

Volume III
No. 41



Tuesday
30 January, 1962

PARLIAMENTARY DEBATES

DEWAN RA'AYAT
(HOUSE OF REPRESENTATIVES)

OFFICIAL REPORT

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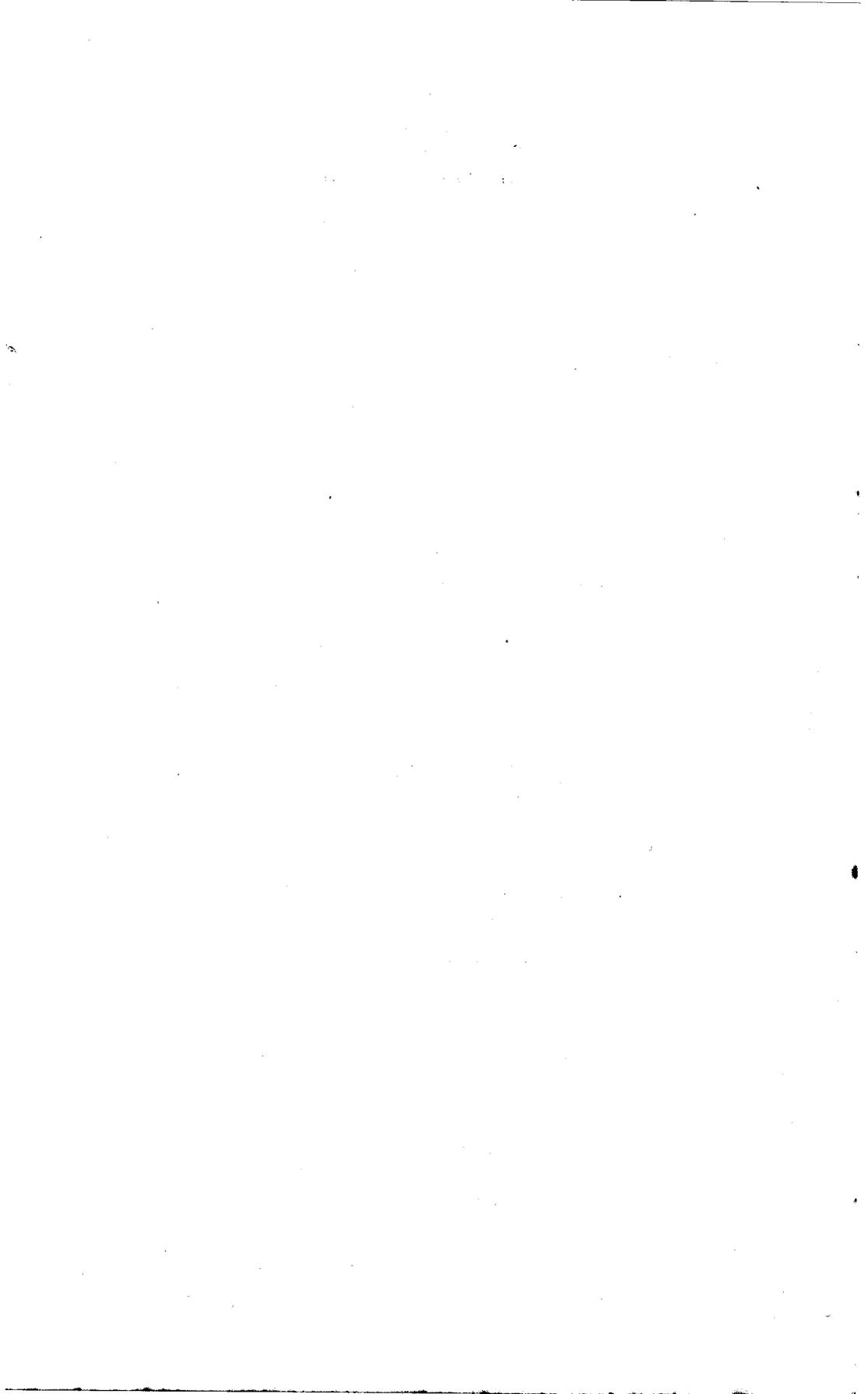
EXEMPTED BUSINESS (MOTION) [Col. 4320]

BILL—

The Constitution (Amendment) Bill (continuation)
[Col. 4269]

DI-TERBITKAN OLEH THOR BENG CHONG, A.M.N.,
PEMANGKU PENCHETAK KERAJAAN
PERSEKUTUAN TANAH MELAYU
1962

Harga: \$1



FEDERATION OF MALAYA

DEWAN RA'AYAT
(HOUSE OF REPRESENTATIVES)

Official Report

Third Session of the First Dewan Ra'ayat

Tuesday, 30th January, 1962

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

PRESENT:

- The Honourable Mr. Speaker, DATO' HAJI MOHAMED NOAH BIN OMAR, S.P.M.J., D.P.M.B., P.I.S., J.P.
- .. the Prime Minister and Minister of External Affairs, Y.T.M. TUNKU ABDUL RAHMAN PUTRA AL-HAJ, K.O.M. (Kuala Kedah).
- .. the Deputy Prime Minister, Minister of Defence and Minister of Rural Development, TUN HAJI ABDUL RAZAK BIN DATO' HUSSAIN, S.M.N. (Pekan).
- .. the Minister of Internal Security and Minister of the Interior, DATO' DR. ISMAIL BIN DATO' HAJI ABDUL RAHMAN, P.M.N. (Johor Timor).
- .. the Minister of Finance, ENCHE' TAN SIEW SIN, J.P. (Melaka Tengah).
- .. the Minister of Works, Posts and Telecommunications, DATO' V. T. SAMBANTHAN, P.M.N. (Sungai Siput).
- .. the Minister without Portfolio, DATO' SULEIMAN BIN DATO' HAJI ABDUL RAHMAN, P.M.N. (Muar Selatan).
- .. the Minister of Transport, DATO' SARDON BIN HAJI JUBIR, P.M.N. (Pontian Utara).
- .. 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).
- .. the Assistant Minister of Education, ENCHE' ABDUL HAMID KHAN BIN HAJI SAKHAWAT ALI KHAN, J.M.N., J.P. (Batang Padang).
- .. the Assistant Minister of Rural Development, TUAN HAJI ABDUL KHALID BIN AWANG OSMAN (Kota Star Utara).
- .. the Assistant Minister of Commerce and Industry, ENCHE' CHEAH THEAM SWEE (Bukit Bintang).
- .. the Assistant Minister of Labour, ENCHE' V. MANICKAVASAGAM, J.M.N., P.J.K. (Klang).

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

- .. ENCHE' ABDUL GHANI BIN ISHAK, A.M.N. (Melaka Utara).
- .. ENCHE' ABDUL RAUF BIN A. RAHMAN, P.J.K. (Krian Laut).
- .. ENCHE' ABDUL SAMAD BIN OSMAN (Sungai 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. (Johor Bahru Barat).
- .. TUAN HAJI AHMAD BIN SAAID (Seberang Utara).
- .. ENCHE' AHMAD BIN HAJI YUSOF, P.J.K. (Krian Darat).
- .. TUAN HAJI AZAHARI BIN HAJI IBRAHIM (Kubang Pasu Barat).
- .. ENCHE' AZIZ BIN ISHAK (Muar Dalam).
- .. DR. BURHANUDDIN BIN MOHD. NOOR (Besut).
- .. ENCHE' CHAN CHONG WEN, A.M.N. (Kluang Selatan).
- .. ENCHE' CHAN SIANG SUN (Bentong).
- .. ENCHE' CHAN SWEE HO (Ulu Kinta).
- .. ENCHE' CHAN YOON ONN (Kampar).
- .. ENCHE' CHIN SEE YIN (Seremban Timor).
- .. ENCHE' V. DAVID (Bungsar).
- .. DATIN FATIMAH BINTI HAJI HASHIM, P.M.N. (Jitra-Padang Terap).
- .. ENCHE' GEH CHONG KEAT (Penang Utara).
- .. ENCHE' HAMZAH BIN ALANG, A.M.N. (Kapar).
- .. ENCHE' HANAFI BIN 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).
- .. ENCHE' HASSAN BIN MANSOR (Melaka Selatan).
- .. ENCHE' HUSSEIN BIN TO' MUDA HASSAN (Raub).
- .. ENCHE' HUSSEIN BIN MOHD. NOORDIN, A.M.N., P.J.K. (Parit).
- .. TUAN HAJI HUSSAIN RAHIMI BIN HAJI SAMAN (Kota Bharu Hulu).
- .. ENCHE' IBRAHIM BIN ABDUL RAHMAN (Seberang Tengah).
- .. ENCHE' ISMAIL BIN IDRIS (Penang Selatan).
- .. ENCHE' KANG KOCK SENG (Batu Pahat).
- .. ENCHE' K. KARAM SINGH (Damansara).

- The Honourable CHE' KHADIJAH BINTI MOHD. SIDEK (Dungun).
- .. ENCHE' KHONG KOK YAT (Batu Gajah).
- .. ENCHE' LEE SAN CHOON (Kluang Utara).
- .. ENCHE' LEE SECK FUN (Tanjong Malim).
- .. ENCHE' LEE SIOK YEW, A.M.N. (Sepang).
- .. ENCHE' LIM JOO KONG, J.P. (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, J.P. (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).
- .. ENCHE' OTHMAN BIN ABDULLAH (Tanah Merah).
- .. ENCHE' OTHMAN BIN ABDULLAH, A.M.N. (Perlis Utara).
- .. ENCHE' QUEK KAI DONG, J.P. (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, J.M.N., S.M.J., P.I.S. (Batu Pahat Dalam).
- .. TUAN SYED HASHIM BIN SYED AJAM, A.M.N., P.J.K. (Sabak Bernam).
- .. TUAN SYED JA'AFAR BIN HASAN ALBAR, J.M.N. (Johor Tenggara).
- .. ENCHE' TAJUDIN BIN ALI, P.J.K. (Larut Utara).
- .. ENCHE' TAN CHENG BEE, J.P. (Bagan).
- .. ENCHE' TAN PHOCK KIN (Tanjong).
- .. ENCHE' TAN TYE CHEK (Kulim-Bandar Bahru).
- .. TENGKU BESAR INDERA RAJA IBNI AL-MARHUM SULTAN IBRAHIM, D.K., P.M.N. (Ulu Kelantan).
- .. DATO' TEOH CHZE CHONG, D.P.M.J., J.P. (Segamat Selatan).

- The Honourable ENCHE' TOO JOON HING (Telok Anson).
 .. ENCHE' V. VEERAPPEN (Seberang Selatan).
 .. WAN MUSTAPHA BIN HAJI ALI (Kelantan Hilir).
 .. WAN SULAIMAN BIN WAN TAM, P.J.K. (Kota Star Selatan).
 .. WAN YAHYA BIN HAJI WAN MOHAMED (Kemaman).
 .. ENCHE' YAHYA BIN HAJI AHMAD (Bagan Datoh).
 .. ENCHE' YEOH TAT BENG (Bruas).
 .. ENCHE' YONG WOO MING (Sitiawan).
 .. PUAN HAJAH ZAIN BINTI SULAIMAN, J.M.N., P.I.S. (Pontian Selatan).
 .. TUAN HAJI ZAKARIA BIN HAJI MOHD. TAIB (Langat).
 .. ENCHE' ZULKIFLEE BIN MUHAMMAD (Bachok).

ABSENT:

- The Honourable the Minister of Agriculture and Co-operatives, ENCHE' ABDUL AZIZ BIN ISHAK (Kuala Langat).
 .. the Minister of Health and Social Welfare, DATO' ONG YOKE LIN, P.M.N. (Ulu Selangor).
 .. TUAN HAJI HASSAN BIN HAJI AHMAD (Tumpat).
 .. ENCHE' TAN KEE GAK (Bandar Melaka).

IN ATTENDANCE:

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

PRAYERS

(Mr. Speaker *in the Chair*)

THE CONSTITUTION (AMENDMENT) BILL

Second Reading

Order read for resumption of debate on Question, "That the Bill be now read a second time" (29th January, 1962).

Enche' D. R. Seenivasagam (Ipoh):

Mr. Speaker, Sir, yesterday when I was speaking, I was speaking generally on the proposed amendments and suggested that the basic foundations of the existing Constitution were being interfered with. Today it is my intention, Mr. Speaker, Sir, to shortly summarise and try to anticipate, or try to rebut, the arguments put forward by the Honourable the Deputy Prime

Minister in proposing certain amendments.

Mr. Speaker, Sir, before I do that, I would like to clarify one point which I made yesterday, and that is the point with regard to what I called a secret meeting of the MCA General Committee. Now, it may be asked—and since I may not have the opportunity to be here on subsequent days of this sitting because of certain commitments I have elsewhere, I will try to say it now—it may be asked: how do you get possession of tape recordings and documents of a secret meeting? I will say this: I hope I will not be asked that because if I am asked that, I will have to rush back to this Parliament and maybe some person will be most embarrassed, but I would say this: I did not steal them; I did not get them by any underhand means. I got them properly, squarely and fairly. I hope

it will be left at that for the sake of everybody concerned, Mr. Speaker, Sir, but if anybody wants to know it, I can say it. I can say it right now, but it will embarrass at least one person sitting in this very Chamber; and I assure the House that it is not the Honourable Member for Telok Anson.

Enche' Too Joon Hing (Telok Anson): Thank you.

Enche' D. R. Seenivasagam: Mr. Speaker, Sir, leaving that at that for this moment, I will go now to what I have got to say in short detail. It has been suggested by the Honourable the Deputy Prime Minister that the principle of *jus soli* is left untouched, and the Deputy Prime Minister seems to have got support even from the *Straits Times*. But I beg to differ from the views expressed, and I will try to give my reasons why the principle of *jus soli* is destroyed. Its hands have been chopped off; its legs have been chopped off; and its head has been chopped off; so much so that only such a small piece of that unit has been left that for all material and working purposes the principle of *jus soli* has in fact been destroyed.

Mr. Speaker, Sir, *jus soli* means only one thing: that is, citizenship by right of birth, and birth of any person on a territory entitles him as of right to get citizenship by reason of that birth. Now, it has been suggested that the son of a citizen or a child of a citizen will be a citizen by operation of law; and that is the principle of *jus soli*. My answer to that is that that is not the principle of *jus soli*, because the status of the child does not depend upon his birth but it depends upon the status of his parents; and I would say certainly that is not the principle of *jus soli*. With regard to those permanently resident in this country, again, even if he proves that he is permanently resident, the fact of birth does not give him the right to citizenship but the status of his parents gives him the right to citizenship; and that

is, again, certainly not the principle of *jus soli*. Therefore, I pose this question—and today I intend to pose a number of questions—I pose this question to the Alliance Party: When in 1954 the Honourable the Prime Minister said UMNO accepts the principle of *jus soli*, what did they really mean by that?—first question. Question No. 2—when the Honourable the Minister of Justice told the General Committee of the MCA that with a stroke of the pen the birthright of the Chinese had been taken away and that UMNO had offered them equality and citizenship, what exactly did the Honourable the Minister of Justice intend to convey to the General Committee of the MCA? And I am sure if we are given the answers to the two questions which I posed, then we will know whether there has been a betrayal of promise or whether there has not been a betrayal of promise. Was it within the intention or knowledge of the MCA at that time that when the President of UMNO said, “We accept the principle of *jus soli*” what really did the President of UMNO mean? I hope that in the course of this debate that will be told to us and, indeed, MCA leaders will tell us what they understood it to mean by the acceptance of the principle of *jus soli*, and we must bear in mind that there was no qualification to those statements at all.

Mr. Speaker, Sir, the Honourable the Prime Minister said that Article 17 was of a temporary nature only—the substance of what the Honourable the Deputy Prime Minister said was that it had been made known that it was to be of a temporary nature. Mr. Speaker, Sir, I pose this question and I say that statement cannot be justified if we read Article 17 of the existing Constitution which has some very significant words; and Article 17 says this:

“Subject to Article 18, any person of or over the age of eighteen years who was resident in the Federation on Merdeka Day is eligible, subject to the provisions of the Second Schedule, to be registered as a citizen upon making

application to the registration authority if he satisfies that authority—

- (a) that he has resided in the Federation, during the twelve years immediately preceding the date of the application, for periods amounting in the aggregate to not less than eight years;
- (b) that he intends to reside permanently therein;
- (c) that he is of good character; and
- (d) —(most important of all)—“except where the application is made within one year after Merdeka Day and the applicant has attained the age of forty-five years at the date of the application, that he has an elementary knowledge of the Malay language.”

Mr. Speaker, Sir, that section is crystal clear. It is divided into two parts: one a temporary measure for persons who have attained the age of 45 for a period of one year to apply for citizenship without any language test. That is a temporary provision in Article 17. But the second part is certainly not temporary, where after one year this provision was still intended to be in force and where there is no limitation placed. And the question here I pose to the Alliance is this: If you intended—as, in fact, you did intend—a temporary period of one year for those over the age of 45, if you intended the same thing for Article 17, why did not you say so when you framed it? Surely, then, the proper inference to draw is that you intended the one year period for persons of the age of 45 to be temporary—and you did, in fact, state it—but for the rest of the section it was never intended to and it never was to be of a temporary nature at the time when it was promulgated or when it was put into this Constitution. Therefore, the question I pose is that, again: Is there a betrayal and violation of the most important citizenship proposals of the Constitution of our country? And I certainly join issue and say that the reason given by the Honourable the Deputy Prime Minister is not substantiated either by the Constitution or by any document that the Government can produce to this

House to say that the people of this country were notified that Article 17 in its entirety was to be of a temporary nature only.

Mr. Speaker, Sir, Clause 9 (3) of the proposed Bill is a significant clause which, I say, is unjust and unfair. With your permission, Sir, I would like to read Clause 9, which intends to amend Article 24 of the Constitution with regard to exercising rights outside this country, and the important part of Clause 9 is Clause 9 (3A):

“Without prejudice to the generality of Clause (2), and that Clause as applied by Clause (3), the exercise of a vote in any political election in a place outside the Federation shall be deemed to be the voluntary claim and exercise of a right available under the law of that place;”

I stop there to say that that would be a ground for depriving a person of his citizenship rights. Now, on first reading, it may sound good; it may sound fair; and it may sound proper. But let us look at what the original Article in our Constitution now contains, i.e. Article 24. Article 24 says:

“If the Federal Government is satisfied that any citizen has at any time after Merdeka Day voluntarily claimed and exercised in a foreign country any rights available to him under the law of that country, being rights accorded exclusively to its citizens, the Federal Government may by order deprive that person of his citizenship.”

The important point is this. The framers of the Constitution quite rightly have said that if in another country, say England or India, there is a right given exclusively to any of its citizens, then it is wrong for a citizen of this country to go and exercise that right, and he must thereby lose his citizenship. But the amendment now says that even if he exercised his vote in another country that could be a ground for deprivation of citizenship. The question I pose is this—we all realise, of course, that in many countries—say, in a local authority election—there is a residential qualification and not a nationality qualification; for example,

if you go to certain districts in India, you live there for three months, you are on the electoral list—why should it be necessary to deprive a person of his citizenship, or make that a ground that his citizenship may be deprived if he exercises his vote on a residential qualification in an unimportant local election? Is it the intention of the Government to do that, or is it that the framers of this amendment or the legal draftsmen, did not pay sufficient attention to that possibility? Are you going to say that a person in this country, who may live five years in England, and may get a right which is not exclusive to the citizens of that country, should not exercise that right? If so, I would like to know what is the reason for this. Every amendment must surely have a good basic reason, and the Honourable the Deputy Prime Minister did not give us a reason for that amendment.

Mr. Speaker, Sir, I next refer to Clause 24 of the proposed amendment, which is again very important and very vital, and which deals with the method of amending our Constitution. It reads:

“In Clause (4) of Article 159 of the Constitution, at the end of paragraph (b) the word ‘and’ shall be omitted, and after that paragraph there shall be inserted—

“(bb) any amendment made for or in connection with the admission of any State to the Federation or its association with the States thereof, or any modification made as to the application of this Constitution to a State previously so admitted or associated,”

and in Clause (6) of that Article, at the end there shall be added “and ‘State’ includes any territory”.”

and it does not require a two-third majority. That is the substance of the amendment. Formerly, the power to admit new States was on a simple majority of the House. Now, it is extended to make applicable the Constitution, or parts of the Constitution, to those States or territories by a simple majority of this House. What is the reason for this? Why is

it that the Government think that a simple majority would suffice? What is the intention? What is the motive? Why should a matter of such great importance—the Constitution to be applied to new territories—not follow the sacred principle laid down of an absolute two-third majority of the House? What problem does the Government foresee? Why is it that the Government think it may be necessary to amend that section to allow the Constitution, the substance of the Constitution, to be related to these territories by a simple majority? Does not that indicate, again, the whole colour, the whole tragedy, of these amendments? Does this Government feel that one day, although it may be in power, it may not have a two-third majority to do what it wants? Does it not indicate that the Government is cautious that that time may be soon, so soon that it feels it should do it now when it has the opportunity to do it? I do not say that in the sense of fooling them or anything of that sort, but I say that with all seriousness, because throughout this prevades that very dangerous attitude which has been exhibited in these various amendments.

Mr. Speaker, Sir, the Honourable the Deputy Prime Minister made a very significant statement, which must be commented on, almost at the opening of his address, when he said words to this effect: that the Constitution was promulgated in 1957 and had been in operation for over four years; and that it was designed as far as citizenship was concerned on liberal lines; it was framed in a generous manner, because it was the intention to bring together the peoples of this country. Mr. Speaker, Sir, that intention, indeed, deserves the highest praise, but may I ask whether that intention has now changed? May I ask whether the process, or the work of bringing together the peoples of this country has been completed, so that now the high objective need not exist at all? If in 1957 the Government had that intention and thereby made the citizenship laws as liberally as it

is said they were, then I say that today in Malaya there are still those people in existence to whom those promises were given, and the Government should have the same objective of bringing these people together as one nation.

Mr. Speaker, Sir, that statement is significant, because it proves my contention, it proves my contention that in 1957 UMNO had to serenade the other races of this nation; it proves that before Independence came to this country, UMNO had to serenade and give way; it proves that today UMNO knows the UMNO can put its price and need not serenade anybody. Otherwise, there is no justification for this change. UMNO knows today that the MCA and the MIC are spent forces, that they are no longer a force to be reckoned with in this country. Today UMNO can stand on its own feet and with these amendments, if they get through, UMNO knows that it can run this country on its own feet.

Mr. Speaker, Sir, the Honourable the Deputy Prime Minister chose his words very carefully when he referred to the red identity card. I think Radio Malaya made a mistake—I am subject to correction and I will apologise if I heard it wrong—when it said that the red identity card could be accepted as proof of residence. That is not what the Deputy Prime Minister said. The Honourable the Deputy Prime Minister said that the red identity card would be accepted as evidence of permanent residence. Mr. Speaker, Sir, there is a great difference between saying that it will be accepted as proof and saying that it will be accepted as evidence. Evidence is just one piece of evidence. Is it the intention of Government, and can the Honourable the Deputy Prime Minister give us an assurance, that the red identity card will be accepted as conclusive proof of permanent residence in this country? If that answer comes forward in the affirmative, then I give credit to the Alliance Government for at least going that far. I hope there will be no two

ways about it. Will the red identity card be accepted as conclusive proof of permanent residence in this country? If that is so, will it be the policy of the Alliance Government to say that no further proof, no other proof, need be called for or need be supplied by the person in possession of a red identity card?

Mr. Speaker, Sir, yesterday the last point which I made, and which is again going to be the last point today is that this Bill has been brought up to this House with considerable secrecy, first somewhere in April, and thereafter we heard nothing about it. The first reading was on 20th April but we never saw the Bill on the 20th April. As far as Members of this House are concerned, they got a copy of this Bill a day or two before—I think, the 3rd of January this year. Mr. Speaker, Sir, the very fact that the Government has from time to time thought it necessary to put in amendment after amendment, one to supersede the other, one to clarify the other, clearly indicates the importance and complexity of this Bill. We as Members of this House, as politicians, have a duty to perform, and one of those duties is to inform our people of proposals which come to this House from time to time. Mr. Speaker, Sir, as we are all aware, we have been sitting in this House for nearly one month, morning, noon and sometimes at night. We politicians from this side of this House, at least from the PPP, say that we have not had as parliamentarians an ample opportunity to put before the electorate which we represent the implications of the amendments proposed in this Bill. Mr. Speaker, Sir, that opinion has been voiced at one protest rally at the Town Hall, it has been voiced by the MTUC, it has been voiced, if I may say so, by the *Straits Times* editorial of yesterday, not directly but indirectly suggesting that there might be something in saying that this Bill was brought in without much sufficient time. Mr. Speaker, Sir, that is a large body of public opinion.

Sir, members of the legal profession in their individual capacities have expressed the same opinion, and I think this House will agree, although you may not agree with what I have said yesterday and today, I think you will agree that there can be no greater and more important Bill which will come before this House—at least on that point we must agree. If you agree on that, then I think you will agree that this a very important Bill and then if the country feels, or the large sections of the population feel, that not ample time has been given, then the first thing to do is to give them time in which they can study it, in which public opinion can properly, fairly and squarely and reasonably be given to the Government of the day. Mr. Speaker, Sir, I do not think that in a democracy, that is asking for too much. I would have been indeed glad and happy, if the Government on its own volition had thought it fit to present this Bill at a later stage. But, unfortunately, the Government has not done so.

Mr. Speaker, Sir, I do not know if this is true, but I understand that tomorrow is the last sitting of this House. If that is so, I would say this: that, certainly as far as the PPP is concerned, there will be insufficient time even to debate this Bill, because there are a number of amendments of extreme importance put in by the PMIP and by the Socialist Front, and the Government itself; and at the Committee stage of the Bill it will take hours to debate those amendments. On that basis, I say that we as a responsible organisation known as Parliament, should never be ashamed to bow to the wishes of reasonable people who make a reasonable request. The Trade Union Congress is one of those organisations representing a mass of humanity in this country. The legal profession is a profession whose views should receive some consideration by the Government of this country. Politicians, whether on the Opposition benches or from the Government benches, their views should receive that same

consideration from the Cabinet, the Prime Minister, the Deputy Prime Minister and all concerned when a request of a reasonable nature is made.

Mr. Speaker, Sir, another point is that this Bill has come up after a very long session known as the "Budget Session". As the Honourable Member for Dato Kramat said, the extreme importance of this Bill itself should have impelled the Government to call for a special sitting of this House so that we would have had this as one matter of supreme importance debated in its entirety with sufficient opportunity for all to say what they want.

Mr. Speaker, Sir, I have to use the words of the Honourable Minister of Justice when he spoke in 1954, "I have finished", except that with your permission I would like to say that I have had my say on the points which I thought are material to this country and to the people of this country. Now, I know that there may be many here who may not agree with me, but I repeat that any Government in power, be it the Alliance, the PPP, the Socialist Front, or the PMIP, cannot last by suppression and oppression of fundamental rights. It may go on, but the day will come when the people of the country will revolt—and I say "revolt" by peaceful democratic means—to overthrow the Government of this country, again by their peaceful and constitutional means which are at their disposal. You cannot suppress and oppress people or sections of people. For the good of this country, for the good of this nation, for the wellbeing of the citizens of this country who in the ultimate must be the ones to count, I appeal to UMNO Members to consider this matter most carefully. This Amendment, you say, is not taking away major rights of the people, then why do you want to bring it up? You know very well in your own hearts that it is taking away some of the most cherished rights of some of the people of this country. You know in your hearts that you got the co-operation of the three com-

munities in this country on the understanding given to be fair and just. Now, I call upon you as parliamentarians, as statesmen, to honour those pledges. To the friends of the Malayan Chinese Association and the Malayan Indian Congress, I say this: let your conscience guide your actions for these next few days; let it be never said that men of standing, men of ability, like my friend the Honourable Member from Larut Selatan, sacrifice principles for personal gain. There is a story, there is a rumour, and in fact that rumour has gone to the extent of newspaper publication that the net result of the amendments to this Constitution may be that we will be seeing some new Assistant Ministers from the MCA bloc (*Laughter*). Let it never be said that the price which the people of this country had to pay was for the selfish end of parliamentarians who sit in this House.

Mr. Speaker, Sir, I have given notice of an amendment I wish to move and which I now move. The amendment, Sir, is under S.O. 53 (4), amending the original motion, and the amendment reads:

"That this Bill be read a second time this day six months."

Enche' Chin See Yin (Seremban Timor): Mr. Speaker, Sir, I beg to second the motion. Sir, why am I seconding this proposal? The reasons are very simple. First I would like to draw your kind attention to the Alliance Manifesto, the 1959 Parliamentary Election Manifesto. In this Manifesto, if you will kindly refer to page 2 under the title "What the Alliance has Done for You" it is stated, "With your help.....to uphold the Constitution of the Federation of Malaya." Here in this Manifesto it is also stated by the Honourable the Prime Minister, where he gave a pledge, "A Pledge

to You"—Sir, I will only read that paragraph because that is very, very relevant to this amendment—

"The Alliance believes that such advancement can only be possible if the people—the Malays, Chinese, Indians and others—continue to live in peace and harmony."

Sir, in this there are two interesting points to which I would like to refer. One is to uphold the Constitution. It is a sacred instrument and it is in fact the will of the people. Therefore, when you are going to propose an amendment to the Constitution, you got to look into that sacred instrument and say to yourselves, "What is the best way to do it, and how did it first come about?" Now if we ask ourselves that question, then we will say that the Constitution was drawn up when we were going to get independence. But how did we get it? We got it when the Chinese, Malays, Indians and other races got together, stood solidly together, marched forward and asked the British Government for independence. Then we said to ourselves that we must have a Constitution—a sacred document to guide the destiny of the nation—and then we drew up this sacred document. When this sacred document was drawn up, the people were asked and we had the Reid Commission. This Reid Commission travelled all over the country seeking the views of the people. Now if you refer to the Malays, Chinese and Indians and various associations, they have submitted their memoranda; the Chinese have submitted their memoranda and there were in fact 1,049 Guilds and Associations whose views were also consulted and obtained. Apart from these Guilds and Associations, there are other bodies, like the educational bodies and social bodies, and they also submitted their views. The Indian Association, the Indian Congress and various other associations like the European Community had also sub-

mitted their views. It was only from the views of these people that the Reid Commission drew up what we call the Committee's Report—and this is the one, Sir, that I would like to refer to regarding these proposed amendments to which I am now referring—"The Federation of Malaya Constitutional Proposals, 1957", price \$1 which is not mentioned here, but that is the value of this document (*Laughter*). Anyway, Sir, on page 2 of this Constitutional Proposal, 1957, it is stated—and with your permission may I read—

"The Commission recommended that all those who are citizens on Merdeka Day shall continue to be citizens and that all those born in the Federation on or after Merdeka Day shall be citizens by operation of law. These recommendations have been accepted."

They were accepted by the Alliance Government—the Alliance Party, which is the Government of today. Then another proposal says—

"It is proposed to modify the recommendation of the Commission with regard to citizenship by registration of married women and children. Under the revised proposal any woman who is married to a citizen will be entitled, upon making application, to be registered as a citizen, provided that the marriage has been registered in accordance with any law in force in the Federation, including any such law in force before Merdeka Day."

Here again is another factor that has been accepted by the Alliance Party which is now the Government:

"It is proposed that any person of or over the age of 18 years who was born in the Federation before Merdeka Day and who is not by operation of law a Federal Citizen should be entitled upon making application to the registration authority to be registered as a citizen if he has satisfied that authority that he has the necessary residential and other qualifications recommended by the Commission."

I am reading only the important ones and I am going to refer you, Sir, only to one more—

"It is proposed to accept an amended form of the recommendation of the Commission with regard to citizenship by registration of persons who, though not born in the Federation, were resident in the Federation on Merdeka Day. It is recognised that those who have shown loyalty to the Federation and have made it their permanent home should participate in the rights and duties of citizenship."

Sir, I am referring only to four points in this proposal, although there are many more points. All these points have now been embodied in this sacred document. Now, Sir, this sacred document, we have got it as a result of one year of long consultations, investigations and report made by the Reid Commission. If it had taken that long—and prior to that they had been in consultation with the British Government and this had taken many years—surely, Sir, we cannot today come to this House and say, "Let us amend it, as after some experience we find that it is our duty to tidy it up." Can we tidy up this sacred instrument, something we accepted? That is not proper. When we went and stood for elections, the various parties had party manifestoes. In the party manifestoes a pledge is given to the people, and before you have fulfilled that pledge and if you want to do something different from that pledge, then you must go back to the people again; and going back to the people can only mean that you ask for another election. In that election, you will have a manifesto which is your pledge and you will tell the people what you want, and if you are elected back to Parliament again then you have a mandate from the people to amend that sacred document. It is the will of the people. As has rightly been said by the Honourable the Deputy Prime Minister in this debate, "the Government fully realises that any amendment to our Constitution is a serious and solemn undertaking." He has already said that it is a very serious matter and it is a very solemn matter, because it is the will of the people. We can't amend it, although we are representing the people, we are speaking for the people and we are working for the

people because we are here with a definite mandate when we came in and that mandate only permits us to carry out the things that we have pledged in the manifesto and nothing more.

Now, Sir, let us go back to what the Honourable the Deputy Prime Minister said in presenting the Bill. Let us see what he said—I have really 11 points to refer to, Sir. The first one is: “The present constitution of the Federation was promulgated on the day.....

Mr. Speaker: Order, order! We are now debating the amendment to postpone the Bill for six months. You can only give your reasons why it should be postponed for six months and not to debate the Bill now, because we are going back to debate on the principles of the Bill, when you will have another chance to talk on the principles of the Bill for the second reading if this amendment is defeated. I think I have made that clear.

Enche' Chin See Yin: For me to support a motion to postpone the Bill for six months, I must give good reasons, and to give good reasons I must make references. Unless I make reference I have nothing to support my reasons (*Laughter*). It is just like building a house. If I have not got the foundations, it will collapse like a pack of cards (*Laughter*).

Mr. Speaker: So long as you confine your arguments or reasons why it should be postponed for six months, I can allow you.

Enche' Chin See Yin: Thank you, Sir. Can I just make reference to a few?

Mr. Speaker: So long as you understand what I have said, and not beyond that.

Enche' Chin See Yin: Thank you, Sir. The Honourable the Deputy Prime Minister said:

“The present constitution of the Federation was promulgated on the day

we achieved independence and was the charter of our Nations and the framework within which the aims of our society and the aspirations of our people might be achieved through a democratic process based on the principles of parliamentary democracy.”

Sir, it is very clear what he has said—it is an absolute truth. He has spoken the truth and nothing but the truth. But let us analyse that statement. Is it not a sacred document of the people? Is it not the will of the people? If it is true, then how can we amend it without referring it back to the people? We must ask all those who had taken part in the past in helping the Reid Commission to draw up this Constitution to say whether they agree to the proposed amendments. But then, an argument will be put forward to the effect that they have said nothing about the amendments which have been published in the newspapers for their information, and which have been gazetted. But, Sir, the Internal Security Act has made it such that people are afraid to speak because if they were to speak, they fear they might say the wrong thing and they might get into trouble (*Laughter*). So they merely say: “I shall wait for the next election, then I know where to cast my vote.” Democracy is not really existing in this country. I will give you an example, Sir. Sometimes when I say something about the Chinese, they say that I am communal; but if a Malay were to say something about the Malays, then it is national. You see, Sir, words can be played about and made to look very dangerous. So all these people from the associations and guilds would not dare to hold meetings to discuss this matter, and I think it is now for the Government to tell them: “You have no fear. You speak your mind and tell the truth, we will be very happy, because this document belongs to you and it is your view.” I think that should be the proper way, Sir, in view of what the Honourable the Deputy Prime Minister has said that it is a serious and a solemn matter. And who are the people? The people are not only the people who voted us in, the people

should be those who got together, who stood together and marched forward together to get independence for Malaya. I should, therefore, include all those who are eligible to become citizens. It is because of language qualifications that they are unable to become citizens, and you should include them and also seek their views.

Now, Sir, I have already said that it is important that we should get the views of the people. Not only I say this, Sir, but also someone, who is more important than any of us here, has already said it, and may I therefore refer you to a small paragraph in a speech that was said some time ago. It is the Agong's Speech and, if you remember it correctly, what the first Agong said was.....

Enche' Mohamed bin Ujang (Jelebu-Jempol): Not Agong, Sir.

Enche' Chin See Yin: Sir, what Order is he standing up there to interrupt me? He is a troublesome creature.

Mr. Speaker: Order, order! In order to respect the dignity of the House I would like to appeal to Members to make no interruptions while one Honourable Member is addressing the House. Please proceed!

Enche' Chin See Yin: Sir, what the first Agong said was.....

Enche' Mohamed bin Ujang: On a point of order, Sir. Standing Order 36 (8) does not say "Agong", it says "the Yang di-Pertuan Agong." I would like to draw your attention, Sir, so that the Honourable Member will use the words "the Yang di-Pertuan Agong".

Mr. Speaker: Will you use the words "the Yang di-Pertuan Agong"?

Enche' Chin See Yin: Sir, this is what His Majesty the Yang di-Pertuan Agong said: "When you are a majority party, you should also consider the views of the minority if they are for the interests of the country." That is a very good piece of advice, but

unfortunately this House has not for one moment listened to it. Every time when the Opposition puts up something interesting and something good for the people, by a majority vote they say "No", because they are in the majority. They are taking undue advantage of that. If you think it is in the interests of the country, it is for the people to judge. The final judgment will come on the day when the people go and cast their votes.

Therefore, Sir, in supporting this move to defer this Bill for six months, I have given my views, and it is of the utmost importance that if we are going to practice democracy, we must go back to the people and ask them whether they agree to it or not. But if you are going to do something very quickly without consulting the people, then I say it is wrong.

Mr. Speaker, Sir, when this Bill was first presented, as we have heard from the previous speaker, the MCA and the MIC members were not consulted—and they were taken aback. They only held meetings after this Bill had been presented. Now, if they are in the ruling party and they do not know—except those who are responsible for drafting these proposals—then, Sir, where is the true practice of democracy? I hope in answer to my proposal, the members will stand up, everyone of them, to say what they feel about it.

Sir, we have also heard from the previous speakers that the votes given to the Opposition were almost equal to the votes given to the other side on the Government Bench. Then, how can the MIC people say that they represent the Indians, and the MCA members say that they represent the Chinese? If you look at the Opposition Bench, you will see that there are quite a number of citizens of Chinese origin, citizens of Indian origin and, in fact, our Malay friends also representing the Malays. Therefore, to say that the MIC and the MCA represent the Chinese and the Indians cannot be true; and for this amendment, I hope everyone of these MCA

members will stand up and speak his mind. I do not envy them (*Laughter*). They are in a very unfortunate position. However, in the interest of the country, for the good of the people, they must speak their mind. They should not fear. There are always vacancies over this side (*Laughter*).

Sir, for the reasons I have given I support the amendment.

The Minister of Internal Security and Minister of Interior (Dato' Dr. Ismail): Mr. Speaker, Sir, I rise to oppose the amendment moved by the Honourable Member for Ipoh. The late Professor Einstein was noted for his theory of relativity. Sir, I am not a scientist, so one day I asked a friend of mine, who is a well-known scientist, whether he could explain in simple terms what the theory of relativity is. My friend told me: "Suppose you speak to your mother-in-law, assuming that you do not like her, and you spent one hour talking with her, do you agree that it seems like one year?" I said, "I do." Now, to bring this relativity into this House. At least I personally feel, whenever I listen to the record played by Members of the Socialist Front, that half an hour seems ages to me (*Laughter*). So, Sir, it is also the case in a country where there is no parliament, where there is no press, where means of communications are under-developed, one year in that country is equivalent to one month in a country where there is parliamentary democracy, where the means of communications are well developed, and where there is free press.

Mr. Speaker, Sir, this Bill was circulated to Honourable Members of this House on the 23rd December, 1961—that is well over a month from today. I think the press too must have received it at about the same time. Now, in reply to the Honourable Member for Ipoh in that he had not time to consult members of his constituency, I suggest that with the fast car at his command, with the machinery of his Party at his disposal, one month is not too short a time

to acquaint members of his constituency on the importance of this Bill.

Mr. Speaker, Sir, reference was made by the Honourable Member for Seremban Timor that it took one year for the country to consider the Reid Constitution, which is now the Constitution of this country, and yet he is given only a month to consider this Bill. But, Sir, at that time there was only a Legislature with only half of the Members in that House elected, and in that House 51 of the seats were occupied by the Alliance. So, in a truly democratic manner, we suggested to the Reid Commission that it should get the views of all political parties in this country, rather than let the Alliance monopolise the future Constitution of the country. What is the position today? This House still has a majority of Alliance Members. We have still a two-third in this House, but there is the PPP, the Socialist Front, the PMIP, and there are the Independents, who represent the people of this country—unless they want to deny that they represent the people of the country, but we on the Alliance side, we do not deny that we represent the people of this country. From the Alliance angle—if they want to give credit to our machinery or organisation—we consider one month ample opportunity to consult members of our constituencies. Therefore, if they admit that one month is not long enough, probably they should look into their political machinery.

Another point brought up by the Honourable Member for Seremban Timor is that this Bill should be postponed for six months and that the Alliance should go to the country for a referendum. But, Sir, we the Alliance Party believe in parliamentary democracy and we believe in the Constitution of this country. The Constitution of this country does not say that we should go to a referendum for amendment of the Constitution. It says that if you have a two-third majority in the House, then you are entitled to amend the Constitution. And that is exactly what we are doing. In fact, Sir, the

question of amendment to the Constitution, at least in Johore, was made a political issue. I remember that members of the Socialist Front in Kluang said to the people, "You elect us but we do not expect to become the Government of the country. If you elect us we will prevent the Alliance from getting a two-third majority so that they cannot amend the Constitution." Therefore, if the people believed that theory that the Alliance should not get a two-third majority, they would not have voted us in with a two-third majority.

Sir, with due deference to the press, they even have admitted that the amendments are reasonable in the interest of the country, and when it is my turn to speak on the substantive motion, I will try to rebut the arguments put forward by the Honourable Member for Ipoh and saying that these amendments are aimed at foreigners, who are not citizens of this country (*Applause*). However, I will come to that when I reply, when I speak on the substantive motion. So, Sir, for the reasons I have put forward, and thanks to the late Professor Einstein, I think we should reject the amendment moved by the Honourable Member for Ipoh.

Enche' V. Veerappen (Seberang Selatan): Mr. Speaker, Sir, I am surprised that the Government has not thought fit to accept a reasonable proposal put forward by the Honourable Member for Ipoh. The Minister of Internal Security said that we have had sufficient time, but I am sure the Minister is not ignorant of the fact that in some countries the length of time given for such things is really considerable. In that short time, and as the Honourable Member for Ipoh has said we have all been sitting in Parliament, I wonder whether the Minister realises of our difficulties of getting the views of the people whom we represent. Besides, Sir, these amendments are of such a serious nature that we should give time for responsible organisations to submit their views. The Minister also

rejected the question of referendum and has said that his party represents the views of the people—they represent the people—but it is an important ingredient of parliamentary democracy. . . .

Dato' Dr. Ismail: Mr. Speaker, Sir, on a point of clarification. I have explained that the Constitution does not say that there should be a referendum. What it says is that you can amend the Constitution only if you have a two-third majority in this House and I did say we on the Alliance think that we represent the people—and if you do not think you represent the people who elected you, then I cannot say for you; you have to go and tell your constituency that I do not represent them.

Enche' V. Veerappen: Be that as it may, Sir, but it is an important ingredient of parliamentary democracy that such important things must be referred to the people. The people must be consulted and the Minister knows very well that in England even some simple amendments of laws sometimes are done after prolonged consultation and at the end of a session, so that the people will have the opportunity of expressing their views through the ballot-box.

Mr. Speaker, Sir, the Honourable Deputy Prime Minister went to great pains to quote from the Constitutional Report. He has said it is important that the method of amending the Constitution should be neither so difficult as to produce frustration, nor so easy as to weaken the safeguards that are written into the Constitution. However, the Government has found it so easy to amend the Constitution and they have brought in about sixty amendments in less than two years. Though under our electoral set-up, they have the political power to do it—I admit—I wonder whether they have the moral power to do it because, as it was pointed out, they got less than 53% of the total votes, which is less than two-third.

Sir, it was the intention to protect the Constitution from being misused that a serious crisis developed in the Alliance in 1959. Now, "the remnants of the disinherited race" sit opposite to us, unable to do anything and not worthy of being consulted (*Laughter*). The Honourable Deputy Prime Minister stated that he consulted them, that it was on the representation made by the MCA and the MIC that he thought fit to amend the amendments. But if he had consulted them as partners, he did not consult them before the Bill was drawn up. He only consulted them at the most when they were in this House and it was not entirely on their efforts that it was so. They knew very well what was coming for them if the amendments were not modified and that is why they agreed to amend the amendments.

Mr. Speaker, Sir, it is our submission that the Government should treat this matter seriously and not make a plaything of the Constitution—actually the Government has made it a plaything. In other countries amendments to the Constitution are rarely done and it is most difficult to do. For example, in the United States of America it took sixty years to make one set of amendments and another sixty years to make another. In the last two hundred years only twenty-one amendments have been made in the U.S.A. out of four thousand proposals for amendments. Is not that true? We have less than two years and we want sixty amendments. Is not that true? (*Laughter*). It is even more difficult in the U.K. and in the Soviet Union (*laughter*) where one would expect that it would not be so difficult to amend the Constitution. (*Interruption*) (*Laughter*).

Mr. Speaker: Order! Order!

Enche' V. Veerappen: Maybe they will ask me to go to Russia (*Laughter*). Sir, I quote from an authority I have here—"Fenner's Theory and Practice of Modern Government"—and allow me, Sir, to read. . . .

Mr. Speaker: Is it on the amendment?

Enche' V. Veerappen: Yes, Sir. It says:

"Amendment and the establishment of a Constitution.

Once the original draft of the new U.S.S.R. Constitution of 1936 was completed, it was widely circulated for discussion and criticism. Approximately 527,000 meetings were held throughout the country (*laughter*) between June and December of 1936 with the attendance estimated at 36,500,000 people. Altogether about 154 proposals for amendments were made of which 43 only were acted upon. The most important of this provided direct in lieu of indirect elections in the selection of the Council of Nationalities and a right of inheritance. The remaining alterations are primarily in terminologies."

Well, Mr. Speaker, Sir, this is by Mr. Fenner. This shows that even in Russia, where one would not expect such great care to be exercised, so much trouble is taken before amendments are made. Yet our Government has made it a pastime—amending the Constitution has become a pastime—and therefore I hope all of you will support a reasonable amendment to delay this Bill for six months.

Enche' S. P. Seenivasagam (Menglembu): Mr. Speaker, Sir, as I intend to take advantage of the opportunity to speak on the principal Bill, I will confine myself solely to view-points in support of this request for deferment of six months.

In the first instance, Mr. Speaker, Sir, I feel that the Honourable the Deputy Prime Minister himself should support this request, because I would submit, with the greatest respect to him, that he has been guilty of making statements which he cannot substantiate when he introduced this Bill. I would refer to this passage in his speech which reads:

"These amendments, Sir, have only been put forward after careful consideration lasting more than a year and after considering the views of all sections of the community."

Now, when an Honourable Minister makes a statement of that nature in this House, we are entitled to assume that what he tells us can be relied upon. But within a few minutes he himself destroyed the veracity of what he told us—completely destroyed it—because he made it very clear that when this Bill was drawn up, even partners, the MCA and the MIC, were not consulted. It was only after this Bill was published that the MCA and the MIC had to creep, perhaps on all fours, to the Minister and ask for favours—a little concessions here and a little concession there. What does the Honourable Deputy Prime Minister mean when he told this House that the views of all sections of the community had been obtained? How did he obtain them? By what means and which community does he mean—one community only or all sections of one community, or all sections of all communities? That is what we would like to be clarified. It is quite obvious that the Honourable Deputy Prime Minister did not obtain the views of all sections of all communities. As a measure, I think, to give some injections, in order to revive a corpse, the Honourable Minister was kind enough to say that the MCA and MIC had managed to get a few concessions, when in fact it was not so. In fact, the Honourable Minister, in my opinion, had introduced those amendments as a result of what had appeared in the Press and as a result of the protests made to him, not by the MCA and MIC—perhaps, it may be that there is a little credit to the MCA but certainly none to the MIC.

The Honourable the Minister of the Interior has been fairly blunt in his statement. He says—“We have got the power. We have got two-thirds majority, we can do it under the Constitution, we want to do it—and that is that.” Well, legally, of course, he is right, constitutionally he is right, but the morality of government is another thing altogether, and the moral aspect I hope is not completely absent in the Alliance. The Honourable Minister of the Interior said that this

Bill, or the draft of it, had been circulated around the 23rd of December. Well, I remember it was towards the end of December. Perhaps because of the Christmas holidays it was delayed in the mail, but we certainly got it some time after Christmas. Perhaps the Minister of the Interior has forgotten that together with that draft was attached a piece of paper which said that it was to be kept confidential and secret until the 4th of January 1962. What does the Honourable Minister expect us to do? Break that admonition? Although requested to be kept secret till the 4th of January, did he expect us to ignore it or to go to our constituencies and hold public meetings, or did he expect us to respect a request made by the Government that it should be kept secret? So, from the 4th to the 8th were only four days and on the 8th we commenced our Budget meeting here and everybody knows that we have been all along in Parliament. Of course, it is possible, as the Honourable Minister suggested, that we could take helicopters and aeroplanes and rush up and down from our constituencies, holding public meetings and then rushing back in the morning to attend Parliament. But is that reasonable in a democracy? What do you lose if you put this off for six months? Why bulldoze this thing through, knowing very well that at the end of a long Budget session you are determined to get it through within two days and perhaps the next move will be to require the Opposition, if they want to talk too much, to sit here till midnight so that they will get exhausted and would not want to talk and then push it through (*Laughter*). Is that democracy in practice? (*Interruption*) I have been interrupted and I am not going to take notice of that because I pity, I really pity the ignorance of those who think it fit to laugh in a debate of this nature, and the irony that fate should have decreed that such men should sit in this House.

The request for deferment, Mr. Speaker, Sir, comes not only from the Opposition but also it is supported by

the *Straits Times* which one would not describe as being a pro-PPP, or pro-Socialist Front, or pro-Opposition newspaper. May I refer to the *Straits Times* of the 17th January, where it says in an editorial—

“Several of these amendments are matters of substance, notably those concerning citizenship and the delimitation of electoral constituencies. The bill was presented to the Dewan Ra'ayat last April, but was not published until 4th January. It is proposed that the Lower House shall have adopted and approved it within about three weeks of publication, a somewhat summary procedure considering the apparently arduous gestation. The misunderstandings to which in turn the bill has given birth fortify the plea for time for more mature consideration.”

And on the 29th, that is yesterday, the editorial of the *Straits Times* said this—

“Obviously there is much to be said for closer, more leisurely study of this amending bill. The Government has said little about it and explained less. We do not ourselves see anything sinister in the Bill, but there is much suspicion among the communities. There are genuine fears which need to be removed. Quick passage of the Bill will only reinforce them whatever assurances the Government may be able to give in the course of the debate.

The Bill was read a first time in April last year, it was published nine months later and since publication the Government has produced two sets of amendments, the last as recently as Friday.”

And that again disproves the assertion of the Honourable the Deputy Prime Minister that careful consideration for over a period of a year was given to the drafting of this Bill. Why this hurried mass of amendments to it then—one after another, one supplementing the other?

Mr. Speaker, Sir, I would also refer to the fact that our plea for deferment is further supported by the MTUC which has so often been praised by the Government as a responsible body.

Finally, I would like to remind the Government to bear this in mind—that today the majority, the overwhelming majority of those who are going to be affected by this amendment to the Constitution are represented by the Opposition benches. That you cannot deny. The overwhelming majority are definitely represented by Opposition benches. To put it more plainly for those who will not understand it, the majority of non-Malay constituencies are represented by the Socialist Front, the Peoples Progressive Party and the Independents. This is a joint request and I hope the Government will have the decency to consider it seriously instead of laughing in mockery.

Sitting suspended at 11.30 a.m.

Sitting resumed at 11.50 a.m.

(Mr. Deputy Speaker in the Chair)

Enche' Too Joon Hing (Telok Anson). Mr. Speaker, Sir, I rise to support the motion that this Bill be read a second time this day six months. Sir, as Members of the House of Representatives, I am sure they have certain rights to represent the people of their own constituency. But there are certain rights which, under moral obligations, they have at least to refer them back to the people—for example in matters such as policies contained in their election manifestoes under which they went to the people and asked them to return them to this House. Therefore, I say, Sir, that the Alliance has not got any mandate from the people to introduce this Bill this day, and I ask the Alliance Government to withdraw this Bill or accept this motion for postponement for a period of six months. It is very clear, Sir, in the Alliance's election manifesto which I have got here, and it stated, “To uphold the Constitution of the Federation of Malaya”, and this is a pledge in no uncertain terms to the people whom they represent that they will not make any amendments to the Constitution.

Sir, the Minister of the Interior has said that under the Constitution, provision is made for the amendment of any Article provided there is a two-third majority. I do not doubt his word, because it is the Constitution. But, as I have said, we have got certain moral and sacred obligations which we have to fulfil—and such matters as human rights, individual rights, have to be referred back to the people before such rights are being tampered with.

Sir, in the speech of the Honourable Deputy Prime Minister, as pointed out by previous speakers, he said that he had already consulted or had discussions with various interested people in the country—perhaps during the past few months. In fact, since this Bill has been read for the first time on the 20th April, 1961, I have not seen a single word either in the Press or anywhere that the Government is going to amend the Constitution, and under such circumstances I think the people should at least be entitled to have their say or at least be given an opportunity to consider the amendments—I know for certain, because I have been the Secretary-General of the MCA once. I know very well that the President, now the Minister of Finance, will agree with me that there are certain rules by which the MCA can amend the constitution, even their own Constitution, and from the events during the past three weeks, it looks very clear whether the MCA, the “awakening giant” has awakened—I doubt. Therefore, I would invite the Honourable Minister of Finance to join us in support of this motion (*laughter*) and give a chance to the various Branches in the Federation to consider this Bill.

Sir, I cannot quote better words or phrases than those of the Prime Minister himself when he moved the Constitutional proposals in August 15, 1957—and this lovely passage with beautiful words, were given here as a dedication to the Malayan Constitutional Document:

“It must be remembered that the freedom to which we aspire is the freedom to govern ourselves under a system in which parliamentary institutions shall be exclusively representative of the people’s will.”

Sir, such phrases are meant for the people to know that if there is anything vital concerning the rights of everyone, at least a chance should be given to the people to consider the vital issue. Ever since this Bill has been presented, or rather dispatched, to the Honourable Members of this House in December last, there have been two subsequent amendments to this Amendment Bill which clearly indicate that this Bill has been presented without consideration, nor has it been given to the various bodies other than, if I may say so, UMNO, because during the last two or three weeks, MCA had been calling meetings—two meetings in fact—which were hush-hush, closed-door meetings. Why? I would like the President, the Minister of Finance, to enlighten us. Sir, this shows that at least the people have not had the opportunity to study the implications of these amendments.

Sir, I would like to quote from a book here which is called “Your Government”. It is written by joint authors—Mr. George O. Comfort, Professor of Political Science, Political Science Division, Butler University, and Mr. Royce H. Knapp, Director of Education Research, and Mr. Charles W. Shull, Professor of Government Wayne University. What does this book say in regard to democracy? It says:

“Democracy means that the people shall rule themselves, and since complete agreement by all the people rarely occurs, rule by a majority is accepted, but the majority must be restrained, it must recognise the rights of the minority to hold different views and to express their opinions. Simply because some people are in a majority they must not be allowed to ride rough-shod over the other people who do not agree with them on all points.”

Sir, this is something to which I would like to draw the attention

particularly members of the Government Bench. I think the request that this Bill be read after six months this day is reasonable, and I do hope that Members from the Government Bench—and particularly I appeal to the Prime Minister—would accept this and give us a chance to study this Bill more thoroughly.

The Prime Minister: Mr. Speaker, Sir, I have been in my room listening to the various speakers who had taken the floor yesterday and the best part of this morning and all the time I was trying to find out in their arguments if there is anything that they have brought up which would justify the Government giving the matter of amendment a second thought. All I heard was that the Alliance was trying to hoodwink the people, that the Alliance was trying to cheat the people, that the Alliance was this and the Alliance was that, and that I myself had made a promise to the people in my speech made as early as 1954. At the same time, Mr. Speaker, Sir, I have made thousands upon thousands of speeches since 1954 and the relevant extracts of my speeches after that had never been mentioned. The whole of these talks which I have heard yesterday and today contain nothing but insinuations. Nevertheless, I put myself in the position to hear if any point has been brought up by any of the Honourable Members which would justify my discussing with my colleague the Deputy Prime Minister, who had moved this Bill, for postponement of this bill. But so far I have not heard any.

For instance, under the proposals, there is an amendment to Article 17. Article 17 is to be repealed by Clause 5. One knows that that particular Article, Article 17, has served its purpose. It had been introduced in order to give an opportunity to those who before Merdeka were not citizens to be registered as citizens; and all these 4½ years they had every opportunity to register as citizens; they have taken that opportunity, and the number who have not

taken advantage is very, very few. I remember the time when the MCA officials used to travel in lorries distributing these forms and requesting people to register themselves. If I am not mistaken, the Honourable Member across the floor from Telok Anson, was also a member of the party. As a result of the work of the MCA. I think many hundreds of thousands of non-citizens have become citizens. Therefore, we see no purpose why Article 17 should remain in the Constitution when it was purposely put there as a temporary measure. The insinuation was that we purposely cancel or scrap this Article 17 in order to prevent the others from acquiring citizenship. If they had given other reasons for suggesting that Article 17 should remain in the Constitution, we would willingly have considered them. At the expressed wish of the MCA we are prepared to extend Article 17 for a period of, perhaps, six months, or perhaps a year. But no suggestion was made that it should remain for such and such a period. All that they said was that the Alliance had a purpose or motive in trying to dispense with Article 17.

With regard to the other matter on which the Deputy Prime Minister moved an amendment—that is, with regard to Clause 3 which amends Article 15—the position is that many women have taken advantage by pre-arrangement to get a husband here. They come here and then they find a reason to escape from their husbands and carry out some other trade best suited to them. Then again there are quite a lot of people, women, who come to this country purportedly on a visit. When they get here they then get married and acquired the citizenship of this country. Now, we thought that it is about time that something is done to stop these women from acquiring citizenship by this method and so this particular clause, Clause 3, to amend Article 15, is intended to give women citizenship, but they should qualify by remaining here two years before they get citizenship. That is fair enough. If the Opposition had

suggested that this Article is not quite fair, or that we should perhaps allow women to stay here a year or perhaps six months or something of that kind, we might again be able to give some consideration. But here they don't. They just work themselves up and blindly accuse the Alliance Government of some motive behind the amendment to this Article.

Again I have looked into the various arguments put forward by the Opposition. For instance, under Article 6 of the Bill a person must have been continuously resident in Malaya for a year before making his application for citizenship by naturalisation under Article 19. Well, the reason, as has been explained by the Honourable the Deputy Prime Minister, is that this is one of the means of preventing persons from acquiring dual citizenship. We have, for instance, our neighbour across the Causeway whose citizens are allowed to come in and go as they like. So, we do not want these people to acquire dual citizenship by being citizens of Singapore as well as citizens of the Federation by just having a house here and at the same time go across the Causeway to carry on their business. For that reason, it is necessary that to acquire naturalisation they have got to remain here for at least one year before they can acquire their citizenship. That I think is fair. On the other hand, if the Opposition has some other means or method of making it easier for those people to acquire citizenship, we could again give consideration—but again they have nothing to say about that.

Mr. Speaker, Sir, we have found all these amendments necessary from experience. It is obvious for everyone's benefit that we should make use of our experience, because the idea of amending the Constitution is to protect the citizens of this country. The arguments which I have heard yesterday and the best part of this morning are from people who try to protect the interests of the aliens. I mean, if they have loyalty to this country, if they love this country in the way we

hope they would, then they should be considering the position of the citizens of this country rather than try and help to protect aliens. To my mind, as I listened to them yesterday, it would appear that all they had in their mind is to bring in as many people as they like from outside to come and live here, men and women, in order to swamp the citizens of this country.

They have, they say and we all know, like the Progressive Party, their own platforms; and on their platforms they suggest that they should have multilingualism and that they should have equality. This should deprive the Malays of their special rights, which have been guaranteed under the Constitution—and I presume that if they had two-thirds majority in this House, the first thing they would do is to amend the Constitution, as otherwise they would be cheating the people who have given them their support (*Applause*). The same applies to the Socialist Front. The Socialist Front have got their ideas of making friends with those whom we regard up to date as our enemies, and in their minds they could bring in the people to swamp the citizens of this country—people from China and elsewhere—and in order to enable them to do so they should amend the Constitution. Otherwise, how else are they going to carry out the promise which they made to those who elected them to this House—except to amend the Constitution? But immediately the Alliance think of amending the Constitution in order to protect the interests of the people of this country—the real, honest, loyal citizens of this country—they start to make allegations against the Alliance without offering any counter proposals on how best we could amend the Constitution in order to satisfy them. They have said nothing like that. Having said everything they had to say, the next thing we heard them suggesting to this House is that they want to delay the amendments to the Constitution for six months without giving any reasons for it, except that they want to go and sound those who

have elected them to this House, and all I can think of, the only thing that they will do when they come back in six months, is to talk in the same strain and in the same manner as they have been talking for the last two days (*Applause*). We are not here just to listen to accusations, charges and talks imputing motives. We are here to listen to reasons, because we are interested to know how best we can protect the interests of the people of this country, the people to whom we owe obligations and not to aliens (*Applause*). To them this is not the case: They want to bring in those people so that those people can swamp this country and endanger the security of this country by spreading a reign of terror, lawlessness, disorder, thuggery—and note, all these are the people whom we are trying to put down, not to encourage by adding any more to their number. If they have their own way and are allowed to bring all these alien elements into this country, giving to all these alien elements in this country citizenship, then there will be no place for the good citizens of this country to live in. Whatever course and however unpopular we are going to make ourselves, it is our duty—we are prepared—to carry out what we think is for the benefit and for the good of the people of this country (*Applause*).

There is also an important Clause—Clause 11—which provides for the new Article 26A. It is understandable that when a parent renounces his citizenship, or wishes to acquire citizenship of another State, then naturally it is his intention to renounce or to acquire citizenship of another State—and by that it is assumed that he wants his children also to renounce their citizenship. On the other hand, this new Article, we say, will not affect the innocent child, as the Honourable the Deputy Prime Minister has explained that the sins of the father should not be visited upon the children, and it has accordingly been provided in this Article. And again, it is also provided in this new amendment that nobody shall be stateless. By that the Govern-

ment has guaranteed that if by depriving a person, it will make him stateless the Government would not do it. And then the same with Clauses 14, 20, 22, 31 and various other clauses with which it is intended to amend the Articles of the Constitution. Indeed, if Honourable Members from across the floor, who deal with all these amendments, would give some thought to them, and if there is a genuine desire on their part to study this matter very carefully, so that when they come back in six months time they would be able to put forward some sort of proposal, which would assure us that it will be for the benefit of all concerned, we would be glad to listen. But there was none—none at all. The only reason for all this suggestion for amendment is purely to delay, to delay the implementation of these Articles. Therefore, for that reason, I am strongly against the motion (*Applause*).

The Minister of Finance (Enche' Tan Siew Sin): Mr. Speaker, Sir, since the name of the Malayan Chinese Association has been bandied about so much in this debate, particularly on the amendment to the motion, I think it will not be out of place for me to say a few words. Let us remember that the Bill was in the hands of Honourable Members before the end of last year; it was publicised in the Press in the first week of January. Therefore, even if you take the latter date, it is clear that this Bill has been available for public study for a period of about four weeks. It has been suggested that this period is not sufficient for a proper study of such an important measure.

Now, Sir, let us look at the facts. The Malayan Chinese Association itself has not only studied this Bill at Central Working Committee level, but it has also referred this Bill to all its State Assemblies. As a result of two meetings held—and those two meetings lasted about eight hours in which every clause was carefully scrutinised and explained—the Malayan Chinese Association decided by a unanimous vote

to support this Bill (*Applause*). It is, therefore, a specious argument to suggest that not enough time has been given for the study of this Bill. However, what pains me very much is this: in the course of the last two days we have heard not so much arguments against the basic unfairness of the provisions of the Bill, we have heard not so much arguments that this Bill is or would not be in the interests of the people of this country, but all we have heard is rather a spurious attempt to create dissension between the two major communities in this country (*Applause*). A number of speakers went so far as to paint a picture that the MCA is so subservient to the UMNO that it has got to do what it is told. Nothing is farther from the truth.

I do not mind admitting that I was a member of the Cabinet Committee which sat on this Bill and I took a major part in its deliberations, and I certainly do not have the impression that this was an attempt by UMNO to take advantage of its strong position in order to impose itself on the people of this country (*Applause*). In fact, the MCA supports this Bill fully, and it makes no apology for doing so, because, as the Honourable the Prime Minister has pointed out, it must look at this measure not from an alien point of view but purely from the Malayan point of view (*Applause*).

Enche' D. R. Seenivasagam: Mr. Speaker, Sir, I rise on a point of order—Standing Order 41 says: "During a sitting (a) all members shall enter, leave, and behave in the House with decorum;" Mr. Speaker, Sir I ask for clarification whether, if Honourable Members can cheer, it would be in order under Standing Order 41 to boo in response to the cheer.

The Prime Minister: Mr. Speaker, Sir, I have been present at some meetings of other Parliaments in England, Australia and elsewhere, and I have heard cheers and nobody takes exception to it (*Applause*).

Enche' Tan Siew Sin: Honourable Members are probably aware that normally I do not sit through an entire debate, particularly a debate in which I am not directly concerned. However, I have taken the trouble, during the course of this debate, to sit here throughout and I find that the notes, which then taken, have hardly filled half a page during the course of a debate lasting two days. I have not found a single argument which really suggests that the Bill is basically unfair, and it is a significant fact that the Opposition, or those who are opposing this Bill, have so little to say against the intrinsic merits or demerits of the Bill that they have to descend to the rather despicable attempt to make fun of the MCA, in order to show to the people of this country that it does not count for much. That is a matter of opinion and I think we can find out in 1964 whether they are or we are right (*Applause*).

Enche' Lim Kean Siew (Dato Kramat): Mr. Speaker, Sir, I rise to take exception to the slanderous remarks made against the Socialist Front by the Honourable the Prime Minister. Never at any time in yesterday's speeches by the Socialist Front, has the Socialist Front spoken any word in support of any foreign element in this country. The Socialist Front never, in fact, in spite of the very inaccurate leading article of the *Straits Times*, mentioned anything about children who had been deserted by their fathers. It is very unfortunate that I was quoted on parts of my intended speech prepared before the amendment was made by the Government and found space as part of a speech I was supposed to have made in Parliament but which was never made at all.

Sir, it is not true that we made no constructive suggestions. In fact, we were very positive. We started off—and I was very sure to make it very clear to this House that I was attacking the amendments to the Constitution on the principle of democratic practice.....

Dato' Suleiman: Mr. Speaker, Sir,...

Mr. Speaker: (To *Enche' Lim Kean Siew*) Do you give way?

Enche' Lim Kean Siew: No, Sir. I was continually interrupted the whole of yesterday and I had not been able to speak for five minutes without interruption. Sir, yesterday to make it very clear that our attack was on the question and meaning of democratic practice, we stated that the Constitution is the supreme law of the land, that there should be freedom of movement, speech, assembly, freedom of religion and the right to education and property, and that there shall be no discrimination in citizens or class of citizens by reason of religion, race, descent or place of birth. This point was very clearly repeated yesterday by myself time and time again. Neither did we attack.....

Enche' Abdul Ghani bin Ishak (Melaka Utara): Tuan Yang di-Pertua, on a point of order. 36 (1). Saya rasa untok menyelamatkan masa Dewan ini ada lebeh baik Yang Berhormat dari Dato Kramat berchakap atas pindaan ini daripada mengulangi ucapan-nya yang sa-malam, yang mana kita sudah faham.

Enche' Lim Kean Siew: Mr. Speaker, Sir, I wish he had stood up to tell the Prime Minister to sit down. because I am only replying to his speech. It is about time that we stop being mischievous in this Chamber on this important matter.

Mr. Speaker: Please proceed.

Enche' Lim Kean Siew: If a man does not understand what we are talking about.....(Interruption).

AN HONOURABLE MEMBER: Shut up! I'll throw you out.

Enche' D. R. Seenivasagam: You will be thrown out. Keep your mouth shut!

Mr. Speaker: Order, order. Proceed.

Enche' Lim Kean Siew: Mr. Speaker, Sir, with regard to the question of citizenship, I mentioned the principle

of *jus soli*—that was the first thing I mentioned. With regard to the question of the citizenship of the wife, the question I asked was, "Why after two years should a woman prove that she is of good character once she is married?" What I was suggesting was that at least we could remove the sub-section with regard to proof as regards good character. Surely, that is a positive suggestion!

The emphasis was very clear. We emphasised on two things. One is the freedom of the Elections Commission from the control of Parliament; the Elections Commission should be left alone under the Constitution and that it should have complete freedom to move within the Constitution without coming under the surveillance of Parliament—that is a concrete suggestion, and what we say is, "Remove Section 5A of Article 114." The other thing that I said yesterday was that the question of rights must mean the equality of representation to Parliament—that each section or each area should have equal number of votes. What I was trying to say was quite clear and if it was not understood, I would say again, "Remove this Thirteenth Schedule which gives a rural area half as many votes as the town area."

Sir, I talked of the Internal Security Act and it is relevant because the Internal Security Act is an attempt at attacking the principle, fundamental principle, of the Constitution which is the right of the freedom of the press and freedom of speech. And I think that if I had not made myself clear today, I do not know what is required to make such simple matters clear to Members on the other side.

Mr. Speaker, Sir, this morning, on the amendment, my Honourable friend, the Member for Seberang Selatan, cited illustrations from other countries whereby an amendment before it is approved is put to the country generally and is discussed generally. Now, if the Honourable the Minister of Finance is correct to say that people are trying to break the unity of the

two peoples and that he is quite satisfied that the course adopted by the MCA is right, then I say this: "Don't be afraid then to throw out this amendment and let the people consider it. Let the people who are not members of the MCA as well as members of the MCA consider it. Call for a referendum on the Bill and let the public decide." Sir, if the Honourable the Minister of Finance can say in this House that he represents the majority of the people, then why is he afraid of referring the matter to the people? It is absurd to suggest that when the Socialist Front come into power, or to insinuate, that we are going to amend the Constitution against the fundamental principles of democracy. We stand quite clearly for democracy and democratic principles and do not let anybody misunderstand it by slanderous remarks made not only in this country but also outside this country, in Singapore.

AN HONOURABLE MEMBER: You stand for communism!

Enche' Lim Kean Siew: We don't stand for communism, and that is quite clear. We stand for democratic practice which says that we should at least tolerate everybody's speech. It is very unfortunate that I have to speak to people who are so bigoted that they should insist on shouting out and calling me names. Sir, I am trying to make myself heard not only in this House but also to the members of the public in general. Now I will allow you (Dato' Suleiman) the floor since you are so impatient (*Laughter*).

Dato' Suleiman: Have you finished and may I speak now?

Enche' Lim Kean Siew: I said, "I allow you the floor." I did not say that I had finished!

Mr. Speaker: You must address the the Chair!

Dato' Suleiman: Mr. Speaker, Sir, I thought that this is a debate on the

amendment brought by the Honourable Member for Ipoh. Now, I am hearing a repetition of what was said yesterday, and trying to correct what was said, and I understand the Honourable Member from Dato Kramat has given out to the Press a copy of his speech. Of course, the Press has had to work on the copy of his speech given. Now he wants to accuse the Press and accuses everybody calling us bigoted. I mean this is most unparliamentary, if I may say so, and I hope he will confine himself to the amendment to the Constitution.

Enche' Lim Kean Siew: The Honourable Prime Minister stated just now that we were trying to swamp the country with foreigners and that we would be changing the Constitution to suit our principles, and I must answer that. If my answer is irrelevant, then I say that the speech of the Prime Minister was also irrelevant, and the Honourable Minister, the Ambassador for Malaya in Australia, should have opposed it (*Laughter*).

Dato' Suleiman: Sir, on a point of order. I am still a Minister—Minister without portfolio (*Laughter*). I am certainly not here as the Ambassador in Australia. His ignorance is like that of the Hottentot in Africa.

Enche' Lim Kean Siew: Mr. Speaker, Sir, I must apologise. I did not realise that there is now a new class of Ministers—"Ministers without portfolios". If I am irrelevant now, then I say the Minister without portfolio should have objected to the Prime Minister's speech because this is just a reply to his speech, and he said just now that we would be swamping Malaya with foreigners. This is far, far from the truth.

I will now repeat the words of His Majesty the Yang di-Pertuan Agong in Alor Star when he told the people that "It does not mean that those who oppose the Government

are disloyal." In the words of His Majesty, we are equally as loyal as anyone on the opposite side of the floor (*Applause*), but we oppose, and we oppose, when we think it is wrong. We cannot slide over what has been an attempt to be hidden from the public by general words of accusation. We cannot, by adopting the words of the Prime Minister of Singapore, make people forget the arguments and the logic of our case.

I repeat again, "We here solemnly declare that we will maintain democratic principles, we will keep the democratic practice, we will uphold the rule of law and if we do become the Government (*Laughter*), we will expunge from this country that infernal piece of repression called "the Internal Security Act". I hope that the time will come when the people who laugh here will suddenly realise the seriousness of what we are trying to do today.

Mr. Speaker, Sir, I had not intended to speak on this amendment, but I had to make my points clear, and it is very regrettable that the decorum of the House has been continuously sabotaged by Members from the opposite side.

The Deputy Prime Minister (Tun Haji Abdul Razak): Mr. Speaker, Sir, as the mover of the original motion, I would just like to say only a few words. The Honourable Prime Minister and my colleague, the Minister of Internal Security, have already replied to the points raised by the Honourable mover of this amendment. Now, as the Honourable Prime Minister has said in this debate, since yesterday we have not heard any substantial arguments which will justify us considering this amendment. As the Honourable Prime Minister has also said, most of the arguments put forward by the Members of the Opposition are largely accusations against the Alliance that the Alliance has committed a breach of promise and what not. But as far as the arguments on the merits of the

amendment put forward are concerned, we have not heard any arguments that would justify us considering the amendment proposed by the Honourable Member for Ipoh.

Sir, a number of Honourable Members quoted a part of my speech which says that the Government has given consideration to the views of the various communities in this country. As I said, it took us more than a year to consider these amendments, and in the Government there are representatives of the various communities: we have the President of the Malayan Chinese Association, we have the president of the Malayan Indian Congress, as well as the leaders of the UMNO. Therefore, Sir, it is these Gentlemen who had given their views on these amendments knowing the position of the members of their respective communities. Also, Sir, as has been explained by my Honourable colleague, the Minister of Internal Security, we had circulated this Bill on the 23rd of December, 1961. Therefore, we have given Honourable Members quite sufficient time to study this Bill. As I said, I agree that this important measure needs careful scrutiny, but we have given ample time for everyone to consider this Bill and also we had briefed the Press before this Bill was circulated to Honourable Members of this House. Since the Bill was published, various representations have been made to us. We received representations from the Malayan Trade Union Congress; and we also received representations and memoranda from the Bar Council. All these views had been carefully considered and as a result of considering all those views, we have, as Honourable Members know, put forward certain amendments to this Bill. Sir, the Government has given this measure very careful and very serious consideration and, as I said, there is no ground in my mind for delaying the passing of this Bill at this juncture. Therefore, Sir, as the Honourable Mover of the original motion, I reject the amendment

proposed by the Honourable Member for Ipo.

Sir, before I sit down, I would like, with your permission, to move a motion under S.O. 40 (1) for the closure of the debate on this amendment.

(*Mr. Speaker indicates assent.*)

Tun Haji Abdul Razak: Mr. Speaker, Sir, I beg to move that under S.O. 40 (1) that the question be now put to the House.

Dato' Dr. Ismail: Sir, I beg to second the motion.

Question put, and agreed to.
Amendment put, and negatived.

Mr. Speaker: We now come back to the original motion "That the Bill be now read a second time."

Enche' Zulkiflee bin Muhammad (Bachok): Tuan Yang di-Pertua, saya menyokong Rang Undang² ini (*Tepok*). Kita tahu bahawa di-dalam sa-buah negeri Perlembagaan ini-lah yang menjadi pengawal kehidupan dan kedaulatan yang akan menentukan kedudukan kemajuan dan keselamatan ra'ayat dalam negeri itu. Kemas tidak kemas-nya Perlembagaan boleh menentukan apa yang akan berlaku kapada bentuk hidup ra'ayat sa-sabua negeri. Walau pun saya merasa di-dalam faham demokrasi bahawa banyak keadaan² yang patut diperhatikan dan yang patut di-jadikan amalan. Akan tetapi, saya menginsafi bahawa negeri ini telah terlalu laju di-dalam demokrasi, dan tidak-lah mustahak kita pada sa-tengah² keadaan terlalu memandang demokrasi itu sahaja-lah chara mutlak yang dapat menyelamatkan hidup kita. Pada pendapat saya yang amat penting bagi sa-buah negeri itu ia-lah meletakkan kebenaran pada tempat-nya yang benar.

Tuan Yang di-Pertua, apabila Rang Undang² ini ki-kemukakan saperti yang di-nyatakan dalam Dewan ini oleh mereka yang turut mengambil bahagian dalam-nya, sama ada dari

pehak Kerajaan mahu pun dari pehak pembangkang, soal kera'ayatan adalah menjadi soal pokok. Tuan Yang di-Pertua, tidak-lah menjadi soal kapada kita sa-kira-nya soal kera'ayatan ini hanya di-perkatakan di-dalam tulisan, tetapi yang menjadi soal kapada kita ia-lah sa-patah dua di-dalam perkataan² Undang² mengenai kera'ayatan bermacam² perubahan boleh berlaku pada-nya. Oleh sebab itu bahawa di-mansokhkan Article 17 daripada Undang² Perlembagaan negeri ini ada-lah satu amalan yang amat besar kebajikan-nya bagi negeri ini (*Tepok*). Tuan Yang di-Pertua, sudah 1,500,000 orang yang telah menggunakan Article ini mendapatkan kera'ayatan menerusi pendaftaran. Apabila kita telek dari sudut bilangan orang² yang hidup di-Persekutuan Tanah Melayu ini yang berjumlah lebeh kurang 6 juta orang, nyata-lah kapada kita $\frac{1}{4}$ daripada ra'ayat negeri ini mendapat hak-nya dengan kelulusan Article 17 ini.

Pada pendapat saya tidak ada sa-buah negeri dalam dunia ini yang telah memberikan kelayakan menjadi ra'ayat menerusi pendaftaran sa-hingga membolehkan $\frac{1}{4}$ daripada bilangan penduduk-nya menjadi ra'ayat.

Jadi, Tuan Yang di-Pertua, kalau ini bukan demokrasi, maka tidak-lah ada suatu lagi yang boleh di-namakan demokrasi (*Tepok*).

Tuan Yang di-Pertua, apa sahaja yang di-amalkan apabila berlebehan, dia menjadi kejahatan. Apabila terlalu baik, dia akan merosakkan. Apabila terlalu jahat, dia akan membinasakan. Mengambil jalan yang sederhana adalah satu jalan yang baik. Dan saya rasa penutupan yang di-lakukan kapada pintu yang di-buka oleh Article 17 itu pada masa ini sudah-lah kena pada tempat-nya walau pun bagi pehak saya lebeh suka ia-itu lebeh dahulu dari ini di-lakukan. Tuan Yang di-Pertua, sunggoh pun nampak kapada kita bahawa Rang Undang² ini Rang Undang² yang amat baik bagi mengawal kehidupan kera'ayatan negeri ini, tetapi saya maseh merasa

ada beberapa soal yang patut diperhatikan oleh Kerajaan, yang patut di-timbangkan sa-mula supaya tujuan asal dari mengawasi kehidupan ra'ayat negeri ini dengan baik yang tidak terluput kerana ada-nya lubang² kecil yang mungkin menggantikan pintu yang besar di-sebabkan oleh luput lubang itu.

Tuan Yang di-Pertua, di-dalam penyokongan yang saya berikan kepada Rang Undang² ini sa-bagaimana yang di-ketahui oleh Dewan ini saya adalah mengemukakan beberapa pindaan yang akan saya nyatakan di-perangkat Jawatan-kuasa. Tetapi yang hendak saya terek perhatian ia-lah kepada ucapan Yang Berhormat Timbalan Perdana Menteri yang telah menyebutkan, dan ini-lah yang hendak saya terek perhatian Kerajaan bahawa walau pun Article 17 telah di-hapuskan dengan Rang Undang² ini—"parallel provision still exist"—sharat² yang sa-laras dengan ini maseh ada. Tuan Yang di-Pertua, sharat² ini-lah yang kita hendak berhati² dalam-nya, sebab mendedahkan tingkap terbuka dengan mengunchi kuat pintu ada-lah menjadikan rumah kita "rumah Abu Nawas" sa-mata².

Tuan Yang di-Pertua, satu daripada perkara yang saya takutkan, dan saya harap mendapat perhatian daripada Kerajaan di-dalam melaksanakan pindaan Undang² yang ada di-muka kita ini. Pindaan Perlembagaan yang di-kemukakan ini ada-lah keazaman yang mesti di-tunjukkan oleh Kerajaan. Yang saya takut keazaman ini mungkin akan tersentuh keseluruhan di-dalam keadaan² dan tekanan² yang ada di-hadapan kita ini. Tuan Yang di-Pertua, mengatakan bahawa takut seperti ini tidak berasas, tidak-lah boleh dapat di-terima dengan mudah. Tuan Yang di-Pertua tentu-lah ingat bahawa Rang Undang² ini baharu di-kemukakan sa-bulan sahaja. Kata Yang Berhormat Timbalan Perdana Menteri sa-telah tiga tahun di-kaji di-dalam sa-bulan-nya itu di-kemukakan tiga kali pindaan oleh Kerajaan. Dari sa-helai ka-sa-helai kertas pindaan datang dan yang menghairankan saya

pindaan itu datang menunjukkan makin longgar dari sa-hari ka-sahari sa-hingga memaksa kepada saya sendiri menahan Kerajaan dengan mengemukakan pindaan pula supaya apa yang telah di-buat oleh Kerajaan itu dapat di-pertahankan.

Tuan Yang di-Pertua, banyak cerita yang telah kita dengar di-dalam Dewan ini, cerita yang merupakan pemikiran masing² yang berlainan. Saya katakan ini sebab tiap² pehak di-sini ada-lah mempunyai kewajiban mengemukakan pandangan mereka sendiri. Orang yang hendak kepada pintu yang lebeh besar berkeras² supaya pintu itu lebeh besar. Bagi saya yang hendak pintu itu ditutup rapat dan akan berkeras pula saya menuntut supaya pintu itu ditutup rapat. Tuan Yang di-Pertua, kepada Kerajaan yang telah menjadi dasar pemindaan Undang² ini supaya menjadikan kehidupan ra'ayat negeri ini selamat dan terkawal² saya harap-lah supaya pandangan² yang akan di-kemukakan di-sini mendapat perhatian yang baik. Apabila saya sebutkan tadi, di-dalam pelaksanaan Perlembagaan yang akan di-luluskan di-sini Kerajaan hendak-lah bertegas². Maka saya merujuk Dewan yang mulia ini kepada bab (1) dari Rang Undang² ini. Kita tahu, Tuan Yang di-Pertua, di-dalam sa-sabuah Perlembagaan yang mustahak-nya ia-lah kuat-kuasa-nya bila ia itu di-jalankan dan bagaimana ia itu di-jalankan. Di-dalam bab (1) dalam pindaan ini dia telah mengatakan bahawa Rang Undang² negara ini boleh di-tetapkan oleh Perdana Menteri pada syarat pelaksanaan-nya pada tarikh yang berlainan bagi sharat² dan kelulusan² yang berlainan.

Tadi, Tuan Yang di-Pertua, satu perkara yang menakutkan saya telah berlaku. Sa-malam Yang Berhormat Timbalan Perdana Menteri telah beruchap dan saya salin-lah ucapan-nya dengan chermat, dia telah menyebutkan ada-lah di-maksudkan di-dalam pelaksanaan bab (1) dalam Undang² Perlembagaan ini bahawa hendak di-beri masa rahmat sa-lama

tiga bulan lagi. Di-dalam melaksanakan pindaan kepada bab (17) dari Perlembagaan Persekutuan Tanah Melayu, sa-malam dan pagi ini dengan tidak semena² Yang Berhormat Perdana Menteri telah berucap kepada Dewan ini boleh jadi enam bulan atau boleh jadi sa-tahun.

Tuan Yang di-Pertua, kembali-lah saya kepada asas mula² dari perbahathan saya, Perlembagaan dihormati kerana perlaksanaan-nya dan kuat-kuasa-nya dan bagaimana ia itu di-laksanakan. Kalau-lah di-buat sesuatu kelulusan di-dalam Perlembagaan dan di-dalam pelaksanaan-nya kita gantong²kan, kepada takhayul kita gantong²kan, kepada tekanan² kita gantong²kan, kepada pengaruh² kita gantong²kan dan kepada apa sahaja yang akan berlaku maka akan hilang-lah kehormatan Perlembagaan itu dan akan tundok-lah Perlembagaan itu kepada orang² yang tiada lain kerja mereka melainkan menimbulkan gangguan² kepada pelaksanaan sa-buah Perlembagaan yang telah di-luluskan oleh Dewan ini. Tuan Yang di-Pertua, ini sama-lah sa-orang yang hendak menutup pintu rumah-nya yang besar dengan tujuan supaya jangan-lah orang yang tidak baik masuk ka-dalam-nya. Tetapi kalau kita hendak menutup pintu rumah yang besar dengan tujuan yang demikian tetapi berdiri kita di-depan pintu itu: "Hai manusia², saya akan menutup pintu ini, berlumba², lah tuan ka-mari, masuk-lah beramai²." Maka hilang-lah ma'ana tujuan dari hendak menutup pintu itu. Jadi, Tuan Yang di-Pertua, kalau orang lain suka memberi amaran dan kata² keras dalam Dewan ini, kali ini saya memberi amaran kepada Kerajaan bahawa untok menyelamatkan negeri ini tidak dapat di-lakukan sa-kira-nya kita tidak mahu bertegas² di-dalam menjalankan keputusan yang telah di-ambil di-dalam Dewan ini.

Tuan Yang di-Pertua, Clause (1) ini ada-lah menyakitkan sa-kira-nya ia itu di-tinggalkan seperti yang demikian sebab kita sudah tahu ra'ayat Persekutuan Tanah Melayu ini, kita

telah tahu kelakuan² orang yang tidak bertanggung-jawab menyebabkan apa yang kita hendak buat itu terganggu. Sa-sudah kita mengetahui maka tiadalah satu jalan bagi Persekutuan Tanah Melayu melainkan bertegas. Siapa akan marah kepada kita, tiada sa-orang pun marah melainkan orang² yang tidak menjadi kera'ayatan negeri ini menurut peratoran² yang telah di-sebutkan oleh Yang Berhormat Timbalan Perdana Menteri: "Federal provisions still exist". Telah ada provision, telah ada jalan masuk dengan baik, apa-kah ma'ana mengambil berat lagi kepada perkataan² itu. Tuan Yang di-Pertua, di-dalam halini saya minta-lah kepada Kerajaan supaya menghapuskan kalimah Perundangan yang ada di-dalam pindaan Perlembagaan itu. Dengan menghapuskan apa yang dikatakan, ".....and the Prime Minister may appoint different dates for the coming into operation of different provisions of this Act." Dengan demikian Tuan Yang di-Pertua, terjamin-lah perlaksanaan Perlembagaan kita.

Sitting suspended at 1.00 p.m.

Sitting resumed at 4.30 p.m.

(Mr. Speaker in the Chair)

EXEMPTED BUSINESS

(MOTION)

Dato' Suleiman bin Dato' Haji Abdul Rahman: Mr. Speaker, Sir, since we are hard-pressed with the time, may I, Sir, beg to move—

That the proceedings of the House this day on this Constitution (Amendment) Bill shall be exempted from the provisions of Standing Order 12 (1) until 11.30 p.m.

i.e. that the meeting should go on until 6.30 p.m. and resume at 8.30 p.m. until 11.30 p.m.

The Minister of Transport (Dato' Sardon bin Haji Jubir): Sir, I beg to second the motion.

Question put, and agreed to.

Resolved,

That the proceedings of the House this day on this Constitution (Amendment) Bill shall be exempted from the provisions of Standing Order 12 (1) until 11.30 p.m.

THE CONSTITUTION (AMENDMENT) BILL

Second Reading

Debate resumed.

Enche' Zulkiflee bin Muhammad: Tuan Yang di-Pertua, sa-bagaimana saya katakan tadi masa terbuka-nya kelulusan pendaftaran menjadi ra'ayat sudah empat tahun sa-sudah Merdeka. Saya, Tuan Yang di-Pertua, tidak-lah tahu sa-takat mana benar-nya sehingga jakalau rahsia yang telah berlaku di-antara parti² politik negeri ini tetapi yang mustahak bagi saya ia-lah bahawa kelulusan ini hendaklah di-berhentikan yang kita telah pun memberi kelulusan dalam Fasal 5 dari pindaan ini dengan mengatakan bahawa memansokhkan yang hendak di-lakukan itu tidak-lah merosakkan perjalanan permintaan² yang telah ada di-buat dahulu daripada berjalan-nya kuat-kuasa bahagian ini dari pindaan Perlembagaan. Ini, Tuan Yang di-Pertua, sudah cukup baik bagi membolehkan orang² yang benar² ingin menjadi ra'ayat bagi Persekutuan Tanah Melayu ini dengan pendaftaran, dan oleh sebab yang demikian saya mengatakan hendak-lah period of grace itu di-ketepikan. Jangan-lah terlupa, Tuan Yang di-Pertua, sa-sudah pengalaman kita dapati beberapa banyak pendaftaran yang menyebabkan di-beri kera'ayatan² atas asas² yang salah dan sa-sudah kita mengalami tarek sa-mula sa-banyak 1,400 kera'ayatan. Sa-sudah ini semua-nya, Tuan Yang di-Pertua, dan lagi sa-sudah kita memberi pengampunan sa-tahun ta' ada-lah lagi jalan bagi negeri ini melainkan menutup pintu-nya bagi orang yang tidak ingin masuk ka-dalam dengan menutup pintu kera'ayatan menerusi pendaftaran ini. Sa-kira-nya orang yang ada dalam negeri ini merasa sa-telah begitu lama

dan sa-telah begitu elok layanan yang di-beri dari segi undang² Perlembagaan mereka merasa tidak mahu menjadi ra'ayat negeri ini, maka marilah kita ucapkan kepada mereka itu selamat duduk dalam Persekutuan Tanah Melayu ini bukan sa-bagai ra'ayat tetapi sa-bagai orang dagang. Sementelahan pula negeri ini tidak-lah pula memberi layanan burok kepada orang² yang tidak menjadi ra'ayat negeri ini, sa-balek-nya kita rasa muhibbah penghormatan kepada mereka itu sa-bagaimana menasabah kepada mereka itu hatta selaku mereka itu tidak menjadi ra'ayat negeri ini. Ini-lah, Tuan Yang di-Pertua, yang saya minta supaya Kerajaan di-atas asas ini memandang berat tentang kedudukan period of grace yang disebutkan dalam perbahathan ini.

Tuan Yang di-Pertua, saya adalah menyambut baik pindaan Fasal 9 yang meminda bab 24 dari Perlembagaan Persekutuan Tanah Melayu yang di-dalam-nya di-tambah satu fasal yang baharu (3A) yang membolehkan Kerajaan Persekutuan Tanah Melayu ini mengambil tindakan terhadap orang² yang menggunakan hak politik negeri² luar Persekutuan Tanah Melayu. Apabila sa-saorang itu menjadi ra'ayat negeri ini sungguh pun kita tidak mempunyai tongkat penyukat bagi mengukur ta'at setia mereka itu kepada negeri ini, tetapi ada beberapa tanda yang nampak menunjukkan sedikit sa-banyak terpesong daripada mereka daripada pegangan asal dan tiada-lah satu tanda yang tepat dalam memandang kechil hak politik sa-lain daripada menggunakan hak politik yang lain yang berlawanan dengan hak politik asal. Kapada orang² yang telah menggunakan hak politik negeri lain daripada negeri ini maka tiada-lah satu mata yang boleh memberi faham bahawa ia ingin berpegang lagi kapada hak politik-nya dalam negeri ini. Oleh sebab yang demikian, Tuan Yang di-Pertua, dalam pindaan ini ada-lah satu fasal yang sesuai dengan tujuan kita mewujudkan sa-buah negeri yang ra'ayat-nya benar² menjadi ra'ayat negeri ini. Hal ini bertambah baik

apabila kita perhatikan dengan ada-nya Fasal 10 yang mengatakan bahawa penggunaan dan melakukan sa-suatu kewajipan dari sa-barang jawatan kerja, atau jabatan Kerajaan dari mana bahagian luar atau mana bahagian politik-nya semua-nya itu yang ada dituntut di-dalam-nya tanda dengan pengishtiharan ta'at setia maka semua-nya ini akan membolehkan kita menarek kuat kelak. Saya pandang ini ada-lah satu tanda keselamatan yang hendak kita jalankan yang patut di-terima baik oleh semua ra'ayat negeri ini. Tuan Yang di-Pertua, bahkan saya memandang sa-barang tanda dan tunjok perasaan yang menunjukkan kurang setia-nya pada negeri ini sudah chukup bagi membuktikan sa-saorang itu tidak lagi mempunyai keta'at setiaan pada negeri ini walau pun ia itu berlaku dalam negeri ini yang sa-benar-nya. Saya menuntut supaya Kerajaan sentiasa perhatikan dan memandang kapada sa-barang gerak-geri yang menunjukkan kedudukan ta'at kapada negeri ini dan di-sharatkan kapada perbuatan oleh ra'ayat negeri ini terutama mereka yang mendapat kera'ayatan dari keluluskan² pendaftaran dan naturalisation.

Tuan Yang di-Pertua, sunggoh pun sa-sabuah negeri itu berhajat kapada susunan² yang dapat memenohi kehendak² falsafah orang² zaman dahulu ia-itu zaman Aristotle tetapi yang mustahak bagi Persekutuan Tanah Melayu ia-lah menengok apa-kah pegangan yang benar² orang yang menuntut hak politik negeri ini—Persekutuan Tanah Melayu bukan sa-mata² kerana kita hendak mengikut falsafah yang timbul oleh orang² yang merasa bahawa dunia ini sudah lengkap dapat di-bentok dengan ideal mereka sendiri.

Tuan Yang di-Pertua, saya suka berpindah kapada satu perkara yang besar yang pada pandangan saya patut kita perhatikan lagi, dan saya harap supaya mendapat perhatian dari Kerajaan Persekutuan Tanah Melayu. Hal ini ada-lah bersangkutan dengan

Surohanjaya Pilehan Raya Persekutuan Tanah Melayu. Wujud-nya sa-buah Surohanjaya Pilehan Raya di-negeri ini dengan dasar yang bebas telah di-luluskan oleh Bab yang tertentu dalam Perlembagaan kita. Tujuan yang besar dari wujud-nya Surohanjaya ini ia-lah bagi melaksana dan menjalankan pilehan raya di-negeri ini supaya terselamat-lah pilehan raya itu daripada di-kachau oleh anasir² politik yang sengaja hendak menggunakan pilehan raya berchampur gaul dengan kekuatan dan tekanan politik. Tuan Yang di-Pertua, satu daripada syarat bagi lantekan surohanjaya ini ada di-terangkan di-dalam Fasal 114 (2) yang mengatakan: "(2) In appointing members of the Election Commission the Yang di-Pertuan Agong shall have regard to the importance of securing an Election Commission which enjoys public confidence." Perkataan "which enjoys public confidence" yang di-kehendaki oleh Perlembagaan ini adalah satu perkara yang hendak-lah di-pegang oleh Kerajaan. Kita tahu, Tuan Yang di-Pertua, Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong tentu-lah telah melakukan lantekan ini di-atas dasar bahawa mereka ini mempunyai keperchayaan orang ramai. Kerajaan, walau apa Kerajaan dan apa parti-nya, patut-lah berpuas hati dengan hak politik yang telah dapat kapada-nya yang telah di-dapati-nya dengan kemenangan-nya dalam pilehan raya, dan dengan kuasa² politik. Ini sudah chukup bagi membolehkan Kerajaan supaya berjalan dengan baik, dan tidak terganggu dengan sa-siapa dan mana² perbuatan pun. Tetapi bagi membolehkan peralehan pemerentahan tentu-lah ini mustahak kapada satu badan yang bebas yang benar² mempunyai keperchayaan orang ramai lebeh daripada parti politik itu sendiri.

Tuan Yang di-Pertua, yang saya takuti kalau-lah di-lakukan sa-barang champor tangan dalam soal² Surohanjaya Pilehan Raya ini, maka demokrasi yang hendak di-diri-nya, yang hendak di-pelihara dan di-pertahankan oleh Kerajaan pada hari ini akan

hilang dengan sendiri. Tuan Yang di-Pertua, kita tahu bahawa tidak ada satu tindakan yang tidak menimbulkan tindakan balas. Sa-barang tindakan yang hendak memeras dan menekan hanya akan menimbulkan lumpatan yang berbalas yang akan merbahaya. Oleh sebab itu, Tuan Yang di-Pertua, saya minta kepada Kerajaan supaya di-dalam mendapat hak yang bagini dalam soal Surohanjaya Pilihan Raya ini hendak-lah Kerajaan berchermat, dan menggunakan-nya dengan chara yang betul. "Terms of office" yang dinyatakan dalam pindaan Perlembagaan yang di-kemukakan di-sini hendak-lah berma'ana sharat² asas bagi lantekan mereka itu, masa lantekan mereka itu, tetapi jangan sa-kali di-ma'anakan tegahan dan larangan² yang di-ator oleh Kerajaan yang akan merosakkan keadaan surohanajaya yang bebas itu, dan jangan sa-kali di-ma'anakan bahawa ia itu champor tangan (*interruption*) daripada Kerajaan. Saya tahu, Tuan Yang di-Pertua, bahawa pindaan Perlembagaan ini tidak-lah mengizinkan Kerajaan berbuat bagitu, dan saya harap supaya apa yang di-sebutkan oleh pindaan Perlembagaan, itu-lah yang berlaku.

Pada pandangan saya dan saya minta-lah supaya saya berlainan daripada orang yang terdahulu daripada saya memahamkan berlain pula bahawa apa yang di-luluskan atau yang hendak di-luluskan oleh sharat² pindaan Perlembagaan ini ta' sa-kali mengubah kuasa "delimitation" dengan ertikata awal-nya daripada Surohanjaya Pilihan Raya. Saya minta bahawa Timbalan Perdana Menteri menegaskan di-sini bahawa tidak-lah menjadi kehendak Kerajaan hendak memulakan usaha "delimitation" di-dalam kawasan² pilihan raya. Sebab, Tuan Yang di-Pertua, nyata daripada apa yang di-katakan di-sini bahawa kuasa itu tidak ada pada Kerajaan. Saya setuju dengan ini, kerana asas itu. Di-dalam muka 11 bahagian 4 menyebutkan: "Where the Election Commission have provisionally determined to make recommendations under Clause (2) of Article 113 affecting any constituency, they shall inform the

Speaker of the House of Representatives and the Prime Minister accordingly....." Initiative bagi mengadakan "delimitation" ini hendak-lah datang-nya daripada Surohanjaya itu sendiri, dan ini-lah yang mustahak di-fahamkan. Sebab, Tuan Yang di-Pertua, sa-kira-nya ada fahaman yang mengatakan bahawa initiative ini boleh datang dari Prima Minister, maka saya mengaku-lah bahawa fahaman itu tidak boleh di-pakai, dan sa-kira-nya itu-lah yang di-fahamkan oleh Rang Undang² ini, maka saya tentu tidak bersetuju dengan pindaan yang saperti ini. Tuan Yang di-Pertua, ini hendak-lah di-pegang kuat oleh Kerajaan, sebab pada Surohanjaya ini-lah sahaja tinggal harapan politik bagi kebebasan pilihan raya dalam negeri ini, dan sa-kira-nya pindaan ini ditukar maksud asal-nya, saya perchaya negeri ini akan kurang demokrasi-nya, dan akan hilang pada akhir-nya, dan pada ketika itu yang akan rugi bukan-lah orang lain daripada Kerajaan itu sendiri. Sebab, Tuan Yang di-Pertua, lambat luan-nya "reaction" bagi satu tekanan politik itu akan timbul dengan sendiri-nya.

Tuan Yang di-Pertua, ada fahaman yang tidak juga dapat saya sekutu dalam menyetujui-nya yang mengatakan bahawa bilangan orang dalam kawasan² luar bandar kadang² boleh sa-tengah kurang daripada kawasan² bandar. Ada orang memahamkan ini ada-lah mewujudkan satu perbezaan politik. Pehak saya, Tuan Yang di-Pertua, sa-telah kita perhatikan pengalaman² dalam menghadapi pilihan² raya bagi kawasan² di-luar bandar kita merasa itu ada-lah satu perkara yang menasabah. Chuba-lah, Tuan Yang di-Pertua, kita bayangkan kawasan Hulu Kelantan mithal-nya, perhubungan-nya, chara perjalanan²-nya amat-lah sulit sa-kira-nya bilangan mereka itu hendak di-samakan dengan bilangan pengundi² di-bandar, saya perchaya sa-tengah negeri Kelantan itu akan menjadi sa-buah kawasan, dan akan menyebabkan mustahil bagi kawasan² luar bandar mempunyai perwakilan yang berseimbangan dengan kawasan² dalam bandar itu. Jadi,

Tuan Yang di-Pertua, berdasarkan itu tidak-lah menjadi satu kesulitan bahawa di-katakan "weightage" yang di-chadangkan ini menasabah dan 'adil.

Tuan Yang di-Pertua, hal² ini sengaja saya sebutkan kepada Kerajaan supaya terselamat Surohanjaya Pilehan Raya ini daripada di-ganggu oleh politik, dan oleh kerana tidak ada tujuan yang tertulis—saya tidak mustahak membahathkan dalam hati—yang tertulis di-sini tidak ada tujuan dan tidak ada kebolehan dalam syarat² ini bagi memulakan potongan daerah atau sa-bagai-nya yang merasa tidak halangan bagi Dewan ini menerima apa yang di-usulkan di-dalam pindaan Perlembagaan ini.

Tuan Yang di-Pertua, sa-lain daripada itu ada beberapa shor saya yang akan saya bawa dalam Committee Stage, sebab itu-lah masa yang menasabah bagi-nya.

Dato' Sardon bin Haji Jubir: Mr. Speaker, Sir, I intervene at this stage to put the record straight on one particular point. Honourable Members opposite have said more than once that there are provisions in this Bill which would affect the independence of the Supreme Court and the Election Commission. For all I know this arises from a genuine misapprehension. However that may be, I think it would help the House, and also those outside who study our debates, if I explain straightaway why it is not so.

Articles 114 and 125 of the Constitution have always contained, and still contain, two safeguards for the independence of the Election Commission and the Judiciary. First, there is provision for security of tenure; secondly, there is provision that the remuneration and other terms of office of a member of the Election Commission or of a Judge shall not be altered to the disadvantage of a particular holder of the office once he has been appointed. If the House will look at Clause 21 of the Bill, which amends Article 114 and Clause 23, which

amends Article 125, they will see that in each case the new clauses which we propose to insert begins with the words "Subject to the provisions of this Article," which amends Articles 114 and 125 respectively. I am advised that the effect of these words is that the two safeguards which I have already described remain unimpaired. If the House will bear with me a moment longer, I will explain why we propose these two amendments. As I have already said, one of the safeguards is that—and the next seven words are a quotation from the Constitution—the remuneration and other terms of office shall not be altered to the holder's disadvantage after his appointment. The Constitution already provides for the remuneration of Judges and members of the Election Commission and, as I have said, for their tenure of office. But by what I can only imagine to have been an oversight, there is no provision for any other terms of office. The only purpose of Clauses 21 and 23 is to fill this very small and not very important gap.

Enche' Too Joon Hing (Telok Anson): Mr. Speaker, Sir, I have been trying to stand up so many times and finally I have got my chance now.

Sir, I rise to oppose this Bill—an Act to amend the Constitution of the Federation. In opposing this Bill, Sir, I speak not so much as to justify our stand and our view in the past, nor to inflict the leaders of the Alliance for the vagaries of their political beliefs, but to implore the Honourable the Prime Minister to keep faith with the people and to be honest with themselves, particularly with reference to this debate here today. I am pleading to them—although I know my plea would not be of any effect, but still I plead to them again—that they should not abandon the spirit with which we founded this nation, the Persekutuan Tanah Melayu, and to withdraw these proposals for the amendment of our Constitution as laid down in this Bill.

Sir, you will remember that when the Constitution was first discussed,

the proposals indeed raised much storm and bitterness from various quarters of the country, partly because of misunderstandings over the proposals, but fundamentally because the people of this country, from every section of our communities, were anxious to preserve the rights and interests which they hitherto had enjoyed. Certainly the House will remember how the issues concerning citizenship, rights and interests of the communities, and State power in relation to the powers of the Central Government were discussed with anxiety and bitterness of the entire population.

Mr. Speaker, Sir, even long before the Constitution of the Federation was debated in this House during the last Legislative Council on 10th and 11th July, 1957, the fear and anxiety of the people were already high. With the arrival of the Reid Commission during the months of May and June, 1956, this fear and anxiety rose to its zenith. Indeed, the emotions and feelings of the entire population at that time could only be judged from the reports of the press which I am about to quote, and only quoting these reports can I stress the importance and the delicate concern of the people in the Constitution.

Sir, I would now like to give a description from the report of the various communities concerning the framing of the Constitution. I have here a copy of the *Straits Echo* dated 2nd April, 1956. It is stated here: "Selangor UMNO Opposes Jus Soli"; then, again, on the 3rd April, 1956, "Negri UMNO on Jus Soli"—and I think at that time the Honourable Member for Pasir Mas Hulu was a member of UMNO—it says here, "Dato' Mohamed Hanifah, Seremban UMNO Youth Leader, strongly objected to the views expressed by Mr. T. H. Tan, Executive Secretary of MCA on the introduction of *jus soli* which is likely to create communal hatred and chaos in the country."

Again, Sir, on the 10th April the *Malay Mail* reported "UMNO says

'No' to *jus soli*", and Tunku said "Not a breach of faith" and underneath it is stated "The United Malay National Organisation decided yesterday it would not support the demands from other members of the Alliance Party for *jus soli*,—the automatic right of citizenship for those born in this country."

Then on the 11th April, the *Straits Times* says, "Danger: Big Three may fall out on citizenship, if Branches go unchecked; crisis faces Alliance."

Mr. Speaker: Have you got to shout?

Enche' Too Joon Hing: No, Sir, I am not shouting. It says, "*Jus soli*, no decision." Then another one on the 14th April, 1956, it says: "I remember signing no such thing. Tunku fed up with *jus soli* row."; then again on "the same paper, another one says "MCA will not sell Chinese"—and this expression was said by the Honourable the Minister of Justice in Ipoh. Then on the 15th April, 1956, "*Jus soli* controversy. It is the time for cool thinking"—this is a quotation from Dato' Yahaya bin Haji Abdul Razak—"Warned that unless it was stopped immediately, the *jus soli* controversy could be fanned into an inter-racial strife."

Now, Sir, I have got quotations with regard to the feelings of the Chinese community. It was reported here on the 3rd April, *Malay Mail*, "Association back four points memorandum." What are the four points? "Equal citizenship rights for Indians, Chinese and others as given to the Malays;" the second point, "Citizenship rights for those born in Malaya;" thirdly, "Responsibilities and privilege of citizenship should be equal;" fourthly, "Multi-lingualism with the languages of the various races regarded as official."

Then, here is another one from the *Malay Mail* dated the 9th April, 1956, "No fair play, no support, says the Chinese"—this is from the guilds and associations of Malacca. Then another one says, "*Jus soli*, no compromise. Meeting with Tunku not necessary,

says Dato' Tan"—that is the late Tun Cheng-Lock Tan; then it is reported here what the present President of the MCA, the Minister of Finance, said: "Last night Mr. Tan Siew Sin told the *Malay Mail* 'I am all in favour of the adoption of *jus soli*. In fact, I had wanted this question of citizenship to be settled to the satisfaction of all concerned before the last election'." Again, Sir, here is another one which says, "*Jus Soli*—Call for sober reasoning by UMNO and MCA"—this is dated the 15th April, 1956.

Mr. Speaker: You have a very good collection (*Laughter*). Please proceed.

Enche' Too Joon Hing: Sir, I am quoting all these to show the very vital and important aspect on this question of citizenship. In the *Sunday Times* of 15th April, 1956, it is stated, "Who drops citizenship question from Manifesto? Colonel Lee denies he is to blame. Siew Sin's allegation astonishes him." Another one, Sir, (*Laughter*) on Monday the 16th April, 1956, which says, "MCA plays lone hand. Committee to draft *jus soli* memo." It says here, "This decision was taken after three hours meeting by 20 top ranking leaders of the MCA in the seaside bungalow of the Association's Publicity Chief, Mr. Tan Siew Sin." Who were the people there? Mr. Tan Siew Sin, Mr. Leong Yew Koh, the Minister of Health and Secretary-General of the MCA, Mr. T. H. Tan, the Chief Executive Secretary, Mr. Yong Pung Hou, a lawyer, Dr. Lim Chong Eu and Mr. Too Joon Hing (*Laughter*).

Mr. Speaker: I expected that. (*Laughter*). Please proceed.

Enche' Too Joon Hing: Then here is another one from the *Tiger Standard*: "Chinese firm on *jus soli*. Sub-committee elected to draft a memorandum"—this refers to the MCA, Sir. Then, there is some more—at that time emotions were so high; actually everybody is trying to topple somebody. Here it says, "Challenge to the MCA. Guilds aroused over

stand on *jus soli*." This was by whom? By the guilds and associations throughout Malaya.

Then, Sir, the last one here which says, "*Jus soli* case for London. Big Four set up rival organisation to MCA to plan mammoth meet of non-Malays."

Sir, all these cuttings show the feelings and emotions of the people from the Chinese section, and now here I am going to quote from the Indian section—it is a very interesting one: "Selangor MIC to ask for *jus soli*"—on the 6th April, 1956, it was reported, "He did not support *jus soli*"—that is MIC President—"MIC Kuala Lumpur town branch yesterday criticised Congress' President, Mr. V. T. Sambanthan, for not supporting *jus soli* and citizenship for those residing in country for five years." Sir, this paper is at your disposal (*Laughter*) for reference.

Mr. Speaker, Sir, when the Reid Report was released for the first time in the press on the 21st February, 1957, the entire nation was once again on the alert followed by a period of ever-increasing suspense. One would think at that time that the nation which we hoped to build was going to pieces as indicated by the demands, counter-demands, counter-counter-demands from the community leaders of the day.

Mr. Speaker, Sir, may I crave the indulgence of all Honourable Members in this House with quotations, again, from past press cuttings, the purpose of which will not only serve as a tonic on the important issues connected with this very debate on the amendment to the Constitution but also to serve as vital references for members in making their decision.

Here, Sir, I would like to quote again from the views and feelings of the various communities. Here is one dated March 28th, 1957, "UMNO Leaders expect big 'Yes'. UMNO Leaders were confident today that tomorrow's General Assembly of the

Party will accept by a majority vote the Reid Commission's Report as basis for the Constitution of the independent Malaya." Here again, Sir, on the 29th March, 1957 it is reported in the *Straits Times*, "Tunku sweeps away UMNO's fear. Islam will be State religion. Paramount Ruler will safeguard the rights and privileges of the Malays. Only official language to be Malay." Then following this, it says, "Nine walk out on Rahman. Negri quit after delay motion flops." Then here there is another one from the Chinese press. It says, "UMNO has not accepted Reid Report entirely"—that is from the *China Press* dated the 29th March, 1957.

Mr. Spetaker: Is that printed in English?

Enche' Too Joon Hing: No, Sir. I have got it translated into English. It is a translation, Sir. Again, I am going to quote from one who had been lately a Member of this House and who just passed away and to whom we have given tribute. I refer to no other person than the late Dato' Onn bin Ja'afar. On 29th March, 1957, he said this: "This is our grave. Reid's Report was a shroud for the Malays and the Constitution based on it "the grave in which they would be buried." Another one here, Sir, says, "London visit is off. Too late to oppose draft Constitution"—this is a report from the *Straits Times* of July 12, 1957—"Malay Congressmen: We will continue to fight against *jus soli*."

I now quote from the Chinese section. It is a translation, again, from *Sin Pin Press*, which says, "Chinese delegation to London"—that was reported on the 15th April, 1957. We see here the nice picture of the Honourable Mr. Tan Kee Gak (Bandar Melaka) with Mr. Lau Pak Khuan, Mr. Yap Mow Tat and Mr. Lim Lian Giok; they were going to London to protest against Reid's Report. Another one here, dated 23rd April, 1957, from the *Straits Times*, "Chinese plead for racial equality. A memorandum to Tunku is released. Chambers fear spectre of

a master race. There is another one here, which says, "UMNO boycotts Congress"—this is from the *Singapore Standard* dated 23rd April, 1957—"It will destroy Malay unity, warns Che Senu."—then at the Congress we see the lovely picture of our Member for Dungun—"She will be there at the Congress."

Sir, another one here from the *Sunday Times* of May 5, 1957, says, "MCA moves to expel rebels in the United Kingdom mission." Then finally, Sir, this one is from the *Straits Times* of Wednesday, May 22, 1957, and it says: "Don't accept Reid's Report as it stands, they urge. Delegation hands protest memos to Lennox Boyd"—that is the delegation of the Guilds and Associations.

Sir, we have also quotations from the Indian section. What does it say here? That is a translation of the *Kwang Wah Press* dated 16th April, 1957, which says, "MIC to meet in Penang to discuss the demand for Chinese and Tamil as official languages; The Penang Governor should be an Indian of Malayan-born"—they wanted a Governor (*Laughter*).

Mr. Speaker: I don't think that is relevant to the debate!

Enche' Too Joon Hing: It shows, Sir, that the Indians wanted a Governor to protect their rights in Penang.

Mr. Speaker: You have no right to argue with me!

Enche' Too Joon Hing: No, Sir, but I am just pointing it out. Subsequently when the draft Constitution was introduced in this House during the last Legislative Council on the 10th and 11th of July, 1957, Honourable Members who were present at that time would not have easily forgotten the scene of one of the bitterest battles among two distinguished Members over certain vital issues in the Constitution. The battle royal was between the Honourable Mr. S. M. Yong and the

present Minister of Health. Some of the heated words hit the headlines in the Press.

Sir, I think if we refer to the Legislative Council debate of the 10th July, 1957, Column 2884, we can see the hot words that were passed between the two persons. In fact, I have got here an extract from the *Singapore Standard* of the 11th July which says:—

“MR. ONG: Who are you speaking for?”

MR. YONG: Certainly not for you.

The MCA battle in Council.”

Sir.....

The Minister of Education (Enche' Abdul Rahman bin Haji Talib): On a point of order, Sir—S.O. 36 (1). I don't think the Honourable Member is relevant.

Mr. Speaker: He is quite relevant. Please proceed.

Enche' Too Joon Hing: Mr. Speaker, Sir, from the debate of the draft Constitution on the 10th and 11th July, 1957, I would like to quote some of the references made at that time. First, I quote our Prime Minister when he introduced the motion for adoption of the draft Constitution, on the 10th July, 1957. I refer to Column 2843 of the Official Report where the Prime Minister says—I think this was quoted yesterday by the Honourable Member for Dato Kramat but still, Sir, I would like to quote it with your permission:

“Members of the Working Party also kept in touch with each individual Party of the Alliance; and within UMNO itself each division of the Party was consulted. The same applies to MCA and MIC.....”

He went on to say:

“.....that the recommendations of the Reid Commission on which the new Constitutions are based were in their turn based on representations received from hundreds of organisations and individuals and on the personal views and experience of the members of the Commission.”

Sir, again in the same speech in column 2866 it says here—

“We have to take into account all the various conflicting interests and I do not believe that a better Constitution could have been devised in the circumstances of our country today.”

Sir, another question which I would like to refer to is by the Honourable the Minister of Finance. He described the situation in those days and I would like to quote his words here—on the 10th July, column 2867, he says—

“The atmosphere then was formal, because behind the facade of pomp and splendour there were the ever present fears and suspicion between community and community and between the leaders of one community and the leaders of the other communities. One cannot help feeling long and definite period of colonial rule, as the country was hopelessly divided not only in the multiplicity of States but divided by conflicting interests, conflicting ideologies and, most important of all, conflicting objectives.”

Mr. Speaker: Whose quotation is that?

Enche' Too Joon Hing: The Honourable present Finance Minister's. Then I would like to quote from Mr. S. M. Yong—column 2880. What did he say?—He said—

“It is a pity that the Alliance Government should have thought fit and proper to depart, and depart substantially, from the recommendations of the Reid Constitutional Report.”

And then he said—

“By departing from this compromise, if I may be permitted to say so, our Alliance Government has lost a golden opportunity of creating a united nation, as a nation with loyal and devoted subjects. If the Alliance Government ignores, which I hope it will not, without considering the grievances of the other races which may be sowing seeds of desperation and dissatisfaction among the subjects.”

Then another one I would like to quote is from ex-Honourable Mr. Devaser, on column 2944.

Dato' Dr. Ismail: On a point of information, Sir. Is ex-honourable parliamentary?

Mr. Speaker: No—don't say ex-honourable.

Enche' Too Joon Hing: The former honourable (*Laughter*).

Mr. Speaker: Please proceed.

Enche' Too Joon Hing: The former Honourable Mr. Devaser says—

"It appears to me that the Draft Constitution is the best in the circumstances. But I cannot agree on one point—that it is the foundation for a united country. It appears to me that until yesterday we were Malays, Chinese, Indians and others. We have gone one step forward which I think is a logical evolution. We are now coming to two groups—Malays and non-Malays. I wish to pray to God that even that distinction should disappear in time to come."

Now, Mr. Speaker, Sir, thus one sees clearly that the Constitution is a delicately balanced instrument and that we should sustain and uphold for many, many years to come. As a matter of fact, I am compelled to quote our Prime Minister, Tunku Abdul Rahman, again during the Alliance crisis in July, 1959, when he assured the nation that there would be no change in the Constitution if the Alliance were returned to power. Sir, with your permission I would like to quote—Sir, this is a copy of the *Tiger Standard* dated 11th July, 1959. The Tunku was giving this at a press conference:

"He says there was never any intention on his part to allocate less than 30 seats to MCA. To the allegation that UMNO wanted at least two-thirds majority in order that it might have the necessary majority to alter the Constitution was groundless. I have always declared that the national constitution must be upheld, and I still maintain that. It is the Constitution which has won freedom for Malaya and it will continue to ensure peace and prosperity for the country', the Tunku declared."

Then following up he says—

"I have never given anybody any suspicion that I am going to play dirty.

I have never suggested to anybody at any time that I would change the Constitution as soon as we win the election."

That was quoted by the *Tiger Standard* and here I quote the same, which was given at the same press conference.

Enche Ibrahim bin Abdul Rahman (Seberang Tengah): Mr. Speaker, Sir, with your permission, I would like to ask whether he knows the Chinese proverb "On too long".

Mr. Speaker: I did not understand what you said.

Enche' Ibrahim:the Chinese proverb "On too long".

Enche' Too Joon Hing: I do not understand what he says, Sir (*Laughter*).

Mr. Speaker: I must warn members that members can only interrupt the Speaker on two points only: one is on a point of order and the other is on a point of clarification. If it is a point of order, you must point out on which point he has committed a breach; on a point of explanation you must ask his permission whether he gives way or not. Please proceed.

Enche' Too Joon Hing: Thank you, Sir. As I said just now the same press conference is quoted by the *Straits Times* this time. It says—

"Commenting on Dr. Lim's fear of the Constitution being altered, the Tengku asked: 'Have we given ground for anybody to fear that we would change the Constitution?'"

I have also here a quotation from the Chinese Press quoting from the same press conference. I have it translated here and it says—

"The Tunku pointed out that the publication of Dr. Lim's letter of 24th June, 1959, was an ultimatum and there should not be any more ground for discussion. He said 'I am indeed very sad, because this is the first time that there are people doubting our sincerity. MCA is afraid that UMNO's two-thirds majority seats will in future amend the present Constitution to the disadvantage of the Chinese. This fear is unnecessary."

Then again, Sir, on the 13th—that is the report of the UMNO General Assembly—the Tunku declared at this Assembly. It says—

“Because of this I feel sad and hurt—that the irresponsible section of the MCA cast their doubt of our sincerity and expressed the fear that if we were returned to power we would introduce amendments to the Federation Constitution which would endanger the lives and property of the Chinese in this country.”

Sir, I also have here the *China Press*. It is more or less the same and I don't like to quote it to save time.

Mr. Speaker: If it is the same, don't quote it.

Enche' Too Joon Hing: So, Sir, this Press they have reported more or less the same theme, and that is “No change in the Constitution.” That is the most important point I am driving at, and this to my mind is the crux of the whole issue in this debate.

Firstly, that the Alliance leaders have, in the light of feelings of the people and the controversialness of the Constitution, themselves advocated that there should be no change made to it for some time. Secondly, because the Alliance Manifesto of 1959, which I have pointed out this morning, carried no indication that the Government wanted to change any part of the Constitution. Sir, as a matter of fact, I have quoted previously that the Tunku has repeatedly in the press maintained that the Alliance have no intention to change the Constitution. Furthermore, in the very dedication of the official publication “Malayan Constitutional Documents,” there is a quotation by Tunku, and I would like to quote it, Sir, because it is a very important one. It says:

“It must be remembered that the freedom to which we aspire is the freedom to govern ourselves under a system in which parliamentary institutions shall be exclusively representative of the people's will.”

Mr. Speaker: Are you reading from the Constitution?

Enche' Too Joon Hing: I am reading from the Malayan Constitutional Documents, Sir. And then it went on—“Tunku Abdul Rahman, subsequently the first Prime Minister of the Federation, moving the second reading of the Federal Constitution Bill, August 15, 1957.” Mr. Speaker, Sir, and taking these responsible statements by Alliance leaders, from the people's point of view they understand that the Constitution will not be amended, and from the Parliament point of view we understand also that if such an important issue as amending the Constitution was intended, a mandate will be sought. In view of the fact that the Alliance Manifesto of 1959 did not stipulate the present Government's desire to amend the Constitution, and the repeated statements by responsible Alliance leaders that they would not amend the Constitution when they were contesting the 1959 elections, I maintain that this Government has not got the mandate of the people to make these proposals today.

Mr. Speaker: You need not have to shout so loud.

Enche' Too Joon Hing: I am sorry, Sir. Certainly, Sir, in the very words of the Prime Minister which I have quoted, these proposals to amend the Constitution are not consonant with the spirit with which we fought under the terms of Merdeka; and these proposals today become the very subversion of parliamentary institutions which we hope to establish, for the Government and the Alliance Party leaders are not representing the people's will. And here I would like to emphasise the words “exclusively representative of the people's will” which I quoted previously. Where is the people's will for the Government to amend the Constitution which is taking place today? I say the Alliance has not got it from the people to do so. Sir, I would like to quote here from Thomas Jefferson who wrote, in the name of the United States of America, the Declaration of Independence. It says:—

“All men are equal, endowed with certain natural rights, and that to secure

these rights, Governments are instituted among men, deriving their just powers from the consent of the governed."

Here, has the Alliance derived their power from the consent of the governed to amend this Constitution? Have you got it? (*Laughter*).

HONOURABLE MEMBERS: Yes.

Enche' Too Joon Hing: If you say "Yes", what value then have the words of our Prime Minister in the eyes of the world when he himself has repeatedly declared "no change in our Constitution" during the Alliance crisis in 1959? From the point of view of the MCA, it is indisputably written down in Part 2, Clause A, of its constitution—the MCA constitution, Sir—and I quote—"to uphold and preserve the Constitution of the Federation of Malaya". Sir, from this and from the trends of events which happened within the MCA during the past three weeks, I submit that the Honourable Members from that organisation sitting in this House have not got even that authority provided under Rule 153 of the MCA constitution to give them the power to consider these proposals for the amendment of the Federation Constitution. Sir, I think I would like to quote this Rule 153 which stipulates the power under which the members could amend the Constitution, because their own constitution says: "To uphold and preserve the Constitution". Therefore, in order to amend the Federation Constitution, they must amend the MCA constitution first before they can do so; and under that they must abide by Rule 153, and Rule 153 is that the MCA must call a general assembly before they can do it. Now, for the last two or three weeks, two meetings had been called by the Central Working Committee and that Central Working Committee has no power whatsoever to amend the Constitution. And I would like to quote here the words of our Finance Minister who said this—a little bit, Sir, (*Laughter*).....

Mr. Speaker: I hope it is not a long one.

Enche' Too Joon Hing: No, Sir. It is a very short one (*Laughter*). This is what our Finance Minister has said on the 18th of July, 1956, at 8.45 p.m. at a meeting of the Alliance *Ad Hoc* Political Committee at the MCA Headquarters:

"Mr. Tan Siew Sin pointed out that, in any case, reference would have to be made to the MCA General Committee for final decision. The General Committee was the highest executive body of the MCA."

What did he refer to? He was referring to the Alliance Memorandum for adoption at that *Ad Hoc* Political Committee.

Dato' Suleiman: Mr. Speaker, Sir, on a point of order—may I know if the Honourable Member means to say by all these quotations that the MCA has got the right to change the Constitution of the country? I mean to say that I am at a loss to understand this reference to the MCA's constitution. Does it mean that the MCA as a political body has the power to amend the Constitution of this country or only to amend its own constitution? (*Laughter*).

Enche' Too Joon Hing: Sir, I have already explained that though Rule 153 gives power to amend its constitution, I am trying to tell the House that they have not got the power. When the new draft constitution was passed for the first time in August, 1958, by the MCA Central General Committee, the highest executive body, by a majority of exactly two-third votes, which I remember.....

Mr. Speaker: I must warn you that we are not concerned with the constitution of the MCA.

Enche' Too Joon Hing: Sir, I am trying to prove that members of the MCA have no power.....

Mr. Speaker: I will give you a certain amount of latitude, but I must warn you that we are not considering the constitution of the MCA (*Laughter*).

Enche' Too Joon Hing: Sir, it is a very short reference.

Mr. Speaker: Proceed.

Enche' Too Joon Hing: Sir, at that time the Minister of Health and a group of staunch supporters made strong representations to the Registrar of Societies to have the proceedings declared null and void just because of one blank vote cast. Surely, to amend the Federation Constitution, the supreme law of the country, which safeguards the rights and protects the interest of every individual, it should have been a decision to be made only by the highest executive body—the MCA Central General Assembly. But what did the President and his leaders do? They only convened two hush-hush closed door meetings of the Central Working Committee and they even refused the attendance of Press representatives. What are the secret things they are hiding? Surely the awakening giant—the MCA—should have the giant courage to face and inform the people what is happening in regard to the Constitution and what has been passed at those meetings. It is only right, and it is their duty, to tell the people the true facts when individual rights and interests are involved in the amendments before us here today. Surely the people whom they claim to represent as a political body should be informed properly. I, therefore, submit that Honourable Members here from the MCA have no authority to act on behalf of the MCA and far less have they the right to represent the people in this vital issue of amending the Constitution. If they do, they will not only be violating and outraging their own constitution but they will be betraying the faith of the people who trust them.

Mr. Speaker, Sir, our world today is full of strange happenings (*Laughter*), and one of these things is how quick people change. We were told that a leopard does not change its spots, but nowadays many leopards change their spots (*Laughter*).

Mr. Speaker: Order, order.

Enche' Too Joon Hing: Sir, I therefore charge the Alliance leaders to look into their conscience and to keep faith with the people. Do not turn the principle of democracy into a mockery and mislead the people. There is a Chinese saying which, with your permission, Sir, I would like to quote in Chinese—I quote:

“Kwa yong t'hau, mai kow yoke.”

Translated into English, it means, “Hang a goat's head to sell the dog's meat.” In Bahasa Kebangsaan, it means, “Bergantong kepala kambing, untok menjual daging anjing.” Sir, if the Alliance persists in bulldozing through this Bill, which I am certain, because of its ability with a majority in this House, a thing which we, the Independents, were afraid of during the Alliance crisis in 1959, then I will not only say that it is a breach of faith of the Alliance with the people but it is also a rape on the part of the Alliance on the sanctity of the fundamental rights of the Constitution.

Mr. Speaker, Sir, the House will remember that when we were debating the question of increasing the allowance to Members of this House there was strong opposition to that Bill and the Alliance withdrew the Bill. Therefore, with such an issue so vital as the amendment of the Constitution and which is far more important than the allowance Bill, surely the Alliance will again exhibit that noble spirit to withdraw this Bill now before us. Further, with the Merger and Malaysia in the offing, it would be better to withdraw any change or amendment to the Constitution and not to complicate matters.

Sir, I have already brought to the notice of this House the feelings, the emotions and anxieties of the people in matters particularly concerning their rights and interests, and any move on the part of the Government to tamper with such rights and interests of any section of the people would only revive those old emotions again which, in the interests of peace and harmony of our country, should be

avoided by all means and at all costs. There is no truer and more befitting saying by anybody than that of the Prime Minister himself when he said at a Press Conference, and which was reported in the *Tiger Standard* of the 11th July, 1959, which I have already quoted, and which I quote again:

"I have always declared that the National Constitution must be upheld, and I still maintain that it is the Constitution which has won freedom for Malaya and it will continue to ensure peace and prosperity for the country."

I fervently believe that the continued harmony among the people in this country can only be assured if they are made to feel secure under the provisions of the Constitution. Therefore, it will be highly undesirable for us to tamper with the Constitution needlessly and too frequently.

Enche' Mohamed bin Ujang: Mr. Speaker, Sir, on a point of order: I refer to Standing Order 44 (1). I think the Honourable Member is repeating. He read the quotation from the paper just now and he is reading it again.

Mr. Speaker: The speaker has not been irrelevant and he has not been pulled up by me. He has not been warned by me that he has been repeating. I am here as the Speaker to judge whether a speaker is repeating or not. Proceed.

Enche' Too Joon Hing: Sir, now I got to start all over again. I fervently believe that the continued harmony among the people in this country can only be assured if they are made to feel secure under the provisions of the Constitution. Therefore, it will be highly undesirable for us to tamper with the Constitution needlessly and too frequently; and I would like to remind the House that the Government has already been playing around with pittling amendments in the Constitution vide Act No. 10 of 1960. However, this present set of proposed amendments are not small matters but are big, vital and important issues.

This constant nibbling at the Constitution is like scratching and wounding the raw and embittered feelings of the people over issues which were so controversial only four years ago. For all the reasons I have given, I am not asking for amendment to the amendments but a total rejection of the entire proposal. I request the Government to withdraw all these proposals till a more appropriate day, say, after Merger or Malaysia, or after we have discussed and know fully what the terms of the Merger and Malaysia will be; or better still in a true and democratic spirit get a mandate from the people at the next election for these vital amendments. If the Alliance still persists with the proposals, then I will ask the House in the name of the people of this country to reject the proposals in toto.

Mr. Speaker, Sir, let us consider the Bill with its Explanatory Statement and see if it is explanatory at all.

In regard to Clause 2 (3), if we refer to the Explanatory Statement, page 15, second paragraph, it says there, ".....there is no Malayan consulate in these territories"—this was already said yesterday by the Honourable Deputy Prime Minister, that is in the territories of Singapore, Sarawak, Brunei and North Borneo. If we look at the definition of this "Malayan Consulate" interpreted by Sheridan, then we will know that a Consulate according to Sheridan, page 24, where it says, "In respect of a consulate....." Anyway, Sir, in fact, this Clause means that there is an accredited agency to work on the Government's behalf. In any case we are going to have a merger or the Greater Malaysia, as the Prime Minister has already declared, in 1962. So with the amendment necessary for the purpose of a merger or Greater Malaysia, this paragraph will be redundant. For that reason, I suggest that the Amendment should be postponed or the Amendment should be put off until a later date.

Under Clause 2 (4) (c), Sir, this Clause, again, had already been once

amended under Act 10 of 1960. The further amendment brought in here, if I am not mistaken, must have been distributed after the protest of people or after two MCA, CWC meetings. Nevertheless I think the Clause with the amendment still denies to the child of a parent, who does not come under these conditions, the citizenship. Sir, this is not consonant with the original intention of the framers, that is the Working Party, of which I happened to be a member. When we framed this Clause, our intention was to give *jus soli* to any child irrespective of the parent, irrespective of who he was or what he was, whether he is here, there or anywhere. A child is born and he is given the birth right. Sir, with this amendment, the principle of *jus soli* is written off. Also this amendment is not in consonant with the terms of the compromised agreement, when the MCA asked for *jus soli* for all people who were born here, the UMNO refused and we had a compromise. That compromise was that on and after Merdeka Day all births should be given citizenship rights. With this amendment now, the Alliance has fallen back on its word. Whatever reasons the Alliance may have given, I say the principle under which this amendment.....

Enche' Tajudin bin Ali: Tuan Yang di-Pertua, untuk penjelasan. Ada-lah chadangan Kerajaan sekarang ini—saya hendak beritahu Ahli Yang Berhormat dari Telok Anson itu yang chadangan ini di-sokong kuat oleh PMIP.

Enche' Too Joon Hing: Sir, under what Standing Order is he speaking?

Mr. Speaker: You just now give way to him. Let us hear what he wants to say.

Enche' Tajudin bin Ali: Jadi ia kata chadangan ini ia-lah satu chadangan daripada Kerajaan Perikatan. Itu betul tetapi di-sokong kuat oleh PMIP. Jadi bukan-lah ma'ana-nya pada Perikatan sa-orang sahaja bahkan di-sokong oleh sa-bahagian besar boleh di-

katakan sa-tengah daripada pihak pembangkang menyokong chadangan ini.

Mr. Speaker: Ia ada hak berchakap.

Enche' Tajudin bin Ali: Saya hendak beri penjelasan.

Mr. Speaker: Ia ada hak. Itu ta' ada kena-mengena. Please proceed.

Enche' Too Joon Hing: Thank you, Sir. I have in the early part of my speech brought to the notice of the House the emotions and feelings of the people over this delicate issue of citizenship by birth. That is the principle of *jus soli*.

Mr. Speaker: Don't repeat those things. You have already done that.

Enche' Too Joon Hing: Sir, those bitter and anxious moments are still fresh in the minds of the people. In fact, the people have already voiced their sentiments over this issue in Kuala Lumpur at the Municipal Town Hall on Friday, January 9, 1962. I understand the Bar Council has also submitted a memorandum to the Government protesting against some of these proposals on the amendments to the Constitution. Sir, we also see in the papers only yesterday or this morning that the MTUC has voiced their opinion on that. I, therefore, urge the Alliance leaders, particularly the Prime Minister, to keep faith with the people. I wish to remind him of his promise of *jus soli* which he made to the people of this country when he addressed the MCA Central General Committee on 13th June, 1954, which the Honourable Member for Ipoh has mentioned yesterday, at the Hotel Majestic, Kuala Lumpur in protest against the implementation of the White Paper for Federal Elections. At that meeting he said—I have got the minutes here and if anybody wants to see it, it is at his disposal:

"The principle of *jus soli* has been accepted by UMNO and the rest will follow."

Sir, at that momentous meeting there were, excluding the Prime Minister himself, eight of us present including

my humble self who are now in this House. Therefore, I sincerely hope that our Prime Minister will not dishonour his words.

Further, Sir, I would like to remind the Honourable Minister of Finance who happens now to be the President of the MCA—the memory is still fresh in my mind and I can recall it distinctly—of his staunch stand on the principle of *jus soli* in the early days of the arrival of the Reid Commission in Malaya. He was one of those MCA representatives who would not even budge an inch on this issue. I remember, at the Alliance *Ad Hoc* Committee held at the MCA HQ. on 18th July, 1956, he told this Committee that it was felt in some quarters that Tunku Abdul Rahman had not only led the Alliance to an Elections victory unparalleled in the history not only of Malaya but of the other countries outside the Iron Curtain, but was now in a better position to urge upon the Malays the acceptance of the principle of *jus soli*. If at the height of his power, Tunku Abdul Rahman could not do so, then the time would never come for the people in this country ever to be able to enjoy the rights of *jus soli*. What then has led the Tunku to change his attitude and break his promise so suddenly? What has made the MCA president to support the amendment and help to write off the principle of *jus soli* which he himself was once so touchy about? What is the motive behind this? We all would like to know, and the people likewise would like to know. If you say, "According to the Tunku to strengthen the position of the *ra'ayat* and safeguard the country from outsiders" as reported in the *Straits Times* on the 15th of January 1962, we would like to know who the outsiders are and how many of such outsiders are there in this country. Sir, immigration is so strict now-a-days that one can hardly get into this country without the stringent blessing of the Special Branch of the Police. If you say, "According to the MCA to cover loopholes in the citizenship clauses" as reported in the *Straits*

Times of 22nd January, 1962, then I say that these amendments here in fact provide more loopholes than the loopholes you are going to cover. The Alliance has always charged their opponents as communal agitators and distorters who always misinterpret or distort facts. But let me point out to the Alliance leaders here that it is not only the Opposition Parties and the Members of Opposition in this House who are opposing these amendments but at this moment the Bar Council is also protesting against these amendments. You cannot say the Bar Council is also distorting, or misleading the people. Therefore, I submit, Sir, that the Alliance is bluffing the people and pulling wool over the eyes of the people. They are playing around and tampering with the fundamental rights of the people.

Mr. Speaker, Sir, the Tunku promised \$2 million to the Chinese schools in 1955 without any strings and conditions attached. What happened to the \$2 million? It vanished into thin air—just like that!

Mr. Speaker: I don't think that is relevant.

Enche' Toon Joon Hing: I am coming to it, Sir. Likewise, I say that the promise of *jus soli* is also following the \$2 million into thin air now that Merdeka is achieved. Can you blame the people for doubting the sincerity of the Alliance? Can you blame them for turning away and supporting the Opposition now-a-days? At this moment, when the people of the other countries are studying our Constitution, if the Government makes hurried changes in the Constitution it will only create further misunderstanding. This is another reason why I suggest the postponement of the amendment until after Merger and Greater Malaysia.

Sir, now I come to Clause 3 (1)—Article 15. Sir, according to Article 15 any woman is entitled to citizenship if she is married to a citizen. Now this amendment makes a fundamental change and that is that any woman who is married to a citizen must reside

here for two years before she can obtain citizenship. But I say that the Alliance Working Party, of which I was one of the members, had considered the loopholes whereby women would try to come here through marriage. That is why in the Alliance Working Party we had said that if a woman married to a citizen divorces her husband within two years her citizenship should be deprived—and I think that is a very sound safeguard against abuses. Therefore, I think that this amendment to require a woman to be here for two years before she can get her citizenship is a fundamental change. And then not only that, but it adds another thing—good character. How are you going to define good character? The loop is so wide: it can be widened, and it can be narrowed. Where is the legislation by which you can say that a man is of good character, or a woman is of good character? There is no definition given here. How are you going to decide? This is a very, very hard question. Indeed, it would be a problem for anybody to get citizenship if we take this “good character” into consideration. Then I would like to ask the Deputy Prime Minister to clarify the intention of the Government in the case of a woman who after two years residence obtains citizenship and then divorces her husband—is she still entitled to that citizenship? There is no explanation here.

Sir, I would like to get a clarification on Clause 4, Article 15A. It says—

“Subject to Article 18, the Federal Government may, in such special circumstances as it thinks fit, cause any person under the age of twenty-one years to be registered as a citizen.....”

“.....in such special circumstances.....”—this has not been defined. What are the special circumstances? That is a very tough question.

Then I come to Clause 5—that is on Article 17. This clause has already been debated by a lot of Members, but I say, Sir, that the repeal of Article 17 under this clause is another

change from the intentions of the framers, under the conditions in which the original framers debated and drafted this part. Their idea was that. But if you repeal this, you are taking away the intentions of the framers of this Article in the Constitution. It was stated by the Government that this Article was intended to be temporary. What was intended to be temporary was the language qualification. You see we considered at that time that a lot of people who were born outside Malaya but who had been resident in Malaya on Merdeka Day, many of them would not be able to speak the national language because they stay in the kampongs or the new villages and the Indian labourers in the estates, they never had any opportunity to contact or even to speak Malay, the national language. Therefore, this condition was put—that was in cases where the applications were made within a year. That one year was a temporary measure for those people who cannot speak the national language. But it does not mean that the whole clause here was temporary. I was one of the Working Committee on this and we had a long discussion and in fact I have got here the report. We never pointed out that this Article 17 was meant to be temporary.

Sir, I would like to quote here how we framed this Article 17:

“Those not born here but are resident here up to the date of independence”—

this is a report of the Alliance memorandum to the Reid Commission; it never said anything temporary here.

“Those aliens who were not born in this country but have been resident here before and up to the date of independence should also be eligible to become nationals provided that they are 18 years of age, are of good character, take the oath of allegiance and abjure allegiance to any other country or nation, declare their intention to reside here permanently, having resided here for eight years out of the twelve years immediately preceding the date of the application, and having a simple knowledge of Malay”—this was for people under 45 years of age to take simple Malay.

Now, Sir, if you repeal this, all the people will have to apply for citizenship under Articles 19 or 20. There, Sir, the examination of the National language qualification is "adequate knowledge of the Malay language". Sir, adequate and simple are quite different. When you say simple, it is going to be very simple; but when you say adequate, to what extent can you say adequate? I am at a loss and I think a lot of the people will find a lot of difficulties in this.

Sir, again, under Clause 7 it says that Article 20 of the Constitution is hereby repealed. I remember that this Article was meant for members of the Forces to get citizenship, like the Home Guards, the Police Volunteers, the Kinta Valley Home Guards or any of the forces in the Federation. At that time they were not citizens but if they had served a number of years in any of the force, then they are entitled to citizenship rights. Sir, nowadays we cannot tell what is going to happen. The tension of the world is such that we cannot say what is going to happen—one day Malaya may be drawn into war with another country. There is no possibility that such situation cannot happen. Therefore, Sir, I suggest that this Article be left in the Constitution because, although this Article seemed to be not of any use, I think when the time comes—say war—and the Federation is looking for manpower for the Forces, and some aliens who want to join the Forces but who do not want to do so because they say they get nothing out of it, it will encourage a lot of people to join our Armed Forces in time of need. Therefore, Sir, I suggest that it should not be repealed if it does not affect anybody. Why repeal it if it is of no purpose?

Then, Sir, Clause 3, Article 15 (1) (a) makes a basic change. I have already spoken on this, Sir, and I shall not repeat.

Mr. Speaker: You have already spoken on that. Don't repeat.

Enche' Too Joon Hing: I will now touch on Article 15 (2), which says:

"Subject to Article 18, the Federal Government may cause any person under the age of 21 years.....to be registered."

In the Alliance memorandum, I think we say that a child of any particular person is entitled to citizenship—*is entitled*, but here now we have changed it to "may cause". Sir, "may cause" and "is entitled" are two different things. Article 15, Section (2) says "Subject to Article 18, any person under the age of twenty-one years whose father is a citizen or, if deceased"—it is amended here, and it says "a citizen at the time of his death upon application made to the Federal Government by his parent or guardian to be a citizen if the Federal Government is satisfied that he is ordinarily resident in the Federation." This one is already deleted, Sir, and I think the new clause is the one substituted now. Then, under the old one, a child is entitled to citizenship rights.

Mr. Speaker: I do not quite follow you.

Enche' Too Joon Hing: Sir, Article 15 (2)—the old one, I mean the existing one, Sir.....

Mr. Speaker: What clause is it in the Bill before the House?

Enche' Too Joon Hing: Clause 3 (2), Sir. It says:

"Subject to Article 18, the Federal Government may cause any person under the age of twenty-one years, being the child of any citizen, to be registered as a citizen upon application made to the Federal Government by his parent or guardian."

Mr. Speaker: What is the point?

Enche' Too Joon Hing: The point is that the old one has been deleted—the existing one, Sir, has been deleted and substituted with this. There is a difference here. In the existing clause, i.e. the old one, it says "a child is

entitled", but in the amending Bill it says "may cause".

Mr. Speaker: Are you going to take a long time?

Enche' Too Joon Hing: I think I will take at least another half an hour, Sir.

Mr. Speaker: The sitting is suspended till half-past eight tonight.

Sitting suspended at 6.30 p.m.

Sitting resumed at 8.30 p.m.

(Mr. Speaker in the Chair)

THE CONSTITUTION (AMENDMENT) BILL

Second Reading

Debate resumed.

Enche' Too Joon Hing: Mr. Speaker, Sir, now I come to Clause 10. Clause 10 (3) says that for the period of "seven years" there shall be substituted "five years". This, Sir, is another change and the reason given is that one should not allow a person to be away from Malaya for so long a period; I think it has been mentioned that if he were away for so long he would be cut off from all personal ties with the Federation. But, Sir, though a man were to live away from the Federation, he might have some other connections such as business interests and all that. I do not think that is a good reason to reduce the period from seven to five years. If it were a question of showing one's loyalty, one can be loyal to the Federation even if a person were away for ten years; and if a man wants to be disloyal, he can be disloyal even if he were away for only one year.

Then, Sir, coming to Clause 11 concerning Article 26A and Article 26B. These are two new sections to Article 26 under which a child or children of a person, who had been deprived of his citizenship, will also be deprived of citizenship through no

fault of the child or children. Further, I think, the deprivation of an individual's rights should be decided on the merits of the individual and not on those of the parent: in other words just because of the parent having been deprived of his right there is no reason why the child or children should also be deprived of theirs. Why should the children be deprived? What have they done? We have decided that on the day of its birth—on Merdeka Day or after—a child would have this principle of *jus soli*; and if you take away this provision and put in its place this amendment, then you are taking away that right. Then we come to Article 26B. I think the question of depriving the citizenship of a person should be left to a court of law, a judiciary body, to decide and not the party Government.

Now, Sir, we come to Clause 13, which I think is very important. Sir, with the addition of this phrase "and exercisable, subject to the provisions of any federal law and of the Second Schedule, by him or by the Cabinet or any Minister authorised by the Cabinet" this Article gives to the Alliance Government all-mighty power. I am sure that we all remember that by the amendments made under the amendment Act No. 10 of 1960 much power had already been allocated to the Government—for instance, in regard to the authority of the Election Commission; so many of its duties had been taken away—a matter which was brought up by the Honourable Member for Dato Kramat. Then you have under Article 122, the appointment of the Chief Justice and Judges of the Supreme Court—the power was taken away under Act 10; Article 145, the power to appoint an Attorney-General—this was also taken away from the Judicial and Legal Service Commission and vested on the Prime Minister.

Now, Sir, let us see what are the functions of His Majesty the Yang di-Pertuan Agong. Under Article 39, we have a note from Sheridan which

I would like to refer to and which says:

The functions of the Yang di-Pertuan Agong—

Under Article 3 (2)—to represent the Rulers in any Federal religious acts, observances or ceremonies;

Under Article 3 (3)—to be Head of the Muslim religion in Malacca and Penang under the Constitutions of those States;

Under Article 41—to be the Supreme Commander of the armed forces of the Federation; and, again, under Article 137;

Under Article 42—to grant pardons, reprieves and respites in respect of all offences which have been tried by court-martial;

Under Article 43—to appoint a Cabinet;

Under Article 45—to appoint 16 Senators;

Under Article 55—to summon, prorogue or dissolve Parliament;

Under Article 60—to address either House of Parliament or both Houses jointly; etc.

Sir, there are so many functions that if I were to quote them, it will occupy too much time and space, and some of these might be going to the hands of the Government. Is not that taking away the powers of His Majesty the Yang di-Pertuan Agong?

Sir, with this Clause 13, the Alliance Government is trying to arrogate further powers from His Majesty the Yang di-Pertuan Agong; not being satisfied with having made themselves the new aristocracy in this country, they are now trying by this amendment to transfer the powers from His Majesty the Yang di-Pertuan Agong.

The Honourable the Deputy Prime Minister, in the course of his speech, has put it very nicely that this Clause 13 is being amended to relieve His Majesty the Yang di-Pertuan Agong from a number of administrative acts, many of them being trivial—but I would say that many of them are also very important. It is not so simple as is made out to be. If Honourable Members will look into the matters which I am now bringing before the

House, they will be seen that there is a lot of complications. As will be seen, even the powers of His Majesty the Yang di-Pertuan Agong are not secure—and I suggest that any matter concerning the powers of His Majesty the Yang di-Pertuan Agong is an important matter and should be given due consideration by the people. His Majesty has endeared himself in the hearts of the people and I suggest that we should not fool around with Article 39.

Then, Sir, coming to Clause 14 in connection with Article 46 in regard to changing the membership of the House of Representatives from 100 to 104 again. This has been touched on at length by the Honourable Member for Dato Kramat and the Honourable Member for Ipoh, and I would not like to dwell on it except to say that, on the question of delimitation and other matters connected with it, the Government has spent a lot of money on it; it has spent time on it; and yet after all the money spent—public funds—the Government just did not accept the advice from the Election Commission. This is merely wasting public funds and time and energy spent by the Election Commission.

Now, Sir, in regard to Clauses 17 and 19 concerning Article 76 and Article 110. These clauses are about mining leases. I think this matter should be debated by the States themselves.

Then Clause 24 in respect of Clause 159: the new paragraph (*bb*) permitting admission of any State into the Federation by a simple majority vote of the House is, I think, a very risky amendment. What if one of these days the MIC were to say, "We want India to come into the State?"

AN HONOURABLE MEMBER: Very well.

Enche' Too Joon Hing: That, Sir, is by a simple majority vote and it is very dangerous. What, if the Communists were to say we want China to

come in? That is very risky. I think, Sir, this Article should not be amended.

Then, Sir, we come to Clause 31 and the Thirteenth Schedule. Under Part I it is stated that "in some cases a rural constituency may contain as little as one half of the electors of any". Now, what are the "some cases"? Under what circumstances are these constituencies to be declared to have one half of the voters of urban constituencies? How do you decide. This point has not been properly clarified.

Mr. Speaker, Sir, in opposing this Bill of further amendments to the Constitution, I do not for one moment make any suggestion that there should not be any change at all, because I know that nothing in this world is perfect. If the Government wants to amend the Constitution, it must provide enough legal and valid grounds for doing so. It must give good reasons and the objectives for each and every amendment introduced, and the necessity for such amendment. It must satisfy the people that the changes are not tampering with and encroaching on the national rights of the people and that they are not inconsistent to the intentions on which the framers drafted the Constitution. The Government must inform the people how the amendments will affect them and the intended implementation of the national policy and issues. Last, but not the least, it must give people sufficient time and opportunity to study and express their views on the amendments. Anything short of this, the Government would have no excuse whatsoever for any amendments to the Constitution. If it does so it will be failing in its sacred duty which the people have entrusted to it.

Sir, this amendments Bill before the House today has been hurriedly introduced and it has given the people not much time and opportunity to study those very issues involved in the amendment Bill. In spite of public protests expressing unfavourable com-

ments and adverse opinions, we only see the Alliance forcing the pace of the passage of this Bill with some modifications in the amendments and riding roughshod over the opinions of the people with their mighty and uncheckable majority in the House. I therefore charge and deplore the undemocratic and hasty manner in which the Alliance Government adopts in introducing this amendment. Their habitual and frequent rushing tactics in matters of great and vital importance are highly improper and unconstitutional.

Copies of this Bill were despatched to Honourable Members late in December last year. It gave us hardly time and sufficient opportunity to consider the implications involved in these amendments, and far less to the desirability of the general public to express their views on them. "Why and for what reason has the Alliance introduced these amendments in such a hasty manner", the public have been asking; and the people want to know, we all want to know and would like to know very much. In the absence of any satisfactory explanation, the public can only try and reach or draw the conclusion that such a method is designed in order to evade the notice and attention of the public and to pull a fast one over the people, as the local slang says.

Sir, for all the eloquence with which the Deputy Prime Minister delivered his speech yesterday, I regret to say that I fail to see in his speech any sound and logical reason which warranted any amendments in the Constitution, except, I regret to say, that they are designed to pave the way for the domination of one race over another not only in Malaya but in the future Malaysia.

Mr. Speaker: I must warn you that under the Standing Orders you have to be very careful. It is out of order to say anything that will give rise to ill-feeling among one community against another. You must be very careful in choosing your words.

Enche' Too Joon Hing: Mr Speaker, Sir, whenever issues and problems concerning the rights of the non-Malays are introduced in this House for debate and when the Opposition members rightly or wrongly criticise them and speak in defence of their legitimate rights, they are straightaway charged and accused of being communal in their outlook and attitude. Such allegation was in fact labelled on us during the course of the debate on the Supply Bill in this House. Further, if our speeches are communal in nature, it is because the very issues introduced by the Government in this House for debate are themselves heavily saturated with communal moisture. If we speak in defence of our rights, can it be said that we are communal? Or is it the wish of the Alliance that we should keep our mouths shut for ever? Mr. Speaker, Sir, yesterday we heard the Honourable Member from Dato Kramat saying that the Alliance is creating racial problems by giving notices of these amendments. I can do no better than endorse my views on his remarks. We have heard in the past from Alliance members themselves that unless the non-Malays supported the Alliance, there would be bloodshed in this country, or if the PMIP comes to power the non-Malays would be finished. Such utterances were very often heard from the Alliance members. During my election campaigns in Sitiawan in 1959 and in Telok Anson in 1961, Alliance members had always threatened non-Malays that unless they gave their votes in support of the Alliance, parangs would be their fate.

Mr. Speaker: I must remind you that under S.O. 36 (10) you cannot use words which are likely to promote ill-will between the different communities. I will read it for your benefit—

"It shall be out of order to use—

(a) treasonable words;

(b) seditious words;

(c) words which are likely to promote feelings of ill-will or hostility between different communities in the Federation."

The implication of the words "ill-will" is very wide, I must warn you. I myself do not like it.

Enche' Too Joon Hing: Thank you. Sir, such a situation is not very healthy for a country like ours, which will only eventually lead to ruin and disaster. For the sake of peace and prosperity and the future of our children, let us search our conscience and face realities. Don't let these amendments to the Constitution be a cause of germinating dissatisfaction and create ill-feelings among the people, for lasting peace and prosperity can only be found when we are all equal.

It is with this that I urge the Alliance, particularly the leaders among them, to be honest to themselves. Mr. Speaker, Sir, I would like at this stage to quote from the Colliers Encyclopaedia which refers to Great Britain and United States on the procedure of amendments to the Constitution. It says—

"Generally speaking, Constitutions today are regarded as proceeding from the people, as the supreme power in the community. Their adoption and amendments are acts of great solemnity and every care is taken to put them beyond the reach of the transient holder of power.

Even in Great Britain where the legal omnipotence of Parliament has firmly established a doctrine has been developed that no fundamental change should be made in the Constitution until the people are consulted at the general election in which the proposed changes are at issue. In the United States, consultation of the voters on the occasion of a new State Constitution or the revision of any old one is almost invariable, and Congress does not propose amendments to the national Constitution until pressure from the electorates indicates a guarantee of subsequent ratification."

Mr. Speaker, Sir, then I would like to quote one more, that is from the

book "Your Government". I have quoted it during the debate of the motion for the postponement of the Bill in this House. Now, I would like to quote what a good Constitution is and what democracy is:

"A good Constitution is of inestimable value. It establishes the rules which public officials must follow. The people know from day to day and from year to year what the Government may do and may not do and they can plan their affairs accordingly. If officials violate the rules appropriate action against them can be taken. It protects us all from the tyranny of the majority. Democracy means that the people shall rule themselves, but since complete agreement by all the people rarely occurs, rule by the majority is accepted. But the majority must be restrained. It must recognise the right of the minority to hold different views and to express their opinion. Simply because some people are in majority, they must not be allowed to ride roughshod over the other people who do not agree with them on all points."

Sir, what I have quoted illustrates how important is the Constitution and how it could be changed. If it is changed, how will it affect the people.

Sir, I think I have dealt enough on this Bill and the amendments to this Bill. Before I sit down, I would again ask the Alliance leaders, particularly the Prime Minister, not to pass this Bill, but to wait for a more appropriate day. We are going to have merger with Singapore and Malaysia. If they are coming in this Federation, let them have a change to know our Constitution, let them have the opportunity to express their views if the Alliance Government wishes to change, or amend the Constitution. Thank you very much.

Enche' V. Veerappen (Seberang Selayan): Mr. Speaker, Sir, I really wonder why the Government want to bring in these amendments. Actually, I feel that they have jumped from the frying pan into the fire. The Deputy Prime Minister said yesterday that the changes were required to meet the needs of the people, and today we have heard from the Prime Minister that these amendments are designed

to protect the interests of the people. Apart from that, Sir, we have never heard one good convincing reason. There has not been a major catastrophe or anything like that to warrant such changes. We entirely agree and wholeheartedly support any measure to protect the interests of the citizens of this country, but we must also protect the rights of the people who have lived long in this country but who for some reasons have not been able to apply for citizenship either because they are too young or because the requirements are too stringent. Therefore, Sir, these people, though they may not be citizens, are entitled to be citizens if they could, and it is our duty to protect them also. But there are others who, though they could become citizens, did not wish to apply to become citizens; and we are not concerned about that.

The Government always says that it wants to protect the interests of the people. What they really mean is that they want to protect the political rights not of the people but of themselves. But more important than that, have they attempted to protect the economic rights of the people of this country? Have they? Do we know how much of the wealth of this country is being shifted away from this country? They have not tried to do that. All they want to do is to remain in power and protect all the rights they want. We have been accused of this and that, but I hope they also would give their attention to protecting the economic rights of the people.

This morning the amendment was rejected and there was a closure of debate. We regret and deplore the high-handed action of the Government in not listening to our plea for time. We deplore the manner in which the Deputy Prime Minister closed the debate on the motion by the Member for Ipoh. This action by the Government will definitely go down in history as a shocking example of the practice of parliamentary democracy in this country. It is indeed a very bad setback, I should say.

Mr. Speaker, Sir, our quarrel in this Bill is over the fundamental clauses and we are gravely concerned especially over the surreptitious way in which the amendments are brought about. Until recently, every one of our Bills used to state at the back the aims and objects. I do not know why that has been changed to "Explanatory Statement". But definitely, Sir, you will agree that when we say aims and objects, it has to be very precise and definite; whereas this Explanatory Statement, especially in this case, tends to hide more than it explains the real intentions of the Bill. I must say that the Government has tried to modify some of the amendments that have been submitted. These amendments to the amendments to some extent minimise the hardships and difficulties that the people would have had. Nevertheless, these amendments to the amendments show that Government has not taken the amendments seriously and has done it very secretly. The very fact, Mr. Speaker, Sir, that subsequent amendments were made goes to show that even the partners of the Alliance have not been trusted. It shows that there must be something sinister than appears at first sight. We are particularly perturbed, Mr. Speaker, because these amendments, as you would have noticed, have brought to the surface all those fears, those distrusts and misapprehensions. These should have been left to lie buried and rot away. But by this action of the Government all these things have been revived, just four years since independence. At that time many persons praised our Constitution; they said that this is a workable Constitution on which a truly Malayan nation could be built through goodwill, understanding and mutual trust. But, Mr. Speaker, before we could develop that understanding, before we could develop that mutual trust—before we could develop that goodwill—and before we can truly become one nation, one people, we have these amendments. Why are they brought in? What is the effect? Do not they have the exact opposite effect from what we want to create in this country?

How can the people have faith when, as has been pointed out by so many speakers, the Government has gone back on its own words? My own view is that, Mr. Speaker, Sir, the Alliance cannot be trusted (*Laughter*). They themselves know that the people have no confidence in them now. They have become jittery and they have brought all these amendments to subvert the Constitution and undermine the safeguards provided in the Constitution to preserve themselves in power by hook or by crook.

Mr. Speaker, Sir, the history of constitutional development is the history of the struggle of the ra'ayat to minimise and to restrict, the powers of Rulers who were sometimes tyrants. In this case, the Government has given us a Constitution with certain safeguards. But what is it doing now? It is slowly trying to get more and more power from the Constitution given to the people. It is the opposite process.

The Assistant Minister of Rural Development (Tuan Haji Abdul Khalid): Mr. Speaker, Sir, on a point of clarification—if we are just so bad, we could easily with our majority here suspend elections.

Enche' V. Veerappen: That would be very good, indeed. Sir, I can understand the resentment, and I hope the Government will disprove what I say. That is what they and we are here for.

Mr. Speaker: Please proceed.

Enche' V. Veerappen: Mr. Speaker, Sir, I say that the Government will usurp more and more power and thus undermine the safeguards and guarantees that it has itself granted to the people. If this process is allowed to go on, the Constitution loses all respect, and the laws that are made under it will at best be obeyed with reluctance and disgust.

Permit me, Sir, to quote once more from Finer's "Theory and Practice of Modern Government"—we have to quote because on an important subject

such as this, we are no experts or specialists, and our opinions might be laughed at, but I hope Honourable Members here will at least respect the opinions of authorities on this. I quote:

"The chief distinction between constitutions from the standpoint of form is in the amending process. Who has the power to alter the constitution is master of the State, and the amending clause gives this power everywhere, except in England, and the difficulty is established to provide the advantages of conservation of a set order of social relationships and to secure deliberateness in the hope that from this"—

please listen—

"will issue respect, and both respect and growth are sought for in popular ratification and initiative."—

Sir, that is why I ask the Government to make our people respect our Constitution and not treat it just like a piece of paper, or rather just like any ordinary book which can be bought for twenty cents. Now, I continue with the quotation:

"Any State in which care is not bestowed on the reform of fundamental institutions wastes its well-being, physical and spiritual."

Sir, it may not be very evident now, but may be in the course of time these words may be good words.

My next point, Sir, is that these amendments create suspicion, distrust and fear as to what other things the Government would do. It has, by these amendments, twisted the principle of *jus soli*, cancelled citizenship by registration, effected changes in the terms of office of judges, effected changes in the terms of office of the Election Commission—even the terms of office of the Clerk to the House of Parliament and the Parliamentary staff are affected—and most important of all, it has cancelled the provision in the Constitution for equality of representation and substituted for it a provision which smacks very badly of racial discrimination and

such other things to perpetuate racial differences even in politics.

Mr. Speaker, Sir, the principle of *jus soli* has been dealt with very fully by my colleagues and other Honourable Members. I know that certain modifications have been made to those amendments, but these still do not remove the distrust in the Government. Sir, the difficulties of children born after this Bill has been passed will be immense. Today, Sir, if a child produces a birth certificate, from that we can know if he will be a citizen or not. When he applies for his Identity Card, or when he reaches the age to go to school, all that person needs to know—the teacher, the clerk, or whoever he is—can be found by looking at the birth certificate, and he can see from the certificate the place where the child was born, and if it is anywhere in Malaya he will know that the child is entitled to be a citizen. There is no difficulty. However, from the time this Bill is passed that will not be the case. Your child, my child, everybody's child, will have great difficulty as the birth certificate itself does not show that it is entitled to be a citizen, because the place of birth alone will not be enough. The child will have to prove, in addition, that his parents are either citizens or permanent residents in this country. Supposing that the father is dead, or that the parents are dead, how is the child going to prove, how is he going to get the citizenship papers or the Identity Cards of the parents to show to the authorities concerned? Are we not giving all our children this trouble? The Minister has not told us how he is going to get over this. We may have to have an additional column or additional entry in the birth certificates to show the status of the father or parents at the time of reporting the birth of the child. I think we all have seen birth certificates. There the nationality is shown. Further, we have seen several birth certificates where the people responsible for filling in the forms at police stations have made a mess of things—even the spelling is wrong. How can you expect the status

to be put in properly? If you want to ascertain the status, all you will see is that it is either Tamil, Hindu, Teochew, Chinese, or sometimes Indonesian Malays—I have seen all sorts. I think, Sir, if you were to go and see the Register of Births and Deaths, you will see all these. So, in the first place if we want this, we must educate all our policemen in this country to record particulars properly—the status of the parents. Even if the Honourable the Deputy Prime Minister agrees to do it, this will be an handicap that is placed on all our children, irrespective of who we are—we may be Ministers of this country, but still our children will have to face difficulties. I hope Honourable Members will realise that (*Interruption*).

Sir, the trouble is that when we wish to emphasise a point, Honourable Members on the other side will interrupt unnecessarily. They are so fond of disturbing.

The other thing is in regard to the deletion of Article 17 which only goes to show and further emphasises the point as to how unreliable the Alliance promises are—this was shown by the Honourable Member for Ipoh. I hope Honourable Members will search their own hearts (*Interruption*). There is nothing for you to say, "Ooh! Ah!" or what-not. Is it not a true fact clearly written down? There is no place in the Constitution where it says that this was to be a temporary provision.

Sir, I submit that there are in one whole chapter of about 18 Clauses, eleven pages or so, of temporary provisions. We have also a temporary provision in respect of special privileges for fifteen years; and that provision is for Parliament to reconsider after 15 years. We further have a temporary provision for the official languages; it is for Parliament after ten years to decide which will be the official language. But, Sir, we have no temporary provision for that. Please prove it if you have. If that is not proved, then I submit, it was meant to be permanent. It will be seen, Mr.

Speaker, Sir, that the Reid Commission by a majority recommended that this should be a matter of right—of right that people should be entitled to citizenship, those who were residents of this country on Merdeka Day if they fulfilled all the conditions. It was a right, but Mr. Justice Abdul Hamid wrote a rider saying that it was the intention of the Alliance themselves to make that not a right but an eligibility; and it is written in our Constitution that "Persons who were resident on Merdeka Day would be eligible on application to be made citizens." It was a recommendation which only Mr. Justice Abdul Hamid accepted and which was written in, but which was not, I say, not accepted by the majority of the people who wrote our Constitution. I need not quote that.

However, Mr. Speaker, Sir, we do not think that it should be there indefinitely. There should be a reasonable period. But what is a reasonable period? We have heard very often the Honourable the Deputy Prime Minister saying "a transitional period of ten years" and then he amended it saying within five years—the transitional period is gone. But, Sir, what is really a transitional period? If a child was born in this country on Merdeka Day, how long would it take that child to grow up and be eligible to apply for registration under Article 17? If the child was a year old on Merdeka Day, it would take the child 17 years before he would be eligible to apply. I am sure that there are thousands in this country who can become citizens of this country, but just because they are not of age they cannot do so. There are also others, but at least we must be able to make provision for them, protect them, instead of taking this Article away. Sir, I am glad, any way, that the Government has agreed to a period of grace, but let us make it a reasonable period of grace, so that at least all those who have not had the opportunity to become citizens would be able to do so.

Mr. Speaker, Sir, it is often argued that this is the same as Article 19, which is citizenship by naturalisation, but there is a vast difference between the two. One is a matter of right and the other is a matter of discretion. In this case, under Article 17, the Government cannot say "No" if a person fulfils all the conditions. But under naturalisation, the Government can say, "We have enough citizens in this country, we do not want you", and nobody can do anything about it—that is the end of the matter.

Mr. Speaker, Sir, I will deal with the other Clauses during the Committee Stage, but I must definitely state our repugnance and objection to the Thirteenth Schedule. By the way, Sir, just to digress a bit, I hope the Government realises that by introducing the Thirteenth Schedule it may lose its power in the next election (*Laughter*). The number "13" has been unlucky for many people (*Laughter*), and I wonder whether it will spell the doom of the Alliance, and that this is the beginning of the end.

Mr. Speaker, Sir, the Thirteenth Schedule lays down the principle under which constituencies may be divided, and the Honourable Member for Dato Kramat has dealt with it fully. However, I wish to point out here that it is a strange irony that whilst the principle of weightage is normally given to minority communities, the Alliance is doing the opposite. Does the Alliance really feel that they depend on the minority to keep it in power? Mr. Speaker, Sir it is really a shame that they should take such a retrograde step. If the Alliance does not believe me, for the last time I shall read an extract from this book called "Elections in Developing Countries". On page 117, under the chapter "Minorities and Election System" it is stated there:

"The various Systems by which Minorities are given protection for representation"—"The extent to which it proves necessary to adopt one or more of the various devices outlined in this chapter to protect the interests of the

minorities must inevitably be answered by inter-play of political forces within each country containing minorities. Limitation of the franchise to communal representations has however usually been adopted as temporary expedients only for the purpose of reconciling communal feelings with democratic forms of government, and it is in the forms of constituency delimitation and method of voting that long term solutions of communal problems are more likely to be found."

I hope the Government will do it. The present methods will not help and, in fact, these are provided for minority representation and not to protect the interests of the majority, and I am really at a loss to know why this is done.

Sir, another factor as to why we disagree is that, if you look at the Thirteenth Schedule, you will see that certain of the safeguards it wants is for convenient opportunities, administrative districts, and so on. It is for those reasons that they have introduced it but, Sir, I submit, we have all those considerations, which have to be taken regard of, in the relevant Article. I will read the relevant Article—Article 116. In our Constitution it is already there, and I do not know why they want it. Article 116 (4) says—

"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 the allowance for the distribution of the different communities and for differences in density of population and the means of communication; but the allowance so made shall not increase or reduce the number of electors in any constituency to a number differing from the electoral quota by more than fifteen per cent."

It says fifteen per cent; the only difference is in the percentage. Here it is fifteen per cent, either way it adds up to thirty per cent. There the percentage is fifty per cent in some cases. By bringing such a thing you have brought so much disrepute to the Government actually, as all the protection is given there already.

Mr. Speaker, Sir, my next point is on Clause 26. Permit me, Sir, to say how I marvel at the way that some of our Ministers think, and how wonderfully well that the parliamentary draftsmen have done their work also. Now, Clause 26 amends the oath in the First Schedule. The Deputy Prime Minister dismissed this clause by just saying that allegiance must be to His Majesty the Yang di-Pertuan Agong and not to the State. He gave no reasons at all for this fundamental change. Sir, I say fundamental because if you look at the Schedules you will find that in Schedule One there is one particular clause for citizenship. Schedule Six also contains a similar clause. But all the other Schedules may be amended without a two-thirds majority, but Schedule One can only be amended by a two-thirds majority. Then don't you agree that there must be some special reason for it, that it was to be amended by a two-thirds majority. Therefore, I submit it is fundamental, and if there is a change in it, it is a fundamental change and we should know the reason for it. In the case of the other Schedules allegiance is to the Federation and we ourselves, who are the elected representatives of the people, when we take our oath in this very place, we take our oath to the Federation of Malaya. Oath of allegiance of Members of the House of Representatives and Senators and also Oath of Office and Allegiance—we have got to take that under Schedule Six. But Schedule Six can be amended by a simple majority; Schedule One cannot be amended by a simple majority though it is identical—it is exactly the same. But our Government has thought fit to amend Schedule One. They do not want to amend Schedule Six—I do not know why. Maybe they forgot about it and would like to bring another Constitution Amendment Bill later on.

Mr. Speaker, Sir, we here support the move by the Member for Telok Anson to ask the Government to withdraw the Bill, but we know that with this Government nothing

that we suggest is possible. But, anyway, I never give up hope of trying and I would like to appeal to the Government, in view of the fact that we have quoted here and there to prove our case, I would plead with the Government to condescend at least to commit this Bill to a Select Committee. Of course, we can move that amendment when we have completed the second reading of the Bill, but if it comes from the Government itself it will really be good. We know that the Socialist Front has submitted amendments, the PMIP has submitted amendments, and the Government has amended its amendments about three times. With all this confusion, don't you think, Sir, that it is better to send it to a Committee which will study all these and we will have a good and agreed one. I think that is a reasonable request to make and I hope that the Government would consider it.

My last point, Mr. Speaker, Sir, is that this morning the Prime Minister more or less lumped every one of the critics of the Government and said that we make friends with the enemies of the nation; that we want aliens from other countries to come into this country. To do this, he said, that we must amend the Constitution and we would be the first to amend the Constitution should we come into power. Well, I would not like to say that the Prime Minister has evil intention. But these are quite wild charges, because nowhere in our amendment slip have we suggested anything to that effect—to monkey with the Constitution. We have not! Nowhere have we suggested such a thing. As I have stated here clearly, our business is with the people who are resident in this country and who should be entitled to citizenship, but they are not citizens. We can say that the Government itself is collaborating actively with non-Communists. They have given jobs to leaders of the Communist Party. And how are we to know they are doing the job of arresting Communists? Anyone who is a Communist they arrest, but they say we are making friends with Com-

munists. Do you think that it is a reasonable allegation to make honestly? They take care that no Communists live in this country and how can we make friends if there are no Communists? (*Interruption*). Mr. Speaker, Sir, we have come here to put our points and to argue our points; they have a majority to do as they wish, but it is so often that they do not want to argue and like a infuriated wife they shower abuses on us for anything and everything. They say two things about us: either we are disloyal or we are Communist supporters or Communists. These are the only things they know. I hope they will forget those from today and will try to argue intelligently in this House. At least the world outside will judge you, if we in this House cannot judge you.

The Minister of Justice (Tun Leong Yew Koh): Mr. Speaker, Sir, in the course of yesterday's debate, the Honourable and learned Member for Ipoh spoke at length about the principle of *jus soli*. He declared in his usual extravagant language that today was a day of shame, that the Constitution was being shaken in its foundations, that this whole operation was to sell itself out, that UMNO had deluded the MCA, that I had deluded the MCA, that a referendum should be held, and so on. It is, of course, quite proper for the Honourable and learned gentleman to oppose, Sir, but let him get his facts straight to begin with. There was absolutely no so-called "secret undertaking" given to the MCA by the Prime Minister in 1954. The Prime Minister was present at the meeting referred to at the Hotel Majestic and was the very first to agree that those Malayan Chinese, who were truly Malaysians with a genuine stake in this country, should be given citizenship. He pledged the support of his party to achieve this—the move was made to make citizenship a little easier to obtain by way of registration, a procedure which has no parallel in any other country in the world (*Applause*). What was the result? At the first election, there were only 120,000 Chinese on the register.

Today, there are more than 1 million Chinese on the register out of a total electorate numbering less than 2½ million. If the Honourable and learned Member for Ipoh will weigh these figures against the fact that the Chinese constitute only 37 per cent. of the population, he will find that the registered voters are roughly proportionate to the whole population, and yet he tells us that the MCA has been "sold down the river". This is a strange form of mathematics. However, I suspect the Honourable and learned Member is at his own old game of trying to sow the seeds of communal discord.

Enche' D. R. Seenivasagam: Mr. Speaker, Sir, on a point of order—Order 36 (6) says, "No member shall impute improper motives to any other member". To suggest that one is sowing the seeds of communalism is improper motive.

Mr. Speaker: That part you must withdraw—"sow the seeds of communal discord." You are trying to impute improper motive.

Tun Leong Yew Koh: As a matter of fact, Sir, the Honourable Member has been going round the country telling the Malays about.....

Mr. Speaker: That is my order. You should not impute improper motive in this House; it is laid down in the Standing Orders.

Tun Leong Yew Koh: In effect, he says my friends in the MCA and MIC do not trust UMNO—"They are trying to do you dirt". In other words, he is accusing the Honourable and learned Prime Minister of deceit, which I find quite outrageous. The Prime Minister, with the full backing of his party, was largely responsible for getting citizenship by registration into the Constitution. The need for citizenship by registration hardly exists today. It has outlived its purpose. The Prime Minister has not gone back on his words in any sense. I say this as a founder member of the MCA. The Prime Minister has

kept his words and UMNO has honoured its undertaking (*Applause*). I know no man in this world whose words I would trust more than the Honourable and learned Prime Minister (*Applause*). So let us put a stop to this nonsense. The Honourable and learned Member for Ipoh and his cronies on the opposite bench.....

Enche' D. R. Seenivasagam: On a point of order—Order 36 (4) says: "It shall be out of order to use offensive and insulting language about members of the House." I submit, Sir, that it has often been held that the word "cronies" is unparliamentary language and I ask the Chair to request the Honourable Minister to withdraw that word.

Mr. Speaker: You must not use the word "cronies"; you can say "followers".

Tun Leong Yew Koh: So let us put a stop to this nonsense. The Honourable and learned Member for Ipoh and his camp followers on the opposite bench will have to be more subtle if they wish to split the Alliance Party.

Equally certain was that of the Honourable and learned Member for Dato' Kramat when he asked whether a man would remain married to a woman of bad character. He seems to be very innocent indeed, but perhaps he does not know the facts of life (*Laughter*). It is by no means unknown for men to go to Hong Kong and marry a prostitute, bring her back as a wife and then live on her immoral earnings.

The Honourable Member's solicitude for little children is also touching, but he appears to have overlooked the fact that the deprivation of citizenship is permissive and not compulsory. There are adequate safeguards in the Constitution and I think the Alliance Party's record is a guarantee that justice will be more than tempered by mercy.

And as to his talk about first class rural citizens and second class urban dwellers, this is far-fetched. Many various democratic countries have this weightage. We do not intend to indulge in gerrymandering but if the Honourable Member for Dato' Kramat has any fears, he can play safe by going to live in the kampongs where he will find life there a little more relaxing (*Laughter*).

In reply to the clownish and amusing outburst of the Honourable Member for Telok Anson, I am wondering whether he studied the amendment on *jus soli* very carefully—he has been given a month to do that. He says that he was a member of the Alliance Working Committee on the Constitution. Does he remember that he agreed solemnly to two exceptions to the principle of *jus soli*? One is, "A person is not a citizen by virtue of paragraph (b) of Clause (1) if, at the time of his birth, his father, not being a citizen of the Federation, possesses such immunity from suit and legal process as is accorded to an envoy of a sovereign power accredited to the Yang di-Pertuan Agong". Why did he agree to this? It is because an envoy is not a permanent citizen in this country; he owes allegiance to another power. He has no root in this country. That is why he agreed to that. Now, the second exception.....

Enche' Too Joon Hing: On a point of clarification, Sir, if the Honourable Minister will give way.

Tun Leong Yew Koh: No. (*Laughter*). The second exception is in the case of a birth occurring in a place under occupation by the enemy, and his father is an enemy alien. Why?—because for the simple reason that he has no root in this country; his home is in another country. Now, what is the amendment we are introducing? The amendment we are introducing is this: "His father is neither a citizen of the Federation nor a person who, having entered the Federation, has lawful permission to

reside here permanently." Is it not the same reason made for birds of passage, as they were called? For a person who has no root in this country and who owes allegiance to another country, why should his children be made citizens of this country? (*Applause*) (That is all there is in the amendment (*Applause*)).

Sitting suspended at 9.45 p.m.

Sitting resumed at 10.10 p.m.

(Mr. Deputy Speaker in the Chair)

Debate resumed.

Dr. Lim Swee Aun (Larut Selatan):

Mr. Speaker, Sir, I am indeed very happy to concede a point to the Honourable Member for Ipoh, when he said that members of the legal profession are in a better position to understand the law than the ordinary men. Every day in the courts learned members of the legal profession, particularly those who have kissed the Blarney stone, make impassioned speeches on behalf of their clients even though they fully know that the facts are against them. The ordinary laymen, who listen to these speeches, are convinced that whatever the lawyer has said is perfectly true. However, not so the learned judge, whose duty it is to interpret the law in the light of facts and not emotion; and it is often that impassioned speeches are torn to shreds when the judge gives his judgment. The learned Honourable Member from Dato' Kramat took several hours to play on the fears of the people. His theme was the death of democracy through democracy. The greater part of his speech conjured up premonitions and fears of the Internal Security Act. He gave one the impression that the adoption of this Constitution (Amendment) Bill would result in the loss of freedom of speech and ultimate detention in the cold prison cell. The learned Member from Ipoh chose as his theme the faithlessness of the UMNO. He tried to sell us the idea that, because the British with a stroke of the pen

deprived a million Chinese of their birthright, the UMNO today through this Bill, with another stroke of the pen, would deprive further millions of Chinese from their rights of *jus soli*.

Mr. Speaker, Sir, I do not belong to the legal profession, and I am not trained to make emotional speeches. I am only a humble member of a noble profession—the medical profession (*Laughter*), which is interested in facts and not fiction. Therefore, what are the facts? How does this Bill affect the rights of the people? Let us take Clause 2 of the Bill. Clause 2 deals with the amendment of Article 14 of the Constitution — citizenship by operation of law. Perhaps the most controversial part of the whole Bill is to be found in sub-section (4) of Clause 2, which amends Clause (2) of Article 14 of the Constitution, which deals with the conferment of citizenship by operation of law to children born in the Federation after Merdeka Day—that is the right of *jus soli*. It has been the declared intention of the Government that the one and only object behind this particular amendment is to exclude the children born of parents who are generally termed “birds of passage” from the rights of citizenship by birth. Although the intention is as simple as that, the House has had sufficient proof in the several amendments that have been tabled to this clause that it is indeed a very difficult task even for the legal profession to draft an amendment that was not too wide in its powers and would not exclude children, who did not belong to this category, from the right of citizenship by operation of law. The Malayan Chinese Association is indeed very grateful to the Government for its patience and its understanding of the problems involved by the original text of sub-section 4 (c) of Clause 2 of the Bill. We are, indeed, very happy that the Government has seen fit to amend this part of the Bill to read “neither of his parents was a citizen of the Federation and neither of them was a permanent resident therein.” In other words, this means that in future after this part of

the Bill has come into force a child born in the Federation will not be a citizen by operation of law if both his parents are not permanent residents of the Federation. It means that if one of the parents, whether it be the father or the mother is a permanent resident or is a citizen, then that child is a citizen by operation of law. Who is a 'permanent resident' is also defined in the amendment to the Bill, and Government has accepted the interpretation that anyone who holds a red identity card has sufficient proof of being a permanent resident. This is provided in the National Registration Act of 1959 which states—

"The red identity cards are issued only to permanent residents who are not citizens of the Federation, whilst temporary residents are issued with green identity cards."

Therefore, in terms of identity cards, then it means that in future a child born in the Federation will not be a citizen by operation of law if both his parents hold green identity cards, or if both parents do not hold any identity cards at all. Although we have dispelled a lot of misunderstanding, confusion and misgivings as to what extent this new amendment will have effect on the rights of individuals, we still are saddled with a new problem and that is the mechanics of how to exclude children born of both parents who are temporary residents from these rights of citizenship by operation of law. It is inevitable that in future all children born in the Federation must at one time or another have to prove their right of citizenship by birth. Under the existing law all that the child has to do is to produce its birth certificate and as long as the date of birth is after Merdeka Day, that is sufficient proof of citizenship by operation of law. However, in future the status of the parents—whether they are citizens or permanent residents—will be called into question. We are indeed happy that the Government has undertaken to amend the law under the registration of birth, so that at the time of birth of a child the status of the parents will be included in the child's

birth certificate. The identity card will be accepted as sufficient proof—blue cards for citizens, red cards for permanent residents, green cards for temporary residents. This procedure will remove a tremendous amount of hardship from the child when he reaches the age of 12 years, at which age he has to apply for an identity card and then he would have to prove his citizenship by operation of law. Critics of the Government have claimed that this amendment to Article 14 of the Constitution has taken away the right of *jus soli*. This is a sweeping statement. From the point of the idealist, it is true that the right of *jus soli* has been modified, but from the point of view of the interest of the nation, the rights of *jus soli* have been preserved—that is, citizenship by birth is fully preserved for all citizens and permanent residents of the Federation, the people who are truly Malayan and who have a lawful claim to be in Malaya (*Applause*). In point of fact, only a few children, the children of birds of passage, will be affected by this new amendment. I am indeed very surprised that the Honourable Member for Dato' Kramat quoted in support of his claim that citizenship by birth will not be conferred on the child in the case of the Indonesian who comes to Malaya, marries a citizen, but leaves Malaya for Indonesia before this child is born. The child of such a marriage will be a citizen by birth even though the father is an alien, because the mother is herself a citizen and this is to be found in the Government amendment to the Bill.

The Honourable and learned Member for Dato' Kramat, in his verbosity, has tried to confuse not only this House but has also injected fear into the minds of the people by arguing on false premises.

Although the PMIP supports this Bill the Honourable Member for Bachok of the PMIP has given notice of an amendment to the Government amendment Clause 2 (4) (c) of the Bill; the PMIP proposes to retain the original text of the Bill. May I refer

Honourable Members of the PMIP bench to the Second Schedule of the Constitution, paragraph 17, which reads:

"In relation to a person who is illegitimate, Article 14 and 15 shall have effect as if for references to his father there were substituted references to his mother and as if section 19 of this Schedule were omitted;"

Here it is clear that an illegitimate child can claim to be a citizen by birth if the mother is herself a citizen. Going back to the case cited by the learned Member for Dato' Kramat, the Indonesian gentleman, who chose to come to Malaya, need not marry a citizen because his illegitimate child can still become a citizen by operation of law under Article 14 (2) because of the provisions in paragraph 14 of the Second Schedule. By restoring the original text of Clause 2 (4) (c) of the Bill, the PMIP is therefore encouraging more illegitimate children to be born (*Laughter*), because under the terms of their amendments such children cannot become citizens by operation of law other than by being illegitimate. I am, therefore, shocked that so religious a party as the PMIP, instead of discouraging illegitimacy, is, in fact, encouraging it.

The Honourable Member for Ipoh has claimed that the principle of *jus soli* has been destroyed as the Bill requires the status of the parents to be defined before a child can claim that right. Sir, under the laws of our country, a child can be a citizen by operation of law if he is born in this country and one of his parents is born in this country. But Article 14 (2) of the Constitution states that if the child is born in this country after Merdeka Day, even though his parents are not born in Malaya, as long as they are permanently resident, one of them is a permanent resident, then that child is a citizen by operation of law. Therefore the element of birth after Merdeka Day is still required—therefore the principle of citizenship by birth is still in force.

Coming to Clause 3 of the Bill, sub-section (1), paragraph (2)—Citizenship by registration of children of citizens. I have on several occasions in this House appealed to Government to consider the case of a child born in the Federation whose father was an alien but whose mother, though born in this country, had become a citizen by registration under Article 17 of the Constitution, because she could not produce her birth certificate, although in point of fact such a child is a citizen by operation of law because the mother is also born here, but because under the existing Article 15 (2) he can only be registered as a citizen if his father is a citizen. Unjustified hardship in this type of cases is, therefore, caused. I am therefore glad that Government, in Clause 3 of this Bill, has amended Article 15 (2) of the Constitution to allow a child of any citizen, i.e. if the father or the mother is a citizen, to be registered as a citizen. The Opposition has been particularly silent on this relaxation of citizenship laws.

We move now to Clause 5 of the Bill which repeals Article 17—Citizenship by registration. There has been considerable criticism of the repeal of Article 17 of the Constitution on the ground that hardship would result to many people. Let us examine how far this hardship will be. First of all, we must be very clear in our minds that only persons who were resident in Malaya on Merdeka Day are eligible to become citizens by registration under Article 17. Those who came to the Federation after Merdeka Day would not qualify for citizenship under Article 17, but they can apply for naturalisation under Article 19. Therefore, if Article 17 is not repealed by August, 1965—eight years after Merdeka Day — every non-citizen who came to Malaya before that date and was here on Merdeka Day would have the necessary residential qualification to apply under Article 17. The hardship caused by repealing this Article would be to take away the right of eligibility to citizenship by registration from aliens who came to

Malaya after 1954 but was here on Merdeka Day. Due to the strict immigration laws then in force in this country, I would suggest that under this type of hardship only a small number of people will be affected.

However, Mr. Speaker, Sir, they can still become citizens by naturalisation under Article 19. Who are the persons then who will be chiefly affected by the repeal of Article 17? They are the people who hold red Identity Cards and they can be divided into two groups (1) those who were born in the Federation before Merdeka Day, but are unable to produce their birth certificates; and (2) those who came to Malaya before 1954. It is often forgotten that those persons, who were born in the Federation before Merdeka Day, can also become citizens by registration under Article 16, provided that they can prove that they were born in this country. Such citizenship by registration cannot be deprived. It is when they cannot produce the relevant birth certificates, or when there are differences in the birth certificates and the identity cards in respect of the spelling of names, then Article 17 becomes a convenient method of escape—then they can become citizens by registration under Article 17, but at a tremendous sacrifice, that is citizenship of this type can be revoked. To this group of persons, therefore, the best course for them to take is to try and find their birth certificates. If they fail to find their birth certificates then they should apply for late registration of their births. If there are differences in the birth certificates and Identity Cards, they should apply for correction. This may take a long time, but the effort is worthwhile, because they can apply for citizenship under Article 16 which citizenship cannot be taken from them. If, however, this group of persons are under 21 years of age and either their father or mother is a citizen, then they still can become citizens by registration under Article 15 (2).

Sir, the second group of persons with red Identity Cards who will be affected are those who came to Malaya before 1954. This is a diminishing group, but those of us who live in urban areas should have had all the opportunities to apply for citizenship under this Article. The majority of the second group of persons with red Identity Cards, who have a legitimate complaint of hardship because of the repeal of Article 17, however, are those who live in isolated areas, in remote villages, particularly along the coast. These non-Malay communities usually of the fishermen type have virtually no contact with the Malays and, therefore, the national language is not important to them in earning their livelihood. Their women folks speak no other dialect than their mother tongue. Even if these people want to learn Malay, there are no teachers available or who are prepared to go to the remote villages to teach them. I know of many such cases of persons who have applied for citizenship under Article 17 but have failed to pass the elementary Malay test. The Malayan Chinese Association is indeed happy that the Government has undertaken, under the adult education programme, to set up classes in their villages to teach them the national language. The Malayan Chinese Association is indeed very happy that it has convinced the Government of these hardships and is grateful that Government is sympathetic and will not bring into force the repeal of Article 17 of the Constitution until after a period of grace of one year, in order to give sufficient time to those eligible to make a last effort to become citizens. If they do not take this final opportunity to become citizens, then they should not blame the MCA. We in the MCA have always offered and will continue to offer free services to help all persons eligible to apply for citizenship under this Article (*Applause*). After the period of grace all holders of red Identity Cards will have to apply for citizenship by naturalisation under Article 19, except those who were born in the Federation before Merdeka Day as Article 16 is

still open to them. The difference between citizenship by registration under Article 17 and citizenship by naturalisation under Article 19 is in the residential and language qualifications.

The Malayan Chinese Association has sought clarification on the language qualification, and I am happy to state that the Government's view is that adequate knowledge of the Malay language required for naturalisation does not mean that the applicant must know how to read and write the Malay language. This should remove all the fears from the people that they will not be able to meet language qualification for naturalisation.

Sir, the next important change deals with the delimitation of constituencies. Clause 20 of the Bill—the effect of paragraph (b), which reads, “by substituting for the words ‘Articles 116 and 117’ in Clause (2) the words ‘Article 171’” is to retain the *status quo* of all the 104 constituencies from which the Members of this House were returned in 1959. This means that the 1964 Federal Election will be fought in the same 104 constituencies within the same boundaries as those in 1959. The other effect of this amendment to Article 113 of the Constitution is that the boundaries of these 104 constituencies can only be altered if there is any need for it eight years from 1958, that is in 1966. Therefore, other than retaining the *status quo*, the effects of all the other Clauses of this Bill dealing with delimitation of constituencies will not be felt until the third Federal Election in 1969, seven years from today, or twelve years after Merdeka.

Now, Sir, what are the basic changes affecting the delimitation of constituencies? They are, broadly: (1) the transfer of power of the delimitation of constituencies from the Election Commission to Parliament; and (2) the principles and methods relating to the delimitation of constituencies. Before a country is independent, it is desirable that a patently impartial Election

Commission of three impartial persons be given the power to delimit the constituencies, so that in a multi-racial community such as ours all the aspirations of the different races are given equal opportunity of being fairly represented in Parliament. The Election Commission, therefore, takes the place of a referee. Once the country is fully independent with a fully elected House of Representatives and sufficient time has lapsed for the several racial groups, as far as possible, to form a single community, there is no further need for such a referee. The power to delimit constituencies should then be transferred to Parliament, which is the reflection of the wishes of the people. The question is—Has sufficient time lapsed to justify this transfer of power from a referee to a House of 104 Members? As I have pointed out, the Election Commission can only start to recommend any changes to the boundaries of the existing 104 constituencies in 1966; and it is likely that, at the earliest, Parliament will only be able to exercise its power to delimit constituencies in 1967, ten years after Merdeka. I submit, Sir, that by that time Parliament should have had a truly Malayan outlook and the several racial groups should have to a great extent become a Malayan community. If we look at our new Identity Cards, we will see that all true Malaysians are “Warga Negara” and no longer Malay, Chinese or Indian. By 1967, I submit, the sharpness of racial differences and interests will be reasonably blunted to the extent that there is no longer need for a referee to delimit our constituencies; but we can trust the Parliament of 1967 to deal fairly with this question.

The second major change is in the principle and method of the delimitation of constituencies. In 1954 it was realised that the Election Commission must be patently impartial. It, therefore, consisted of three impartial persons with the Right Honourable Lord Merthyr from the United Kingdom as Chairman. They worked on certain principles which would give

the fairest representations to the 11 States and Settlements in the Federation. In 1958 the Election Commission dividend each of these 52 constituencies into two, thus giving us 104 constituencies from which we were elected in 1959. The existing boundaries of our 104 constituencies can, therefore, be said to be the result of the work of a patently impartial Election Commission with a Chairman from outside Malaya.

Sir, the effect of Part I of the Thirteenth Schedule of this Bill is no more and no less than the retention of the same principles in delimiting constituencies as those used by the patently impartial Election Commission of 1954. It is accepted that the principle should be that every constituency should have the same number of electors, and that principle is re-nounced in paragraph 2 (c) of Part I of the Schedule where it says "the number of electors within each constituency ought to be approximately equal". Part I of the Thirteenth Schedule, therefore, re-emphasises the ideal of equality in the number of electors in the constituencies. The principle of parity has not been abandoned as alleged by some Members of the Opposition. It is still there. It says "equal". Although we retain the ideal of parity in the constituencies, one must be practical. Is it possible to mark out 104 constituencies without crossing State boundaries and yet have an equal number of electors in each constituency? Both the Election Commissions of 1954 and 1960 said very clearly that this cannot be done, because it would mean the shifting of State boundaries. If the Federation of Malaya was one State and not a Federation of 11 States and Settlements, then it is possible to have an equal number of electors in all the constituencies. For practical purposes, no Election Commission is able to mark the boundaries of constituencies so that the number of electors will be the same in all the constituencies. It is in the light of these difficulties that the Government, a practical and not a theoretical one, had qualified the

ideal of parity by using the words "the number of electors within each constituency ought to be approximately equal". The next question is how far "approximately equal" can be stretched. The amendment to paragraph 2 (c) of Part I of the Thirteenth Schedule states, "to the extent that in some cases (I repeat in some cases only) a rural constituency may contain as little as one half of the electors of any urban constituency;". Is this justifiable? Even in the United Kingdom, where the principle of parity of constituencies is in force, today there are still some constituencies which contain as little as one-half the number of electors as in others. At one time in the United Kingdom the difference was as great as one to eight. There have been fears expressed in this House and outside that a government in power can manipulate the delimitation of constituencies, so that there will be two rural constituencies to every one urban constituency, and they claim, following on that theory, that one rural vote then becomes equal to two urban votes. Let us examine the facts and let us not be led astray by emotional speeches.

First let us try and clear our mind and define what an urban constituency is. If by "urban constituency" we mean a constituency that is wholly within the town limits, then in both the 1958 and the 1960 Election Commissions there will only be three such urban constituencies. But let us for purposes of argument define an urban constituency as one where the greater majority of the electors are within the town limits. Then if we examine the reports of the 1958 and the 1960 Election Commissions we can only find 18 such urban constituencies. Therefore, in the case of these Election Commissions, the proportion was 1 urban constituency to 5.77 rural constituencies according to the 1958 Election Commission, and in the 100 constituencies proposed by the Election Commission of 1960, the proportion is 1:5.5. Applying the arguments of the Opposition that when there are

two rural constituencies to every one urban constituency, then one rural vote is equal to two urban votes, then under the terms of the 1958 and 1960 Election Commissions, because there is an average of 5.6 rural to every one urban constituency, then one rural vote is equal to 5.6 rural votes today. Is that true? The 104 constituencies marked out in 1958 were based on the principles used by Lord Merthyr's Election Commission of 1954 and in that one of the principles was—

“It would not be unreasonable if in some instances a rural constituency contained as little as one half of the inhabitants in the more populous urban constituency return single members.”

That principle was used by the 1954 Election Commission. The 1960 Election Commission marked out the 100 constituencies based on the principles laid out in Article 116 of the Constitution. Yet in both these cases there are five rural to one urban constituency. Does it follow that in both cases one rural vote is equal to five urban votes? If it does, is it not better to accept the new principle in Part I of the Thirteenth Schedule of the Bill, because although they contain the same principle as the 1954 Election Commission, the Opposition claims that the Government can only manipulate two rural to one urban constituency. In spite of the so-called rural weightage we shall then have one rural vote equal to two urban votes, which is certainly much better than one rural vote equal to five urban votes. It is clear in Part II of the Thirteenth Schedule that notice of any recommendations for any change in the boundaries of the constituencies by the Election Commission must be published in at least one newspaper circulating in the constituency and a copy of the recommendations is open to public inspection. Upon representation made by one hundred or more registered electors of the constituency, it is mandatory that the Election Commission hold a local enquiry to hear the complaints. Not one but two such local enquiries are permissible under this new Thirteenth Schedule. With a

very vocal Opposition such as ours, is it probable that they will allow a government to manipulate the boundaries of constituencies without bringing it to the notice of the electorate? Is it possible that local enquiries will not be held? Is it also possible that the Government will not listen to the warnings and wishes of an electorate which has the power of voting it out of office? Should the Election Commission recommend any changes to the boundaries of the constituencies, this must be approved by Parliament only after the electorate has had its say. It is worth noting that in the United Kingdom only a single majority is required to approve such an order whereas here we shall require the votes of not less than half of the total number of members of the House and not just a simple majority. As a humble member of the medical profession, I fully endorse the words of wisdom that the Honourable Member for Dato Kramat said—that frustrated men must be given the opportunity to let off hot air. The safety valve in the United Kingdom is to be found in Hyde Park. Apparently, Sir, in Malaya some Members of the Opposition seem to think that this House is Hyde Park (*Laughter*). To quote the editorial of the *Straits Times* of 30th January, it says—

“There is no sell out, no everlasting shame, no vestige of truth in the charge that the principle of *jus soli* is to be so modified as to make the principle itself a farce. No amount of dramatics, twisting of words or misrepresentation of intentions can alter that.”

Thank you (*Applause*).

Enche' S. P. Seenivasagam (Menglembu): Mr. Speaker, Sir, I am just getting over the feeling of nausea that filled me while I was listening to the Honourable Member for Larut Selatan. He tried to prove that there was no sell-out when, in fact, there is a sell-out. I do not know whether in his course of studies for the “noble” medical profession there was included a course on logic. But if there was, then the textbook must have been a

very peculiar one indeed, because I feel that at the end of his speech he has not convinced anybody in this House. He has succeeded in confusing himself, and he has convinced nobody.

The fact remains that what is happening in this House today, what has happened yesterday, the words which we have heard from the Government side, all these things indicate one thing, and that is that it is a prelude to the rape of the Constitution of the Federation of Malaya—a crime to be committed by the UMNO aided and abetted by the MCA and MIC. No amount of eloquence, twisting or turning of words can get away from that fact.

I stand here today privileged to represent a constituency in this country. I do not stand here today as a lackey of the UMNO, owing my presence in this House to the mercy of UMNO as the Minister of Justice, who represents nobody except those who nominated him. I, however, congratulate him for being loyal to those who have given him the chance to be in this House. Mr. Speaker, Sir, for my part I believe that it is the duty of every man to speak according to his conscience, and I am proud to be able today to oppose the proposed amendments which are tabled here. I oppose them because it is my firm belief that rather than be a traitor to my own people, it would be better to drop dead; and that is a thought which I commend to Honourable Members from the MCA and the MIC.

Mr. Speaker, Sir, in all this debate one important thought, one important consideration has been absent, and that is, what is the purpose of a Constitution? The purpose of a Constitution is to put in black and white the rights which are guaranteed to the citizens of that State. A Constitution is initially drawn up by consultation and finally sealed with the approval of the people and the parties thereto. The Constitution of the Federation of Malaya was a joint effort, an effort

which was realised after considerable deliberation between the UMNO, the MCA and the Reid Commission which came to this country to act impartially. Following on those deliberations, the Constitution was finally sealed, and the important thing is that that was the Constitution which induced the British to hand over independence to this country. If at that time the UMNO had given any indication that the concessions regarding citizenship were only of a temporary nature, that the principle of *jus soli* was to be buried within four years, then the question arises: Would there have been mutual agreement on this Constitution?

I have heard people say that the principle of *jus soli* is still being preserved today. Do they understand the meaning of *jus soli*? (*Interruption*). Do they understand the meaning of *jus soli*? For those ignorant people—such as the Member who has just interrupted me—I would say that *jus soli* is a right to citizenship by virtue of birth in that land. It means that if a man is born in Malaya, he is a citizen of this country. If a man is born in England, he is a citizen of that country. That is what it means—“by virtue of birth”—and that is what was granted by the Constitution as agreed originally. According to Article 14 (b) “Every person born within the Federation on or after Merdeka Day” becomes a citizen by operation of law—that was *jus soli*. And how was that arrived at? Those Members of this House who were interested in politics at the time this Constitution was drawn up will remember that originally the demand was that all persons born in the Federation, whether before or after Merdeka Day, should be citizens. That would have been 100 per cent. *jus soli*. However, the UMNO was not prepared to concede that and therefore there was a compromise—those born before Merdeka Day apply for citizenship; those born after Merdeka Day become citizens by operation of law. That was the final compromise arrived at; that was the word of honour given to the people

of this country. And now, where is that honour gone to? That, Mr. Speaker, Sir, was a condition precedent to the co-operation of the various races in this country; that was the basis of co-operation and goodwill between the races of this country. And what is happening in the House today? You are seeking to withdraw the basis of co-operation and you still expect peace and harmony in this country. Of course, you will have peace and harmony of some sort, because you have got the Police, you have got the military and you have got the weapons to maintain peace and order. But is it a voluntary peace in this country? That is the important thing and I ask you to contemplate on that (*Interruption*). What are you talking about? Open your mouth if you want to talk. Mr. Speaker, Sir, I appeal to you to maintain the dignity of this House.

Mr. Speaker: Please proceed!

Enche' S. P. Seenivasagam: Mr. Speaker, Sir, as I have said earlier..... (*Interruption*). Who is that stupid? Mr. Speaker, Sir, I insist that unless I am protected, I am going to retort to Members individually.

Mr. Speaker: Honourable Members must not interrupt while an Honourable Member is talking. Please proceed!

Enche' S. P. Seenivasagam: It has been said to us, Mr. Speaker, Sir, that these amendments are necessary, that careful thoughts were given to them, and that it was only after mature consideration and in the interests of this country that they have been submitted to this House. But I would submit that upon reading these amendments as a whole, it would appear that there is only one motive, and that motive is apparent, namely, to restrict the number of persons who can become citizens of this country. I say that that is a wrong motive. The motive—and the principle that should guide the Government—should be that every person who is entitled to become a citizen shall become a citizen of the country, but the Government goes

about it the other way round: "We are trying to prevent as many other people as possible who would otherwise be entitled to become citizens; we will prevent them from becoming citizens. Only where we are forced to allow them to become citizens, then we will allow them to become citizens." Now, let us first take the case of Article 17 which was repealed. Members have the audacity to try to mislead this House by standing up and saying that as it is no longer necessary, we better repeal it. At the same time the Government contradicts itself. It says: "Oh, it is really not so unnecessary; after all it is really necessary, so we will let it go on for another one year." What kind of argument is that? First, you say it is not necessary and we must repeal it; then you say, "No, no. It is really necessary, therefore we will let it go on for another year." You destroy your own argument.

Now, Mr. Speaker, Sir, to the argument that the principle of *jus soli* is maintained, I would say this: that the principle of *jus soli* no longer exists in this country by virtue of the present amendment. As has been said before, *jus soli* means that you become a citizen by virtue of your birth in that country. But what has happened now? You become a citizen not because you are born in this country—that is only incidental; you become a citizen because your father is a citizen or your mother is a citizen—not merely by virtue of your birth in this country. Therefore, it is the status of the father or the mother that determines citizenship of the child, not the land in which he was born.

Mr. Speaker, Sir, it is, perhaps, a blessing in disguise that the Government on second thoughts has decided to bring in this amendment for debate at this juncture, when the question of Malaysia is being considered, because from what we have heard in this House, it is quite clear that whatever the Government says this year—the views expressed by the Government this year—may not be the views of the

same Government the next year. I say so because, as you may remember, the Honourable Prime Minister has said, "Oh! Yes. You have quoted what I said in 1954, but you have not quoted what I said subsequent to 1954." What then are we going to rely on—on what the Government said in 1954 or what the Government said in 1955, 1956 or 1957?—And this is at the juncture when we are inviting the people of Singapore to come into the Federation on certain promises made in 1952. Surely, the people of Singapore are going to contemplate as to what is going to be said in 1963, or 1964, or 1965 and what is going to happen to their autonomy in labour. Perhaps, on second thoughts, the Government will say, "Now after two years we think it is not in the national interests that Singapore will have autonomy in labour. Amend the Constitution by two-third majority." That is the attitude of this Government, and yet today Singapore and other Borneo territories are asked to trust it and join this country. It is very true that under the Constitution all that the Government requires is a two-third majority and, as I pointed out this morning, it is legal and it is constitutional. But is the Alliance Government bankrupt of political morals? Has it no sense of honour and does it not intend to honour the promise it made to the people of this country when it secured their co-operation? Are you so blatantly, unashamedly, going to stand up and say, "We can do it and we have the power to do it and, therefore, we are going to do it." Is that the attitude?

Now, I come to the question of Election Commission and the delimitation of constituencies. It is true, perhaps, in 1954, in the system under which we are now in this House, that there was a certain amount of weightage. There are today certain constituencies where, for example, there are four thousand voters and in other constituencies there are twelve thousand voters. That was the state of affairs existing at the time when the Constitution was drawn up. But one

thing must not be forgotten and that is that state of affairs was expressly rejected by the Constitution. It was not to continue after a certain number of years. Why then now, when it is about time to implement that change, you say, "Oh! No! We go back to the old system: we give weightage to certain areas", which, I say, in practice will result in one rural vote being equal to two urban votes. That is what it comes to, and however much you may try to turn or twist, that is the sum and substance of the whole thing. If at that time when this Constitution was drawn up, those concerned felt that owing to the peculiar problems existing in this country, owing to the multi-racial composition of this country, it was desirable that so important a matter as elections should be entrusted to an absolutely impartial body like the Election Commission, why then now do you think you should come back to this Parliament? What was the reason in the first instance to have an Election Commission? Was it not to allay the fears which may have existed in one community? Surely that must be the one and only reason. It was, in fact, said, "Don't worry. Elections will be in the hands of an independent body. We may have a majority in Parliament but we cannot bully you, we cannot be unfair to you and we will leave matters in the hands of an independent body." Surely that was the only one reason why laws peculiar to this country were enacted—because of the peculiar racial composition of this country.

What has happened now to those who trusted you? I submit, Mr. Speaker, Sir, that the present attitude of the Government, the mutual trust which existed between all communities in this country is in danger of being wrecked, completely wrecked. I, for my part, and those whom I have the privilege to represent in this House, are certainly not going to trust this sort of Government which is unable to answer logical arguments, which have been adduced from the Opposition Benches—and by Opposition I

mean the Socialist Front, the People's Progressive Party and Independents, and I exclude for the moment the PMIP, because on this issue they are quite obviously on the side of the Government. We have heard a great deal of abuse and irrelevant talk. Even the Honourable Prime Minister went to the extent of saying that the Socialist Front wants to bring in people from China and that the PPP wants to steal what the Malays have got. What are we trying to steal? We are not stealing anything; we are only asking you not to take away something from us which you gave us; and we are not trying to steal anything from you. Who spoke about bringing in people from China? We are trying to protect the rights of unborn persons, persons who may subsequently be born in the Federation of Malaya. Those of us who have ventured to speak are described as "Disciples of Devils"—indeed the disciples of devils—or is it those who go about this country trying to mislead the masses, trying to mislead their own people? Are we the disciples of devils or are they the sons of Satans trying to cheat the people of this country? I ask you to contemplate on that.

Sir, we, of course, have done all we could to make the Government think twice. We have tried to instil some feeling of shame into Members of the Malayan Chinese Association and the Malayan Indian Congress, but they seem to be impervious to shame, and it seems to be a hopeless task (*Laughter*). I can, therefore, do nothing but to conclude with an expression of abhorrence at the vulgar and indecent haste which is being exhibited by the Alliance Benchers.

Tuan Haji Ahmad bin Saaid (Seberang Utara): Tuan Yang di-Pertua, saya bangun untuk mengambil peluang atas pindaan Perlembagaan yang telah di-kemukakan oleh Kerajaan. Sa-belum itu saya ingin menarek perhatian pada tiap² Ahli yang hadir ini ada-lah mustahak tiap² sa-orang itu memikirkan bahawa perbahathan ini ia-lah di-bahathkan dari segi

kepentingan warga negara Persekutuan Tanah Melayu dan dari segi kepentingan kebangsaan bagi Persekutuan Tanah Melayu dan dari segi hak asasi bagi tiap² warga negara Persekutuan Tanah Melayu. Jadi dengan ini, Tuan Yang di-Pertua, baharu-lah kita dapati perbahathan kita ini dengan sa-chara yang waras, ikhlas dan jujur supaya dapat-lah segala fikiran yang baik itu untok di-pertimbangkan. Bagaimana perchakapan pehak pembangkang yang menudoh bahawa pehak Kerajaan telah mungkir janji pada masa dahulu konon-nya kerajaan berjanji tidak akan meminda Perlembagaan ini. Perkara ini saya hairan, Tuan Yang di-Pertua, tidak ada sa-orang pemimpin sebelah sini yang berjanji tidak akan meminda Perlembagaan chuma tiap² pemimpin dan tiap² Perlembagaan bagi pertubuhan UMNO, MCA, MIC ada menyebutkan bahawa kami akan mengawal dan mempertahankan Perlembagaan Persekutuan Tanah Melayu—"to protect and uphold", jadi saya rasa, Tuan Yang di-Pertua, ada bagi pehak yang membangkang menta'rifkan "to protect and uphold" atau mempertahankan berma'ana ta' boleh di-pinda. Ini satu perkara yang mengelirukan. Mempertahankan ma'ana-nya mempertahankan kapada asas² dan dasar² dan tujuan yang sa-benar-nya waktu Perlembagaan ini di-lembagakan. Sekarang ada-lah jelas dan nyata bahawa tujuan dan asas itu telah di-chabul oleh ta' kurang daripada 13,000 orang yang nyata dapat dalam surat² khabar dan daripada Surohanjaya Kera'ayatan. Lapan ratus daripada mereka itu telah ditarek balek kera'ayatan-nya oleh sebab mereka ini berani menchabul hak asasi warga negara Persekutuan Tanah Melayu dan yang ketiga tiga belas ribu lima ratus lagi sudah di-kaji dan di-selideki supaya di-tarek balek kera'ayatan mereka itu.

Tuan Yang di-Pertua, ini ada-lah nyata dan jelas betapa penting-nya di-pinda dan di-perketatkan lagi Perlembagaan yang pada asas-nya UMNO telah berjanji dalam manifestonya tahun 1959 dahulu ia-itu mengawal dan mempertahankan—"to protect

and uphold" itu di-nyatakan. Berma'ana-lah kira-nya ada pehak yang menchabul atau yang mengambil peluang, maka menjadi kewajipan-lah bagi pehak yang berkuasa ia-itu pehak Kerajaan ini meneliti supaya Perlembagaan itu di-perketatkan lagi. Ini ada-lah kewajipan bagi Kerajaan bagi mengawal dan mempertahankan Perlembagaan berma'ana keseluruhannya termasuk-lah bab 159 yang membolehkan Kerajaan meminda tiap² bab yang ada dalam Perlembagaan ini yang di-dapati salah gunakan oleh pehak² yang hendak mengambil gerakan memutar-belitkan atau memperdayakan supaya dapat kera'ayatan itu sa-chara haram.

Yang kedua, Tuan yang di-Pertua, mengenai *Jus Soli*, tadi di-tuduh Kerajaan telah keluar daripada dasarnya. Sekarang saya menarek perhatian kepada orang yang memperjuangkan *jus soli* sa-chara luas yang tidak berhad. Sekarang dengan ada-nya undang² ini kalau beberapa banyak orang yang mengandong perempuan² yang mengandong datang minta hendak dudok di-sini 6 bulan, waktu datang di-sini mengandong sa-lama 6 bulan, sa-lepas 3 bulan mereka itu beranak. Manakala mereka itu beranak mereka itu tinggalkan anak² mereka di-sini dan balek ka-negeri masing², beribu² anak yang sa-macham itu (*Ketawa*) bahkan beratus² ribu akan tinggal di-sini dalam satu negara yang ma'amor dalam satu negara yang ada jaminan hidup yang baik, akan mendapat pelajaran dengan perchuma dalam negara ini dan di-beri kemudahan² hospital dan bermacham² kemudahan lagi. Sanggup-lah Kementerian Kebajikan menanggung beban yang besar untuk menjaga anak² itu. Boleh-kah kita tahan (*Ketawa*) kalau tidak di-perketatkan undang² itu. Ini satu perkara yang sangat mengkechiwakan kerana memperketatkan undang² ini tidak lain dan tidak bukan ia-lah demi kepentingan warga negara yang tulin ada hak bagi negara itu. Lagi satu perkara, Tuan Yang di-Pertua, mengenai isteri kepada warga negara. Undang² sekarang ini, tiap² warga negara boleh kahwin, dan isteri-nya

boleh terus meminta jadi warga negara. Orang² Islam ada 4 kopon, dia boleh kahwin 4 orang (*Ketawa*). Kalau yang ada sa-orang boleh kahwin 3 orang lagi. Ada orang yang beragama lain boleh kahwin sa-orang sahaja. Ada satu ugama lagi boleh kahwin beberapa banyak yang ia suka. Jadi, kalau-lah ada di-antara orang dalam Persekutuan ini yang hendak menggunakan undang² ini khas-nya orang² Islam yang keluar pergi ka-Singapore, ka-Mekah, ka-India, ka-Ceylon, dan ka-Indonesia kahwin 3 lagi kemudian balek ka-Persekutuan minta kera'ayatan, bila dapat menjadi kera'ayatan boleh masuk dalam daftar undi. Manakala masuk dalam daftar undi maka orang² perempuan boleh mewakili dalam Dewan Ra'ayat pada Pilehan Raya yang akan datang. Sa-orang pun orang laki² tidak dapat (*Ketawa*). Ini tetap akan terjadi. Sama ada daripada Majlis Tempatan, Majlis Dewan Negeri, Majlis Dewan Ra'ayat dan Dewan Negara semua-nya orang perempuan menjadi wakil. Orang² laki² pulang rumah jaga anak, masak nasi, basoh baju dan orang perempuan akan memerintah. Ini tidak lain dan tidak bukan jelas dan nyata sa-kira-nya Perlembagaan tidak di-ketatkan. Sa-kira-nya pehak pembangkang menapikan siapa hendak sanggup untuk orang² yang datang di-sini orang² yang bunting atau mengandong, siapa yang hendak tanggung, saya harap pehak pembangkang-lah yang akan sanggup menanggung sara hidup orang² ini. Bagi pehak Kerajaan tidak sa-kali² akan menerima orang² yang sa-macham ini. Tuan Yang di-Pertua, mengenai kebimbangan pehak daripada Bangsar.....

Enche' K. Karam Singh: Mr. Chairman, Sir, on a point of clarification, if the Honourable Member will allow me.

Tuan Haji Ahmad bin Saaid: On a point of what?

Enche' K. Karam Singh: On a point of clarification, if you will allow. If you don't allow, it doesn't matter.

Tuan Haji Ahmad bin Saaid: No time. Tidak ada masa.

Tuan Haji Ahmad bin Saaid: Tuan Yang di-Pertua, sedikit sahaja lagi, ada-lah mengenai kawasan jikalau di-kaji betul² kawasan², kawasan Bagan ada-lah di-anggap kawasan bandar, kawasan bandar Bagan ini ada 16,000 pengundi², kawasan saya luar bandar 22,000 pengundi, di-kawasan sahabat saya Dato Keramat ada 32,000, sedangkan bandar² Bagan dan Dato

Keramat, bandar juga satu lawan dua. Di-mana-kah ada perbezaan-nya yang menunjukkan pihak yang di-luar bandar dapat keutamaan. Ini tidak-kah apa yang ada sekarang Bagan 16,000 Dato Keramat 32,000, satu daripada kawasan bandar lawan dengan dua kawasan bandar, tidak ada beza-nya. Saya harap-lah pihak pembangkang mengkaji baik² dalam soal ini. Sakian-lah, terima kaseh.

Adjourned at 11.30 p.m.