word to be in the hands of an independent body of inquiry which must make up its mind within three months. The amendment now takes away from that independent board the power to make that final decision, and that final decision is taken away and given to—whom? The

Cabinet! Could there be any greater proof, could there be any greater indication of the intention of the Alliance Government in proposing that amendment to take away from an independent board the power to decide whether a man is lawfully, properly and reasonably held on a detention order under Article 149? What is the intention? The intention is to abuse, to misuse and to oppress the citizens of this country. Otherwise why is that amendment necessary? Don't you trust independent boards? You speak so much of the Emergency Regulations and say that there is an independent board that inquires. Why don't you like an independent board any more? Why do you want to change your mind and say now that the Cabinet wants to take it over? What is the intention? We would like amplification on that. What has gone wrong in the Emergency Regulations administration from Merdeka, from Independence, until now to change the mind of the Cabinet to say: We do not want an independent board to have that decision, we want to take it over ourselves—Why? We were told just now that in the light of experience these amendments are necessary. What is the experience with regard to the present Emergency Regulations independent boards which has caused the Government so to make up their minds? Why is it necessary, why has the Government decided that that is no good and it should take over the power either to release or to detain further the person or the subject under Article 149? We would like an explanation on that.

Mr. Speaker, Sir, then we come to the question of the Judiciary. I was told just now that this practice, as suggested by the Alliance Government now in the amendment, is a practice followed in England and many other parts of the world. But I say to this House that it is not the practice followed in India; it is not the practice followed in Pakistan; and it is not the practice followed in Ceylon—those three things I know. Mr. Speaker, Sir, the Judicial Service in this country, which the British Administration handed down to the people of this country when

Merdeka came, has been a Judicial Service above everything else; and that is one service on which every citizen of this country, and every non-citizen of this country who had occasion or necessity to go to those courts will stand up and say: Thank God, we had a Judicial Service and we still have to-day a Judicial Service where every man is equal before the law. That has been exemplified on numerous occasions. For people to say that, there is no doubt at all that Judges have maintained their independence; Judges have been free from political influence; and Judges have acted in accordance with the law, upholding the principles of the rule of law. That, of course this country can be proud of. We were told that in the light of experience it was necessary to amend this Constitution. What is the light of experience? Why you want to change the mode of appointment of Judges? We were also told, I believe, that there was no allegation, nothing was wrong. But why do you want to change it now? Everything is all right; everything is good. Perhaps the Alliance Government is not satisfied with something which has happened. If that could be the reason, if we are told "in the light of experience", then we must be told what has been wrong. If we are not told what has been wrong, then I do not see what experience there is to necessitate a change in a system which is working so well. Everybody is agreed, the Government Bench is agreed that politicians and political influence should be kept as far away from the Judiciary as possible; and yet the amendment is going to bring the politician so near to the Judiciary that it has become highly dangerous. In India, in Pakistan and in Ceylon—Asian lands—the Prime Minister has nothing to do with the appointment of Judges. The President of India appoints the Judges on the advice of the Chief Justice. High Court Judges are appointed by the President in consultation with the Chief Justice. The Prime Minister has nothing to do with them. Why should we in this land, why should the Government ask that the Prime Minister should have a say in the appointment of Judges? What is

the reason? What is the motive? To-day the Prime Minister of this country is so and so sitting there, to-morrow it may be somebody else, who may not be as just as our present Prime Minister. What is going to happen then? (*Laughter*) Mr. Speaker, Sir, this Constitution is going to last for a lifetime and more; this Constitution as framed should be maintained in its original state till the end of time itself. But here we are being asked to amend things for politicians to get in to influence the Judiciary. How do you expect the Judges to work properly? How do you expect the people to say that this Judge has done justice when they know that this Judge sits there because he has the favour or the approval of the Prime Minister of this country? As I have said before—and I say it again—justice must not only be done but the citizens must see that this has been done. I say that if we are going to allow this amendment to go through, then Judges in this country will have a black spot on them. Whatever they may do, the side that loses will say: this man has not been just; he has the favour of so and so. That is the natural reaction, and justice will never be seen to be done. Mr. Speaker, Sir, it is a matter of very great regret that although the Honourable mover of this motion has said that in the light of experience these amendments are necessary, we are not told what was wrong in the past to make these amendments necessary.

Mr. Speaker, Sir, we come now to the Public Services. The Public Services in this country were criticised a few days ago by an Honourable Member of this House to the extent of saying: don't give them a canteen; don't let them read newspapers in the office. It was also said that the Public Services Commission and the Public Services of this country must wake up and sit up—work all the time, then only things can go on. True! But why attack the Public Services of this country? Have they not done a good job? Every now and then—if you look up Hansard or official records in the past—glorious

tributes were paid from both sides of the House—Public Services are doing this; Public Services are glorious. Now we get somebody saying: don't read newspapers; don't go to the canteen! Bring a flask and sit at your table! (*Laughter*).

Enche' Tajudin bin Ali: Mr. Speaker, Sir, on a point of information.

Enche' D. R. Seenivasagam: Mr. Speaker, Sir, I refuse to give way! (*Laughter*).

Mr. Speaker: I cannot compel the Honourable Member to give way when it is on a point of explanation, but on a point of order, I can.

Enche' D. R. Seenivasagam: Mr. Speaker, Sir, I stand up here to-day to pay a tribute to the Public Services of this country. (AN HONOURABLE MEMBER: Hear, hear.) In times of great difficulty, in times of almost impossible condition of under-staffing, of lack of space, the Public Services have behaved satisfactorily and they had not come in for adverse comment. There is, of course, allegation of corruption but that is not widespread—that is limited. It is wrong to brand everybody under the same roof. We must always realise that the Public Services have been working in a newly independent country where they have not been getting proper support, proper advice or directions from the top levels of Government, and yet they have done a good job. Mr. Speaker, Sir, it is of very great significance to note that from time to time in this House and in the State Assemblies of this country, suggestions have been put forward as to how matters can be speeded up, how backlogs in the District Offices can be cleared, but nothing of very great importance has been done at top levels to put these things right. And why should we attack the general Public Services on the question of corruption itself when, if somebody were to read the report of Mr. Alam, I think, which was never published in this country, corruption exists at the top levels in this country. Why pick on the small fry? If you want to pick on somebody, pick on

the big fish. Pick the big fish and the small fish will disappear itself.

Mr. Speaker, Sir, it is now quite clear again that this Government is trying by the amendments proposed to the various Service Commissions to bring political influence to bear, during the course of his service, on a Government servant in this country. It a matter of terrible regret that in future we are not going to have a Public Service as free from political influence as we would like it to be. Even to-day, if you read the *Straits Times*, you will see what can happen in this country. "There are bad elements"—or words to that effect—"in Radio Malaya—people working against the interests of the Government." On what evidence? If there are, why were they not exposed before yesterday? If you have politicians interfering in the Public Services of this country, you will get that kind of victimisation; you will get that kind of threat; and we must oppose this amendment to the fullest. Mr. Speaker, Sir, the Public Services in this country will stand united against this move, and we of the People's Progressive Party of Malaya will support their stand. The example of yesterday—and it is not necessary for any clearer example—you can read it in to-day's *Straits Times*—proves beyond doubt what a politician can do if he has connection with public servants in this country. Intimidation, threat and dismissal on suspicion may be the order of the day. And that is not what we want; that is not what this country desires in the Public Service. With regard to the question of victimisation, it is, I think, a known fact to-day that there may be an attempt to victimise employees of Radio Malaya and I ask the Director of Radio Malaya to look after his own people and to see that there is no victimisation of anybody in Radio Malaya.

With regard to detention powers, if we hand such powers to a Minister or Assistant Minister, somebody who may perhaps be like Dr. Goebbels, what is going to happen to the citizens of this country? Generally on the amendments to other parts of the Constitution, some of them are not of great consequence;

but there is one amendment which I fully support, and that is the amendment with regard to the Attorney-General. I support that to the fullest. The appointment of Attorney-General should be a political one and he should be able to sit in this House to answer, perhaps, sometimes legal arguments from this side of the House—and he would be of assistance to the Government. However, in principle, leaving talk aside, this should be a matter which should be supported from all sides of the House. With regard to the minor amendments which have been made, they are in my opinion only consequential amendments made necessary by experience in this case and, therefore, I do not oppose them.

There is one matter on the question of qualifications for candidates or electors in this country. With regard to that part of it, I cannot understand why there has been an addition of disqualification in the case of a fine of \$2,000. Why is it necessary to bring that in? The Constitution Commission bore that in mind and recommended the disqualification of a person going to prison—a person who has been in prison for one year or more; and if a man can go to prison for three months and still be a candidate, I cannot see why a person who has been fined \$2,000 should be disqualified for being a candidate or elector. He may be fined \$2,000 for so many comparatively minor offences, offences which do not involve dishonesty, do not involve violence. A person may be fined in the case of criminal libel, criminal slander, two thousand dollars. Judges are going to be appointed on the advice of the Prime Minister. What is the consequence, what would be the consequence? Why should a man who goes to jail for three months be allowed to be an elector, but a man fined for an almost civil offence be prevented? Income tax—you can be fined \$2,000. Are you going to be disqualified for life, for five years, from being an elector in this country? I oppose that amendment for that reason. I think that it is too severe—it is not necessary. Perhaps, if you amend it by saying that a person who has been in prison for three

months should not be an elector, perhaps there is some sense. But here you have an addition of a fine. You drive a car and you kill somebody; you may be fined \$2,000; and you are going to be disqualified from being an elector, leave alone being a candidate. That deprives you of your civil rights in this country. I oppose that very strongly.

Mr. Speaker, Sir, therefore, I would like to sum up my whole opposition to this Bill. In principle I oppose this Bill. I sum it up by saying that we should not amend Article 149 and deal with subversion in a reasonable way, in a democratic way, and allow people to propagate what they want. I know there will be shouts of “Communist, agent of Chin Peng”, but that is no longer of value. We are here to state what we want to say, and shouts are not going to stop the Opposition from speaking what they want. Deal with this in a reasonable manner!

With regard to the appointment of Judges, I say that it is a disgrace that this Government should even have it in its mind to suggest interfering in the Judiciary. With regard to the Public Service, again, I say, it is a disgrace that this Government should not try to maintain the independence of the Public Service of this country: instead the Government wants to interfere, wants to make inroads, wants to get Goebbels everywhere to control the Public Service, the staff of the Public Service, and use it only for Government purposes. With regard to the qualifications of electors, I have already stated what I want to say. I oppose the amendment with regard to the addition of a fine. I think it will work an injustice to the rights of citizens in many many cases.

Enche' Tan Kee Gak (Bandar Malacca): Mr. Speaker, Sir, I rise to oppose the Constitution (Amendment) Bill. The proposed new Clause 150A which provides for detention on the order of a Minister for a period up to two years is an attack on that part of the Constitution which is headed “Fundamental Liberties.”

Tun Abdul Razak: Sir, on a point of order—S.O. 36 (1): the subject

matter on which the Honourable Member is speaking is no longer in the Bill.

Mr. Speaker: That clause has been amended. I think you have the amendment slip before you.

Enche' Tan Kee Gak: I am sorry, I withdraw.

Mr. Speaker, Sir, the rights are all firmly established in Malaya, and it may seem unnecessary to give them special protection in the Constitution. But we have found in certain quarters vague apprehensions about the future. We believe such apprehensions to be unfounded, but there can be no objection to guaranteeing these rights subject to limited exceptions of emergency and we recommend that this should be done. The guarantee afforded by the Constitution is the supremacy of the law and the power and duty of the Courts to enforce these rights and to annul any attempt to subvert any of them whether by legislative or administrative action or otherwise.

Mr. Speaker, Sir, in the special circumstances of this Parliament in which the Government have the unusual advantage of two-third majority without having to rely on any opposition party, the Constitution is particularly vulnerable.

In a normal Parliament in the future, it is unlikely that any one party will secure a two-third majority or be in a position to change the Constitution as if it were merely an ordinary law.

The Government should have called an all party committee and should have tried to seek agreed proposals if amendments were really necessary.

Mr. Speaker, Sir, to announce the proposed amendments without prior consultation shows that the Government consider that as a majority party they are entitled to introduce a partisan measure even in matters affecting fundamental liberties and constitutional rights.

They thus demonstrate that they have no special respect for the Constitution and that they are prepared to lay impious hands on what ought to be regarded as sacred by every citizen of the Federation of Malaya.

In the true meaning of the word, they are preparing to subvert by legislative action the fundamental liberties which are specially guaranteed by the Constitution.

Enche' Hassan bin Mansor (Malacca Selatan): On a point of order, Sir, the Honourable Member is reading his speech.

Mr. Speaker: Proceed!

Enche' Tan Kee Gak: In doing so they have for the second time displayed their contempt for the Red Commission and the public. They gave no hint of these proposed changes in their recent election campaigns and sought no mandate from the people. The Constitution of this country should have been established by a Commission of the highest authority seeking carefully to balance the claims of the Government and the public.

Mr. Speaker, Sir, the Malayan Party calls for special attention to the proposed amendments to Article 150, whereby a Proclamation or Ordinance made under a Proclamation will continue in force until revoked by His Majesty or annulled by resolution of both Houses of Parliament. The result appears to be that a Government could govern by Proclamation and Ordinances having the force of law without calling Parliament within two months as is required under the present law. Why is no explanation of this proposed amendment offered to the public?

Mr. Speaker, Sir, as the powers which it is now proposed to give to the Government will not only be available for an Alliance Government but will also be available to all Governments of the future, therefore, the Malayan Party calls on all Members of Parliament to give the proposals special consideration and, if necessary, to disobey the Alliance whip before they endanger the Fundamental Liberties and smash the Constitutional barriers against Government by proclamation and its resulting dictatorship and "guided democracy."

Enche' V. David (Bungsar): Mr. Speaker, Sir, I would like to quote

Article IX of the Universal Declaration of Human Rights. It reads as follows :

"No one shall be subjected to arbitrary arrest, detention or exile."

And again another Clause in the book of Lord Justice Dennings which states :

"Everyone is entitled to a fair trial, even when he is accused of a political offence. What is the use of any trial unless it is a fair trial? An unfair trial condemns those who hold it. I venture to assert that nothing is more important in our civilisation to-day than we should insist on the fundamental principle that no one should be condemned without trial by which I mean, of course, a fair trial."

Mr. Speaker, Sir, while introducing the amendment to the Constitution of the Federation of Malaya, the Deputy Prime Minister spoke at length; and during the course of his speech he has stated that the circumstances in this country really necessitate such amendments to the Constitution; preventive detention is necessary because it prevents people acting in a particular way. I really fail to understand in what particular way—because a man demands higher wages, or a group of workers demanding better conditions of employment, or because the Prime Minister or Ministers do not like how the Opposition Members are walking or behaving in this House?

Sir, the terms here as stated by the Deputy Prime Minister is very, very wide. He has referred to the Singapore Government which has made preventive detention as a permanent feature in its Constitution. When the Singapore Government introduced this Clause, at that time the Federation of Malaya had its Emergency Regulations and indirectly pressure from the Federation of Malaya was exerted on the Singapore Government to see that at least some provision is made in line with the Emergency Regulations of the Federation.

Mr. Speaker, Sir, as it is, even today the provision exists in Singapore but the situation has completely changed. For instance, the Federation Government has refused an invitation from the All-China Federation of Labour to send a delegation to attend the May Day celebrations in China; but Singapore has accepted the invitation and it is sending a delegation

to attend this function in China for reasons very different from those stated by the Federation Government.

Mr. Speaker, Sir, twelve long years of detention has been experienced by many people in this country. There are still people, who walked into the detention camps on the same day or before the proclamation of the Emergency Regulations in 1948, serving in the detention camps without a fair trial. Issues of this nature, I feel, should become an international issue. Malaya hails at the top at the United Nations of fundamental liberties and human rights. But, Sir, to-day under our roof we still find detainees suffering long period of detention without trial. The people of the Federation of Malaya were overjoyed when they heard the announcement of the Yang di-Pertuan Agong repealing the Emergency Regulations on the 31st July. But, unfortunately, at the same time they are beginning to mourn the new provision which is going to be introduced into the Constitution of the Federation of Malaya.

If this amendment is accepted, Mr. Speaker, Sir, just a week before elections the Cabinet or Ministers can decide to prevent the leaders of the Opposition by keeping them in detention until the elections are over. Nothing can stop them from doing so—they have been vested with arbitrary powers under the new amendment which they have every right to exercise.

Mr. Speaker, Sir, fundamental liberties are basic, and it is the duty of any democratic, constitutional government, to safeguard these rights. Without the necessary safeguards the State would be tempted to assume dictatorial powers and develop along the lines of a police State. My colleagues and my Honourable friends from the Socialist Front deplore these amendments. We feel that these amendments should be entrusted into the hands of a Special Committee composed of members from all Parties who could discuss these amendments and later introduce them into this House for a debate. The sudden introduction of these amendments leads Members of the Opposition

to conclude that the Government is moving in the direction of turning the Federation of Malaya into a Fascist State.

Mr. Speaker, Sir, referring to the Public Service, it should be remembered by the Government Bench that as a result of the repeated agitation by the various Staff Unions of Government employees over a number of years, the provision for a certain number of Service Commissions was agreed to, and Service Commissions were established in this country. The main object of establishing these Commissions was to avoid discrimination, manipulation, favouritism, prejudices and corruption in appointing and promoting staffs of the Civil Services. We want the Civil Services to be independent of political manoeuvres. We oppose the proposed amendment for the delegation of certain powers of the Commissions to a public officer or board of public officers. This delegation of powers would create resentment among the Government employees and will lead to deterioration in the efficiency of the Public Service itself. Mr. Speaker, Sir, the Deputy Prime Minister himself has admitted that there is a provision in the Agreement between the Staff Side and the Official Side of the Government to discuss matters concerning the Public Service at all occasions, but the action of the Government has now taken away the bargaining power from the organised workers of this country.

Mr. Speaker, Sir, according to yesterday's Press, the Government Employees' Unions represented on the Staff Side, Whitley Council, had clearly decided that they will suspend any dealings with the Official Side until the matter is properly dealt with. This clearly indicates the resentment of the Public Service and the Whitley Council against the proposed amendment to the Constitution of Malaya.

Mr. Speaker, Sir, as I said earlier yesterday, the Civil Service in this country has an important role to play. No Government can implement its policy effectively without the full co-operation of the Civil Service. The Civil Service can be regarded as the

limbs of any democratically instituted Government. Mr. Speaker, Sir, the nation expects much from the Civil Service. The Civil Servants are the people who can make Malaya great, but unfortunately the Government in power, for reasons which are known to themselves, are allowing politics to creep into the Public Service. The new amendments will only create frustration, nepotism, corruption and favouritism, and will develop into chaos in time to come in the Civil Service.

The Deputy Prime Minister, when he was speaking, said that the Kuala Lumpur local government should come under the Federal Government. This sudden and surprising move by the Government drives me to the conclusion that the Alliance Government is fearing the challenge of the Opposition Parties in the elections at local level within the town of Kuala Lumpur. It proves beyond doubt that the Alliance has lost its ground in urban areas.

Mr. Speaker: You are not allowed, you understand, to impute improper motives!

Mr. V. David: Mr. Speaker, Sir, I impute that the Alliance is deliberately avoiding going to the polls. I impute that the Alliance is not in a position to meet the challenge, the growing aspirations and civic consciousness of the people of Kuala Lumpur, who have now decided that they should have a change in the local administration of the Government. Mr. Speaker, Sir, by bringing the powers of the local government into the hands of the Federal Government I am sure that one day the Government in power will decide there will be no elections in Kuala Lumpur, and the Municipality will have to come directly under the control of the Minister of the Interior. Mr. Speaker, Sir, I submit that this is a cowardly act of the ruling Party, and it is an act that is deliberately taking away the rights of the citizens of Kuala Lumpur.

Mr. Speaker: I must warn you to be careful with your words. The word "cowardly" should not be used at all.

Enche' V. David: Coming to the question of "essential services", this is

another bogey in the hands of the Government. The Malayan workers have condemned the reference to "essential services" in the proposed amendments . . .

Tun Abdul Razak: On a point of order under Standing Order 36 (1), Sir—it is not a matter under discussion because that Clause has been amended.

Mr. Speaker: That Clause has already been amended. It is not before the House, so you will not touch upon that one.

Enche' V. David: Thank you, Sir. At least, I am glad that the Government is realising . . . the importance.

Mr. Speaker: Never mind about that! (*Laughter*).

Enche' V. David: Mr. Speaker, finally, I strongly oppose the proposed amendments to the Constitution regarding preventive detention for reasons which I know better than any of the Ministers. I myself have become a victim of detention, and the detainees do know what detention means, and the arbitrary powers which are going to be vested in the hands of the Ministers are going to place the Opposition Members in a state of fear. During time for elections, in order to avoid the threat of the Opposition, they could be easily locked up in the detention camp, and the Government could continue the elections. I hope that the Federal Government should not take control of the Kuala Lumpur local government, and it should be allowed to function independently with the co-ordination of the State Government, as it is at present.

Dr. Burhanuddin bin Mohd. Noor (Besut): Tuan Yang di-Pertua, berkenaan dengan pindaan Undang² ini, berkait-lah dengan riwayat perjuangan Persatuan Islam ini dengan Perlembagaan Reid dahulu, sa-belum lagi perlembagaan ini berjalan bantahan di-datangkan, kita telah tegor dan kita telah membuat bantahan² dalam beberapa perkara. Apa yang di-beri tugas oleh perjuangan Persatuan Islam ini bukan sahaja memperjuangkan Perlembagaan yang hendakkan satu

Perlembagaan yang sempurna. Hendakkan Perlembagaan yang molek dan lagi kekal di-bekalkan bagi semua ra'ayat negeri ini. Kerana itu Perlembagaan yang hendak di-perjuangkan oleh Persatuan Islam, ia-lah Perlembagaan Tuhan yang di-turunkan dengan wahi melalui junjongan-nya ia-itu-lah Kor'an. Walau pun perkara ini tentu-lah terlalu jauh pandangan dari Perlembagaan yang ada ini tetapi saya sebutkan ini kerana dalam Perlembagaan Persekutuan ini telah mengaku² Islam itu Ugama rasmi. Terdahulu daripada saya, telah banyak rakan² yang telah memberi pandangan²-nya. Jadi, sa-belum saya masuk menerangkan pada pandangan Persatuan Islam ini terhadap pindaan Perlembagaan ini, saya pandang bahawa Perlembagaan yang di-buat oleh manusia itu sentiasa kurang, sentiasa mesti di-ubah dan di-pinda². Tetapi ada kala-nya pindaan itu lebih burok daripada apa yang telah sedia di-fikirkan baik. Kerana kedudukan pindaan di-hadapan kita ini saya pandang boleh-lah di-bahagi kepada tiga garisan.

Yang pertama, merupakan bahawa perlembagaan ini telah tertinggal banyak perkara², jadi oleh kerana itu baharu-lah beberapa orang dari pehak pemerintah telah beberapa kali terasa chetek dan hendak di-tambah.

Yang kedua, manakala perlembagaan yang tadi sudah dari mula di-bantah, dan di-beri tegoran supaya di-tambah lagi, tetapi sekarang dengan perjalanannya 2½ tahun, maka ketara perlembagaan ini ada beberapa perkara yang telah di-rasakan maju perkembangan-nya, maka ini-lah di-adakan pindaan².

Yang ketiga, undang² pindaan ini hendak di-tukarkan berlainan sekali daripada apa yang ada dalam perlembagaan itu.

Ini-lah tiga pokok yang kita pandang dalam Pindaan Perlembagaan yang di-kemukakan pada kita pada hari ini. Berdasarkan kepada tiga pokok ini, maka tentu-lah masa untuk membahathkan detail² satu² yang saya rasa banyak perkara ini benar sudah di-sebutkan oleh rakan² saya.

Oleh itu, saya berasa dalam perkara perlembagaan ini, kita ada mempunyai

pendirian ia-itu perlembagaan yang merupakan *rigid*, dan perlembagaan yang merupakan *flexible*. Perlembagaan yang menjadikan pokok, maka perkara ini sa-harus-nya kita pandang-lah dengan pandangan sa-bagai piagam, atau sacred, tetapi dalam perkara² *flexible* ini dapat-lah kita pinda. Maka dalam perlembagaan ini, kalau kita pandang; walau pun telah 2½ tahun pindaan² yang di-antara-nya ini ada yang telah berupa satu perkara yang meroboh yang kita perlu memberi kesempatan lagi kepada ra'ayat negeri ini dengan luas supaya perlembagaan kita ini kemas, dan dapat di-per-setujukan dari peringkat bawah sampai-lah pada peringkat atas. Dengan chara pindaan yang di-bawa sekarang ini; walau pun kita telah mewakili ra'ayat, tetapi dengan chara ini boleh di-katakan berkubar² sekarang ini, kita akan menggunakan kuasa nama wakil ra'ayat itu dengan tidak sempat di-sedari oleh lapisan² ra'ayat umum-nya menentang. Fikiran pindaan ini dalam perkara² yang saperti itu tentu-lah kita tak dapat mempersetujui-nya.

Lagi sa-perkara garisan yang besar yang mana dengan ada-nya beberapa hal yang telah menyentuh kedudukan Hakim yang telah menyentuh beberapa keadaan dengan kedudukan saperti keadaan Public Services Commission, dan begitu juga berkenaan dengan Cheraian 16 dan Cheraian 20, dan juga Article 125, dan Article 145 ini; ini ada-lah merupakan sengaja pementah mendedahkan yang akan merusakkan kita daripada berkembangan-nya demokrasi di-negeri ini, kerana chara² pindaan ini merupakan kapada kuasa yang lebeh besar sa-bagai chara² mereka melintasi. Dengan jalan ini tentu-lah akan menunjukkan chara² kemajuan demokrasi negeri ini dan jangan sebalek-nya. Perkara Attorney-General—kuasa Hakim ini-lah hendak-nya chara yang memberikan sesuai dengan perkembangan demokrasi negeri ini. Dan beberapa perkara² yang kechil² yang telah di-bentangkan oleh pehak pembangkang ada-lah sedang kita hadapi dalam beberapa perkara yang menasabah untuk di-pinda.

Sitting suspended at 12.00 p.m.

Sitting resumed at 2.30 p.m.

(Mr. Speaker in the Chair)

THE CONSTITUTION (AMENDMENT) BILL

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

Question again proposed.

Enche' Mohamed bin Ujang (Jelebu-Jempol): Tuan Speaker, saya bangun menyokong atas pindaan Perlembagaan kita yang ada sekarang ini yang telah di-kemukakan oleh Timbalan Perdana Menteri. Saya menyokong ini bukanlah ma'ana-nya saya tidak sayangkan akan kebebasan kita yang ada sekarang ini, akan tetapi saya khuatir, jikalau Perlembagaan ini tidak di-pinda, kebebasan yang ada sekarang pun akan lenyap. Sebab-nya saya berkata begitu, Tuan Speaker, kerana saya takut, kalau Perlembagaan ini tidak di-pinda, barangkali kita akan tidak dapat menggunakan kebebasan yang ada pada masa ini bukan di-halang oleh Perlembagaan ini tetapi di-halang oleh gerakan yang tidak bertanggung-jawab, mengugut sa-saorang manusia yang mengeluarkan fikiran yang bebas.

Tuan Speaker, wakil dari Ipoh telah menchadangkan ia-itu satu daripada jalan² hendak menghapuskan anasir² jahat ini ia-lah supaya mereka² yang berfaham komunis di-bebaskan menjalankan propaganda-nya dalam negeri ini untuk mempengaruhi faham komunis, atau dengan lain² perkataan, Tuan Speaker, wakil dari Ipoh itu berkehendakkan Kerajaan meng'itirafkan Parti Komunis. Dalam Perlembagaan kita ada tertulis bahawa ugama Islam ia-lah ugama rasmi, Ahli Dewan Ra'ayat ini saya rasa tentu-lah tahu dan ia juga tahu, komunis ada-lah musuh Islam. Dalam pada itu saya rasa pindaan ini tidak menchukupi dan saya harap pehak Kerajaan akan memberi jaminan pada masa akan datang pindaan akan di-adakan lagi, pindaan yang saya harapkan itu ia-lah satu syarat di-buat dalam Perlembagaan yang ada sekarang ini supaya Parti Komunis di-haramkan dalam negeri ini (*Tepok*) Tuan Speaker, ada Ahli² Yang Berhormat di-sini telah berkali² mengatakan kekhua-tir-nya jikalau-lah sa-kira-nya Perlembagaan ini di-pinda yang memberi

kuasa kepada Kerajaan menahan sa-saorang itu, Kerajaan akan menggunakan kuasa itu untuk menahan sa-saorang ahli itu bertanding dalam Pilihan Raya. Saya dukachita, Tuan Speaker, kenapa-kah sangkaan itu ada sampai sekarang ini? Kita telah buktikan Kerajaan tidak menggunakan kuasa itu, dan ahli yang ada berchakap dan dudok dalam Dewan ini, ia telah di-bebaskan sa-belum Pilihan Raya. Ini sudah nyata-lah, Tuan Speaker, Kerajaan kita hari ini memang-lah tidak berhajat hendak menggunakan kuasa itu bagi menyekat kebebasan sa-saorang yang hendak bertanding dalam Pilihan Raya dan sa-bagai-nya. Tuan Speaker, saya rasa Perlembagaan yang ada sekarang mesti-lah kita pinda dan jika tidak di-pinda, sa-bagaimana yang saya kata tadi kebebasan yang ada sekarang harus akan hapus.

Dr. Lim Swee Aun (Larut Selatan): Mr. Speaker, Sir, this morning we were pleasantly surprised to find this Government amendment to the Bill to amend the Constitution laid on the Table, and this amendment has deleted Clause 30 from the Bill which would have had the effect of writing into the Constitution the power of preventive detention. I congratulate the Government and I thank the Cabinet for having taken this wise move, the immediate effect of which was to rob the wind out of the sails of the Opposition, and it has floundered some of them in their speeches this morning. I take this opportunity to state in this House that pressure from the backbenchers of Government has to some extent contributed to the decision of deleting Clause 30—and this is proof, sufficient proof, to the peoples in Malaya that we, the backbenchers, are not the puppets that dance to the tune of Tunku Abdul Rahman as prophesied by some Members of the Opposition in their election speeches that we would be. This proves that certain Members of the Opposition are false prophets and they have attempted, and are still attempting, to subvert the Government by trying to draw away the confidence of the people in us. They, themselves, the false prophets, are really the producers of doom of this country. Many attempts have

been made in this House to break the unity of the Alliance Government, but they have not succeeded. They will not succeed, because we believe in democracy and practise the rule of the majority. (HONOURABLE MEMBERS: Hear, hear.).

The Honourable Member for Ipoh has given his reasons why the Constitution should never be changed. It is no doubt a holy and sacred document, the framework of democracy, it was drafted by internationally accepted constitutional experts. He was very definite in saying that this Constitution must never be changed and yet in the same breath he admitted, he accepted and he approved that Clause 26 of the Bill, which describes the method of how an Attorney-General can be appointed by the Government, should be amended in the Constitution.

Enche' D. R. Seenivasagam: Mr. Speaker, Sir, on a point of order. My point of order is that the Honourable Member must have been sleeping, because I did not say that this Constitution must never be amended.

Dr. Lim Swee Aun: That is not a point of order.

Mr. Speaker: What is your point of order? That is a point of explanation.

Enche' D. R. Seenivasagam: I withdraw.

Dr. Lim Swee Aun: Mr. Speaker, Sir, I am grateful to the Honourable Member for Ipoh, because that proves his duplicity. (*Laughter*) (*Applause*). He hunts with the hounds and runs with the hare when it suits his purpose. This shows that man is not infallible, not even the Member for Ipoh. We all have ideals and we try to practise our ideals. But we must never forget that there is always room for improvement. The Honourable Member for Ipoh admits that Clause 26 will improve the Constitution and also that there are other amendments of minor changes in this Bill that will be beneficial to the country. We join with him in praising the Judicial Service of this country which has served us all in justice and impartially without fear of interference from the Government or from politics.

He has given credit to the British Government for giving us this system, this legacy; he has supported British parliamentary practice; but he does not support this Government for adopting the method which is adopted by the British on how Judges may be appointed—instead he has recommended to us the system adopted in India, Pakistan and Ceylon. Therefore, I wonder whether he is colour prejudiced in that preference. (*Laughter*) (*Applause*).

We also join him in giving praise and appreciation to our Civil Service. They have served to the best of their ability under very tremendous strain brought about by the rapid Malayanisation and in the circumstances they have done their very best and we thank them for it. Also I agree with him that there is a section in the Civil Service that is not putting their shoulders to the wheel, but we must not tar everyone in the Service with the same brush. On behalf of the Government backbenchers, I give this assurance to all members of the Public Service that should ever there be a genuine case of victimisation as a result of this Bill, they are at liberty, whether it be in the day or in the night, to come and see us and we will see that justice is done to them. (*Applause*).

Enche' Lim Kean Siew: Under Clause 149?

Dr. Lim Swee Aun: The Honourable Member for Ipoh has in no uncertain way declared that there is only one solution to subversion—and that is to recognise the Communist Party.

Enche' D. R. Seenivasagam: Mr. Speaker, Sir, on a point of order. The Honourable Member is telling a lie. I did not say "recognise the Communist Party."

Mr. Speaker: That is a point of explanation.

Dr. Lim Swee Aun: That is not a point of order. I refuse to give way.

Enche' D. R. Seenivasagam: Sir, I ask for your ruling in this case.

Dr. Lim Swee Aun: What is the point of order? (*Interruption*).

Mr. Speaker: When I speak both of you must sit down. (*Laughter*) I shall not allow anybody to address one another. Addresses must be made to the Chair—that is why I am here.

(To Enche' D. R. Seenivasagam) You say that you rise on a point of order. You must show me under what Standing Order that a speaker has committed an infringement.

Enche' D. R. Seenivasagam: Sir, I rise on a point of order—Standing Order 36 (6): "No Member shall impute improper motives to any other Member." My submission is this: that by making . . . (*Interruption*).

Mr. Speaker: Silence! Do not interrupt when another Member speaks.

Enche' D. R. Seenivasagam: By making a deliberate false statement as to what I have said, the speaker is imputing a wrong motive to me. I did not say "recognise the Communist Party." I say to recognise the ideology of Communism.

Mr. Speaker: (To Dr. Lim Swee Aun) He said to recognise the ideology of Communism. Do not say that he said "recognise the Communist Party."

Dr. Lim Swee Aun: The Honourable Member for Ipoh said that there was only one solution to subversion, and that is to recognise Communism. Sir, it appears that this is a very subtle move. It has the flavour of Quisling who sold his country to dictator Hitler. (*Applause*). Communism it not what it is made out to be. It is not a doctrine that if you have two coats you give one away, or that if you have two loaves of bread you give away one. We have seen, we know, and there are proofs, that world Communism is a dictatorship and the worst form of colonialism. We, in Malaya, have tasted and know what colonialism is—it is indeed very very mild when compared to the colonialism of Communism. Therefore, should we be so foolish that after we have gained independence from one type of colonialism as to jump from the frying pan into another type of colonialism—colonialism of Communism? (*Applause*). We would indeed be idiots

and fools if we were to fall into the trap that the Communism in Malaya has nothing to do with world Communism. Therefore, to recognise Communism in Malaya is to commit suicide.

Mr. Speaker: I warn you again. The Honourable Member for Ipoh did not say that Malaya should recognise the Communist Party.

Dr. Lim Swee Aun: I said "recognise Communism", I did not say "recognise the Communist Party".

Mr. Speaker: Proceed!

Dr. Lim Swee Aun: Sir, to recognise Communism in Malaya is to commit suicide, and only a Quisling can recommend such a path. As I have said before, man is not infallible and any constitution written by man may not be infallible. There is always room for improvement and this Bill seeks to improve our Constitution. (Applause).

Enche' Chin See Yin (Seremban Timor): Mr. Speaker, Sir, the present Constitution with its special powers against subversion, together with the Emergency powers, have proved good and sufficient to help to keep any dangerous situation that may arise and to put everything under proper control. The Emergency Regulations and the Prevention of Crime Ordinance are two glaring examples which have been put forward which are now providing ample powers to the Government in order to maintain peace and good order.

Sir, we all agree that terrorism is a violent force, and that subversion is an invisible destructive force. We all agree. Let us consider the first: terrorism. Under the Constitution, we have provided a law called the Emergency Regulations, and we are going to declare these regulations at an end on the 31st July. It is abundantly clear that these powers provided in these Emergency Regulations have enabled the authorities to get all the necessary information to put down the acts of terrorism. That is all the Government wants. We don't want anything more than that.

On the question of subversion, you have the Prevention of Crimes Ordinance, where the Security Branch in the Police Force is acting under, getting sufficient information so that many thugs are now brought to book. Now that we know the Emergency is coming to an end, it means that terrorism is finished with. We are now left to deal with a more difficult problem, that is subversion. This is a matter that we all must give very careful consideration to, and I think we all agree that poverty and discontentment are the two evils that will create the attraction provided by subversive elements. The Honourable Member from Ipoh has suggested that there is always a solution to this problem, and I agree. Not so long ago, another Member—from Taiping—said: "Man is not infallible." (Laughter). I agree with him in this respect . . . Why are those guys laughing, I don't know! (Laughter).

Dato' Dr. Ismail: Mr. Speaker, Sir, may I ask whether the word "guys" is parliamentary?

Mr. Speaker: It is never said in parliamentary debates. Don't use that word anymore.

Enche' Chin See Yin: Yes, Sir.

We were on poverty and discontentment. Poverty we are now fighting by putting up a higher standard of living, and the Government is doing its utmost under the rural development scheme to provide land in order to provide more food for the people. We are also fighting against the other evil, discontentment. Discontentment can be caused when a man is not able to get something for which he is legally entitled. We are now doing everything possible towards that end, and I think we have got weapons to fight that issue. Now, the laws we make, surely we do not make them to turn a person into a criminal; the laws are intended to give wisdom to the people and to guide them to do the proper thing. Any act of detention depriving a person of his liberty creates discontentment and we must not send a person behind bars without giving him a fair trial, and that is why I say

arbitrary power to detain a person is never a good thing.

The Constitution of this country was created and based on the recommendations of the Reid Commission, which consisted of constitutional experts of various democratic countries. They have given us their recommendations, and we have this book, which is our Bible. For so long we have been able to carry on with it, and to maintain peace and order. I refer particularly to the laws made under it—the Emergency Regulations and the Prevention of Crimes Ordinance. Here in this Constitution, Part II, are provided the fundamental liberties—everything that is given to men who live in democratic countries. To do anything to deprive a man of the enjoyment of that which has been provided, by any amendment is not going to be a wise move. We may live to regret it one day. When the Emergency was at its height, we had a very able General in the person of Sir Gerald Templer, and he said: "Let's end the Emergency by giving Operation Service to the people, to win the hearts and minds of the people!" I think there is plenty of wisdom in that suggestion, and that it has helped to a very large extent to bring the Emergency to an end—which will be officially declared at an end on 31st July this year.

Without force, without bloodshed, without any loss of lives, we have achieved independence. Not only that, we have now gained friendship and support from all the people in the free world.

We know that there exists in this country to-day subversive elements. To fight them would be difficult. But let us find a solution that will not get the innocent man into trouble. You will appreciate that the law as it now stands will, in the matter of preventive detention, under the amendments suggested to Clause 31 of this Bill, take over the decision from an independent body to hand it over to the Cabinet. For this change I think the people in this country want better reasons than those offered by the

Honourable the Deputy Prime Minister this morning. I look at it this way. When a person is detained under such power, his detention can be kept up for a very long time—extended, extended, and extended, even for ten to twelve years. In fact, a case was brought up only a few days ago in this House over the detention of a certain person. I believe he is now there for more than ten years. Now, in the case of a person who is convicted of murder, and when he is sentenced to death, he can make an appeal for his life, and if that sentence is commuted, he is given a sentence of 20 years. But in reality, he would only serve about 14 to 15 years. Take another case of a surrendered bandit who had committed acts of murder, arson, rape and violence, and yet after he had surrendered we can pardon him and allow him to lead and to enjoy that liberty that is provided under this Constitution. Why, Sir, must we to-day take away the power of that independent body to give it to the Government? Governments may come, and Governments may go, but the independent body will be always there, free from all interference, political or otherwise.

To-day, we are discussing this Bill, which concerns our liberty and our security. I am not a man who can speak authoritatively on law, but from the reasons given by the Honourable Member for Ipoh regarding the appointment of judges, I think they are very sound. So far, the judicial section—judges, magistrates, district judges—have done a very good job. They are free from all interference. Their decisions are purely independent and all their own. Why must we interfere with the law as it now stands. There is no question that they have gone wrong. The same can be said about the independent body I referred to—there is no complaint. In fact, tribute has been paid to the work done by such people.

Sir, I think, in the light of what we have heard and seen of things, we should allow the Constitution to remain unchanged, but before I sit down, there is one thing I must say. I must

congratulate the Deputy Prime Minister for his wisdom in withdrawing that proposed amendment whereby a Minister can have arbitrary power on the question of detention. That is one of the best things he has done, and he has done it with great wisdom. I hope the Constitution as it now stands will remain as it is for the better of all.

Enche' Ahmad Boestamam (Setapak):

Tuan Yang di-Pertua, sa-waktu mengemukakan usol pindaan Perlembagaan Persekutuan Tanah Melayu ini tadi, Timbalan Perdana Menteri telah menyetujui nama saya kerana didalam ucapan penanggoan saya dalam persidangan Parlimen yang lalu, saya ada menyebutkan berkenaan dengan Undang² Anti Subversive. Saya sekarang ada memegang Parliamentary Debates, butir² tentang ucapan saya itu. Kalau di-fahamkan baik² bahawa apa yang saya katakan di-situ ada-lah pertama sekali, meminta supaya Undang² Dharurat di-tinjau kembali. Dan saya menyebutkan, kalau Undang² Dharurat membolehkan pemerintah kita dengan tiada alasan menangkap orang yang di-tudoh subversive kominis dan di-tahan mereka itu untuk bertahun², kenapa-kah anasir² subversive Amerika umpama-nya, dari England umpama-nya tidak di-masokkan bagitu. Dan bila saya menchadangkan, peninjauan ini di-adakan kembali, saya menchadangkan pula supaya di-tubuhkan sa-buah Committee—sa-buah Jawatan-Kuasa supaya meninjau kembali Undang² Dharurat itu.

Tuan Yang di-Pertua, kembali saya terhadap ada-nya satu Undang² Anti Subversive, sachara prinsip-nya saya tidak-lah bertentangan dengan apa yang di-kehendaki oleh pemerintah. Sa-buah negeri perlu mempunyai satu Undang² Anti Subversive, Satu Undang² menchegegah gerakan dari luar yang mahu menghanchorkan pemerentah. Tetapi, Tuan Yang di-Pertua, saya tidak sama sekali menyetujui satu Undang² Anti Subversive yang mengistilahkan subversive itu terlalu nipis sekali. Dan kalau ada-nya satu Undang², saya menchadangkan, Tuan Yang di-Pertua, satu Undang² yang

berdasarkan rasa peri kemanusiaan ia-itu Undang² yang bukan memberikan hak menangkap dengan sewenang²-nya—satu Undang² memberikan hak boleh di-tahan sa-saorang itu dengan tiada bukti dan alasan-nya. Jadi, Tuan Yang di-Pertua, kalau kita perlu mengadakan satu Undang² itu maka hendak-lah ia, merupakan Undang² yang tidak membunuh dan tidak menyekat hak sa-saorang ra'ayat dalam sa-sabuah negara dan supaya istilah dalam Undang² itu terutama sekali dalam soal subversive itu diterangkan.

Kita telah dengar di-dalam hujjah yang di-berikan oleh Timbalan Perdana Menteri tadi berkenaan dengan maksud² kominis di-tambah pula dengan beberapa orang yang berchakap menyokong beliau itu. Tuan Yang di-Pertua, saya bukan berdiri di-sini hendak menapikan tujuan kominis itu hendak domination sa-bagaimana yang di-katakan oleh pehak penchadang tadi tetap domination—mahu menguasai negeri ini, Tuan Yang di-Pertua, haruslah kita istilahkan sa-luas²-nya domination—mahu menguasai bukan hanya sachara terang² sa-bagaimana yang di-buat oleh kominis itu, umpama-nya, tetapi domination di-atas kita dengan chara berpusing² yang menguasai jiwa kita, yang menguasai perasaan kita dengan berbagai² jalan. Kalau kominis menguasai manusia umpama-nya dengan alat senjata sa-bagaimana yang di-katakan tetapi ada anasir lain yang memandang hina kepada manusia atau dengan putar belit lain, menggunakan wang, menghabiskan wang untuk memikat pemimpin² kita. Apa-kah orang ini bukan subversive? Kalau terhadap kominis dan penyokong-nya tadi kita bertindak, mari kita bertindak pula terhadap orang² ini, yang mahu membeli, yang mahu mempengaruhi negara kita ini supaya mengikut langkah mereka itu. Jangan-lah tindakan kita pada satu pehak sahaja. Sebab domination bukan hanya direct tetapi indirect juga.

Tuan Yang di-Pertua, tadi wakil dari Larut Selatan mengatakan bahawa penarekkan kembali clause 30 ia-lah kerana usaha backbenches yang mendesak pemerintah, yang mendesak

Cabinet menarek kembali, Tuan Yang di-Pertua, kalau mahu berbangga² saya ingin pula menyatakan di-sini, bahawa bila tersiar sahaja pindaan Perlembagaan Persekutuan Tanah Melayu dahulu seluruh surat khabar tanah ayer kita ini memuji²-nya. Saya tidak tahu apa-kah kerana di-suroh mereka itu memuji-nya atau bagaimana. Tetapi saya dapat menyatakan sa-bagai sa-orang wartawan, sa-bagai sa-orang manusia surat khabar saya-lah yang satu²-nya menghentam cheraian 150 (a) itu.

Tuan Yang di-Pertua, kerana penarekkan undang² 150 (2) ini, saya menyatakan rasa gumbira saya, saya dapat mengatakan bahawa ini ada-lah salah satu hasil daripada perjuangan kami.

Mr. Speaker: 'Ah, 'ah jaga!

Enche' Ahmad Boestamam: Tuan Yang di-Pertua, clause 28 (a) mempunyai berbagai² syarat. Tadi, wakil ra'ayat dari Ipoh telah menyentoh soal ini pertama-nya, dalam bahagian (a) (b) (c) dan (d). Saya ingin menyentoh dalam bahagian (d). Kerana pindaan ini hanya ada dalam bahasa Inggeris sahaja, tidak ada dalam bahasa Melayu, saya bachakan:

"(d) to excite disaffection against the Yang di-Pertuan Agong or any Government in the Federation".

Dalam bahasa Melayu-nya "disaffection" bererti menimbulkan rasa benchi kapada Yang di-Pertuan Agong atau sebarang Kerajaan dalam Persekutuan Tanah Melayu. Tuan Yang di-Pertua, perkataan "disaffection"—perkataan rasa benchi ini tidak di-istilahkan sama sakali. Dan kalau mengikut istilah biasa ini di-masokkan dalam Undang² amat-lah sukar manusia ini akan bergerak. Kalau saya mengatakan sekarang, hanya satu system pemerintahan Socialist sahaja yang baik, orang boleh mengatakan saya menimbulkan rasa benchi kapada pemerintahan Perikatan dan satu Undang² dapat di-kuat-kuasakan.

"(c) to promote feelings of ill-will and hostility between different races or other classes of the population".

Saya harap dapat di-berikan penjelasan dalam ma'ana atau istilah "classes" itu,

darjah dalam sekolah-kah atau apa? (Ketawa).

The Assistant Minister of Information and Broadcasting (Tuan Syed Ja'afar bin Hasan Albar) rises (di-sampok).

Enche' Ahmad Boestamam: Ya!

Mr. Speaker: Proceed!

Enche' Ahmad Boestamam: Menteri Muda mengganggu saya. (Ketawa).

Mr. Speaker: Jangan pedulikan! (Ketawa).

Enche' Ahmad Boestamam: Meng-apa! (Ketawa). Dia mahu jadikan Dewan ini macham Radio Malaya juga!

Mr. Speaker: Proceed!

Enche' Ahmad Boestamam: Tuan Yang di-Pertua, kalau yang di-maksudkan kapada perkataan "class" ini "tingkat²" dalam masyarakat, kita harus mengaku² sa-lama system pemerintah, system ekonomi satu² negara itu berdasarkan kapada system pemodal, sa-lama itu class pasti ada. Dan sa-lama itu ada pertentangan di-antara satu tingkat dengan satu tingkat. Tuan Yang di-Pertua, nanti kalau kita katakan ra'ayat kita susah, kita ra'ayat yang menderita ini harus bersatu untuk mendirikan satu pemerintahan yang baik bagi negeri kita ini, kita akan di-katakan menimbulkan ill-will, menimbulkan hostility antara klas rendah dengan klas atas. Tuan Yang di-Pertua, kalau bagini, kalau ini yang di-maksudkan dalam pindaan ini, bererti-lah, Tuan Yang di-Pertua, kita mahu menyekat usaha orang untuk memperjuangkan chita² masing². Dan dalam bahagian ini:

"(e) which is prejudicial to the security of Malaya or any part thereof".

Apa-kah istilah "prejudicial to the security of Malaya or any part thereof" ini? Tuan Yang di-Pertua, saya teringat satu sikap Kerajaan mengutok kejadian² di-Tibet. Saya tidak berdiri ka-mana² tetapi sikap Kerajaan Persekutuan Tanah Melayu ini mungkin menimbulkan kemarahan kapada pehak yang di-kutok itu, dan mungkin kemarahan pehak yang di-kutok itu

bagitu meluap sa-hingga mahu bertindak, mahu menyerang umpama-nya, mengancham security of Malaya. Jadi, orang yang mengemukakan usul mengutok pehak yang bertindak di-Tibet itu, dapat-kah dia di-masokkan dalam istilah ini? Ya, tindakan dia itu mengancham keselamatan Malaya dan Malaya boleh di-serang dari luar. Ini saya membuktikan bahagian² yang tersebut di-bawah cheraian ini tidak jelas.

Dan satu bahagian lain, Tuan Yang di-Pertua, ia-itu bahagian National Council for Local Government—95A (1). There shall be a National Council for Local Government consisting of a Minister as Chairman, one representative from each of the States, dan lain²-nya itu semua-nya:

“...one representative from each of the States, who shall be appointed by the Ruler or Governor.”

Tuan Yang di-Pertua, dalam bahagian² lain ini, saya membachakan-nya:

“...Yang di-Pertuan Agong shall act on the advice of the Prime Minister,”

Tetapi di-sini, dalam bahagian wakil² ra'ayat negeri itu tidak ada di-sebutkan: “on the advice of Menteri Besar, kenapa? Kalau di-masokkan bagitu barangkali, wakil dari negeri² Kelantan, Trengganu mungkin datang-nya dari PAS, “on the advice of Menteri Besar”, tetapi kenapa perkataan itu tidak di-masokkan di-sini, tetapi di-bahagian lain ada “on the advice of the Prime Minister”? Tuan Yang di-Pertua, kerana saya bukan ahli Undang², jadi saya tidak mahu champor dalam hal² judicial.

Enche' Mohamed Sulong bin Mohd. Ali (Lipis): Tuan Yang di-Pertua, saya bangun menyokong usul yang di-bawa oleh Timbalan Perdana Menteri dan saya suka berchakap berkenaan dengan ucapan² wakil dari Ipoh. Saya sangat menjunjung tinggi kapada-nya yang telah meletakkan Perlembagaan Persekutuan Tanah Melayu di-atas kepala-nya ia-itu di-junjung tinggi dan tidak bersetuju sama sa-kali di-ubah, kata-nya, ini-lah satu Perlembagaan yang telah di-buat oleh expert yang chukup bijak dan pandai. Tetapi di-dalam ucapan²-nya itu bukan sahaja pada hari ini bahkan pada tiap² masa ia

bangun baik dalam Parlimen ini atau pun dalam masa Legislative Council dahulu ia sentiasa menyentoh hak orang Melayu, berma'ana ia sentiasa berangan² hendak mengambil hak orang Melayu hendak di-samakan dengan hak semua bangsa orang dalam negeri ini yang terchatit dalam undang² ini. Jika parti-nya naik menjadi Kerajaan undang² tuboh ini juga yang akan pertama sa-kali di-ubah-nya bagi mendapat hak dan menolak hak² orang Melayu, ia lupa dalam negeri ini 50 peratus daripada ra'ayat-nya ia-lah orang Melayu dan yang 50 peratus ini belum pun ada lagi sama rata timbangan-nya dengan keadaan ekonomi bangsa² asing dalam negeri ini, di-sini tentu-lah, jika orang Melayu sendiri memerhatikan ucapan² ini; ini-lah satu ucapan yang memecah-belahkan, yang menaikkan perasaan marah kapada orang Melayu. Jadi

Mr. Speaker: Saya terpaksa menahan sebab di-bawah Standing Orders kita ini menahan sa-saorang yang berchakap dalam Parlimen yang boleh membangkitkan perselisihan di-antara satu kaum dengan satu kaum. Standing Orders ini baharu kita luluskan dalam Meshuarat yang lalu di-dalam Parlimen ini juga. Jadi di-dalam Standing Orders ini tidak boleh Ahli² Yang Berhormat berchakap yang boleh mendatangkan sangketaan di-antara satu kaum dengan satu kaum.

Enche' Mohamed Sulong bin Mohd.

Ali: Terima kasih, Tuan Speaker, saya chuma

Mr. Speaker: Jangan di-ulang lagi, yang lain pula.

Enche' Mohamed Sulong bin Mohd.

Ali: Tidak, Tuan Speaker, tetapi saya chuma hendak menegaskan. Wakil dari Ipoh mengatakan kalau hendak menghapuskan subversive, terutama sa-kali kata-nya kita mesti beri sama hak kapada ra'ayat negeri ini. Lagi satu, Tuan Yang di-Pertua, berkenaan dengan lantekan Hakim², saya tidak membacha undang² tuboh negeri lain, tetapi saya mendengar kawan² bercherita, umpama-nya, bagi negeri India sunggoh pun President-nya melantek Hakim², tetapi sa-kurang²-nya dengan nasehat daripada Kabinet, atau pun President itu ia-lah orang yang di-pilih oleh satu

parti pemerintah. Maka begitu-lah di-Ceylon, saya tidak membacanya, saya minta ma'af, Tuan Yang di-Pertua, jikalau saya silap tolong tegorkan, di-Ceylon begitu juga President yang melantek-nya dengan nasihat Kabinet. Di-dalam negeri Persekutuan Tanah Melayu, Yang di-Pertuan Agong itu ia-lah sa-orang Raja yang di-lantek oleh Raja² yang tidak ada kena-mengena dengan parti pemerintah. Oleh itu saya memikirkan patut sangat bagi Perdana Menteri kita mengambil tahu dan memberi pandangan atau nasihat Duli Yang Maha Mulia Yang di-Pertuan Agong bila hendak melantek Hakim.

Tuan Yang di-Pertua, yang ketiga, kita pada hari ini berpandu kepada Perlembagaan ia-itu undang² tubuh negeri ini pada menjalankan kerja Kerajaan bagi keamanan, kema'moran dan ke'adilan dalam negeri ini. Maka saya suka memberi tahu wakil dari Ipoh bagi pehak kami orang Melayu yang beragama Islam, kami tidak sifatkan ini sa-bagai Koran yang tidak boleh di-ubah dan di-tambah, ini ada-lah buatan manusia, yang sentiasa mensesuaikan satu² perkara mengikut peredaran zaman. Maka pada hari ini kami atau pun Kerajaan kami telah berjalan bukan sahaja pada sa-lepas merdeka, tetapi daripada sa-belum merdeka, kami dapati banyak perkara² yang ta' sesuai yang patut di-ubah dalam Perlembagaan ini bagi fa'edah negeri dan ra'ayat. Dan perubahan ini bukan-lah chuma fa'edah bagi Kerajaan Perikatan, kerana kita selalu mendengar pehak sa-belah berkata: pada suatu hari mereka itu akan memerintah, jadi kami ada had-nya bagi memerintah hanya chuma 5 tahun, sa-lepas itu undi raya akan di-adakan, jika mana² parti naik memerintah, maka Perlembagaannya ini juga, baik yang telah di-ubah atau yang akan di-ubah lagi mengikut kehendak parti yang memerintah, jadi saya memikirkan tidak-lah menjadi satu soal yang besar bagi puak pembangkang pada masa kami hendak mensesuaikan pemerintahan kami mengikut masa sekarang.

Tuan Yang di-Pertua, yang keempat, berkenaan dengan Public Services Commission, barangkali wakil Ipoh ada bersama di-dalam Legco yang lepas, kami

di-sabelah pehak backbenchers menentang keras berkenaan dengan perbuatan yang ta' 'adil daripada Public Services Commission. Dan Kerajaan pada masa itu menjawab: apa boleh buat Kerajaan ta' ada kuasa, Kerajaan tahu, kami semua tahu, apa yang terjadi berkenaan dengan memilih orang, memilih pelajar² bagi menduduki kerusi² dalam Pejabat Kerajaan. Chara ini ta' boleh kita ubah, Parlimen atau Legco masa dahulu ia-lah kuasa yang tertinggi dalam negeri ini membuat undang², tetapi bila kena pada bab yang sa-umpama ini, Legco atau pun Parlimen ta' ada hak hendak mengganggu pekerjaan yang sa-umpama itu. Jadi apa guna Parlimen ini di-adakan, jika sakra-nya suatu bab yang merosakkan ka'adilan ta' boleh di-ganggu? Ini sudah kami bincangkan dalam Legco yang lepas, nampak-nya kerana Parlimen atau Legco yang lepas tidak boleh berkuasa di-atas Public Services Commission, maka tentu-lah Public Services Commission bebas di-atas perbuatan yang ta' baik sa-umpama itu.

Jadi, saya bukan-lah hendak menchercha pegawai² Kerajaan yang telah di-pilih sa-umpama itu, kerana bila mereka itu telah di-pilih oleh Public Services Commission ia dudok dalam pejabat, maka mereka itu terkongkong atau pun terpaksa mengikut Undang² Negeri, Undang² Persekutuan yang di-jaga atau yang di-buat oleh Parlimen ini. Chuma yang mendukachitakan kami pada masa Legco dahulu ia-lah perbuatan yang tidak 'adil atas pemilihan bagi memasukkan orang² berkerja dalam pejabat² yang di-kehendaki. Tuan Yang di-Pertua, kami ada Board di-Rubber Research Institute. Baharu dua hari ini terjadi: sa-orang budak yang sudah pas B.A. yang di-beri scholarship oleh Kerajaan Federal, 6 bulan dahulu menghantar surat, meminta kerja kepada Public Services Commission bagi timbangan, maka bila ia ta' dapat kerja, melepek di-kampung. Sa-orang budak yang pas B.A. kita patut gunakan serta-merta bagi menggantikan orang yang lain. Ia datang ka-Pejabat Rubber Research Institute, ia mencheritakan sendiri hal keburokan Public Services Commission, ini-lah chara yang mendukachitakan saya. Ia sa-orang budak Melayu yang pas tinggi yang telah

di-tanggung oleh Kerajaan Persekutuan di-University of Malaya. Perkara yang sa-umpama ini jika di-biarkan, tentu-lah Public Services Commission akan menjalankan kuasa sa-kehendak hatinya, ta' boleh di-tegor oleh Parlimen. Perkara ini bukan baharu hari ini saya sebutkan, masa Legco, kita telah membawa ya'ani wakil² Pantai Timor telah membawa dalam Majlis ini, di-tolak oleh Kerajaan, kerana Kerajaan tidak ada kuasa bagi mengambil tindakan. Ini-lah perkara² yang saya fikir Kerajaan Perikatan pada hari ini hendak mengubah, meminda suatu perkara yang boleh menyesuaikan bagi kebajikan ra'ayat dan negeri. Berkenaan dengan subversive, Tuan Yang di-Pertua, sa-tahu saya subversive itu yang besar sa-kali ia-lah subversive communism. Saya sa-bagai wakil daripada satu kawasan dalam negeri Pahang, Saya, sa-belum kita merdeka lagi telah merasa kesakitan, bukan saya sahaja dan juga ra'ayat menanggung kesakitan dan kesusahan berkenaan dengan dharurat. Maka pemuda² kita telah membuang nyawa kerana menghapuskan dharurat dan kita membelanjakan \$300,000 sa-hari sa-lama 12 tahun kerana itu juga, di-sebabkan dharurat-lah kita sentiasa berchakap dalam Majlis Parlimen ini berkenaan dengan penderitaan ra'ayat.

Duli Yang Maha Mulia Yang di-Pertuan Agong telah bertitah ia-itu akan mengishtiharkan penghabisan dharurat pada 31 haribulan July yang akan datang ini, kita junjung tinggi kerana dharurat telah hapus. Tetapi subversive daripada mereka itu ia-itu keperchayaan orang² negeri ini kepada keperchayaan komunisam ada lagi, itu tidak boleh di-kikis dengan serta-merta. Maka jikalau tidak ada satu undang² tuboh yang boleh memberi kuat kuasa kepada Kerajaan yang memerintah, bagaimana kita hendak membuat satu undang² dengan serta-merta untuk menghapuskan atau pun untuk menahan subversive itu daripada merebak. Adakah kita suka sa-kali lagi berjuang kerana komunisam? Barangkali sedikit sahaja peratus-nya dalam Persekutuan Tanah Melayu yang sukakan kepada semangat komunisam itu. Jadi satu perkara yang sa-umpama itu, saya

tidak fikir Ahli² dalam Majlis Parlimen ini menentang kerana hendak memberi satu kuasa kepada Kerajaan. Sebab kebajikan-nya bukan-lah untuk satu puak atau satu kaum tetapi ini adalah untuk kebajikan seluruh ra'ayat Tanah Melayu. Saya sendiri memikirkan biar-lah ada satu undang² ia-itu memberi kuasa kepada Kerajaan. Saya sendiri, jika di-fikirkan kerana perchakapan saya boleh menjahanamkan ra'ayat negeri ini, masokkan saya dalam tahanan (*Tepok*) saya tidak muskilkan. Jadi, Tuan Yang di-Pertua, orang² yang menentang itu ada manik² yang boleh kita fikir bersetuju dengan semangat yang sa-umpama itu. Saya sangat dukachita, terutama sa-kali bagi wakil² yang dudok terpenchil yang sentiasa menengok keadaan ra'ayat dalam huru-hara masa emergency. Tetapi yang berchakap pada hari ini kebanyakan-nya dudok dalam istana, dalam bandar² yang ta' tahu kesusahan orang kampung kerana kominis. Jikalau sa-kira-nya mereka itu pergi ka-kampung, bertanya fikiran pada orang² peladang, orang² yang menyangkul sawah, mereka itu 100 peratus akan menyokong Kerajaan mengadakan satu sekatan sa-umpama ini. Tetapi wakil² yang menentang pindaan ini ia-lah orang² yang dudok menggoyang kaki di-kota² sana. Tuan Yang di-Pertua, oleh kerana saya tidak boleh berchakap panjang, bila berchakap panjang banyak yang merungut (*Ketawa*) sa-telah Tuan Speaker menegor tadi, oleh itu saya terima kaseh.

Enche' Lim Kean Siew (Dato Kramat): Mr. Speaker, Sir, I would like to move an amendment to this Bill by the deletion of all the words after the word "That" and to substitute in their place the following words: "in view of the fact that this Bill is opposed to public opinion and the past promises of the Government and is against democratic principles that it be rejected."

Mr. Speaker: Under what Standing Order?

Enche' Lim Kean Siew: Under Standing Order 53 (4). I would like to begin this amendment by directly accusing the Government of fraud.

And why so, Sir? It was very clear that in our last elections the Socialist Front put up 38 candidates and it was very clear that one party of the Alliance insisted on a certain number of seats over which issue there was a crisis in the Alliance. Now, why was this clash, why was this crisis, and why did we put up 38 candidates? The answer is this. The Socialist Front did not want a change in the Constitution, and we asked that the people allow us this number of seats in order not to have a change in the Constitution and we challenged the Government to state whether or not it wanted to change the Constitution. I remember quite clearly that the Honourable the Prime Minister made a statement during elections that "we shall not change the Constitution, we shall not amend the Constitution." Why this amendment now? Did the Government come in on this mandate, did the people give them this mandate to amend the Constitution? That is the fundamental point in this debate. It is no use talking of democracy and stating that this is the rule of majority and therefore we can do what we like. If that is so, Sir, why do we take an oath? What is the meaning of the oath? What is the meaning of the prayers every morning? Because over and above all things the human being is struggling for the last thousands of years towards equality, struggling in the hope that one day we can have in this world for our children an existence that is free from oppression and from want. After all, we talk of democracy.

The word "democracy" comes from the Greek word "democras". It has a historical significance. Our "Parliament", I believe, is inspired by the Mother of Parliaments in London, and time and again the Government says we are only following the principles of democracy as practised in London, as practised in England. Right! Has the Parliament of England an Act allowing for such measures? No. So, because the Government was unable to look towards Britain, they turned towards India, and say: "Well, in India we have such a clause." Yes! But in India we have a recognised Communist Party—so why don't we

have a recognised Communist Party here, and have a subversive clause? Because it is obvious that the principles and the motives behind this intended amendment and the motive and principle behind the Indian Parliament are far, far different from each other. We know quite clearly from the newspapers that Kerala was once controlled by the Communist Party, and that the Communist Party was overthrown apparently by democratic process. So, the next question is this: Should we not fight in Malaya for the establishment of a country under democratic principles and not for a country that is controlled by subversive clauses?

The other day I mentioned a certain person, who is quite qualified for irrelevancies, from Larut Selatan, who made a speech. He said, and I quote him: "At last this horrible cancer will be removed! The period of terror and turmoil will end on the 31st July!" What "horrible cancer" was he referring to? What period of "terror and turmoil" will end by the 31st July"? Obviously the Emergency Regulations, because that is the date on which the Emergency Regulations will be removed. A state of terror exists or does not exist irrespective of an Act of Parliament. When he stated that this horrible cancer will at last be removed, I entirely agree with him—we all entirely agree with him that it is a horrible cancer. Why is it a horrible cancer? A few days ago, a certain person was prohibited from coming into Malaya to study in the University of Malaya. Why? Because she was considered an undesirable person. I hope the day will not come when even our seat of learning is going to be controlled by politicians for political ends, by the people in power out of fear; fear not because of the reality of the situation, but fear because of the safeguards it has created for itself—just like a man who puts up walls and iron gates and becomes frightened of robbers and ghosts and not like the man who has no doors and sleeps in peace.

You see, Sir, this morning, when the Government announced that it was removing Clause 30 in the amending

Bill, I understood that several people clapped their hands. Why? Obviously because they knew Section 30 was evil, because it allows for preventive detention. And the Honourable Member from Larut Selatan stood up and said that he was so glad that Government backbenchers had at last influenced the Ministry. It is of course an admission that the Ministry was wrong, and that by the removal of this clause, the Government backbenchers had compelled the Government to remove an evil. But, Sir, . . .

Mr. Speaker: That is not the point at issue.

Enche' Lim Kean Siew: I am coming to it.

He forgot one point. It was this. In that same speech, the Government said Clause 30 is to be removed in view of the amendment to Clause 149. What does that mean? It means, obviously, that: "Since you do not like the carrot which have dangled before you, which is coloured red, we shall now paint the carrot green and tempt you with it!"

Dato' Suleiman: Bright Member! *(Laughter)*.

Enche' Lim Kean Siew: I am sorry, I didn't hear that.

In fact, Clause 149, as amended, allows the Government to pass any Act to prevent any action that is to be taken or threatened by a substantial body of persons under Clauses (a) to (e). Now, then, what in fact does that mean, Sir? It means this: that to-morrow the Government can introduce a Bill and recite quite clearly that since there has been action threatened by a substantial body of persons to excite disaffection against the Yang di-Pertuan Agong, we hereby promulgate this Act, and under Clause 1 will be that the Prime Minister or the Yang di-Pertuan Agong, on the advice of his Ministers, may issue an Order for Detention of any person for a period of not less than ten years, and that all appeals against such Order shall go before a Committee of Review appointed by the Prime Minister himself. And when that time

comes, what will the Government backbenchers say? Are they going to say they are wise? That they have now asked for the repeal of Clause 30, in order that Section 149 may be amended and substituted? That is what we want to remember and to think clearly about. That is *the* issue. If the state of Emergency is at an end, obviously no new law should be passed, but if the state of Emergency is not yet over, then do not fool the people! Continue and be brave. Why say the Emergency is over, but we are frightened of the Communists, we are frightened of the subversives, and therefore we are going to pass new laws. There is no such consistency in that argument.

The other thing is this: in the support for this subversion provision, we must not be misled by that bogey word "Communism"; we must not be misled by the bogey words "subversion" and "subversive activity". If I were a Communist, or if I were a capitalist, it does not matter what I believe in. I will have to show myself through my action. If I stand up, like they do in Hyde Park, and shout wildly, I can easily be ignored as being a mad man. *(Laughter)*. But if I take up arms and I use real bullets, then you could say I become a person of real danger. And if that time happens, have we any laws at present to cope with such a situation? Yes—our Penal Code which was amended in 1948. This, Sir, is our Criminal Law, as taken from India, which was codified English Law. Now, this law allows for the trial and punishment of people under the law of the land as it stands, and as exercised and practised against everybody without discrimination and without influence from the Ministry. And, Sir, there is in fact a real danger from undue influence from the Ministry. Our Deputy Minister of Broadcasting has admitted in Parliament. He has said "Yes, I go to the Broadcasting Station. I look at the broadcast sheets. I look at the news that they are going to broadcast, because I am the Deputy Minister, and therefore I have a right . . ."

Mr. Speaker: Assistant Minister!

Enche' Lim Kean Siew: I beg your pardon—I mean the Assistant Minister. “. . . and therefore I have the right to see that proper news is released.” But how are we to know that the news released are not proper news? Therefore, if we give power—more power—to people such as the Assistant Minister of Broadcasting, he may go round to somebody he dislikes and say to him: “You are subversive!” “To what?” “To me, because I don't like you. Therefore, I am going to put you in.” (*Laughter*).

Now, Sir, let us come to something that is accepted law, and not law giving executive discretion to Assistant Ministers.

Under Section 121 of the Penal Code it says:

“Whoever wages war against the King or against any of the Rulers, or attempts to wage such war, or abets the waging of such war, shall be punished by death or penal servitude for life, and shall be liable to a fine.”

That covers people who use arms and attempt to kill outside the law.

Section 121 (a) says:

“Whoever compasses, imagines, envisions, devises or intends the death or hurt to, or imprisonment or restraint of, the King or any of the Rulers, their heirs or successors, shall be punished with death and shall also be liable to a fine.”

Under this law you not only punish a man, but you may also fine him after he is dead. That is also the law under Section 121.

Then Section 121 (b):

“Whoever compasses, imagines, envisions, devises or intends the deposition of the King or any of the Rulers, their heirs or successors . . . shall be punished with penal servitude for life.”

And Section 121 (c):

“Whoever abets the commission of all those offences shall be liable to the same punishment.”

And then:

“Whoever has reason or who knows somebody intends to do them and keeps quiet about it and he does not give any information regarding that offence which he is legally bound to give shall also be punishable to a sentence of seven years' imprisonment.”

That is our law against so-called subversion, because, frankly, subversion is treason, and treason is an offence against the State. Why do we have these laws? Why do we allow the existence of such laws? The existence of these laws can only be justified if there is democratic parliamentary practice. In other words, if you want to have your views felt, if you want to change the structure of this country, if you want to put forward your ideas, then go and get your votes first, and if you succeed, well and good, and if you misrule, then somebody else will win the votes next time and take over. But if you do not have parliamentary practice and you have these laws, then, as the Member from Larut Selatan said, “the horrible cancer” would emerge, and that, he calls Fascism or Colonialism or Dictatorship. But I say this: if you do not have parliamentary practice, if you try at any time to end parliamentary practice, if you try at any time to prevent people from speaking what they should speak about, and if you prevent people or suppress people from expressing their hunger, from expressing their needs, you create a repressed being, and this repressed being must one day run amuck, because it is always the repressed person who suffers from that homicidal mania.

Let us realise this: when this Emergency comes to an end, we must not replace it with something more horrible, something more terrible. Let us hope, in other words, that when this horrible cancer dies, an ugly spectre will not emerge from its ashes. We all know that the struggle on an ideological stand is perhaps a most difficult struggle and the even more difficult is the struggle of the ideological group who wishes a change but who wants change by evolution—by slow methods and by persuasion. Violence is something that can emerge and erupt like a volcano to destroy a land in a matter of minutes, but in order to reclaim that land it will take us years. We must realise that we have only recently emerged from a period under Colonialism. At that time how many Alliance members fought against the Emergency Regulations? How many of them condemned the evils of

the Regulations? And how many of us in fact have been detained in that era before we attained our Merdeka under the Emergency Regulations? Are we to change our stand now? The point is not whether you call it Regulations or Act, or you call it a law. The point is this: such regulations can be used by those in power to threaten and detain those in the Opposition. But one day the Alliance might be in the Opposition; one day we might be in their position. Who knows? It is no use telling us: Oh, don't worry, depend on our justice, depend on our sense of fairplay, we have the power but we won't detain you unless you are a subversive. Of course, it is not the threat of detention that is the killing thing. It is the fear that one may be detained that causes the corruption of the personality of the person in the State. All fascist States create cowards and broken-down human beings. We have seen that happening in Germany and other places. We have seen the very people who were suppressed going to Israel and who in their turn are trying to subjugate the Arabs. Such results are indirect effects of a repressed being brought up in a fascist State. Sir, it is not only a matter of the law, but it is also a matter of what happens to the people in the country who have to live under that law. Have we not heard of the term "colonial complex"? What does that mean? It means that a person who has such a complex is unsure of himself, he loses confidence easily and he is afraid and those persons cannot put their full effort into a national struggle for progress, and he may end up as a bully. Of course, Sir, one always talks of Communism when one deals with this question of non-democratic laws. Yes, we may say we do not like Communism, or that we like Communism; or we may say that if we are not careful Communism will swallow us; but the Communist Party has existed for many years in England and the Communist Party has existed for many years in the United States of America without swallowing anybody.

Dato' Suleiman: On a point of explanation. May I ask the Honourable Member if he advocates Communism?

Enche' Lim Kean Siew: I am not sitting down, Sir. I have not given way.

Mr. Speaker: (To Dato' Suleiman) Will you sit down. You cannot say anything if he does not give way.

Enche' Lim Kean Siew: Perhaps he is not aware of the ruling that no two people can stand up.

Mr. Speaker: Never mind about that. Please proceed. (*Laughter*).

Dato' Suleiman: I object to that, Sir.

Mr. Speaker: That is all right. Don't waste too much time. (*Interruption*).

Enche' Lim Kean Siew: Do you want me to be short, Sir?

Mr. Speaker: Yes, if that is possible.

Enche' Lim Kean Siew: It is very awkward, Sir, but I will try to be as short as I can, because I have to cover

Mr. Speaker: Your amendment is only to reject the second reading of this Bill?

Enche' Lim Kean Siew: Yes, but I must state the reasons as to why the backbenchers ought to support us. (*Laughter*).

Mr. Speaker: Proceed.

Enche' Lim Kean Siew: When we talk of Communism in this country there are two aspects which we must not confuse with each other. One aspect is on open warfare and use of arms. The other aspect is what the Ministers always claim is happening all the time—infiltration. Infiltration into what I do not know. How does one infiltrate, and why is it that the infiltration only happens to be infiltration into the ranks of the Opposition? One hears remarks like—Oh, Mr.—let us call him—Ahmad Daud—I have no particular person in mind—Ahmad Daud was in the M.N.P. when he was detained and now he is in the P.M.I.P. So you see the P.M.I.P. is infiltrated. But Mr. D. Karim or D. Kalhari was once detained but he is now in the

Alliance and the Alliance has not been infiltrated. (*Laughter*).

Dato' Suleiman: Wonderful logic! (*Laughter*).

Enche' Lim Kean Siew: If we want to fight against, let us say, a robber, should we all become robbers ourselves? Let us say, we are against fascism because it is a dictatorship. Therefore, in order to destroy that, shall we all be greater fascists! Why are we opposed to dictatorship? Because they want to compel people to their line of thinking and because they do not believe that every individual has a right to speak. Because we are fighting them it does not mean to say that we ourselves must prevent other people from talking. We must also remember what the Honourable Member from Larut Selatan said. Backbenchers are not puppets who dance to the tune of Tunku Abdul Rahman, that is what he said. I did not know that our Honourable Prime Minister plays the pipe. But certainly I do know that many backbenchers did not agree; and I certainly do know that they keep on insisting on party discipline; and I certainly do know also that yesterday no person other than the Honourable the Deputy Prime Minister himself had to stand up and ask for solidarity by asserting that the Alliance is solid. And I understand that the Minister of Health also stood up yesterday and stated that "the Socialist Front shall not subvert our backbenchers, that the backbenchers will not be fooled by their arguments, that they will stand solidly behind the Government." Why do they say that? It is obvious to-day that there must have been a threat of a revolt within the Party on this motion. (*Interruption*).

Mr. Speaker: Proceed!

Enche' Lim Kean Siew: Sir, I do not mind incoherent voices, but it always seems to come from that side of the House. We must be very serious when we consider Article 149. What does Article 149 mean? It means this: that we have a Penal Code which allows trial for treason under the ordinary

law of the land—under our Criminal Procedure Ordinance—but we are now going to by-pass it and introduce new laws. It will make this Penal Code a matter for laughter. It may one day come about when we will say that if one is a murderer or one is a robber one gets a fairer deal or justice than if one is a politician of the opposite side of this House. We must also remember that apart from the Penal Code, Section 150 of the Constitution has not yet been deleted, and Section 150 is the Section which allows for the Proclamation of an Emergency under our present laws. Therefore, this is not even a replacement of Section 150. The Government is not saying—let us take away Section 150 and let us substitute it by Section 149. But it is saying—let us leave Section 150 alone and let us introduce another section. The new Section 149 will make Section 150 moribund, useless and dead.

Dato' Onn bin Jaafar: What about Article 151?

Enche' Lim Kean Siew: Article 151 of course augments Article 150 and when Article 150 is moribund Article 151 is just so much wastepaper.

Now, Section 149 allows the Government to introduce any law, such as the Emergency Regulations, without a Proclamation of Emergency. In fact, the new Section 149 says that the Government may at any time pass any law against subversion, against disaffection, against class struggle, against any act which is prejudicial to the security of Malaya or any part thereof. Therefore the Government might as well delete Section 150. And if the Government deletes Section 150 it must also then delete Section 151 and amend Section 149. Then if all that the Honourable Member from Larut Selatan says is true—that the backbenchers have revolted against the Government on Section 150—then they also ought to fight against the new Section 149 because the new Section 149 is exactly the same as Clause 30 which they have fought so hard to have removed.

Not only do we have this Emergency law. Do not forget that we also have another law called the Public Order Preservation Ordinance. The P.O.P.O. allows the Minister to declare a state of emergency over any part of Malaya—be it a village in Kuala Lipis or Brinchang in Cameron Highlands or Pulau Langkawi—and as soon as a state of emergency is declared over such an area then the whole of Malaya is affected and any person in the rest of Malaya outside the emergency area who is found with any document which is likely to incite hatred or violence, etc. (or any newspaper which writes anything about that which might bring about a feeling of hatred against any public officer) commits a crime for which he can be sentenced up to three months imprisonment and we all know that that law can be used against any political party. Let us take an instance: we are speaking peacefully, let us say, at Balik Pulau.

Dato' Suleiman: In Hyde Park? (*Laughter*).

Enche' Lim Kean Siew: I said "Balik Pulau" and that is in the island of Penang. An irresponsible member—of course, not in the Ministry of Justice—might come and in a sudden fit of irresponsibility throw stones, whereby it could be said there is a fight. The Minister can then declare a state of emergency and all the political party activities in Malaya will be stopped and what is better than the use of such a law for any party to stay in power? You do not have to suspend the Constitution in order to stay in power. All you need to do is apply that Act embodied under Section 149 after it has been amended. I am prepared to state here that before July 31st a new Bill will be introduced and will be passed which will allow the Government to continue with its preventive detention of people who are, to them, subversives.

Dato' Suleiman: Prophetic words, Sir.

Enche' Lim Kean Siew: So what has the Honourable Member for Larut Selatan gained by his mistaken

eloquence? He said that it is very clear they are not puppets who dance to the tune. Yes, they are not puppets who dance at all. They are puppets who are sitting down. (*Laughter*). He has also said that we on the Opposition are preachers of doom, and I would like to say that we are not preachers of doom but we are prophets of what the Alliance bench is going to do within the next two months. Thank you.

Enche' D. R. Seenivasagam: Mr. Speaker, Sir, I rise to second the proposal, and in seconding it there are a few words which I would like to say. I assure you, Sir, that I shall finish by 4.30 p.m. This is an opportunity for me to say a few things which I think should be said and well said to-day. I support the proposed amendment and I support all the reasons given by the Honourable Member for Dato Kramat. I refer particularly to one passage—paragraph (a) of Clause 28 which reads:

"to cause a substantial number of citizens to fear organised violence against persons or property,"

Now, I would like to give an example. There are in this Parliament well over 50 Members on the Government side. Now, let us go to the town of great peace—Taiping—and let us go into a coffee-shop where many people go for their *makan*. Most of the people in Taiping are of the Chinese race and there is a favorite dish for breakfast among the Chinese—*yeow-char-kwai*, made of two rolls of flour joined as one. There is a significant story of legend attached to it. It is the story of a Chinese who became a traitor to the Chinese nation in China. Let us say, the 50 Alliance Members together with the Member for Larut Selatan also go to the same coffee-shop where the men are having their breakfast, and somebody were to take up the *yeow-char-kwai* and go up to the Member for Larut Selatan and say that "*yeow-char-kwai* is the significant story of a Chinese who became a traitor to the Chinese nation in China" on hearing which the Alliance party got angry. Would that be an act sufficient to prove

that the members of the Alliance party are afraid that organised violence would be carried out on them under the circumstances? Would that act be sufficient to prove that the person or persons who say "yeow-char-kwai" "traitor of the Chinese people" should be brought under this Bill? Mr. Speaker, Sir, thank you.

Mr. Speaker: Honourable Members, the motion before the House, That the Bill be now read a second time, has been amended by the Honourable Member for Dato Kramat, and I shall

read the amendment. The amendment reads:

"That in view of the fact that this Bill is opposed to public opinion and the past promises of the Government and is against democratic principle that it be rejected."

This amendment is now open for debate, but since we have only five minutes more before we have to adjourn, I think that it is best that I adjourn the House now. House is adjourned until 10 o'clock to-morrow morning.

Adjourned at 4.25 p.m.

WRITTEN ANSWERS TO QUESTIONS

MINISTRY OF COMMERCE AND INDUSTRY

Acreage of Replanted Rubber

1. **Enche' V. David** asks the Minister of Commerce and Industry to give details of acreages of rubber replanting undertaken during 1959 under the following two heads:

- (a) Estates of over 100 acres.
- (b) Less than 100 acres.

The Minister of Commerce and Industry (Enche' Mohamed Khir Johari):

- (a) The actual acreage replanted by estates of over 100 acres in 1959 is not yet available as claims for replanting grants under the Government Replanting Scheme for Estates are usually submitted in the year following that in which the replanting has been carried out, and estates have up to 30th June, 1960, to submit their claims. As at 6th April, 1960, claims for a total of 22,702 acres replanted by estates of over 100 acres have been received, of which 22,561 acres were for rubber and 141 acres for "other crops". The acreage estimated to be replanted by estates of over 100 acres in 1959 is 55,000 acres.

- (b) The total acreage replanted on estates of less than 100 acres (i.e. smallholdings) in 1959 was 73,353 acres, of which 71,994 acres were planted with rubber and 1,359 acres with "other crops". This is the largest acreage replanted by smallholders in any year since the Replanting Scheme came into operation.

MINISTRY OF EXTERNAL AFFAIRS

IMMIGRATION

Entry of Aliens for Employment

- 2. **Enche' V. David** asks the Minister of External Affairs to give details of persons permitted to enter the Federation of Malaya for employment purposes indicating country of origin, nature of employment and duration of stay, during the year 1959.

The Minister of External Affairs (Dato' Dr. Ismail bin Dato' Abdul Rahman):

Table A attached shows the number of Professional Visit Passes issued during 1959 with country of origin and type of occupation. Visit Passes are issued for a year at a time.

Table B attached shows the number of professionals allowed into this country on Employment Passes during 1959.

TABLE B
EMPLOYMENT PASSES

	Total
Country of origin:	
England (United Kingdom) ...	124
Holland ...	7
Australia ...	19
Eire ...	6
United States of America ...	10
Switzerland ...	1
Hong Kong ...	1
New Zealand ...	3
Denmark ...	3
India ...	2
Pakistan ...	1
Malta ...	1
Ceylon ...	1
Italy ...	1
Germany ...	1
	181
Nature of Employment:	
Accountant ...	16
Engineer ...	62
Bank official ...	15
Planter ...	24
Trading Company Management ...	56
Geologist ...	2
Architect ...	1
Chemist ...	3
Doctor (Medical) ...	1
Biochemist ...	1
	181
Duration of stay:	
2 years ...	16
2½ years ...	6
3 years ...	106
4 years ...	48
5 years ...	5
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Repatriation of Destitutes

3. Enche' V. David asks the Minister of External Affairs to give details of destitutes repatriated during 1959 by race and the country to which repatriated.

Dato' Dr. Ismail bin Dato' Abdul Rahman: The answer is as tabulated below:

STATISTICS OF DESTITUTE PERSONS
REPATRIATED DURING THE YEAR 1959

Month	China	India	Holland	Total	Male	Female	Children
January	—	10	—	10	3	1	6
February	—	2	—	2	1	1	—
March	—	3	—	3	3	—	—
April	—	—	—	—	—	—	—
May	—	2	—	2	2	—	—
June	1	—	—	1	1	—	—
July	4	1	—	5	4	—	1
August	—	5	—	5	1	1	3
September	2	1	—	3	3	—	—
October	—	1	—	1	1	—	—
November	—	2	—	2	2	—	—
December	1	—	1	2	2	—	—
Total	8	27	1	36	23	3	10

MINISTRY OF LABOUR AND INDUSTRIAL RELATIONS

United Malayan Pineapple Cannery, Johore

4. Enche' V. David asks the Minister of Labour whether he is aware of the deteriorating relationships between the Management and the workers at the United Malayan Pineapple Cannery, Johore, and what action has been taken by the Ministry to assist the Union in establishing a negotiating machinery.

The Minister of Labour (Enche' Bahaman bin Samsudin): From the information available to the Minister of Labour there are no indications of deteriorating relationship between the Management and the workers at the United Malayan Pineapple Cannery, Johore. Officers of the Ministry are giving assistance to all industries in the establishment and the operation of industrial relations machinery in accordance with the agreed recommendations of the National Joint Labour Advisory Council.

Strikes on Rubber Estates

5. Enche' V. David asks the Minister of Labour the number of strikes which have taken place on rubber estates in 1959 and the Government's information on the number of strikers who have been dismissed, or victimised.

Enche' Bahaman: The number of strikes on rubber estates in 1959 was 21. There is no information available as to whether or not any strikers have been dismissed or victimised.

Joint Negotiating Machinery

6. Enche' V. David asks the Minister of Labour to give a list of the industries in which formal joint negotiating machinery operate.

Enche' Bahaman: From records available to date the following industries have formal joint negotiating machinery in operation:

Mining (iron ore)
Road Transport
Port Transport
Foundries.

TRADE UNIONS

Re-Registration

7. Enche' V. David asks the Minister of Labour to state the number of trade unions which have applied for re-registration by 30th November, 1959.

Enche' Bahaman: 223 trade unions which were registered under the Trade Unions Enactment, 1940, applied for re-registration by the 30th November, 1959.

8. Enche' V. David asks the Minister of Labour to give a list of trade unions which failed to re-register by 30th November, 1959.

Enche' Bahaman: The names of Unions which failed to apply for re-registration under the Transitory provisions of the Trade Unions Ordinance, 1959, is detailed below:

Serial No.	Name of Union and Address
1.	Printers Association of Penang, P.W., Kedah and Perlis, No. 5, China Street Ghaut, Penang.
2.	Government Workers' Union, Penang, P.W. and South Kedah, 515, Kulim Road, Bukit Mertajam.
3.	Penang Port Commission Expatriate Officers' Association, c/o Penang Port Commission, Weld Quay, Penang.
4.	Lighter Owners' Association, Penang and Province Wellesley, 6, Kampong Kolam, Penang.
5.	Perak Indian School Teachers Union, 73, Maxwell Road, Ipoh.
6.	Perak Hydro-Electric Power Company's Senior and Junior Officers' Association, No. 88, Brewster Road, Ipoh.
7.	Maxwell Hill Employees Union, Maxwell Hill Quarters, Taiping.
8.	Federal Telecoms. Employees Trade Union, c/o Telecoms. Stores and Workshops, Kuala Lumpur.
9.	Malayan Railway Engineering and Health Dept. Workers' Union, 41, Bungsar Road, Kuala Lumpur.
10.	Education Administrative Officers Union, Federation of Malaya, 539, Belfield Road, Kuala Lumpur.
11.	Union of Teachers of English in Vernacular Schools, Federation of Malaya, 2882B, Cochrane Road, Kuala Lumpur.
12.	All Malayan Federation of Government Medical Employees Trade Union, c/o General Hospital, Kuala Lumpur.
13.	Selangor State Government Medical and Health Employees Union, Selangor, General Hospital, Kuala Lumpur.

Serial No.	Name of Union and Address
14.	Union of Postal Uniformed Staff, Selangor, c/o General Post Office, Kuala Lumpur.
15.	Malacca Industrial and Commercial Employees Union, 23, First Cross Street (First Floor), Malacca.
16.	Kesatuan Notice dan Process Servers, Negri Sembilan, No. 9, Trentang Road, Rembau.
17.	Government Administrative and Clerical Services Union, Negri Sembilan, 106, Birch Road, Seremban.
18.	Negri Sembilan Clerical and Administrative Staff Union, No. 7, Java Lane, Seremban.
19.	Johore Clerical Union, 723, Jalan Ayer Molek, Johore Bahru.
20.	Johore Sawmillers' Association, No. 59-B, Jalan Ah Fook, Johore Bahru.
21.	Johore Clerical and Administrative Staff Union, No. 723, Jalan Ayer Molek, Johore Bahru.
22.	South Malaya Toddy Tappers Union, No. 90, Gajah Berang Road, Malacca.
23.	Pahang Indian School Teachers' Union, Batu Balai Estate Tamil School, Jerantut, Pahang.
24.	The Ulu Selangor District Chinese Engineering Employees' Union, 20, Main Street, Batu Arang.
25.	All Malaya Timber Industry Workers Union, 100, Theatre Street, Ipoh.
26.	The Malacca Clerical and Administrative Staff Union, 86B, Temple Street, Malacca.

Choultry Home, Circular Road, Kuala Lumpur

9. Enche' V. David asks the Minister of Labour to give the average monthly cost of providing food and other necessities to the inmates of the Choultry Home, Circular Road, Kuala Lumpur, for the 6 months October, 1959 to March, 1960.

10. Enche' V. David asks the Minister of Labour to give details of inmates accommodated in the Choultry Home, Circular Road, Kuala Lumpur, by sex, and age for the 12 months April, 1959 to March, 1960.

11. Enche' V. David asks the Minister of Labour to consider the provision of increased accommodation space and amenities at the Choultry Home, Circular Road, Kuala Lumpur, to meet the growing distress arising from fragmentation of estates among the labouring classes.

12. Enche' V. David asks the Minister of Labour to give details of grants made from the South Indian Labour Fund during the year 1959 indicating the institutions which benefited from such grants and the amount in each case.

13. Enche' V. David asks the Minister of Labour whether he was aware that since there was no further immigration of Indian labour to Malaya, estate labourers are keen on seeing the money from the South Indian Labour Fund being used for scholarships and other educational purposes beneficial to them, and whether he will consider the use of the fund for the same, if request is made.

Enche' Bahaman: The South Indian Labour Fund Board set up under the South Indian Labour Fund Ordinance No. 24/58 is a Body Corporate. The entire administration of the Fund is the responsibility of the South Indian Labour Fund Board, and not of Government. The Annual Report of the Board in accordance with Section 12 (3) of the Ordinance will be transmitted to the Minister not later than 30th day of April in each year and will be laid on the table of the House of Representatives by the Minister. The five questions by the Honourable Member seek information which will be contained in the Annual Report to be tabled at a subsequent meeting of this House.

MINISTRY OF RURAL DEVELOPMENT

Small-scale Plastic Industry

14. Enche' V. David asks the Minister of Rural Development to name a few examples of the plastic articles which would be manufactured under the R.I.D.A. plan to introduce small scale plastic industry.

The Minister of Rural Development (Tun Abdul Razak): A very wide range of plastic articles can be produced by small machines which are compact and can be operated as separate units. R.I.D.A.'s plans for introducing plastics manufacture as a small-scale industry are still in an early experimental stage and it is only proposed to have a pilot scheme. It is not feasible, at this juncture, to supply

particulars of the scope and nature of the proposals for implementing this project. It is, however, the intention that the articles to be produced will be mainly of the smaller type. This would include articles and ornaments for use in Malayan homes as well as certain other small items of equipment used in offices and elsewhere.

Average Annual per capita Income

15. Enche' V. David asks the Minister of Rural Development to state the average annual *per capita* income of the Malay kampong people.

Tun Abdul Razak: It is difficult at present to state firmly the average annual *per capita* income of people in the rural areas. The Census of Agriculture which the Government is holding from the beginning of this month will provide the Government with valuable data from which annual *per capita* income of the rural people could be estimated.

PRIME MINISTER'S DEPARTMENT

Progress of the First Five-Year Plan

16. Tuan Haji Ahmad bin Abdullah asks the Prime Minister as the first five-year plan has almost come to an end whether the Government can supply the following information:

- (a) the increase in the National Income, and the income *per capita*, that has been achieved at the end of the five-year plan, and whether there is any difference in the income *per capita* between the rural and the urban population;
- (b) the increase in length of irrigation canals throughout the Federation since the plan was started;
- (c) the increase in acreage of padi fields, small rubber holding, coconut and oil-palm plantations since the plan was started;
- (d) the total number of schools, including National Schools, Public Schools and Technical Schools, built during the period;

- (e) the rural industries established in the period and what they are.

The Prime Minister:

- (a) Neither the Plan nor the National Income Survey is complete and it is not possible as yet to answer this part of the question.

- (b) No useful purpose would be served by keeping statistics on the length of irrigation canals constructed as the progress made in irrigation is assessed in terms of acreage brought under cultivation. Since the implementation of the Plan irrigation areas under padi have increased to 520,000 acres from 270,000 acres in 1956, and areas under other cultivation to 380,000 from 282,000 acres.

- (c) The increase in acreage under *padi fields* has already been covered by the answer given for (b) above. *Small Rubber Holding:* A sum of \$112 million was divided amongst several schemes for the benefit of smallholders. The acreage replanted and newly planted under various smallholders' schemes is as follows:

- (i) from 1956 to 1959 the acres replanted have been 50,000 acres in 1957, 60,000 acres in 1958 and 70,000 acres in 1959. In 1960, it is anticipated that approximately 60,000 acres will be replanted by smallholders.

- (ii) from 1956 to 1959 it is expected that a total of 75,000 acres will be new-planted under the new-planting scheme financed from the allocation of \$30 million out of the \$112 million provided for assisting smallholders to carry out block new-planting.

The position at the end of 1959 was that a total of 101 block-planting schemes have been registered and that about 12,000 acres of new planting have been started on the ground.

As a result of the increased assistance provided to the smallholders there has also been a substantial increase in the acreage replanted by smallholders under the Fund "B" Scheme and a total of about 330,000 acres have been replanted by smallholders under Fund "B" Scheme between 1953-1959.

Coconut and oil-palm.—No provision has so far been made in the first Plan for the extension of coconut and oil-palm planting. The Department of Agriculture has however initiated schemes under the first Plan to improve coconut production and planting. About 90 and 100 acres will have been planted with trials of selected coconuts by the end of 1960 under the Coconut Breeding and Selection Scheme.

- (d) The total number of schools built during the period of the Plan up to the end of the first quarter of 1959 was 77. Additions and alterations were also made to a further 30 existing schools.

- (e) The Rural and Industrial Development Authority has assisted in establishment of a number of small individual rural enterprises, including such items as:

Copra processing
Saw mills
Boat building
Rice milling
Cigar making
Vinegar production
Sauce manufacture
Tile production
Charcoal kilns

Coffee powder production

Blachan manufacture

Lempok manufacture and
canning and many others.

R.I.D.A. has, however, been concentrating more on the improvement and expansion of existing rural industries and enterprises, and in the improvement of the Malay sector of such industries. Its activities cover a wide range of the rural economy, from rubber processing and timber logging to cottage industries. Examples include the North Eastern Transport Service Ltd., which was taken under RIDA's wing in 1956 when operating at a very heavy loss and on the verge of bankruptcy, but which is now operating on a sound commercial basis—the RIDA rubber factory at Grisek, which has increased the general level of rubber prices in the area to an extent estimated to increase small-

holders' income by \$250,000 a year—the East Coast Textile Industry, for which RIDA has established a Textile Centre that has introduced a new range of greatly improved dyes to the industry, and which is importing and distributing very large quantities of raw materials to the weavers—the Coir Industry, which has been successfully established on the North East Coast to the extent that that area is now independent of imported coir ropes and brushes—and many other industries. A Small Industries Services Institute has been established to give assistance and support to a wide range of small scale and cottage industries throughout the rural areas, providing services of a technological and financial nature, as well as the bulk import and supply of raw materials and wholesale and retail marketing facilities, market research, etc.