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Thursday
3rd June, 1965

PARLIAMENTARY DEBATES

DEWAN RA'AYAT
(HOUSE OF REPRESENTATIVES)

OFFICIAL REPORT

**SECOND SESSION OF THE SECOND PARLIAMENT
OF MALAYSIA**

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MALAYSIA

DEWAN RA'AYAT

(HOUSE OF REPRESENTATIVES)

Official Report

Second Session of the Second Dewan Ra'ayat

Thursday, 3rd June, 1965

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

PRESENT:

- The Honourable Mr Speaker, DATO' CHIK MOHAMED YUSUF BIN SHEIKH ABDUL RAHMAN, S.P.M.P., J.P., Dato' Bendahara, Perak.
- „ the Prime Minister, Minister of External Affairs and Minister of Culture, Youth and Sports, Y.T.M. TUNKU ABDUL RAHMAN PUTRA AL-HAJ, K.O.M. (Kuala Kedah).
- „ the Deputy Prime Minister, Minister of Defence and Minister of National and Rural Development, TUN HAJI ABDUL RAZAK BIN DATO' HUSSAIN, S.M.N. (Pekan).
- „ the Minister of Home Affairs and Minister of Justice, 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. (Sungei Siput).
- „ the Minister of Transport, DATO' HAJI SARDON BIN HAJI JUBIR, P.M.N. (Pontian Utara).
- „ the Minister of Education, ENCHE' MOHAMED KHIR JOHARI (Kedah Tengah).
- „ the Minister of Health, ENCHE' BAHAMAN BIN SAMSUDIN (Kuala Pilah).
- „ the Minister of Commerce and Industry, DR LIM SWEE AUN, J.P. (Larut Selatan).
- „ the Minister for Welfare Services, TUAN HAJI ABDUL HAMID KHAN BIN HAJI SAKHAWAT ALI KHAN, J.M.N., J.P. (Batang Padang).
- „ the Minister for Local Government and Housing, ENCHE' KHAW KAI-BOH, P.J.K. (Ulu Selangor).
- „ the Minister for Sarawak Affairs, DATO' TEMENGGONG JUGAH ANAK BARIENG, P.M.N., P.D.K. (Sarawak).
- „ the Minister of Information and Broadcasting, ENCHE' SENU BIN ABDUL RAHMAN (Kubang Pasu Barat).
- „ the Minister of Agriculture and Co-operatives, ENCHE' MOHD. GHAZALI BIN HAJI JAWI (Ulu Perak).
- „ the Minister for Sabah Affairs and Civil Defence, DATU DONALD ALOYSIUS STEPHENS, P.D.K. (Sabah).

- The Honourable the Minister of Lands and Mines, ENCHE' ABDUL-RAHMAN BIN YA'KUB (Sarawak).
- „ the Assistant Minister of Commerce and Industry, TUAN HAJI ABDUL KHALID BIN AWANG OSMAN (Kota Star Utara).
- „ the Assistant Minister of National and Rural Development, ENCHE' SULAIMAN BIN BULON (Bagan Datoh).
- „ the Assistant Minister of Culture, Youth and Sports, ENSKU MUHSEIN BIN ABDUL KADIR, J.M.N., S.M.T., P.J.K. (Trengganu Tengah).
- „ the Assistant Minister of Education, ENHCE' LEE SIOK YEW, A.M.N., J.P. (Sepang).
- „ ENCHE' ABDUL GHANI BIN ISHAK, A.M.N. (Melaka Utara).
- „ ENCHE' ABDUL KARIM BIN ABU, A.M.N. (Melaka Selatan).
- „ ENCHE' ABDUL RAHIM ISHAK (Singapore).
- „ TUAN HAJI ABDUL RASHID BIN HAJI JAIS (Sabah).
- „ ENCHE' ABDUL RAUF BIN A. RAHMAN, K.M.N., P.J.K. (Krian Laut).
- „ ENCHE' ABDUL RAZAK BIN HAJI HUSSIN (Lipis).
- „ ENCHE' ABDUL SAMAD BIN GUL AHMAD MIANJI (Pasir Mas Hulu).
- „ DATO' ABDULLAH BIN ABDULRAHMAN, Dato' Bijaya di-Raja (Kuala Trengganu Selatan).
- „ Y.A.M. TUNKU ABDULLAH IBNI ALMARHUM TUANKU ABDUL RAHMAN, P.P.T. (Rawang).
- „ TUAN HAJI ABDULLAH BIN HAJI MOHD. SALLEH, A.M.N., S.M.J., P.I.S. (Segamat Utara).
- „ ENCHE' ABU BAKAR BIN HAMZAH (Bachok).
- „ TUAN HAJI AHMAD BIN ABDULLAH (Kelantan Hilir).
- „ ENCHE' AHMAD BIN ARSHAD, A.M.N. (Muar Utara).
- „ TUAN HAJI AHMAD BIN SAAID, J.P. (Seberang Utara).
- „ CHE' AJIBAH BINTI ABOL (Sarawak).
- „ ENCHE' ALI BIN HAJI AHMAD (Pontian Selatan).
- „ O.K.K. DATU ALIUDDIN BIN DATU HARUN, P.D.K. (Sabah).
- „ DR AWANG BIN HASSAN, S.M.J. (Muar Selatan).
- „ ENCHE' AZIZ BIN ISHAK (Muar Dalam).
- „ ENCHE' E. W. BARKER (Singapore).
- „ PENGARAH BANYANG ANAK JANTING, P.B.S. (Sarawak).
- „ ENCHE' CHAN CHONG WEN, A.M.N. (Kluang Selatan).
- „ ENCHE' CHAN SEONG YOON (Setapak).
- „ ENCHE' CHAN SIANG SUN (Bentong).
- „ ENCHE' CHEN WING SUM (Damansara).
- „ ENCHE' CHIA CHIN SHIN, A.B.S. (Sarawak).
- „ ENCHE' FRANCIS CHIAH NYUK TONG (Sabah).
- „ ENCHE' CHIN FOON (Ulu Kinta).
- „ ENCHE' C. V. DEVAN NAIR (Bungsar).

The Honourable ENCHE' EDWIN ANAK TANGKUN (Sarawak).

- „ TUAN SYED ESA BIN ALWEE, J.M.N., S.M.J., P.I.S.
(Batu Pahat Dalam).
- „ DATIN FATIMAH BINTI HAJI ABDUL MAJID
(Johor Bahru Timor).
- „ DATIN FATIMAH BINTI HAJI HASHIM, P.M.N.
(Jitra-Padang Terap).
- „ ENCHE' S. FAZUL RAHMAN, A.D.K. (Sabah).
- „ DATU GANIE GILONG, P.D.K., J.P. (Sabah).
- „ ENCHE' GANING BIN JANGKAT (Sabah).
- „ ENCHE' GEH CHONG KEAT, K.M.N. (Penang Utara).
- „ ENCHE' HAMZAH BIN ALANG, A.M.N., P.J.K. (Kapar).
- „ ENCHE' HANAFI BIN MOHD. YUNUS, A.M.N., J.P.
(Kulim Utara).
- „ ENCHE' HANAFIAH BIN HUSSAIN, A.M.N. (Jerai).
- „ ENCHE' HARUN BIN ABDULLAH, A.M.N. (Baling).
- „ WAN HASSAN BIN WAN DAUD (Tumpat).
- „ ENCHE' STANLEY HO NGUN KHIU, A.D.K. (Sabah).
- „ ENCHE' HUSSEIN BIN TO' MUDA HASSAN, A.M.N. (Raub).
- „ ENCHE' HUSSEIN BIN MOHD. NOORDIN, A.M.N., P.J.K. (Parit).
- „ ENCHE' HUSSEIN BIN SULAIMAN (Ulu Kelantan).
- „ TUAN HAJI HUSSAIN RAHIMI BIN HAJI SAMAN
(Kota Bharu Hulu).
- „ ENCHE' IKHWAN ZAINI (Sarawak).
- „ ENCHE' IBRAHIM BIN ABDUL RAHMAN (Seberang Tengah).
- „ ENCHE' ISMAIL BIN IDRIS (Penang Selatan).
- „ DATO' SYED JA'AFAR BIN HASAN ALBAR, P.M.N.
(Johor Tenggara).
- „ ENCHE' JEK YEUN THONG (Singapore).
- „ PENGHULU JINGGUT ANAK ATTAN, Q.M.C., A.B.S. (Sarawak).
- „ ENCHE' KADAM ANAK KIAI (Sarawak).
- „ ENCHE' KAM WOON WAH, J.P. (Sitiawan).
- „ DATU KHOO SIAK CHIEW, P.D.K. (Sabah).
- „ ENCHE' LEE KUAN YEW (Singapore).
- „ ENCHE' LEE SAN CHOON, K.M.N. (Segamat Selatan).
- „ ENCHE' LEE SECK FUN (Tanjong Malim).
- „ ENCHE' AMADEUS MATHEW LEONG, A.D.K., J.P. (Sabah).
- „ DATO' LING BENG SIEW, P.N.B.S. (Sarawak).
- „ DR LIM CHONG EU (Tanjong).
- „ ENCHE' LIM KEAN SIEW (Dato Kramat).
- „ DATO' LIM KIM SAN, D.U.T., J.M.K., D.J.M.K. (Singapore).
- „ ENCHE' LIM PEE HUNG, P.J.K. (Alor Star).
- „ DR MAHATHIR BIN MOHAMAD (Kota Star Selatan).
- „ ENCHE' T. MAHIMA SINGH, J.P. (Port Dickson).
- „ ENCHE' JOSEPH DAVID MANJAJI (Sabah).

- The Honourable DATO' DR HAJI MEGAT KHAS, D.P.M.P., J.P., P.J.K.
(Kuala Kangsar).
- „ ENCHE' MOHD. ARIF SALLEH, A.D.K. (Sabah).
- „ ENCHE' MOHAMED ASRI BIN HAJI MUDA, P.M.K. (Pasir Puteh).
- „ ENCHE' MOHD. DAUD BIN ABDUL SAMAD (Besut).
- „ ENCHE' MOHAMED IDRIS BIN MATSIL, J.M.N., P.J.K., J.P.
(Jelebu-Jempol).
- „ ENCHE' MOHD. TAHIR BIN ABDUL MAJID, S.M.S., P.J.K.
(Kuala Langat).
- „ ENCHE' MOHAMED YUSOF BIN MAHMUD, A.M.N. (Temerloh).
- „ ENCHE' MOHD. ZAHIR BIN HAJI ISMAIL, J.M.N. (Sungei Patani).
- „ WAN MOKHTAR BIN AHMAD (Kemaman).
- „ TUAN HAJI MOKHTAR BIN HAJI ISMAIL (Perlis Selatan).
- „ ENCHE' MUHAMMAD FAKHRUDDIN BIN HAJI ABDULLAH
(Pasir Mas Hilir).
- „ TUAN HAJI MUHAMMAD SU'AUT BIN HAJI MUHD. TAHIR, A.B.S.
(Sarawak).
- „ DATO' HAJI MUSTAPHA BIN HAJI ABDUL JABAR, D.P.M.S., A.M.N.,
J.P. (Sabak Bernam).
- „ ENCHE' MUSTAPHA BIN AHMAD (Tanah Merah).
- „ DATO' NIK AHMAD KAMIL, D.K., S.P.M.K., S.J.M.K., P.M.N.,
P.Y.G.P., Dato' Sri Setia Raja (Kota Bharu Hilir).
- „ ENCHE' NG FAH YAM (Batu Gajah).
- „ DR NG KAM POH, J.P. (Telok Anson).
- „ ENCHE' ONG KEE HUI (Sarawak).
- „ ENCHE' ONG PANG BOON (Singapore).
- „ TUAN HAJI OTHMAN BIN ABDULLAH (Hilir Perak).
- „ ENCHE' OTHMAN BIN ABDULLAH, A.M.N. (Perlis Utara).
- „ ABANG OTHMAN BIN HAJI MOASIL, P.B.S. (Sarawak).
- „ ENCHE' OTHMAN BIN WOK (Singapore).
- „ ENCHE' QUEK KAI DONG, J.P. (Seremban Timor).
- „ ENCHE' S. RAJARATNAM (Singapore).
- „ TUAN HAJI RAHMAT BIN HAJI DAUD, A.M.N.
(Johor Bahru Barat).
- „ ENCHE' RAMLI BIN OMAR (Krian Darat).
- „ TUAN HAJI REDZA BIN HAJI MOHD. SAID, P.J.K., J.P.
(Rembau-Tampin).
- „ RAJA ROME BIN RAJA MA'AMOR, P.J.K., J.P. (Kuala Selangor).
- „ ENCHE' SANDOM ANAK NYUAK (Sarawak).
- „ ENCHE' SEAH TENG NGIAB, P.I.S. (Muar Pantai).
- „ ENCHE' SIM BOON LIANG (Sarawak).
- „ ENCHE' SNAWI BIN ISMAIL, P.J.K. (Seberang Selatan).
- „ ENCHE' SNG CHIN JOO (Sarawak).
- „ ENCHE' SOH AH TECK (Batu Pahat).
- „ ENCHE' SULEIMAN BIN ALI (Dungun).
- „ PENGIRAN TAHIR PETRA (Sabah).
- „ ENCHE' TAJUDIN BIN ALI, P.J.K. (Larut Utara).
- „ ENCHE' TAI KUAN YANG (Kulim-Bandar Bharu).

The Honourable ENCHE' TAMA WENG TINGGANG WAN (Sarawak).
 „ DR TAN CHEE KHOON (Batu).
 „ ENCHE' TAN CHENG BEE, J.P. (Bagan).
 „ ENCHE' TAN TOH HONG (Bukit Bintang).
 „ ENCHE' TAN TSAK YU (Sarawak).
 „ ENCHE' TIAH ENG BEE (Kluang Utara).
 „ DR TOH CHIN CHYE (Singapore).
 „ ENCHE' TOH THEAM HOCK (Kampar).
 „ ENCHE' WEE TOON BOON (Singapore).
 „ ENCHE' YEOH TAT BENG (Bruas).
 „ ENCHE' STEPHEN YONG KUET TZE (Sarawak).
 „ ENCHE' YONG NYUK LIN (Singapore).
 „ TUAN HAJI ZAKARIA BIN HAJI MOHD. TAIB, P.J.K. (Langat).

ABSENT:

The Honourable the Minister of Labour, ENCHE' V. MANICKAVASAGAM, J.M.N., P.J.K. (Klang).
 „ WAN ABDUL KADIR BIN ISMAIL, P.P.T. (Kuala Trengganu Utara).
 „ ENCHE' ABDUL RAHMAN BIN HAJI TALIB, P.J.K. (Kuantan).
 „ WAN ABDUL RAHMAN BIN DATU TUANKU BUJANG (Sarawak).
 „ ENCHE' JONATHAN BANGAU ANAK RENANG, A.B.S. (Sarawak).
 „ ENCHE' CHIA THYE POH (Singapore).
 „ DR GOH KENG SWEE (Singapore).
 „ ENCHE' KHOO PENG LOONG (Sarawak).
 „ ENCHE' KOW KEE SENG (Singapore).
 „ ENCHE' EDMUND LANGGU ANAK SAGA (Sarawak).
 „ ENCHE' LIM HUAN BOON (Singapore).
 „ ENCHE' PETER LO SU YIN (Sabah).
 „ ORANG TUA MOHAMMAD DARA BIN LANGPAD (Sabah).
 „ ENCHE' D. R. SEENIVASAGAM (Ipoh).
 „ ENCHE' S. P. SEENIVASAGAM (Menglembu).
 „ ENCHE' SIOW LOONG HIN, P.J.K. (Seremban Barat).
 „ ENCHE' TAN KEE GAK (Bandar Melaka).
 „ PENGHULU FRANCIS UMPAU ANAK EMPAM (Sarawak).
 „ ENCHE' YEH PAO TZE (Sabah).

PRAYERS

(Mr Speaker *in the Chair*)

ORAL ANSWERS TO QUESTIONS

INCREASE IN SOME PRICES OF CONSUMER GOODS SINCE TURN- OVER TAX

1. Enche' C. V. Devan Nair (Bungsar):
 Mr Speaker, Sir, I ask question No. 1
 which reads—

“To ask the Minister of Commerce and Industry whether he is aware of the spiralling of prices of consumer commodities since the

introduction of the turnover tax and what concrete steps he has taken or proposes to take to hold the price-line”—

with a very slight modification, if I may: the words “spiralling of” ought not to be there and they should be substituted by the words “increase in some”, so that the sentence will read “. . . . whether he is aware of the increase in some prices of consumer commodities”

The Minister of Commerce and Industry (Dr Lim Swee Aun): Mr Speaker, Sir, although no notice has

been given on this sudden change, I am prepared to answer the question.

Mr Speaker, Sir, I am not aware that there has been—if the Honourable Member does not want the word “spiralling” to be there, then what does he want (*Laughter*), because otherwise it does not make sense!

Enche' C. V. Devan Nair: “Increase”.

Dr Lim Swee Aun: Well, I am not aware of any increases of prices of consumer goods since the introduction of the turnover tax. I am, however, aware that there were certain increases in the prices of certain commodities just before the last Hari Raya Puasa and the Chinese New Year due mainly to the increased demands for these commodities for the festival season. The Ministry of Commerce and Industry has taken immediate action to check these increases by invoking the provisions of the Control of Supplies Act, 1961. At the same time, the Ministry has introduced P.O. Box No. 8000 inviting complaints from the public regarding profiteering. Prices have since stabilised.

Dato' Lim Kim San (Singapore): Mr Speaker, Sir, can the Minister enlighten this House as to how many complaints he has received from the consumers?

Dr Lim Swee Aun: Since the opening of P.O. Box 8000, I have seen only eighty letters.

INTERNATIONAL TIN COUNCIL— LABOUR REPRESENTATIVES

2. Enche' C. V. Devan Nair asks the Minister of Commerce and Industry to state why mine workers are not associated with the work of this International Tin Council and whether he would take early appropriate steps to accord recognition to mine workers on this important world body.

Dr Lim Swee Aun: Mr Speaker, Sir, the International Tin Council is an organisation of countries which have interests in the trade as a whole on an international basis. Recently, it is concerned mainly with the problems concerning price stability. Therefore,

when occasion arises when the Council is directly involved in labour problems, consideration will be given to consulting labour and including its representatives in the delegation.

Enche' C. V. Devan Nair: Mr Speaker, Sir, what I had in mind, Mr Speaker, was not merely the association of labour when it came to labour matters, but whether it would be a wise thing in the long run to make labour more industry-conscious and whether labour could not be associated in other general matters as well?

Dr Lim Swee Aun: Mr Speaker, Sir, labour can be more industry-conscious, but I am certain that it would not be necessary for them to be represented on our delegation to the International Tin Council.

Enche' C. V. Devan Nair: Mr Speaker, Sir, but would it be easier and more practical for labour to become industry-conscious, help it to become industry-conscious, by associating them directly?

Dr Lim Swee Aun: I do not see how it can, in view of the fact that the International Tin Council only deals with the trading of tin.

FOREIGN EXCHANGE BANKS PARTICIPATING IN INDUSTRIAL FINANCING IN MALAYSIA

3. Enche' C. V. Devan Nair asks the Minister of Finance:

- (a) the number of Foreign Exchange Banks operating in this country that are participating in Industrial Financing in Malaysia;
- (b) whether Government will appoint a Commission to investigate into the activities and working of financial institutions in this country and make recommendations as to how these financial institutions could provide maximum contribution to accelerate economic development of the Malaysian economy.

The Minister of Finance (Enche' Tan Siew Sin): Mr Speaker, Sir, the answer to the first part of the question is that there are twenty-one foreign banks

operating in Malaysia and all of them are participating in industrial financing in this country. The answer to the second part of the question is in the negative, because adequate arrangements exist to deal with the activities of financial institutions in this country.

Enche' C. V. Devan Nair: Mr Speaker, Sir, could we have some idea of what the nature of these adequate arrangements may be?

Enche' Tan Siew Sin: I say that adequate arrangements exist to deal with the activities of financial institutions in this country, because Bank Negara, Malaysia, is equipped with authority to give directions regarding bank lending. Bank Negara is also one of the major shareholders of the Malaysian Industrial Development Finance Ltd with which it has close association through being represented on the M.I.D.F.L's Board of Directors. The activities of insurance companies come under the supervision of the Insurance Commissioner.

MOTION

THE YANG DI-PERTUAN AGONG'S SPEECH

Address of Thanks

Order read for resumption of debate on Question,

That an humble Address be presented to His Majesty the Yang di-Pertuan Agong as follows:

"Your Majesty,

We, the Speaker and Members of the Dewan Ra'ayat of Malaysia in Parliament assembled, beg leave to offer Your Majesty our humble thanks for the Gracious Speech with which the Second Parliament has been opened",

to which the following amendment was moved to add at the end thereof:

"but regrets that the Address by His Majesty the Yang di-Pertuan Agong did not reassure the nation that Malaysia will continue to progress in accord with its democratic constitution towards a Malaysian

Malaysia, but on the contrary the Address has added to the doubts over the intentions of the present Alliance Government and over the measures it will adopt when faced with the loss of majority popular support."

The Deputy Prime Minister (Tun Haji Abdul Razak): Tuan Yang di-Pertua, Dewan ini telah membincangkan Uchapan di-Raja sudah hampir empat hari lama-nya dan boleh dikatakan semua Ahli² Yang Berhormat telah dapat peluang mengeluarkan pandangan² dan buah² fikiran

Enche' Lee Kuan Yew (Singapore): Mr Speaker, Sir, could I ask for your ruling as to whether I should speak, perhaps, before the Deputy Prime Minister? You indicated to me on Tuesday night that I would have a chance to give an explanation at quarter-past eight, but it so happened that so many speeches were made that ultimately at nine o'clock I was waiting. I think it is necessary that this explanation should be given; and, perhaps, the Deputy Prime Minister would wish to speak after me. It may be convenient to him.

Mr Speaker: I am afraid you cannot be allowed to do so, because yesterday was the day at which you might offer your explanation, but you missed it because of the time limit.

Enche' Lee Kuan Yew: Mr Speaker, Sir, may I say this? It does not matter to me, if you so rule, that I cannot make an explanation in Parliament, as then I will be compelled to make an explanation outside Parliament, which I am prepared to do. But, Mr Speaker, Sir, it would look so much better to the rest of the world, and to all the distinguished guests present in Parliament, if you would allow an explanation by a Member who has moved an amendment. I will not introduce any new matter.

Mr Speaker: It really is a matter of Standing Orders by which we are all bound. I would like to invite the attention of the Honourable Member to Standing Order 35 (3) which provides that no Member shall speak more than

once except in Committee, in explanation as prescribed in paragraph (4), or in the case of the mover of a substantive motion, only in reply.

Paragraph (4) provides that—

“A member who has spoken to a question may again be heard to offer explanation of some material part of his speech which has been misunderstood; but he shall not introduce new matter.”

Enche' Lee Kuan Yew: (*Rises*).

Mr Speaker: The procedure as set out in Erskine May Parliamentary Practice, page 445, 17th Edition, is that the proper time for explanation is at the conclusion of the speech which calls for it. Since the proper time is now over, I regret I am not in a position to allow the Honourable Member to address this House again.

Enche' Lee Kuan Yew: Sir, I do not want to address the House again but to make an explanation, because . . .

Mr Speaker: But the time is not the proper time. That is my ruling.

Enche' Lee Kuan Yew: That is your ruling, Sir? (*Enche' Lee Kuan Yew bows to the Chair*).

Tun Haji Abdul Razak: Tuan Yang di-Pertua, saya sa-bentar tadi berkata bahawa dalam empat hari ini, Ahli² Dewan ini telah dapat peluang yang penoh membincangkan Uchapan di-Raja itu dan juga Ahli² dari pehak Pembangkang pun telah di-beri chukup peluang mengeluarkan buah² fikiran mereka itu. Kebanyakan daripada fikiran² dan pandangan itu ada-lah menyokong dasar dan perjalanan Kerajaan. Sa-tengah-nya tidak begitu menyokong. Saya suka, Tuan Yang di-Pertua, bagi pehak Kerajaan, menguchapkan berbanyak² terima kasih kepada Ahli² Yang Berhormat yang telah menyokong dasar Kerajaan, sama ada dasar yang telah lalu dan juga dasar yang sedang di-buat untuk masa yang akan datang. Rakan² saya, Menteri² yang lain, telah menjawab kebanyakan daripada perkara² itu dan Yang Amat Berhormat Perdana Menteri berpendapat bahawa tidak ada perkara yang mustahak bagi-nya hendak menjawab untuk mengulas perbahathan ini. Ada satu perkara sahaja

Yang Amat Berhormat Perdana Menteri hendak menjawab ia-itu pertanyaan daripada Yang Berhormat Enche' Lee Kuan Yew yang berkehendakkan keterangan di-atas ma'ana perkataan yang ada dalam Uchapan di-Raja ia-itu perkataan² threat from within. Yang Amat Berhormat Perdana Menteri telah meminta supaya saya menjawab perkara ini.

Tuan Yang di-Pertua, saya suka terangkan pada Dewan ini bahawa Uchapan di-Raja itu ia-lah tanggungjawab Perdana Menteri dan Jema'ah Menteri dan Jema'ah Menteri bertanggung-jawab di-atas tiap² perkataan yang terkandung di-dalam Uchapan di-Raja itu dan Jema'ah Menteri menerima tanggung-jawab sa-penoh²-nya di-atas tiap² perkara yang tertulis di-dalam Uchapan di-Raja itu. Akan tetapi sa-belum saya menjawab pada hari ini, saya suka hendak menjawab beberapa pertanyaan² dan juga pandangan yang di-datangkan oleh dua tiga orang Ahli daripada pehak Pembangkang yang belum lagi dijawab oleh rakan² saya Menteri² di-pehak Kerajaan.

The Honourable Member from Sarawak, Mr Ong Kee Hui, said that the recent crisis in the Sarawak Alliance was due to interference by UMNO. My colleague, the Minister of Land and Mines, has already replied to him, but I would like to say quite clearly here, in case there should be any misunderstanding on this matter, that this has nothing to do with UMNO, because the matter is for the leaders of the Alliance and Sarawak. However, as the Sarawak Alliance is affiliated to the Malaysian Alliance Party, it is within the right of the Alliance leaders here to intervene, if requested to do so in order to settle any difference. In this particular case, they were able to settle the differences themselves.

The Honourable Member has also mentioned that since the formation of Malaysia, the people of Sarawak have not received any benefit from Malaysia. Sir, with the establishment of Malaysia, we promised the people of Sarawak and Sabah independence and with it the possibility of progress and development as we were able to achieve here

in Malaya. However, we now have confrontation and, as Honourable Members know, this confrontation by Indonesia is not due to us. It is due to the Jakarta regime, and because of that, because of this threat to the security of our country, this confrontation has to be dealt with as a matter of utmost priority. However, despite all this, we are determined to carry out our development plan in Sarawak. We have now geared the machinery of the Government of Sarawak to undertake work on development. I would like to say that we are determined, with the co-operation of the State Government to do all we can to give the people of Sarawak the benefit from independence and from our development plan.

The Honourable Member also made reference to the fact that the Simanggang Road Sub-Branch of the S.U.P.P. was proscribed by the Sarawak Government. It was not clear what his intention was in touching on this subject. I believe that he also suggested that since those concerned are officials of the party, it would be logical, therefore, to arrest only the officials. Let me, therefore, clarify to this House on the grounds why this particular Branch was proscribed by the Federal Secretary in Kuching under the Preservation of Public Security Regulations 1962. We had information that the establishment of the Party, in the first place, was engineered by the Communist organisation in Sarawak through one of its leading cadres and that all along the activities of this Sub-Branch were conducted on the lines laid down by Sarawak Advanced Youth Association formerly known as C.C.O. (Clandestine Communist Organisation) for its open front work. Four of the five officials of the Party are now known to be in Indonesia. In short, there is, therefore, evidence to indicate a long-term Communist planning to create, through the medium of an open and legal front organisation, an ideologically dominated area where political consciousness could be directed through the Communist policy of struggle through the legal and constitutional means. For the information of this House, there was no change in the registered officials

since 1959; there had been merely a reshuffling of the key posts amongst the Communist faction. The Communists had all the time been in control. It is ridiculous for Mr Ong Kee Hui to suggest that the officials concerned should be arrested—most of them are in Indonesia now. The branch has to be closed, as it is being used by Communist elements as a cover to carry out their subversive activities.

Now, Sir, the Honourable Mr Lee Kuan Yew has asked the Prime Minister to explain what is meant by "threat from within". He said that when he heard this portion of His Majesty's speech he looked around him and it was clear to him that it must have meant some sector of this House. He said that it could not be the Members from P.M.I.P. or the Members from Barisan Sosialis; it could not also mean the Member for Batu; and so he was left with only one assumption, that is, that it was meant for him and his colleagues whom he said are "loyal Malaysians", gathering together now to establish the Constitution that Malaysia is a Malaysian nation and, perhaps, he said, "we were that 'threat from within'." This statement, coming from him is sheer deceit. The Honourable Member knows fully well what is meant by the "enemy from within" the nation. He is the Chief Executive of the State of Singapore. He has helped the Central Government with a lot of information, which eventually led to the arrest of enemies from within Singapore. (*Applause*). He knows who they are because when Singapore and the Federation were discussing the question of Merger, which led to the formation of Malaysia, he was on the Singapore Internal Security Council together with my colleague, the Minister of Home Affairs. He produced a book which gave information about the activities of the Communists. He made statements, about their danger to the peace and security of this country, and now his representative sits in the National Defence Council where matters of internal security and defence are freely discussed. He receives briefings from the Intelligence Branch of the Security Service and knows fully well who are

the enemies from without and who are the enemies from within. As executive head of Singapore, he receives all the intelligence reports which give information as to the activities of those people whom His Majesty referred to in His speech as the enemies from within. They are the traitors—the Communists. He knows that about 1,500 persons from Sarawak alone have gone over to Indonesia and there are no less than 150 Communists from the mainland and Singapore, who likewise have gone over.

With confrontation from Indonesia, we have also those who are not Communists, but who either for money, or some other form of inducement, have rendered service to the enemy in co-operation with the Communists, and their object is to hand over this country to Indonesia or to the Communists. Some of these people have been taken in and kept in custody, but others are at large who are actively working to undermine the authority of the legally established Government of this country.

Our Prime Minister has never thought of Mr Lee Kuan Yew or his Party as the enemy from within. In the first place, he does not think they have indulged in these activities, at least not so far. (*Applause*). They are not trusted enough by the Communists, nor considered important enough, or strong enough, for the Communists to take them into their confidence. As a Barisan Sosialis Member has revealed in this House the other day, that he who works with Mr Lee Kuan Yew and his Party must expect to be discarded, whenever it suits him. Our Prime Minister also doubts if Indonesia will make use of Mr Lee Kuan Yew and his Party for a take-over of this country unless it be to serve their own end. So it is obvious from here that it was not him whom His Majesty referred to as the enemy from within.

Enche' Lee Kuan Yew: Mr Speaker, Sir, on a point of clarification am I safe to assume that the Deputy Prime Minister is speaking with the full approval of the Prime Minister and that he disagrees profoundly with the view made by the Secretary-General of

UMNO and the Assistant Secretary-General of UMNO that I am the enemy? He must disagree profoundly. Am I safe in assuming that the Prime Minister and the Deputy Prime Minister do not share the view of the Secretary-General, UMNO, and the Assistant Secretary-General, UMNO, who have stated categorically that I am the enemy—"worse than Indonesia", said they?

Tun Haji Abdul Razak: Mr Speaker, Sir, what I have said, I am speaking on behalf of the Government with the full authority of the Prime Minister. I am stating the view of the Government.

If we had thought of him as such, as the enemy from within, we would have dealt with him as we had done with all the other enemies from within. (*Applause*). Our duties and responsibilities are clear. We will not be afraid to act whenever we consider any person a security risk to our country. Mr Lee Kuan Yew would like to hear an explanation from the Prime Minister. I do not know what explanation he wants. However, it is clear to all of us that he is out to make trouble. (*Applause*). From the reports which have appeared in the press, and from the visits he has made abroad, he had attempted to blacken the image of the Central Government in a way which was so aptly described by the Honourable the Minister of Home Affairs the other day.

Not so long ago, according to the Prime Minister, he was asked by a member of the Diplomatic Corps, why was it that he hated Mr Lee Kuan Yew. The Prime Minister had always thought of him as his friend and, therefore, it was a surprise that such a story had gone round. Now, who was responsible for this story? It could be nobody else but Mr Lee Kuan Yew himself. (*Applause*).

Enche' Lee Kuan Yew: On a point of elucidation, Sir—would it be of any value to me to go round the Diplomatic Corps telling them that the Prime Minister hated me? What benefit do I get out of it? In fact, I am with the Prime Minister, lunching with him after Parliament, playing golf with him.

Tun Haji Abdul Razak: Sir, we know a lot of things Mr Lee Kuan Yew has said. Why did he invent such a story?

Enche' Lee Kuan Yew: I never invented such a story.

Tun Haji Abdul Razak: Now, we are beginning to understand—it was done for a purpose and that purpose was to give the impression that the intention of this Government is to dominate Singapore and to discriminate against the people of Singapore.

According to Mr Lee Kuan Yew, the Central Government is Malay dominated and that the Central Government is trying to foist Malay rule on the entrapped peoples of Singapore, Sabah and Sarawak, and that the Government is treating all these new States as inferiors.

That was why he came to see the Prime Minister some time ago and put forward a proposal that his Party should share in the administration of this Government in place of the M.C.A. This idea was wholly unacceptable, in fact, most objectionable to the mind of an honest and loyal leader. (*Applause*). The M.C.A. has been a partner since the formation of the Alliance and they have been our true friends indeed and, together with the M.I.C., we have worked for the independence of Malaya which led eventually to the independence of the other States which now make up Malaysia. It is unthinkable that the Prime Minister could discard the M.C.A. for the P.A.P. He has always regarded the M.C.A. as a true friend of UMNO and as a partner who, together with the M.I.C., has worked for the well being, prosperity and happiness of this country. The M.C.A. represents the Chinese views and interest, and so the M.I.C. in respect of the Indians, and through the co-operation of these two organisations we were able to work for the welfare and the good of the peoples of this country. This cannot be said of the P.A.P. As has often been said in this House in the debate, Mr Lee Kuan Yew, in fact, thinks in terms of the Chinese, or a small section of the Chinese in Singapore, and the only Government which will be acceptable

to him is one in which he can have a big say and a big share, and ultimately a Government which he alone can have a say without resort to parliamentary democracy. (*Applause*). Now, Sir, since his proposal to replace M.C.A. is not acceptable to the Prime Minister, he has switched on to his new insidious plan of a Malaysian Malaysia. In other words, a breakup of Malaysia as constituted under the Agreement signed in London.

Enche' Lee Kuan Yew: Is a Malaysian Malaysia insidious—really? Is the Constitution an insidious document?

Tun Haji Abdul Razak: His plan is insidious. Now, Sir, Honourable Members can now understand the imputation, when he said that there are some who want secession. We have never talked about secession, at least not by the Prime Minister and members of the Government. He also said that probably the people of Penang, Sabah, Sarawak and Singapore and Malacca could come together.

Enche' Lee Kuan Yew: Mr Speaker, Sir, before the Deputy Prime Minister proceeds: I have here a complete transcript of what I said at the Delta Community Centre which was reported in the *Straits Times*. The Deputy Prime Minister would be saved a considerable amount of embarrassment if I were able to give him a copy of this transcript. He will see that nowhere was the word "partition" ever used (*Interruption*). I never used this word. I never said it.

Mr Speaker: I think the Honourable Deputy Prime Minister has a right to be heard in silence. (*Applause*).

Enche' Lee Kuan Yew: Even when I am misquoted, I must remain silent? This is parliamentary democracy?

Tun Haji Abdul Razak: This is what we read in the newspapers, and this is what we heard Radio Singapore said. (*Applause*). In short, he has suggested that Malaysia must be broken up into two: one is, as he stated, Malay Malaysia, and the other one Mr Lee Kuan Yew's Malaysia, or Straits Settlement Malaysia—whatever he

wants to call it. It is clear, Sir, that the Honourable Member is doing exactly what the enemies of Malaysia have been doing, creating doubts, suspicion and confusion in the minds of the people, undermining the unity, the resolve and determination of our people to face the threat to our security and our survival. Just because he is not in control of affairs of the Central Government, he is doing all he can to wreck Malaysia. As has been said, he is definitely playing into Soekarno's hands. Now, that is why he brought this amendment to the Motion of Thanks for the Royal Address, alleging that we in the Central Government consider him a threat to the security of this country. Sir, we do not consider Mr Lee Kuan Yew of that importance to be even a threat to the Alliance. We are quite capable of dealing with him.

Enche' Lee Kuan Yew: (*Rises*), (*Interruptions*).

Tun Haji Abdul Razak: As my colleague, the Minister of Home Affairs said the other day, we are quite capable of fighting him democratically and constitutionally, so long as he and his colleagues do the same.

As one Honourable Member said the other day, Mr Lee Kuan Yew is like a bride, who was madly in love with a man and, having married him, found the new home unsuitable and would like to go back to the mother—the Old Colonial master. (*Applause*). (HONOURABLE MEMBERS: Shame!). Having married to this new family, the bride is not content with being just a member of the family or having the right to inherit the family property, but also she wants to dominate and rule the family at the same time.

Now, having had this marriage trouble, Mr Lee Kuan Yew went around the world to tell people of our domestic trouble. What has all this got to do with people outside this country? If there are differences between political parties in this country, these are matters for us to settle internally. We are a democratic country; we have a democratic Constitution; and in the last resort it is a matter for the people to decide.

I would like, Sir, to explain to our friends overseas that these differences we have with the P.A.P. are internal matters. We, in the Central Government, are quite capable of dealing with them. (*Applause*). We have a clear mandate from the peoples to govern this country and we shall not shirk our responsibilities. (*Applause*). Now that Mr Lee Kuan Yew has made his stand clear here, I say again that we will fight him democratically and constitutionally.

Enche' Lee Kuan Yew: Mr Speaker, Sir, on a point of clarification: Tun Haji Razak has said that he will fight us democratically and constitutionally. I ask him, therefore, if he was misquoted in *Utusan Melayu* when it said that he was prepared to use force—was that a misquotation by *Utusan Melayu*?

Tun Haji Abdul Razak: Sir, I never said that I was prepared to use force, under any circumstances. We have the responsibility for governing the country and in maintaining law and order; and if we have to use it, for maintaining law and order, we will use force.

Enche' Lee Kuan Yew: (*Rises*).

Tun Haji Abdul Razak: I am not giving way, Sir.

Mr Speaker: (*To Enche' Lee Kuan Yew*) Will you please be seated?

HONOURABLE MEMBERS: (*Interruption*). Shame! Get out!

Tun Haji Abdul Razak: Sir, there is no need for Mr Lee Kuan Yew to resort to tactics of twisting facts and of casting doubt in the minds of the people that the Alliance Government has intention of resorting to force, or to undemocratic and unconstitutional methods.

Everyone in this country knows, and everyone throughout the world knows, that this Government, the Alliance Government, has always believed in the principle of parliamentary democracy and has practised it faithfully, not only in our own political parties but also in the Government.

Indeed, Sir, the only criticism we have heard from friends, who have

visited our country, and from responsible citizens of this country, is that we have been too democratic and too liberal in our attitude. This attitude has been interpreted by certain quarters as weakness and some have taken advantage of it.

Dr Tan Chee Khoon: On a point of clarification, Sir: do the foreign visitors know that Members of the Opposition are put behind bars for their political beliefs? Is that democracy?

Tun Haji Abdul Razak: They know—and they know the reason well. (*Applause*). It is also known to everyone that we in the Alliance Party practise democracy strictly. In the UMNO, ever since our Prime Minister took over the leadership of UMNO in 1951, we practised absolute democracy. We have held elections to elect leaders of our Party, once a year. Every member of our Party, from the branches to the Division and to our General Assembly, has a say in the elections of the leader of our Party. And the same is true with the other parties of the Alliance—the M.C.A. and the M.I.C.

But what of the P.A.P.? The Honourable Member for Batu was indeed right when he said that the P.A.P. never practised democracy. (*Applause*). The leadership of the P.A.P. nominates a number of cadres and these cadres elect their leaders, so that the leadership of the P.A.P. can never be challenged, not even by their own members. Is this democracy by any stretch of the imagination? How can a leader who does not practise democracy in his own party, be expected to uphold the principle of democracy and practise democracy in Government? (*Applause*).

Now, Sir, the Honourable Member for Batu was again right, when he says that there is no democracy in Singapore. What is the use of having elected legislators, if they are not given a chance to express their views and to criticise the Government, if need be? We, on the other hand, the Alliance Party, have followed the rules strictly. We have held meetings of Parliament regularly and in our State Legislatures

controlled by our Party, we have held meetings just as regularly too.

We have in this House allowed Members of the Opposition full freedom and particularly the Honourable Prime Minister of Singapore himself—full freedom to speak and we gave them full hearing.

Dr Tan Chee Khoon: On a point of clarification, Sir: if that is so, why was the Prime Minister of Singapore denied a chance to reply?

Mr Speaker: I take very strong exception to that remark, because it was my ruling. (*Applause*).

Tun Haji Abdul Razak: Therefore, Sir, it is clear to all of us that we in the Government really practise democracy in this country. I say clearly that the P.A.P. does not believe in democracy. The P.A.P. believes in one-party Government and in absolute rule by that Party.

Now, Sir, there is no need for Enche' Lee Kuan Yew to impute any motives in the present Alliance Government, because we have shown by our deeds, by our action, and by our practice, that we are really true democrats. We have held National Elections three times, and has followed not only in terms but also in the spirit of the practice of democracy.

Honourable Members of this House will remember that during the last National Elections, we gave the Opposition ample notice of our intention to hold the elections. We gave them six weeks in which to campaign throughout the country and put their views to the people, while in Singapore, the P.A.P. only allowed other political parties nine days to prepare for the elections. (HONOURABLE MEMBERS: Shame!). Is this following the true spirit of democracy?

In a democracy we have freedom—freedom to speak, freedom of thought, freedom of expression, but there are rules to the game, and we must follow the rules, if we want to practise real democracy.

Now, Sir, we on this side of the House know the Constitution of the

country well, because we are responsible for drafting this Constitution. We are responsible for giving the people of Malaya and Malaysia the Constitution, a democratic Constitution, because we strongly believe in the principles of democracy and the fundamental rights of the people.

We have practised democracy in this country for almost ten years, and no one can truthfully accuse us of not upholding the principle of democracy. I think not even the Prime Minister of Singapore could produce any evidence to say that we in the Alliance have not upheld the Constitution, both in terms and in spirit.

Now, Sir, as of parliamentary democracy, we welcome constructive criticisms. We welcome a responsible and loyal Opposition. But, Mr Speaker, Sir, what have we seen in this new so-called Malaysia Solidarity Convention, or Party, or Organization, or whatever they choose to call themselves. We, had the privileges the other day, in the course of this debate, to see how Members of this Organization give a display of their so-called unity, or solidarity.

The Prime Minister of Singapore, presumably, now the leader of this Solidarity group, stated repeatedly and stressed strongly that he would uphold the Constitution, and that he supports Malay as the National language of the country, and he supports Article 153 of the Constitution. Then we had another Member of this Solidarity Convention, the Honourable Member from Sarawak, the leader of the S.U.P.P., who said he did not support Malay as the National language and would have the other languages to be recognised as Official languages of the country. And then soon after that, we had the Member for Ipoh, the leader of the Peoples' Progressive Party, who said, equally strongly, that he does not support Malay as the National language, as the sole Official language, and that he does not support Article 153 of the Constitution.

Now, Sir, where is the unity, or solidarity, or even common grounds among these parties that form this group?

Sir, we have another set of strange bed-fellows of the P.A.P. in this so-called Convention, i.e., the U.D.P. It is interesting to know that the U.D.P. has become respectable socialists to make common cause with the P.A.P. We all know that the present leaders of the U.D.P. left the M.C.A., because they could not agree on vital national issues, such as the questions of National language and National Education Policy, with the Alliance.

It may be that the U.D.P. now has become supporters of P.A.P. socialism, or it may be that P.A.P.'s attack on chauvinism, both Malays and Chinese, only bugles of advance covering a retreat. They only say they are against communalism in order to camouflage their continuing dependence for political support on communal and chauvinistic issues.

It seems, Mr Speaker, Sir, from the Opposition bench other than the P.M.I.P. and the Barisan Sosialis, only the Honourable Member for Batu is left out from the so-called Solidarity Convention. Although at times we may disagree with the Honourable Member for Batu, he is basically a decent man. (*Applause*).

Dr Tan Chee Khoon: Mr Speaker, Sir, I hope that is not a kiss of death for me—politically.

Tun Haji Abdul Razak: If the Honourable Member for Batu has been an opportunist, he will be sitting next to the Prime Minister of Singapore, now the leader of the Convention. But the Member for Batu is, as I said, a decent man and cannot swallow this practice of discarding and ditching out of friends however misguided he may think they are; (*Applause*) and, I believe, even if he disagrees with his colleagues and supporters even in public, he still stands by them. He is a man of principle. (*Applause*).

Now, Sir, having seen the coming together of so many strange bed-fellows, it is pertinent to ask ourselves, why Mr Lee Kuan Yew, the so-called socialist, who not so long ago had the most utter contempt for all these men that he has now collected as colleagues in arms in a political battle?

The fact is that Mr Lee Kuan Yew's political base in Singapore is now being eroded. The people of Singapore are disillusioned with his policies and promises. The ordinary people of Singapore, the workers, the shopkeepers, are questioning his policy and all that he promised them in the past. Therefore, he has to find new issues and, if there are no issues, he has to create them to prove that he is still the only man who can rule Singapore.

He has to find a giant to fight with and in this he has found the Central Government, which he says is a Malay-dominated Government of the UMNO. Now, he no longer has Mr Lim Chin Siong to mobilise the mass support for him and to instruct energetic cadres for him. Instead, now, he has to pay the Workers' Brigade, the People's Association and other Government organizations to produce the cheering crowds for him. (*Applause*). He hopes to build himself up as the champion of the Chinese against the Malays and in this he has his allies—the U.D.P., S.U.P.P. and P.P.P.

Now, Sir, Mr Lee Kuan Yew, being a man of intelligence and, as he says he calculates everything he does, he should know, and I think he knows well, and we know, that he is playing a dangerous game. He knows that by whipping this anti-Malay feeling he may be pushing the Malays too far and the situation may get out of hand. But he believes that as the Tunku is a man of goodwill and a man of peace, the Tunku will do everything possible to maintain communal harmony and goodwill. It is this belief that gives him the courage in this reckless adventure—this mad seeking for power. However, I must warn him that although we stand for racial harmony, for goodwill, for peace, for unity, but if, as a result of his adventure, troubles should break out in this country we must hold him fully responsible. (*Applause*).

Enche' Lee Kuan Yew: Mr Speaker, Sir, may I?

Tun Haji Abdul Razak: I am not giving way, Sir.

Enche' Lee Kuan Yew: Mr Speaker, Sir, (*Interruption*).

I am not allowed to speak, to explain. Is this democracy?

Mr Speaker: Have you got a point of order?

Enche' Lee Kuan Yew: I am being held responsible, Sir.

Tun Haji Abdul Razak: I must ask his colleagues in the P.A.P., some of whom I know are dedicated men whom I have the privilege of knowing, to ponder carefully the dangerous road their leader is leading them into.

In politics you can calculate, you can take your pencil and paper and work out various assumptions and presumptions, but you can be wrong. As my colleague, the Minister of Home Affairs, said the other day, we the leaders of the Alliance do not pretend that we are clever, but we know we are honest and sincere, and we play straight politics, and in whatever we do we always place the interest, the safety and welfare of our people in this country uppermost in our minds. (*Applause*).

As I said, Sir, in Parliamentary democracy in which we believe, we will not object to opposition, but what we resent is this attempt, at this time of our national crisis, when we are facing a threat to our independence and sovereignty from outside, to blacken the image of our country in the eyes of our friends abroad, to create doubts and suspicions in the minds of our people, and to undermine the goodwill and harmony among the various races of this country. (*Applause*).

Mr Speaker, Sir, Mr Lee Kuan Yew is a great expert in creating a situation which does not exist. He is an expert in organising campaigns to create doubts, suspicions and confusion in the minds of the people, so that ultimately there will be chaos and troubles in the country, and out of that chaos and troubles, he hopes to emerge as the leader who can save the country. There is no need for him to waste his time in this sort of campaign and underhand activities, because every

man and woman of Malaysia are practical people—he himself has admitted that they are practical people. They have the commonsense to distinguish between what is right and what is wrong. They have enough commonsense to know where the truth lies. There is no need for him to sweeten the feelings of the Malays and the natives by saying that he supports the National language and Article 153 of the Constitution, i.e., the special position of the natives and of the Malays, when in actual fact he continuously, by words and deeds, undermines these two fundamentals. In one breath he supports Malay as the National language, and in the next breath he makes sneering remarks about the National language. He said, "How could the Malay language help to uplift the standards of living of the Malays?" Of course, he knows as well as we do that language has nothing to do with the standards of living of the people. Language is the soul of the nation—"Bahasa Jiwa Bangsa." (*Applause*). This is not a matter which can be measured in terms of wealth, or of the standard of living or of material advantage. He knows this, and we all know this. Why make such a remark, if one sincerely believes in promoting the National language, in making it the language for unity of our people? This continual habit of double talk, in which the Hon'ble Member is a great expert, cannot influence the people in any way, because truth and sincerity must prevail.

Now, Sir, the Honourable Mr Lee Kuan Yew and his newly found friends in the so-called Solidarity Convention speak of a "Malaysian Malaysia". They put it across to the people as if this is something completely new which has never been thought of before, but everyone knows, as my colleagues on this side of the House have explained, that this is the object of the formation of Malaysia. Everyone knows that this is the objective contained in the Constitution of Malaysia. The Honourable Member himself knows the Constitution. He accepted it and defended it in

the State Assembly of Singapore. There have not been any changes in the fundamental provision of the Constitution of Malaysia. However, as I said, as the Honourable Member is not part of the Central Government and is not responsible for the affairs of Malaysia, he cannot accept the situation as it is now. The Malaysia which he supported is no longer the Malaysia that he wanted. That is why he talked about the winds of change. That is why he accused us of not integrating the various territories together.

Now, Sir, if he is part of the Central Government as he had wanted to be, then everything would be all right. The P.A.P. now talks about the winds of change. We had our winds of change in 1957, when we achieved independence; and it is our duty now to consolidate the independence that we have achieved to give our people of all races a better and higher standard of living and a rightful place in our country. (*Applause*).

The truth of the matter, as my colleague, the Minister of Home Affairs said, is that the P.A.P. in Singapore found that they cannot adapt themselves to the new situation. They cannot accept the fact that they are one of the 14 States of Malaysia, and that Mr Lee Kuan Yew is the leader of the Government of only one of those States. Mr Lee Kuan Yew has found himself like a frog in a big lake. Obviously, he has to croak in order to show his presence and to be heard.

Sir, as my colleague, the Minister of Finance, said we in the Alliance have talked about Malaya for the Malaysians since we first formed the Alliance Party in 1953. When our Prime Minister first mooted out the idea of Malaysia, we told the people of Sarawak, Sabah and Singapore that we would like them to achieve independence together with us, so that they would have the same status as we have enjoyed, the same rights and privileges as we had as an independent and sovereign nation.

We, the leaders of the Alliance, are now fortunately accustomed to this sort of talk, to smearing campaigns and to

double talk ever since the Prime Minister of Singapore came into the political arena of Malaysia. But we hope and trust the people of Malaysia of all races know this and should be aware of this double talk. We, in the Alliance have always tried to be fair. We always like to play the game, and although politics is a dirty thing, there are rules to the game and we all must follow the rules.

For generations, Sir, people in this country, people of all races, have lived in peace and harmony. Ever since we achieved independence in 1957, there have been peace and harmony. Since we achieved independence through Malaysia in 1963, people of all races have lived in goodwill and harmony.

Now, Sir, why this sudden talk of racial tension, of one race tending to dominate another, or of possible trouble and, if there is to be trouble, let us have it now? Why should there be such talk? As I said, Mr Lee Kuan Yew has to find some issues to make noise. Otherwise, his voice cannot be heard beyond the island of Singapore. As my colleague, the Minister of Home Affairs, said, he shouts, "Fire, fire", while at the same time commits arson. This is the tactic employed by a desperate politician who is ready to use any means to get himself some support.

Now, in the happy situation that the people of this country of all races are, he finds it difficult to see anything wrong to criticise the Alliance Government. He has, therefore, to create an imaginary situation; the most sensitive issue, and one which can easily arouse the sentiment of the people, is this racial issue, its differences and imbalances among the different races. He, therefore, decided to throw a wedge between the different races. First, in order to make friends with the UMNO and the Malays, he attempted to discredit the M.C.A., stating that the M.C.A. did not represent the Chinese, did not stand for the rights of the Chinese. When he found that this tactic did not work and was completely rejected by the people at large, and found out that UMNO decided to stand solidly with the

M.C.A., he switched round his tactics and attacked the UMNO and the Malays. He hoped by doing this, he would get the non-Malays to support him. This is a tactic, and that is why he has been whipping up this campaign of anti-UMNO and anti-Malays.

I say, Sir, this is a dangerous way of attempting to gain political support in a multi-racial country like this. This method must lead to racial strife and tension and ultimately to trouble and chaos. I do not believe that the Prime Minister of Singapore cares very much about this as long as he has a chance of getting additional support for himself. But we, in the Alliance, are responsible people. We have the interest and welfare of the country at heart. We place the peace and harmony, the unity of our people of all races above everything else. We say, whatever we do, we must not upset this goodwill, this harmony and this unity among our people. We must assure our people of various races that they have a place under our sun.

Sir, our policy is clear. We have made it clear many times that we are determined to maintain harmony and goodwill of our people of all races, to give them a proper place in our country, to help the less fortunate, the "have-nots", so that they will have a decent standard of living and a proper place in our society. It is our policy to maintain and strengthen the harmony, goodwill and friendship of our people of all races, so that ultimately they will regard themselves as members of one nation and not members of various races. This is our policy and this is our approach as my colleague the Minister of Home Affairs has made it clear to this House.

Our method of unifying our people by a slow and steady process has proved a success in the former Federation. There is no reason why they should not prove a success in Malaysia, provided the people give us this confidence and their support. Mr Speaker, Sir, I have no doubt the people will continue to give their support to the Alliance for many, many years to come. *(Applause)*.

Now, Sir, the gulf that divides the P.A.P. and us, the Alliance, is now wide and clear. We, the Malaysian Alliance Party, stand for unity in Malaysia, of harmony and goodwill among our people of various races, of peace and progress. The P.A.P. stands for division, for partition and for disunity. Therefore, in short, Malaysia Alliance Party (M.A.P.) means Malaysia, Abundance, Progress. P.A.P means Partition and Perish—dalam Bahasa Kebangsaan P.A.P. means Pechah akan Punah. Thank you. (*Applause*).

Amendment put.

Dr Toh Chin Chye: Mr Speaker, Sir, I call for a division.

(*Division ordered*)

Enche' Lee Kuan Yew: On a point of order. Surely before the division is taken, the division bell has to be rung so that members in coffee houses and others can come? (*Division bell rung*).

The House divided on the Question: Ayes 14; Noes 108; Abstentions 9.

AYES

Enche' C. V. Devan Nair
Enche' Jek Yeun Thong
Enche' Lee Kuan Yew
Dr Lim Chong Eu
Dato' Lim Kim San

Enche' Ong Kee Hui
Enche' Ong Pang Boon
Enche' Othman bin Wok
Enche' S. Rajaratnam
Enche' Tama Weng Tinggang Wan

NOES

Enche' Abdul Ghani bin Ishak
Captain Haji Abdul Hamid Khan
Enche' Abdul Karim bin Abu
Tuan Haji Abdul Khalid bin Awang Osman
Y.T.M. Tunku Abdul Rahman Putra Al-Haj
Enche' Abdul-Rahman bin Ya'kub
Tuan Haji Abdul Rashid bin Haji Jais
Enche' Abdul Rauf bin Abdul Rahman
Tun Haji Abdul Razak bin Dato' Hussain
Enche' Abdul Razak bin Haji Hussin
Y.A.M. Tunku Abdullah ibni Almarhum Tuanku Abdul Rahman
Tuan Haji Abdullah bin Haji Mohd. Salleh
Enche' Ahmad bin Arshad
Tuan Haji Ahmad bin Saaid
Enche' Ali bin Haji Ahmad
O.K.K. Datu Aliuddin bin Datu Harun
Dr Awang bin Hassan
Enche' Aziz bin Ishak
Enche' Bahaman bin Samsudin
Pengarah Banyang anak Janting
Enche' Chan Chong Wen
Enche' Chan Seong Yoon
Enche' Chan Siang Sun
Enche' Chen Wing Sum
Enche' Chia Chin Shin
Enche' Francis Chia Nyuk Tong
Enche' Chin Foon
Enche' Edwin anak Tangkun
Tuan Syed Esa bin Alwee
Datin Fatimah binti Haji Abdul Majid
Datin Fatimah binti Haji Hashim

Enche' S. Fazul Rahman
Datu Ganie Gilong
Enche' Ganing bin Jangkat
Enche' Geh Chong Keat
Enche' Hamzah bin Alang
Enche' Hanafi bin Mohd. Yunus
Enche' Hanafiah bin Hussain
Enche' Harun bin Abdullah
Enche' Stanley Ho Nyun Khieu
Enche' Hussein bin To' Muda Hassan
Enche' Hussein bin Sulaiman
Enche' Ikhwan Zaini
Enche' Ibrahim bin Abdul Rahman
Dato' Dr Ismail
Enche' Ismail bin Idris
Dato' Syed Ja'afar bin Hasan Albar
Penghulu Jinggut anak Attan
Dato' Temenggong Jugah
Enche' Kadam anak Kiai
Enche' Kam Woon Wah
Enche' Khaw Kai-Boh
Datu Khoo Siak Chiew
Enche' Lee San Choon
Enche' Lee Seck Fun
Enche' Lee Siok Yew
Enche' Amadeus Mathew Leong
Dato' Ling Beng Siew
Enche' Lim Pee Hung
Dr Lim Swee Ann
Dr Mahathir bin Mohamad
Enche' T. Mahima Singh
Enche' Joseph David Manjaji
Dato' Dr Haji Megat Khas
Enche' Mohd. Arif Salleh
Tuan Haji Mohd. Ghazali bin Haji Jawi
Enche' Mohamed Idris bin Matsil

Dr Toh Chin Chye
Enche' Wee Toon Boon
Enche' Stephen Yong Kuet Tze
Enche' Yong Nyuk Lin

Enche' Mohamed Khir Johari
Enche' Mohd. Tahir bin Abdul Majid
Enche' Mohamed Yusof bin Mahmud
Enche' Mohd. Zahir bin Haji Ismail
Wan Mokhtar bin Ahmad
Tuan Haji Mokhtar bin Haji Ismail
Tuan Haji Muhammad Su'atut bin Haji Muhammad Tahir
Engku Muhsein bin Abdul Kadir
Dato' Haji Mustapha bin Haji Abdul Jabar
Dato' Nik Ahmad Kamil
Enche' Ng Fah Yam
Tuan Haji Othman bin Abdullah
Enche' Othman bin Abdullah
Abang Othman bin Haji Moasili
Tuan Haji Rahmat bin Haji Daud
Enche' Ramli bin Omar
Tuan Haji Redza bin Haji Mohd. Said
Raja Rome bin Raja Ma'amor
Dato' V. T. Sambanthan
Enche' Sandom anak Nyuak
Dato' Sardon bin Haji Jubir
Enche' Seah Teng Ngiab
Enche' Senu bin Abdul Rahman
Enche' Sim Boon Liang
Enche' Snawi bin Ismail
Enche' Sng Chin Joo
Enche' Soh Ah Teck
Datu Donald Aloysius Stephens
Enche' Sulaiman bin Bulon
Enche' Suleiman bin Ali
Pengiran Tahir Petra
Enche' Tajudin bin Ali
Enche' Tai Kuan Yang
Enche' Tan Cheng Bee

Enche' Tan Siew Sin
Enche' Tan Toh Hong
Enche' Tan Tsak Yu

Enche' Tiah Eng Bee
Enche' Toh Theam Hock
Enche' Yeoh Tat Beng

Tuan Haji Zakaria bin Haji
Mohd. Taib

ABSTENTIONS

Enche' Abdul Samad bin Gul
Ahmad Mianji

Enche' Abu Bakar bin Hamzah

Wan Hassan bin Wan Daud

Tuan Haji Hussain Rahimi bin
Haji Saman

Enche' Mohamed Asri bin Haji
Muda

Enche' Mohd. Daud bin Abdul
Samad

Enche' Muhammad Fakhruddin
bin Haji Abdullah

Enche' Mustapha bin Ahmad

Dr Tan Chee Khoon

Amendment accordingly *negated*.

Dr Toh Chin Chye: Mr Speaker, Sir, on a point of clarification. The numbers you have given do not add up to the total number of M.P.s.

Mr Speaker: Some members may not be present in the House.

Dr Toh Chin Chye: Would you indicate to the House how many members are absent?

Mr Speaker: It is not required to be indicated to the House—only the result.

Original Question put, and agreed to.
Resolved,

That an humble Address be presented to His Majesty the Yang di-Pertuan Agong as follows:

“Your Majesty,

We, the Speaker and Members of of the Dewan Ra'ayat of Malaysia in Parliament assembled, beg leave to offer your Majesty our humble thanks for the Gracious Speech with which the Second Session of the Second Parliament has been opened”.

Mr Speaker: Persidangan ini di-tempohkan sa-lama 10 minit.

Sitting suspended at 11.30 a.m.

Sitting resumed at 11.50 a.m.

BILLS

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL

Second Reading

The Minister of Home Affairs and Minister of Justice (Dato' Dr Ismail bin Dato' Haji Abdul Rahman): Mr Speaker, Sir, I beg to move that a Bill intituled, “An Act to amend the Criminal Procedure Code” be read a second time.

The main amendments made by this Bill relate to the introduction of a new procedure of committal for trial by the High Court. Under this new procedure the practice of holding Preliminary Inquiries in respect of cases which are to be tried by a court of a judge is dispensed with.

In 1958 the Government appointed a Committee under the Chairmanship of the then Attorney-General to examine the system of preliminary inquiries as laid down in the Criminal Procedure Code, with a view to recommending whether any modifications are required, or whether any alternative procedure for the recording of witness's statements for the purpose of trials in the High Court might, with advantage, be adopted. The Committee in its report found many advantages and disadvantages of the system provided under the Criminal Procedure Code. Having considered both the advantages and the disadvantages mentioned, the Committee concluded that the present system should be altered so as to retain preliminary inquiries only in respect of very serious cases such as murder.

The new procedure itself, which was not worked out by the Committee, should safeguard adequately the interests of accused persons. Since the report of the Committee, it has been considered that all cases, which are to be tried before a court of a judge, including murder, should be committed to the High Court without there being held a preliminary inquiry, but that instead of such an inquiry, there should be adopted the procedure as set out in Clause 9 of this Bill, whereby upon an application being made by a Public Prosecutor in that behalf the Magistrate shall be empowered to commit an accused person for trial in the High Court. Upon such a committal, the Magistrate shall require the accused

person to give orally or in writing a list of names and, in so far as practicable, the addresses of the persons whom the accused person wishes to summon to give evidence on his trial. Not less than fourteen clear days before the date fixed for the trial, the Public Prosecutor is to furnish to the accused person a copy of the statement of each witness whom the prosecution proposes to call at the trial; and such statement shall contain a summary of evidence the witness will give in court. It is considered that by this system not only will the interest of the accused person be safeguarded but that less judicial time will be consumed.

Other amendments have been made by this Bill, and the reasons for them are adequately set out in the Explanatory Statement to the Bill.

This Bill, in addition to making the amendments set out above to the Criminal Procedure Code in force in the States of Malaya, other than Penang and Malacca, also makes similar amendments to the Criminal Procedure Code in force in the States of Malacca and Penang. Opportunity has also been taken to amend the latter Criminal Procedure Code to bring certain provisions in line with the provisions of the former Criminal Procedure Code. In particular, Clause 30 repeals section 189 of the Criminal Procedure Code in force in Penang and Malacca and substitute therefore a provision and that jury trials shall only be required where the punishment which may be imposed is death. This follows the practice now existing under the Criminal Procedure Code now in force in the other States of Malaya. These amendments are also adequately explained in the Explanatory Statement.

Since the Bill was published, certain amendments have been received and there have been comments made, questioning the desirability of some of the amendments proposed. It is, therefore, considered appropriate that at the proper stage of the Bill it will be moved by me that the Bill will be examined by a Select Committee.

Sir, I beg to move.

Tuan Haji Abdul Hamid Khan: Sir, I beg to second the motion.

Question put, and agreed to.

Bill accordingly read a second time.

Committal to a Select Committee

Dato' Dr Ismail: Sir, I beg to move that the Bill entitled an Act to amend the Criminal Procedure Code be committed to a Select Committee, which shall be appointed in accordance with the provisions of Standing Order 81 with the Minister of Home Affairs as a Member and Chairman of the Committee.

Tuan Haji Abdul Hamid Khan: Sir, I beg to second the motion.

Question put, and agreed to.

Resolved,

That the Bill entitled an Act to amend the Criminal Procedure Code be committed to a Select Committee, which shall be appointed in accordance with the provisions of Standing Order 81 with the Minister of Home Affairs as a member and Chairman of the Committee.

THE CONSTITUTION AND MALAYSIA ACT (AMENDMENT) BILL, 1965

Second Reading

Dato' Dr Ismail: Mr Speaker, Sir, I beg to move that the Constitution and Malaysia Act (Amendment) Bill, 1965, be read a second time.

Sir, I do not propose to speak on every clause of the Bill as the Explanatory Statement to the Bill is comprehensive. I wish only to draw the attention of Honourable Members to a few of the amendments, but before doing so I would like to say that none of the amendments should be controversial. The amendments do not involve major changes to the Constitution.

There are, however, Sir, two small amendments to the Bill and they have been circulated to Honourable Members of this House. One of the amendments is in respect of Section 14 (3) (c) of the Eighth Schedule to the Constitution. This section also provides that Trust Funds created by State law and held by the States should not be included in the Annual Estimates of

Expenditure. There are certain Trust Funds, such as the Conveyance Advance Fund and the Personal Advance (Public Officers) Fund, created by the Federal law, i.e., the Financial Procedure Ordinance, and held by the State Governments. It is, therefore, necessary to amend Section 14 (3) (c) to include in the provision the Trust Funds created by Federal law. The other amendment is a consequential amendment arising from the amendment made in 1964 to Section 14 (3) of the Eighth Schedule to the Constitution. A new paragraph (c) was included when Section 14 (3) was amended last year. This new paragraph should have been included in the reference made in Section 17 (3) to Section 14 (3). In other words, the reference at present is in respect of Section 14 (3) (a) and (b) only. It should be Section 14 (3) (a), (b) and (c).

Now, Sir, the amendments which I would like to speak about are in respect of the following matters.

(1) *Power to extend legislative or executive powers of States.*

Article 95c (1) of the Constitution provides that the Yang di-Pertuan Agong may by order authorise the Legislatures in the Borneo States to make laws in respect of matters in the Federal List. It is considered that the Yang di-Pertuan Agong should have this power not only in respect of the Borneo States but also in respect of Singapore and the States of Malaya. As in the case of the Borneo States, there should be a provision in the Constitution to enable the Singapore State Legislature to make laws in respect of Federal matters during the first few years after Malaysia. In actual fact, the Singapore State Legislature, with the concurrence of the Federal Government, had already enacted laws in respect of certain matters in the Federal List.

As regards the States of Malaya, there are in existence certain hybrid laws in the statute book. The term hybrid law is taken to mean an Enactment or an Ordinance which contains provisions dealing with matters in the Federal List as well as matters in the State List and/or the Concurrent List.

It will facilitate the work of the officers concerned in revising the laws a great deal if there are provisions which will make it possible for hybrid laws to be amended or repealed either by Parliament or by any of the State Legislatures. As the law stands at present, the amendment or repeal of a hybrid law would require an Act of Parliament in respect of the Federal provisions and a State Ordinance or Enactment in respect of the provisions which deal with matters on the State List. The amendment to Article 95c will make it possible for the Yang di-Pertuan Agong to authorise the State Legislatures to legislate on matters in the Federal List. Another amendment, i.e., an amendment to Article 74, will make it possible for the Yang di-Pertuan Agong with the concurrence of the Ruler or Governor of the State to declare a hybrid law to be a Federal law so that it can be amended or repealed by Parliament.

(2) *Powers of constitutional bodies should not be affected by vacancy in membership.*

Sir, Section 33c of the Interpretation and General Clauses Ordinance, 1948, provides that the powers and proceedings of statutory bodies shall not be affected by: (a) any vacancy in the membership thereof; (b) any defect afterwards discovered in the appointment purporting to be a member thereof; (c) any minor irregularity in the convening of any meeting thereof. This Section is not included in the Eleventh Schedule to the Constitution. Hence constitutional bodies do not have these safeguards. It is, therefore, proposed that the Eleventh Schedule should be amended so that constitutional bodies too should have the same safeguards as statutory bodies.

(3) *Vacancies in the Senate.*

The next amendment about which I would like to speak is in regard to a vacancy in the Senate. This amendment seeks to overcome the recent controversy on the legality or otherwise of the election of a Senator by the Kelantan Legislature. Article 54 of the Constitution states, and I quote:

"Whenever there is a casual vacancy among the members of either House of Parliament

it shall be filled within sixty days from the date on which it is established that there is a vacancy, and an election shall be held or an appointment made accordingly."

Because of certain factors connected with the last General Election, the Kelantan Legislature did not elect a Senator within this stipulated period but after the sixty days' period had lapsed. The election was debated in the Senate, and the House decided that it was void on the ground that the vacancy was not filled within sixty days from the time it was established that there was a vacancy. It can happen that the State Legislature might not be able to elect a Senator within the period of sixty days from the time the vacancy is established. It is for this reason that it is proposed to introduce this amendment to the Article. The amendment affects only elected members of the Senate, that is, members elected by the State Legislatures, and it does not affect members of the Senate appointed by His Majesty.

(4) *Procedure to ensure that an election is held within sixty days.*

There is a provision in the Constitution which states that an election shall be held within sixty days from the time a vacancy exists in the House of Representatives. However, there is no provision in the Constitution as to the procedure which should be adopted, if there is no election within the stipulated time. The proposed amendment will make it possible for any member of the electorate to take proceedings in the High Court for an order that the election be held where there has been no election within the stipulated period.

(5) *Constitution of the Federal Court.*

This amendment seeks to increase the number of Judges of the Federal Court. At present, the Judges of the Federal Court comprise the Lord President, the Chief Justices of the High Courts and two other Judges. The amendment seeks to increase this number by another two judges. It also includes a provision for increasing the number still further, when it is considered necessary to do so. This amendment is in keeping with the Courts of Judicature Act which provides that

proceedings in the Federal Court shall be heard by three judges or such greater number of judges as the Lord President may in any particular case decide.

(6) *Appointments to religious offices in Penang and Malacca.*

The Head of the Muslim religion in Penang and Malacca is the Yang di-Pertuan Agong. Appointments to religious offices in these two States are made by His Majesty under the Muslim Law Enactment of the States. However, it is arguable that the appointments should be made by the Federal Public Services Commission under Article 139 of the Constitution, in that the general public service of the Federation comes under the jurisdiction of the Commission. It is, therefore, proposed that Article 132 (4) of the Constitution should be amended, so that it is made clear that appointments to religious offices are outside the jurisdiction of the Commission. The appointments which will be removed from the jurisdiction of the Federal Public Services Commission are:

- (i) the President of the Religious Affairs Department;
- (ii) the Secretary of the Religious Affairs Department;
- (iii) the Mufti;
- (iv) the Kathi Besar; or
- (v) the Kathi.

(7) *Branch of the Judicial and Legal Services Commission in the Borneo States.*

Article 146A (4) of the Constitution provides that only one Chairman of the State Public Services Commission in the Borneo States shall attend any one meeting of the Borneo branch of the Judicial and Legal Services Commission. In other words, both of them cannot attend the same meeting of that branch. It also provides that appointments in any one State shall not be made if the Chairman of the State Public Services Commission of that State is not present at that meeting unless he agrees that the appointments should be made during his absence. This provision is cumbersome, in that there are cases where both Chairmen

of the State Public Services Commissions should be present. For example, candidates from both the States may wish to be considered for an appointment in one of the States. It is, therefore, proposed that the provision be amended to enable both Chairmen to be present at the same meeting.

Sir, I beg to move.

Dato' Haji Sardon bin Haji Jubir: Sir, I beg to second the motion.

Enche' Kam Woon Wah (Sitiawan): Mr Speaker, Sir, I will just take one or two minutes on the amendment to the Constitution in respect of Article 122 concerning the Federal Court.

Sir, this amendment is to enlarge the number of the Judges in the Court of Appeal from three to five. The Explanatory Note here says:

"The object of the amendments is to enlarge the membership of the Court."

Sir, I do not know whether this amendment is necessary at this stage, because we have another Bill which has had its first reading, i.e., the Courts of Judicature (Amendment) Bill, abolishing certain appeals to the Privy Council. I think the intention behind this amendment is to enlarge the Court of Appeal by increasing its membership with two Judges, so that it will take the place of the Privy Council. Sir, I think that is not too good. I think we all will agree that certain appeals to the Privy Council should be abolished on political grounds. However, what we want, or what we should have, is another Court in place of the Privy Council in England. It is no use of adding two Judges to our present Court of Appeal which, in fact, I feel is not a substitution, or can take the place of, the extra Court we are having at the moment. Sir, what the people want is that they should be provided with an extra

Dato' Dr Ismail: Sir, on a point of order—I think this amendment has nothing to do with the Privy Council at all. It is an amendment to increase the number of judges in the Court of Appeal, and if the Honourable Member wants to discuss about the Privy

Council, I think, he should wait when that Bill comes to this House for the second reading.

Enche' Kam Woon Wah: Mr Speaker, Sir, I am not actually arguing against the case about appeals to Privy Council. What I fear is that this amendment might be for that purpose, that is, by increasing the number of the Judges in the Court of Appeal, therefore, we may forget about the Privy Council in England. If that is the case, then we are putting the cart before the horse, and the increase in the number of Judges by two to the Court of Appeal is not what the people want.

Enche' Mohamed Asri bin Haji Muda (Pasir Puteh): Tuan Yang di-Pertua, sekarang sampai-lah masa-nya kita berhadapan dengan satu Rang Undang² bagi meminda sa-kali lagi Perlembagaan ini. Ini pada ingatan saya, ia-lah kali yang sudah beberapa kali agak-nya, pindaan demi pindaan yang di-kemukakan di-dalam Rumah yang mulia ini. Satu gambaran yang dapat kita ambil daripada hal² yang saperti demikian, ia-lah betapa dalam Perlembagaan kita ini kelemahan² atau pun kekurangan² maseh terdapat di-sana sini. Pada pandangan saya, Tuan Yang di-Pertua, sudah-lah sampai masa-nya bahawa keselurohan Perlembagaan itu di-tinjau dan di-perhatikan supaya dapat-lah dengan demikian di-kemukakan pindaan yang lebih lengkap pada masa akan datang, dimana ada-nya titek² kelemahan dan kekurangan² yang perlu di-atasi bagi menjaga perjalanan negara kita ini dari berbagai² sudut lebih sempurna pada masa akan datang. Dalam Rang Undang² Pindaan Perlembagaan dan Malaysia Act yang ada di-hadapan kita ini telah di-nyatakan dengan jelas oleh Yang Berhormat Menteri yang berkenaan tujuan² pindaan. Saya tidak hendak mengambil masa yang panjang mengulas perkara² ini, tetapi saya hendak mengambil sedikit bahagian bagi mengulas beberapa perkara yang tertentu sahaja.

Ada pun mengenai perkara dalam Article 95c ya'ani memberikan kuasa kapada Yang di-Pertuan Agong

mengeluarkan perintah supaya memberi, atau melanjutkan kuasa kepada Dewan² Negeri seperti mana kuasa di-beri kepada Negeri² di-Borneo di-dalam perkara² yang tertentu, mengikut Perlembagaan kita dalam bahagian yang di-nyatakan oleh Yang Berhormat Menteri berkenaan tadi, bahkan mengikut pandangan saya dalam perkara ini, ada baik-nya jika hal yang demikian itu di-lakukan pada masa yang akan datang. Sebab sa-panjang kita perhatikan pada masa yang sudah, chara² membawa satu Parliament Act atau pun di-jadikan Undang² Parlimen bagi melaksanakan kuasa² yang di-tunjokkan di-bawah Federal List atau pun Concurrent List ada-lah satu perkara yang memakan waktu. Jadi chadangan pehak Kerajaan hendak merengskaskan kerja, memotong banyak sedikit waktu bagi melaksanakan kerja² yang mustahak itu, itu-lah satu perkara yang munasabah.

Berhubung dengan pindaan yang di-kemukakan dalam Article 54, berthabit dengan chara² perlantekan Ahli Senate, ini telah di-nyatakan oleh Yang Berhormat Menteri tadi, bahawa sebab² di-kemukakan ini ia-lah berbangkit daripada kejadian yang berlaku tentang perlantekan Enche' Wan Mustapha sa-bagai sa-orang Ahli Senate yang di-lantek oleh Dewan Undangan Negeri Kelantan. Saya suka-lah menerangkan, Tuan Yang di-Pertua, di-dalam Rumah yang mulia ini supaya jangan timbul salah faham. Mungkin sampai sekarang ini maseh ada lagi kekeliruan di-kalangan sa-satengah orang kita yang menyatakan bahawa yang menyebabkan terkeluar-nya tempoh perlantekan oleh Dewan Negeri Kelantan terhadap Enche' Wan Mustapha sa-bagai Senator, ia-lah oleh kerana kechuaian atau pun tidak di-ambil berat dalam perkara ini. Rengkas-nya, Tuan Yang di-Pertua, kandungan² yang nyata dan jelas yang telah saya kemukakan kepada Yang Amat Berhormat Perdana Menteri kita ini ia-lah satu kedudukan perjalanan atau pun rengkasan sejarah atau kejadian yang bersangkutan-paut dengan kejadian perlantekan Enche' Wan Mustapha itu.

Pada 1 haribulan Mach, 1964, Tuan Yang di-Pertua, Dewan Undangan

Negeri Kelantan di-bubarkan, bukan sahaja Dewan Undangan Negeri Kelantan malahan semua sa-kali Dewan Undangan telah di-bubarkan.

Pada 4 haribulan April Senator Haji Nik Mohamed Adeeb meninggal dunia. Erti-nya meninggal dunia Tuan Haji Nik Mohamed Adeeb ia-lah sa-sudah sa-bulan lebih daripada tempoh Dewan Undangan Negeri itu di-bubarkan.

Pada 22 haribulan April, 1964, Titah Perma'aluman daripada Seri Paduka Baginda Yang di-Pertuan Agong kepada Duli Yang Maha Mulia Sultan Kelantan tentang kematian Senator Tuan Haji Nik Mohamed Adeeb dan di-titahkan supaya sa-orang Senator yang baharu di-pileh bagi menggantikan Allahyarham itu.

25 haribulan April baharu-lah pilehan raya kebangsaan di-langsungkan di-seluruh negara kita.

4 haribulan Mei, Kerajaan Negeri Kelantan di-tubuhkan.

10 haribulan Mei, Istiadat bersumpah Ahli² Ex-Co dan Menteri Besar-nya.

27 haribulan Mei, baharu-lah Dewan Negeri dapat bersidang pada kali yang pertama-nya dan pada hari itu-lah Speaker di-lantek dengan rasmi-nya di-dalam Dewan itu.

10 haribulan Jun, baharu-lah Titah Duli Yang Maha Mulia Sultan Kelantan di-sampaikan dengan bertulis kepada Tuan Speaker mema'alumkan kekosongan sa-orang Senator di-sebabkan kematian Senator Tuan Haji Mohamed Adeeb dan menitahkan supaya suatu pilehan di-lakukan bagi memenohi kekosongan itu dengan sa-berapa segera.

Untuk perma'aluman, Tuan Yang di-Pertua, pada 27 haribulan Mei itu sa-benar-nya sudah lewat masa-nya, tetapi Titah Duli Yang Maha Mulia Sultan tidak dapat di-sampaikan kepada Speaker pada 27 haribulan Mei sebab pada hari itu ia-lah pemilehan Speaker baharu di-lakukan. Jadi kemudian daripada itu-lah baharu di-keluarkan Titah ia-itu pada 10 haribulan Jun supaya di-pileh sa-orang Senator baharu. Sama ada kalau surat

Titah daripada Duli Yang Maha Mulia di-sampaikan pada 10 haribulan Jun atau pun terdahulu daripada itu di-antara tempoh perlantikan Speaker baharu dengan tempoh 10 haribulan Jun tadi, maka tempoh 60 hari yang di-sebutkan di-dalam Article 54 "The sole vacancies" dalam Perlembagaan itu ada-lah sudah lewat, sudah lebeh. Jadi 19 haribulan Julai baharu Dewan Negeri dapat bersidang dan baharu-lah pemilehan Senator di-jalankan. Hal ini, Tuan Yang di-Pertua, telah di-ma'alumkan-lah oleh Speaker Dewan Undangan Kelantan kepada Setia-usaha Tetap, Jabatan Perdana Menteri, dengan taligram, dan kemudian dengan surat sama sa-kali.

Tuan Yang di-Pertua, kalau kita mempelajari latar belakang saperti dengan mengambil daripada sejarah saperti yang di-paparkan, yang dinyatakan tadi, maka dapat-lah kita mengambil beberapa pandangan. Yang pertama Senator 'Tuan Haji Mohamed Adeb meninggal dunia dalam masa ketiadaan Dewan dan ketiadaan Speaker. Walau pun Titah Seri Paduka Baginda Yang di-Pertuan Agong di-keluarkan pada 22 haribulan April, akan tetapi pehak Duli Yang Maha Mulia Sultan Kelantan tidak dapat menyampaikan perma'aluman itu, kerana Dewan Negeri dan Speaker belum ada atau pun belum wujud. Speaker baharu di-pilih pada 27 haribulan Mei, 1964. Pehak Dewan Negeri tidak dapat memilih Senator pada sidang pertama Dewan Negeri di-sebabkan Titah Duli Yang Maha Mulia Sultan belum di-terima oleh Speaker, kerana pemilehan Speaker baharu pada hari itu di-langsungkan. Sa-belum daripada pemilehan Senator Dewan Negeri di-lakukan, perhubung-an² daripada pehak Kerajaan Negeri dengan pehak Kerajaan Pusat, ya'ani perhubungan dari segi perundangan atau segi legal, telah pun di-lakukan dan pernyataan sebab² pemilehan tidak dapat di-buat di-dalam tempoh yang tertentu juga di-nyatakan. Tetapi walau bagaimana pun jawapan daripada pehak yang bertanggung-jawab dalam Bahagian Perundangan di-Kerajaan Pusat ini tidak dapat di-terima oleh pehak Kerajaan Negeri sa-hingga-lah

kapada tarikh pemilehan Senator itu di-lakukan.

Sa-telah pemilehan Senator di-lakukan oleh Dewan Negeri, mengikut kehendak² Perlembagaan, maka ma'alumat mengenai-nya telah pun di-sampaikan kepada Setia-usaha Dewan Negara dan Setia-usaha Tetap, Jabatan Perdana Menteri, dan kemudian daripada itu antara masa sidang Dewan Negeri memilih Wan Mustapha, pada 19 haribulan Julai, 1964, dengan masa di-adakan sidang Dewan Negara pada 11 haribulan September, 1964, di-mana berlaku-nya dalam Dewan Negara itu satu Senate drama yang berperistiwa yang sangat² menarek perhatian Ahli² Perundangan di-dalam negeri kita ini.

Memang telah ada satu Dewan Negara, ia-itu pada 22 haribulan dan 23 haribulan Julai, 1964, yang mana pada masa itu Enche' Wan Mustapha patut di-jemput sama hadir dalam sidang tersebut bagi mengangkat sum-pah, akan tetapi pada sidang itu, ya'ani sidang 22 dan 23 haribulan Julai itu, Enche' Wan Mustapha tidak di-jemput. Baharu-lah pada sidang Dewan Negara 11 haribulan September, 1964, Enche' Wan Mustapha telah di-jemput dengan rasmi-nya bagi menghadhiri meshuarat tersebut, pada hal sa-belum itu beliau telah pun menerima elauan bulanan sa-bagai Senator, ia-itu mulai daripada hari beliau di-pilih oleh Dewan Undangan Negeri Kelantan pada 19 haribulan Julai, 1964. Demikian juga kemudahan² yang lain, saperti lenchana motokar dan pas keretapi telah juga di-beri kepada beliau.

Jadi, Tuan Yang di-Pertua, satu perkara yang harus menjadi persoalan, kenapa pada sidang 22 dan 23 haribulan Julai itu beliau tidak di-jemput, sedangkan pada sidang 11 haribulan September, 1964, beliau di-jemput. Kalau-lah pehak Senate atau Dewan Negara dengan nasihat² yang tertentu, mengatakan atau memperchayai, atau meyakinkan bahawa beliau itu berhak menjadi Ahli Dewan Negara dengan pemilehan saperti yang di-lakukan oleh Kerajaan Negeri Kelantan itu, maka jemputan patut di-keluarkan pada 22 haribulan Julai, 1964, dan jikalau jemputan tidak di-keluarkan pada hari

itu, berdasarkan sebab maseh ada keraguan yang timbul tentang tidak berhak-nya beliau mengangkat sumpah, atau hadir, atau menjadi Ahli Dewan Senate, kerana berlawanan pemilehan-nya mengikut Article 54 daripada Perlembagaan itu, maka kenapa beliau di-jemput pada 11 haribulan September, 1964, untuk mengangkat sumpah dan sa-sudah beliau hadir dalam Dewan Negara untuk mengangkat sumpah, keluar-lah satu motion, atau satu chadangan, ia-itu chadangan-nya sa-bagaimana yang kita telah ketahui yang telah berakhir dengan keputusan tidak mengaku Enche' Wan Mustapha sa-bagai Ahli Senate, kerana chara pemilehan-nya berlawanan dengan kehendak Perlembagaan, seperti apa yang telah kita tahu, mengikut alasan² yang di-kemukakan oleh pehak penchadang.

Ini satu perkara, Tuan Yang di-Pertua, yang maseh menjadi tanda tanya dalam kepala saya sendiri, apakah jemputan pada 11 haribulan September, 1964, atau untuk menghadhiri sidang pada 11 haribulan September, 1964 itu, sa-bagai satu jemputan perangkap untuk meletakkan Enche' Wan Mustapha kepada tempat yang serba salah dan kemudian menghukum dia sa-bagai sa-orang salah yang tidak berhak untuk membela diri-nya, jikalau-lah beliau itu di-sifatkan sa-bagai orang salah. Satu Senate drama yang sangat mendukachitakan dan menyentoh kehormatan dan nama baik bagi perjalanan demokrasi dalam negeri kita ini.

Berdasarkan kepada kesimpulan dan perkembangan yang saya sebutkan tadi, Tuan Yang di-Pertua, maka Kerajaan Negeri Kelantan telah menyatakan pandangan-nya kepada Yang Teramat Mulia Tunku Perdana Menteri, dengan menyatakan bahawa usul bagi menahan Enche' Wan Mustapha daripada mengangkat sumpah di-dalam sidang Dewan Negara pada 11 haribulan September, 1964 itu, telah di-bawa dan di-kemukakan dengan chara mengejut dan luar biasa sa-kali. Kerajaan Negeri merasa berdukachita atas chara yang kurang hormat yang di-lakukan ka-atas Enche' Wan Mustapha, Senator dari Kelantan itu, dan di-atas kelulusan usul tersebut. Bahawa dengan kelulusan

usul tersebut, ya'ani usul oleh Dewan Senate tadi, kedudukan Dewan Negara yang ada sekarang ini, pada masa itu, boleh-lah juga di-katakan tidak berperlembagaan, sebab Dewan Negara, mengikut Fasal 45, mesti-lah mengandongi Ahli²-nya, ia-itu dua orang di-pilih oleh tiap² Dewan Negeri yang menjadi jumlah-nya 28 orang dan 32 orang Ahli yang di-lantek oleh Yang di-Pertuan Agong. Maka dengan ketiadaan sa-orang Ahli dari negeri Kelantan, menjadi-lah Dewan Negara itu tiada berperlembagaan.

Fasal 62 (2) hanya mengizinkan perjalanan Dewan Ra'ayat di-atas apa² perkara yang berlaku dalam Dewan itu, tetapi dengan tidak ada-nya sa-orang Senator yang sa-macam ini, boleh-lah di-anggap pemakaian Fasal 62 (2) itu tidak-lah boleh di-terima. Sa-terus-nya Kerajaan Negeri memberikan pandangan, bahawa kalau hendak di-sifatkan pemilehan Senator oleh Dewan Negeri Kelantan melanggar Perlembagaan, maka kekurangan jumlah Ahli Dewan Negara yang ada sekarang lebeh nyata bertentangan dengan kehendak² Perlembagaan itu sendiri, sedangkan pada hakikat-nya orang dapat memahami, kenapa pemilehan Senator oleh Dewan Negeri Kelantan baharu ini berlaku sa-demikian rupa. Apa-kah dengan kerana hendak membaiki, atau menolak kesilapan-nya yang samar² itu, jikalau hendak di-namakan kesilapan, maka Dewan Negara perlu melakukan kesilapan yang lebeh besar. Perkara yang seperti ini mungkin akan berlaku lagi di-masa² hadapan, umpama-nya sa-orang Ahli Senator meninggal dunia pada masa Dewan Negeri di-bubarkan, maka dengan ini tidak boleh sa-kali² Dewan Negeri melantek sa-orang Senator untuk menggantikan Senator yang meninggal dunia itu. Dengan ini Perlembagaan yang ada sekarang ini tidak-lah mencukupi untuk menghadapi kesulitan² yang akan berbangkit di-masa hadapan. Oleh itu Kerajaan Pusat patut-lah berikhtiar meminda Perlembagaan supaya apa² kesulitan yang mungkin berbangkit boleh di-selesaikan. Ini-lah kandungan-nya, Tuan Yang di-Pertua, pandangan² yang di-berikan oleh Kerajaan Negeri.

Kemudian daripada itu pada 4 hari-bulan Januari, 1965, Yang Teramat Mulia Tunku Perdana Menteri telah menjawab surat daripada Kerajaan Negeri Kelantan yang bertarikh pada 29 hari-bulan Oktober, 1964, surat di-kiriman—4hb Januari, 1965 jawapan di-terima, yang kandungan-nya mengikut pandangan Yang Teramat Mulia Tunku Perdana Menteri, biar-lah saya bachakan sedikit kandungan-nya itu :

“Sa-bagaimana Yang Berhormat sedia ma'alum, masa'alah yang terbit berhubung dengan pilihan Yang Berhormat Enche' Wan Mustapha bin Haji Ali, sa-bagai Ahli Dewan Negara itu ia-lah berthabit dengan syarat² yang terkandung di-dalam Perlembagaan mengikut Perenggan Kelima di-dalam Jadual Ketujuh kepada Perlembagaan, maka Dewan Negara sahaja-lah yang boleh memutuskan, ada-kah lantekan sa-orang Ahli Dewan Undangan Negeri menjadi Ahli Dewan Negara itu sah di-pilih menurut Jadual itu atau tidak.

Dewan Negara telah pun memutuskan, ia-itu lantekan itu tidak sah. Sungguh pun demikian, saya telah mengarahkan supaya langkah² di-ambil untuk mengatasi masa'alah sa-macham yang telah berbangkit itu berlaku pada masa yang akan datang.

Syarat² di-dalam Perlembagaan hendak-lah di-pinda supaya tidak berlaku lagi kesulitan yang telah di-alami.”

Jadi, ini-lah, Tuan Yang di-Pertua, jawapan daripada Yang Berhormat Tunku Perdana Menteri dan saya perchaya pindaan² yang di-buat berhubung dengan perkara ini, berbangkit daripada jawapan Yang Berhormat Perdana Menteri. Ini-lah masa'alah-nya, bukan masa'alah, perkara yang saya sentoh tadi, Tuan Yang di-Pertua, ia-lah menyatakan perasaan tentang chara yang di-lakukan di-dalam Dewan Negara bagi menolak sa-orang Ahli daripada dudok di-dalam-nya dengan tidak memikirkan akibat² yang lain terbit daripada itu. Meminda Perlembagaan bagi menjelaskan dan menyatakan kedudukan perundangan supaya dapat berjalan dengan lebeh lichin dan lebeh lancar, ada-lah satu perkara yang mustahak dan sangat patut, tetapi melakukan satu perkara yang pada dzahir-nya hendak membetulkan sa-suatu, tetapi pada hakikat-nya boleh merosakkan sa-suatu yang lain, ada-lah satu perkara yang sangat kita kesali.

Surat Yang Teramat Mulia Tunku Perdana Menteri sendiri menyebutkan nama Enche' Wan Mustapha dengan kalimah Yang Berhormat. Kata-nya yang masa'alah yang terbit berhubung dengan pilihan Yang Berhormat Enche' Wan Mustapha bin Haji Ali, yang pada masa ini Dewan Negara telah me-reject—telah menolak—perlantekan Yang Berhormat Enche' Wan Mustapha. Sa-kurang²-nya dapat-lah orang meyakinkan bahawa di-dalam batin Yang Teramat Mulia Tunku Perdana Menteri sendiri mengakui wujud-nya kejadian ini sa-bagai satu *fait accompli*, satu keadaan yang mesti berlaku begitu dan ta' dapat di-adakan satu hal bagi mengelakkan daripada wujud-nya kejadian saperti itu.

Demikian-lah, Tuan Yang di-Pertua, dalam masa'alah ini dan dengan pindaan² yang di-buat ka-atas fasal² yang tertentu di-dalam Perlembagaan ini bagi membetulkan perjalanan saperti dalam Article 54, dalam Article 118 (a) dan sa-terus-nya, saya menyokong penoh supaya tidak lagi berlaku kejadian yang burok itu, dan saya harap kejadian yang berlaku dalam Dewan Negara itu satu pengajaran yang pahit kepada perjalanan demokrasi dalam negeri ini dan mudah'an tidak berlaku lagi pada masa yang akan datang dan dengan kelulusan Bill, atau Rang Undang² ini kemudian kelak, bererti-lah bahawa pemilihan dari Dewan Undangan Negeri Kelantan itu di-sifatkan sah, sebab Rang Undang² ini akan berjalan mulai daripada Hari Malaysia dan dengan sah-nya maka segala²-nya itu akan tersah pula dengan sendiri-nya.

Chuma bagini sahaja-lah, Tuan Yang di-Pertua, saya bimbang satu sahaja, bukan bimbang sebab pernah saya mendengar orang berkata, bahawa dengan mengemukakan Bill ini, Kerajaan sa-mata² dapat menjalankan satu kehendak yang dapat memberi ke-untungan kepada kedua² pihak.

Yang pertama sa-kali Perlembagaan dapat di-perbetulkan. Yang kedua-nya kehendak² dengan sebab kejadian perlantekan Senator Enche' Wan Mustapha itu dapat di-luluskan, dan yang ketiga chara perbuatan Dewan Senate, oleh

sebab motion daripada sa-orang Senator itu pun di-akuī dan di-luluskan serta di-jalankan. Jadi, sa-kali kayoh, semua-nya itu dapat di-terima, sama ada betul atau pun tidak.

Sa-lain daripada itu, Tuan Yang di-Pertua, saya hendak berchakap sedikit sahaja lagi berkenaan dengan Article 122 berkenaan dengan hendak di-tambah satu perenggan baharu yang di-namakan perenggan (1A) ya'ani dalam perenggan ini, Perlembagaan memberikan kuasa kepada Yang di-Pertuan Agong, dengan nasihat daripada Maha Hakim, bagi melantek dalam satu tempoh yang tertentu orang yang tertentu yang menjawat jawatan yang tertinggi dalam bahagian kehakiman atau dalam kalimah Inggeris-nya di-sebutkan high judicial office, untuk menjadi hakim tambahan di-dalam Mahkamah Persekutuan. Yang hakim tambahan itu tidak-lah terikat kalau dia sudah sampai umur 65 tahun pun tidak-lah terikat.

Apa yang saya hendak sentoh di-sini, Tuan Yang di-Pertua, nombor satu sa-kali chara melantek. Chara melantek di-sebutkan di-sini ia-lah dengan jalan Yang di-Pertuan Agong melantek dengan nasihat daripada Lord President atau pun Maha Hakim. Ini, pada pandangan saya, berlawanan atau luar biasa dengan syarat² yang terkandung dalam 122B Perlembagaan kita ini. Dalam 122B telah di-nyatakan dengan jelas chara² bagaimana melantek hakim, walau pun hakim yang hendak di-lantek itu sa-bagai hakim tambahan, tetapi dalam tugas, dalam jawatan, dalam kehormatan, ada-lah sama dengan hakim yang tetap yang di-lantek mengikut 122B. Dalam 122B baik pun Maha Hakim, baik pun Hakim Besar atau pun mana² Hakim dalam Federal Court, semua-nya di-lantek oleh Yang di-Pertuan Agong dengan nasihat daripada Perdana Menteri sa-sudah di-rundingkan dalam Majlis Meshuarat Raja² Melayu. Saya hairan dan saya tidak nampak sebab² yang menasabah kenapa di-dalam soal hendak melantek hakim tambahan ini tidak perlu melalui procedure 122B, tetapi terpaksa di-buat satu chara baharu, di-buat satu kaedah baharu, sa-olah²-

nya kaedah yang baharu ini satu kaedah yang sengaja di-adakan sa-bagai satu syarat yang luar biasa yang hendak di-adakan bagi tujuan² yang tertentu yang tidak payah-lah saya sebutkan dalam Dewan yang mulia ini, sebab takut² menyentoh kedudukan orang lain. Saya rasa pehak Yang Berhormat Menteri yang berkenaan dapat-lah mengkaji sa-mula dalam perkara tambahan perenggan baharu (1A) dari Fasal 122 dalam Perlembagaan berkenaan dengan Federal Court ini di-kaji sa-mula-lah chara² perlantekan itu.

Yang kedua, satu perkara lagi, Tuan Yang di-Pertua, ia-itu perkara kalimah high judicial office—bagi saya-lah—maseh belum faham. Siapa-kah yang sa-benar²-nya yang boleh di-sifatkan di-dalam judicial office itu sa-bagai high judicial office. Saya chuba juga bertanya kepada ahli undang², sebab saya bukan ahli undang², ada ahli undang² mengatakan yang di-namakan high judicial office itu hanya satu, ia-itu Maha Hakim. Betul atau tidak—tidak-lah saya tahu. Tetapi kalau betul pandangan, pentafsiran dan ta'arif, high judicial office ini ia-lah orang yang memegang jawatan Maha Hakim atau Lord President, maka bertambah janggal-lah lagi, Tuan Yang di-Pertua, perenggan (1A) ini.

Sa-orang yang menjadi Lord President mithal-nya, boleh-lah menasihatkan kepada Yang di-Pertuan Agong supaya melantek si-polan atau nama siapa sahaja-lah, Tuan Yang di-Pertua, melantek si-polan yang sedang memegang jawatan tertinggi dalam judicial office, yang kebetulan barangkali Lord President—bukan yang sekarang ini—sa-bagai mithal-nya, Lord President itu sudah sampai umur 60 tahun atau 65 tahun sampai kapada had pension atau had konterek-nya atau had apa sahaja-lah terpaksa mesti berhenti pada tahun hadapan, dia boleh menasihatkan kepada Yang di-Pertuan Agong supaya melantek, kata-lah, Ya'akub untuk menjadi hakim tambahan, yang Ya'akub itu ia-lah Maha Hakim itu-lah. Tukang menasihati itu dengan jawatan Maha Hakim-nya menasihatkan kepada Yang di-Pertuan Agong melantek orang

yang bernama Ya'akub, ia-itu-lah tuboh yang memegang jawatan Maha Hakim itu sendiri. Perkara ini tidak mustahil, Tuan Yang di-Pertua—boleh berlaku. Dan banyak lagi chontoh² yang saya tidak mahu sebutkan, sebab takut melibat kehormatan diri orang—chontoh² yang sudah berlaku, yang sudah berlaku dalam masa merdeka, dalam negeri² yang tertentu. Orang yang mempunyai kuasa menasihati orang yang berkuasa, bagi melantek sa-saorang untuk berkuasa, maka sa-belum kuasa-nya luchut dalam sa-suatu hal, dia menasihati orang yang berkuasa bagi melantek nama diri-nya menjadi orang yang berkuasa dalam sa-suatu hal yang tertentu. Bila sampai tempoh, kuasa-nya luchut, maka dia dengan sendiri terlantek menjadi orang yang berkuasa pada hal² yang tertentu

Dato' Dr Ismail bin Dato' Haji Abdul Rahman: On a point of information, Sir—saya hendak bertanya mana negeri yang berlaku itu; saya pun ingin hendak mendengar-nya.

Enche' Mohamed Asri bin Haji Muda: Itu, Tuan Yang di-Pertua, tidak payah saya sebutkan nama-nya, tetapi negeri itu pada masa dahulu diperintah oleh Perikatan, kejadian itu berlaku waktu Perikatan memerintah, tetapi tidak bersangkutan dengan Parti Perikatan. Tuan Yang di-Pertua, jangan-lah risau. Saya tidak mahu terangkan parti dalam perkara ini. Saya hendak menjaga benda ini—ini tidak bersangkutan dengan soal politik.

Jadi, Tuan Yang di-Pertua, amatlah tidak manis pada pandangan masharakat, pandangan negeri, pandangan dunia luar, pandangan ahli² perundangan, chara² yang luar biasa itu di-adakan di-dalam perlembagaan bagi memenohi kehendak² yang luar biasa. Perkara hendak melantek hakim tambahan saya bersetuju, sebab hakim dalam negeri kita ini kurang. Boleh jadi ada ahli undang² yang bijak dan mashhor, tetapi umur-nya sudah lebeh, tetapi dia maseh mempunyai badan yang sihat dan fikiran yang sihat untuk menjalankan tugas-nya sa-bagai hakim, boleh-lah orang itu di-lantek sa-bagai

hakim tambahan, dengan demikian kita akan kaya dengan ahli undang² yang sudah masak dan berpengalaman jauh dalam perkara perundangan, tetapi chara melantek itu patut-lah di-kaji sa-mula dan satu perkara lagi tempoh pun patut-lah di-nyatakan. Tentu-lah bahawa sa-orang yang dilantek tidak akan mendapat menjalankan kerja bila sudah nyanyok. 65 tahun jadi hakim tambahan, kemudian bila sampai umur 75 atau 80 kerana dia itu orang yang sihat—orang baik, 80 tahun lebeh pula nyanyok, Tuan Yang di-Pertua. Tentu-lah pehak Kerajaan akan menimbangkan bila sudah nyanyok dia di-berhentikan-lah, tetapi patut di-dalam Perlembagaan ini di-sebutkan tempoh perkhidmatan-nya. Kata-lah lebeh umur 65 tahun, sampai umur berapa, sampai berapa tahun dia perlu berkhidmat di-dalam jawatan kehakiman.

Satu lagi, Tuan Yang di-Pertua, saya hendak sentoh dalam Constitution Article 160 ia-itu-lah ta'arif (interpretation), ta'arif dalam perkara Commonwealth country itu perkara B, ta'arif negeri² Commonwealth. Dahulu di-dalam Perlembagaan kita, dalam Article 160, di-nyatakan dengan sa-penoh-nya nama² negeri yang disebut sa-bagai negeri Commonwealth—di-sebutkan United Kingdom, Canada, Australia, New Zealand, the Union of South Africa, India, Pakistan, Ceylon, Ghana, Nigeria, Cyprus, Sierra Leone, Tanganyika—entah apa lagi. Saya perchaya-lah di-buang nama semua sa-kali ini kerana hendak memudahkan, sebab banyak sangat timbul negeri² yang baharu merdeka, daripada negeri Africa yang dahulunya bekas tanah jajahan British, yang kemudian-nya menjadi negeri² Commonwealth, maka sulit sangat-lah hendak di-sebutkan satu persatu, memada-lah apabila tumbuh satu negeri baharu, maka di-aku-lah negeri baharu dan memada-lah di-sebut di-dalam Perlembagaan itu sa-bagai negeri² yang umum sahaja.

Masaalah yang saya hendak sebutkan, Tuan Yang di-Pertua, ia-lah masaalah di-dalam hendak membuang-nam nama semua negeri itu tetapi kenapa-kah nama United Kingdom itu

di-sebutkan juga. Pada hal orang² tahu Commonwealth country ini, ialah yang dahulu-nya tanah jajahan British yang kemudian bersatu dalam Commonwealth yang mengakuī kemahkotaan Baginda Queen, orang tahu-lah—tidak payah di-sebutkan. Apalah guna di-sebutkan “United Kingdom and any other country recognised by the Yang di-Pertuan Agong”. Pada hal kalau kita katakan “any country recognised by the Yang di-Pertuan Agong” chukup-lah, termasuk-lah United Kingdom itu. Nampak sangat taraf United Kingdom itu mendapat tempat yang utama di-dalam Perlembagaan ini, sayang rasa-nya hendak membuang kalimah United Kingdom itu.

Jadi, Tuan Yang di-Pertua, saya mengeshorkan—saya tidak-lah membuat pindaan—payah sangat cheritanya. Saya shorkan-lah, saya perchaya Yang Berhormat Menteri ini pun semangat-nya lebeh kurang-lah ya'ani segala² perkara yang boleh nampak jelak pada pandangan orang itu kita sama² hendak buang-lah, saperti chara² membuang hal² lain itu dia mudah sangat membuat-nya. Boleh-lah di-buangkan kalimah United Kingdom itu dan di-kira kalimah “mana² negeri yang di-akuī atau di-recognised oleh Yang di-Pertuan Agong sa-bagai negeri Commonwealth”. Itu chukup-lah; kalau Melayu-nya begitu-lah.

Yang kedua, chara² hendak recognise oleh Yang di-Pertuan Agong, di-dalam Perlembagaan dahulu ia-lah di-jalankan melalui Parliament Act, perubahan daripada Act of Parliament dengan memberi kuasa kepada Yang di-Pertuan Agong itu, pada pandangan saya, itu tidak ada banyak perbezaan, malah di-buat sa-chara lama melalui Act of Parliament pun ia-lah sa-bagai formality sahaja. Jadi, kalau di-beri kuasa kepada Yang di-Pertuan Agong mengakuī Commonwealth country pun, saya perchaya perkara itu tidak-lah begitu jauh sangat beza-nya dalam chara amalan-nya, chuma chepat sedikit kerja itu dapat di-buat.

Dalam hal ini, Tuan Yang di-Pertua, hanya satu peringatan yang

saya hendak sebutkan supaya di-dalam hendak mengakuī Commonwealth country tadi biar-lah umum, tiap² negeri yang dzahir daripada tanah jajahan British, kemudian dia masok di-terima menjadi Commonwealth country, maka kita mengakuī-lah negeri itu Commonwealth country. Saya bimbang kalau² perkara ini ada pileh kaseh. Sebab, mungkin dalam Commonwealth country ini ada negeri² yang barangkali dasar-nya tidak sama dengan negeri kita, dasar politik dalam negeri-nya atau mungkin politik luar negeri, kata-lah mithal-nya negeri—ta' usah-lah sebutkan mithalan itu, susah—nanti serba salah pula negeri² yang berkenaan. Ada negeri² yang berlawanan dengan dasar politik kita umpama-nya, ta' kan-lah kerana berlawanan dasar itu kita tidak mahu akuī dia sa-bagai negeri Commonwealth. Jadi, patut-lah dalam melaksanakan semangat mengakuī atau mengi'tiraf Commonwealth country oleh Yang di-Pertuan Agong ini tidak memilih bulu, sa-barang negeri yang termasuk sa-bagai anggota Commonwealth, maka dia di-sipatkan sa-bagai negeri Commonwealth oleh Kerajaan Malaysia kita ini. Chara yang demikian, Tuan Yang di-Pertua, saya perchaya satu chara yang sangat bijaksana di-dalam kita menjalankan polisi² atau menjalankan kerja² pemerentahan dalam negeri ini. Sekian-lah, Tuan Yang di-Pertua.

Mr Speaker: Persidangan ini di-tempohkan sa-hingga pukul 4.00 petang ini.

Sitting suspended at 1.00 p.m.

Sitting resumed at 4.09 p.m.

(Mr Deputy Speaker in the Chair).

EXEMPTED BUSINESS

(Motion)

Tun Haji Abdul Razak: Mr Speaker, Sir, I beg to move:

That the proceedings of this House, in connection with Government business set down in the Order Paper for today, shall be exempted from the provisions of Standing Order 12 (1) until 9.30 p.m.

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

Question put, and agreed to.

Resolved,

That the proceedings of this House, in connection with Government business set down in the Order Paper for today, shall be exempted from the provisions of Standing Order 12 (1) until 9.30 p.m.

THE CONSTITUTION AND MALAYSIA ACT (AMENDMENT) BILL

Second Reading

Debate resumed.

Dr Tan Chee Khoon: Mr Speaker, Sir, I rise to speak on the Bill that is now before the House. Before I do so, I wish to say that I hardly endorse all that has been said by the Honourable Member for Pasir Puteh regarding the unhappy episode of Enche' Wan Mustapha—his selection to the Dewan Negara by the State Government and his rejection by that body.

Mr Speaker, Sir, with this new "wind of change" that one can detect between the State Government and the Central Government, we hope the Central Government will be generous enough to find ways and means—and it is not difficult to find ways and means, given the goodwill and understanding on both sides—to settle this unhappy episode, so that the bitter taste that is still in the mouth of the Honourable Member for Pasir Puteh and of all Members from Kelantan will be removed and I am sure this move will lead to a better relationship and greater co-operation. I hope, between the Central Government and its constituent States. This has, of course, nothing to do with Selangor or with my small constituency of Batu.

Mr Speaker, Sir, this Bill and a series of other Bills—I think there are twenty-five Bills being showered on this House for this Session affecting about three hundred laws in this country—are, to say the least, very, very confusing to a non-legal man like me. To say that, as the Honourable Minister of Justice has said, this House is given every opportunity to debate

these Bills, I think, is a little too far-fetched. It is true that this House is allowed ample time to discuss Bills—anybody can hold the Floor if he wants to talk on the Bills—but, Mr Speaker, Sir, there are so many amendments to the Constitution and, as has been pointed out over and over again, amendments to the Constitution are not things that one can take lightly: today an amendment may be a small and insignificant amendment; tomorrow it may well be a very important one. As such, I hope the Central Government will give us adequate time—not in this House but long before the House sits—to send the Bills to us so that we can consult our constituents and then come back to this House, perhaps, in a better position to make our contributions to the amendments concerned.

Mr Speaker, Sir, these amendments coming so soon after Malaysia Day before the component States have enough time to settle down, to find their bearing and equilibrium, is, to say the least, very disturbing. I am sure, to the new constituent States. The Central Government by coming to this House seeking amendments to the new Constitution is an eloquent proof of the unreasonable haste by which Malaysia has been formed.

Mr Speaker, Sir, on the face of it, reading through the Bill, one naturally cannot grumble at most of the amendments sought by the Central Government. However, looking at it a little more carefully, one does not need to be a lawyer to know that there is a considerable erosion of the powers of the State Government. Now, Mr Speaker, Sir, let me make it quite clear that my Party and I are not against the Centre growing stronger and stronger. We are a small nation—we have been emphasised again and again on this—of about ten million people, and it is in the opinion of many people—and we do share the same view as well—that it is not quite correct that there should be fourteen State Governments and one Central Government. For example, the fact that we have two Prime Ministers in this Chamber leads to confusion. When I talk of the Prime Minister, Members

would quite rightly ask, "Which Prime Minister?" So, if it is the intention of the Central Government to erode more and more into the powers of the State Governments, then I would tell the Central Government, "Let us go whole hog and I am with them; my Party is with them. Let us go whole hog: remove all the State Governments." I state quite clearly that my Party is with them. Let us strengthen the Central Government and do away with the State Governments and their appendages. My Party is with them. But let us not have innocuous Bill like this which, looking at it, an ordinary person may incline to think: "Well, there is nothing much. You just want to increase the number of judges. You want to make a few amendments here and there." Mr Speaker, Sir, let me read some of the amendments that are being sought.

On page 7 of the Explanatory Statement, the amendment to Article 95c (1) states:

"The extension of the legislative and executive powers of the States of Malaya and Singapore at present requires an Act of Parliament and much Parliamentary time will be saved if it can be done by order as for the Borneo States."

Now, Mr Speaker, Sir, this of course presupposes that the States of Malaya and Singapore have been conscious of their State rights and have insisted that whatever amendments that affect State rights should not only be debated in Parliament but also should have the approval of the respective State Governments. But the Bornean States, namely, Sabah and Sarawak, being not so sophisticated, perhaps being a little too much in a hurry to get into Malaysia, have not thought of this. They might have thought, "Well, the imperial edict from Kuala Lumpur applies to Sabah and Sarawak". Now, what is exactly happening is this: The imperial edict from Kuala Lumpur is being sought not to apply to Sabah and Sarawak; but the imperial edict once issued from Kuala Lumpur applies to all the constituent States of Malaysia. As I said, if you go whole hog and do away with State rights, I am with the Central Government; but do not do it bit by bit: "Slowly catch the monkey

and fool the people". Sir, I think that is not the right thing to do.

Mr Speaker, Sir, let me go on to paragraph 2 of the same amendment in the Explanatory Statement. It states:

"Much time and expense will be saved if provision is made whereby the Federal Government can delegate the legislative and executive functions in respect of certain hybrid laws to the States, so that the federal provisions will be treated as if they were on the Concurrent List; while other hybrid laws may, with the concurrence of the Heads of the States concerned, be declared to be federal laws and treated as such."

Mr Speaker, Sir, it states here that this imperial edict must have the concurrence of the Head of State. Mr Speaker, Sir, in the first place, I do not know whether the Central Government has, in the first instance, consulted the various State Governments on this imperial edict. Secondly, Mr Speaker, Sir, it is thoroughly wrong to say that in a matter that affects State rights the "imperial edict" should have the concurrence only of the Heads of the States. Nowhere is it stated that not only the Heads of the States but the State Assemblies should be consulted. Now, these are two different things. I, for example, am a resident of the State of Selangor and fortunately or otherwise I have also been elected to represent my constituency of Kepong in the State Legislative Assembly of Selangor. Now, if this "imperial edict" comes to Kuala Lumpur, which is also the Capital of the State of Selangor as well as being the Federal Capital, and it has the concurrence of the Head of the State, although I am a State Assemblyman, I have no say as to whether a vital State right has been sold down the drain by the Head of the State. That is a thing which is of fundamental importance to the people. The concurrence of the Head of the State, namely the concurrence of the party in power, does not necessarily mean the concurrence of the people of the State. These are two different things. As I have said, Mr Speaker, Sir, I am prepared to go the whole hog with the Central Government if they say "do away with all the State Governments"; I would be perfectly happy to do that, but that is not being so, then I would be happier if this concurrence

of the Heads of the States can be amended in such a way that the State Assemblies can have a say before State rights are being eroded away under this "imperial edict" that is now proposed by the Central Government.

May I now come to the explanatory note on page 9 regarding the amendment of Article 122. The Minister of Justice has explained: well, the amendment sought is only to change from "two" to "four" as we need another two additional judges for the Federal Court. Mr Speaker, Sir, may I ask what are the reasons for the additions that are necessary to the Federal Court? Has the Federal Court amassed so much work which is so urgent and with which it is unable to cope, that we need two additional judges? Has this anything to do with the Bill that is now withdrawn suggesting the abolishment of appeals to the Privy Council? Mr Speaker, Sir, I myself have no quarrel with the Central Government if it wants to increase the number of judges from two to four. It may well have very good reasons and I can well understand that, but, Mr Speaker, Sir, looking very carefully at this explanation and at the Bill itself, nowhere do I see that there is a limitation on the number of judges. Now, that is a very worrying thought, that there is no provision for the limitation of judges. We all know that the late President Roosevelt in pushing through his new deal packed the Supreme Court with his nominees presumably thinking that they would favour his Administration. But fortunately the judges there did not toe the line of the Executive. I would be much happier if it spelled out quite clearly the limitation—the exact number of the composition of the Federal Court.

Mr Speaker, Sir, finally, I do not know whether this not limiting the number of judges to the Federal Court is intentional or is it an oversight of the Legal Draftsman. We hope that these two new judges that are being sought, and presumably the door that is being left open for the appointment of new judges, are not an avenue for those whom it has been found convenient to be kicked upstairs. We all

know that this has been done time and again: a person has been incompetent and he is kicked upstairs to a foreign embassy or somewhere else. In England we know that people are kicked upstairs to the House of Lords. Here we hope that these new avenues of appointment will not be a sinecure for incompetent Ministers with legal qualifications. Thank you.

Enche' Abu Bakar bin Hamzah (Bachok): Tuan Yang di-Pertua, dengan izin Tuan, saya hendak berchakap sedikit sahaja berkenaan dengan Bill ini oleh kerana sudah banyak di-chakapkan oleh Ahli dari Pasir Puteh, daripada parti saya sendiri, dan juga Ahli dari Batu.

Yang pertama, Tuan Yang di-Pertua, saya rasa dalam ucapan Yang Berhormat dari Batu petang ini meski pun dengan chara yang manis, kerana dia sudah mendapat pujian daripada Kerajaan Perikatan pada hari ini (*Ketawa*), tetapi, Tuan Yang di-Pertua, ada-lah satu chabaran yang paling hebat sa-kali lebeh daripada chabaran yang di-buat oleh Perdana Menteri Singapura, ia-itu Ahli Yang Berhormat itu dengan chara yang berpura² marah, tetapi menyokong Kerajaan sekarang, supaya merampas semua kuasa² Negeri daripada meminda bagini. Ini, Tuan Yang di-Pertua, satu chabaran yang sa-chara tidak langsung supaya Kerajaan ini merampas Negeri Kelantan, boleh jadi kepada Ahli dari Batu, tidak mengapa kalau kuasa itu di-ambil, kerana dia tidak mempunyai negeri yang di-perintah-nya dan saya fikir sampai habis umur-nya pun dia tidak akan dapat memerintah (*Ketawa*). Tetapi, kami di-Kelantan maseh harap lagi dapat mempertahankan negeri itu dan boleh jadi di-Selangor pun pada satu masa kami tidak membenarkan Ahli dari Batu memerintah. Ini, Tuan Yang di-Pertua, satu chara yang kalau kita fikirkan betul² dia sudah hendak pergi sana, lebeh baik-lah saya menchabar beliau itu supaya cross the floor daripada sekarang biar tinggal kami jadi Pembangkang di-sini (*Ketawa*). Tuan Yang di-Pertua, saya rasa itu satu remark yang besar yang saya harap ahli² Pembangkang yang lain patut sedar bahawa dalam Pembangkang ini

ada sa-orang yang sudah di-kirirkan oleh pehak di-sana.

Tuan Yang di-Pertua, apa yang saya hendak sebutkan ia-lah sedikit sahaja, ia-itu berkenaan dengan Article 95 (c) yang di-dalam penerangan di-sini, sebab² atau pun maksud hendak di-pinda Article ini ia-lah kerana Kerajaan sendiri merasa bahawa beberapa undang² yang tertentu yang telah di-buat dan berjalan kuat-kuasa-nya sa-belum Malaysia Day, Kerajaan sendiri merasa shak di-atas sah-nya undang² itu—ia-itu dia merasa doubtful. Jadi, point atau asas yang saya minta Kerajaan menjawab ia-lah; boleh-kah Kerajaan dengan mudah mengaku bahawa ada beberapa undang² yang telah berjalan kuat-kuasa-nya yang Kerajaan sendiri shak di-atas sah-nya. Jadi, kalau-lah undang² ini kita gubal sendiri dengan halal, maka undang² itu menjadi halal dan kita tidak patut shak terhadap anak kita itu anak halal atau pun tidak. Ini, Tuan Yang di-Pertua, membayang atau pun menggambarkan bahawa begitu banyak undang² yang Kerajaan sendiri pun tidak dapat hendak solve the problem itu, maka dia hanya pakai bulldozer membuat satu undang² supaya validate undang² yang dia sudah membuat salah dahulu. Ini satu perkara yang patut Ahli dari Batu itu memikirkan supaya dia jangan mudah² join Kerajaan yang berani membuat sampai bagini. Ini, Tuan Yang di-Pertua, saya bukan-lah sa-mata² sa-bagai Pembangkang, tetapi sa-bagai satu precedent atau satu perkara yang patut di-ingatkan dalam sejarah Parli-men kita, bahawa tidak-lah patut sa-belum daripada Kerajaan mengaku sah-nya itu maseh di-shaki, patut-lah dia table kapada kita, atau pun memberitahu sedikit sa-banyak tentang certain legislation, ia-itu undang² yang tertentu yang sudah di-buat enactment yang Kerajaan sendiri tidak puas hati, atau pun shak di-atas sah-nya, entah berapa belas, berapa puluh, berapa ratus, di-negeri mana. Jadi ini boleh menimbulkan shak orang bahawa Kerajaan Perikatan di-negeri² yang dia majority, banyak memerintah, banyak undang² yang di-seludup bagini dengan

harapan pada satu masa kita boleh membuat undang² yang sa-macam ini.

Ini-lah sahaja, Tuan Yang di-Pertua, yang saya hendak berchakap dan saya perchaya perkara² lain telah pun di-chakapkan oleh Ahli dari Pasir Puteh dan saya rasa tidak-lah begitu mustahak sangat di-atas kesilapan Kerajaan, itu, kalau sa-kira-nya Kerajaan sudah berhak boleh membuat undang² untok memansokhkan kesilapan dengan sa-mata² membuat amendment yang sa-macam ini.

Dr Lim Chong Eu (Tanjong): Mr Speaker, Sir, I rise only to make a few general observations with regard to this Bill, and I would like to repeat the theme which is also becoming like an old song as far as I am concerned. However, I will go on repeating it so long as I am here and so long as the members of the Government refuse to listen to what we have to say.

We have, Sir, in the last few days begun a very heated debate centred over the question of the sacredness, sanctity, of the Constitution, and I have not only in just these few days but over the course of years indicated that we should deal with this question of constitutional amendments with greater solemnity and with less haste.

I admit, right from the beginning, Sir, that much of the provisions of this particular Bill which is very long are to my mind not objectionable. However, Sir, I feel that the country is now in a stage where the people are getting a little worried about this constant nibbling at and changes of the Constitution. I have said, Sir, that one of the clear situations in our national life is that whenever the Honourable Prime Minister chooses to announce outside this House that neither he nor his Government would make any amendment to the Constitution, not long after his pronouncement, the amendment is presented. I remember, Sir, when I receive the first version of this Bill on the amendments to the Constitution, that the Honourable Prime Minister at the meeting of the Malayan Grand Alliance mentioned that they had no intention of making amendments to the Constitution. Not

two weeks had passed, when I received this rather long and interesting set of proposed amendments.

Sir, what do we notice here amongst other things? We notice, Sir, that we are making amendments to the Constitution of Malaysia to provide for certain things which the Alliance Government had done, for example, in my State of Penang, as far back as 1959, prior to Malaysia, these could probably have been *ultra vires* according to the Constitution of that time. I know that the Government has got every right legally at the present moment to make such amendments, and I think it is proper, rather than to leave matters standing in a position of ambiguity with regard to the Constitution, that we should make these little amendments. To that I agree, Sir.

However, when we come to read through these amendments, there are other amendments provided for, which carry far greater implications, as have been touched upon by the Honourable Members from the various constituencies in Kelantan. They naturally feel it very much, because they, as a State, have understood the constant struggles between State and Federal powers and the constant need for adjustments of State and Federal powers.

Sir, I would now like to make a suggestion to the Government, because I cannot debate this and the Government has already amended the Constitution to the effect that we no longer require a two-third majority of the House to pass it and that we can pass it by a simple majority. So, with this overwhelming majority of the Alliance, the suggestion made by me, I hope, can probably be just a dribble—but little drops of water can eventually be effective. The Government has amended the Constitution now so that by a simple majority they can steam-roll this bill through. With this present majority, what we have to say will carry little weight. Nevertheless, I make this suggestion that if we believe in the sanctity of the Constitution and if we want in every way to try and create a precedent for the future about how we are going to

handle amendments to the Constitution, then the Government should take this as a precedent, because obviously there is no urgency for this Bill, to refer at its second reading, any proposal of amendments to the Constitution to a Select Committee of this House, which will consist of representative members from every political shade of opinion together with a large majority of the Alliance members in that Select Committee; let that Select Committee sit over this question of the constitutional amendments and report back to the House at a subsequent date; and let us take it through to the full second and third readings. I think, Sir, by making such sort of a check, not as provided for in our Constitution, but by precedents, we will begin to show the rest of our country that the Government really treats the Constitution as a sacred document and that it will consider even minority opinions with some degree of care.

Sir, how have we tackled this Bill? As I said, before I came to this House, after having gone through fairly carefully the provisions of this Amendment Bill, I was suddenly presented with version No. (2) of it with minor amendments and was asked to ignore the Bill which I studied. It may be so that they are minor amendments. It means that I have to read through again the whole of this new Bill to find out where the amendments are and try to think out why they have been provided. I am not so naive to look at the constitutional amendments and ignore even commas and semicolons, because constitutional amendments can have great implications even by leaving out a comma.

Sir, I am also taken aback by the statement of the Honourable Member for Batu, because obviously he did not have a chance to consult his Party members. It is just like a bull which has lost one horn—the Honourable Member for Dato Kramat is not here and it is a little bit lopsided: I mean making such a terrible statement. I hope the Alliance Government does not accept this proposal from the Member for Batu although they have

apparently found some happy rapport at the present time. It is just like a bull, which is lopsided, (*Laughter*) asking us to go the whole hog, I mean to centralise State powers in the Central Government. Sir, if we fall into the trap of the Socialist Front—and precisely what they want is absolute, dictatorial powers in the centre if they win, and the Central Government treats this lightly because they know that the Socialist Front won't win (*Laughter*)—with its simple majority they are going to rule us not from Kuala Lumpur but from the source of their inspiration where they derive their political ideology. Sir, this is a very dangerous statement and I must, right from the outset, oppose it. I am quite sure that if his colleague, the Honourable Member for Dato Kramat, who not so very long ago had aspirations of capturing the State of Penang for the Socialist Front, were here he would even reject the suggestion made by the Honourable Member for Batu (*Laughter*). Sir, that, however, is only a little aside.

Sir, I am quite sure that the responsible Members opposite in the front benches understand—right along from the beginning of the establishment of our Federation—from the Federation of Malaya to now the Federation of Malaysia—that this question of balance between the State powers and Central power is always a delicate one. I feel the concept why we have called ourselves “a Federation of States”—we could have called ourselves a nation and made a simple Constitution at the beginning—is because it involves the acceptance of the powers of the Rulers in their own States and the concept of State powers. There will always be this constant struggle between State and Federal powers. In actual fact, I would like to see more State powers given to the State of Penang. For example, I would like to have some of the provisions that are made for the State of Singapore; and mind you, they were made at a time when the Alliance benches found the Honourable the Prime Minister of Singapore a highly acceptable person—and, therefore, they gave to him certain auto-

nomous rights. I would have liked those privileges written into for Penang too. We would like to have, for example, a certain degree of autonomy in education. Sir, this kind of balance, as the country progresses, will continue, and although the Alliance Government has the power to amend Bills, Constitutional Bills, easily, I do suggest it will assuage a definite fear and apprehension amongst our people if you do not ride roughshod over popular sentiment and refer any Constitutional amendments to a Select Committee of this House. After all, Sir, if such Select Committee were to include a representative, for example, of the P.M.I.P. and the Honourable representatives could concur with the Bill in Select Committee, then we could have a situation whereby there would be complete unanimity in constitutional amendments. I realise that the experience of Honourable Members of the Government are such that they are always, probably, afraid and suspicious that if ever they allow a constitutional Bill, or a proposed amendment to the Constitution, to go to a Select Committee, Members of the Opposition, who do not come under the direct command of the Whips of the Alliance Party, might choose to write a minority opinion in that Select Committee. Sir, I think myself such minority opinions too are valuable because in historical perspective it would mean that we have carried certain Bills with unanimity and certain Bills with reservations, and in the long run we will be able to balance what are pertinent and what are not.

Another factor, Sir, is that, if such a fear exists in the hearts of the Government, it really belittles our sense of responsibility. We are not going to write minority opinions to a Bill which is considered very carefully, unless we ourselves felt that they mean something important to us. Sir, what is the difference of referring such a Bill to Select Committee, when we have one Bill presented to us a week later with a series of amendments? Sir, the Constitution of this country is being changed every other week virtually. If we had met one week

earlier, we would have passed all Bills, and later on pass an amendment to an amendment to a Bill. It shows, Sir, that the Government itself is hard pressed and that the Legal Adviser's Department, obviously hard pressed, is being pushed by Government to write up amendments without really being able seriously to consider the import of the amendments that are proposed. Otherwise, why should it be that in a matter of one week we have amendments to proposed amendments, not to simple laws but to what has been ascribed by the whole of the Alliance as the sacred document of the country?

Sir, I do put this as a suggestion to Government for the future processing of amendments to the Constitution. If and when the time comes for a much more serious amendment to be proposed—for example, the question of the Judicature Act—I think, Government will be well advised to listen sometimes to this side of the House. Otherwise, this slow erosion can be interpreted as Government's complete arrogance—discarding the procedure which they themselves have laid down for constitutional amendments.

With this observation, Sir, I would like to ask the Government that, in future, they send us proposed amendments, as has been suggested by the Honourable Member for Batu, so as to give us more time to study Bills of amendments to the Constitution. Then we will really be able to come to this House and say that we are not just debating the Bill on our own, but after consultation at least with the people of our own constituency and our own Party.

Enche' Stephen Yong Kuet Tze (Sarawak): Mr Speaker, Sir, last week when we came to this House we had on our table copies of the Constitution and Malaysia Act (Amendment) Bill for the first time, and we realise that this is the Bill to amend the Constitution of Malaysia. Naturally without the Constitution itself in front of me, I went down to the library to look for a copy of the Constitution and to see to what extent these proposed amendments to the said Bill would go. So,

after the rather heated debates we had heard over the Yang di-Pertuan Agong's Address, I went down to the library to get a copy of the Constitution. The librarian very kindly pointed out to me that the copy she got in the library was not up-to-date. I asked her for an explanation, and she said, "Well, amendments have been made recently and I have no time to incorporate the amendments to the Constitution." Sir, we therefore can never follow quiet closely as to what we have done to the Constitution, which we all had very solemnly declared here to uphold.

Now, Sir, I do share the sentiments expressed by the Honourable Member for Tanjong, that in order to upkeep the dignity and sanctity of this Constitution we must not treat it as if we are proposing amendments to other ordinary laws. I cannot see any reason why the Government cannot have a convention of some sort, or an understanding, in not introducing any amendment to the Constitution without first consulting, if not, bringing to the notice of, the States which will be affected by any amendment to the Constitution. Now, take, for instance, you have here a proposal to extend certain executive powers to the States, enlarging the powers of the Yang di-Pertuan Agong by order. Certainly, Sir. . . .

Dato' Dr Ismail: On a point of clarification, Mr Speaker, Sir, what Article is he referring now?

Enche' Stephen Yong Kuet Tze: Article 95c (1), Sir. Amendment to Article 95c (1) states:

"This amendment provides for enlarging the power of the Yang di-Pertuan Agong by order to extend the legislative and executive powers of the States, which is at present restricted to the Borneo States, to apply to all the States of the Federation."

Sir, have the States in the Federation which are directly affected by this proposed amendment been consulted at all? Sir, we all know that, not being an ordinary Bill that we are considering, this is a proposed amendment to the Constitution which has far reaching or will have far reaching effect. Surely we as representatives of the people,

particularly from the Borneo States, will not be able to know what the real implications will be when we have never been given prior notice of the proposed amendment. I do not say that the present amendment will affect the Borneo States. I merely mention this as a matter of principle. Again, in all proposed amendments to the Constitution they should not be made matters of urgency. To my mind, it is necessary for the Government to bear in mind that the only way by which one can have the confidence of the people in the sincerity and good faith of the Government is not to tamper too much with the Constitution; if it is found to be necessary for amendments to be made, then as much time as possible should be given to the people concerned.

Lastly, Sir, I would ask that the Government should provide free a copy of the Constitution as amended and up-to-date to every Member of this House; otherwise we will not be able to know what we are talking about.

Enche' Mohamed Yusof bin Mahmud (Temerloh): Tuan Yang di-Pertua, saya mengambil peluang juga sedikit untuk menyokong Rang Undang² yang ada di-hadapan kita ini untuk meminda Perlembagaan kita. Saya telah mendengar beberapa orang daripada pehak Pembangkang yang telah menyuarkan atas tidak puas hati-nya terhadap Kerajaan meminda beberapa kali berkenaan dengan Perlembagaan kita.

Tuan Yang di-Pertua, pada masa kita membuat Perlembagaan dahulu ia-lah kita tidak mengalami bahawa perkara yang timbul kemudian daripada itu, umpama-nya perkara perlantikan Ahli Ka-Dewan Negara yang telah terjadi pada masa yang lampau yang mengakibatkan, ia-itu perkhidmatan sa-sorang daripada-nya didalam Dewan Negara itu tersekat, oleh sebab kesuntukan, atau pun tidak ada chara yang boleh meluluskan, chara yang sudah di-luluskan dalam Perlembagaan.

Jadi, saya berasa hairan bagaimana pehak² Pembangkang ini sa-kejap

ketika mengatakan mustahak kita pinda undang² ini, tetapi daripada satu ketika lagi mereka mengatakan tidak mustahak kita pinda dengan serta-merta. Umpama saya cheritakan tadi berkenaan dengan Perlembagaan bagi melantek Ahli ka-Dewan Negara ini. Rasa saya mustahak, bahkan pada masa terjadi-nya perkara itu, pada masa itu-lah patut kita meminda Perlembagaan itu yang membolehkan Ahli itu serta-merta masuk berkhidmat dalam Dewan Negara.

Dalam pindaan ini saya memandang ada-lah Perlembagaan ini, sungguh pun kita pandang, kita hormati satu benda yang sangat² tinggi, yang kita sifatkan sangat tinggi, tetapi bukan-lah seperti Qur'an, Tuan Yang di-Pertua, yang ta' boleh di-pinda. Kita pinda Perlembagaan, mengikut keadaan negara kita, kerana negara kita pada masa dahulu negara Tanah Melayu—sekarang negara Malaysia, maka kita ada banyak problem², masalaah² yang timbul yang tidak boleh di-jalankan dengan undang² biasa—sudah sa-patut-nya yang Kerajaan meminda supaya menyesuaikan bagi sa-buah negara yang demokratik dan juga berperlembagaan. Itu-lah sebab-nya saya katakan tadi, saya menyokong, bukan sahaja sa-takat pindaan ini, tetapi pada yang ka-hadapan juga apabila ada-nya masalaah² yang tidak dapat di-jalankan bagi undang² biasa, terpaksa-lah kita pinda undang² ini.

Jadi, umpama-nya kita melantek lagi lebeh pegawai² Mahkamah—Hakim²—ini sangat mustahak, Tuan Yang di-Pertua, kerana negara kita sekarang ini telah besar, daripada 11 buah Negeri sudah menjadi 14 buah Negeri; daripada tujuh million manusia, sudah menjadi sa-belas million. Kita merasa, mengalami beberapa kesulitan, dengan sebab tidak ada undang² lain yang boleh menjalankan, mengadakan, menambahkan lagi Hakim² ini semua didalam Perlembagaan, maka dengan sebab itu, kita pinda Perlembagaan.

Kita tahu sekarang dengan Hakim² yang ada pada masa ini tersangat sebak, banyak kerja-nya, banyak case² yang patut pergi appeal, yang patut di-selesaikan dalam masa yang singkat, tetapi mengambil masa yang panjang.

Ini mengakibatkan tentu-lah susah kepada ra'ayat jelata. Jadi, rasa saya, pindaan² ini mustahak.

Jadi, tidak-lah timbul seperti kata Ahli Yang Berhormat dari Tanjong, kita boleh pinda di-lain masa yang panjang, tetapi masa ini mustahak—perkara ini mustahak. Hakim² ini mustahak. Lantikan Ahli² Dewan Negara mustahak pada negara. Jadi, tidak-lah timbul yang mengatakan kita ini terburu² untuk meminda Perlembagaan, sebab itu, rasa saya, Tuan Yang di-Pertua, pehak² Pembangkang ini membangkang kerana membangkang sahaja, bukan-lah dengan tujuan ada satu hikmat yang hendak memberi satu kebaikan kepada negara, melainkan untuk membangkang apa yang dibuat oleh Kerajaan itu semua-nya ta' betul. Sekian, Tuan Yang di-Pertua.

Tuan Haji Ahmad bin Saaid (Sebarang Utara): Tuan Yang di-Pertua, saya bangun untuk menyokong usul pindaan Perlembagaan yang di-kemukakan dalam Dewan ini, sebab pun saya menyokong ia-lah oleh kerana didalam Perlembagaan sendiri, Fasal 159 yang membolehkan Perlembagaan ini di-pinda.

Tuan Yang di-Pertua, ada pandangan² daripada pehak² Pembangkang yang mengatakan bahawa Kerajaan terburu² meminda Perlembagaan, dan juga oleh kerana Kerajaan ada kuasa, Kerajaan boleh berbuat sa-suka hatinya dan juga sa-tengah mengatakan patut di-serahkan kepada sa-buah Jawatan-kuasa untuk mengkaji pindaan yang di-kemukakan ini.

Tuan Yang di-Pertua, pada pendapat saya, pindaan yang di-kemukakan ini ia-lah sa-bahagian daripada perkara² yang kecil yang berkaitan dengan asas yang ada dalam Perlembagaan ini, bukan-lah pindaan ini pindaan di-atas asas yang terkandung dalam Perlembagaan. Sa-bagaimana yang kita ketahui, beberapa negara yang mengamalkan demokerasi telah pun meminda Perlembagaan mereka itu beberapa kali untuk menyesuaikan suasana politik, masyarakat dan pentadbiran-nya. Al-hamdulillah dan shukur, negara kita ini yang di-bawah Kerajaan yang diberi kepercayaan yang penuh semen-

jak tahun 1959 kita telah pun meminda beberapa perkara demi kepentingan negara kita. Sa-balek-nya kalau kita perhatikan beberapa buah negara yang menjalankan pemerintahan-nya dari segi dan lunas² demokerasi, sudah tukar chorak menjadi sa-buah negara pemerintahan yang di-kuasai oleh President, oleh kerana lunas² demokerasi yang di-amalkan, yang mereka jalankan, tidak dapat memerintah negara itu dengan sempurna. Saya beri mithal atau contoh bagaimana negara Indonesia. Mereka pada mula-nya mengamalkan demokerasi, negara France mengamalkan pemerintahan demokerasi dengan suara ramai, negara Pakistan mengamalkan chorak pemerintahan demokerasi pada awal-nya, tetapi pada akhir-nya tidak dapat melaksanakan pemerintahan mengikut lunas² demokerasi oleh kerana manakala ada satu masalah kepentingan negara, hendak di-pinda undang² atau perlembagaan, dapat tentangan yang hebat daripada parti² Pembangkang yang mementingkan parti-nya bukan negara, sa-hingga terpaksa negara² itu di-aleh kuasa kepada kuasa President.

Baharu² ini saya baca dalam surat-khabar bagaimana pemerintahan negara India, ada ura² yang mereka hendak menukar chorak pemerintahan memberi kuasa kepada President. Jadi dengan contoh² yang sa-macam ini maka dapat pehak² Pembangkang mengambil perhatian bagaimana baiknya chara pemerintahan demokerasi yang di-amalkan oleh Kerajaan kita yang kita telah pinda dari masa kama masa demi kepentingan negara, bukan kepentingan parti.

Sa-kira-nya kita tidak meminda mengenai subversive, saya percaya negara kita tentu-lah menjadi kukuh-kahir pada masa sekarang, harus pemerintahan kita sudah bertukar chorak, tetapi oleh kerana kita ada kuasa boleh meminda, kita telah chepat² meminda Perlembagaan itu supaya dapat kita menjalankan pentadbiran kita mengikut lunas² demokerasi yang sa-benar-nya.

Tuan Yang di-Pertua, ada fikiran yang di-kemukakan oleh Yang Berhormat wakil dari Tanjong mengatakan

ra'ayat jelata berasa bimbang di-atas pindaan ini kerana parti² mereka tidak dapat memberi fikiran dan wakil ra'ayat tidak dapat berunding, jadi, perkara ini ada-lah satu perkara yang alasan-nya terlampau nipis. Sa-bagai sa-orang Wakil Ra'ayat yang di-pilih oleh suara ramai, maka mandate yang di-beri penoh kepada Wakil Ra'ayat itu memikirkan apa juga yang baik, maka terpulang-lah kepada Wakil Ra'ayat itu sendiri memberi fikiran-nya, sama ada hendak menyokong atau hendak meminda. Sa-kian-lah sahaja, Tuan Yang di-Pertua, dan saya menyokong dengan sa-penoh-nya pindaan ini.

Dato' Dr Ismail: Tuan Yang di-Pertua, terlebih dahulu saya mengucapkan terima kasih kepada Ahli dari Temerloh dan Ahli dari Seberang Utara atas menyokong chadangan Kerajaan hendak meminda Undang² Tuboh ini.

Sir, I would like to remind Honourable Members, who spoke opposing this Amendment, that when our Constitution was first enacted it was never intended that it should never be amended. Otherwise, provisions for making amendments to the Constitution would not have been included in it. In the Constitution it is provided that in the case of some provisions it needs only a simple majority to amend and in some other cases it requires two-thirds majority. Now, having given those safeguards, naturally, it is left to Parliament to use the power very carefully in not amending this Constitution to the detriment of the people of the country. Sir, I think this country is really blessed in that it has returned the Alliance to power with a two-thirds majority in this House, because if the Alliance does not get a two-thirds majority in this House I am quite sure—if we take the criteria of some members of the Opposition in regard to any amendment in this House—that this Constitution would never be amended to the detriment of the smooth functioning of the Government in this country.

Sir, we are proud of our record that although we have introduced amendments in this Parliament to this

Constitution, they have been amendments designed to smoothen the functioning of the Federation. We have never introduced any amendments that will affect the fundamental rights of the peoples of this country. We have never taken away any rights from the citizens of this country. All that we have done in the amendments in the past, and now, is merely to smoothen the functioning of the Federation, especially in the administrative field.

Sir, I have already replied in the House the other day that the Government shares with the Opposition in this complaint that the Bills are not submitted to the Honourable Members in such a way that ample time is given to them to peruse the amendments, or the Bills; and I did say that the Government tried to overcome this difficulty by trying to publish the Bills in the *White Gazette*. As our Standing Orders stand at present, the Bills cannot be printed unless they have been given the first reading in this House, but we have tried our best to get over this difficulty by trying to publish the Bills in future in the *White Gazette*, so that Honourable Members can have ample time to discuss the Bills with whomever they like.

In regard to the suggestion of sending the Bills to Select Committees, we agree with the Opposition Members to a certain extent, if they affect controversial matters. However, in matters such as those in front of the House at the moment, they are purely designed to smoothen the administration as between the Centre and the States, and surely this sort of amendments could be passed by this House without sending them to a Select Committee. It has been suggested that we send this Bill to a Select Committee—with generosity that the majority of the members of the Select Committee should be from the Alliance—but I can foresee, Sir, that in such a case only the members of the Alliance will attend the meetings of the Select Committee. So, Sir, while we do not reject entirely the suggestion that Bills should be sent to Select Committees—in fact, this morning I announced in this House, and the House has agreed, to send one Bill to a

Select Committee—surely, it is not in the interest of this House and the interest of the smooth functioning of the Government that every Bill should be sent to a Select Committee.

Now, Sir, I come to the specific observations made by the Honourable Members.

Yang pertama, saya suka-lah hendak menjawab tegoran Ahli Yang Berhormat daripada Pasir Puteh. Saya pada hari ini suka hendak menguchapkan tahniah kepada Ahli Yang Berhormat dari Pasir Puteh kerana tegoran²-nya ia-itu tegoran² yang membena. Satu daripada tegoran-nya itu jikalau dipersetujukan oleh Tuan Yang di-Pertua, saya akan mendatangkan pindaan bila kita sampai dalam Committee, ia-itu-lah berkenaan dengan tafsiran Commonwealth itu. Kata-nya, dalam tafsiran Commonwealth itu tidak patut-lah kita membezakan United Kingdom daripada lain² negeri yang kita sipatkan Commonwealth, biar-lah kita samakan. Ini ada-lah satu chadangan yang saya fikir satu chadangan yang membena yang kita akan terima. Sebab²-nya, benda ini telah terletak membezakan United Kingdom daripada negeri² lain, dalam tafsiran negeri Commonwealth ia-lah ada tersilap sedikit. Jadi, saya menguchapkan sa-tinggi² terima kaseh kepada Ahli Yang Berhormat daripada Pasir Puteh.

Ahli Yang Berhormat dari Pasir Puteh itu sa-lepas membuat chadangan yang membena itu, ada pula membuat chadangan yang saya fikir boleh merosakkan sedikit kepada Rumah ini (*Ketawa*). Dia bukan sahaja menegor bahkan menchercha Dewan Senate. Saya fikir tidak molek-lah bagi kita Rumah bawah ini, Dewan Ra'ayat ini, menchercha keputusan² yang dibuat dalam Dewan Senate sana. Jadi, saya fikir kalau-lah perkara sa-macham ini selalu di-bangkitkan di-sini patut juga kita, Tuan Yang di-Pertua, sendiri menjadi Pengerusi Jawatan-kuasa Standing Orders, patut kita membuat Standing Orders, supaya menahan Ahli² Dewan ini menchercha keputusan² yang di-buat oleh Senate, kerana tidak molek tidak mengikut atoran atau pun adat Parliamen yang

satu Rumah menchercha keputusan yang telah di-buat oleh Rumah yang lain.

Dia juga menegor atas chadangan hendak meminda Article 122. Dia kata ia-itu dalam chadangan hendak meminda ini, chara² hendak melantek Hakim Makhmah Persekutuan ia-lah berlainan daripada chara² yang ada dalam Perlembagaan sekarang. Saya suka-lah juga menerangkan ia-itu chara² yang ada dalam Perlembagaan sekarang ini ia-itu berkenaan dengan melantek Hakim yang dudok boleh di-katakan sa-lama²-nya di-Makhmah Tinggi. Chadangan yang di-shorkan di-sini ia-lah supaya memberi kuasa melantek hakim sementara, jadi itu-lah sebab-nya ada perbezaan sedikit chara hendak melantek hakim yang di-chadangkan dalam pindaan ini.

Now, Sir, the Honourable Member for Batu was showered with compliments this morning, and he was so embarrassed that he labelled the compliments as the kiss of death. So, in return, this afternoon he tried to respond to the kindness that was extended to him this morning by trying to make us commit political suicide, because he suggested that we should take all the powers from the States and put them in the Central Government. Now, Sir, it has never been the intention of the Central Government to take the powers from the States as enshrined in the Constitution. All that we have done here, all the amendments that we have in this Bill, some had been done at the request of the States and some after consultation with the States, and they are, as I said, mainly designed to smoothen the functioning of the machinery of government both in the States and the Centre.

When the Honourable Member spoke on Article 122, he made a valid observation in that there was no provision to limit the number of judges in the High Court—I think that was what he said. He went on further to say that if there was no limitation, then there was a temptation to make use of this as one of the avenues for kicking unwanted people upstairs. Now, Sir, first and foremost, it is in the interest of justice in this

country, of course within limitations, that the more judges we have the better; secondly, I think there is no need to have a limitation, because, I am sure, it will be governed by the simple economic law of supply and demand. At the moment, the demand is greater than the supply, and I cannot foresee the time when there will be greater supply than demand of judges in this country.

Dr Tan Chee Khoon: On a point of clarification, Mr Speaker, Sir, it all depends on the standard that you set for your supply. There are lawyers galore in this country on the Opposition benches.

Dato' Dr Ismail: Well, Sir, I do not know how His Lordship would take that comment, or Members of the Bar, but as far as this House is concerned, we have implicit confidence in our judges and also in Members of the Bar. However, we cannot expect the Member for Batu to share the ideal opinion of ours.

Tuan Yang di-Pertua, Ahli daripada Bachok, ada berchakap atas soal Article 95 (c). Dia takut ia-itu Undang² yang kita hendak meminta sahkan dengan chara kebelakangan ia-itu *retrospective* ini barangkali Undang² itu boleh jadi Undang² yang tidak berpatutan. Di-sini saya suka-lah mengeshorkan kepada Ahli² Yang Berhormat itu ia-itu Undang² yang telah di-perbuat ini ia-lah Undang² yang memberi faedah kepada negeri dan Undang² ini bukan Undang² yang *controversial*, dan jikalau tidak ada chadangan hendak meminda ini pun, boleh juga di-buat dengan sa-chara lain di-bawa dalam Parlimen ini, di-bawa di-dalam State. Tetapi oleh sebab memandangkan lebih kemas lagi jikalau kita masokkan dalam Constitution ini daripada membuat chara² yang saya sebutkan tadi itu-lah sebab-nya di-kemukakan Rang Undang² ini.

Now, Sir, the Honourable Member from Sarawak, Mr Stephen Yong, has complained that copies of the Constitution in the Library are not up to date. Sir, I am not responsible for that, and nor is the Government. That, Sir, is within your authority, and as you are responsible, I commend his observation to you.

Sir, the Honourable Member also asked whether the amendments referred to in the proposed amendment to Article 95 (c) had been referred to the States. Now, as I have mentioned in my reply in the National Language to the Honourable Member for Pasir Puteh, some of these amendments had been made at the request of the States and after some consultation with them.

The same Honourable Member further suggested that free copies of the Constitution with amendments should be given to Honourable Members. Sir, at the rate the Alliance Government is amending the Constitution, I mean the minor amendments (*Laughter*) for the smooth running of the country, then probably we will have to send hundreds of copies of the Constitution with amendemnts to Honourable Members every time amendments are made in this House. I am sure my colleague the Honourable Minister of Finance will have great objection to that.

Sir, I think when all is said and done, when we take out the attempt to speak to members of one's constituency, I am sure that these amendments will be given the unanimous support of the House.

Mr (Deputy) Speaker: Meshuarat ini di-tangguhkan.

Sitting suspended at 5.25 p.m.

Sitting resumed at 6.00 p.m.

(Mr Speaker in the Chair)

Question put.

The House divided: Ayes—116:
Noes—Nil; Abstentions—Nil.

AYES

Enche' Abdul Ghani bin Ishak
Captain Haji Abdul Hamid
Khan
Enche' Abdul Karim bin Abu
Tuan Haji Abdul Khalid bin
Awang Osman

Y.T.M. Tunku Abdul Rahman
Putra Al-Haj
Enche' Abdul-Rahman bin
Ya'kub
Tuan Haji Abdul Rashid bin
Haji Jais

Enche' Abdul Rauf bin Abdul
Rahman
Tun Haji Abdul Razak bin
Dato' Hussain
Enche' Abdul Razak bin Haji
Hussin

Y.A.M. Tunku Abdullah ibni
Almarhum Tuanku Abdul
Rahman
Tuan Haji Abdullah bin Haji
Mohd. Salleh
Enche' Abu Bakar bin Hamzah
Enche' Ahmad bin Arshad
Tuan Haji Ahmad bin Saaid
Che' Ajibah binti Abol
Enche' Ali bin Haji Ahmad
O.K.K. Datu Aliuddin bin
Datu Harun
Dr Awang bin Hassan
Enche' Aziz bin Ishak
Enche' Bahaman bin Samsudin
Pengarah Banyang anak Janting
Enche' Chan Chong Wen
Enche' Chan Seong Yoon
Tuan Haji Muhammad Su'at
bin Haji Muhd. Tahir
Engku Muhsein bin Abdul
Kadir
Dato' Haji Mustapha bin Haji
Abdul Jabar
Dato' Nik Ahmad Kamil
Enche' Ng Fah Yam
Dr Ng Kam Poh
Tuan Haji Othman bin
Abdullah
Enche' Othman bin Abdullah
Abang Othman bin Haji Moasili
Enche' Quek Kai Dong
Tuan Haji Rahmat bin Haji
Daud
Enche' Chan Siang Sun
Enche' Chen Wing Sum
Enche' Chia Chin Shin
Enche' Francis Chia Nyuk Tong
Enche' Chin Foon
Enche' Edwin anak Tangkun
Tuan Syed Esa bin Alwee
Datin Fatimah binti Haji Abdul
Majid
Datin Fatimah binti Haji
Hashim

Enche' S. Fazul Rahman
Datu Ganie Gilong
Enche' Ganing bin Jangkat
Enche' Geh Chong Keat
Enche' Hamzah bin Alang
Enche' Hanafi bin Mohd.
Yunus
Enche' Hanafiah bin Hussain
Enche' Harun bin Abdullah
Wan Hassan bin Wan Daud
Enche' Stanley Ho Nyun Khiu
Enche' Hussein bin To' Muda
Hassan
Enche' Hussein bin Mohd.
Nordin
Enche' Hussein bin Sulaiman
Tuan Haji Hussain Rahimi bin
Haji Saman
Enche' Ikhwan Zaini
Enche' Ibrahim bin Abdul
Rahman
Dato' Dr Ismail
Enche' Ismail bin Idris
Enche' Ramli bin Omar
Tuan Haji Redza bin Haji
Mohd. Said
Raja Rome bin Raja Ma'amor
Dato' V. T. Sambanthan
Enche' Sandom anak Nyuak
Dato' Sardon bin Haji Jubir
Enche' Seah Teng Ngiah
Enche' Senu bin Abdul Rahman
Enche' Sim Boon Liang
Enche' Snawi bin Ismail
Enche' Sng Chin Joo
Enche' Soh Ah Teck
Datu Donald Aloysius Stephens
Dato' Syed Ja'afar bin Hasan
Albar
Penghulu Jinggut anak Attan
Dato' Temenggong Jugah
Enche' Kadam anak Kiai
Enche' Kam Woon Wah
Enche' Khaw Kai-Boh

Datu Khoo Siak Chiew
Enche' Lee San Choon
Enche' Lee Seck Fun
Enche' Lee Siok Yew
Enche' Amadeus Mathew
Leong
Dato' Ling Beng Siew
Enche' Lim Pee Hung
Dr Lim Swee Aun
Dr Mahathir bin Mohamad
Enche' T. Mahima Singh
Enche' Joseph David Manjaji
Dato' Dr Haji Megat Khas
Enche' Mohd. Arif Salleh
Tuan Haji Mohd. Ghazali bin
Haji Jawi
Enche' Mohamed Idris bin
Matsil
Enche' Mohamed Khir Johari
Enche' Mohd. Tahir bin Abdul
Majid
Enche' Mohamed Yusof bin
Mahmud
Enche' Mohd. Zahir bin Haji
Ismail
Wan Mokhtar bin Ahmad
Tuan Haji Mokhtar bin Haji
Ismail
Enche' Sulaiman bin Bulon
Enche' Suleiman bin Ali
Pengiran Tahir Petra
Enche' Tajudin bin Ali
Enche' Tai Kuan Yang
Dr Tan Chee Khoon
Enche' Tan Cheng Bee
Enche' Tan Siew Sin
Enche' Tan Toh Hong
Enche' Tan Tsak Yu
Enche' Tiah Eng Bee
Enche' Toh Theam Hock
Enche' Yeoh Tat Beng
Tuan Haji Zakaria bin Haji
Mohd. Taib

NOES
Nil

ABSTENTIONS
Nil

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker in the Chair)

Clauses 1 to 3 inclusive ordered to stand part of the Bill.

FIRST SCHEDULE

Dato' Dr Ismail: Mr Chairman, Sir, when I introduced the Bill I mentioned

that I was prepared to accept the suggestion made by the Honourable Member for Pasir Puteh in regard to the definition of "Commonwealth country" and I also said that I would ask your permission to move the amendment at the appropriate moment. Sir, I beg to move the amendment to Article 160, Clause 2, on page 4 of the Bill. The amendment is "to leave out the definition of 'Commonwealth Country' in Clause 2 and insert the following instead thereof:

"Commonwealth country means any country recognised by the Yang di-Pertuan Agong to be a Commonwealth country; and

part of the Commonwealth, means any Commonwealth country, any colony, protectorate or protected states or any other territory administered by the Government of any Commonwealth country."

The other amendment has been circulated to Honourable Members and reads:

"to add immediately before the item 'Ninth Schedule (legislative lists)', the following—

In section 14 (2) (c), for the expression 'the State law', there shall be substituted the expression 'federal or State law'.

In section 17 (3), for the expression 'paragraphs (a) and (b)' there shall be substituted the expression 'paragraphs (a), (b) and (c)'."

Enche' Abu Bakar bin Hamzah (Bachok): Tuan Pengerusi, saya mengucapkan terima kaseh bagi pehak P.M.I.P. kepada pehak Kerajaan yang menerima pindaan itu, dan saya perchaya kepada Bill No. 26 ada benda yang Kerajaan akan menerima pindaan lagi.

Amendments put, and agreed to.

First Schedule, as amended, ordered to stand part of the Bill.

Second Schedule ordered to stand part of the Bill.

Dato' Dr Ismail: Sir, I beg to move that the Bill be reported back to the House.

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

House resumes.

Third Reading

Dato' Dr Ismail: Sir, I beg to report that the Bill has been considered in Committee and agreed to with amendments. I accordingly move that the Bill be read a third time and passed.

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

Question put.

The House divided: Ayes—117; Noes—Nil; Abstentions—Nil.

AYES

Enche' Abdul Ghani bin Ishak
Captain Haji Abdul Hamid Khan
Enche' Abdul Karim bin Abu Tuan Haji Abdul Khalid bin Awang Osman
Y.T.M. Tunku Abdul Rahman Putra Al-Haj
Enche' Abdul-Rahman bin Ya'kub
Tuan Haji Abdul Rashid bin Haji Jais
Enche' Abdul Rauf bin Abdul Rahman
Tun Haji Abdul Razak bin Dato' Hussain
Enche' Abdul Razak bin Haji Hussin
Y.A.M. Tunku Abdullah ibni Almarhum Tuanku Abdul Rahman
Tuan Haji Abdullah bin Haji Mohd. Salleh
Enche' Abu Bakar bin Hamzah
Enche' Ahmad bin Arshad
Tuan Haji Ahmad bin Saaid
Che' Ajibah binti Abol
Enche' Ali bin Haji Ahmad
O.K.K. Datu Aliuddin bin Datu Harun
Dr Awang bin Hassan
Enche' Aziz bin Ishak
Enche' Bahaman bin Samsudin
Pengarah Banyang anak Janting
Enche' Chan Chong Wen
Enche' Chan Seong Yoon
Enche' Chan Siang Sun
Enche' Chen Wing Sum

Enche' Chia Chin Shin
Enche' Francis Chia Nyuk Tong
Enche' Chin Foon
Enche' Edwin anak Tangkun
Tuan Syed Esa bin Alwee
Datin Fatimah binti Haji Abdul Majid
Datin Fatimah binti Haji Hashim
Enche' S. Fazul Rahman
Datu Ganie Gilong
Enche' Ganing bin Jangkat
Enche' Geh Chong Keat
Enche' Hamzah bin Alang
Enche' Hanafi bin Mohd. Yunus
Enche' Hanafiah bin Hussain
Enche' Harun bin Abdullah
Wan Hassan bin Wan Daud
Enche' Stanley Ho Nyun Khiau
Enche' Hussein bin To' Muda Hassan
Enche' Hussein bin Mohd. Nordin
Enche' Hussein bin Sulaiman
Tuan Haji Hussain Rahimi bin Haji Saman
Enche' Ikhwan Zaini
Enche' Ibrahim bin Abdul Rahman
Dato' Dr Ismail
Enche' Ismail bin Idris
Dato' Syed Ja'afar bin Hasan Albar
Penghulu Jinggut anak Attan
Dato' Temenggong Jugah
Enche' Kadam anak Kiai

Enche' Kam Woon Wah
Enche' Khaw Kai-Boh
Datu Khoo Siak Chiew
Enche' Lee San Choon
Enche' Lee Seck Fun
Enche' Lee Siok Yew
Enche' Amadeus Mathew Leong
Dato' Ling Beng Siew
Enche' Lim Pee Hung
Dr Lim Swee Aun
Dr Mahathir bin Mohamad
Enche' T. Mahima Singh
Enche' Joseph David Manjaji
Dato' Dr Haji Megat Khas
Enche' Mohd. Arif Salleh
Tuan Haji Ghazali bin Haji Jawi
Enche' Mohamed Idris bin Matsil
Enche' Mohamed Khir Johari
Enche' Mohd. Tahir bin Abdul Majid
Enche' Mohamed Yusof bin Mahmud
Enche' Mohd. Zahir bin Haji Ismail
Wan Mokhtar bin Ahmad
Tuan Haji Mokhtar bin Haji Ismail
Tuan Haji Muhammad Su'ant bin Haji Muhd. Tahir
Engku Muhsein bin Abdul Kadir
Dato' Haji Mustapha bin Haji Abdul Jabar
Enche' Mustapha bin Ahmad
Dato' Nik Ahmad Kamil

Enche' Ng Fah Yam
 Dr Ng Kam Poh
 Tuan Haji Othman bin Abdullah
 Enche' Othman bin Abdullah
 Abang Othman bin Haji Moasili
 Enche' Quek Kai Dong
 Tuan Haji Rahmat bin Haji Daud
 Enche' Ramli bin Omar
 Tuan Haji Redza bin Haji Mohd. Said
 Raja Rome bin Raja Ma'amor

Dato' V. T. Sambanthan
 Enche' Sandom anak Nyuak
 Dato' Sardon bin Haji Jubir
 Enche' Seah Teng Ngiah
 Enche' Senu bin Abdul Rahman
 Enche' Sim Boon Liang
 Enche' Snawi bin Ismail
 Enche' Sng Chin Joo
 Enche' Soh Ah Teck
 Datu Donald Aloysius Stephens
 Enche' Sulaiman bin Bulon
 Enche' Suleiman bin Ali

Pengiran Tahir Petra
 Enche' Tajudin bin Ali
 Enche' Tai Kuan Yang
 Dr Tan Chee Khoon
 Enche' Tan Cheng Bee
 Enche' Tan Siew Sin
 Enche' Tan Toh Hong
 Enche' Tan Tsak Yu
 Enche' Tiah Eng Bee
 Enche' Toh Theam Hock
 Enche' Yeoh Tat Beng
 Tuan Haji Zakaria bin Haji Mohd. Taib

NOES

Nil

ABSTENTIONS

Nil

Bill accordingly read the third time and passed.

THE PARLIAMENTARY SECRETARIES (REMUNERATION) BILL

Second Reading

The Deputy Prime Minister (Tun Haji Abdul Razak): Tuan Speaker, saya menchadangkan supaya Rang Undang² yang bernama Parliamentary Secretaries (Remuneration) Act, 1965 di-bacha pada kali yang kedua.

Tuan Speaker, Ahli² Yang Berhormat sudah ma'alum ia-itu Perkara (Article) 43B dalam Perlembagaan ada menyatakan ia-itu Parlimen hendaklah mengadakan undang² mengenai gaji bagi Setia²-usaha Parlimen. Adalah di-fikirkan ia-itu gaji Setia²-usaha Parlimen ini patut-lah di-tetapkan dengan berdasarkan kepada gaji Menteri² Muda dan gaji Setia²-usaha Politik. Gaji Setia-usaha Parlimen sa-banyak \$1,650 sa-bulan sa-bagaimana yang di-chadangkan dalam Rang Undang² ini ada-lah satu perantaraan yang berpatutan di-antara gaji Menteri Muda dengan gaji Setia-usaha Politik. Bagitu juga lebih kurang keadaan mengenai syarat² yang lain dalam undang² ini seperti elaun hitungan batu dan elaun sara hidup. Dengan itu saya menchadangkan undang² ini di-bacha pada kali yang kedua.

Enche' Tan Siew Sin: Tuan Yang di-Pertua, saya menyokong.

Dr Tan Chee Khoon (Batu): Mr Speaker, Sir, the Alliance Government is, as always, interested in diverting

taxpayers' money into the pockets of Alliance Ministers, Alliance Assistant Ministers, Alliance Political Secretaries, Alliance politicians, Alliance hangers-on, and now it is the turn to enrich the Alliance Parliamentary Secretaries. Now it wants this House to approve the sum of \$1,650 per month each for the Parliamentary Secretaries. I ask this House and the people of Malaysia, is this fair, is this just? When 60,000 lowly paid Government workers asked the Prime Minister for a rise of \$20 per month from their present low pay of \$70 to \$90 per month, the Alliance Government said, "No, the Alliance is only prepared to give \$10 a month—\$20 is far too much." If the Alliance Government refuses to give a rise of \$20 to the poor worker with a wife and six or seven children, who have not enough to eat, not enough to wear and not enough to live on and to make both ends meet, what moral justice is there for a Parliamentary Secretary, who carries the bag and papers of the Minister, to be given \$1,650 per month?

Mr Speaker, Sir, the Alliance Government has forgotten the ra'ayat and the workers who put them in power. The ra'ayat is lucky if he gets \$30 to \$40 per month from the land the Government has given to him. Mr Speaker, Sir, these are not my figures. The Honourable Member for Kota Star Selatan has stated that in his constituency the people live on a sub-human level of \$30 to \$40. If I remember rightly, the Honourable Member for Pontian Selatan also said that his constituents live at the same

level. Now, I am but merely quoting the devil. Mr Speaker, Sir, more than 75% of the Malaysian workers earn less than \$130 per month. Why then should the Parliamentary Secretary be given \$1,650 per month, not to talk of the other perks that are to come later? By paying the Ministers and Assistant Ministers high salaries, we have made them to live in luxury and they have forgotten the sufferings of the ra'ayat and the workers of Malaysia. Why should we also make the Parliamentary Secretaries forget the poor of Malaysia? It is good for the Parliamentary Secretaries, who are elected people, to be unaware of the poverty that is prevalent in this country and not know of the inconveniences of the poor, who have not enough money to meet all the needs of their families and children? I say to the Alliance politicians, "Do not rob the people of Malaysia." Let the people have a fair share of our national wealth. The Alliance politicians should wait until the Government has put more money into the pockets of the ra'ayat and the workers before the Alliance politicians can have more allowances for themselves.

Mr Speaker, Sir, in this country we all know that the honours degree man, or the man with professional qualifications—an engineer, an architect or a doctor—who enters the Civil Services needs to work for about 15 years before he goes to the top of the Timescale, and that is \$1,254. Now a politician with very little training and education to boot can be put in a safe constituency, can get elected and can be chosen as a Parliamentary Secretary, and he goes on the top of these professional people who get \$1,254 at the top of their Timescale.

Mr Speaker, Sir, to get \$1,650 the serving officers will have to be in the Superscale "F" i.e. \$1,490 per month; and there are only about—correct me if I am wrong—sixty to seventy such posts in the whole Civil Service. What then, Mr Speaker, is the justification for paying the Parliamentary Secretaries this enormous sum of \$1,650? Now, these are not the other things. He has got all the perks: he has got a housing allowance, if he does not stay

in a Government quarters, of \$150, which will push his salary up to \$1,800. Then of course, he has medical facilities, subsistence allowances and an allowance for the purchase of a motor car, mileage allowance and leave. Mr Speaker, Sir, are all these perks and this high salary in consonance with the austerity drive that the Honourable Deputy Prime Minister himself has launched?

Mr Speaker, Sir, I do hope that the Government will think seriously on this, because you cannot fool the workers whether they are in the Government or in the industry. You can fool them for some time, you can fool them for a little more time, but you cannot fool them all the time. The workers will want to know, "How come this politician gets \$1,650 and bumped up with a housing allowance to \$1,800? I have served for fifteen to twenty years. I am not asking for \$1,650. The Government has offered me \$10 more, and I am asking for yet another \$10." There is a vast difference, Mr Speaker, Sir, between the workers of this country asking for \$20 more and what we are giving to the Parliamentary Secretaries—virtually \$1,800. To that extent, Mr Speaker, Sir, my Party and I wish to disassociate ourselves from this Bill.

Enche' Abu Bakar bin Hamzah (Bachok): Tuan Yang di-Pertua, berkenaan dengan Bill ini ia-itu hendak meluluskan satu peruntukan atau bayaran gaji kepada Setia-usaha Parlimen, saya rasa memang-lah tiap² satu jawatan itu mesti-lah di-tetapkan gajinya, kalau tidak bagaimana-lah orang itu hendak bekerja, tetapi yang menjadi masalah-nya ia-lah bila kita mengadakan tangga-gaji atau pun bayaran yang besar dan di-adakan pula beberapa kemudahan ini-lah yang berbangkit apa yang di-katakan oleh Ahli dari Batu itu. Boleh jadi, Tuan Yang di-Pertua, negara kita ini sa-makin ma'amor dan sa-makin banyak perolehan-nya.

Saya pernah mendengar daripada Yang Berhormat² Menteri Perikatan berkata bahawa perolehan atau pendapatan bagi sa-saorang ra'ayat bagi

negara Malaysia ini di-pukul rata tidak kurang daripada \$300 sa-bulan. Tuan Yang di-Pertua, membuat perhetongan saperti ini ada-lah membuat perhetongan di-atas kertas, tetapi tidak merasa kapada ra'ayat. Mithalnya, Yang Berhormat Menteri Kewangan barangkali banyak wang, kemudian dia chari orang miskin 100 orang, jadi figure itu di-bahagi dan didapati ahli² itu dapat wang banyak juga, pada hal wang itu tetap dalam pehak dia juga dan tidak di-beri kapada orang miskin itu. Hal ini sama-lah dengan cherita sa-orang alim di-negeri Hadzramaut, dia sudah dapat sijil dan diploma yang tinggi, dia ada 10 ekor unta, dia kata 11 dengan aku, dan unta² itu sama pandai dengan aku, kerana aku beri ilmu itu, yang 11 itu di-bahagi kapada unta itu juga. Pada hal yang boleh merasa kealiman ia-lah orang alim Hadzramaut itu, yang unta itu, unta juga. Jadi, ini, Tuan Yang di-Pertua, kalau-lah kita asaskan negara kita ma'amor sa-macham ini, maka tentu-lah berbangkit apa yang di-katakan oleh Ahli dari Batu tadi.

Tuan Yang di-Pertua, ada satu perkara agak-nya saya sokong supaya gaji ini di-beri, walau pun tidak sabanyak itu tetapi dekat² itu patut-lah di-beri, kerana di-dalam Titah Uchapan Seri Paduka Baginda Yang di-Pertuan Agong, mengatakan negara kita ini paling tinggi sa-kali di-dalam production berkenaan dengan human ethnic ia-itu kita sudah dapat melahirkan manusia² baharu dalam negara Malaysia ini sa-hingga hampir² 5 peratus banyak-nya. Jadi, erti-nya patut-lah orang yang memerintah ini di-beri gaji, kerana dengan kebijaksanaan mereka itu dapat menjalankan negara ini sahingga kita dapat pujian dalam dunia ini ia-lah membuat anak yang lebeh banyak daripada negeri lain.

Ada pun satu perkara yang saya hendak sebutkan dan saya rasa Kerajaan dan back-benchers sendiri pun bersetuju agak-nya, ia-itu dalam Schedule (Section 2) 4, muka 2—Advances to Purchase Motor-cars. Erti-nya, Setia-usaha Parlimen berpeluang mendapat advance membeli motokar. Jadi kita, Tuan Yang di-Pertua, Ahli² yang duduk dalam Dewan ini, membuat dan

meluluskan undang² bagi Setia-usaha² Parlimen ini mendapat advance beli motokar, saya rasa Kerajaan patut-lah timbangkan juga Ahli² Dewan ini (*Ketawa*) boleh mendapat advance, jadi baharu-lah adil di-dalam chara itu. Jika tidak bagaimana, Tuan Yang di-Pertua, kita sa-mata² membuat undang² yang hendak mendapat pehak Alliance sahaja. Kalau advance ini di-beri barangkali parti² lain pun dapat merasa dan saya perchaya Ahli dari Batu tidak mengachau perkara ini (*Ketawa*) sebab dia dapat advance. Yang Amat Berhormat Perdana Menteri dahulu telah berjanji dan pada hari ini janji-nya itu di-wakilkan, saya perchaya, kapada Yang Berhormat Timbalan Perdana Menteri kita dan saya rasa beliau akan menerima dalam perkara ini. Jadi, ini-lah yang saya menarek perhatian supaya perkara ini settle (*Ketawa*).

Dr Mahathir bin Mohamed (Kota Star Selatan): Tuan Yang di-Pertua, saya bangun menyokong Bill yang ada di-hadapan Dewan ini. Saya ingin memperingatkan Ahli dari Batu ia-itu tidak berapa lama dahulu dia juga-lah yang membawa chadangan supaya gaji Yang Berhormat Perdana Menteri di-bayar sa-banyak \$8,000.00 sa-bulan dan Menteri² lain juga di-naikkan gaji-nya. Jadi, nampak-nya sekarang ini dia berchangghah. Kita tahu dalam Kerajaan kita, kita tidak suka mengadakan gaji yang besar² bagi Menteri.

Tetapi kita faham ia-itu kerja Menteri² ini banyak dan supaya meringankan kerja Menteri², maka kita adakan Parliamentary Secretary yang menelan belanja kurang daripada menaikkan gaji bagi Menteri². Jadi, ini nampak-nya Ahli Yang Berhormat dari Batu sendiri telah lupa.

Lagi satu, saya ingin menarek perhatian Dewan ini ia-lah berkenaan dengan bilangan Menteri² yang kita ada. Ahli Yang Berhormat dari Batu selalu menyokong Indonesia, dan Indonesia kita tahu Cabinet-nya ada 96 Menteri, kita di-sini selalu-lah berjimat berkenaan dengan belanja², itu-lah sebab-nya kita ada satu Cabinet yang kecil yang mana Menteri² terpaksa memegang dua tiga jawatan. Dan

dengan chara ini kita mengurangkan belanja. Jadi, ini menunjukkan bahawa kita selalu-lah menjaga dan berijmat chermat berkenaan dengan perbelanjaan bagi Cabinet dan Menteri² kita.

Berkenaan dengan kata-nya, graduate² daripada University pun tidak boleh dapat gaji yang begitu besar. Saya ingin memperingatkan ia-itu untuk menjadi Parliamentary Secretary, sa-orang itu mesti-lah terlebih dahulu menang di-dalam pilihan raya. Dan kita tidak ada larangan ia-itu graduate bagi mana² University juga yang ingin supaya mendapat gaji sa-banyak \$1,650.00 ini, mereka itu sendiri berhenti kerja daripada Kerajaan dan masuk gelanggang politik dan bertanding dalam election, barangkali kalau mereka itu menang dan kalau-lah juga mereka itu dalam parti yang berkuasa, dapat-lah mereka itu gaji yang sa-banyak \$1,650.00. Sunggoh pun saya perchaya untuk mendapat sijil² daripada University itu ia-lah satu perkara yang susah, untuk memenangi election juga satu perkara yang susah, chuma boleh di-menangi oleh sa-banyak 159 orang sahaja dalam satu negara yang ada 10 million. Sa-balek-nya kita boleh dapat berpuluh² ribu graduate kalau kita hendak, terima kaseh.

Enche' Hanafiah bin Hussain: Mr Speaker, Sir, I rise to ask the Honourable Minister concerned for some clarification on the interpretation of Clause 2 (1) (a) of this Bill with regard to the position of the monthly allowance *vis-a-vis* the income tax position. Here we have the remuneration of each Parliamentary Secretary at \$1,650 monthly including the allowance payable to him as a Member of either House. Does this mean that the \$1,650 must consist of two sums—\$750 which is exempt from income tax and the balance subject to income tax, or whether the whole \$1,650 allowed to the Parliamentary Secretary would be subject to income tax?

The second question I would like to ask the Honourable Minister concerned is, whether the Parliamentary Secretary is a public servant and therefore governed by General Orders and Financial General Orders so as to

preclude him from participating actively in business and commerce? Thank you.

Enche' Chen Wing Sum (Damansara): Mr Speaker, Sir, I rise to support this proposed Bill. Just now, the Honourable Member for Batu seemed to have given the wrong impression to this House when he said that a Parliamentary Secretary would be given \$1,650. In fact, he should know that every Member of this House is entitled to an allowance of \$750. According to Clause 2 (1) (a) of the Bill, \$1,650 includes the \$750 allowance; in short, he is only given \$900 more to take up the post.

Mr Speaker, Sir, it may not be necessary for a University-qualified Member of Parliament to take up the post of Parliamentary Secretary, nevertheless it is necessary to have a highly-qualified Member or Members to take up such posts. I am not worried of the amount of the salary but I am only worried that there may not be enough suitable applicants for such posts.

Tun Haji Abdul Razak: Mr Speaker, Sir, a number of points raised by the Honourable Member for Batu have been replied to by my Honourable friend, the Member for Kota Star Selatan. I think the Honourable Member for Batu has got this matter a little bit wrong.

This Bill is merely intended to make provision for the payment of remuneration to Parliamentary Secretaries, and it is not our intention to appoint hundreds of Parliamentary Secretaries—probably, we may appoint a few Parliamentary Secretaries. He talks about the workers. This, Sir, is another matter. There are 60,000 workers and, if we were to pay \$20 more to each, it will cost the Government no less than \$15 million a year. Also, as has been explained, to pay \$1,650 a month to a Parliamentary Secretary is not very high, as he would already have received \$750 allowance as an M.P. So, it is just a little bit more to enable him to carry out his work as a Parliamentary Secretary. Further, we cannot compare their salaries with those of professional men and the Civil Service. In the Civil Service, a civil servant gets a pension

and other privileges, whereas a politician does not get any pension; and if he loses the election, then he will not have any more salary paid to him. Therefore, it is clear, Sir, that the salary proposed for a Parliamentary Secretary is very, very modest indeed and, as one Honourable Member stated, the difficulty will be to get candidates to fill posts carrying a salary of \$1,650. As I have said, Sir, the Alliance Government has always the interests of the workers at heart, and we are prepared to do what we can to look after their welfare and to increase their wages within the limit of our resources. As I said, there are 60,000 workers in the various branches of the Government service—in fact, there are probably more than that—and we are prepared to do what we can for them. However, if we intend to appoint Parliamentary Secretaries, quite obviously we ought to pay them an adequate salary to enable them to carry out their duties, and I say again that \$1,650 per month with no pension is not really very large.

One Honourable Member, I think, has asked whether the allowance of a Member of Parliament is exempted from income tax. I am assured by my colleague, the Honourable Minister of Finance, that it will be exempted from income tax to the extent of \$750 parliamentary allowance.

Berkenaan dengan chadangan Ahli Yang Berhormat daripada Bachok supaya pinjaman wang kerana membeli kereta itu di-lanjutkan kepada Ahli² Parlimen, itu terpulang-lah kepada Committee of Privilege bagi menim-bangkan-nya.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker in the Chair)

Clauses 1 to 5 inclusive ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill.

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

THE TIMBALAN YANG DI- PERTUAN AGONG (REMUNE- RATION) (AMENDMENT) BILL

Second Reading

Tun Haji Abdul Razak: Tuan Yang di-Pertua, saya pohon menchadangkan supaya the Timbalan Yang di-Pertuan Agong (Remuneration) (Amendment) Bill, 1965, di-bacha bagi kali yang kedua.

Tuan Yang di-Pertua, ini satu Bill yang sangat pendek, tujuan-nya ia-lah untok menambah Peruntukan di-Raja bagi Timbalan Yang di-Pertuan Agong. Ahli² Yang Berhormat tentu sedia ma'alum ia-itu sa-belum 1 haribulan Januari, 1964, Peruntukan di-Raja bagi Yang di-Pertuan Agong ia-lah \$15,000.00 sa-bulan dan perbezaan di-antara Peruntukan di-Raja ini dengan Peruntukan di-Raja bagi Timbalan Yang di-Pertuan Agong ia-lah hanya \$500.00 sa-bulan. Tetapi mula² 1 hari-bulan Januari, 1964, Peruntukan di-Raja bagi Yang di-Pertuan Agong telah di-tambah menjadi \$19,000.00 sa-bulan. Oleh kerana itu pada masa ini perbe-zaan di-antara Peruntukan di-Raja itu ia-lah \$4,500.00 sa-bulan. Oleh itu perlu-lah juga di-ingatkan ia-itu tugas² dan tanggung-jawab Yang di-Pertuan Agong dan Timbalan Yang di-Pertuan Agong ada-lah sama. Fasal 2 (i) dalam Undang² ini menyebutkan ia-itu Per-untukan di-Raja yang tersebut dalam Undang² ini hendak-lah di-bayar masa Baginda menjalankan kerja² dan meng-gunakan kuasa² Yang di-Pertuan Agong sahaja dan tidak menerima Per-untukan di-Raja sa-bagai Raja yang memerintah di-negeri Baginda sendiri.

Ada di-antara Duli² Yang Maha Mulia Sultan yang menerima Per-untukan di-Raja lebih daripada \$14,500.00 sa-bulan. Baharu² ini Duli Yang Maha Mulia Sultan Trengganu telah menjalankan kerja² dan menunai-kan kewajipan Yang di-Pertuan Agong sa-lama lebih kurang satu bulan. Peruntukan di-Raja Baginda ia-lah

\$15,000.00 sa-bulan dan oleh itu di-chadangkan supaya Peruntukan Timbalan Yang di-Pertuan Agong itu hendak-lah di-jadikan \$18,000.00 sa-bulan. Dalam Rang Undang² ini ada juga syarat-nya ia-itu Duli Yang Maha Mulia Sultan yang menerima Peruntukan di-Raja sa-bagai Sultan dalam negeri Baginda lebeh daripada \$18,000.00 akan menerima Peruntukan di-Raja yang sama banyak-nya dengan Peruntukan di-Raja Baginda di-negeri Baginda. Sekian-lah sahaja saya men-chadangkan Rang Undang² ini di-bacha bagi kali yang kedua.

Enche' Tan Siew Sin: Tuan Yang di-Pertua, saya menyokong.

Dr Tan Chee Khoon: Mr Speaker, Sir, just now I spoke in opposition to the Parliamentary Secretaries (Remuneration) Bill. As I pointed out, the workers and the masses of the ra'ayat in this country are, to say the least, not getting, what is known as, a living wage. The Alliance Government has, in all these years that it is in power, not yet defined what it means by a "living wage".

Mr Speaker, Sir, we are asked to increase the sum of \$14,500 to bring it up to \$18,000 for the Timbalan Yang di-Pertuan Agong. Mr Speaker, Sir, without meaning any disrespect to the Timbalan Yang di-Pertuan Agong, I submit that, if there is to be any sacrifice, if there is to be any austerity drive, if there is to be any curtailment of social services and other things, it should be from the top—not from the bottom.

I have already pointed out that—again and again I did bring this matter up to the attention of this House—the masses of the people, the workers of this country, are not getting enough and that we should look to their needs, first and foremost, and not the needs of a few Parliamentary Secretaries or those "higher-ups".

To that extent, Mr Speaker, Sir, my Party and I cannot support this little Bill that is now before the House.

Tun Haji Abdul Razak: Mr Speaker, Sir, the Honourable Member for Batu brought up the same argument again.

As I said, we in the Government are looking after the interest and welfare of the workers just as much as we are looking after the interest of other people in this country. However, we have a democratic Constitution, we are a monarchy and, obviously, if we have such a system, it is necessary for us to pay for our sovereign; and the Timbalan Yang di-Pertuan Agong does not exercise the functions of the Yang di-Pertuan Agong very, very often. It is only once or twice in five years.

Dr Tan Chee Khoon: Mr Speaker, Sir, on a point of clarification—All the more reason that this Bill should not be before the House since it is applicable only once or twice in five years.

Tun Haji Abdul Razak: Well, it is necessary, Sir, that our sovereign should be adequately paid to maintain his position and dignity—and this is only a very small amount. It is only a matter of an extra \$3,000 a month. That is all. So, it is a very small matter.

As I said, it is necessary for us to provide adequate emoluments for our sovereign and that is the only purpose of this Bill. As we have lately increased the emoluments of the Yang di-Pertuan Agong, it is necessary to do the same for the Timbalan Yang di-Pertuan Agong.

I repeat, again, that as regards the workers, we are looking after their welfare, and we are ready to consider giving them increases in pay within the limit of our resources. As I said, to compare the workers with the "higher-ups", there are 60,000 Government employees at least and it would mean a drain on the country's resources if we were to give a big increase in their pay, whereas there is only one Yang di-Pertuan Agong and one Timbalan Yang di-Pertuan Agong.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker in the Chair)

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

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

THE STATISTICS BILL, 1965

Second Reading

Engku Muhsein bin Abdul Kadir: Tuan Yang di-Pertua, saya mengemukakan Rang Undang² Perangkaan, 1965, untuk di-bachakan bagi kali yang kedua.

Undang² Perangkaan, 1949, hanya boleh di-jalankan di-dalam negeri² dalam Tanah Melayu sahaja. Dan untuk menyesuaikan dengan kehendak Perangkaan Kebangsaan, maka mustahaklah di-pinda Undang² Perangkaan 1949. Undang² tersebut tidak sesuai untuk sekarang memandangkan kepada kehendak² perubahan perangkaan yang lebih lengkap di-dalam rancangan merangkakan polisi² kemajuan ekonomi dan juga polisi² umum Kerajaan. Jabatan Perangkaan medapati Undang² itu sangat tersekat, terutama sa-kali dalam lapangan mengumpulkan data² daripada orang² professional dan juga data² perolehan daripada badan² perniagaan yang ada dalam negeri ini. Lebih² lagi dengan wujud-nya Malaysia dan perkembangan pekerjaan pada negeri² yang di-Borneo, maka Jabatan Perangkaan ini medapati Undang² yang ada itu sangat tidak lengkap.

Rang Undang² yang di-kemukakan ini di-rangkan untuk mengatasi kekurangan yang di-sebutkan di-atas. Dan untuk memberi Jabatan Perangkaan kuasa yang lebih di-dalam perkara² di-mana perangkaan sedang di-kumpulkan. Rang Undang² ini di-rangkan sa-telah di-selideki dengan halus Undang² berhubung dengan perangkaan yang di-jalankan di-dalam beberapa buah negara Commonwealth dan negara² lain yang maju. Dalam membuat Rang Undang² ini jagaan yang chukup telah di-buat untuk menjaga dan melindungi orang ramai daripada tersalah guna kuasa² oleh pegawai²

Jabatan Perangkaan. Chontoh-nya dalam perkara mendapatkan perangkaan daripada badan² perniagaan atau pun orang² professional, kelulusan daripada Seri Paduka Baginda Yang di-Pertuan Agong ada-lah di-kehendaki. Tuan Yang di-Pertua, saya pohon mengemukakan Rang Undang² ini bagi bacaan kali yang kedua.

Tuan Haji Abdul Khalid bin Awang Osman: Saya sokong.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker in the Chair)

Clauses 1 to 9 inclusive ordered to stand part of the Bill.

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

THE OFFENCES RELATING TO VEHICLES (AMENDMENT) BILL

Second Reading

The Minister of Home Affairs (Dato' Dr Ismail): Mr Speaker, Sir, I beg to move that a Bill intituled "an Act to amend the Offences relating to Vehicles Ordinance, 1961, of Singapore" be now read a second time.

On account of the alarming incidents of theft of motor vehicles and bicycles in 1960, the Singapore Government enacted the Offences relating to Vehicles Ordinance, No. 3 of 1960, in order to deter and curb the commission of such offences. This Ordinance enhanced the punishment prescribed by law, Sections 379, 411 and 414 of the Singapore Penal Code, in so far as they concerned offences relating to vehicles and vehicle parts, and at the same time made imprisonment a mandatory punishment. This law operated for a period of one year from 15th February, 1960 till 14th February, 1961. For the benefit of this House, I deem it pertinent for me to mention

here the penalties provided by this law for the offences prescribed thereunder.

<i>Offences</i>	<i>Penalties</i>
Theft of any motor vehicle or motor vehicle part	Imprisonment for a term not exceeding seven years and not less than one year and shall also be liable to a fine
Theft of a bicycle or bicycle part	Imprisonment for a term not exceeding seven years and not less than three months and shall also be liable to a fine
Receiving or retaining any stolen motor vehicle or motor vehicle part, bicycle or bicycle part	Imprisonment for a term not exceeding five years and not less than six months and shall also be liable to a fine
Voluntarily assisting in concealing or disposing of any motor vehicle, motor vehicle part, bicycle or bicycle part	Imprisonment for a term not exceeding five years and not less than six months and shall also be liable to a fine

This law also enables the District Courts to try the offences I have mentioned and to award the full punishment for any such offence.

The operation of this law lapsed on 15th February, 1961, but almost immediately afterwards the Singapore Government reintroduced it as Ordinance No. 19 of 1961 bearing the same title, except that its period of operation is much longer. It is operative for four years commencing on 5th June, 1961 and will therefore lapse on 5th June this year. The Singapore Government has now requested for an extension of the operation of this law for a further period of four years from the 5th of June, 1965, and the Police strongly support this request. Judging from the return of the number of reports made to the Police during the years 1961 to 1964, there is even justification for the introduction of a more deterrent law against these cases. The Government, therefore, strongly feels that the request for the extension should be met. The return of number of reports lodged during the four years, 1961 to 1964, shows the following—

<i>Offence</i>	<i>Year</i>			
	1961	1962	1963	1964
Theft of motor vehicles or motor vehicle parts	1,279	1,340	1,343	1,457
Theft of bicycles or bicycle parts	2,412	2,860	2,886	3,209
Receiving stolen vehicles or vehicle parts	9	31	37	3

In view of what I have said, and in the interests of vehicle owners, I am sure that Honourable Members in this House will agree with me that the operation of this law, the Offences relating to Vehicles Ordinance, 1961, of Singapore should be extended.

As the Ordinance will lapse on the 4th of June, 1965, and as this Bill will not be passed by Parliament nor published until after that date, it is necessary that the Bill be made to come into force retrospectively from the 5th of June, 1965; but in view of the provision of Article 7 of the Constitution, administrative instructions have been issued to the effect that no prosecution will be instituted under the Ordinance in respect of offences committed between the 4th of June, 1965 and the date of the publication of the Bill in the *Gazette*. At the appropriate time, I shall move an amendment, which has been circulated to Honourable Members, to Clause 1. The slip providing for this amendment, as I have said, has been circulated to Honourable Members.

Sir, I beg to move.

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

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker in the Chair)

Clause 1

Dato' Dr Ismail: I beg to move that the existing Clause 1 be substituted as in the slip circulated to Honourable Members attached to the Draft Bill, viz.,

"Short title, commencement and application.

1. (1) This Act may be cited as the Offences relating to Vehicles (Amendment) Act, 1965, and shall be deemed to have come into force on the 5th day of June, 1965.

(2) This Act shall apply only to the State of Singapore."

Amendment put, and agreed to.

Clause 1, as amended, ordered to stand part of the Bill.

Clause 2 ordered to stand part of the Bill.

Bill reported with amendment: read the third time and passed.

THE TRUSTEE INVESTMENT BILL

Second Reading

Dato' Dr Ismail: Mr Speaker, Sir, I beg to move that a Bill intituled "an Act to extend with amendments the operation of the Trustee Ordinance, 1949, to Sabah, Sarawak and Singapore, to make further provision with respect to investment by trustees and persons having the investment powers of trustees or statutory powers of investment, to validate certain investments made by trustees and to provide for matters connected therewith" be now read a second time.

The investment powers conferred on trustees by the Trustee Ordinance, 1949, of the State of Malaya and the corresponding legislation in force in other regions of Malaysia, permit the investment of trust funds either in gilt-edged securities or in the making of loans secured by the charge of land. Many of the classes of securities listed in section 4 of the 1949 Ordinance are no longer appropriate for an independent country, and it is also desirable to introduce uniformity throughout Malaysia in the classes of security in which trustees may invest.

Since the end of the Second World War experience has shown that gilt-edged securities do not always ensure the preservation of the capital value of trust funds and it is now accepted generally that it is in the best interests of beneficiaries of trusts that the trustees should have powers to invest not only in gilt-edged securities but also in equities and unit trusts subject to suitable safeguards.

Clause 3 of the Bill will, therefore, permit trustees to invest in unit trusts provided that the trusts have been approved by His Majesty for this purpose, and the Government will

ensure that certain minimum standards are maintained by approved unit trusts.

Sub-clauses (2) and (3) of Clause 3 will permit trustees to invest in securities issued by companies provided the three main requirements are fulfilled, viz.:

- (i) that the securities are quoted on the Stock Exchange of Malaysia;
- (ii) the total issued and paid-up share capital is \$5 million or more;
- (iii) a dividend has been paid on all the company's shares in each of the preceding five years, certain stated categories excepted.

Clause 4 of the Bill also provides that trustees must have due regard to the suitability of a particular investment for trust in question and must obtain professional advice in writing before making an investment. I am satisfied that the provisions of Clauses 3 and 4 provide adequate protection for the interests of beneficiaries. The investment will be confined to quoted securities, which ensures that the companies in question comply with the listing requirements of the Stock Exchange of Malaysia; and no investment can be made in companies whose paid-up capital is less than \$5 million and do not have an established dividend record. These are severe limitations having regard to the size of Malaysian companies, but I consider justified as no limitation is placed on the proportion of a trust which may be invested in equities as is the practice in the United Kingdom.

The powers to invest in equities and unit trusts conferred by Clause 3 of the Bill will not be conferred on trustees constituted under any written law except to the extent approved by me. This provision will limit primarily the powers of investment enjoyed by Boards of Statutory Authorities. The Government will consider applications from Boards and other responsible bodies case by case, but in certain instances it may be, in the national interest, necessary to insist that the greater part of the trust funds continue

to be invested in the securities of, or guaranteed by, the Government.

The amendments to section 4 of the 1949 Ordinance set out in the Schedule are designed to eliminate references to foreign securities and to substitute comparable Malaysian securities. Provision is also made for the investment of trust funds in the making of loans to an approved company. This is designed to encourage the flow of funds available to finance the construction of houses for owner occupation.

The definition of "approved company" follows that contained in subsection (2) of section 4 of the Employees Provident Fund Ordinance except that the paid-up capital required is \$5 million or more in order to correspond with the amounts specified in Sub-clause (3) (a) of Clause 3.

Sir, I beg to move.

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

Question put, and agreed to:

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker *in the Chair*)

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

Clause 3—

Dato' Dr Ismail: Mr Chairman, Sir, I beg to move that Clause 3 (3) be amended as in the circulated slip of paper, which reads:

"In Clause 3 (3) delete the words 'either the total issued and paid-up share capital of the company is, or if converted into dollars from a currency other than, dollars is five million dollars or more, or'."

Amendment put, and agreed to.

Clause 3 as amended, ordered to stand part of the Bill.

Clauses 4 to 7 inclusive ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill.

Bill reported with amendment: read the third time and passed.

THE SUPPLEMENTARY SUPPLY (1965) BILL

Second Reading

The Minister of Finance (Enche' Tan Siew Sin): Mr Speaker, Sir, I beg to move that a "a Bill intituled an Act to apply sums out of the Consolidated Fund for additional expenditure for the service of the year 1965, and to appropriate such sums for certain purposes" be read a second time.

Clause 2 of the Bill seeks authority for additional expenditure of \$25,417,398 for the service of the year 1965 and this is shown in the Schedule to the Bill and also in the Supply Expenditure section of the Supplementary Estimates of Expenditure, 1965, tabled as Command Paper No. 20 of 1965. Of the sum required as additional expenditure, an amount of \$5,938,426 has been advanced from the Contingencies Fund to meet urgent expenditure and this has now to be recouped. As Honourable Members will observe, of the total sum of \$26,122,398 included in this supplement, a sum of \$705,000 is required to meet the cost of financing "charged" expenditure services which are not included in the Supplementary Supply Bill. Of this "charged" expenditure, an amount of \$700,000 is required to be assigned to States in accordance with the Assignment of Export Duty (Mineral Ores) Act, 1964.

The original Estimates of Expenditure approved by Parliament for 1965 amounted to \$1,598.9 million. Taking both the "supply" and "charged" expenditure in the present supplement together, the total appropriation for 1965 will come to \$1,624.3 million.

In the Supply section of this supplement, the biggest item of expenditure is in respect of Head S. 32—Ministry of Health, under which a sum of \$5.7 million is required to meet the cost of essential medical stores to be used in the treatment of casualties in the event of war. Head S. 77—Telecommunications, requires a supplement

of \$4.6 million to cover Personal Emoluments, other recurrent charges and Special Expenditure for operating the External Telecommunications Service which was taken over from Cable and Wireless Limited, Singapore. Head S. 25—Contributions to Statutory Funds requires a supplement of \$3.4 million since the amount in the Co-operative Credit Trust Fund was found to be inadequate to meet the present commitments of the Fund. With this supplement, the Fund's limit will be raised from \$13.2 million to \$16.6 million. Head S. 24—Treasury General Services requires a supplement of \$2.8 million of which a sum of \$1.5 million is required for rentals in respect of State quarters occupied by officers serving in Federal Departments in the Borneo States and in Singapore, and a further sum of \$1.1 million is required to meet an *ex-gratia* assignment of a proportion of export duty on mineral ores to certain States. Head S. 63—Civil Defence requires \$2.5 million for the purpose of purchasing vehicles and appliances for the Auxiliary Fire Services. Head S. 21—Ministry of External Affairs requires a supplement of \$2.4 million to meet expenditure mainly connected with the establishment of a Malaysian Mission in Nigeria and Embassies in Ethiopia and Algeria, and increased contribution to the United Nations as a result of the formation of Malaysia, the State visit of Their Majesties to the Middle East, as well as the goodwill mission to East African States led by the Honourable Deputy Prime Minister. Head S. 33—Ministry of Home Affairs requires a supplement of \$0.8 million to meet expenditure for the Vigilante Corps and for the introduction of tenant registration under the Emergency (Tenants Registration) Regulations, 1964.

Honourable Members will also observe that, in this supplement, new sub-heads for entertainment expenses have been created under the Heads of Expenditure of the Ministries concerned. The total provision required for these new sub-heads amount to about \$50,000. This sum will enable Ministries and their Departments to

meet their obligations in providing official entertainment for visitors and official guests attending official meetings, conferences or official functions and in providing official hospitality to visiting foreign dignitaries or in returning official hospitality which may have been received by the officers concerned. Hitherto, such expenditure was met from the Government Hospitality Fund but experience indicated that unnecessary administrative work is involved when requests for releases of funds from the Government Hospitality Fund are made to the Prime Minister's Department. With the creation of these entertainment votes in the respective Ministries, an amount equivalent to the total appropriations for these new sub-heads will be frozen in the Government Hospitality Fund.

The other items of expenditure are relatively small in amount and these are described in the Treasury Memorandum tabled as Command Paper No. 21 of 1965. The Ministers concerned will give any explanations required during the Committee stage.

Sir, I beg to move.

Dato' Haji Sardon bin Haji Jubir:

Sir, I beg to second the motion.

Dr Tan Chee Khoon: Mr Speaker, Sir, the national Budget is one of the most important instruments of Government in a parliamentary democracy. It is the duty of a responsible Government to prepare careful estimates of income and expenditure before presenting the Budget to Parliament; and once the Budget is approved by Parliament, it should not be necessary for Government to come back to Parliament for more funds unless an unforeseen and urgent need has arisen.

Mr Speaker, Sir, the Alliance Government in 1963 submitted to Parliament a Budget of \$1,087-plus million which was approved. Before the year 1963 ended, the Government had overspent the money approved by Parliament by 31% and sought Parliament's approval for this by submitting five different Supplementary Supply Bills to a total value of \$336 million-plus. In 1964 the Alliance Government submitted to Parliament a Budget of \$1,469-plus

million which was approved. But before the year was over the Government had overspent by 23% and appropriated this money by presenting to Parliament three different Supplementary Budgets to the total value of \$341-plus million.

Mr Speaker, Sir, for 1965, last year, the Alliance Government presented to Parliament a Budget of \$1,598-plus million, which was approved. In a little over four months' time, the Government has already overspent this allocation and is coming to Parliament today with a Supplementary Supply Bill for \$26-plus million. Some of this money has already been spent by appropriations in the form of virements, or advanced from the Contingencies Fund; and for the balance the Government now seeks the approval of Parliament. This, I must say, Mr Speaker, Sir, is a rather unusual departure from the accepted practice of the Government. The Government in the past had always spent first and then come to Parliament. I am glad to say that it has now come to Parliament to seek approval for expenses *to be* incurred. A careful study of the items of the proposed expenditure in this 1965 Supplementary Supply Bill will show that a good many of these expenditures are not due to urgent and unforeseen circumstances.

Mr Speaker, Sir, I wish to draw the attention of this House to the advice the Honourable Minister of Finance himself gave to the nation in his Budget Speech on the 25th November, 1964. The Honourable Minister said that if we in Malaysia are prepared to work hard and practice thrift, then Malaysia can make the same outstanding progress that West Germany and Japan had made since World War II. It is therefore, surprising why the Government has not followed its own advice. Instead of practising thrift, the Government is coming to Parliament today to seek approval for "prestige items"—for example, new furnishings for houses of Ministers and Assistant Ministers; permission to change cutlery, crockery and glasswares in official residences and in embassies; air-conditioning of offices and an expensive car for our Minister, who is not here

this evening; entertainment allowances for Ministers and officials; and a large sum for buying medals for people whose chests are already covered with medals—full of them! All of these are a wanton waste of public funds. In these times of financial stringency, it is not in keeping with the austerity drive that has been launched by none other than the Honourable Deputy Prime Minister. If this is the way how the Government practises thrift during the period of Indonesian confrontation, then I should say that our Government is no better than the Government of Soekarno which also believes in prestige projects.

The Alliance Government has no moral right to ask the workers and the people of Malaysia to tighten their belts and continue to live in poverty, while day by day the Alliance Government and its Ministers are showing the nation and the world that money has been spent on prestige items—for example, as I have mentioned before, cutlery with the Federation crest—and the Ministers themselves wallow in luxuries at the taxpayers' expense.

Sir, it has been the habit of the Honourable Minister of Finance to say with monotonous regularity, whenever he presents a Supplementary Budget, that it is to the credit of the Government—by this he means the Treasury, of which he is the Head—that such Supplementary Budgets are necessary. He is also in the habit of saying that because the Government budgets are so carefully prepared and everything is cut so fine that there is the necessity for the Government to come to this House for extra sums required. Mr Speaker, Sir, let me demolish this thesis once and for all. The Honourable Minister of Finance, who now has the added authority and prestige of a Doctor of Laws cannot, and must not, be allowed to pontificate in this manner in this House unchallenged. It may be that what he says may well be valid, but the converse may well be true. The Budget might have been badly prepared and those responsible might not have seen beyond their nose for the needs of the country for the

next year, and hence the need of coming to this House for extra sums of money—not once but several times in the course of the year. Is that good budgeting, I ask, Mr Speaker, Sir? I say that every Supplementary Budget may well be a sign of incompetence on the part of the Government and the Treasury.

Mr Speaker, Sir, this Supplementary Supply Bill may well be an attempt to deceive the people and the world. As everyone knows, every Finance Minister who presents a Budget wishes to show as little a deficit as possible, and this is what the present Minister of Finance has sought to do. However, as I pointed out before, in 1963 the Supplementary Supply Bills amounted to 31 per cent of the Budget; in 1964 it amounted to 23 per cent; and now this year it is already 1.7 per cent in excess of the budgeted sums. If these deficits were shown at the time of presenting the Budget to this House, they may well give a far different picture of the financial stability of which the Honourable Minister of Finance is so proud of.

Mr Speaker, Sir, what I have stated in the foregoing does not mean that the Socialist Front is not in favour of Supplementary Supply Bills. What we maintain is that the Government should only come to this House for money, when the necessity is urgent and unforeseen.

Let us take one example. A total sum of \$27,500 is requested for furniture and furnishings of ministerial residences. Surely, Mr Speaker, Sir, such an item could be foreseen last year, when the Budget was being presented to this House. Has the ministerial furniture and furnishings become unuseable overnight, Mr Speaker, Sir? The House is entitled, and will be glad, for a clarification from the Honourable Minister of Finance.

Mr Speaker, Sir, may I quote Article 103 (1) of the Constitution on the matter of Contingencies Fund. It states:

“Parliament may by law provide for the creation of a Contingencies Fund and for authorising the Minister charged with respon-

sibility for finance, if satisfied that there has arisen an urgent and unforeseen need for expenditure for which no other provision exists, to make advances from the Contingencies Fund to meet that need.”

Now, Mr Speaker, Sir, I have counted twenty-one items in the Supplementary Supply Bill which amounted to \$5 million-plus which have been appropriated from the Contingencies Fund. Can the Honourable Minister of Finance honestly say that all these twenty-one items mentioned are really urgent and unforeseen? Let me take but one example. I refer to Head S. 21, Sub-head 21, regarding the request of \$361,600 from the Contingencies Fund for the opening of embassies and missions in Africa. At the Budget Session I had drawn attention of this House to this omission of a provision for funds for the opening of missions in Africa. That was a sin of omission and hence the request of \$361,600 from the Contingencies Fund.

Mr Speaker, Sir, the Government has already provided many perks—like free houses, free cars, free servants, free petrol, free postage, free telephones, free railway passes and many other privileges—for Ministers in addition to their high pay and allowances. Today this House is asked to vote for each Ministry various sums of money as entertainment expenses. Day by day the Ministers are grabbing for themselves more and more money of the taxpayers, in order that they and their families and their children may live in luxury. All these eight years that the Alliance Government has been in power, each Minister has had to depend on the Prime Minister's Department to meet expenses of all official entertainment he has been called upon to do. The Prime Minister has been voted \$150,000 under Head S. 7 in the 1965 Budget for all Government hospitality. We have just heard the Minister of Finance say why for administrative purposes there is a departure from this practice.

Mr Speaker, Sir, I have counted 17 Ministries that are now involved in this question of entertainment expenses which, the Minister of Finance himself has stated—correct me if I am

wrong—amounts to about \$50,000—for entertainment, Mr Speaker, Sir. This House should now know more about the entertainment our Ministers are expected to perform with the taxpayers' money. What is the limit that they can spend on a dinner for a foreign visitor? What is the limit allowed for alcoholic drinks? Can the money be used to hire dance hostesses to entertain the visitors? Can this vote be used, or has it ever been used, for massage parlour expenses for Ministers and Assistant Ministers? Mr Speaker, Sir, I am only asking for a clarification—I am not making any insinuations—not that the Prime Minister does not supervise the way in which each Minister has spent his entertainment allowance, but this House should lay down regulations on who should or should not be entertained with this money.

Mr Speaker, Sir, I am alarmed to know that under Clause (b) of each item of entertainment expense the civil servants can be entertained and can entertain. This House knows fully well that civil servants are forbidden by their regulations to receive any form of entertainment. The civil servant is employed to execute Government policy and enforce the Ordinances. He should not be wasting his time drinking coffee at the taxpayers' expense and entertain foreign visitors and the Ministers' political friends. In a parliamentary democracy entertainment should be the job of the Ministers, Assistant Ministers, Political Secretaries and Parliamentary Secretaries where foreign visitors are concerned. Will the Government explain why have civil servants been now called to do the job of political executives. Has it been the practice all these years for civil servants to participate in dinners and dances paid for from the taxpayers' money? Mr Speaker, Sir, this House should forbid the civil servants from using the money from this vote to provide light refreshments either for other civil servants, or for members of the public, or for foreign visitors. If we allow this, the efficiency of the civil service will suffer. A civil servant who gives a contractor a cup of coffee

in his office most certainly will be invited to a sumptuous dinner which he will find it difficult to refuse. If he attends the contractor's dinner, the civil servant will open himself to showing favour in other ways to the contractor. This will eventually lead to a corrupt Civil Service. This has caused the standard of the Civil Service to drop. The Mentri Besar of Johore quite recently publicly chided his civil servants for wasting far too much time drinking coffee during working hours. *Minum kopi* often results in coffee money changing hands, Mr Speaker, Sir, and officers, however high in the Ministry, are not above temptation, if Ministers do not conduct themselves properly.

A new threatening situation has developed, because high ranking civil servants have left the service of Government to take up posts as directors and managers of local and foreign firms. These ex-Government servants are using their intimate knowledge of Government and their contact with the civil servants to obtain favours for their business firms and industrial concerns. Members of the Malayan Civil Service are the officers mostly exposed to this form of temptation. This House should not make matters worse by giving funds to these civil servants to indulge in entertainment. I should like to warn this House that should the Government Architects and Engineers form a ring with contractors, or the M.C.S. officers should form a ring with their ex-colleagues who have joined the private sector, a large part of the money which we in Parliament vote for projects to better the standard of living of the people of this country will find its way into the pockets of politicians and private individuals. You can depend on the M.C.A. to organise this very efficiently.

Mr Speaker, Sir, in every Supplementary Supply Bill presented in Parliament in 1964, the Alliance Ministers put in an estimate for new furniture and soft furnishings for their houses. One would have thought a total of \$55,000 spent last year to give

them, their wives, and children such amenities was adequate. No, Sir! The First Supplementary Supply Bill for 1965 now under discussion lists 11 items to the sum of \$17,500 as being asked for furniture and furnishings for the Ministers of Labour, Lands and Mines, Welfare Services, Sabah Affairs and Civil Defence and the Assistant Minister of Education. The Minister of Labour and Minister of Welfare Services have been supplied with good furniture when they assumed office, they being new to their offices, a short time ago. They now want to change their furniture and furnishings; they want to change good furniture so soon after it has been issued to them. These Ministers do surely know that there is a confrontation on and that all the money that the nation can find should go for defence. Yet, these Ministers do not want to sacrifice their comfort or their prestige furniture to provide savings for the defence of this country. If Ministers are not prepared to sacrifice their comforts for the country, what moral right have Ministers or the Government to ask the people to make sacrifices? The Ministers of Labour, who recently attacked the workers of this country for fighting for a few dollars' rise in wages, is making sure that he gets his new furniture and furnishings by asking for those items under two headings.

Mr Speaker, Sir, the Minister of Labour grudges the workers, who are now drawing poverty wages and are living at sub-human levels; some of them earn only \$65 a month in the rubber estates, oil palm estates, tea estates, commercial sectors and the domestic services. These estates and others apply pressure to see that the wages of the workers are depressed. But the Minister is content to let these workers, their wives and their children wallow in poverty, dirt and filth in the slums of Malaysia, while he has the audacity to come to this House to ask for furniture and furnishings. However, the Minister of Labour is not content to see that his family and friends also sit on perfectly good furniture, which are a little old. It is difficult to understand how such heartless men can

exist in the Alliance Party. They do not believe in sharing the national cake with the people of the country, but they want to eat the biggest slice of the cake even before the cake can be divided amongst the people. This is what the M.C.A., M.I.C. and the UMNO have been doing since the time they have assumed office.

Mr Speaker, Sir, one would have thought that the Minister of Home Affairs would be above all this pettiness of prestige furniture and furnishings—it is a pity, Sir, that he is not here this evening. No, Sir, he too must rush, in order not to be left behind by his colleagues. The Minister has consistently spoken in this House and outside as if he were a great patriot, who was doing a great duty to the nation in locking up in our prisons all citizens who are unpatriotic. These detainees, who have lost their freedom purely on the opinion and the judgment of the Minister of Home Affairs, have had to spend days in the lock-up sleeping on wooden boards instead of beds. There are no soft furnishings in the Police lock-ups, not even threadbare and worn out furnishings. Now, a Minister, who can condemn the people of this country to such an austere living, should be the last person to want luxurious and super-luxurious furniture and furnishings for himself and his family. Why cannot our Minister think of the austerity practised by the great Asian leaders, like Mahatma Gandhi. A decade of Alliance rule has left untouched the misery and poverty of the peasant farmers and workers in this country.

Mr Speaker, Sir, whenever I bring up the subject of ministerial furnishings and furniture, the Ministers all get hot under the collar and, not having anything to defend, one Minister has resorted to hitting below the belt. The Minister has stripped me completely naked in this House. Members of this House will have noticed, I hope, that to all the questions that he has asked of me, I have answered without the batting of an eyelid and straightaway.

Mr Speaker, Sir, I have never been personal in my attacks on the Government, or anyone in this House, and I still do not intend to. But I must warn the Alliance Ministers that I can take care of myself either under Queensberry rules or under Siamese style boxing, or even under all-in wrestling. Supposing, Mr Speaker, Sir, if I were to ask some of the Alliance Ministers, or some of the back-benchers, to list their assets in terms of houses, estates, shares, etc., it would take a long time for some of them to reel off their assets. Let me make it clear to the Ministers that I have every right to take the Ministers to task on the question of the spending of public funds. What I want to make it clear is that what I do with my private funds is no concern of the Ministers or anyone in this House. I do hope that the Ministers understand this. If, Mr Speaker, Sir, I choose, despite the fact that I am being described as a God-fearing Methodist, to keep a harem, concubine, or to wine, dance and go whoring, that is my business, because I am spending not the taxpayers' money, but my own money. So Mr Speaker, Sir, I do hope that when the Ministers answer my attack of wallowing in luxury with taxpayers' money they will please not ask me personal questions, because those who live in glass houses should not throw stones. (*Laughter*) I have been stripped naked in this House. I have nothing to hide from anyone in this House.

Mr Speaker, Sir, the Alliance Government, which has kept on shouting from the house-top that it has no money to fight Indonesian confrontation and has repeatedly called on the people of the country to tighten their belts, to eat less, now has the audacity to come to this House with a big bill for the purchase of fancy crockery and cutlery. The Government asks for \$464,000-plus for renewing cutlery at the Parliament House. Now, Sir, on Saturday night, I had the good fortune to attend the Convocation dinner and last Monday night, I had also the good fortune to participate in the buffet dinner given by the Honourable Prime Minister. But I did not see any

crockery that was out of shape, that was broken, that had rusted. Why then the necessity to change the cutlery in Parliament House, if it is not but a purely prestige project?

Mr Speaker, Sir, this House is also asked to approve \$161,000 for renewing the cutlery at Istana Tetamu and \$412,000-plus for cutlery for the Malaysian Embassies. Sir, the Alliance Government, in changing perfectly good cutlery, crockery and glasswares at this time of national crisis—and, as the Minister of Finance himself has described, in these times of financial stringency—to the tune of more than \$1,000,000, to me, is not only a wanton waste but a criminal waste of public funds. Is prestige cutlery with crest more important than food for our people, clothes for our children, guns for our soldiers, ships for our army, fighter planes for our Air Force, air-raid shelters for our people, cigarettes and hot drinks for our Vigilante Corps which patrol nightly? Is somebody making money out of this huge order, which amounts to more than a million dollars? Is this cutlery being made in Kelantan, or is it from some foreign country? What is going to happen to the perfectly good cutlery that is now in the official buildings? I must tell the Alliance Ministers and the other officials to get on with the job of improving the standard of living of our people and not waste the funds of this Government on prestige projects. Do not rob the people of this country; let the people have the first share of the national wealth. The Alliance politicians should wait until the Government has put more money into the pockets of the *ra'ayat* and the workers before the Alliance politicians can be paid more allowances, more pay, or even before the politicians can be given more furniture and furnishings in the new homes. Do not cheat the people of this country. The people of this country cannot be fooled all the time.

It is alarming to note that in item 65, page 23, of Command Paper No. 21 of 1965, the Alliance Government admits that it is only now working out plans and costs of air-raid defence for

our cities and towns in Sabah, Sarawak and Singapore. It is a pity that the Minister for Civil Defence is not here this evening.

Mr Speaker, Sir, we are now entering the second year of Indonesian confrontation. The Government admits that it has not done much to defend the people against air attacks by Indonesian planes in the three States that I have mentioned. Is it not criminal negligence of the first order of the Government to have neglected to provide air raid defences? Even today this House is only being asked to make a token vote of \$10 for air raid sirens in Singapore. Will this \$10 save the thousands of lives in Singapore should there be an air raid on Singapore? Mr Speaker, Sir, should the Indonesian planes unload their bombs in Sabah, Sarawak and Singapore, what is going to happen? Is the Minister for Civil Defence going to wait for this to happen, before he comes to this House to ask for money for civil defence? Mr Speaker, Sir, the fact that Indonesia has repeatedly announced that it is in a state of war with Malaysia should not have been ignored by the Alliance Government.

Mr Speaker, Sir, I know that under the Standing Orders I do not have the right to propose an amendment to expenses listed in the Supplementary Supply Bill now before this House, but may I be permitted to make this proposal to the Government for its serious consideration? May I seriously propose to the Government that the item "Furniture and Fittings of Ministers" to the tune of \$27,500, and the item "Purchase of Cutlery, etc." to the tune of \$1 million-plus, making a total of \$1,066,212, should be erased and that the money saved should be spent on civil defence in Sabah, Sarawak and Singapore. I am sure that the people of Sabah, Sarawak and Singapore will be grateful to this Government, if my suggestion is accepted by the Government.

Mr Speaker, Sir, as I shall speak in more detail on the Supplementary Supply Bill in the Committee Stage, I shall end by assuring the Alliance Government that I shall always be a

careful watchdog of public expenditure so that every cent of the taxpayers' money will not be wasted. Thank you.

Mr Speaker: The sitting is suspended for 10 minutes.

Sitting suspended at 8.03 p.m.

Sitting resumed at 8.25 p.m.

(Mr Speaker in the Chair)

Debate resumed.

Enche' Jek Yeun Thong (Singapore):

Mr Speaker, Sir, I wish to speak a few words on this Bill and I wish to confine my views to Head S. 49 in the Schedule—Ministry of Labour—regarding the banning of strikes and industrial actions. Since many misleading statements have been made against the Singapore arbitration system, and since I was not given an opportunity to speak in the debate on the King's Speech, I, therefore, wish to take this opportunity to clarify some of the matters. The Alliance Government had dealt a severe blow to the trade union movement in this country

Enche' Abdul-Rahman bin Ya'kub:

Mr Speaker, Sir, on a point of order under Standing Order 67 (3). I do not wish it to be interpreted that I want to stop the Honourable Member from speaking, but S. O. 67 (3) clearly says that,

"After the motion for the second reading of the Bill has been proposed and seconded the debate thereon may proceed forthwith but shall be confined to the general principles of Government policy and administration as indicated by the supplementary appropriations included in the Bill and estimates."

If the Honourable Member will have a look at Command Papers Nos. 20 and 21—the Treasury Memorandum—it will be shown clearly that the Ministry of Labour is concerned with only a sum of \$1,000 which has nothing to do with the trade union movement at all.

Mr Speaker: I am afraid the Honourable Member will have to take note of that in his speech.

Enche' Jek Yeun Thong: Mr Speaker, Sir, my point is that the Supplementary Supply Bill here provides for \$1,000

for the Ministry of Labour, and I think that the Ministry of Labour has made a mess of the labour situation. So, I think the Ministry does not deserve this money, and I must give my reasons in my speech. May I continue, Sir?

Mr Speaker: Yes, provided you do not exceed the limit.

Enche' Jek Yeun Thong: I wish to clarify some of the points made earlier, that is the Central Government in banning strikes is doing nothing more than the Singapore Government. Therefore, I must take this opportunity to say that there is in fact a vast difference between the law promulgated

Enche Abdul-Rahman bin Ya'kub: Mr Speaker, Sir, I would not like to interrupt unnecessarily, but I would like to draw the attention of the Honourable Member to page 21 of Command Paper No. 21 of 1965, and any observation made should be confined to item 59 of that Command Paper.

Mr Speaker: Will you observe the remarks made by the Minister?

Enche' Jek Yeun Thong: Sir, I just have some comments to make on the way the Government is promulgating the two regulations.

Enche Abdul-Rahman bin Ya'kub: This has nothing to do with the regulations whatsoever. I am asking for \$1,000 for entertainment expenses, which has nothing to do with trade unions and the Emergency regulations. We must follow the debating rules—the Standing Orders.

Enche' Jek Yeun Thong: But surely the Minister is asking for money for his Ministry. It is all right provided his Ministry is doing good work. I object to giving this money and my reason is that the Ministry is not doing good work in advising the Government to promulgate the two regulations.

Enche' Abdul-Rahman bin Ya'kub: Mr Speaker, Sir, Standing Order 67 lays down that debate shall be confined to the "general principles of Government policy and administration as indicated by the supplementary appro-

priations". We are not debating these things during the Budget session—during the Budget session he can speak at any length he likes. But now he must confine himself to what is stated in the Treasury Memorandum; otherwise, the whole House will be debating the general policies of Government without confining to the money asked for.

Mr Speaker: Will the Honourable Member observe those remarks made by the Minister and confine his speech to the Treasury Memorandum?

Enche' Jek Yeun Thong: Well I have made it very clear that I am not speaking on any other thing, but that I am speaking only on these two regulations. I want to draw the attention of the House to the fact that there are misleading statements made and I wish to take this opportunity to clarify them.

Mr Speaker: What are the misleading statements?

Enche' Jek Yeun Thong: I have said just now, Sir, that the Minister of Finance during the debate on King's Speech, has said that the system used in the Federation is nothing more than the system used in Singapore, and I wish to take this opportunity

Mr Speaker: But we are now debating on another matter!

Dr Tan Chee Khoon: Mr Speaker, Sir, on a point of clarification. This House is asked to approve of two sums of appropriation, under two items listed in the Supplementary Supply Bill, for the Ministry of Labour—one sum for his furniture and furnishings and another sum of \$1,000 for entertainment—and I would ask your ruling on this, Mr Speaker, Sir. If I am not satisfied in the way that the Minister of Labour has conducted himself, then, surely, I can give my reasons as to why I am not satisfied and I can ask for these two items to be deleted or, to show my disapproval, I can ask for a reduction from \$1,000 to \$500 in respect of entertainment and also for a reduction in respect of furniture and furnishings—surely, I can ask for a reduction

of these sums appropriated to the Minister of Labour. I shall, therefore, be grateful for your ruling on this matter.

Mr Speaker: Yes, you can, but the Honourable Member who is speaking has

Enche' Jek Yeun Thong: Sir, I am not satisfied with the way in which the Minister of Labour is dealing with labour problems, and I feel that he should not get \$1,000 for his Ministry. I must give my reasons here.

Enche' Tan Siew Sin: Mr Speaker, Sir, probably, I may clarify the procedure which is normally followed in an exercise of this kind. As my Honourable friend and colleague, the acting Minister of Labour, has pointed out, there is clearly a difference between a general Budget debate and a Supplementary Supply Bill debate. That is why we allow three days for the debate on the second reading in the case of the annual Budget but only one day for the debate on the second reading in the case of a Supplementary Supply Bill. So, unless the general debate is confined to the items of expenditure listed in this Bill here, there is clearly a danger that it might become a second Budget debate, and I think that difference should be clearly understood.

Enche' Jek Yeun Thong: Well, I have already given my reason for delivering this speech, and it is up to you, Sir, to give a ruling. If the Government is not prepared to answer my speech, I am not going to proceed. In this Bill we have been asked to approve a certain sum for the Ministry of Labour; and if the Ministry is not doing good work, then why should we give the money to it? My speech, in the main, will be confined to this point that the Ministry of Labour, in promulgating the two Regulations, is doing harm to the country. So, I would urge the Government to take this opportunity to rectify their action by withdrawing the Regulations and to substitute them with a more advanced Labour Ordinance.

Sir, these two Regulations, i.e. the Essential (Prohibition of Strikes and

Proscribed Industrial Action) Regulations, 1965 and the Essential (Arbitration in the Essential Services) Regulations, 1965

Enche' Abdul-Rahman bin Ya'kub: Mr Speaker, Sir, on a point of order. What is your ruling with respect to the interpretation of Standing Order 67 (3) compared with Standing Order 66 (11) which deals with the ordinary Supply Bill? I submit that Honourable Members are only entitled to speak in respect of the items expressly specified in the Command Paper in question. That is why the expression "as indicated by the supplementary appropriations included in the Bill and estimates" is used in that Standing Order. If one compares S.O. 67 (3) with S.O. 66 (11), it becomes clear that during the Supplementary Supply Bill, one has got to confine one's observations, comments, etc., to the items mentioned in the Command Paper in question. Now, the Command Paper concerned makes no mention of the two Emergency Regulations regarding trade unions and strikes. I would like to have your ruling on this, Mr Speaker, Sir,

Mr Speaker: My opinion on this is that the debate should be confined to the items included in the Command Paper. If the Honourable Member would do that, he may continue with his speech!

Enche' Jek Yeun Thong: Well, I have already said that I shall confine my remarks to Head S. 49, item 59, Ministry of Labour—\$1,000. I do not know what this sum is required for, but I think it must be for the entertainment allowances to the Minister. So, I would say

Enche' Abdul-Rahman bin Ya'kub: Sir, on page 21 of Command Paper No. 21 of 1965, it is stated:

"A sum of \$1,000 is required for entertainment expenses to meet the occasions when the Ministry and the Departments within it are obliged to provide official entertainment for the following purposes"

Mr Speaker: Yes, that is quite clear!

Enche' Jek Yeun Thong: Sir, these two Regulations to ban strikes in the public services and certain essential

services in the private sector cut across the fundamental rights of the workers

Enche' Abdul-Rahman bin Ya'kub: Mr Speaker, Sir, if it will satisfy the Honourable Member, I am prepared to debate against him at any time in connection with these two Emergency Regulations, other than this, with due notice.

Enche' Jek Yeun Thong: In that case, I must presume that the acting Minister of Labour is not prepared to answer these criticisms; or if he is afraid to answer all these criticisms, then I will really give up. It is not, in fact, necessary to make this speech in this Parliament, as I will have ample opportunity to deliver this outside the House. However, what I want is to have an opportunity in this House to tell the Government that it has done something wrong. I would, therefore, urge the Government to take rectifying action before it is too late—I think, as a Member of this House, I have the right to do so.

Mr Speaker: I must point out to the Honourable Member that in this House, including myself, we are bound by the rules of debate. You cannot go outside the rules allowed by the Standing Orders, which you have been doing and which the Honourable Minister has been trying to point out to you. If you can continue without going outside the rules of debate, you may proceed.

Enche' Jek Yeun Thong: Sir, what I want to point out is the Essential Regulations. I am not interested in the Government furniture which the Minister has asked for; I am not interested in the entertainment allowance. What I want to say is that he should not be given this money because he has done something wrong. If the acting Minister of Labour is not prepared to answer these things, I think I would give up.

Enche' Abdul-Rahman bin Ya'kub: Mr Speaker, Sir, I am prepared to answer anything. What I ask is, let us abide by the Standing Orders.

Enche' Jek Yeun Thong: Then, why not let me carry on?

Enche' Abdul-Rahman bin Ya'kub: We have got to abide by the Standing Orders, otherwise we might as well do away with the Standing Orders.

Mr Speaker: Apart from the fact that you have to abide by my ruling, the Standing Orders are there. You have been trying to go outside the Standing Orders, because your written speech probably contains those words and you cannot deviate from it.

Enche' Jek Yeun Thong: I have no written speech, Sir. These are all my notes which I scribbled during the past few days.

Mr Speaker: Do you like to carry on and observe the rules?

Enche' Jek Yeun Thong: Well, what I want to say is about the Essential Regulations and nothing else. If you do not allow me to do that, Sir, I have no alternative but to stop.

Tun Haji Abdul Razak: Mr Speaker, Sir, I suggest let us hear the Honourable Member.

Enche' Jek Yeun Thong: I am very grateful to the Deputy Prime Minister for giving me this opportunity to continue my speech. So, naturally, I think the trade union movement in this country is very worried and we have heard loud protests from the M.T.U.C. But what can they do? They have supported the Alliance in the past and the Alliance has now let them down. I think even the I.C.F.T.U., the International Trade Union Organisation of the Free World, has expressed concern about this drastic action taken against the workers in this country. The Asian Regional President of the I.C.F.T.U., Mr H. Wara has recently come to Kuala Lumpur specially to ask the Government to reconsider the matter with a view to withdrawing these severe Regulations. He is not a Communist. He is neither a supporter of Soekarno. He is our friend in the free world. The I.C.F.T.U. wants us to succeed. Of course, the Communists and Soekarno's supporters are very happy about this situation, because the more you suppress the workers the

more the workers will turn against you; and this hatred and bitterness against the Government will gather momentum until it reaches a stage when the workers lose confidence in the Government and the country will not be defensible against the attacks the Communists and Soekarno's supporters.

I feel that the industrial situation in this country is not so chaotic as to justify the use of emergency powers to ban strikes and other forms of industrial actions. We have seen more serious labour troubles in Singapore, but no one in Singapore has ever dreamt of banning strikes. Even during the last Emergency, when we had shooting wars all over the country, with road-blocks everywhere, people were living in new villages behind barbed wire and were not allowed to carry food outside their houses, yet the British colonial government did not deny the workers their right to strike. So, why is it then necessary to take this drastic action now, when the situation is not much more serious than that in the first emergency? I feel that there is no need at all for the Government to resort to emergency powers to ban strikes. If it is the trade union leaders who are giving trouble to the Government, and if it is true as alleged by a Member, when he moved the Motion of Thanks for the King's Speech, that the union leaders are power corrupt and that they are holding the country to ransom with their strikes and industrial actions, then by all means replace the leaders, bar them from carrying out trade union activities or even de-register the more aggressive unions. Why deny the workers as a whole their right to strike just because of a few so-called mischievous and irresponsible leaders?

Dr Tan Chee Khoon: Mr Speaker, Sir, on a point of clarification—Is the Honourable Member from Singapore suggesting that there are irresponsible leaders and irresponsible unions within the fold of the M.T.U.C.?

Enche' Jek Yeun Thong: Sir, I will qualify this phrase by saying the "so-called irresponsible leaders". The Members on the other side of the

House termed these leaders as irresponsible, so I am just following their phrases.

Sir, we appreciate that the Government must have a period of industrial peace, in order to carry out its obligations to defend the country. If this is what the Government wanted, then the easiest thing for the Government to do was to introduce a law similar to the Industrial Relations Ordinance in Singapore. This law does not impose a blanket ban on strikes but provides ways and means to settle disputes to the satisfaction of both employers and employees. If the Government were to take this sensible measure, we would be the first to give our whole-hearted support. But instead of doing this, the Government chose to bury the whole of the free trade union movement. In this period of confrontation, there is nothing more important than the support of a contented and loyal trade union movement. By banning strikes the Government has alienated the support of the workers. What we need very badly is a permanent industrial law in the States of Malaya to put industrial relations on a proper footing.

Enche' Ibrahim bin Abdul Rahman (Seberang Tengah): Tuan Yang di-Pertua, mengikut Standing Order No. 67 (3):

"... shall be confined to the general principles of Government policy and administration as indicated by the supplementary appropriations included in the Bill and estimates."

Apabila Yang Berhormat itu berchakap berkenaan dengan perbelanjaan buroh \$1,000 maka patut-lah Ahli Yang Berhormat itu membacha juga Command Paper No. 21 ia-itu perbelanjaan buroh \$1,000 bukan untuk "General Administration as indicated" tetapi untuk perbelanjaan refreshment dan lain². Hentam-lah Kerajaan mengatakan yang \$1,000 itu tidak patut di-belanjakan. Saya fikir begitu, Tuan Yang di-Pertua, as indicated.

Mr Speaker: Sa-benar-nya saya faham itu, tetapi Ahli Yang Berhormat daripada Singapura membacha ucapan-nya dan barangkali boleh jadi

uchapan itu sudah siap bertulis, biar-kan-lah dia habiskan uchapan-nya itu. (*Ketawa*). Carry on.

Enche' Jek Yeun Thong: May I continue, Mr Speaker?

Mr Speaker: Yes, you may continue.

Enche' Jek Yeun Thong: Sir, the Essential Regulations promulgated by the Central Government can only be temporary in nature, because the Emergency itself is a temporary measure. Once the Emergency is ended all the laws made under this Act will lapse. Even though the Government will have us believe that these two Regulations will bring about industrial peace, we are still being faced with the same chaotic situation when these two laws lapse. I wish to take this opportunity to dispel the belief that the Central Government in banning strikes was only following what the Singapore Government is already doing.

The Honourable Minister of Finance has earlier told this House that there was nothing wrong in banning strikes, because the Singapore Government had done this already. Nothing is farther from the truth, Sir. The fundamental difference between the Industrial Relations Ordinance and the Essential Regulations is that the Industrial Relations Ordinance was drafted with the assistance of labour experts from the I.L.O. and from Australia. It was thoroughly discussed with trade unions and the Federation of Employers before it was tabled at the Legislative Assembly, where it was fully debated, passed, and supported by both sides of the Assembly. The Essential Regulations, on the other hand was drafted by civil servants, who have the faintest idea about labour matters and no prior consultation was made with either the M.T.U.C. or the employers, and it was promulgated arbitrarily without even a debate in this Parliament. It is wrong to say that the Industrial Relations Ordinance in Singapore also bans strikes. Nowhere in the Ordinance is it stated that workers cannot go on strike. What happens is that when a dispute reaches a deadlock, then both parties, the employers and the

employees, can mutually agree to refer their dispute to an Arbitration Court. Once the dispute is referred to that Court, both parties will refrain from taking any further action to prejudice their case. So, you can see from here that the workers voluntarily agreed not to go on strike, and this is not something imposed upon them by the Government. Now, if the workers persist in carrying out a strike after their case has been referred to the Arbitration Court, then this act will constitute a contempt of the Arbitration Court and the President of that Court will have to take action accordingly—but not the Government. This is treated as an industrial matter all within the ambit of the Industrial Relations Ordinance. But the Regulations promulgated in the Federation stated that any contravention of the provisions of these Regulations shall be a seizable offence within the meaning of the Criminal Procedure Code, which means that the Police will have to take action against the workers, if they go on strike and if they happen to be in the Civil Service, or in one of the Scheduled Essential Services.

The next difference is that in Singapore the panel members of the Industrial Court are either nominated by the employers or by the employees. The Government makes appointments only after consulting the Employers Federation and the National Trade Unions Congress, whereas in the Federation of Malaya the Regulations provide for the Minister of Labour in the Central Government to make all the appointments without any consultation with any organisation. This means that the Government can assume the role of the prosecutor, the jury and the arbitrator. Now, the third difference is that in Singapore

Mr Speaker: How long more are you going to take? (*Laughter*).

Enche' Jek Yeun Thong: A little more, Sir. In Singapore the award given by the Arbitration Court is binding on both parties, i.e., if one party refuses to accept or carry out the award the law provides for serious punishment. In the Essential Regulations there is no such provision.

Although section 4 (5) provides that any award made must be binding on both parties, but there is no provision in the said Regulation for the punishment of the offending party.

Section 6 deals with offences, but these are only confined to offences in carrying out strikes or lock-outs. So, there is no protection for the workers, if the Arbitration Tribunal gives out an award in favour of the workers but the employers refuse to carry it out. Furthermore, how can the Government expect the workers to bind themselves to any award when the Government itself is the chief offender in this respect in refusing to accept the recommendations of the Arbitration Tribunal headed by Professor Ungku Aziz after the Minister of Labour had given his assurance to accept the decisions of the Tribunal?

In respect of Singapore, the Federation Constitution guarantees autonomy in labour and education, but the two Essential Regulations promulgated by the Central Government apply throughout Malaysia. This means that the ban on strikes and other forms of industrial actions in the Public Services and certain Essential Services in the private sector will affect the workers in Singapore. Although the Minister of Labour had personally assured me, and he had also publicly stated that the Central Government had no intention of interfering in labour matters in Singapore, the Regulations that the Central Government promulgated did not say so. Your intention is one thing and the law is another thing, but when your intention comes into conflict with the law the law must prevail. In order not to complicate matters, we have requested the Central Government to amend the two regulations so as to exclude Singapore from the operation of the Regulations. This is to give a legal backing to the Government's expressed intention not to interfere with labour matters in Singapore. In all sincerity, I hope that the Central Government will accept our request, because interference with labour matters in Singapore will bring the Central Government no benefit at

all, except the bitterness and hatred of the workers of Singapore.

I personally feel that our labour laws in Singapore are more advanced and they are adequate to deal with our situation. This does not mean that we have no fierce trade union leaders in Singapore—far from the truths. We have much more militant trade unionists and well-organised trade unions in Singapore than in the Mainland. It is my feeling that the Regulations will not help to foster a better relationship between the employers and the employees there. These Regulations, instead of solving industrial problems, will only create new problems, will only create bitterness and hatred against the Government. In all sincerity, I hope that the Government will take this opportunity to withdraw their Regulations and replace them with a more advanced and comprehensive labour law to regulate labour relations.

Dato' Dr Ismail: Mr Speaker, Sir, I am glad that I caught your eye before the Honourable Member who also rose to speak just now. However, to come to the debate before the House, I would like to reply to the Honourable Member for Batu.

If there is one thing that we can say of the Honourable Member for Batu, it is that he is consistent and he is always faithful to his true love. (*Laughter*). It does not matter that he was given the kiss-of-death, no matter, but he will go on and be true to his love. And what is that true love? That is the attack on the Ministers for the luxury which he imagines that we indulge in. The Honourable Member's speech is confined a great deal to the money allocated to the Ministers for their housing, and in passing, of course, he mentioned the Istana Tetamu—of the luxurious crockery and the furnishings there. I think it may interest Honourable Members of this House that the person responsible for the furnishings and for the supply of crockery at the Istana Tetamu is none other than his comrade, a socialist, who happens to be in the Government Service. It was he who recommended to the Prime Minister

that, Istana Tetamu being a guest house for the visiting V.I.Ps, it is in keeping with the dignity of this country that that house should be fully furnished and that the crockery there should not be a shame to this country. As the Honourable Member knows, we have had visits of His Majesty the King of Thailand and all the other dignitaries, and at least I am glad that one socialist in this country, even though he believes in true socialism, recognises the fact that in society we must give due where due is required. Now, let us look, for example, at Russia—I am sure that is a country from where the Honourable Member for Batu draws a lot of inspiration.

Dr Tan Chee Khoon (Batu): For the information of the Minister of Home Affairs, I have never been to Russia and I do not know Russians; neither do I read the *Izvestia* or *Pravda*.

Dato' Dr Ismail: It was not even in the *Pravda*; it was in our local papers, how the Foreign Minister of Russia, Mr Gromyko—whom I happen to know too—recently ordered a *Lincoln*. I am sure that Mr Gromyko did that not because of anything but to upkeep his prestige as a Minister in the Soviet Union.

Now, Sir, I come to the question before the House. After all, we Ministers here are holding high office in the country. I am sure that, if the Honourable Member's Party came into power, we will not begrudge him, because, after all, what we do is not for ourselves but to upkeep the dignity of the office which this House has already approved. For example, this House has approved of the Ministers and has approved that we should have a monarchical system. That is why we provide enough—not luxury but enough—for His Majesty, the Timbalan Yang di-Pertuan Agong, to upkeep the dignity of office. So I am sure the Honourable Member will agree with me that we Ministers in this House, not that we want to indulge in luxury, should be given the liberty to upkeep the prestige of the office of Ministers of this country. After all, we are not a very poor country and

we Ministers have not indulged in luxuries.

Now, take my case, for example. I am responsible—in fact, I am the leader among the Ministers here—for asking our Minister of Finance to provide us with money to equip our houses because we feel, in the first place, that we should keep our dignity as Ministers, not in a luxurious manner, but according to a standard which we feel that we should keep, in order to uphold the prestige of the office of Ministers of His Majesty's Government. In my case, for example, I entered politics at the height of the time when I could have stayed in the medical profession and probably become a millionaire and waited for now to enter the Parliament, as the Honourable Member did. After all, the Honourable Member can boast in this House that there is need to furnish him, and he asked us not to strip him naked. We are not going to strip him naked—after all, we do not like to see him naked in this House (*Laughter*). But the fact remains, Sir, that besides being a Minister, I am also a man. When I became a Minister of the Government I had only two children. I was given a house—I am still staying in that house—where there is one room for me and my wife, one room for my two children and one room for the guests; and Ministers of the Government are expected sometimes to put up Ministers of corresponding status from other countries in their houses. Now and then the Prime Minister entertains Members of Parliament and sometimes the Members of Parliament would like to have some ronggeng girls—there is nothing wrong with that, as we sit in the House for the whole day we need some exercise (*Laughter*). To come back to my own personal affairs as a Minister. I started with two children. It was all right for the two children, a boy and a girl, to stay in one room. But I have been a Minister for, I think, 14 years now and so the two children have grown up, and in addition—it is a pride of the Alliance that we are also not sterile (*Laughter*)—I have produced three more children. So, I have five

children now—and they are all staying in the room. Now, the Honourable Member being a doctor must know that it is not good to keep grown up girls and boys sleeping in one room (*Laughter*). Anything can happen! (*Laughter*). So, I have asked the Minister of Finance for this money. The other Ministers also seem to be very virile and they have also produced children. So, we have asked the Minister of Finance for this money. I can tell the Honourable Member that it is easier for the camel to go through the needle's eye than for us Ministers to get money from the Honourable Minister of Finance. (*Laughter*). So what I did was, I asked for an extra room and most of the money provided is for me—the other Ministers have morsels. So, all I did was to have an extra room in my house. Then, of course, after five years, because I have to entertain so many foreign guests and also members of the public, naturally, the soft furnishings have worn out and have to be replaced. Again, naturally, when you have a new room, you have to buy beds and since some of the children go to school you have to provide them with some furniture. They are very cheap furniture and the Honourable Member can examine all the details. Certainly they are not as luxurious as those recommended by the Honourable Member's colleague or comrade for the Istana Tetamu, because after all Istana Tetamu is different from a Minister's house. We, Ministers of the Alliance Government, know our place, but at the same time also we feel that being Ministers we must upkeep the dignity of Ministers. I can invite the Honourable Member—if I have not invited him, I must apologise to him—and he can inspect and see whether my house is really wallowing in luxury because, I am quite sure that the Minister of Finance, although being millionaire, is a very strict man—and that is why he became a millionaire—(*Laughter*), and he was not so generous as the Honourable Member thought.

However, Sir, if the Honourable Member would like to attack us, the

Alliance Government, I would recommend to him to find some other subjects. After all, I can guarantee him that if ever he becomes a Minister, I will support him in upkeeping the dignity of a Minister's office. I would even urge him, although he may be an austere Methodist, that it is no good to receive his guests when he is stripped naked. (*Laughter*). I think it is better, even at the expense of losing his political followers—and, in fact, I would recommend it to him—to follow the example of Mr Gromyko in the upkeep of the office of the Foreign Minister of the Union of Soviet Socialist Republics. So, Sir, what I would like to inform the Honourable Member is that he can rest assured that if, for example, we are indulging in luxury, then he has every cause to make the remarks that he has made. But, all that we have done is to get the basic necessities for ourselves as human beings and to provide for the necessities of our families and, on top of that, to buy a bit extra, in keeping with our office as Ministers, to receive our foreign guests or even the members of the public, so that they will not be ashamed of their Ministers living in hovels.

Now, Sir, . . .

Dr Tan Chee Khoon: Mr Speaker, Sir, on a point of clarification. I have not chosen to interrupt the Minister, because I do not believe in interrupting anyone while he is speaking. However, it has just occurred to me, since the Minister has been so brilliant in defending the need for the upkeep of the prestige of a Minister, that this is a matter of interpretation: does he consider that a table and a chair in a prison cell is a necessity for one who is confined in solidarity confinement?

Dato' Dr Ismail: Sir, I was just coming to that point when he interrupted me. (*Laughter*). I was going to say that one of my faults is that I smile sometimes and that I accede to the requests of the Members of the Opposition. But, being a Minister, I have got to be responsible. So, whenever the Member for Batu requests that he should go and see some of his

comrades and others who are detained—they are prejudicial to the interest of the country—and knowing that he is a Methodist and that he is a wonderful Member in this House—we have known him for a long time and we respect him, because his criticism is always fair—I have given him the opportunity to visit all his comrades who have been detained. Now, Sir, surely, a Minister of the Government cannot be compared to those people who have acted prejudicial to the interest of the country. Surely, the Honourable Member does not expect that a Minister should have the same accommodation as for those who have been, so to speak, “His Majesty’s guests”? (*Laughter*).

Dr Tan Chee Khoon: Enforced guests!

Dato’ Dr Ismail: Well, you may call them “enforced guests”, but they are at any time allowed to be free, if they can convince the Advisory Council that they are no longer prejudicial to the interest of the country. After all, not all his comrades are locked in—some of them are now free, and for that I am sure he must give me the credit. After all, not all of them are detained forever; and so long as they are no longer of security interest to the country, they are allowed to be free.

Now, we come to the economics of it. He has mentioned that what is being spent on the Ministers’ houses should be given to the workers of the country. Sir, what the Ministers ask is once in five years. Now, only the other day, when he was making an adjournment speech, he had asked for \$2 million for free legal service, but here we ask for \$1 million for the Ministers’ residences built over a period of ten or fifteen years ago. So, if it is calculated at \$2 million annually, in fifteen years it comes to \$30 million. So, that should be the comparison. If, for example, the Ministers had spent \$30 million during the last ten years, then that, indeed, is a luxury, but not if you divide the amount spent by the number of the Ministers. I can assure the Honourable Member that our Prime Minister is

very stingy in appointing Ministers. I have to do double work, and I am the exploited Minister in this Bench, and so are the others. But once we are appointed as Ministers, we expect to upkeep the dignity of the Minister’s office. So, I would ask the Member for Batu to be more kind and more gentle to the overworked Ministers of the Alliance Government. If you want to score a political point, please take up other points, and I am sure we are more vulnerable on other points than this.

Enche’ Abdul-Rahman bin Ya’kub: Mr Speaker, Sir, may I say a few words in reply to the Honourable Minister of Labour from Singapore?

The matter of Emergency Regulations has come up again despite my explanation a few days ago in connection with them. Sir, I cannot remember all the points made by him. However, one of the points he has raised is that the Minister of Labour should have referred the matter to Parliament and asked Parliament to debate the question. Now, Sir, the very name of the Regulations indicate that we must take immediate action—“Emergency Regulations”—and at the time when the Regulations were promulgated on the 13th of May, we had to take immediate action because, firstly, the Railway Services had served notice to go on strike and, secondly, I am sure the Honourable Member will agree, we could not afford at this stage to have firemen going on strike. Also, we were threatened with strikes by the Railway Employees and by the Division IV and the I.M.G. workers. Under those circumstances, Sir, the Government has a duty to the country, to the people as a whole, as an elected Government, to see that the security of the country is preserved, to see that the important machineries of Government are not disrupted because of strikes at a time when we are facing a very grave external threat from Indonesia.

The Honourable Member seems to think that the Government has completely banned all strikes. I have made it clear a few days ago that that

is not so. Even in Government sector, only in essential services, services which must continuously run especially during this period of Emergency, have we banned strikes. In the private sector, we have not said, "Well, no strike at all even in essential services"—we have not said that. We have resorted to a practice which was adopted in England—I am sure the Honourable Member knows about it—around 1940 when the country was facing the war. More or less on similar lines as the Singapore ones, we ask the parties to the dispute before going on strike to refer the matter to the Minister, and then the Minister will decide whether or not there are suitable means for settling the disputes existing between the parties. If they cannot do that, then the Minister will refer the matter to the Industrial Arbitration Court. If the Minister of Labour does not do that within twenty-one days, then the parties are at liberty to resort to industrial actions. I am sure he cannot quarrel with that.

Mr Speaker, Sir, amongst other things, he has also said that Singapore has not banned strikes—legally, that is true. But, what is the effect of the Industrial Relations Ordinance? We on this side of the House prefers to say, "Don't have any strike in essential services." We say so clearly, but the effect of the Industrial Relations Ordinance in Singapore is also to stop strikes, when there is dispute. As he himself has said in this House, when a dispute is referred to the Industrial Relations Court, no strike is allowed at all. Why is that? Because they want to have industrial peace even during a period when there is no emergency.

Enche' Jek Yeun Thong: I think in the case of Singapore, it is not the Government which imposes a ban on strike. It is the workers who voluntarily agreed not to go on strike when a case is referred to the Arbitration Court.

Enche' Abdul-Rahman bin Ya'kub: Sir, the Industrial Relations Ordinance is there. It is the law which prescribes the methods of settlement and other things, whatever may be the position. Sir, at the time when the Industrial

Relations Ordinance was passed, there was no confrontation from Bung Soekarno, and we did not have to worry our heads about Soekarno's soldiers coming into our territory. But nowadays when you read the papers, you will see that in Sarawak, Sabah, Singapore and Malaya we are having trouble with Soekarno. What are we going to do? Sir, the M.T.U.C. here, I spoke to them the day before yesterday, and one very prominent M.T.U.C. leader told me that he did not agree that the Singapore Industrial Ordinance is better than our present practice, forgetting the emergency regulations, nor that the practice in Malaya is worse than the practice in Singapore. In fact, he maintained that we have a better practice to settle disputes between employees and employers in Malaya. He is a very prominent member of the M.T.U.C., and he does not like to see Malaya adopting the Singapore method: he prefers us to go on during normal times as we have been doing in this country.

Another point which I would like to mention here, Sir, is that even the Geneva Convention—I am sure the Honourable member from Singapore is very well aware of that—recognises the fact that machineries for settlement of industrial disputes, etc., must be established in accordance with national conditions; and one Article specifically mentions that the Convention does not deal with the position of public servants. The public servants in many countries, Mr Speaker, Sir, are not allowed to go on strike at all. We have only resorted to this measure because of the emergency, and further we were threatened by the firemen that they would go on strike; we were threatened by the railwaymen and certain Division IV and I.M.G. workers that they would go on strike. We have done this as a last resort, and it is an accepted principle that the Government must be the final arbiter of what is good for the country. I can assure the Honourable Member and Honourable Members in this House that as soon as the need for those regulations is gone, we will be the first to say "Repeal those regulations".

In connection with the operation of those regulations in Singapore—I regret very much that he has mentioned it in this House, but he has every right to do so—we are still in correspondence. I saw his letter the day before yesterday and the letter is now being referred to the Attorney General. I do not like to repeat what has been said by the substantive Minister of Labour in this case. The Honourable Member from Singapore knows it very well.

Finally, Mr Speaker, Sir, when I see the Honourable Member speak, he reminds me of the Honourable Barisan Sosialis Member from Singapore, Mr Chia Thye Poh: he cannot take his eyes away from the paper, although he has assured you, Mr Speaker, Sir, that he was not reading his speech but was just looking at his notes. However, I am sure that if he were to take away his eyes from the paper, he would not be able to say a word.

Enche' Tan Siew Sin: Mr Speaker, Sir, the Honourable Member for Batu always repeats the same theme, when speaking on the second reading of any Supplementary Bill: that is, he says that Supplementary Bills are an indication of bad budgeting. As I have tried to point out to him time and again, it would be quite easy for the Government to avoid the presentation of a Supplementary Supply Bill to Parliament by the simple device of inflating every item of expenditure, so that whatever happens, whatever the miscalculations, no Supplementary Supply Bill need ever be presented to Parliament in the course of any year.

Dr Tan Chee Khoon: Mr Speaker, Sir, on a point of clarification—It is, of course, easy for the Government to do that, but then that would result in a big deficit which is no good publicity for any Minister of Finance.

Enche' Tan Siew Sin: Mr Speaker, Sir, I was just coming to the point. (*Laughter*). I think the test of the pudding is in the eating, as has been said before. If the Honourable Member had taken the trouble to go through the budgets of the past six years, he would find that in every case

the Treasury had always underestimated revenue and over-estimated expenditure, with the result that the actual out-turn of any year was always better than anticipated when the original estimates were presented to Parliament. I think that is the proof that we have not resorted to any “monkeying” with the accounts as, I think, was implied by the remarks of the Honourable Member for Batu. Therefore, I think, that his other criticism, that this was really a device to make the picture look better than it actually was, is not quite true.

Mr Speaker, Sir, now I should tell the House that the reason why the Government embarked on this mass purchase of crockery, cutlery and glassware was simply this. Hitherto, we have found that each mission overseas, for example, bought its own crockery, cutlery and glassware, and when certain items were broken or mislaid, it had to buy replacements at a much greater cost than that of the original pieces of glassware, or whatever they happen to be. We, therefore, felt that it would be far cheaper to order one standard design for all our missions overseas, for all the Government buildings in this country, so that in case of future losses or breakages, we could have a single stock from which to replenish any supplies as may be required in the future. In the long term, I think, the Government would save money, although I agree that the initial expenditure would be fairly high.

I do not think that the Honourable Member was quite fair in saying that the entertainment vote in the case of civil servants would be misused. I can assure the House that very stringent rules are laid down for the operation of this entertainment vote. For example, it has been laid down by the Treasury that a dinner is not to exceed \$10 per head, a lunch is not to exceed \$5 per head. Further, there are controlling officers in each Ministry to ensure that the regulations laid down by the Treasury are complied with. There is also no question of civil servants entertaining contractors (*Laughter*), as was implied by the

Honourable Member for Batu, because these funds will only be used to return hospitality given to civil servants in the course of official duties, and that would exclude entertainment which should not be paid for from this vote, and that would also exclude some of the items, which were suggested by the Honourable Member and which, I think, he himself did not believe would be paid for from this vote.

Question put, and agreed to.

Bill accordingly read a second time.

ADJOURNMENT

(MOTION)

Dato' Dr Ismail: Tuan Speaker, saya menchadangkan ia-itu Majlis Meshuarat ini di-tangohkan sekarang.

Enche' Tan Siew Sin: Saya sokong.

ADJOURNMENT SPEECHES

GOVERNMENT PENSIONERS— GRIEVANCES OF

Dr Tan Chee Khoon: Mr Speaker, Sir, I rise to make a plea on behalf of the thousands of Government pensioners who have given their lifetime of devoted service to the country. It is their plight today that prompted me to bring the issue up before this House. It is not my intention to exploit their grievances for political gain, neither do I wish to trespass on the province of the law. I only seek for the amelioration of their present piteous position on an equitable ground where remedy through the law is closed to them. It is not necessary for me to delve into the complexities of their claims which, I am sure, many Honourable Members here, who are pensioners and whose political fortunes have enabled them to sit comfortably in this pleasant surrounding, are well aware.

However, it is sufficient for me, Mr Speaker, Sir, to state, briefly, that their claims include, *inter alia*, an immediate restoration of full pension to those who on retirement have accepted the reduced pension and a gratuity equivalent to ten times the

total annual value of their productions so made in the pension; and to those who have survived ten years after their retirement there should be an adjustment to their cost of living allowance and revision of pension, in view of the decrease in the purchasing value of money now.

Mr Speaker, Sir, the lot of the pensioners has not been a happy one. Under the colonial regime they have laboured under oppressive conditions and their grievances have been completely ignored. As a matter of fact, they have appealed to the British Government to improve their lot as early as 1947 but their report came to nought, due to the adamant attitude of the British. With the advent of Independence their hope of improvement was raised. Indeed they presented a memorandum setting forth all their grievances to our Honourable the Prime Minister in 1960, but alas this too received an unsympathetic rejection. So, as a last resort, they went through all the expences to go to the law courts with a faint hope of obtaining their claims. But as the courts were there to give interpretation of law, their claims failed once again. However, in the latest case heard at the Kedah High Court, Mr Justice Suffian in his *obiter dicta* suggested that they should consider pursuing their claims in Parliament, or even before the Salaries Commission, rather than in Court. It is in pursuance of this suggestion that I have brought this matter up before this House, and I sincerely hope that Honourable Members here will give it their attention and consideration it deserves.

Here I take cognizance of the fact that legally a Member of the public holds office at the pleasure of the Head of State and he may, therefore, be retired or dismissed without compensation. I also take note of regulation 15 of the Pensions Regulations which states that once an officer has opted to draw a reduced pension and a gratuity at the time of his retirement, he cannot at the later stage change his mind and ask for something better and that he cannot draw his full pension ten years after his retirement once he had

opted. I do not doubt or question the wisdom and impartiality of our learned judges when they dismissed the pensioners' claims. But I strongly feel that it is the law giving rise to such iniquity that needs to be amended.

Mr Speaker, Sir, as I understand it, the word "gratuity" means "pecuniary payment to an officer in recognition of his past service" and as such, when he chooses to accept such a bounty, he should not be made to forfeit a part of his pension entitlement or for the rest of his retirement. Furthermore, the gratuity is actually part of his pension entitlement calculated for a ten-year period. This is, in fact, not a gift nor a bonus at all but money granted in advance for the reason that if the pensioner should survive the first ten years after his retirement, drawing a reduced pension all this time, he has, for all intents and purposes, repaid the full sum of his so-called gratuity. Hence in common fairness, he ought to be restored full pension after the first ten years—and this is not only fair but equitable as well.

The second point which I wish to raise is in the adjustment of the cost of living allowance and the revision of pension. The purchasing power of dollars, as in all other currencies, decreases day by day. In addition, confrontation and counter-confrontation has brought in their wake soaring food prices and higher cost of living. Yet the pensioners draw the same old pay and allowances to meet their rising needs. In most Commonwealth countries pensioners have their allowances revised every three years to keep in step with their living costs. Surely, we ought to look after our pensioners in the same way.

In conclusion, Mr Speaker, Sir, I wish to urge the Government, as a modal employer, to pay more attention and consideration to the plight and frustration of its former employees and, to that end, set up a Commission to look into the grievances of the pensioners too.

The Assistant Minister of Culture, Youth and Sports (Engku Muhsein):

Tuan Speaker, oleh kerana ada sa-orang Ahli Yang Berhormat lagi yang akan berchakap dalam perkara yang bersamaan, maka saya minta kebenaran untuk menjawab kedua²-nya sa-kali sa-lepas daripada Ahli Yang Berhormat itu berchakap.

Enche' C. V. Dewan Nair (Bungsar):

Mr Speaker, Sir, tonight I have common ground with the Honourable Member for Batu, but I will speak in particular on the restoration of full pension for all those pensioners, who had opted to receive a commuted pension gratuity equal to 12½-times the amount of the reduction so made in their pension. After the passage of ten years after receiving such reduced pensions, Sir, these pensioners labour under a justified sense of injustice because they continue to receive the reduced pensions even after the period of ten years on which the commuted pension gratuity was originally calculated. They will, under the present regulations, continue to receive the reduced pension till death, even though they have repaid to the Government in full the commuted pension gratuity which they received when they retired.

To appreciate the injustice done to these pensioners, one has to go as far back as 1925 when Sir George Maxwell, the then Chief Secretary to the Government, devised the scheme of commuted pension gratuity for those retiring employees, who had opted for such a scheme. The amount of such gratuity was an amount equal to one-quarter pension spread over a period of ten years. This was not intended to be a 'golden handshake' but a useful device to help the retiring Government servant to clear his debts and may be to put up a modest home, so that he could live in security after retirement. These Government employees signed the option papers fully believing that full pension would be restored to them after the 10th year of their retirement, but to their chagrin and dismay they discovered they had, so to speak, signed their own death warrants when the Government ruled in 1951 that all those options were irrevocable, in that, the pensioners would receive reduced pensions till their death. From 1948

onwards until 1964, they had protested several times, but to no avail. Last year they filed an action against the Government, in which they failed, and lack of funds did not allow them to appeal against the Court's ruling.

Sir, I have taken the trouble to examine the provisions of the Pensions Ordinance, 1951. The Ordinance defines the term "commuted pension gratuity", but nowhere does it specifically provide for commutation of pension. The 1935 reprint of the General Orders had, I understand, a chapter on pensions. Here it was stated quite specifically that pensions cannot be commuted. Article 147 of the Constitution sets out protection of pension rights and it is quite clearly implied that any commutation should be more favourable to the pensioners.

Sir, I would like the Honourable Minister to pass this particular fact on to the Honourable the Prime Minister, and that is, that the pensioners in Ceylon, when they found themselves in the same situation as their counterparts in this country, protested to their Government and, realising that an injustice had been done, the Government of Ceylon in 1964—i.e. last year—restored full pensions for all pensioners after the 11th year. I hope, Sir, that this particular fact will be brought to the Honourable Prime Minister's attention. Is it too much to ask that our Government here should accord the same justice to its own pensioners?

In the United Kingdom pensioners constitute a very significant electoral factor. Political parties in the United Kingdom vie with one another to woo their votes. Unfortunately, in Malaysia, pensioners are electorally insignificant. They are only a few thousands in number and perhaps the Government might have taken better notice of the claims of the pensioners had they been a power to reckon with in times of elections like their counterparts in the United Kingdom. But surely it is morally wrong for any Government to equate justice with political expediency or electoral expediency. When we deal with human problems, num-

bers do not and should not matter. Pensioners are those who have rendered significant service to the community at large. They laid the foundations for the present day Civil Service and we have a responsibility for their welfare. Every year some section of the Public Services get wage increases, but the unfortunate pensioner, as the Honourable Member for Batu has pointed out, has not got a cent's rise in his pension since 1955. But they do not claim any upward revision of their pensions. They only claim restoration of their full pensions, as has been done in Ceylon.

Lest it be said, Sir, that the Government cannot bear any more financial burdens, let me state that statistics will very clearly show that after all pensioners do not live very long after retirement. The restoration of full pension is not going to involve the Government in any financial deep waters, but it will be an appropriate gesture of gratitude for the services rendered by these old people who have up till now been unwept, unhonoured and unsung. And on this note I appeal to the wellknown humanity and generosity of our Prime Minister to do the right thing by the pensioners and especially on the basis of the precedent which has already been set by a sister Commonwealth Government, i.e., the Government of Ceylon. Thank you.

Engku Muhsein bin Abdul Kadir:

Tuan Speaker, saya suka hendak memberi jawapan kepada kedua² ucapan penanggoahan ini dengan sekali gus oleh kerana kedua²-nya itu bersangkutan dengan perkara yang sama ia-itu perkara penshen. Berkenaan dengan perkara memberi balek hak² penshen yang penoh sa-lepas 10 tahun, saya suka menyebutkan bahawa peratoran² yang ada sekarang menetapkan ia-itu sa-saorang pegawai boleh memilih satu antara dua ia-itu sama ada mendapat penshen penoh atau penshen yang di-kurangkan mulai bulan Januari, 1962. Sa-belum tarikh itu tidak ada apa² pemilihan bagi sa-orang pegawai—dia berhak menerima penshen penoh apabila dia bersara.

Sekarang ini, kalau sa-saorang pegawai memilih penshen yang di-kurangkan bersama dengan bonus (gratuity), maka ia akan menerima tiga suku bahagian penshen dan bonus bersamaan dengan satu suku penshen di-kalikan dengan kadar 12.5. Kadar 12.5 ini di-asaskan atas nasihat Actuary dan di-kira sa-telah di-kaji pengagakan berapa lama hidup sa-saorang pegawai yang bersara dan perkiraan faedah atau pun interest. Mula² sa-kali kadar perkiraan-nya ialah 10 tetapi mula² daripada 1hb Ogos, 1964, kadar itu telah di-tambah jadi 12.5.

Saya suka menyebutkan kembali ia-itu di-bawah Undang² Bersara, 1957, kuasa memilih atau option ia-lah terpulang kepada timbangan sa-saorang pegawai yang berkenaan. Tidak-lah mustahak bagi sa-saorang pegawai menjalankan kuasa option (pemilihan) ini. Sa-kira-nya dia tidak hendak menjalankan kuasa pemilihan, maka dia akan mendapat penshen yang penoh. Sa-balek-nya jika dia menjalankan pemilihan maka dia mestilah membuat pengakuan yang bertulis. Pengakuan ini tidak boleh di-batalkan oleh sebab apabila dia menerima pemilihan dia akan mendapat bonus.

Ahli² Yang Berhormat tentu-lah sedar bahawa tindakan mahkamah telah pun di-ambil sa-bagaimana yang telah di-ucapkan oleh salah sa-orang Ahli Yang Berhormat tadi oleh Persatuan Pegawai² Yang Bersara untuk mendapatkan kembali penshen penoh. Keputusan atas tuntutan ini telah pun di-beri baharu² ini dengan penolakan

atas tuntutan mendapatkan kembali penshen penoh itu. Notis rayuan ulang bichara atau pun appeal telah pun di-buat dan sebab itu perkara ini ia-lah *sub-judice* dan tidak boleh di binchangkan dalam Rumah Yang Berhormat ini.

Berkenaan dengan tambahan penshen dan sara hidup kapada pegawai² yang bersara, sa-benar-nya pehak Kerajaan telah pun membuat pertimbangan. Sa-benar-nya tambahan penshen telah pun di-buat dari masa ka-samasa. Sa-buah jawatan-kuasa terpilih telah pun di-lantek dalam tahun 1955 untok mengkaji elaun² sa-belum tahun 1952 kapada pegawai² yang bersara dan juga kapada pegawai² yang bersara kemudian daripada tarikh itu. Shor jawatan-kuasa ini telah pun di-terima oleh pehak Kerajaan pada masa itu dan telah pun di-timbangkan bahawa tambahan tidak akan di-buat sa-hingga ada perubahan 'am gaji² atau pun penambahan sara hidup. Baharu² ini Persatuan Pegawai Bersara sa-Malaya telah meminta perubahan penshen mereka dan penambahan terhadap sara hidup. Oleh kerana di-dapati belum ada lagi penambahan 'am terhadap sara hidup di-buat semenjak penambahan dalam tahun 1952, maka pehak Kerajaan menimbangkan tidak-lah ada sebab untok di-buat tambahan sekarang ini.

Question put, and agreed to.

Mr Speaker: The House do now stand adjourned till 9.30 a.m. tomorrow.

Adjourned at 9.50 p.m.