

Volume II
No. 4



Saturday
23rd April, 1960

PARLIAMENTARY DEBATES

DEWAN RA'AYAT
(HOUSE OF REPRESENTATIVES)

OFFICIAL REPORT

CONTENTS

ORAL ANSWERS TO QUESTIONS [Col. 399]

BILL—

The Constitution (Amendment) Bill (debate continued)
[Col. 403]

WRITTEN ANSWERS TO QUESTIONS [Col. 459]

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

Official Report

Second Session of the First Dewan Ra'ayat

Saturday, 23rd April, 1960

The House met at 10 o'clock a.m.

PRESENT:

- The Honourable Mr. Speaker, DATO' HAJI MOHAMED NOAH BIN OMAR, S.P.M.J., P.I.S., J.P.
- „ the Prime Minister, Y.T.M. TUNKU ABDUL RAHMAN PUTRA AL-HAJ, K.O.M. (Kuala Kedah).
- „ the Deputy Prime Minister and Minister of Defence, TUN ABDUL RAZAK BIN DATO' HUSSAIN, S.M.N. (Pekan).
- „ the Minister of External Affairs, DATO' DR. ISMAIL BIN DATO' ABDUL RAHMAN, P.M.N. (Johore Timor).
- „ the Minister of Finance, ENCHE' TAN SIEW SIN, J.P. (Malacca Tengah).
- „ the Minister of Works, Posts and Telecommunications, DATO' V. T. SAMBANTHAN, P.M.N. (Sungei Siput).
- „ the Minister of the Interior, DATO' SULEIMAN BIN DATO' ABDUL RAHMAN, P.M.N. (Muar Selatan).
- „ the Minister of Agriculture and Co-operatives, ENCHE' ABDUL AZIZ BIN ISHAK (Kuala Langat).
- „ the Minister of Transport, ENCHE' SARDON BIN HAJI JUBIR (Pontian Utara).
- „ the Minister of Health and Social Welfare, DATO' ONG YOKE LIN, P.M.N. (Ulu Selangor).
- „ the Minister of Commerce and Industry, ENCHE' MOHAMED KHIR BIN JOHARI (Kedah Tengah).
- „ the Minister of 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 (Seremban 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).
- „ ENCHE' S. P. SEENIVASAGAM (Menglembu).
- „ TUAN SYED ESA BIN ALWEE, S.M.J., P.I.S. (Batu Pahat Dalam).
- „ TUAN SYED HASHIM BIN SYED AJAM, A.M.N., P.J.K. (Sabak Bernam).
- „ ENCHE' TAJUDIN BIN ALI (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).

The Honourable ENCHE' WOO SAIK HONG (Telok Anson).

- „ ENCHE' YAHYA BIN HAJI AHMAD (Bagan Dato).
- „ ENCHE' YEOH TAT BENG (Bruas).
- „ ENCHE' YONG WOO MING (Sitiawan).
- „ HAJAH ZAIN BINTI SULAIMAN (Pontian Selatan).
- „ TUAN HAJI ZAKARIA BIN HAJI MOHD. TAIB (Langat).
- „ ENCHE' ZULKIFLEE BIN MUHAMMAD (Bachok).

IN ATTENDANCE:

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

PRAYERS

(Mr. Speaker in the Chair)

ADJOURNMENT TO A LATER DAY

(Motion)

The Prime Minister: Mr. Speaker, Sir, I beg to move,

That, notwithstanding the provisions of Standing Order 12, at its rising this day, this House do stand adjourned to Monday, 25th April, 1960, at 10 a.m.

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

Question put, and agreed to.

Resolved,

That, notwithstanding the provisions of Standing Order 12, at its rising this day, this House do stand adjourned to Monday, 25th April, 1960, at 10 a.m.

ORAL ANSWERS TO QUESTIONS

Railway Bridge, Kosial

1. Enche' Othman bin Abdullah (Tanah Merah): Minta kepada Menteri Kenderaan menerangkan:

- (a) Ada-kah Kerajaan sedar bahawa jambatan Kereta Api di-Kosial yang panjang itu menyusahkan ra'ayat dan kenderaan lalu lintas mulai jam 6.30 petang sampai 6.30 pagi.
- (b) Kalau ada, ada-kah Kerajaan berchadang hendak membukakan-nya sa-lama 24 jam kapada lalu lintas.

(c) Kalau tidak apa-kah sebab-nya.

The Minister of Transport (Enche' Sardon bin Haji Jubir): Tuan Yang di-Pertua, jawapan-nya:

- (a) Ya.
- (b) Ya, dan soalan
- (c) Tidak berbangkit.

Enche' Othman bin Abdullah Tanah Merah): Tuan Yang di-Pertua, bila masa-nya?

Enche' Sardon: Jambatan ini ia-lah kerana untuk kegunaan Kereta Api, walau pun di-taroh papan buat sementara kerana pehak military hendak menjalankan kerja-nya menghapuskan dharurat, oleh kerana itu jambatan itu tidak di-buka sa-lama 24 jam, kalau hendak di-bukakan sa-lama 24 jam, maka tentu-lah hendak di-adakan orang jaga pintu, tetapi walau macham mana pun, saya akan usahakan, sa-lewat²-nya sa-belum akhir tahun ini.

MALAYAN RAILWAY

Diesel Railcars

2. Enche' V. David asks the Minister of Transport the number of diesel cars that have been bought by the Malayan Railway, the number of orders that have been cancelled and the amount of money that had to be paid for the cancellation of orders of the above type of vehicles.

Enche' Sardon: Mr. Speaker, Sir, the Malayan Railway has purchased six diesel railcars; no orders for this type of vehicle have been cancelled and therefore no compensation for cancellation of orders has been paid.

VISIT OF FORMER MINISTER OF TRANSPORT TO JAPAN

3. Enche' V. David asks the Minister of Transport the benefits that have been derived from the visit to Japan by the former Minister of Transport and the achievements of that visit.

Enche' Sardon: Mr. Speaker, the object of the former Minister of Transport's visit to Japan, which was made at the invitation of the Japanese Government, was to enable him to study the transport system and facilities there, particularly the Japanese National Railway, which is in an advanced stage of development. The additional benefits derived from the visit were: the establishment of useful contacts in Japan with the Railway authorities and manufacturers of railway materials and equipment; the forthcoming visit of the Japanese Railway signalling expert under Colombo Plan auspices to discuss with the General Manager the signalling problem of the Malayan Railway; visit to the Federation by manufacturers' representatives from Japan to investigate railway requirements such as rail track relaying; and application for technical assistance from Japan in the matter of equipment and training facilities.

PORT OF PENANG

Constitution of Commission of Inquiry under the Wages Councils Ordinance

4. Enche' V. David asks the Minister of Labour the action he has taken to constitute the Penang Port Commission of Inquiry under the Wages Councils Ordinance, 1947, and if he would now announce the names of the members of the Commission.

The Assistant Minister of Labour (Enche' V. Manickavasagam): Mr. Speaker, action has already been initiated to constitute the Commission of Inquiry in the Port of Penang under the Wages Councils Ordinance, 1947. In accordance with paragraph (1) of the Second Schedule to the Wages Councils Ordinance, letters have been addressed to persons whom the Minister of Labour wishes to appoint as

independent members of the Commission. In addition, in accordance with paragraph (3) of the same Schedule, letters have been addressed to the Federation of Malaya Industrial and Commercial Employers' Consultative Association and the Malayan Trades Union Congress with the request to suggest names of suitable persons to be appointed by the Minister to represent employers and workers respectively in the Commission. The names of the members of the Commission will be announced after replies to the above letters have been received.

MEDICAL AND HEALTH

Hospital in Tanah Merah

5. Enche' Othman bin Abdullah (Tanah Merah) minta kepada Menteri Kesihatan dan Kebajikan Masyarakat menerangkan ada-kah Kerajaan sedar bahawa mengadakan sa-buah hospital di-Tanah Merah itu mustahak. Kalau ada, bila-kah Kerajaan hendak mendirikan sa-buah hospital di-Jajahan itu. Kalau tidak kenapa.

The Minister of Health and Social Welfare (Dato' Ong Yoke Lin): Mr. Speaker, Sir, the Honourable Member's concern and request for a new hospital in his constituency is readily appreciated, but I am sure it will be equally realised that there are many other constituencies in the country. However, Government will have to decide on priorities in the provision of medical and health facilities, always taking into account the available financial resources and supply of staff.

EMERGENCY

Central Cooking Kitchen, Sungai Siput, Perak

6. Enche' S. P. Seenivasagam asks the Minister of Defence to state, with reference to paragraph 133 of the Auditor-General's Report for 1958:

- (a) at which place and by whom was the Central Kitchen built;
- (b) why were no tenders called for;
- (c) if the Secretary to the Treasury was aware that the Central

Kitchen had been built before his approval was sought to dispense with calling for tenders, and if not, what action has been taken against those who failed to inform the Secretary of this fact.

The Deputy Prime Minister (Tun Abdul Razak): Mr. Speaker, Sir, the central cooking kitchen was built at Sungei Siput in Perak. It was built by an approved P.W.D. contractor. Tenders were sought for from a selected list of three approved P.W.D. contractors who had satisfactorily undertaken similar work in the past. It is not possible to ensure security if tenders are called for openly in respect of such work since to do so would give away the intention of imposing food denial restrictions in connection with an imminent operation in a specific area. The tender accepted was the lowest of the three submitted. The treasury was so aware, and, in view of the urgency, approval was given verbally before it was formally given in writing.

BILLS

THE CONSTITUTION (AMENDMENT) BILL

Order read for resumption of Debate on Question, "That the Bill be now read a second time" (22nd April, 1960).

Question again proposed.

Enche' K. Karam Singh (Damansara): Mr. Speaker, Sir, I wish to dwell at some length on this conception of subversion that has been advanced by the Deputy Prime Minister. The Deputy Prime Minister, in dealing with the amendments, said that the amendments were necessary to combat subversion, and he also took the new country of Ghana as an example of a country which had taken constitutional measures to enable the Government to take action against what it considers subversion. But, to remind the Government and the Honourable mover of the original motion, I would like to inform him that Dr. Nkrumah, the Prime Minister of that country, was once put

into jail for being a subversive and for wanting to set up a Union of West African Socialist Countries, for setting up a West African U.S.S.R. But to-day he is the head of a country which our country has recognised and whose independence ceremonies one Malayan Minister attended. Now, that being so, where is the conception of subversion?

Then, Singapore was also referred to. But it doesn't take much to know that in Singapore people who were formerly considered subversives and locked up by the former Government, for instance, Messrs. Lim Chin Siong, Puthuchear, Woodhull and Devan Nair, have and still hold very responsible and key positions in the Singapore Government. So, again, we ask: What is subversion? Against what are these clauses on subversion in the Constitutions of Ghana and Singapore aimed at or aimed against? It would appear that the conception of subversion in Ghana and Malaya are not the same.

Now, we know that very long ago, British leaders and writers used to comment on the Left Wing leanings of the present Prime Minister of India, and used to refer to him as having Communistic leanings. But to-day he is the Prime Minister of a country, and in his book "The Discovery of India", he makes open references to Marx and Lenin, and of the influence of Marx and Lenin on his thought, and how it contributed to his ideological development. And he does not in any place condemn Marx or Lenin on the ideological plane. And he also ends his great book, "The Discovery of India" with a quotation from Lenin, and I would read those last lines in it for the benefit of this House. It says:

"Man's dearest possession is life, and since it is given to him to live but once, he must so live as not to be seared with the shame of a cowardly and trivial past, so live as not to be tortured for years without purpose, so live that dying he can say: 'All my life and my strength were given to the first cause of the world—the liberation of mankind'."

In this case, the writer, Jawaharlal Nehru quotes Lenin, and to-day that same country of which he is the Prime Minister is quoted as having a clause against subversion.

Here again we ask the Honourable mover of the original motion: what is subversion? Is their subversion the same as the subversion that the Ghana Constitution, that the Indian Constitution considers subversion? Is their subversion a universal concept recognised by law? Is their subversion sanctioned by universal usage? To-day we find as Presidents and Premiers of countries the same people who were once considered as subversives and as people who wanted to overthrow the existing governments. I remember having read a book in which the present President of the United Arab Republic was referred to by the British as a subversive element. To-day he is the President of a country with which our country has diplomatic relations. Here again we ask: what is subversion? What international sanction has the Deputy Prime Minister's conception of subversion? And referring to Mr. Jawaharlal Nehru and his quotation from Communism and his approval of Marx and Lenin in his book *Discovery of India*, I would like to inform this House that our Honourable Prime Minister has said that he was proud as long ago as 1936 to have met the Indian Prime Minister and that the Indian Prime Minister has continued to inspire him in his own life. What is wrong, we ask again, and what is subversion in the writings of the beliefs of this great man? In India they have a legalised Communist Party which propagates its ideology, which has its papers, which has its open expression. It is not suppressed there and made a subversive force by the Government, and I repeat the words *by the Government*.

AN HONOURABLE MEMBER: Go back to India!

Enche' K. Karam Singh: In Malaya we find that the Communist Party was one of the chums of the British Government during the war and for two years after that, and suddenly we found that the British turned against their former friends. Here again we ask, what is subversion? At one time they are friends and later they split. What is subversion, we ask them. It is nothing but a political expedient to

keep a losing Government in power, a Government that feels itself slipping.

SOME HONOURABLE MEMBERS: No!

Enche' K. Karam Singh: I would tell the Honourable mover of the original motion that you can meet force with force, you can meet terror with terror, you can meet steel with steel, but you can only meet an idea with an idea. If you do not meet an idea with an idea, it shows that you are ideologically bankrupt, you have no idea and ideas cannot be killed by bullets, they cannot be imprisoned in dungeons, and they cannot be tied up by repressive measures. And when a Government such as the Alliance Government fails to meet the idea that may oppose it, or if we fail to oppose an idea, what would it show? It shows that you have nothing in your ideological store room, or in our ideological larder, that you are empty.

Now, the Honourable Member from Larut Selatan had said that if the Communist ideology was recognised he or his Government would commit suicide. I think that is a most shameful acceptance of defeat on the ideological plane, because why commit suicide? Fight it, fight it! If we are prepared to stand up and say that our Socialist ideology can stand against Capitalism, can stand even against Communism, and can stand against any other ideology, why is the Alliance saying it will commit suicide when another ideology opposes it? Why? It only means that the Alliance does not have any positive ideology, that it has only negative ideology, that it is empty of ideology. If they threaten to commit suicide, well, they will go to the grave as bald of honour as they are of ideology.

Now what does the Honourable the Deputy Prime Minister mean? What he means is: you can believe in Capitalism, you can believe in this, you can believe in that, but you cannot believe in Communism. I do not advocate Communism, but I advocate very strongly the freedom to think—the freedom of thought. Now why does he say that you cannot think in a particular way. We ask him who is he to control the minds of the Nation, to destroy our freedom of thought, the

freedom of a man to think as he wants to think? If he wants to think in a particular way, let him follow his ideology and he can differ in whatever way he wants to differ. For the freedom of thought, let him differ. Otherwise, it is an insult to our Nation. It is an insult that our Nation has not attained manhood mentally, that our Nation cannot think for itself, and because it is an insult to our Nation we oppose the original clause on this subject of subversion. There was a member from the Government side who said that for 12 long and gloomy years they fought against the Communists. After 12 years of war in which the British Government used forces from the entire Commonwealth, in which modern bombers, modern aeroplanes were used against people who did not have them, we have the admission that the Communist ideology may still exist in Malaya. If 12 years of such warfare cannot kill that idea, it can never be killed and what is the point in making it a subversive force. The solution is to fight it. Fight it openly and let the people judge whether the Honourable the Deputy Prime Minister is right, or are they right, or are we right or who is right. Let the people judge that. Do not take upon yourself the function of the people to decide for the whole country. You are the Government today; you may cease to be the Government to-morrow.

If I am not mistaken—and I stand to correction by the Honourable Prime Minister—during the Federal election campaign I read in the newspapers that the Honourable Prime Minister said that the Communists also fought for independence but they failed. Now, for that statement of the Prime Minister, is the Deputy Prime Minister going to lock him up? (*Laughter*). Is he going to control his thought to prevent him from saying that? I know, Sir, that when I say this the Deputy Prime Minister will eye me closely and I know that I will be watched and I will be tracked down in this country. But what I say I say with an easy conscience because I know that I advocate the freedom of thought for our country. Independence is meaningless if there is no freedom of thought. What

the Alliance refers to as a long fight for freedom is nullified when you tell the people you cannot think like this, or you must think on this line. What is this? It is thought control, of which the Alliance has so often accused the Communists. What is this but that. I know I am incurring the displeasure of the Honourable the Deputy Prime Minister but I am prepared to brave that displeasure. Before the entire nation to-day I stand fully confident of what I say and if any measures are taken to lock me up or put me under detention

Mr. Speaker: You are privileged here.

Enche' K. Karam Singh: Yes, Sir, but I am not privileged outside (*Laughter*). I cannot be detained here but outside I can be detained. (*Laughter*).

Mr. Speaker: You must choose your words properly. There are certain words which are unparliamentary.

Enche' K. Karam Singh: If there are any such words, I will withdraw them. I am prepared to make a stand for the freedom of thought whatever the threat or the fear that may have been held out by the enormous powers at the command of the Government.

Dato' Ong Yoke Lin: Mr. Speaker, Sir, I wonder if the Honourable Member for Damansara who spoke so glibly about freedom of thought and freedom of speech realises that if the communists somehow get control of this country either by force of arms or by subversion or all this double talk to cheat the people to win an election, he won't have any freedom of thought or freedom of speech or freedom to be here (*Applause*). Of course, he may be one of the commissars—we do not know. (*Laughter*).

Sir, again, yesterday we were treated to a rather amusing speech by the Honourable Member for Dato Kramat when he moved this amendment on which we are debating just now, and with his tongue in his cheek he said that the Alliance in proposing amendments to the Constitution has no mandate from the people. Mr. Speaker, Sir, everyone knows that the main plank

of the Alliance election platform was peace and prosperity for all the people of our newly independent nation and the building up of the unity of our new nation; and I would suggest that on account of our sincerity, our past record of just and honest government and our election manifesto, the people in the free democratic elections returned us to power with more than a two-thirds majority in this House. (*Applause*). Sir, these amendments we now propose are entirely in keeping with our election pledge to the people. Our people, in particular those living in the rural areas, want peace. They want no more of communist terrorism or communism in this country. They want to go about their daily tasks without fear of extortion, without fear of being shot by the communists, and without fear of being disembowelled by them. They want to live with their family, with their children in peace, in freedom and in happiness. They know that under a system of government like the one they have now, and which they have had for the past few years, the future for themselves and their beloved children will be bright and glorious indeed; and that is exactly what the Alliance has been able to achieve for them. We cannot, we will not let them down.

Mr. Speaker, Sir, we in Malaya have suffered 12 long years of murder, butchering and slaughtering of women and children by the communist terrorists; indiscriminate destruction of lives and properties—thousands of lives had been lost; billions of dollars of properties had been destroyed; and billions of dollars of Government revenue which could have gone to make a better life for our people had been spent on this war against communist terrorism. The people—the peasants and the workers, whom Honourable Members who support this amendment claim to champion—have expended their energy, their sweat and their tears in this fight against this terror over the past 12 years.

In the attempt to take over the Government of this country, if not by force of arms, by subversion, these communists aim to colonise Malaya for

other powers. The people of Malaya have not forgotten these atrocities and will never, never forget them although those Members who support this amendment may choose to forget, or may have short memories. They now stand here and preach this ideology of communism and I cannot help but feel sorry for the stooges of international communism. (*Applause*).

Enche' D. R. Seenivasagam (Ipoh): Mr. Speaker, Sir, on a point of order, is the word "stooges" allowed?

Mr. Speaker: That word should not be used here!

Dato' Ong Yoke Lin: Then, Sir, I would say agents or puppets.

The Minister of Finance (Enche' Tan Siew Sin): Mr. Speaker, Sir, I do not think that the Honourable Minister was referring to Honourable Members opposite as such; but I think that if the cap fits they can wear it.

Mr. Speaker: The word cannot be used!

Dato' Ong Yoke Lin: I use the word "puppets" instead. (*Laughter*). They talk of freedom of thought, freedom of speech. In our 1955 election Manifesto, we declared that we wanted freedom of speech, freedom of worship, freedom from fear and freedom from want. We know that is what our people want and that is what we have achieved for them.

I am sure, Sir, Honourable Members have not failed to realise that these so-called champions of the people have never condemned or even criticised any of the atrocities, the imperialistic designs and the dictatorial action of international communism. (*Applause*). Sir, just as Muslims bow towards Mecca, just as the Japanese bow towards the Rising Sun, our Honourable Members here to whom I have referred *kowtow* to Moscow or Peking. (*Applause*). Sir, we in the Alliance and our numerous supporters and the law-abiding citizens of this country want peace and prosperity. We, the Alliance, have a sacred duty, as the Government the people have chosen in a free election, to protect them from the evils and dangers coming from

those who profess the communist ideology. We shall never fail them, we shall do our duty. (*Applause*).

Enche' Zulkiflee bin Muhammad (Bachok): Tuan Yang di-Pertua, saya bangun menyokong pindaan ini, di-dalam menyokong ini saya hendak meletakkan beberapa asas penerangan. Tuan Yang di-Pertua, sa-belum saya mencheritakan hal² berkenaan dengan pindaan ini dan keadaan²-nya, saya hendak jelaskan di-sini bahawa pehak saya di-sini ada-lah menentang kominis dan faham kominis

SA-ORANG AHLI YANG BERTHORMAT:
Hear, hear!

Enche' Zulkiflee bin Muhammad: dan tidak menyertai sa-barang sentimen yang menunjukkan kechenderongan terhadap kominis. Ada-lah menjadi dasar yang tetap kepada Persatuan Islam sa-Tanah Melayu menentang faham kominis, orang kominis dan gerakan kominis walau apa rupa sa-kali pun. Penentangan Persatuan Islam sa-Tanah Melayu kepada pindaan ini di-asaskan atas beberapa perkara yang akan saya sebutkan. Tuan Yang di-Pertua, saya menarek pandangan kepada ucapan Yang Berhormat Timbalan Perdana Menteri dahulu daripada ini ia-itu waktu mengemukakan Rang Undang² ini. Timbalan Perdana Menteri telah berkata bahawa beliau ada-lah menerima keritik dan kechaman yang membena di-dalam hal pindaan Perlembagaan ini. Tuan Yang di-Pertua, ini ada-lah satu perkara yang baik dan saya berchakap di-sini dengan harapan bahawa beri-lah peluang kepada keritik itu di-pertimbangkan jauh daripada sentimen perasaan menyembelah yang akan menjadi perhetongan kita.

Tuan Yang di-Pertua, dalam Dewan ini sudah nampak beberapa tanda² bahawa pergadohan dan perselisihan di-timbol²kan, sa-mata² kerana pergadohan itu hendak di-lakukan dan perselisihan itu hendak di-panjangkan. Benda yang kita binchangkan dihadapan ia-lah Perlembagaan. Menurut fahaman saya, Tuan Yang di-Pertua, Perlembagaan ini satu perkara yang kita hormati dan memang pada awalnya kita datang ka-dalam Parlimen ini

kita telah melakukan satu perkara yang jelas penghormatan kita; ia-itu tiap² sa-orang daripada kita sama ada ia bersumpah atau pun berikhrar sa-rupa sahaja ia telah melakukan satu kenyataan bahawa ia menghormati Perlembagaan Persekutuan Tanah Melayu; yang di-hormati oleh orang yang membuat sumpah itu, Tuan Yang di-Pertua, ia-lah Perlembagaan Persekutuan Tanah Melayu saperti yang telah ada di-dalam document. Maka sekarang ini kita hendak menambah dan hendak mengisi beberapa perkara baharu di-dalam Perlembagaan ini yang bererti kita melakukan satu perkara penambahan kepada benda yang kita sumpahkan. Tuan Yang di-Pertua, saya merasa walau pun Kerajaan mengatakan bahawa Kerajaan telah meneliti dan menghalusi perkara² yang bersangkutan dengan Perlembagaan ini dan merasa puas hati bahawa Perlembagaan yang telah di-pinda mesti di-terima. Tetapi saya merasa maseh gopoh, tanda-nya, Tuan Yang di-Pertua, ia-lah pindaan (amendment) yang di-kemukakan ini satu pindaan ia-itu 1/3 daripada-nya hendak di-buat dalam Jawatan-Kuasa supaya menghapuskan Fasal 30. Tentu-lah dapat di-katakan bahawa kita telah berfikir panjang, jadi kami hairan daripada masa mengemukakan pindaan ini, tidak-kah terfikir oleh Kerajaan bahawa perkara ini tidak patut di-masokkan? Tetapi sudah di-masokkan, tidak beberapa hari sa-sudah itu, Tuan Yang di-Pertua, pindaan ini tidak pun di-terima pada hari yang pertama di-dalam Dewan ini, tetapi di-terima kemudian, maka nyata-lah bahawa perkara ini belum masak di-fikirkan.

Tuan Yang di-Pertua, bukan sahaja isi-nya hinggan susunan perkataannya maseh belum masak, Klaus 28, boleh jadi Attorney General silap atau salah buat tetapi Klaus 28, Tuan Yang di-Pertua, telah di-tulis dalam pindaan ini sachara memanjang sahaja dengan tidak ada titek dan koma-nya sangat tetapi di-atorkan dengan (a) (b) (c) (d) dan (e). Agak-nya, Tuan Yang di-Pertua, perkara ini kechil kepada Kerajaan tetapi bagi orang yang memerhatikan chara meminda Perlembagaan, tahu-lah dia betapa gopoh-nya Kerajaan

hendak meminda. Tuan Yang di-Pertua, maka oleh sebab yang demikian, saya memandangkan bahawa perkara ini maseh boleh kita timbangkan dahulu dan ini-lah yang saya akan mengemukakan beberapa perkara yang menunjukkan bahawa Perlembagaan ini di-pinda dengan gopoh dan Kerajaan belum sanggup bertanggung-jawab dengan penoh di-dalam hal ini.

Tuan Yang di-Pertua, berkenaan dengan perkataan dalam chadangan pindaan ini yang menyebutkan "democratic principles,"—

" 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, it be rejected".

Tuan Yang di-Pertua, hendak di-chari di-mana-kah umpama-nya, mithal² bahawa pindaan Perlembagaan ini berlawanan dengan democratic principle. Boleh-lah saya berikan satu dua sebab. Saya ini berchakap di-dalam pindaan ini dan saya akan berchakap lagi dalam perkara membahathkan Bill Pindaan asal ini.

Tuan Yang di-Pertua, kita dapat melihat di-sini umpama-nya, lantekan Hakim Besar. Kita tahu di-mana² sahaja Hakim Besar di-lantek dengan chara yang tidak membabitkan pelantikan itu dengan politik. Tetapi malangnya apabila pindaan ini di-kemukakan maka timbul-lah chara baharu yang menghendaki pelantikan Hakim Besar ini dengan nasehat daripada Perdana Menteri, ia-itu pindaan 15 kepala Fasal 122. Tuan Yang di-Pertua, di-fahamkan di-Majlis ini oleh Timbalan Perdana Menteri bahawa beliau sudah memikirkan perkara ini panjang² dan hendak merenung apa yang di-buat di-negeri Inggeris dan Parlimen-nya; bahawa Parlimen kita menurut dia-nya maka kita merasa patut-lah Hakim Besar itu di-lantek dengan nasehat Perdana Menteri. Tidak sepatah pun, Tuan Yang di-Pertua, Timbalan Perdana Menteri menerangkan apa-kah salah-nya dan di-mana-kah pengalaman yang menyatakan burok-nya Hakim Besar itu di-pileh menurut Perlembagaan yang telah ada ini. Pernah-kah terjadi dipandangan Kerajaan ada dalam pelantikan Hakim Besar ini. Kerajaan merasakan bahawa Yang di-Pertuan

Agong memilih sa-orang yang berlawanan dengan kepentingan negeri ini kerana Kerajaan tidak hendak berchita² mempengaruhi Kehakiman? Tetapi kepentingan Kehakiman! ada-kah pernah sakali berlaku dan kalau ini pernah berlaku, Tuan Yang di-Pertua, saya tuntut Timbalan Perdana Menteri menyatakan bila perkara itu berlaku dan terangkan apa² sebab-nya. Sebab apa, Tuan Yang di-Pertua, kita hendak meminda Perlembagaan, biarlah pindaan² itu sa-sudah kita menerangkan bahawa tidak ada jalan lain lagi. Sebab ini kita merasakan, kita hendak menuju kepada satu kemajuan. Jangan-lah di-bawakan semata² England berbuat begitu kita pun berbuat begitu.

Tuan Yang di-Pertua, sa-lain dari hal ini, saya hendak menerangkan walau pun Timbalan Perdana Menteri ada orang²-nya yang akan membantah tetapi saya hendak menerangkan bahawa lantekan itu tidak berdemocracy bahkan berlawanan dengan prinsip democracy. Sebab apa, Tuan Yang di-Pertua, kata-lah Kerajaan ini baik, Perdana Menteri-nya baik, dia tahu siapa hendak di-lantekkan menjadi Hakim hendak di-nasehatkan Yang di-Pertuan Agong itu katakan-lah, tetapi jangan lupa, manusia ini, manusia, mahu tidak mahu dia manusia. Sa-lagi dia manusia maka sikap kemanusiaan-nya itu ada. Hendak melantek sa-orang Hakim tentu-lah daripada orang² yang berkelayakan menurut istilah Kehakiman daripada Judges yang ada pengalaman, chukup masa perkhidmatan-nya. Kata-lah di-Persekutuan Tanah Melayu ini, ada 5 atau 6 Judges yang berkelayakan menjadi Hakim Besar, dan Hakim Besar kita sudah tua menunggu masa sahaja hendak mati atau meninggalkan jawatan-nya, maka 5, 6 orang ini, Tuan Yang di-Pertua, tahu yang akan nasehatkan siapa hendak di-jadikan Hakim Besar itu ia-lah Perdana Menteri. Kata-lah orang itu 10 markah-nya sama, apa yang merupakan sipat begitu pada sisi manusia, ia-lah favourable inclination—senget yang sesuai. Sebab apa, Perdana Menteri akan melakukan itu dengan ke'adilan.

Perasaan manusia yang suka kepada orang yang sukakan dia, tidak dapat

di-hapuskan, walau siapa dia orangnya. Maka pada ketika itu akan terpilih-lah orang yang di-rasakan disukai walau pun kita tidak suka sangat tetapi dia telah berjaya. Itu, Tuan Yang di-Pertua, menjadikan satu pengaruh politik yang boleh saya katakan tidak langsung. Di-dalam pelantikan Kehakiman ini amat-lah besar ma'ana-nya. Pelantikan itu, Tuan Yang di-Pertua, mungkin menimbulkan dua perkara. Yang pertama, orang itu membalas budi; terpaksa-lah! kalau orang yang melantek kita itu budi-nya baik. Sakurang², sakali² kita tundok²kan kepala dan pejam²kan mata, itu sa-kurang²-nya. Yang lebeh-nya? Kalau nasib kita baik maka hasil-nya, ya! Waktu saya belum kena lantek, tundok² sahaja, bila saya kena lantek, saya tegakkan ke'adilan. Apa yang akan berlaku pelantikan yang kedua itu. Kerajaan menchari orang yang lemah supaya kalau dia berkeras pun kita boleh tahan.

Tuan Yang di-Pertua, ini bukan-lah di-buat untuk sa-hari atau sa-bulan tetapi akan menjadi satu panduan kepada bangsa. Ini bukan Kur'an, kata sahabat saya. Benar, tetapi ini-lah yang akan menjadi panduan Kerajaan di-dalam negeri ini, panduan Parlimen di-dalam negeri ini. Umpama-nya Undang² dalam negeri ini, bukan kechil, bukan sa-tahun, bukan dua tahun, dan boleh jadi, entah macham mana oleh kerana perkembangan politik ini singit, maka kita akan mendapat tak ada majority yang membolehkan sa-saorang itu meminda perlembagaan, boleh memerintah dalam tahun 1964 sahaja, tak ada sa-orang pun yang boleh meminda perlembagaan tahun 1969. Maka baharu-lah kita terasa betapa terbalek-nya, Tuan Yang di-Pertua, oleh kerana saya berchakap di-sini ia-lah dengan tujuan meminta Kerajaan memikirkan perkara ini sedalam²-nya, sebab itu pada saya-lah dari segi parti politik tidak-lah saya rasa perlantikan Hakim ini akan menekan Persatuan Islam (PAS). Saya tidak rasa begitu, dan tidak-lah saya merasa bahawa merusot sangat fikiran kehakiman dalam negeri ini sampai hendak menekan sa-suatu, tetapi walau pun kemungkinan yang telah lepas tidak ada; itu maseh tidak demokratik.

Sekarang ini, kita lihat pula satu perkara yang boleh jadi pada sisi Kerajaan kechil sedikit, sebab nampak-nya di-sini dalam menyebutkan-nya, bukan-lah kerana hendak memberi detail tetapi hendak menerangkan di-mana-kah demokrasi itu? Takut nanti di-marah orang pula. Cheraian 14. Article 119 di-mana orang lain tidak hendak menyebutkan dalam perkara ini, tetapi biar-lah saya menerangkan-nya ia-itu:

"(1) Every citizen who—

- (a) has attained the age of twenty-one years on the qualifying date; and
- (b) is resident in a constituency on such qualifying date or, if not so resident, is an absent voter."

Maksud-nya bagini: Dudok di-situ, hari qualifying date boleh mendaftarkan diri sa-bagai pengundi. Chara² ini dalam maksud, tujuan hendak ditukarkan masa 6 bulan itu, kalau hendak di-kenakan pula pada sa-saorang itu 6 bulan, maka terjumpalah saya di-sini, dan mendengar daripada Timbalan Perdana Menteri mengatakan bahawa ini jangan-lah kita menzalimi orang dengan sebab berpindah dengan tak sampai 6 bulan maka dia tak dapat mengundi. Jawapan-nya dia belum boleh mengundi di-situ, dia boleh mengundi di-kawasan asal-nya, kerana hak dia, tetapi yang besar bagi saya cheraian ini mencherobohi Fasal 116 dalam perlembagaan ini. Chuba kita chari dalam Fasal 116 Perlembagaan Persekutuan Tanah Melayu, neschaya kita jumpa dalam bahagian (4) di-mana ada menerangkan:

"Each State shall be divided into constituencies in such manner that each constituency contains a number of electors as nearly equal to the electoral quota of the State as may be after making due allowance for the distribution of the different communities and for differences in density of population and the means, etc., etc."

Tujuan-nya ia-lah menchari perseimbangan kepada orang² yang mengundi, perseimbangan sekarang ini di-waktu kita memecahkan kawasan mengundi, apa tujuan kita ini? Kenapa tak di-ambil censor begitu sahaja? Tetapi kita memecahkan menurut dasar² yang tertentu, dasar manusia, dasar geography, dasar jalan² yang besar di-dalam daerah itu. Ini semua

di-masokkan dalam semua kawasan memecah²kan kawasan dalam negeri ini, walau pun dalam kawasan itu tidak menyokong Election Commission, tetapi saya rasa ini-lah yang di-berikan satu perhatian oleh Perlembagaan Persekutuan. Kalau jadi pindaan ini, apa yang akan berlaku? Halangan yang menyusahkan kita hendak membuat tiap² perpindahan itu hilang, kerana dia boleh mendaftarkan undi. Maka dengan sendiri-nya quota yang kita hendak chari itu tak akan di-jumpa. Perseimbangan different communities tak di-jumpa. Ini akan merupakan satu perkara yang berlawanan dengan demokrasi yang tujuan dasar perlembagaan ini atas pembahagian kawasan² dalam pilihan raya. Sebab² ini boleh kita tambah dengan per-chubaaan Kerajaan berkenaan dengan menurunkan Public Services Commission dari kuasa-nya dengan mengadakan satu saloran jabatan ka-dalam-nya. Apabila Perlembagaan Persekutuan Tanah Melayu ini meletakkan Public Services Commission sa-bagai satu badan yang merdeka dan bebas, maka tujuan-nya ia-lah supaya dapat-lah pekerjaan itu di-jalankan dengan tidak di-pengaruhi oleh Kerajaan yang memang dengan sendiri-nya perlembagaan ini pula merupakan Kerajaan itu, dan sa-bagai-nya.

Sekarang ini timbul pula sa-perkara yang sahabat saya ada mengatakan bahawa kami sudah nampak yang Public Services Commission ini salah. Kami sudah nampak bahawa Public Services Commission ini tak menjalankan dasar-nya dengan tidak ada sapatah pun dalam perlembagaan yang menyeru Public Services Commission itu tundok menjalankan dasar Kerajaan. (*Tepok*). Apa guna-nya dia jadi badan bebas? Chuba fikir apa guna-nya, kalau hendak di-jadikan dasar bebas. (*Tepok*). Kata sahabat saya itu tadi bahawa kami ini hendak mempengaruhi untuk kebajikan orang² Melayu, dengan chara sembunyi, kata-nya. Saya hendak cheritakan hal ini, rugi orang² Melayu! Ini berma'ana unconstitutional, perbuatan yang semacham ini tidak berperlembagaan. Kalau kita sudah menerima perlembagaan jangan di-chakapkan lagi hendak mempengaruhi di-sana sini,

sembunyi sana sini, jangan di-bawa dalam Parlimen ini. Dengan ada-nya tujuan hendak mempengaruhi supaya dapat menjalankan dasar! dasar mana, Tuan Yang di-Pertua? Dasar membolehkan kita memilih orang menurut kehendak kita? Tetapi, perlembagaan ini bukan hendak menjalankan pemerintahan dan panduan yang hanya waktu kita memerintah; di-sebalek-nya sa-sudah kita memerintah, biar pun di-waktu pemerintahan Front Socialist, People's Progressive Party, Pan-Malayan Islamic Party atau lain-nya lagi ia berjalan memerintah.

Apa yang akan jadi pada masa itu, Tuan Yang di-Pertua? Salah juga kami ini, salah juga kita membantah, kerana kata-nya bahwa dia hendak menolong ini, tetapi bukan dia sahaja! Ini hendak-lah kita fikirkan halus² dengan pandangan yang luas. Jadi saya merasa pemindahan yang saperti ini dari segi teknik-nya akan saya bahathkan di-waktu usul ini di-bahathkan nanti. Saya ada hak sa-kali lagi, jadi biar-lah sa-chara principle sahaja. Itu asas bagi bahathan yang saya buat tadi. Kemudian undemocratic, kerana Article 28 yang sudah tersilap kemarin itu kasar sangat—Attorney-General ta' sempat mengatur-nya—draftsman ta' sempat mengatur-nya, itu tersilap dengan amendment yang hendak di-buat ini, gopoh² pun sempat menyiap-nya. Tuan Yang di-Pertua, dalam hal ini banyak perkara yang akan timbul yang akan membolehkan Kerajaan membuat-nya. Saya rasa ada sedikit bahaya-nya, kalau orang yang melawan Kerajaan walau pun menurut chara Perlembagaan. Yang pertama: disaffection against the Yang di-Pertuan Agong or any Government in the Federation; disaffection satu sifat yang negative, ta' ada-nya affection atau ta' ada-nya rasa sayang. Saya rasa Yang Berhormat Dato' Onn dari . . .

Mr. Speaker: Jangan sebut nama!

Enche' Zulkiflee bin Muhammad: Saya hendak sebutkan tempat-nya Kuala Trengganu Selatan (*Ketawa*) saya tarek balek nama itu. Jadi Ahli Yang Berhormat dari Kuala Trengganu Selatan, saya rasa ia yang pertama sa-kali kena. Pertama, dalam Parlimen

dahulu saya rasa berdengong² ia mengatakan ia bukan ra'ayat Yang di-Pertuan Agong. Senang sahaja ia mengatakan. Orang yang sa-macham itu langsung di-tangkap, kita ta' ada lagi satu jalan yang akan membolehkan . .

Mr. Speaker: Ia ada privilege dalam Parlimen.

Enche' Zulkiflee bin Muhammad: Ahli Yang Berhormat itu bukan di-sini sahaja ia berchakap di-luar . . .

Mr. Speaker: Bila di-luar itu sudah lain.

Enche' Zulkiflee bin Muhammad: . . . pun berchakap juga.

Mr. Speaker: Saya ta' dengar di-luar (*Ketawa*).

Enche' Zulkiflee bin Muhammad: Kata-lah ia buat² nakal di-bunyikannya di-luar. Kasehan-lah kita!, Tuan Yang di-Pertua, ia menyebutkan itu bukan-nya sa-bagai sa-orang yang marah² sahaja, tetapi di-asaskan atas fahaman undang²-nya, yang boleh jadi $\frac{1}{2}$ daripada kita yang ta' sa-fahaman dengan dia—itu ta' menjadi soal, tetapi di-asaskan kepada undang² dia, kalau ia menjadi loyar, ia boleh bawa kadalam court—hendak kita tangkap juga orang yang sa-macham itu? (*Ketawa*) ta' patut, Tuan Yang di-Pertua, ini satu perkara yang patut difikirkan, ia-itu disaffection. Kemudian, or any Government in the Federation, saya rasa di-sini ta'-lah berapa susah kita menjaga-nya, umpama-nya, bila chakap kasar—masuk-lah kita dalam jala ini. "(c)" Ini saya hendak mengatakan undemocratic, supaya jangan dikatakan orang talking nonsense, ta' berapa sedap juga, Tuan Yang di-Pertua. Jadi to make some sense, (c) itu, to promote feelings! races itu wakil Ipoh sudah terangkan, ta' payah-lah saya menerangkan walau pun saya dengan dia sama berat-nya dalam hal ini, ta' mengapa ada something in common. Chuma saya usek berkenaan dengan, other classes, pehak Front Socialist sa-malam telah berper² benar, sa-orang daripada ahli-nya berkata ia-itu P.M.I.P. ta' usah gadoh fasal races, ta' usah kira Melayu, kita kira class pula. Malayan peasant satu, Malayan kerani satu, Malayan half-educated

satu (*Ketawa*) Malayan unionist satu dan Malayan aristocratic satu (*Ketawa*). Ah! Tuan Yang di-Pertua, kata sa-orang ia ta' berapa gemar menengok istiadat² beria² benar, Ah! against, sudah kena perangkap. Tuan Yang di-Pertua, alang-kah terok-nya kita hidup dalam dunia yang sa-macham ini! dengan perlembagaan yang kita pinda sa-macham ini, berasas itu, Tuan Yang di-Pertua, saya sokong penolakan pindaan ini.

Dr. Lim Swee Aun (Larut Selatan): Mr. Speaker, Sir, the Honourable Member for Dato Kramat was given every opportunity to give his reasons why we should throw out this Bill, and he had every right to do it, and we gave him a patient hearing because we are a free country. But his long-windedness reminded me of the famous words that

"Words are like leaves, and where they most abound, much fruit of sense is hardly found." (*Laughter*).

I shall, however, deal with his speech and his points a bit later. I am glad he has just come in.

Mr. Speaker: Proceed! (*Laughter*).

Dr. Lim Swee Aun: I was indeed disappointed with the Honourable Member for Ipoh, who has earned a reputation for eloquence, that he should have made such a feeble attempt to explain his point by using an incoherent story about the "yau char kwai", which rhymes with "Kit Leng Kwai". He said that his reason for supporting the amendment to throw away this Bill was because in the amendment of Clause 28, the new Article 149 (1) (a), the words "to cause, or to cause a substantial number of citizens to fear organised violence against persons or property" were ambiguous, and therefore this thing should not be in the Constitution, and therefore we should throw away this thing. Mr. Speaker, Sir, let us look at Article 149 and see what it says:

"149. (1) 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, to cause, or to cause a substantial number of citizens to fear, organised violence against persons or property, any provision of that law designed to stop or prevent that action is valid notwithstanding . . . etc."

Now, let us look at the amendment, the proposed new Article 149. It says:

"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 any substantial body of citizens to fear, organised violence against persons or property . . . [and carrying on with (b), (c) and (d)] . . . any provisions of that law designed to stop or prevent that action is valid . . . etc."

Now, the construction of this new Article and the construction of the existing Article are identical. They are identical in form, they are identical in principle, and they are identical in the type of power it confers to this Parliament. But, with one difference. This new amendment only enlarges on the definitions of subversion. But paragraph (1) (a)—"to cause, and to cause any substantial number of citizens to fear" and so on, is already existing in our Constitution. And yet he says that because the wording is ambiguous, we should throw it out. Yet he says this Constitution is a sacred document, written by internationally renowned constitutional experts, and must be retained. What contradiction that is!

I shall not presume to teach him law, but certainly he can be more careful in reading this Constitution.

Both the Honourable Member for Ipoh and the Honourable Member for Dato Kramat, and also the parties which they represent—the People's Progressive Party of Malaya and the Socialist Front—have taken a very definite stand. The first stand is that they are against preventive detention without trial. The second stand is that we should not amend this Constitution because on the platform during the elections they said we would not amend the Constitution and for that reason we were returned. Right! What is the effect of the amendment to throw away this Bill? It means that they will not amend the Constitution, and therefore, by that action, it has justified their second stand, and then they can go back and tell the electorate: "Well, how honest we are. We are the honest people, we said we won't amend the Constitution, therefore we will not amend the Constitution." But how do

they justify their first stand—that there should not be preventive detention without trial. Both parties have members of the learned profession within them. They have no excuse for not knowing the law, and I am indebted—very indebted—to the Honourable Member for Dato Kramat, who pointed out to me yesterday that Article 149 (1) as it stands in the Constitution already gives the Government or this Parliament power to pass an Act for preventive detention without trial.

Enche' Lim Kean Siew (Dato Kramat): On a point of clarification, Mr. Speaker—I think I said very clearly that Article 149 as it stands on the amendment Bill gives the power, and therefore it is not a matter of doing away with preventive detention when they remove Clause 30. How Article 149 reads as it stands in the Constitution now is another matter, because I was not talking about Clause 149 as in the Constitution, but on the amendment on it and that is the subject matter of the debate.

Dr. Lim Swee Aun: But, Mr. Speaker, Sir, Article 149 (1) as it stands in the Constitution already gives that power.

Enche' Lim Kean Siew: That is another matter.

Dr. Lim Swee Aun: Ah, thank you very much. He has admitted now in this House that Article 149 (1) gives this House the power to enact an Act to have preventive detention without trial.

Now, Mr. Speaker, Sir, by throwing away this Bill, I charge both the Honourable Member from Ipoh and the Honourable Member from Dato Kramat and the People's Progressive Party and the Socialist Front that they consciously are trying to cheat the people. Why—because whilst they say that they are against preventive detention, yet they want to preserve it. They want to enshrine it in Article 149 (1) of the Constitution so that they hope that some day when they become the Government—since they approve of preventive detention—they can use it under Article 149 (1) of the Constitution. Mr. Speaker, Sir, the Honourable

Members are experts in Parliamentary procedure; they have even quoted authority against your decisions, but . . . (*Laughter*).

Mr. Speaker: My decisions are final; nobody can challenge them, unless they bring a substantive motion against my conduct or my decisions. Proceed.

Dr. Lim Swee Aun: Now, Mr. Speaker, Sir, why do they move this amendment to throw out this Bill? I charge that this is a deliberate, calculated intention because they know fully well that if they are at all honest with the public, and that they do not want preventive detention, they should know—and they do know—that the proper method is to allow this Bill to be debated and when it comes to Committee, when Clause 28 is being discussed, then they should move for the complete deletion of Article 149 (1) from the Constitution. Then only they can say that they do not want preventive detention. But they have not done so. Why not? Therefore I say, and I charge them again, that they continue to cheat the public.

Enche' S. P. Seenivasagam (Menglembu): Mr. Speaker, Sir, can the Honourable Member impute improper motives to Members who raised this point in this House?

Mr. Speaker: Under Standing Orders no Member should impute improper motive against another Member. That is my decision.

Dr. Lim Swee Aun: Mr. Speaker, Sir, while they can bluff . . .

Enche' K. Karam Singh: Mr. Speaker, Sir, is the word "bluff" parliamentary?

Mr. Speaker: It would be better to use the word "mislead".

Dr. Lim Swee Aun: Yes, Sir. While they can mislead some people all the time, they cannot mislead all the people all the time. (*Applause*).

Enche' S. P. Seenivasagam: Mr. Speaker, Sir, I rise to give my full support to the amendment. I am not a doctor and therefore I do not know law! (*Laughter*). Perhaps if I am a doctor, I would know no more law.

Mr. Speaker, Sir, as I understand it and as I read it, the Bill is designed to destroy whatever traces of democracy that may remain in the Malayan Constitution. At the moment, Sir, the Malayan Constitution treats Malayan democracy like a sick man with one foot in the grave; but what the Bill proposes to do now is to put the other foot in the grave and to cover the grave. Mr. Speaker, Sir, those who preach should practise what they preach. The Government is preaching against subversion, and what is the greatest danger in this country? The greatest danger comes from those elements which are seeking to subvert the Constitution, trying to destroy the Constitution of this country and make a mockery of it. If Government can take action against those people who exercise their brain, trying to find out all kinds of devices and means to destroy this Constitution, as they attempt to do with this Bill, then Government will indeed be doing a service to this country because then they will save this Constitution.

The Honourable Minister of Health spoke with some emotion on the Alliance intention to preserve peace, prosperity and justice in this country. But how do you preserve justice when you seek to destroy justice. What has been wrong with justice so far in this country? That is one thing in this country which has not come up against any criticism from any quarter. Never have we heard a breath of criticism anywhere of the way in which justice is administered in the courts in this country. And what do we find before the House to-day? We find a proposal to change the system of appointment of Judges. Why? What has been wrong in the past that you now seek to improve it for the future? Surely the people are entitled to know it. In the past, Mr. Speaker, Sir, it has been acknowledged that Judges have been fair; they fear no one in the discharge of their duties. You want to change that? If you do not want to change that, why do you want to change the means of their appointment? Once these appointments become politically-tainted, then the public are bound to lose confidence in the administration

of justice in this country; and once the public has no confidence in the administration of justice then there will be chaos because people will not resort to courts for justice, they will take the law in their own hands. Once it has become known that Mr. Justice so-and-so is an Alliance supporter, and he is on the Bench because he is an Alliance supporter, then those who are not Alliance men are not going to feel that they will get a fair hearing before him. Is it the intention of this Government to create a spineless body of Judges who will bend with the political wind?

The Assistant Minister of Commerce and Industry (Enche' Cheah Theam Swee): Mr. Speaker, Sir, on a point of order. Isn't the Honourable Member imputing improper motives?

Enche' S. P. Seenivasagam: I will put it the other way, Sir. Is it the intention of this Bill to create a spineless body of Judges who will bend with the political wind?

Enche' Cheah Theam Swee: Mr. Speaker, Sir, that again is imputing improper motives.

Mr. Speaker: That is all right! Carry on!

Enche' S. P. Seenivasagam: I say that is the intention, and that is an undesirable intention which future generations of Malaysians will regret.

The Honourable Member for Larut Selatan has sought to explain the Constitution to us. From what he said, presumably he believes that powers to deal with subversion are already in the Constitution—that is the way I understood him. He feels that Section 149 already contains the requisite power and surely it would be logical to expect that he would be the first person to advise his colleagues in the Government who come from his Party. Why bother to debate for two or three days; why waste all this time when it is already there? His failure to do so destroys his own argument. What the Government is seeking to do by the introduction of this Bill is to add to the Constitution matters which are not provided for there, that is, to

provide for measures to be taken to deal with (a), (b), (c), (d) and (e), and that covers practically everything one can think of. There is nothing which the Government cannot do again. If they think there are too many people driving motor cars recklessly, they could very well bring it under one of these and ask for legislation, because it is a menace to the security of the Federation. There are too many people doing that—people driving motor cars at a reckless speed—and the ordinary laws of the country cannot deal with it, therefore we will have to pass special laws. It is much too wide; it places the liberty of the subject completely in their hands.

Of course, Sir, much of the arguments have been concentrated on Communism. It has been said that this Bill is designed to deal with Communism, to prevent the spread of Communism. Now, that is something which no government in the world can do. They may try to, but they can't do it. When I say Communism, I want to make it quite clear that means Communist ideology, not the practice of Communism but the ideology. You have already prevented the practice of Communism in this country; you have succeeded in doing this. There are no known Communist organisations in this country. You have destroyed the Communist attempt to spread their theory in this country by violence; you have succeeded in that. You have more than once given credit to the people of this country; you have claimed that the people of this country have supported you and now that you have won the battle you say that you are frightened of the people, and that you want these powers to control the people. Whom are you afraid of? The 400 or 500 people who . . .

Dato' Ong Yoke Lin: Mr. Speaker, Sir, on a point of order. Is the Honourable Member addressing the Chair?

Mr. Speaker: He is!

Dato' Ong Yoke Lin: Sir, he said "you are trying . . ."

Enche' S. P. Seenivasagam: That is a rhetoric use of "you". It is an unnecessary interruption.

Mr. Speaker: Proceed!

Enche' S. P. Seenivasagam: Now I have forgotten where I stopped. (*Laughter*) So far as I understand it, I can recollect that there are no more than a few hundred people in the detention camps. If from 1948 up to now the Government has had occasion only to detain at the maximum 2,000-odd or 3,000-odd people, now with the end of the Emergency, is it necessary to bring in a law to cope with the 400 or 500 people who remain in the detention camps?—I am now informed that it is just over 100, not even 400. Now, Sir, it is quite clear why this amendment is being sought. It is being sought because His Majesty has already declared that the Emergency is going to end on 31st July. What the Government is going to do on the 31st July if this amendment does not come in? The immediate object of the elaborate steps that have been taken is to push through an Act of Parliament subsequently to provide for detention and these 100-odd people will be detained. If that is the intention, then I say this House is being misled, because Clause 28 says—

“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.”

That is the condition upon which an Act of Parliament may be passed. As I said, it is very clear that Government will attempt to push through an Act of Parliament. Are they honestly and sincerely going to recite this Act that there is now in the Federation a substantial body of persons who are going to do one or more of those things when there are no more than 100-odd people in the detention camps?

The Honourable Minister of Health also spoke emotionally on Communist atrocities and why we in the Opposition have not expressed abhorrence of those atrocities and so on. Of course, none of us have had the pleasure of a personal discussion with the Honourable Minister; we are not in the fortunate circle of persons to move with him closely. Of course, he may not have heard us condemning atrocities, whether they be from the communist side or the capitalist side,

but we abhor atrocities from either side. Just as we abhor atrocities in South Africa, we abhor atrocities on the Korean side, and I have yet to hear somebody condemn the atrocities in Korea.

Mr. Speaker, Sir, the Honourable Minister of Health also spoke of some people wanting to *kowtow* towards Moscow. I have never *kowtowed* in my life, and fortunately even during the Japanese Occupation I did not have to *kowtow*.

Mr. Speaker: I do not know that word myself! (*Laughter*).

Enche' S. P. Seenivasagam: Sir, that is the word used by the Honourable Minister and I suppose it means “bow down”.

Mr. Speaker: Proceed!

Enche' S. P. Seenivasagam: And not having had experience of that, I cannot understand why anybody would want to *kowtow* to somebody else. But the greatest *kowtow* of recent history was, I think, a short time ago when we found the mass *kowtowing* of

Mr. Speaker: Better use “bow down” instead of “*kowtow*”.

Enche' S. P. Seenivasagam: Yes, Sir—bow down, or prostrate oneself. The biggest mass demonstration of that happened recently when we found the mass prostration of the followers of one political party at the feet of another political party just to get some seats. When we speak in this House, we speak as representatives of the people, as people who did not have to prostrate themselves before somebody else before they could be Members of Parliament. We were elected on our own merits, because the people have confidence in us, and I speak with courage and conviction and with the knowledge that the thousands of people who voted for us voted because they individually chose to do so.

SOME HONOURABLE MEMBERS: Only four!

Enche' S. P. Seenivasagam: We are not puppets of anybody. As suggested,

we are not puppets of international communism and neither are we puppets of capitalism. We are representatives of the people. Some people sit here not as representatives of the people. They were elected by the people because they support somebody else (*Laughter*). Of course, it is a matter for laughter because there can be no greater contribution to this House from some quarters than bare, empty laughter.

The Prime Minister: May I be permitted, Mr. Speaker, Sir, to reply to some of the things that were said in this House in the course of the debate, whether on the main motion or on the amendment. I feel, I am duty bound to explain the position, as otherwise the Members of my Party might easily be misled into believing that what was alleged to have been said by me was true. Of course, to suit their own purpose, they have taken the points out of the context of the speeches I made during the campaign. It must be remembered that I would be the last person to say that the communists fought for independence and failed. That is obviously something which they have taken out of the context: again, I would be the last person to say that the Constitution cannot at any time be amended.

I have not got the text of my speeches before me. If I remember rightly, I had never said that the communists fought for independence. What I actually did say was that they tried to make out that they fought for independence—the type of independence in which they want in order to dominate this country by force of arms. In that context, I was trying to persuade my own followers, my own Party, not to use any form of violence in their struggle for independence, but to use constitutional means and methods to achieve their end—that is entirely different from what has been alleged against me and that is the communists were fighting for independence, and in that context it might be inferred that I was trying to say that the communists were trying to liberate this country.

Again, this morning an Honourable Member mentioned that if the Constitution were amended, we would subject

him to detention and so on. In this connection, I would like to tell the Honourable Member that one of the last things I would do is to make the Honourable Member a martyr. I can recollect that in the old days, when I was struggling for the independence of this country, my old friend General Templer called me before him in connection with something I said. I told him that he had the right and power to lock me up, but my old friend the General said, “I do not want to make a martyr of you.” So, in the same way I turn to the Honourable Member and say to him that neither will we make a martyr of him by locking him up. In fact, he has been saying what he liked during the last two or three days; so much so, that I have to lock myself up in my little office in there, so that I would not lose my temper or my head, or my head or my temper—whichever way you like. (*Laughter*).

I was also misquoted when I was alleged to have said that I would not at any time amend the Constitution. Again, that is wrong. But what I did say was that my Party will uphold the Constitution—upholding the Constitution does not mean that we will not amend the Constitution were we to find any fault in the Constitution or any loophole in it. We are duty bound to amend it and for that reason I may inform the House that at the last general election, the electorate returned us in sufficient majority to enable us, as custodian of the Constitution, to amend it where necessary. And, that is all we are attempting to do here.

I know it was meant to refer to me when it was said that members of my Party were elected because they *kowtowed* to some person—I presume that the person meant me. I can assure the Honourable Members concerned that I am not the person who influences the members of my Party in any way. I have been the leader of my Party admittedly but that is at the wish and desire of these Members who are in this House and those outside this House. (*Applause*). I have always given them a hearing. In fact, I have always listened to them, because it has all

along been correct and good advice; and I am proud and privileged to lead these dedicated men pledged to uphold the Constitution for the good of the country as a whole. (*Applause*).

The Minister of External Affairs (Dato' Dr. Ismail): Mr. Speaker, Sir, I think that nothing frustrates so much as frustration. I say that because—let us take for example—of the argument put forward by the Honourable Member for Ipoh. He said that we should treat this Constitution as a bible, whilst a member of the same Party says that the Constitution is like a man with one foot in the grave. The Member for Ipoh says he felt that any amendment to the Constitution should only be brought, if it was impossible for the nation to carry on without that amendment. It is for that reason that the Alliance Government brings in the proposed amendment to this House—because we feel that the security of the nation is being jeopardised. The Honourable Member for Ipoh also says that Malaya as a democratic country should have a Constitution which guarantees fundamental rights.

Well, Sir, I shall not be so ungenerous as to construe his statement in a narrow sense. I give him credit that when he refers to fundamental rights, he refers to the fact that we are going to pass this legislation on subversion. Now, he goes on to say that the only way to fight subversion is by removing the cause of subversion. The cause of subversion in Malaya, he says, is that a certain section of the people has been denied the fundamental liberty of preaching the principle of communism. He goes on to say that if Malaya is a democratic country like Britain, India and Ceylon, then Malaya must recognise the principle, the ideology of communism as a subject to be preached by the free people of this country. Then we will have no subversion. Now, Sir, as the Honourable the Prime Minister says, during the last two days, indeed everytime this Parliament meets, the Honourable Member for Ipoh, and for that matter all the Members of the Opposition, had not been very restrained in their criticism of the Government, and yet at this very moment we see that

they are still with us to-day. We are proud, and I am sure that they are proud too, that this House is truly the House of a democratic nation. (*Applause*). But, Sir, if we are so proud of our democratic institution, then it is only right that we should defend that democratic institution.

Sir, what is subversion? He has given one meaning of the word, but I will give you another. Subversion is an attempt to intimidate the loyal citizens of this country, physically and mentally, from exercising their fundamental rights. And when intimidation or threats are being used, then democracy must defend itself, even to the extent of curtailing a bit of the liberties of democracy. If democracy is worth living under, then democracy is worth defending.

Sir, the Honourable Member again has mentioned, and I may be wrong, but I think one of the Members of the Opposition has mentioned that subversion takes many forms. I agree fully in that matter and the measures taken to fight subversion must also vary according to the form of subversion. He has mentioned India, where communism is allowed not only as an ideology but also in practice; even in that country, there is such legislation as we are proposing in this House. If India, where there is no threat of subversion from communism, needs that legislation, I say in the name of democracy that we need this legislation for subversion even more. (*Applause*). We, the Alliance Party, fought for independence; we set up a democracy, and we will die in defence of that democracy which we set up. We will not be intimidated by any power.

The Honourable Member for Setapak insinuates that if, in fighting for the rights of the Tibetan people, I throw the security of this country into jeopardy, will I be locked up? If in doing so, in defending their human rights, I will not only go to jail but I will consent to die for that. (*Applause*). Why? Because if a big power near to us violates fundamental human rights and we are prepared to close our eyes, we are indeed being intimidated, being

threatened—and if all the weaker powers follow that principle, we will be swallowed by the big powers and by the medium powers, be it from the West or from the iron curtain.

Enche' Ahmad Boestamam (Setapak): Are you prepared to fight the French?

Dato' Dr. Ismail: You have had your say. This is a democratic House and it is my turn now. Let us again take England. England is the Mother of Parliamentary Democracy. England has established democracy for centuries. Why compare ourselves with England? What are we? We have just emerged from colonialism; we are just building a united nation. There is no country in the world which has so many aliens as the Federation. There is no country in the world where the majority of the people's loyalty to the Throne has still to be tested. So it is for this very reason that we must try to have legislation against an ideology that is contrary to ours and which will subvert our people's loyalty to the country and to the Throne.

Sir, Honourable Members of the Opposition are concerned with communism as an ideology. We as the Government of the country, responsible for the security of the country, have to contend with communism in practice. We do not fear it as an ideology. We have to contend with how they, the purveyors of communism, subvert our schools; how they subvert our trade unions; and how they subvert our political parties. It is in trying to prevent all these that we want our legislation on subversion.

Sir, when future historians write of this era in which we live in, two words, democracy and co-existence, will be the subject of controversy. The communist countries call themselves the peoples' democracy—peoples' democracy in which the selected few tell the majority of the people what to do. Democracy, as we understand it in this country, is that the people should have the right to choose who should govern this country and who should, if they comply with the Constitution of the country, be allowed to amend the Constitution.

The Honourable Member for Tanjong, I beg your pardon, the Honourable

Member for Dato Kramat defeats his own argument—he says that the Socialist Front put up some thirty odd candidates and they told the people that they put up this number because they wanted to prevent the Constitution from being amended. What is the verdict? Not only the Socialist Front but also the other political parties have not been returned one-third to this House. (*Applause*). That, Sir, proves that we have the mandate to amend the Constitution in the interest and security of the country and in the interest of democracy in this country. (*Applause*).

One Honourable Member has mentioned Ghana. Sir, as a Foreign Minister, rather as the Minister for External Affairs, I with great trepidation will try not to discuss other country's affairs, but on this matter of subversion I think I might be forgiven. Now, Sir, even in Ghana, which is a country which got its independence only a few months before us, its Constitution has been changed in the interest of the people of the country. What we are trying to change here, in our position, is nothing when compared to what is taking place in Ghana. So, Sir, I say once again that nothing frustrates so much as frustration, and I as an experienced politician would advise the Opposition Members, "Do not get frustrated, because it makes bad politicians and we do not get much opposition. We do not want that."

Wan Mustapha bin Haji Ali (Kelantan Hilir): Mr. Speaker, Sir, I just cannot understand why after a short period, the ruling Party has thought it fit that the Constitution should be amended. Firstly, I hope that we have not forgotten that this Constitution was drafted by experts from Ceylon, Pakistan and Australia, and the Parliament of ours is not even one year old. It has been suggested that amendment is necessary because the Government considers it so. I would like to know whether it is the Government or the Ministers who consider it so, and whether the Government has got the approval of the people.

I quite agree that the Alliance Government has got a two-third majority in the House, but that does

not mean that the Government can decide to do what it likes according to its fancy. For instance, it is glaringly clear according to Clause 15 of the amendment regarding Article 122 which says that in appointing the Chief Justice the Yang di-Pertuan Agong *shall* act on the advice of the Prime Minister after consulting the Conference of Rulers. This is tantamount to tying the Yang di-Pertuan Agong in that he must appoint a person to be the Chief Justice when the Prime Minister says so, because in black and white the word "shall" is interpreted as "must". In other words, the Yang di-Pertuan Agong must act on the advice of the Prime Minister after consulting the Conference of Rulers—it does not say that the advice of the Rulers will be considered. All that the Prime Minister has got to do is to advise the Yang di-Pertuan Agong, and the Yang di-Pertuan Agong will consult the Rulers, and even if the Rulers object to it, still he must appoint the Chief Justice who is recommended by the Prime Minister. Well, that is rather a very, very great power to be given to a human being. In other words, the Prime Minister can appoint anybody—any friend of his—to become the Chief Justice, and the only restriction is that he must be a qualified man under Section 123. That is the only qualification: if his friend has been in practice for ten years, or has been on the Bench for ten years, that is considered enough, and he can be appointed as the Chief Justice. In fact, when the Honourable Member for Ipoh said: "Why should we in this land ask the Prime Minister to have a say in the appointment of a Judge?" that was very, very mild, put rather mildly by the Honourable Member for Ipoh. In fact, the full power is with the Prime Minister to appoint, and I hope the House realises the importance of having an independent Judge, because without that there will be no law in the land. That is why in England, according to the Constitution, we have the provision that before a Judge can be dismissed, an address must be given in both Houses of Parliament

Enche' Tan Siew Sin: Same here!

Mr. Speaker: Proceed!

Wan Mustapha bin Haji Ali: How can a Judge be impartial when he knows very well that his likelihood of becoming the Chief Justice depends on the Prime Minister. We may have, for instance, an Election Judge, who sits alone on the Bench, and there is no right of appeal against his decision, and if this Election Judge were to try a case which gives an adverse result to the ruling Party, then he will never become the Chief Justice. If this Bill is passed, I have to advise my Party, because we have got two or three cases pending in the High Court arising from the last elections, that if this Bill is passed, then the Judges will be not fair. We have an Assistant Minister on the Government Benches opposite who is also a lawyer, and I am sure he will support me.

Enche' Cheah Theam Swee: Mr. Speaker, there are many, many lawyers on these Benches.

Wan Mustapha bin Haji Ali: If the Honourable the Assistant Minister . . .

Mr. Speaker: I don't like to have so many interruptions. You can only interrupt on a point of order or of explanation.

Wan Mustapha bin Haji Ali: Mr. Speaker, I did say "the Assistant Minister who is a lawyer". There is only one, if I am not mistaken.

Enche' Cheah Theam Swee: He is very mistaken!

Mr. Speaker: I don't know how many lawyers there are there, myself. *(Laughter)*. Please proceed.

Wan Mustapha bin Haji Ali: Well, we say that this Constitution should not be amended at all because we haven't tried it, and according to what the Prime Minister said just now, there were some loopholes and therefore it is necessary for the amendment. Now, I don't think the Prime Minister has ever consulted the Bar Council, or the members of the Bar about this question of judiciary appointments. There should be an independent body of judges not to be controlled by the Government, otherwise there will be no

justice, and when the Law and the Executive are mixed together, then there will be chaos in this land.

Enche' V. David (Bungsar) rises.

Mr. Speaker: I hope you will not be repeating what you have already said yesterday and what has been said today by other people. If you can, be as short as possible.

Enche' V. David: I will.

Mr. Speaker, I am forced to speak after hearing several speeches especially from the backbenchers. **Mr. Speaker,** Sir, the Honourable Member for Larut Selatan quite clearly admitted that we have taken a definite stand. There is no doubt about that. The Opposition Members, especially the Socialist Front, have clearly defined that we are against the amendments to the Constitution, and that we reject all the amendments which are being proposed to the Constitution.

Mr. Speaker, Sir, we are not inconsistent as the Alliance are. We are quite consistent in our policy, and we don't go back upon our words. The Honourable Minister of Health a few minutes back said that the Member for Dato Kramat had made accusations that the Alliance did not have a mandate from the people to amend the Constitution. That is true, **Mr. Speaker,** and I repeat it once again: the Alliance did not have a mandate to amend the Constitution! I have heard personally speeches from members of the Government Bench that they would safeguard the Constitution and work within the framework of the Constitution, and that on no occasion they will amend the Constitution. If they now reply that they did not say so, then they are just deceiving the public.

Mr. Speaker, "peace, justice and prosperity" was repeatedly said by the Honourable Minister of Health. Today, we find outside this Chamber all our speeches are recorded by the Police. I cannot see any freedom of speech in this country. Word for word speeches have been recorded and later scrutinised by the Ministry of Defence. This may be said to be for the sake of

internal security, but we cannot consider this as freedom of speech. Political speeches in different countries throughout the world are being delivered criticising and condemning the members of the Government, but they are not recorded and scrutinised, as is being done in this country.

The Minister of Health said we want people in this country to live happily and contentedly with their families. How many families are living in peace in this country? For instance, the Emergency Regulations have separated people from their families. The detainees don't live with their families. There are detainees living in detention camps for ten or twelve years who have not even seen their wives and children for many months, and who are not permitted to live with their wives and children. I cannot see any justification in the statement of the Minister that the people in this country are contentedly living with their families.

The most important accusation made by the Minister of Health was that we are puppets of international Communism. **Mr. Speaker, Sir,** we are not agents or puppets of anybody. If there were to be anybody like that, I think that would be the Minister of Health himself.

Enche' Tan Siew Sin: That is an imputation, Sir.

Mr. Speaker: He should not say that! (To *Enche' V. David*). You should not impute improper motives!

Enche' V. David: Yes, Sir. But I impute that the Government is looking towards the United States for guidance, they are looking towards imperialist countries for guidance and brainwashing!

Mr. Speaker, Sir, we in the Opposition Benches are clear in our conscience. As the Honourable Member from Larut Selatan has admitted, we stand clearly, we are not inconsistent with our policies. We have a policy written clearly, and we always confine within the framework of that policy.

Mr. Speaker, Sir, the Alliance have deceived the people by proposing

amendments to the Constitution. If the Alliance is prepared to challenge the Opposition, I will call upon them to take a referendum from the people of this country! Let us take a referendum from them to justify the actions of the Government.

Mr. Speaker, Sir, I quite know what the Alliances intentions are. I can clearly charge that they are going to muzzle the Members of the Opposition. They are not satisfied with the long number of years they have been placing people under detention.

Mr. Speaker, Sir, when I say the Alliance is inconsistent in its policy I say that they are defrauding the people by creating misconceptions in their minds. As I have said, let us go back to the people. The will of the people should be the destiny of any Government which believes in a democratic institution. If it works towards that end I now challenge the Alliance Government to go back to the people of this country and take a referendum. The Minister of External Affairs has just said that we are not even one-third of the total members in this House. If we take this issue to the people of the country and say that the Alliance Government is proposing amendment to the Constitution I think we will have more seats than we have now. It is a wonderful issue to us, and we call upon the Minister of External Affairs to agree to this challenge for a referendum from the people of this country.

Enche' Cheah Theam Swee: Mr. Speaker, Sir, there has been mention that this House has no mandate to amend the Constitution. But, Mr. Speaker, we all know that truth always hurts, and the truth is that we have a slightly more than two-thirds majority. It is a mandate in itself for us even to amend the Constitution to such an extent as to amend that clause which requires a two-thirds majority; we can even do that. But it is our belief in democracy, our belief in the sacredness of the Constitution that we do not want to take this course. Yet we can very well amend the clause to

read that "31 Members of this House voting in favour can amend the Constitution". But that is not the principle. You can put up your legs too, still you won't have enough votes.

Mr. Speaker, Sir, I will speak now purely on the proposed amendment and when we revert back to the debate on the substantive Amendment Bill, I will speak again. Let us analyse the proposed amendment by the Honourable Member from Dato Kramat. He says this: "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 principles, it be rejected." Let us analyse this motion and see what happens. Let us take it phrase by phrase and word by word. I might be inclined to be a bit childish to this House, Mr. Speaker, but I think a childish motion might need some childish comment. Let us take the formal part "That in view of the fact". "That" is purely formal; "the fact"—what is the fact? When we analyse further then we will come back and see what the facts are. Now let us take "that this Bill is opposed to public opinion". Mr. Speaker, let us first take "public opinion". What does "public opinion" mean? Public opinion means, in a democratic State, perhaps the views of the majority. I can say very safely that the views of the majority, even by one, or even perhaps by half, are still the views of the public, unless the Socialist Front thinks that "the public" means that section represented by the Socialist Front in this House, which, I have taken the trouble to calculate, would be exactly 1/13th of the population, or exactly 1/13th of the representative capacity of this House. Mr. Speaker, I—and I am sure this House—cannot reconcile that 1/13th of the representation here would come to mean the public. That is only 1/13th of public opinion. And assuming we put them together—all the opposition parties together although they are fragmented into various pieces (*Laughter*)—collectively, and also assuming we allow them to put up two hands each—not one vote but two votes each—they will still not get the majority. That is, Mr. Speaker and

Honourable Members, surely not public opinion.

As to public opinion, well, there has been so much discussion, so much talk about the principles of democracy, about rule by the majority and things like that. But, Mr. Speaker, Sir, it is very amusing to note the claim by the Socialist Front that they can put up this motion and represent public opinion. The people who represent public opinion are the people on this side of the House which, incidentally, runs right up to the other side of the House and which might dismay from time to time the Honourable Members of the Opposition. Mr. Speaker, Sir, I found one statement which might to some extent enlighten or gladden Opposition Members, and it is like this: "the minority may be right; the majority is always wrong." But to the further delight of Opposition Members I will tell them where I found this—I found this statement in a book entitled "An Enemy of the People". (*Laughter.*) Sir, so we can see what we have been charged with; we have all the slanders thrown at us; all the imputations, sometimes against Standing Orders, thrown at us; and all that sort of thing is slander against the majority representation of this House. I feel, Mr. Speaker, that it will be a sad day when the country is run by a minority, a minority of representatives who, perhaps, intend to be made martyrs, or intend to be worshipped as heroes, or intend to dictate—we do not know. But as long as we remain as the Government, we shall see that the majority will rule. And that is, I believe, public opinion.

Let us analyse further on the figures of the House. There are two or three Independents, some Pan-Islamic Party, some Socialist Front, and some P.P.P. and they always claim to represent public opinion which always makes me feel very amused—like reading some joke books or something like that. Perhaps they do not know, or perhaps, as they say, they do not know so much law as a doctor, but I would like to go further and say that perhaps they do not know simple arithmetic, and if they had consulted me on the figures—

perhaps they could have the figures audited, and if they were audited—I could have said "it is elementary, Mr. Watson". (*Laughter.*)

Mr. Speaker, Sir, having convinced myself of the amusing part of the question of public opinion, then we come back to the word "opposed". It is quite simple, it is only opposed to the Opposition and not to public opinion. As Opposition Members have said that the Alliance intentions are never desirable, I will go further to substantiate that statement—the Alliance intentions are never, never desirable to the Opposition, and they can never feel it desirable of what the Alliance will do.

Mr. Speaker, Sir, during the debate on this motion the question of communism and communist ideologies and that sort of thing was brought into this House and I feel it is too serious a subject for this present amendment. I will deal with it in a later submission. And so, Mr. Speaker, "is opposed to public opinion" does not really mean what the words in it mean. It only means that the Opposition have very shamefully claimed so.

Then we come on, Mr. Speaker, to democratic principles which have been discussed at great length and I do not wish to dwell on it any longer. Then we come to the word "rejected". They have braved this motion in order to try to reject the Government's proposal to amend the Constitution. The word "reject" associates very closely with the Opposition Parties. Why I say it associates very closely with the Opposition Parties is that usually either they failed to reject or they are rejected, and I feel in this case, Mr. Speaker, they will fail to reject and they will be rejected.

The Minister of Works, Posts and Telecommunications (Dato' V. T. Sambanthan): Mr. Speaker, Sir, going through some of the points made by some Members of the Opposition I was rather surprised, though not unduly, having seen their performances now and then, at these exhibitions of irrationality and at these exhibitions of minds full of delusions, illusions and possibly hallucinations caused by a sense of

frustration. I have here notes in which they charge that we, the Government bench, are trying to sabotage the aspirations of Members of the Opposition, that we are trying to break democracy, that they are fighting democracy and that one method by which they will agree, for instance, to the passage of these amendments would be if we permit here, a Communist Party. Another Honourable member says that he feels that he has a solution for subversion and that is, that the ideology of Communism should be permitted the fullest expression, and yet that same Member a few weeks ago, I am sure, surprised public opinion by saying that the Communist Party of Malaya should be outlawed because they were outlaws.

Let us look into what they are trying to say. They say the principle and the right to preach Communism in Malaya, if permitted, would be the end of subversion. My point is that this is a sign of their own befuddled thinking. What is Communism, and who preaches Communism? Would it be right for me to say that if we permitted the preaching of Communism in Malaya—the right to preach this system—who would preach it? Would it be members of the P.P.P., or the Socialist Front or the P.M.I.P. or the Alliance? Or would it be people who would like to work under a subterfuge in all these parties? That in fact is the question. If they look back and know the history of the present day world, they have only to look to Latvia, Lithuania, Estonia, Czechoslovakia, Eastern Germany, Hungary and many other nations, and they would be able to see the pattern—that is if they have the eyes to see and if they want to comprehend it—they can see that the pattern of international Communism is through subversion and you cannot fight it just by saying that we are going to permit free play for the expression of Communist faith. If these Socialists, who I am sorry to note are more confused in thinking than anybody else, would get out of this juvenile political delinquency in which they have got into, if they would get out of this political infantilism, they would realise that the first victims when Communists come into power are the

true Socialists. They have seen it in every country. But not, of course, the pro-Communist, the fellow traveller and those who masquerade as Socialists.

We in this country have got a sacred task. If we look around us, we can see the menace of Communism. There has been reference to India off and on and therefore I would be understood if I also refer to that country. We saw for the past 12 years that India has made a fight year in and year out for the recognition of Red China, and what do we see? We have seen that that country has thought it fit to stab their own friends. Now, if India which is herself a big nation, finds herself in such a position, where are we? We have been fighting for the past several years against armed insurrection. Before that the country was under the heels of terrible fascist forces. We are slowly growing out of that position whereby the people are trying to grow out of the fear complex. Even now if you go to villages or rural areas you find the people terrified by the thugs and the others. We have got to build up a group of public opinion, a band of public opinion and we have got to build the backbone of the people. We have just emerged as a democratic country and all the while, haunting us like a spectre, haunting us like a terrible demon, is this huge nation besides us which thrives on this policy of subversion, whether it is through weapons or through ideas. If the Opposition cannot understand that, I do not know what they will.

They say now and then that we have got to take a referendum. What do they mean by a referendum? I was surprised by the legal member of the P.M.I.P. when he said that before we amend the Constitution we should get the approval of the people. Surely as a legal member of the P.M.I.P. he should understand the Constitution. The Constitution clearly lays down the way by which the Constitution can be changed. It would be mad for us to go for a referendum. Why should we go for a referendum? If the Constitution is a sacred document, why don't we follow it. Let us follow it implicitly. The Constitution clearly states that a two-third majority can alter it. Why fight shy of

it? Of course, the Honourable Minister of External Affairs has dealt very well with the illogicality of the Honourable Member for Dato Kramat when he said that the Socialist Front had put up 39 men in the last election because they wanted to have the people's mandate to prevent the Constitution being amended. In fact that they did not return 39 men shows what the public thought. It was very clear they did not back the Socialist Front stand that the Constitution should not be altered.

Then again we have this charge of judges being appointed with the help of the Prime Minister and so on and so forth. And on this I am afraid the Honourable Member for Dato Kramat mentioned Ceylon and India. He said in those countries the procedure was not the same on such appointments. I do not know why he said that, because if he had looked into the Constitutions of both these countries he would have known that the judges in Ceylon are appointed on the advice of the Prime Minister. Even so in the case of India. If that is so in both these countries, why should it be different here? That is why we find them blowing hot and cold all the time and that is why I say their heads are full of delusions, illusions and hallucinations caused by frustration and I feel really sorry for them. I do hope that in future they would take more care to see where the truth lies. If we want this country to exist, and exist as a stalwart of democracy, then we must have those features in the Constitution which will make this country safe for all people to live in. (*Applause*).

The Assistant Minister of the Interior (Enche' Mohamed Ismail bin Mohamed Yusof): Mr. Speaker, Sir, I rise to oppose the amendment made by the Opposition. It appears that the main objection to the amendment Bill is on Article 149 of the Constitution. A lot has been said and much criticisms have been made on the amendment to this Article. Sir, when we speak of subversion, we naturally speak of the Emergency and communism. Within these few days—and even to-day—we have heard so much talk of human rights and personal liberties in this

House. But, Sir, human memory is notoriously short. We do not know why. May be the Gracious Speech of His Majesty declaring that the Emergency will officially end on the 31st July and that the Emergency Regulations will be repealed has aroused such enthusiasm that they refuse to believe the presence of a more evil and sinister force, that is subversion.

Sir, this Government and the people of this country have been fighting Communist terrorism for over twelve years now. It has been engaged in the suppression of this armed insurrection of the Malayan Communist Party attempting to overthrow the legally instituted Government of this country. The people of Malaya have never been united more than ever before to face this challenge, this ruthless, hopeless and desperate attempt to overthrow the Government involving many persons of all races in the sense of sufferings and the loss of life. This unity of purpose has brought about a great sense of unity and responsibility and comradeship which the people of this country have carried with them to this victorious end, the final defeat of Communist terrorism.

Mr. Speaker: It is not very clear. If the microphone is not working you could come over to this side.

Enche' Mohamed Ismail: Sir, as I said just now, the unity of purpose has brought about a great sense of unity and responsibility and comradeship which the people of this country have carried with them to this victorious end, the final defeat of Communist terrorism. As I have said earlier, we are now in a different situation. We are facing, I repeat, we are facing a more evil and sinister force of subversion. Therefore, Sir, the Government has taken this right and noble step in amending the Constitution to provide for preventive detention. Now, Sir, when we say that preventive detention is essential to prevent anti-social and communist subversion threatening the well-being of the people of this country, and that the powers provided for such detention are not punitive but preventive, we are told that that is

totalitarianism and that we should not amend the Constitution, simply because it is a sacred book. Sir, when we say, from experience it is known that very serious threats could develop to public safety without the actual threat of organised violence, we are told that that is fascism; and simply because international legal experts drafted the Constitution, therefore, the Constitution should not be amended. Again, Sir, when we say that there will be safeguards to prevent the abuse of this power and that all detained persons would have their appeals considered by an advisory board and that we intend to have the same type of law as Singapore, we are told that that is dictatorship and that we should not amend the Constitution simply because it is a Holy Bible.

Now, Sir, amend the Constitution?—"No, Sir, hundred times no, Sir." But, Sir, recognise Communism: allow the preaching of Communism?—"yes, Sir, hundred times yes, Sir." This is a statement made nakedly and unashamedly and that is what we see as clear as daylight the stand of the Honourable Member for Ipoh who is not here now and also the stand of the Honourable Member for Dato Kramat.

Tuan Syed Esa bin Alwee (Batu Pahat Dalam): Tuan Yang di-Pertua, mengikut Fasal 41 ia-itu saya pada hari ini meminta rundingan ini di-tutup.

Mr. Speaker: Sekarang, Yang Berhormat minta kebenaran supaya rundingan ini di-tutup. Saya benarkan, tetapi tolong bawakan rundingan ini bagaimana bunyi-nya. Saya benarkan perbahathan ini di-tutup, bila sudah dapat kebenaran daripada saya, hendak ada rundingan bagaimana bunyi rundingan itu.

Tuan Syed Esa bin Alwee: Saya menchadangkan supaya perbahathan ini di-tutupkan.

Mr. Speaker: Ia, sudah-lah! Dudoklah! Siapa penyokong-nya?

Enche' Ahmad bin Arshad (Muar Utara): Tuan Yang di-Pertua, saya menyokong chadangan itu.

Enche' Zulkiflee bin Muhammad (Bachok): Tuan Yang di-Pertua, nombor 40 (1)—Closure of Debate.

Mr. Speaker: Saya tidak berapa dengar perchakapan dia tadi.

Enche' Zulkiflee bin Muhammad: Dia, kata-nya "On a point of order", dia mesti mengikut order betul². Mana satu order.

Mr. Speaker: 40. (1). Bukan 41! 40. (1). (*Ketawa*). Sudah ada chadangan supaya perbahathan atas pindaan ini di-tutup.

Question, that the Question be now put, put and agreed to.

Amendment accordingly put, and negatived.

Dato' Mohamed Hanifah bin Haji Abdul Ghani (Pasar Mas Hulu): Tuan Yang di-Pertua, saya mendatangkan...

Mr. Speaker: Saya harap tidak di-ulangan lagi apa yang sudah di-chakapkan dahulu itu supaya kita ada masa untuk membincangkan.

Dato' Mohamed Hanifah bin Haji Abdul Ghani: Tuan Yang di-Pertua, saya mendatangkan pindaan atas usul yang pertama ia-itu bagini bunyi-nya:

"Menurut Standing Orders 53. (4)," saya menchadangkan Bill ini di-bachakan 6 bulan daripada hari ini.

Tuan Yang di-Pertua, saya di-sini menegaskan bahawa pehak kami adalah benchikan kominis dan tidak sakali berfahaman kominis dan tidak suka apa jenis pemberontakan dan pembunuhan dalam negeri ini. Tuan Yang di-Pertua, oleh sebab Rang Undang² Perlembagaan Reid dahulu itu pernah di-tentang hebat oleh sagulungan besar ra'ayat jelata tetapi terbentok juga Perlembagaan-nya itu. Satu daripada sebab Rang Undang² itu di-tentang hebat ia-lah kerana peluang yang di-beri kepada ra'ayat untuk di-kaji Rang Undang² itu sangat singkat, maka Kerajaan membuat undang² Perlembagaan itu dengan chara gopoh-gapah. Maka sekarang ini pula pehak Kerajaan hendak meminda Perlembagaan ini dalam beberapa kelos-nya. Sakali lagi pehak Kerajaan menjalankan

langkah yang gopoh-gapah hendak meminda Perlembagaan negeri dengan tergesa² wal-hal Perlembagaan ada-lah satu undang² negeri yang sangat penting yang ta' mudah² untuk di-pinda. Istimewa-nya pula pindaan yang di-kemukakan oleh pihak Kerajaan itu boleh mendatangkan kemerbahayaan kapada perkembangan ra'ayat dan perkembangan politik di-tanah ayer kita pada masa ini dan pada masa akan datang.

Bagaimana suara yang telah di-dengar dari pihak pembangkang di-sini, dalam kelos 28, Atikal 149, sungguh pun dalam kelos itu menyatakan ia-itu untuk mencheegah subversive dalam negeri ini, tetapi apa yang sa-benar-nya pada pendapat saya bukan-lah tujuan yang benar² untuk mencheegah subversive, kerana subversive tidak berkembang lagi dalam negeri ini, tetapi apa yang sa-benar-nya ia-lah untuk mencheegah perkembangan satu² parti politik di-tanah ayer kita ini. Maka dalam kelos itu juga telah menyatakan tidak boleh menimbulkan perasaan benchi mem-benchi di-antara satu kaum dengan satu kaum. Ini tidak menjadi heran, kerana pernah di'ayah² dan kata² yang di-keluarkan oleh pihak Perikatan dan pernah keluar dalam akhbar² menudoh bahawa Persatuan Islam sa-Tanah Melayu ada-lah anti-China. Kami tidak anti sa-siapa, Tuan Yang di-Pertua, apa yang kami suarakan ada-lah hasrat ra'ayat yang ta' puas hati di-atas kedudukan mereka dalam beberapa segi di-tanah ayer mereka sendiri. Begitu juga baharu² ini keputusan dalam Meshuarat Agong U.M.N.O. Malaya meminta kapada pihak Election Commission supaya mengharamkan penggunaan tanda bulan bintang oleh parti politik dalam Pilihan Raya. Ini ada-lah di-tujukan kapada pihak kami. Di-sini kita nampak bahawa pihak Kerajaan benar² bertujuan hendak menindas satu² parti politik di-tanah ayer ini. Maka tidak puas hati dengan apa yang di-jalankan takut tidak berhasil, maka ini-lah sebab-nya di-datangkan pindaan supaya di-masokkan kelos ini dalam Perlembagaan supaya berpeluang pihak mereka menindas parti² politik dengan sa-chara tidak langsung, yang

parti² politik itu menyuarakan perasaan dan hasrat ra'ayat di-tanah ayer ini. Pihak kami menyuarakan suara keislaman dan suara orang Melayu untuk di-pertimbangkan dalam gelanggang politik dan dalam Parlimen ini . . .

Dato' Dr. Ismail: Mr. Speaker, Sir, on a point of order—I refer to S.O. 38 (4), page 45. I submit that the Honourable Member is not speaking on the amendment but on the general debate.

Mr. Speaker: Saya chuma hendak mengatakan kapada Ahli Yang Berhormat, boleh-lah berchakap fasal apa hendak di-tempohkan pindaan ini sa-lama 6 bulan. Jadi, House of Parliament ini sudah berbathath berkenaan penolakan langsung berkenaan pindaan itu dan pindaan itu sudah di-kalahkan. Sekarang, Yang Berhormat sa-bagai pihak PMIP, meminta supaya di-tempohkan sa-lama 6 bulan. Sekarang di-kahendaki hanya-lah memberi fasal apa hendak di-tempohkan sa-lama 6 bulan, itu sahaja.

Dato' Mohamed Hanifah bin Haji Abdul Ghani: Tuan Yang di-Pertua, saya berdiri di-sini hendak memberi alasan yang lebeh panjang sádkit. Sa-bagaimana saya telah terangkan tadi, Tuan Yang di-Pertua, oleh sebab Parlimen ini

Dato' Dr. Ismail bin Dato' Abdul Rahman: Sir, on a point of order, he is continuing what he has been saying. He is not obeying the order of the House.

Dato' Mohamed Hanifah bin Haji Abdul Ghani: Saya membawa perkara pindaan ini, sudah tentu memberi alasan berkaitan dengan pindaan yang di-kemukakan oleh pihak Kerajaan maka saya akan sampai kapada alasan sebab-nya saya membawa pindaan ini.

Mr. Speaker: Fasal apa hendak di-tempohkan sa-lama 6 bulan itu?

Dato' Mohamed Hanifah bin Haji Abdul Ghani: Tuan Yang di-Pertua, Perlembagaan ini ada-lah satu Perlembagaan yang penting untuk negara kita, maka soal meminda Perlembagaan itu hendak-lah kita ambil masa

yang panjang untuk di-kaji dengan sa-halus² dan semasak²-nya. Sudah itu baharu-lah di-binchangkan dalam Parlimen ini. Tetapi pada hari ini, Tuan Yang di-Pertua, ra'ayat tentu-lah berasa bimbang di-atas gopoh gapah Kerajaan mengemukakan pindaan² dalam Parlimen ini sa-belum dapat di-halusi lebeh dahulu dengan teliti-nya. Biar-lah kita dapat tahu benar² apa ka-hendak ra'ayat hari ini, maka baharu-lah kita suarakan dalam Parlimen ini. Maka itu-lah, Tuan Yang di-Pertua, saya kemukakan pindaan ini supaya di-tempohkan selama 6 bulan baharu di-bachakan Bill ini kali yang kedua-nya supaya berpeluang tiap² Ahli Parlimen menatap dan mengkaji Bill ini dengan sa-halus²-nya.

Enche' Ahmad Boestamam: Tuan Yang di-Pertua, saya menyokong pindaan ini dengan hak boleh berchakap kemudian.

Enche' Tan Siew Sin: Mr. Speaker, Sir, I rise on a point of order. I think it is pretty clear that the tactics adopted by the Opposition are just delaying tactics, and all that will result from a further debate of this amendment will be a repetition of all the arguments we have had *ad nauseam* for the last few days.

I therefore propose, under Standing Order 40, that the Question be now put.

Enche' Zulkiflee bin Muhammad: Tuan Yang di-Pertua, chadangan supaya di-tempohkan usul itu ia-lah kerana perkara itu sudah nyata di-dalam-nya.

Mr. Speaker: You must ask permission before you propose. I have not given permission yet.

Saya hendak memberi tahu kepada Parlimen ini, kita sudah berbathath 2 hari di-atas pindaan ini. Dan saya perchaya perkara yang di-bathathkan ini juga akan mengambil masa yang lebeh panjang dengan sebab banyak daripada Ahli² Yang Berhormat yang berchakap semua-nya begitu sahaja. Jadi, saya hendak benarkan berchakap satu dua orang sahaja di-atas pindaan yang di-bawa oleh Yang Berhormat daripada Pasir Mas, hanya satu point

sahaja. Sekarang saya hendak jaga betul² point Ahli Yang Berhormat, apa sebab hendak di-lanjutkan sa-lama 6 bulan, itu sahaja. Sa-lain daripada itu saya tidak benarkan berchakap. Kapada Ahli Yang Berhormat yang hendak berchakap fasal hendak di-lanjutkan jangan di-luluskan pada hari ini dan di-terima 6 bulan kebelakang itu, saya benarkan. Sa-lain daripada itu, saya tidak benarkan.

Enche' Mohamed Asri bin Haji Muda (Pasir Puteh): Tuan Yang di-Pertua, saya bangun menyokong chadangan yang di-kemukakan oleh Ahli Yang Berhormat dari Pasir Mas Hulu tadi. Oleh kerana memandangkan bagaimana gopoh-gapah-nya sikap yang di-lakukan oleh pehak Kerajaan dalam mengemukakan Bill ini yang tak sampai satu hari bersidang, maka datang pula pindaan lagi. Oleh itu, saya rasa tempoh 6 bulan ini sangat-lah menasabah dan tidak-lah terlalu panjang bagi memberi kesempatan kedua² pehak. Pehak yang pertama ia-lah pehak parti pembangkang yang mana untuk mengkaji lebeh halus dan chermat dan lebeh baik lagi, dan pehak yang kedua ia-lah pehak Kerajaan pula, kalau² ada lagi pindaan yang akan di-kemukakan dalam masa 6 bulan ini.

Mr. Speaker: I now give you permission to move the closure of the debate on that under Rule 40.

Enche' Tan Siew Sin: I move, Sir, that the debate be now close under Standing Order 40.

Enche' D. R. Seenivasagam: Mr. Speaker, on a point of order, may I ask permission to oppose the motion?

Mr. Speaker: Under the Standing Orders there should be no debate on that.

Enche' D. R. Seenivasagam: Mr. Speaker, I will bow to the order of the Chair. May I have an opportunity to read Standing Order 40?

Mr. Speaker: Rule 40 says without debate!

Enche' Zulkiflee bin Muhammad: "... unless it appears to the Chair

that such motion is an abuse of the rules of the House, or an infringement of the rights of the minority . . .", Sir.

Mr. Speaker: I do not think there has been any infringement.

Enche' Lim Kean Siew: Mr. Speaker, on a point of clarification, I think the debate just now was on the question whether the Bill should be rejected or not, whereas the substantive matter of this motion is whether or not we should take more time to consider this matter. So, if this is put, then the whole thing is closed.

Mr. Speaker: No, no! I am coming to that.

We are closing on this only—this amendment that this Bill be read this day six months. On that I am going to put the question. But after that we will go back to the second reading of the Bill.

Enche' Lim Kean Siew: In which case, if we close this question, when we go back to the debate on the second reading we cannot ask that it be delayed for six months.

Mr. Speaker: You can!

Enche' Lim Kean Siew: Very well, Sir.

Enche' Zulkiflee bin Muhammad: On a point of order, kerana sudah belayar dengan bahasa orang ini (English). (*Ketawa*). Yang sa-benar-nya berkenaan dengan pindaan ini baharu satu orang yang berchakap—kasehlan-lah, ini sa-bagai Parlimen maka biar-lah dua orang, biar-lah tiga orang supaya dapat-lah minority itu dikemukakan.

Mr. Speaker: Yang kedua ini sudah berchakap. Saya dapati apa yang di-chakapkan tadi itu juga, tak ada apa².

Enche' Zulkiflee bin Muhammad: Yang ketiga ini lain, Tuan Yang di-Petua.

Mr. Speaker: Kalau ada yang hendak berchakap terangkan fasal apa hendak di-tanggohkan selama 6 bulan, itu saya benarkan.

Enche' Zulkiflee bin Muhammad: Sa-orang, kedua tadi.

Enche' Tan Phock Kin (Tanjong): Mr. Speaker, on a point of clarification, we have before us a motion to amend the original by suspending the Bill asking for six months, and I found a Member of the Government side standing up to move that the Question be now put. He is doing it even without giving an opportunity to Members of the Opposition to listen to any arguments which the Government may have as to why they oppose this amendment.

If the rule is that they can do so, I submit, Sir, that it is an infringement of the rights of the minority, because the Government are merely using their majority to vote against this without even submitting the reasons why they are opposing it.

Mr. Speaker: It is up to the Chair to decide whether any motion is conflicting with this Standing Order 40 or not.

Now, I must warn Members that we have debated on the motion for the total rejection of the Bill for the last two days, and now, after that total rejection of the Bill had been debated and lost, this amendment has come from another Member to postpone it for another six months. The object of this new amendment and that of the previous amendment will be the same, except that argument will be on why it should be postponed for six months. That is why I am giving one or two Members a chance to speak on that point only, and on no other point. If any Member wishes to speak on that point, I can allow that. After that, I am going to close on that amendment, because, after all, we are going back to the second reading of the Bill, in which case every Member will have an opportunity to speak, except, of course, those who have already spoken yesterday. On one point only: Why it should be postponed for six months.

Enche' Liu Yoong Peng (Rawang): The only point I want to put is that the very fact that the Minister of

Finance wants to stop this is an indication that the Government side is too hasty.

Mr. Speaker: Order, order!

Enche' D. R. Seenivasagam: Mr. Speaker, Sir, the amendment now moved under Standing Order 53 is a motion that this Bill be suspended for a period of six months. Mr. Speaker, I still support this proposed amendment as it has now been proposed, and it is interesting to note the reasons that I will give for supporting this proposed amendment to the second reading of the Constitution (Amendment) Bill.

Mr. Speaker, Sir, a Bill, when it comes before this House in a normal case is not a matter which is of such great significance and importance as the present Bill. All Bills which have come before this House are important, but they are published in the *Gazette*, they are reproduced, in part, in the newspapers, and the people of this country have had time to read those Bills and to express their opinions through various organisations. Mr. Speaker, Sir, this Bill was published—but when we came into this House, amendments were laid on the table. Members of the public did not know those amendments were coming before the House. Members of the public did not know the importance of those amendments. The people of this country even to-day have not been given in detail the proposed amendments as set out on that white sheet of paper which lies before us. Mr. Speaker, Sir, during the course of the debate just now, many things have been said, many views have been expressed. Some have been unable to take it, others have been able to take it with a smile. But whatever the position may be, this is an entirely different proposition, an entirely different amendment, and the reasons for supporting it must obviously be different reasons. In my opinion, Members of this House will have a variety of reasons why they support this proposed amendment. But the most important reason I put forward for the support which I am giving to this proposal is that there has not been

sufficient publication of the alterations, the important alterations, to the original amending Bill.

Mr. Speaker, Sir, how are we going to view or gauge public opinion on a matter such as an amendment of the Constitution? Even the Reid Commission—the Reid Commission appointed by this Government or the Government that was in power then—had in mind the different methods by which the Constitution of a country can or should be amended, and they suggested, they had in mind and they took into account: Should the Constitution be amended by Act of Parliament, should it be amended by a referendum? Those matters were in their minds. To-day, we have it suggested in this House from the Socialist Front that a referendum should be taken on the Constitution. How are they even to consider such a request if there were no postponement or deferment of this Bill for six months? The Reid Commission of experts did consider that the proper way to amend the Constitution may perhaps be by a referendum, which has been suggested by the Opposition in this House. We now have a motion to that end brought by other Members on this side of the House. Surely, Sir, we must give it our fullest support, and we of the Opposition have all the time in the world to spend in this House. We are in no hurry, we owe a duty to the people, and we intend to carry out that duty in whatever manner we can in this House, even if it means ten days, 100 days, to debate this Bill.

Mr. Speaker, Sir, I strongly resent the suggestion from the other side of the House that it will be a sheer waste of time and *ad nauseam*—I think it was—to hear it all over again. Truth may be not very pleasant to some, but truth will be pleasant to many.

Mr. Speaker, Sir, I ask that this proposal be supported. We on the Opposition do not adopt dirty tactics as obviously are being resorted to from the Government Benches, because I think it is a fearful thing to say that Members of this House should be shut out from saying what they should say in support of an amendment. We sitting here from the People's Progressive

Party of Malaya side are prepared to use every means possible, every means possible, under the Standing Rules and Orders and subject to the direction of the Chair, to keep this Bill unpassed, to keep this Bill in abeyance if necessary for all time; we would take every possible step under the Standing Orders to see that this Bill does not get through this House if that is within our powers.

Mr. Speaker, Sir, that is all I wish to say.

ADJOURNMENT

The Prime Minister: Mr. Speaker, Sir, I beg to move,

"That further consideration of the business now before the House be deferred to the next sitting day, and that the House do now adjourn."

Tun Abdul Razak: Sir, I beg to second the motion.

Question put, and agreed to.

Adjourned accordingly at 1.00 p.m.

WRITTEN ANSWERS TO QUESTIONS

MINISTRY OF HEALTH AND SOCIAL WELFARE

Destitutes in Federal Capital

1. Enche' V. David asks the Minister of Health and Social Welfare to state why no action has been taken to remove and place in proper homes the large number of destitute persons, some with young children, cluttering up verandahs and sidewalks all over the Federal Capital.

The Minister of Health and Social Welfare (Dato' Ong Yoke Lin): The Honourable Member's assertion that "large number of destitutes, some with young children, cluttering up verandahs and sidewalks all over the Federal Capital" is not in accordance with the facts.

The fact is that there are a few habitual beggars in the town and the number increases somewhat for a few days during festivals, but most of them have homes to go to. Appropriate action is being taken to deal with this matter.

Post-Graduate Scholarships in Medicine

2. Enche' V. David asks the Minister of Health and Social Welfare the number of post-graduate scholarships in medicine that have been awarded since Merdeka, how many of those who received such scholarships were Federal Citizens and how many were non-Federal Citizens, how many were British expatriates.

Dato' Ong Yoke Lin: 48 post-graduate scholarships have been awarded since Merdeka. Of these 41 were awarded to Federal Citizens and 5 to non-Federal Citizens on the permanent establishment. Two study awards for the Diploma of Public Health at the University of Malaya were awarded to non-Federal Citizen contract officers because no applications were received from officers who were Federal Citizens. No award has been made to any British expatriate officers. All officers on the permanent establishment are equally eligible for post-graduate

scholarships. However, preference has always been given to those who are Federal Citizens.

Renovation of Hospitals

3. Enche' V. David asks the Minister of Health and Social Welfare the total amount of money spent on renovating the Kuala Lumpur General Hospital, the total for renovating all the hospitals in the country and how much was spent just on painting hospitals.

Dato' Ong Yoke Lin: The Honourable Member has not stated the period in respect of which he seeks the information. It is therefore not possible to give a reply.

Supply of Air-conditioners to Medical Officers

4. Enche' V. David asks the Minister of Health and Social Welfare the number of air-conditioners that have been supplied to officers of the Medical Department, and the cost of the air-conditioners that have been installed in the homes of senior Medical Officers.

Dato' Ong Yoke Lin: It has never been the policy to supply air-conditioners to officers of the Medical Department and I am therefore not aware of any senior Medical Officers having air-conditioners installed in their homes at Government expense.

Rural Health and Dental Clinics

5. Enche' V. David asks the Minister of Health and Social Welfare the number of rural health clinics and rural dental clinics opened since Merdeka.

Dato' Ong Yoke Lin: 29 Rural Health Clinics and 44 Rural Dental Clinics.

Government Medical Specialists

6. Enche' V. David asks the Minister of Health and Social Welfare the total amount of money collected by Government Medical Specialists as specialist fees during 1959 and whether Specialists have the right to demand any amount of specialist fees they like.

Dato' Ong Yoke Lin: The total amount paid to Government Medical

Specialists as Specialist Fees during 1959 was \$463,714.09. Specialists have not "the right to demand any amount of specialist fees they like", as such fees are laid down in General Orders (Chapter "F" and Appendices).

7. Enche' V. David asks the Minister of Health and Social Welfare the starting salary of a Malayan Specialist, of an expatriate Specialist, what percentage of specialist fees is collected by Specialist, and whether while giving specialist treatment, the Specialist uses Government medical supplies and equipment.

Dato' Ong Yoke Lin: The starting salary of a Malayan Specialist and of an expatriate Specialist are the same and is in each case the Superscale "H" salary of the Public Service. The percentage of Specialist fees collected by Specialists is laid down in General Orders (Chapter "F" and Appendices). Specialists in the Government Service while giving specialist treatment use Government medical supplies and equipment.

GENERAL HOSPITAL, KUALA LUMPUR

Mrs. Parameswary

8. Enche' V. David asks the Minister of Health and Social Welfare:

- (a) whether he is aware of a patient Mrs. Parameswary w/o Sivasamboo being admitted to Ward 22, General Hospital, Kuala Lumpur, on 24th January, 1960, at 1 a.m. suffering from bleeding from the uterus,

and that the doctor on duty was not in the ward to attend her;

- (b) whether he is aware that from 1 a.m. the Staff Nurse of Ward 22 repeatedly phoned the duty doctor but he failed to turn up and examine the patient until 8 a.m.;
- (c) whether he is aware that the patient expired at 8.50 a.m. as a result of the doctor not attending to her immediately after admission and when summoned for in a time of emergency. What action has the Ministry taken to penalise the doctor who had been the cause of a death and failed in his duty and professional etiquette.

Dato' Ong Yoke Lin: I am aware that this patient was received by the Admitting Doctor on duty at 3.15 a.m. on the morning of the 25th of January, 1960, and after being examined by him she was sent to Ward 22. I am also aware that the Staff Nurse in Ward 22 summoned the Ward Doctor on duty after the patient's arrival in the ward at 3.30 a.m. (and not 1 a.m. as stated by the Honourable Member), and that he did not see the patient until 8 a.m. I am also aware that this patient expired at about 8.45 a.m. and I am advised that it is not possible to say that the failure of the doctor to see this patient earlier was responsible for her death. The circumstances of this case have been investigated by my Ministry and the matter has been referred to the appropriate Disciplinary Authority.