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PARLIAMENTARY DEBATES

DEWAN RA'AYAT

(HOUSE OF REPRESENTATIVES)

OFFICIAL REPORT

THIRD SESSION OF THE SECOND PARLIAMENT OF MALAYSIA

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KUALA LUMPUR
1968

MALAYSIA

DEWAN RA'AYAT

(HOUSE OF REPRESENTATIVES)

Official Report

Third Session of the Second Dewan Ra'ayat

Monday, 19th September, 1966

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 Deputy Prime Minister, Minister of Defence, 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, TUN DR ISMAIL BIN DATO' HAJI ABDUL RAHMAN, S.S.M., P.M.N. (Johor Timor).

" the Minister of Finance, TUAN TAN SIEW SIN, J.P. (Melaka Tengah).

" the Minister of Works, Posts and Telecommunications, TAN SRI V. T. SAMBANTHAN, P.M.N. (Sungei Siput).

" the Minister of Transport, TAN SRI HAJI SARDON BIN HAJI JUBIR, P.M.N. (Pontian Utara).

" the Minister of Education, TUAN MOHAMED KHIR JOHARI (Kedah Tengah).

" the Minister of Health, TUAN 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, TUAN 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 Labour, TUAN V. MANICKAVASAGAM, J.M.N., P.J.K. (Klang).

" the Minister of Information and Broadcasting, TUAN SENU BIN ABDUL RAHMAN (Kubang Pasu Barat).

" the Minister of Agriculture and Co-operatives, TUAN HAJI MOHD. GHAZALI BIN HAJI JAWI (Ulu Perak).

" the Minister of Lands and Mines, TUAN ABDUL-RAHMAN BIN YA'KUB (Sarawak).

The Honourable the Minister for Sabah Affairs, TUN DATU MUSTAPHA BIN DATU HARUN, S.M.N., P.D.K. (Sabah).

„ the Assistant Minister without Portfolio, TUAN HAJI ABDUL KHALID BIN AWANG OSMAN (Kota Star Utara).

„ the Assistant Minister of National and Rural Development, TUAN SULAIMAN BIN BULON (Bagan Datoh).

„ the Assistant Minister of Culture, Youth and Sports, DATO' ENGKU MUHSEIN BIN ABDUL KADIR, J.M.N., S.M.T., P.J.K. (Trengganu Tengah).

„ the Assistant Minister of Education, TUAN LEE SIOK YEW, A.M.N., P.J.K. (Sepang).

„ the Assistant Minister of Finance, DR NG KAM POH, J.P. (Teluk Anson).

„ the Parliamentary Secretary to the Minister of Health, TUAN IBRAHIM BIN ABDUL RAHMAN (Seberang Tengah).

„ the Parliamentary Secretary to the Minister of Labour, TUAN LEE SAN CHOON, K.M.N., (Segamat Selatan).

„ the Parliamentary Secretary to the Minister of Finance, TUAN ALI BIN HAJI AHMAD (Pontian Selatan).

„ the Parliamentary Secretary to the Deputy Prime Minister, TUAN CHEN WING SUM (Damansara).

„ TUAN ABDUL GHANI BIN ISHAK, A.M.N. (Melaka Utara).

„ TUAN ABDUL KARIM BIN ABU, A.M.N. (Melaka Selatan).

„ WAN ABDUL KADIR BIN ISMAIL, P.P.T. (Kuala Trengganu Utara).

„ TUAN ABDUL RAHMAN BIN HAJI TALIB, P.J.K. (Kuantan).

„ WAN ABDUL RAHMAN BIN DATU TUANKU BUJANG, A.B.S. (Sarawak).

„ TUAN HAJI ABDUL RASHID BIN HAJI JAIS (Sabah).

„ TUAN ABDUL RAZAK BIN HAJI HUSSIN (Lipis).

„ TUAN ABDUL SAMAD BIN GUL AHMAD MIANJI (Pasir Mas Hulu).

„ DATO' ABDULLAH BIN ABDULRAHMAN, S.M.T., Dato' Bijaya di-Raja (Kuala Trengganu Selatan).

„ Y.A.M. TUNKU ABDULLAH IBNI AL-MARHUM 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).

„ TUAN ABU BAKAR BIN HAMZAH (Bachok).

„ TUAN HAJI AHMAD BIN ABDULLAH (Kelantan Hilir).

„ TUAN AHMAD BIN ARSHAD, A.M.N. (Muar Utara).

„ TUAN HAJI AHMAD BIN SA'AID, J.P. (Seberang Utara).

„ PUAN AJIBAH BINTI ABOL (Sarawak).

„ O. K. K. DATU ALIUDDIN BIN DATU HARUN, P.D.K. (Sabah).

„ DR AWANG BIN HASSAN, S.M.J. (Muar Selatan).

„ TUAN AZIZ BIN ISHAK (Muar Dalam).

„ TUAN JONATHAN BANGAU ANAK RENANG, A.B.S. (Sarawak).

„ PENGARAH BANYANG ANAK JANTING, P.B.S. (Sarawak).

The Honourable Tuan Chan Chong Wen, A.M.N. (Kluang Selatan).
„ Tuan Chan Seong Yoon (Setapak).
„ Tuan Chan Siang Sun, A.M.N., P.J.K. (Bentong).
„ Tuan Chew Biow Chuon, J.P. (Bruas).
„ Tuan Chia Chin Shin, A.B.S. (Sarawak).
„ Tuan Francis Chia Nyuk Tong (Sabah).
„ Tuan Chin Foon (Ulu Kinta).
„ Tuan D. A. Dago anak Randan *alias* Dagok anak Randan (Sarawak).
„ Tuan C. V. Devan Nair (Bungsar).
„ Tuan Edwin anak Tangkun (Sarawak).
„ Tuan Syed Esa bin Alwee, J.M.N., S.M.J., P.I.S. (Batu Pahat Dalam).
„ Datin Hajjah Fatimah binti Haji Abdul Majid (Johor Bahru Timor).
„ Tan Sri Fatimah binti Haji Hashim, P.M.N. (Jitra-Padang Terap).
„ Tuan S. Fazul Rahman, A.D.K. (Sabah).
„ Datu Ganie Gilong, P.D.K., J.P. (Sabah).
„ Tuan Ganing bin Jangkat (Sabah).
„ Tuan Geh Chong Keat, K.M.N. (Penang Utara).
„ Tuan Haji Hamzah bin Alang, A.M.N., P.J.K. (Kapar).
„ Tuan Hanafi bin Mohd. Yunus, A.M.N., J.P. (Kulim Utara).
„ Tuan Hanafiah bin Hussain, A.M.N. (Jerai).
„ Tuan Harun bin Abdullah, A.M.N., J.P. (Baling).
„ Wan Hassan bin Wan Daud (Tumpat).
„ Tuan Stanley Ho Ngun Khiu, A.D.K. (Sabah).
„ Tuan Hussein bin To' Muda Hassan, A.M.N. (Raub).
„ Dato' Haji Hussein bin Mohd. Noordin, D.P.M.P., A.M.N., P.J.K. (Parit).
„ Tuan Hussein bin Sulaiman (Ulu Kelantan).
„ Tuan Haji Hussain Rahimi bin Haji Saman (Kota Bharu Hulu).
„ Tuan Ikhwan Zaini (Sarawak).
„ Tuan Ismail bin Idris (Penang Selatan).
„ Tan Sri Syed Ja'afar bin Hasan Albar, P.M.N. (Johor Tenggara).
„ Penghulu Jinggut anak Attan, Q.M.C., A.B.S. (Sarawak).
„ Tuan Kadam anak Kiai (Sarawak).
„ Tuan Kam Woon Wah, J.P. (Sitiawan).
„ Tuan Thomas Kana (Sarawak).
„ Tuan Khoo Peng Loong (Sarawak).
„ Tuan Edmund Langgu anak Saga (Sarawak).
„ Tuan Lee Seck Fun, K.M.N. (Tanjong Malim).
„ Tuan Amadeus Mathew Leong, A.D.K., J.P. (Sabah).
„ Dato' Ling Beng Siew, P.N.B.S. (Sarawak).

The Honourable Dr Lim Chong Eu (Tanjong).
" Tuan Lim Pee Hung, p.j.k. (Alor Star).
" Tuan Peter Lo Su Yin (Sabah).
" Dr Mahathir bin Mohamad (Kota Star Selatan).
" Tuan T. Mahima Singh, j.p. (Port Dickson).
" Tuan C. John Ondu Majakil (Sabah).
" Tuan Joseph David Manjaji (Sabah).
" Dato' Dr Haji Megat Khas, d.p.m.p., j.p., p.j.k. (Kuala Kangsar).
" Tuan Mohd. Arif Salleh, a.d.k. (Sabah).
" Dato' Mohamed Asri bin Haji Muda, s.p.m.k. (Pasir Puteh).
" Orang Tua Mohammad Dara bin Langpad (Sabah).
" Tuan Mohd. Daud bin Abdul Samad (Besut).
" Tuan Mohamed Idris bin Matsil, j.m.n., p.j.k., j.p. (Jelebu-Jempol).
" Tuan Mohd. Tahir bin Abdul Majid, s.m.s., p.j.k. (Kuala Langat).
" Tuan Mohamed Yusof bin Mahmud, a.m.n. (Temerloh).
" Tuan Mohd. Zahir bin Haji Ismail, j.m.n. (Sungei Patani).
" Wan Mokhtar bin Ahmad (Kemaman).
" Tuan 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).
" Tuan Mustapha bin Ahmad (Tanah Merah).
" Tuan Ng Fah Yam (Batu Gajah).
" Tuan Ong Kee Hui (Sarawak).
" Tuan Haji Othman bin Abdullah (Hilir Perak).
" Tuan Othman bin Abdullah, a.m.n. (Perlis Utara).
" Tuan Quek Kai Dong, j.p. (Seremban Timor).
" Tuan Haji Rahmat bin Haji Daud, a.m.n. (Johor Bahru Barat).
" Tuan 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).
" Tuan Sandom anak Nyuak (Sarawak).
" Tuan Seah Teng Ngiab, p.i.s. (Muar Pantai).
" Tuan D. R. Seenivasagam (Ipoh).
" Tuan Sim Boon Liang, a.b.s. (Sarawak).
" Tuan Siow Loong Hin, p.j.k. (Seremban Barat).
" Tuan Snawi bin Ismail, p.j.k. (Seberang Selatan).
" Tuan Sng Chin Joo (Sarawak).

The Honourable Tuan Soh Ah Teck (Batu Pahat).
" Tuan Suleiman bin Ali (Dungun).
" Tuan Sulaiman bin Haji Talib (Krian Laut).
" Pengiran Tahir Petra (Sabah).
" Tuan Tajuddin bin Ali, P.J.K. (Larut Utara).
" Tuan Tai Kuan Yang (Kulim Bandar Bharu).
" Tuan Tama Weng Tinggang Wan (Sarawak).
" Dr Tan Chee Koon (Batu).
" Tuan Tan Cheng Bee, J.P. (Bagan).
" Tuan Tan Kee Gak (Bandar Melaka).
" Tuan Tan Toh Hong (Bukit Bintang).
" Tuan Tan Tsak Yu (Sarawak).
" Tuan Tiah Eng Bee (Kluang Utara).
" Tuan Toh Theam Hock (Kampar).
" Tuan Yeh Pao Tze (Sabah).
" Tuan Stephen Yong Kuet Tze (Sarawak).
" Tuan Haji Zakaria bin Haji Mohd. Taib, P.J.K. (Langat).

ABSENT:

The Honourable the Prime Minister, Minister of Foreign Affairs and Minister of Culture, Youth and Sports, Y.T.M. Tunku Abdul Rahman Putra Al-Haj, K.O.M. (Kuala Kedah).
" Tuan Lim Kean Siew (Dato Kramat).
" Tuan Haji Mokhtar bin Haji Ismail (Perlis Selatan).
" Tan Sri 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).
" Dato' S. P. Seenivasagam, D.P.M.P., P.M.P., J.P. (Menglembu).

PRAYERS

(Mr Speaker *in the Chair*)

Tuan Edmund Langgu anak Saga (Sarawak): Mr Speaker, Sir, may I be permitted to make a short declaration this morning?

Mr Speaker: Will you please sit down. (*Tuan Edmund Langgu anak Saga resumes his seat*).

ANNOUNCEMENT BY MR SPEAKER

WITHDRAWAL OF CERTAIN MEMBERS OF PARLIAMENT FROM SARAWAK FROM THE GRAND ALLIANCE

Mr Speaker: Honourable Members, I have received a letter from the Sarawak National Party informing that the Honourable Mr Edmund Langgu anak Saga, the Honourable Mr Kadam anak Kiai, the Honourable Mr Edwin anak Tangkun and the Honourable Mr Sim Boon Liang have withdrawn from the Grand Alliance and that arrangements may therefore have to be made to place them in the Opposition side of the House. (*Applause*).

I regret that it is rather late in the day to make the change in the seating arrangements as requested by them, and I do hope that they will not mind it for this sitting.

Tuan Edmund Langgu anak Saga: Mr Speaker, Sir, may I make a short declaration regarding that letter?

Mr Speaker: Regarding what?

Tuan Edmund Langgu anak Saga: Regarding that letter which you have read to the House.

Mr Speaker: I can't hear you.

Tuan Edmund Langgu anak Saga: Regarding that letter which you have read to the House this morning.

Mr Speaker: I have already announced my decision as to the seating arrangements. Is there anything further?

Tuan Edmund Langgu anak Saga: Yes, just a little bit, Mr Speaker.

Mr Speaker: I do not think this is the time for it.

Tuan Edmund Langgu anak Saga: Just for one minute.

Mr Speaker: No, I am sorry. We must keep the order of the House.

Tuan Edmund Langgu anak Saga: Thank you, Mr Speaker, Sir.

STATEMENT BY THE DEPUTY PRIME MINISTER PROCLAMATION OF STATE OF EMERGENCY IN SARAWAK

The Deputy Prime Minister (Tun Haji Abdul Razak): Mr Speaker, Sir, the Government has asked for this Emergency Meeting of Parliament today in order to enable the Government to acquaint the Honourable Members of this House and of the Senate of the serious situation that has developed in Sarawak in the last several days. This serious situation poses a grave threat not only to the security of the State of Sarawak but also to the whole country. In order to deal with this situation, the Government has proposed to take measures which are contained in the Bill that I intend to introduce to this House immediately after this.

As Honourable Members are aware, for some months since the middle of June this year, there has been a constitutional and political crisis in Sarawak. This crisis started on the 14th of June, 1966, when twenty-one members of the Council Negri wrote a letter to the Governor stating that they no longer had confidence in Dato' Stephen Kalong Ningkan as Chief Minister and this letter was handed to the Governor on the 16th of June, 1966. The Governor of Sarawak, after satisfying himself that these members really and truly had no confidence in the Chief Minister and that the Chief Minister had ceased to command the confidence of the majority of the members of the Council Negri, called on Dato' Stephen Kalong Ningkan to tender his resignation and that of the Members of the Supreme Council on the 16th of June, 1966. As Dato' Stephen Kalong Ningkan was ill and could not present himself to the Istana to see the Governor, he wrote to the Governor indicating that he did not wish to tender his resignation; whereupon on the 17th of June, the Governor wrote to Dato' Stephen Kalong Ningkan stating that as he had refused to tender his resignation and that of the members of his Supreme Council, the Governor declared that Dato' Stephen Kalong Ningkan and members of his Supreme Council had ceased to hold office with immediate effect and appointed the Honourable Penghulu Tawi Sli, the leader of the majority group in the Council Negri, to form the Government and appointed him as the Chief Minister.

As a result of this, Dato' Stephen Kalong Ningkan instituted proceedings in the Sarawak High Court requesting a declaration by the Court that the Governor had acted unconstitutionally and that his dismissal as Chief Minister was *ultra vires* and void. The High Court of Sarawak declared in a judgement, announced on the 7th of September, that the Governor had no power to dismiss the Chief Minister under the present Constitution of the State of Sarawak and that the only way to show the loss of confidence of the Members of the Council Negri in its Chief Minister is by a vote on the floor of the House. The Court had, therefore, declared that Dato' Stephen Kalong Ningkan was still *de jure* Chief Minister of Sarawak. As a result of this, twenty-five out of the forty-two members of the Council Negri of Sarawak who had lost confidence in Dato' Stephen Kalong Ningkan wrote a letter to the Speaker, with a copy to the Chief Minister, requesting the Speaker to convene a meeting of the Council Negri in order

to test the confidence of the Council in Dato' Stephen Kalong Ningkan as Chief Minister. The Speaker replied to that letter stating that he had no powers to call a meeting of the Council Negri and that the Council Negri could only be convened at the request of the Supreme Council or of the Governor acting on the advice of the Council. Since that day, the twenty-five members had repeatedly made a request to the Governor to convene a meeting and the Governor wrote three times to the Chief Minister and twice to the Speaker requesting that a meeting of the Council Negri be held in order to resolve this deadlock.

Although the Court had declared Dato' Stephen Kalong Ningkan as *de jure* Chief Minister, it was clear that the majority of the members of the Council Negri had expressed a lack of confidence in him and following accepted democratic practice it would be the duty of the Chief Minister in such circumstances not only to convene a meeting of the Council Negri but also to tender his resignation. Now, it was clear that the Chief Minister had refused to do either and the Governor had no power to convene a meeting of the Council Negri. This political deadlock had caused the situation in Sarawak to deteriorate seriously during the last few days. It is clear that with the already serious security situation posed by the Communist Clandestine Organisation, the situation constituted a very grave security threat not only to Sarawak but to the whole of Malaysia.

Mr Speaker, Sir, I would like to inform Honourable Members that the general security situation in Sarawak despite the end of confrontation and the signing of the Peace Treaty with Indonesia, remains very tense. This is clearly explained by the Government White Paper which is tabled before the House today. The strong and entrenched Communist Organisation has been in existence in Sarawak for several years. It now comprises over a thousand hard-core members and several thousand supporters and sympathisers throughout this region. An assessment of documents captured over the past few months and in the interrogation of captured Communist elements indicate, beyond any doubt, that the Sarawak Communist Organisation has been making preparations for an armed struggle in the State.

An important directing cadre of the Sarawak Communist Organisation attended a recent Afro-Asian Writers' Emergency Meeting held in Peking from the 27th June to the 9th of July. At this meeting, a resolution on "North Kalimantan" was passed which reflects current intentions of the Chinese Communist Party towards Sarawak in the immediate future. The resolution stated that "the line of struggle for national liberation of North Kalimantan is to take up arms and fight resolutely until Malaysia is completely crushed." And in order to wage armed struggle it is necessary to have the courage to stir up peasants and take roots in the rural areas because it is only in this way that it is possible to apply the strategy of using the rural areas to surround the towns and cities.

Now, also following the aftermath of the Brunei rebellion, it was estimated about seven hundred members and supporters of the Sarawak Communist Organisation had crossed the border into Indonesia to receive intensive indoctrination of Communist ideology and training in guerilla warfare by the Partai Komunis Indonesia. A large number of these people, who have completed their training, have now returned to Sarawak to step up the guerilla war, and the remainders have now organised themselves into several armed units which are operating along the border from several established bases. Also, during the period of confrontation, when Government Security Forces were busily engaged against external threat, Communist elements in Sarawak had taken the opportunity to prepare several bases for eventual armed struggle.

Within the last few months, there have been serious preparations and activities by the Sarawak Communists

as clearly shown by the following facts:

(*a*) Reliable reports of arms training in five separate areas of First Divisions;

(*b*) The discovery by Security Forces of four Communist jungle camps found in First, Second and another in Third Divisions;

(*c*) Two Communist arms dumps recovered near Sibu earlier this year and, in August 1966, 3 arms dumps were recovered near the 30th mile along the Kuching/Serian Road. The latter contained Sten guns, hand grenades, T.N.T. slabs, anti-personal mines and a large amount of miscellaneous ammunition;

(*d*) The discovery by Security Forces of seven secret, well-constructed and sophisticated hiding places—three in First Division, three in Second Division and one in the Third Division. These were to harbour armed returnees from Kalimantan and to be used as guerilla warfare bases. Reports of many others are under investigation;

(*e*) Lastly, there have been two major incursions by armed Sarawak Communists into First Division this year. The aims of each were to set up a small Communist liberated area, train local Communist cadres and to expand guerilla warfare.

Now, Sir, in order to give the Communists and their supporters a chance to give up their struggle following the Bangkok talks, the Government issued surrender terms to all those who had taken up arms or joined illegal subversive organisation. So far only 10 persons have given up and it is quite clear that the remainder wish to continue their defiance of the Government.

Apart from the armed struggle, the Sarawak Communist Organisation has made considerable progress in its constitutional struggle. Honourable Members are already aware that Communist penetration of the Sarawak United People's Party (S.U.P.P.) is widespread at Branch level, and Communist presence there is reflected from time to time in various aspect of illegal activity often embarrassing to S.U.P.P. party leadership. The United Front is also working hard in the trade unions and in Sarawak schools, Thus the Communists United Front in Sarawak is well led and able to take advantage of any situation as it arises.

The Communist Organisation in Sarawak and along the Indonesian border has organised a widespread United Front and has passed the point of no return in its preparation for the armed struggle. The security situation in Sarawak is in many ways, approaching the same state of preparedness for their armed struggle as was achieved by the Communist Party of Malaya in 1948.

Therefore, Mr Speaker, Sir, it can be clearly seen that the security situation posed by the Communists in Sarawak is serious and the Government is taking appropriate measures to deal with the situation. However, with the withdrawal of the British and Commonwealth troops from Sabah and Sarawak, our own security forces will be completely stretched to deal with the Communist situation in Sarawak as well as on the borders between Thailand and Malaysia. Thus, if in addition to dealing with the serious Communist threat there is political unrest and uncertainty, quite obviously the Government, with its existing resources, might well find it difficult to cope with the situation. The Government's plan for meeting this Communist threat has been in the past, and still is at present, based on the assumption that there is political stability in the country and there is a stable Government both at the Federal and at the State level.

The Federal Government, therefore, taking all these factors into consideration, came to the conclusion that the present serious situation due to the constitutional and political crisis in Sarawak, in addition to the already serious security threat of the country by the Communist Organisation poses a grave threat to the security of

Sarawak as well as the whole of Malaysia. The Federal Government, therefore, considered that in the interest of peace and security of Malaysia and of Sarawak, for which the Federal Government is responsible, it must take measures to bring an end to this political instability.

Having given careful and serious consideration to all these matters, the Cabinet on Wednesday, 14th of September, 1966, had advised the Yang di-Pertuan Agong to proclaim under Article 150 (1) of the Constitution a state of Emergency for the State of Sarawak and to summon Parliament that necessary legislation be passed to deal with the situation.

Mr Speaker, Sir, I would like to state that the measures proposed by the Government are merely to see that real democracy is practised in Sarawak and accepted democratic practices are adhered to. As I have explained, the constitutional and political position in Sarawak is that the Chief Minister, who knows that he does not enjoy the confidence of the Council Negri, is duty bound under democratic principles and convention and in accordance with the spirit of the Constitution, not only to convene a meeting of Council Negri to test members' confidence in him but also to tender his resignation when he was lost their confidence. In the present circumstances, it clearly shows that he does not want to follow these accepted democratic practices. Therefore, it is proposed to introduce a Bill to this House, immediately after this, to amend the Constitution of the State of Sarawak to give the Governor powers to convene meeting of the Council Negri in order that the question of confidence in the present Government of Sarawak may be put to test and also the power to dismiss the Chief Minister or the Government from office if that Government or that Chief Minister refuses to resign after he has received a vote of no-confidence in the Council Negri.

Therefore, Sir, it can be seen that the measures proposed by the Government are neither abnormal nor drastic. They are measures strictly in accordance with the principle of our democratic Constitution—measures which are designed to secure compliance with accepted democratic practices. If the present Government of Sarawak secures a majority support, then, of course, they carry on with the Government. But if they are defeated by a vote of no-confidence, then following accepted democratic practice, a new Government will take its place which will command the confidence of the majority of the Members of the Council Negri. There is no suggestion of an administrative takeover, or of government by decree. The democratic process will take its course, and any measures adopted to deal with the situation will have the full weight of the authority of Parliament. These measures are to ensure, as I said, that democratic principles are upheld and adopted to the letter and the spirit of the Constitution.

The Federal Government has indicated, on a number of occasions, that it resolved to introduce direct elections in the State of Sarawak as soon as practicable and preparations towards this end are now in train and it is confident that a General Election will be held some time next year.

The measures now proposed are designed merely to maintain political stability during the interim period until the General Election so that Sarawak will have a stable Government to enable us to face the serious Communist threat to the security of the State. I would also like to add, Sir, that the measures proposed are merely temporary to last only for the duration of the state of Emergency that has just been proclaimed. With the end of this state of Emergency, the provisions under the legislation which is before the House now will lapse. I repeat, Sir, that these provisions are now temporary and will lapse under Article 157 of the Constitution, six months after the state of Emergency comes to an end.

I would like, Sir, Members of this House, particularly those from Sarawak and the members of the public in general, and again in particular, those from Sarawak, to keep calm and to co-operate with the Government in

every way possible to maintain law and order. The Government, through its Information Services, Radio and Television, will do its best to keep the public informed from time to time on any developments. I would ask members of the public not to listen to any rumours and not to do anything that would aggravate the already serious security situation and to do everything possible to assist our Security Forces in maintaining law and order.

As I have said and I repeat again, Sir, the measures the Government had decided to take are not in any way abnormal. They are measures provided for under our Constitution to ensure that the principles of democracy are upheld and accepted democratic practices are complied with. I would like, Sir, to pay my tribute to the Governor and the sensible and loyal leaders in Sarawak who had maintained considerable patience and showed such courage during these weeks and days of trials and anxiety and I do hope that these measures, when approved by Parliament, will bring an end the present serious constitutional and political crisis and that the Government and the people will stand together solidly to face enemies of the State who are doing all they can to bring chaos and unrest to our country and to destroy our democratic way of life and all that we stand for.

In conclusion, I would like to appeal to Members of this House and the country at large that we are still faced with a serious Communist threat to our existence, to our independence and sovereignty, and I would ask all of you to place the interests of our country and our people above everything else and that we must be prepared to make any sacrifice and pay any price for our freedom and our happiness and for the peace and security of our country. (*Applause*).

BILL PRESENTED

THE EMERGENCY (FEDERAL CONSTITUTION AND CONSTITUTION OF SARAWAK) BILL

Bill to amend the Federal Constitution and to make provision with respect to certain constitutional matters in the State of Sarawak, consequent upon a Proclamation of Emergency having been issued and being in force in that State; presented by the Deputy Prime Minister; read the first time; to be read a second time at this sitting of the House.

BUSINESS MOTION

(ADJOURNMENT SINE DIE)

Tun Haji Abdul Razak: Mr Speaker, Sir, I beg to move that at its rising today the House shall stand adjourned *sine die*.

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

Question put, and agreed to.

Resolved,

That at its rising today the House shall stand adjourned *sine die*.

SUSPENSION OF STANDING ORDER 48

(MOTION)

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

That, with the consent of Mr Speaker, Standing Order 48 be suspended for the duration of this meeting.

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

Question put, and agreed to.

Resolved,

That, with the consent of Mr Speaker, Standing Order 48 be suspended for the duration of this meeting.

THE EMERGENCY (FEDERAL CONSTITUTION AND CONSTITUTION OF SARAWAK) BILL

Second Reading

Tun Haji Abdul Razak: Mr Speaker, Sir, I beg to move that the Bill intituled, "an Act to amend the Federal Constitution and to make provision with respect to certain constitutional amendments to the State of Sarawak, consequent upon the Proclamation of Emergency having

been issued and being in force in that State" be read a second time.

Sir, I have just explained to this House the various events that took place in Sarawak since the middle of June this year which brought about the present constitutional and political crisis in that State. This crisis has resulted in a serious situation, constituting a grave threat to the security of Sarawak and of Malaysia as a whole. Under these circumstances, the Federal Government, which is responsible for the security of this country and for safeguard the interests of the people, has a duty to see that the present dangerous state of affairs is brought to an end. The Federal Government has, therefore, decided to take certain measures, as contained in this Bill, to ensure that democratic principles are upheld and accepted democratic practices complied with.

As I have explained, Sir, the proper constitutional and democratic course of a head of Government to take, when the confidence of the House in his administration is in question, is to submit to a vote in the House and resign if that vote is against him. Now, it is clear that the Chief Minister of Sarawak has refused to do this. The Chief Minister and the present Government are taking refuge as it were in the constitutional provision, whereby the Council Negri cannot be summoned to meet, except on the advice of the State Government. By doing so, it endeavours to prolong the life of the Council, despite the fact that the clear majority of the members of the Council have indicated by action taken outside the Council that they no longer have confidence in the Chief Minister and the present Government.

As Honourable Members are aware, and as I have just explained, 25 members of the Council Negri have written to the Speaker and the Chief Minister and have petitioned the Governor requesting that the Council Negri be summoned as soon as possible in order to test the confidence of the Council Negri in the present Government. The Governor has no power to convene a meeting of the Council Negri, except on the advice of the Supreme Council. Therefore, in order to enable the majority view of the members of the Council Negri to be given effect to, the Government proposes in this Bill to give the Governor the power to convene a meeting of the Council Negri and also the power to dismiss the Government in office, or the Chief Minister who refuses to resign when a vote of non-confidence has been passed against him.

Sir, as I have just explained, the Government is taking these measures merely to see that the accepted democratic practices are adhered to and in preparing this Bill great care has been taken to interfere as little as possible with the ordinary democratic processes by which effect is given to public opinion in the Legislature of the State. The Government has no desire to assume executive authority though it has the power, by virtue of the Proclamation of the state of Emergency, to do so under Clause (4) of Article 150 of the Constitution.

Sir, this Bill also empowers the Governor to convene a meeting of the Council Negri to test the confidence of the Council Negri in the present Government, following the accepted democratic practice. If the present Government loses on the vote of no confidence, then it must resign and another Government takes its place.

Sir, as stated in the Explanatory Statement, this Bill is only a temporary measure to deal with the serious situation concerning the security of Sarawak and the whole of Malaysia. The provisions of this Bill will lapse as soon as this state of Emergency ceases. Also, the Federal Government has pledged, as I have explained just now, to hold elections in Sarawak as soon as necessary preparations are made for holding such elections. Therefore, these measures are merely to ensure that Sarawak has a stable Government in the interim period until general elections are held when the people of Sarawak will be given an opportunity to exercise their right and to elect a Government of their own choice.

As I have said, Sir, this Bill merely seeks to secure an early meeting of the Council Negri and to give effect to the will of the majority of the Members expressed at that meeting. We are not seeking to suspend the Constitution. We are not changing the Constitution of Sarawak in the real sense of the word. We are merely saying that notwithstanding the omission in the Constitution of Sarawak, as pointed out by the Sarawak High Court, the will of the majority of the people as represented in the Council Negri should be allowed to prevail. The measures proposed are, therefore, neither abnormal nor drastic, but merely measures which are allowed under our Constitution to ensure that democratic practices are adhered to and that Sarawak enjoys a stable Government during this interim period while preparations are being made for the holding of general elections. As I have explained just now, with the very serious security threat in Sarawak posed by the Communist Organisation, we cannot afford to have a serious political uncertainty, which means we will be playing into the hands of the Communists, of the enemies of our country. Under the circumstances, Sir, I am confident that this Bill will receive the support of this House and of the Senate as well as the support of the loyal citizens of our country.

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

The Minister for Sarawak Affairs (Tan Sri Temenggong Jugah): Tuan Yang di-Pertua, saya menyokong.

Tuan D. R. Seenivasagam (Ipoh): Mr Speaker, Sir, there are two points, which I would first like to refer to in the speech by the Honourable Deputy Prime Minister. The first is that the Honourable Deputy Prime Minister has tried very hard to link up the necessity for this extreme legislation with the Communist threat in Sarawak. Now, the answer to that comes very simply from *The Times*, published in London of course—and I am reading an extract from the *Straits Times*—which says,

"the reasons given for a state of Emergency, says *The Times*, are thin. The Communist threat in the jungle is real, but it is hard to understand why it has suddenly become worse."

Mr Speaker, Sir, let us not try to pull wool over anybody's eyes, because I think in this instance the Government has gone one step too far and no amount of trying to link up Communism with the present legislation before this House will work. There is already a declaration of an Emergency in Sarawak and in Malaysia. All powers under that declaration of Emergency are still within the hands of the Central Government and all those powers are sufficient to deal with the Communist threat. The present declaration of an Emergency gives no greater powers to deal with the Communist threat as such.

Mr Speaker, Sir, that being so, let us go into the true reasons for this proposed amendment to the Constitution. To appreciate the true reasons, or the sinister motives, for this legislation, one must go back very briefly to Malaysia itself. At the formation of Malaysia, warnings were given by the Opposition that it was wrongly formed, that it was a Frankenstein in the making and that it was a Frankenstein which would bring this country to the verge of war, which it in fact did. It was a Frankenstein which led almost to racial conflicts between this country and the neighbours across the Causeway; it was a Frankenstein which brought increased taxation, increased hardship, with no resultant benefits to the people of Malaya proper. That is the history of Malaysia.

Mr Speaker, Sir, Constitutions were drawn up throughout the world. We have written Constitutions and we have unwritten Constitutions, and we all know that those in power are very slow. very reluctant to tamper with Constitutions, whether they are written or whether they are unwritten, for very good reasons which are known to all of us. The Constitutions are sacred Conventions, and Constitutions are drawn up by experts. What the Honourable Deputy Prime Minister calls a gap in the Constitution of Sarawak, I say, was a deliberate gap left in by the framers of the Constitution to see that nobody in power can set up a dictatorship in any of the States of Malaysia. There can be no other reason why that gap was left in the Constitution of Sarawak.

Mr Speaker, Sir, there is a lot of talk by the Alliance Government, by people like the Honourable Penghulu Tawi Sli, of democracy and that the democratic way is to get a vote of confidence or no confidence. Why was this democratic way thrown to the winds when the Governor of Sarawak thought that he could be a dictator, that there would be no power on earth that could question his right, but thanks to the judiciary, he was soon put right and taught that there can be no dictatorship in Malaysia and all those who thought that there could be dictators were taught a jolly good lesson by the Court.

However, Sir, the important point is this. If the situation is what it is today as stated by the Deputy Prime Minister, who brought about this situation? Was it Dato' Stephen Kalong Ningkan, or was it the Alliance leaders who flew to Sarawak who advised on the Constitution, and advised wrongly? Not only in this instance but in almost every instance of constitutional construction, this Government has been wrong according to judicial authorities. I say it is a crying shame, because in the case of Sarawak it did not need any constitutional expert to tell you that the Governor had no power to sack the Chief Minister. Mr Speaker, Sir, I do not think that it is humanly possible for either the Attorney-General's Department or the Solicitor-General's Department to have advised otherwise, and it would be interesting to know whether judicial opinion was obtained before Alliance leaders from Kuala Lumpur flew to Sarawak and advised, obviously, the Governor that he had the power to sack and to dismiss at will and pleasure. Mr Speaker, Sir, the action of the Government in the first instance brought shame and disgrace to a country which preached democracy, which was supposed to be practising democracy, to such an extent that the world opinion today, as reflected in the newspapers, is clear in that they do not have confidence that Malaysia or Malaysian leaders have that amount of diplomacy to solve problems, because *The Times* also in the same article says, "it will require diplomacy hitherto not shown by the Government leaders in this country to solve the Sarawak problems." Mr Speaker, Sir, that is a condemnation of a long series of unconstitutional acts by this Government.

Today, we are told that Dato' Stephen Kalong Ningkan should call a meeting of the Council Negri and put his popularity with the Council Negri members to the vote. Now, I agree that in normal circumstances that would have been the proper advice and I have no doubt the Chief Minister would have called a meeting, if the circumstances were normal. Here, I join issue with the Honourable Deputy Prime Minister, when he says that Dato' Stephen Kalong Ningkan refused to resign in his letter to the Governor. I join issue and I say, produce the letter where he says he refuses to resign, because the information, if I am correct, if I am wrong I shall apologise, is that he never said in his letter he would not resign but that announcement was made by the Governor off his own bat. If that letter is available, I do ask that in the interest of everybody concerned it be read out to see whether the Chief Minister refused to resign. The information I have is that he did not refuse to resign.

Mr Speaker, Sir, on his dismissal the Chief Minister took the matter to Court. A declaration was obtained, as said by the Deputy Prime Minister, stating that his dismissal was illegal and unconstitutional. What did the Honourable Penghulu Tawi Sli do just a few hours before judgment was delivered? He called an urgent meeting of the Alliance members of the Council Negri, and, according to the Press, he called that urgent meeting because he was afraid, or there were rumours, that there would be tamperings with these Alliance Members. All right, there you have the first signs of allegations of tamperings with members of the Council Negri.

The next thing we hear is that the former Chief Minister is reinstated, and he goes back to his office. What do we hear next? Affidavits, sworn documents, by Members of the Council are filed and it was published to the whole world, "I have got affidavits". What are

affidavits? Affidavits are sworn documents. Where were these documents sworn? They were sworn in the Governor's house. The Magistrate or the Commissioner for Oaths was called to the Governor's house and the affidavits were signed in the Governor's house. Now, they may seem innocent documents, but not to the man who signs an affidavit; and from court proceedings we hear that some of these members are very simple folks; they say: "Don't bother me, I am looking after my goats. I do not know how Bills were passed in the Council Negri even." What is the effect on the mind of these members?—"I have sworn an affidavit, if I go back on this affidavit, I can go to jail"—and I have no doubt that they were so threatened with being sent to jail if they change from the affidavits.

What is the next we hear? A demonstration. The official version of the demonstration is—the official Central Government version on Television and Radio—that it was a peaceful demonstration which dispersed as soon as the Police arrived. Pictures in Sarawak newspapers show that it was a demonstration mainly of ladies carrying significant banners, "Ningkan has violated the Constitution of Sarawak". In any event, it was a peaceful demonstration.

Then, what do we hear? All the Alliance Members of the Council Negri, or the majority of them, are herded into a house. Whose house?—that of the Honourable Member for Sarawak Affairs. Together with the Honourable Tawi Sli, they were herded into the house. Then, the day before yesterday, one Member said, "I want to go home. My wife is not well." All right. Was he allowed to go home? No. What does today's *Straits Times* say? The Honourable Penghulu Tawi Sli got him to sign a declaration, undertaking that he would appear at such a place on such a date, that he is against the Chief Minister. After signing that he and his son were allowed to go home.

Mr Speaker, Sir, what are the inferences that rational human beings are to draw from this? That the Honourable Penghulu Tawi Sli and his group are guilty of kidnapping and wrongful detention of Members of the Assembly (*Applause*). That is what it is. And if this Government wants to maintain law and order in Sarawak, arrest those persons and charge them for kidnapping, because they are the kidnappers and nobody else.

Mr Speaker, Sir, what was the need for these Members to seek protection, as it was put? Against whom? Anybody in this House, any Police records, Police information to show one act of hostility, of violence, in Sarawak since this constitutional crisis arose? Throwing of stones on the Speaker's house? Certainly it cannot be by Dato' Stephen Kalong Ningkan's gang, if there is a gang. If anybody did it, it is the Alliance gang, because the Speaker stood up to his rights and the rights of the Constitution and the people of Sarawak. If anybody organised it, it is organised from the other side of the House.

Mr Speaker, Sir, the throwing of a few stones cannot justify amendment to a Constitution of a country. I ask the Deputy Prime Minister to give us in detail what are the acts of violence attributable directly to the constitutional crisis in Sarawak which has brought about the necessity for this Amendment Bill and, in particular, for another declaration of an Emergency? If there are not acts justifying the new declaration of an Emergency, then there is no justification for that declaration. Mr Speaker, Sir, I have tried to look up as best as I could whether a new declaration of Emergency is necessary before this Amendment Bill can come to this House. Now, I have been advised that is not necessary, that an Amendment Bill of this nature could come before this House without the new declaration of Emergency. Now, if that is so, I am subject to correction there, then the new declaration of Emergency is a sham, a bluff to sidetrack the real issue, to try and excite the people of Sarawak by saying, "Oh, there is now a new danger in your country. Therefore, all these moves are necessary," when, in fact, the danger has existed from 1963 onwards and 1964 when the declaration of Emergency was already made.

Mr Speaker, Sir, what are the powers which this Bill seeks to give. The Honourable Deputy Prime Minister said that this Bill will be there so long as the emergency situation lasts. Which emergency situation? The Constitutional and political emergency situation, or the emergency situation relating to Communists and Communism? If the Honourable Deputy Prime Minister means that it will last so long as the Communist emergency situation lasts in Sarawak, then I say it will last for 10 years, if a day, and it is by no means temporary legislation. If you mean it will last only so long as the constitutional crisis is in Sarawak and so soon as it is solved it will be revoked or disappear, then it should disappear according to the Honourable Minister for Sarawak Affairs within seven days, because he hopes to solve the Constitutional crisis in seven days. I would like clarification. Is this going to be revoked in seven days after a vote of confidence or no confidence has been taken in the Council? Is this legislation going to be revoked by this House, because it must be revoked by this House? Otherwise it must last for at least six months. Do we have that assurance that as soon as the Constitutional crisis is resolved, this law, if it becomes law today, will be revoked? If we have that, at least, I won't speak one word more, and I am sure many of the Opposition members will choose to sit down if we have that assurance—as soon as the vote is taken this will cease to be law. But I know that this Government will not give that assurance, because this Government is not confident of its own men, because this Government thinks that in Sarawak tomorrow today's Chief Minister may become somebody else of another party. They know that they have lost confidence in Sarawak. They dare not hold elections in Sarawak, because they know the results of these elections if they hold them now. So when we speak of this legislation being temporary . . .

The Minister of Home Affairs (Tun Dr Ismail): On a point of clarification if the Honourable Member will yield. Does he speak for all the Opposition Members when he says that if the Government gives the assurance none of them will speak and that this meeting will terminate very quickly? (*Applause*).

Tuan D. R. Seenivasagam: If you give an assurance that after seven days the Government will revoke this law.

Tun Dr Ismail: This is just for information, Sir. Does he speak for all Members of the Opposition over there?

Dr Tan Chee Khoon: If it is on that particular issue, Mr Speaker, Sir, if the Government will assure this House that (*Interruption*) . . . this monstrous Bill wil be revoked.

Tuan D. R. Seenivasagam: Mr Speaker, Sir, that assurance is given by the whole of the Opposition—an unequivocal understanding that as soon as the Chief Minister of Sarawak is chosen this Bill will be revoked by this House (*Interruption*)—at least the Members from Sarawak will not speak. If that assurance is given I myself will support this Bill to solve the deadlock in Sarawak, although it is not the best way to solve it, but for a period of seven days it does not matter.

Mr Speaker, Sir, now coming back to the effect of this Bill, the effect of this Bill, in one word, will be law by dictatorship. Every Minister in Sarawak, every Chief Minister in Sarawak will be in perpetual fear of the Governor of Sarawak. Who is the Governor of Sarawak? A man appointed by the Central Government, by His Majesty the King on the advice, we know, of whom, in consultation with whom. His loyalty will be to the Central Government, at the time of appointment, during his period of office, and during his days of work, loyalty first, loyalty last to the Central Government—to Sarawak, no loyalty; but loyalty to his Party and to the Central Government. Under this law, if it remains law after seven days—I mention seven days because the Honourable Minister for Sarawak Affairs is so confident that the issue will be solved in seven days—how do you expect the Ministers to work in peace and in confidence when the Governor at the stroke of a pen can say, "Get out I do not want you to be a Minister any more." How do

you expect the Chief Minister to work in peace when the Governor can say, "Get out, I do not want you?" How do you expect the Speaker of an Assembly to be in peace, to be impartial when the Governor can say, "Get out, I do not want you"—and he has not got to consult anybody on earth to do all these? Is that democracy? Is that what the Honourable Deputy Prime Minister says, "We are preserving democracy by this Bill?" By stretching it far and wide, you may say, "Well, we are trying to preserve democracy by this interim Bill", but that is not what you are saying. You are saying that so long as the Emergency lasts, this will be law. Which Emergency, may I ask? Mr Speaker, Sir, that being so, we ask this: Is it not a brazen attitude to adopt that where a Chief Minister and his party quarrel you say, "Well, we will amend the Constitution?" And, when do you say you will amend the Constitution? When a court of law declares that the Constitution protects the Chief Minister. Are you not violating, are you not prostituting, the powers of the courts in this country? Are you not subordinating the courts to the legislative authority of Parliament? Are you not trying to intermix legislative and judicial duties? What confidence can the judges have? They pass judgement; you run into this House and say, "Well, the law is like this; we do not like it; come on, we will amend it now so that in future judges cannot pass such kind of judgement." That is the effect of this legislation and this is not the first of this type of legislation. We had the case of the Penang City Council—the legislation which came up—similar type and similar nature. You know you are going to lose the case. You say, "All right, let us take one step quicker—retrospective effect." Now all these things are not good for the judiciary.

The Honourable Prime Minister in London said "See, this is another case of impartiality of judiciary". Right, it is very true that the Judiciary is impartial, but it will not remain impartial for long, if you start tampering with it by legislating against their decisions from time to time after their decisions are given on the Constitution of this country, because the confidence of the judges will be shaken. And it will be shaken by alleged statement from the Minister of Information and Broadcasting, which I heard with my own ears but which—I understand but I never read—was corrected in the newspapers later. But the fact is that it came over the Radio and Television, the official propaganda organs of this country, statement to the effect, "It seems strange and peculiar that the judge made observations on the political implications of this case". It was corrected, I agree, but it came out on official broadcast. If the Honourable Minister did not say that, then sack the man who said it, because that is a slur on the judiciary and a slur on the people of Sarawak themselves.

Mr Speaker, Sir, British imperialism was condemned, and rightly so, but what this Bill will set up in Sarawak is imperialism from Kuala Lumpur—Sarawakians and the State of Sarawak will be subordinated to Kuala Lumpur. It will be colonialism of a type far more vicious and far more destructive than British imperialism because, at least, British imperialists, however much we hate them, they know what is a constitution, they know what is sanctity, because they were born, brought up and they fought for constitutional powers and constitutional rights in their country—not people like the Member from Kota Star. We are new in this constitutional process; the background is so new; some are newer than the others, but we all learn. The important thing is, in the process of learning, do not destroy what was intended to be set up in this country by the Cobbold Commission and all the Commissions which drew up the Constitution of this land.

Our decision today—and this applies to all Members of this House—is being watched not only by Malaysians, not only by Sarawakians, but watched by the world, because what we do today will establish once and for all whether Malaysia is a democratic nation, whether troubles within Malaysia are solved in a democratic way, or they are

solved by the big hammer and the strong arm. If this Bill goes through, then there is no doubt that once again the leaders, who hold the reins of the Government in this country, would have faltered and fallen in the face of the acid test of loyalty to the Constitution and the ability to solve constitutional issues in accordance with the Constitution of this country. You would have failed because you are not solving it in accordance with the Constitution of this country, but you are trying to amend the Constitution to suit your own purposes and your own ends. That is not statesmanship, that is not democracy, and no amount of camouflage can put that right.

Mr Speaker, Sir, according to the newspapers in Sarawak, the radio facilities were denied to the Chief Minister of Sarawak. Mr Speaker, Sir, may I ask by what authority, leaving alone paper authority, but by what democratic authority does the Ministry of Information and Broadcasting refuse the legally constituted Chief Minister of a State of Malaysia the facilities of information? Mr Speaker, Sir, I mention this point because the circumstances in Sarawak are not normal circumstances, not normal in its political aspect, and that is the reason why the Chief Minister has every right to say, "So long as you men kidnapped men, so long as you keep men locked up, so long as you keep them *incommunicado*, I am not going to call a meeting of the Council Negri, because there will not be a free vote." To add to that, the Honourable Penghulu Tawi Sli is given all facilities, but the Chief Minister is not. Are you trying to heighten the tension, or are you trying to calm the people of Sarawak? Is that the action of democratic Government, is that the action of a democratic Central Government, or is that the action of a dictatorship, of a rule the type of which no country will tolerate? I say that this Government in this country is fortunate, fortunate in that the people of this country are so tolerant, because if you tried this in any other democracy, you would not be sitting there much longer; you would have riots; you would have demonstrations; you would have violence far greater than you have ever seen in this part of the world of Malaysia, and that would be in democratic countries. If you try this in a country like England, you will find you will not be allowed to sit in Parliament again. I say that not only if you tried this, but if you tried something like the Shaw Road Housing Scheme, you still would not sit in Parliament, in this House. The time will come when some Ministers would not be laughing at the next meeting of this House. (*Laughter*)—You laugh now, but you would not laugh at the next meeting (*Laughter*). (ONE HONOURABLE MEMBER: You are not serious!) I am serious, very serious.

Mr Speaker, Sir (*Pause*). all right, I will leave that for the next meeting. (*Laughter*).

Mr Speaker, Sir, I was speaking on the question of unlawful methods and denial of the rights of a Chief Minister. Mr Speaker, Sir, does this Government today accept the Chief Minister as the lawful Chief Minister of Sarawak? If you do, then you have nothing to interfere with. There has been no vote of no confidence in the Chief Minister. Who says there has been? Nobody has voted him "no confidence". You had the opportunity to vote him out. You chose not to use that opportunity because you were not sure. That was some time in June. You forgot that you are a democracy. You tried to be dictatorial. You thought that was the easier way out. Therefore, today the Chief Minister remains there with the full confidence of the Council Negri. That is the position. No amount of affidavits, no amount of statutory declarations, no amount of kidnapping can change that picture. That is the picture the world has of a Chief Minister, who has not been voted "no confidence".

Now, the Chief Minister has to call a meeting of the Council Negri. He has to call it at the latest within the next three months, otherwise his Government cannot function. Now, is the Honourable Deputy Prime Minister seriously telling us, seriously telling

us, that the situation in Sarawak cannot be maintained for another three months? Do you expect anybody to believe that the emergency situation is so grave, that the possibility of an outbreak of violence on this constitutional issue is so great, that you cannot maintain it for another three months, at the maximum, without amending the Constitution or declaring a new Emergency?

Now, I realise that Malaysia has only about 30,000 men under arms and if you send them to Sarawak may be many of them will not come back. But I prefer to rely on the words of the Prime Minister himself—from England—where he sent a statement to the Press for publication for the people to read, wherein he said, "Do not worry. The situation in Sarawak cannot go out of hand. It is well in control." That appeared only about four days ago, before any question was brought to the notice of the public of a possible amendment to the Constitution and the declaration of Emergency. Now, if the Prime Minister has such confidence, then I suggest his Cabinet should have the same confidence that the situation in Sarawak can be maintained without difficulty, because that is the impression given by that statement from England.

Mr Speaker, Sir, if it can be maintained, then is it not the best solution to leave things as they are to run for another 2½ months or three months? Why do you want to chop off a Constitution which was sacred to the people of Sarawak? What right have you to chop off and take away the vested rights of the people without going back to the people? And for what? Because you say the Chief Minister never got the vote of the Council Negri. Now, what is the worth of the Council Negri? What is the worth of a vote in the Council Negri today with all these backgrounds of buying and selling, of influence and intimidation, of violation of the liberties of the men where people have to run away saying, "My wife is sick. I am going home", and you say, "No, you sign this first and then you go." Is that the vote you want from a Council Negri set up like that? And what is this Council Negri? Is it a Council Negri elected by the people? It is a Council Negri nominated, or elected, by five different sectors, colleges, or whatever you call them. What confidence do they get from the people of Sarawak? The Chief Minister has called a meeting of these five Divisions—or we call them persons who nominated the Council Negri—and if they say, "Well, we have no more confidence in the Council Negri", then what is the position? Is it not becoming an absurdity to ask the Chief Minister to go and submit himself to a vote of a nominated body, or a body elected on the recommendations of these five Divisions, when the five Divisions say, "We have no more confidence in this Council Negri"? Does it not become an absurdity? Does it not become a cockeyed democracy, if it is democracy at all? Is it not clowning the people who should be protected rather than exploited? The situation in Sarawak, if this Bill goes through, will explode right in your faces—where there is no violence there will be violence; where the situation is now calm and peaceful, you will get violence and bloodshed in Sarawak, if you pass this Bill—because nobody is going to sit back quietly and say, "My lords have passed this Bill, let us now remain silent and keep quiet." Nobody is going to do that in Sarawak. You are dealing with a people who must be dealt with with tact. It will only require somebody to explain to them that Sarawakians, part of Malaysians, are not going to be governed by Sarawakians themselves. That is all you got to tell them and the reaction would be—I shudder to think what the reaction would be. If you do not want that, do not pass this Bill in this House. If you want that, pass this Bill. But I hope that when the time comes, the same Ministers who went to advise the Governor to sack Dato' Stephen Kalong Ningkan will go back there to solve the peace. It was noticeably seen that those Ministers who went and said, "Sack him", did not go back after the judgement came out when all these troubles were going on.

They were, I suppose, otherwise busily occupied.

Mr Speaker, Sir, those are the points, those are the circumstances put vitally essential, before this House. It is essential, and that the Constitution should not be chopped up to meet the situation for the benefit of any political party at all. It can only be amended, if it is of benefit to the people—and that also after very careful and very serious consideration.

This Bill should be supplied to the Opposition in good time. This Bill never reached Members, for example, from Sarawak. They never saw a copy of this Bill until this very morning on this Table. Do you call that democracy? Ask them to debate something which they have never seen? We, Members in Malaya proper, got it about Saturday. Is that, again democracy? Would it happen in any other country? In Malaya it could happen, because anything could happen in Malaya and you can get off with it (*Laughter*), but not in any other democracy. Mr Speaker, Sir, I think it is a disgrace to this Government that, with all the facilities available to them, they could not send this Bill to Sarawak and to its Members earlier than this morning, when it was placed on this Table. I think that is a crying shame!

Mr Speaker, Sir, what we seek we will find. If the Alliance Government is seeking to break up Malaysia, they will get it, and the quickest way in which to break up Malaysia is in this way—to interfere with the States unlawfully, and in the first place, whether you have power to pass this Bill is another question which, I hope, somebody from Sarawak will challenge in the courts of this country. Your power to pass a Bill of this nature, to amend the Constitution of Sarawak, whether you have that power will be a matter which, I hope, will be tested and, I hope again, as the Prime Minister says, an independent judiciary will interpret whether the power is there or not. But I say this: if you want to break up Malaysia, you will break it up quicker than the Communists can ever do it by acts of this nature. You got Singapore off, and Singapore now says, "Thank God, we got off" (*Laughter*). The next will be Sarawak to get out. One by one the limbs will go. Next it will be Sabah. I hope Dato' Donald Stephens may come back to Sabah now and very soon Sabah will start going out. Then you will have what? Malaya left alone. And I think the happiest man, when that day comes, will be the Prime Minister himself. He will say, "Oh, now I am all right. Thank God, the Frankenstein is no more!" Thank you, Sir.

Tuan Stephen Yong Kuet Tze (Sarawak): Mr Speaker, Sir, those of us who believe in the sanctity of the Constitution, because it serves as a check on abuse in the exercise of powers, executive powers, by the Government, have already been rudely shaken by the series of amendments made by the Government in an offhanded manner in the past months. Now, Sir, we are suddenly confronted with yet another amendment to the Constitution. But, Sir, this amendment is of such magnitude and far-reaching consequence that we can hardly believe that the Alliance Government would be so senseless as to have embarked upon it.

Sir, this process of mutilating the Constitution, particularly this time, will reduce, to my mind, the Constitution to a dead letter and would render the Oath and Affirmation of "preserving, protecting and defending the Constitution" very hollow and a bit unreal. True, there is a political and constitutional crisis in Sarawak, but how did it come about? There was a plot to topple Dato' Stephen Kalong Ningkan's Government in an unconstitutional manner. I say that the Central Government was a party to it—it is an accomplice and an accessory of this act. Council Negri Members from Sarawak were sent for to come to Kuala Lumpur, and some of them even had given pledges of support, a few days before having come here, to subvert it, and without any pretence of consulting their constituents—and, in this case, in Sarawak, the Divisional

Advisory Councils—these members performed a remarkable feat, not in Council Negri, nor in the Divisional Advisory Council, but in Kuala Lumpur, in that they ceased to have confidence in Dato' Ningkan. At the time when they made this declaration, the Council Negri was meeting and, we know, they chose to boycott it and did not attend. Having done so, then they were shepherded back to Kuching by Cabinet Ministers, including no less a person than the Minister for Home Affairs, who had in his company the Attorney-General and the Inspector-General of Police—and I believe most of these members of Council Negri Alliance were then housed in the Istana. The Governor of Sarawak, to my regret, instead of acting under the advice of the Supreme Council—in fact he was bound to do under the Constitution—chose to listen instead to some other unauthorised people; and instead of resisting the unconstitutional act he was prevailed upon to dismiss Dato' Ningkan and then appoint Penghulu Tawi Sli in his place. Sir, that was how the political crisis came about. I think it was the Prime Minister, or the Minister for Home Affairs, who stated that if Ningkan was dissatisfied, he could challenge the decision in a court of law. He did so, and we know that he was vindicated. Now, we know that according to the law and the Constitution, his dismissal was unlawful and illegal. If that had been the attitude of the Central Government, then why should it not take the decision of the court which has pronounced on the matter?

Now, Penghulu Tawi Sli and his flock, no doubt with the active advice and support of the Central Government, wanted now to call a meeting of Council Negri which they chose to ignore in June this year. Sir, I would like to pose this question: Would any Government call a meeting of the Legislature just to satisfy the lust for power of its opponents? Now, would the Alliance Government make this as a precedent? Dato' Ningkan in his public statement has said that he would call a meeting of Council Negri and face a vote of no confidence, and that a Council Negri meeting would be held in due course, and we know that under the Constitution he must call a Council Negri meeting at least to pass the Budget at the end of this year—in any case he must call a Council Negri meeting six months after the last meeting. So, Sir, I would say that the statement of the Deputy Prime Minister was wrong, or misleading, when he said that Dato' Ningkan refused to resign or, in other words, I think, he said that he had lost the confidence of the Council Negri Members. Sir, the expression of "no confidence" was never put in the Council Negri. The expression was contained in a form of a letter and eventually, I think, we were told a certain affidavit was made. Now, as was pointed out by the Honourable Member for Ipoh, that was not in any way equated to a vote of confidence in Council Negri. Now, why cannot the Alliance Government, or the Sarawak Alliance and their supporters, wait and exercise a little patience, so as to adhere to the letter and the spirit of the Constitution?

The State Government, we know, has now called for meetings of the Divisional Advisory Councils on 26th of this month to determine whether Penghulu Tawi Sli and his group have or how much confidence they have amongst these people. These Divisional Advisory Councils, Sir, are the electoral colleges which elected the Council Negri Members, and these Councils are, therefore, competent to express confidence or otherwise in the Members they have elected; and therefore the Council Negri Members are responsible and accountable to these Divisional Advisory Councils, and I do hope here that the Central Government would not interfere with the meetings on the 26th of September.

We have heard the Government's reason that immediate steps have to be taken by the Central Government to end the so-called political impasse—the situation in Sarawak was said to be very serious and there was great tension there; in other words, a grave emergency exists. Sir, I have yet to see

how people can exaggerate things to that extent. We were given a copy of a white book entitled "The Communist Threat to Sarawak" this morning. Sir, suffice it for me to say that if it was the intention of the Central Government to combat the Communist threat effectively in Sarawak, the measure now proposed would be the very way of making Communism grow in Sarawak. I think a white book has yet to be written entitled "The Alliance Threat". Sir, was there really a grave situation in Sarawak? We have the authority of the State Security Committee, who should know better, and it publicly denies this. Those of us who come from Sarawak . . . . .

The Minister of Home Affairs (Tun Dr Ismail): Mr Speaker, Sir, on a point of clarification: is the Honourable Member going to stand by that statement of his that the State Security Committee made a public statement on the security of the State? I just want to know that, because he has stated it in the papers and he has repeated it here, and I want to know whether he is going to stand by that statement or not.

Tuan Stephen Yong Kuet Tze: Mr Speaker, Sir, I believe that Dato' Stephen Kalong Ningkan is Chairman of this Committee and he has reported to the Press, "No Tension Here—September 17th."

Mr Speaker: The question is, will you stand by what you have said?

Tuan Stephen Yong Kuet Tze: I can only rely on the Press report, Mr Speaker, Sir, that he as Chairman of the . . . .

Tun Dr Ismail: Mr Speaker, Sir, the Honourable Member has said that the State Security Committee had made a public statement. What the papers said was, "Dato' Kalong Ningkan as Chairman of the State Security Committee". There are two different things there. Which statement is the Honourable Member going to stand by now—his own statement or the statement as reported in the papers? If it is his own statement, is he prepared to stand by that statement?

Tuan Stephen Yong Kuet Tze: Frankly, Mr Speaker, Sir, I cannot find the distinction of a Chairman of a Committee stating certain things that could not be said was the statement of his Committee. I can rely only on the statement that was published in the press, a statement made and broadcast by the Chairman of the Committee. If the Honourable Home Minister says that there is a difference between a statement from that Committee and a statement of the Chairman of that Committee, well, I could only say that I rely on the statement that appeared in the Press.

Tun Dr Ismail: All I am asking him is, is he relying on that statement in the Press, or is he going to add on to that statement in the Press? That is what I am driving at.

Tuan Stephen Yong Kuet Tze: Sir, unfortunately, I am not a member of this Committee. So, naturally, I do not know what was deliberated there, except what was reported and made public.

Tun Dr Ismail: So, I take it that the Honourable Member is not prepared to stand by his statement, Sir?

Tuan Stephen Yong Kuet Tze: I am still rather foxed by this. I am not sure what the Honourable Minister is getting at.

Mr Speaker: I think it is a fair statement on the issue. You are saying what the paper said and you can only go so far as what the paper says. You cannot go further than that.

Tuan Stephen Yong Kuet Tze: I cannot go further that what is made public.

Now, Sir, we know that on the 14th of September there were about 100, or so, people carrying out a demonstration. It is the talk of the town that the poster carriers were paid $2 each, and although it was an unlawful assembly the Police took no action to disperse this demonstration, nor had the Police taken any proceedings against any of them. We can only assume from this inaction

that the police were satisfied that these people never really intended to demonstrate. So, if a Police report could be made available. I should imagine it would make very interesting reading.

I, myself, Sir, have asked several people from the rural areas in Sarawak, including Government officials, consular officials of foreign Governments and impartial observers, whether they could find any sign of tension or unrest in the State, and all confirm that they have found none.

Tun Dr Ismail: On a point of information, may I know who are the foreign representatives there who said that there was no tension?

Tuan Stephen Yong Kuet Tze: Sir, these are matters given to me in confidence.

Tun Dr Ismail: Mr Speaker, Sir, this is a very important matter, because this is the Parliament, and those foreign representatives are making observations on the security situation of the country to Members of Parliament, who choose to quote them in the House. So, we have the right to know whether these foreign representatives are hostile to our country or they are not hostile. So, if the Honourable Member is a true, loyal, citizen of the country, believing in parliamentary democracy, then he should reveal who are these people who say these things. If they are correct, well and good, but if they are malicious, then Parliament has the right to know who are those foreign representatives who confided in the Honourable Member.

Tuan Stephen Yong Kuet Tze: Sir, I was concerned with impartial observers. I mentioned this because I thought they would be impartial and would find out and let us, who are inquisitive, know whether there was in fact tension or not. I must say, Sir, that one did mention that he thought there was a bit of induced tension. So, Sir, we may be excused to conclude that the incidents that took place in Kuching were, perhaps, meant for the report which the Deputy Prime Minister had called for. We are, therefore, bound to ask, was there really justification to advise the Yang di-Pertuan Agong that a grave Emergency exists, whereby the security of Sarawak is threatened and that a Proclamation of Emergency should be issued under Article 150 of the Federal Constitution, particularly when the political crisis I have demonstrated . . .

Mr Speaker: I do not think you have the right to question the action of the Yang di-Pertuan Agong.

Tuan Stephen Yong Kuet Tze: No, Sir. With respect, I merely say that . . .

Mr Speaker: You cannot even mention it. Under the Standing Orders you may mention it in passing, but you cannot impute any motives, or ask why, and the rest of it.

Tuan Stephen Yong Kuet Tze: Sir, I, of course, stand to be guided by you in this matter. I merely stated that advice was in fact tendered, and a Proclamation of Emergency was issued and no more. Article 150, Sir, as I understand it, operates by way of suspending the Constitution of the State concerned. Suppose we have to concede what has taken place in Sarawak, thanks for the part played by the Alliance, and a grave situation has in fact arisen, and the Constitution of the State has to be suspended, then why not suspend it? The suspension might be unjustifiable, but this step has at least, to my mind, the virtue of preserving intact the State Constitution. Above everything else we in Sarawak, do not wish to see the State Constitution being interfered with. In whatever way the Alliance Party, or Government, value the sanctity of the Constitution, we regard it as a symbol of our Sarawak identity and a safeguard of our right. The inviolability of the State Constitution was one of the conditions precedent to Sarawak entering into Malaysia. The Honourable Minister for Sarawak Affairs knows this because during the Cobbold Commission, his people, or the majority of his people, strongly put forward that the Sarawak Constitution could not be interfered with, or amended without the consent of the State.

Tan Sri Temenggong Jugah Anak Barieng: Tuan Stephen Yong dia kuat berchakap. Kominis dalam Sarawak yang jadi dari dia, sebab dia di-belakang kominis. Dahulu dia kuat berlawan dengan Kalong, sekarang dia sama[2] dengan Kalong. Kalau dia tidak sokong Kalong—Kalong orang Iban, dia orang China—saya tanya dia satu sahaja: siapa-kah orang kominis dalam Sarawak yang buat kachau, bangsa apa? Dia tidak tengok gigi sendiri, dia tersalah orang. Dia sendiri chuba-lah ambil kawan[2] dia—kominis *di-Marakai*. Sekarang dia ambil dahulu, jangan tanya sahaja—jangan di-biarkan sahaja. Orang[2] kominis ia-lah daripada parti S.U.P.P. dia-lah orang yang menyokong kominis. Dia tidak menyo-kong pemerentah. Dia sokong kominis selalu, ini-lah buat Sarawak kachau sebab dia tidak kaseh sayang kapada keamanan. Saya suka bagi tahu dia, saya tahu atoran Sarawak, kalau dia bagus kami orang tidak tahan, kalau dia jahat di-mana[2] tempat pun kami hendak buang. Tuan Stephen Yong ini loyar, dia pandai berchakap macham orang main api sebab dia loyar; saya tidak mahu berchakap banyak. Tuan Stephen Yong bagus, dia mahu orang Sarawak bagus.

Tuan D. R. Seenivasagam (Ipoh): (*rises*).

Tan Sri Temenggong Jugah Anak Barieng: Jangan berchakap dahulu saya belum habis lagi. Tuan tidak tahu hal Sarawak.

Tuan D. R. Seenivasagam: Mr Spea-ker, Sir, on a point of order.

Tan Sri Temenggong Jugah Anak Barieng: Saya tidak mahu dudok.

Mr Speaker: Nanti dahulu.

Tuan D. R. Seenivasagam: Mr Spea-ker, Sir, on a point of order.

Mr Speaker: On what point of order?

Tuan D. R. Seenivasagam: The point of order is this, Sir. The Honourable Member said that Mr Stephen Yong was a "Rojak". I wonder whether he means "lawyer" or "rojak". If it is "rojak", then on a point of order it is abusive language and should be with-drawn.

Mr Speaker: He means lawyer (*Laughter*).

Tan Sri Temenggong Jugah Anak Barieng: Tuan jangan berchakap. Kalau saya berchakap Iban tuan tidak dapat jawab (*Ketawa*).

Tuan Stephen Yong: Mr Speaker, Sir, I am terribly surprised at this outburst of the Minister for Sarawak Affairs whom I thought I should have some respect for, but now I doubt it very much. (*Laughter*) I merely pointed out to him the fact that at the meeting of these Penghulus, a majority of the people (before the Cobbold Commis-sion) did make a request that no amendment by the Central Government of the State Constitution should be made without the consent of the State of Sarawak. This is a question which I say he knows, because he was there. I am now asking him whether he knows—that is all I am asking him.

Tan Sri Temenggong Jugah Anak Barieng: Saya memang faham. Saya bukan budak kechil tetapi tuan tidak faham; sebab ini barang yang tidak di-sukaï orang makin kuat sokong-nya. Kalau orang banyak tidak suka, apa guna tuan sokong orang sadikit sahaja?

Tuan Stephen Yong: For that reason, Sir, it was then recommended by the Cobbold Commission, and it was written in as Article 41 of the State Constitution. And that is to say that this Constitution may be amended by Ordinance enacted by Legislature, but may not be amended by any other means. That was a safeguard, and that I think was repeated in the Eighth Schedule to the Federal Constitution; and this amendment must have not less than two thirds of the Members of the Council Negri.

Sir, we regard that as an Article of faith. Now the Alliance Government thinks it fit to destroy it all for political expediency, in order to give a legal stamp to the illegal and unconstitutional

act of dismissing the Chief Minister of Sarawak and put someone more pliable in his place. The Alliance Government in its mood of arrogance has lost completely the sense of proportion. In its anxiety to achieve its political ends, it appears that it has no compunction in destroying the spirit of the Constitution, and trample under its foot the Article of faith. Sir, how can a Federation work in the circumstances? How safe are now the safeguards which a party concerned has solemnly promised to uphold? No one, least of all the Alliance Government here, can blame us that we in Sarawak now doubt its sincerity in all matters.

Sir, we have been called here at very short notice not only to debate on the issue of the Proclamation of Emergency but also to amend the same Article, that is to say Article 150, of the Constitution under which a Proclamation of Emergency was issued, so that the Sarawak Constitution can be amended. It really appeared to be a farce, if it was not such a serious matter. Sir, I do not wish to go into the legal implications of the measures now taken by the Alliance Government in this matter, but let me say this: after this proposed Amendment has gone through, the Governor of Sarawak, a benign old man, who was supposed to be above politics, as he was, and should be acting on the advice of the Supreme Council as stated in the State Constitution, by the Alliance Government is now given powers more than a colonial Governor has ever been given powers, and thereby involving him in party politics. Therefore, the Alliance Government is guilty of committing the Governor to partisan politics, and this is, Sir, most unhealthy and contrary to parliamentary practice. Of course, the Alliance Government can only practise parliamentary democracy when it suits it, and when it is for foreign consumption. Nevertheless, we find, as in the words of the *Guardian*, that when they were—I quote—"unable to oust an opponent by ordinary political and legal process they would"—I quote—"start tampering with the Constitution". Now, this is what exactly the Alliance Government is doing.

Sir, the intent and spirit of the Constitution, particularly the State Constitution, is that the Governor must act in the exercise of his functions on advice of the Supreme Council.

There are only two exceptions in which he can exercise discretion, i.e. appointment of the Chief Minister and withholding consent to a request for the dissolution of Council Negri—other than that he has no discretion. Now, we see the process being reversed. He now need not have to take the advice of the Supreme Council and so the implication of this Bill would be that he will have to take advice from the Central Government—and that, Sir, is a very clear case of a colonial system. Sir, I must warn the Alliance Government that they do so at their peril.

The proposed amendment will not solve the political problems in Sarawak. It may result in growing resentment in Sarawak against Kuala Lumpur and may also lead to the breaking up of the Federation. Sir, there are at least two courses open to the Alliance Government, without having to go through comic opera performances, one of which is to leave things as they are and speed up the machinery of elections and in say five, six, or seven months, the issue can be settled in a fair and democratic general election. The other course, if it is necessary, is to suspend the State Constitution and let the Governor appoint from amongst members of all the political parties in Sarawak a caretaker Government to administer the State until the general election. Having made this suggestion, Sir, I must point out to the Alliance Government that it has broken faith and gone back on its pledge to the Sarawak people. This measure, this act of amending the Constitution to enable the Government to amend the Sarawak State Constitution signifies the beginning of the end of the safeguards negotiated and granted to Sarawak. Because the Alliance Government has paid scant respect to the Constitution,

the people's confidence in the Constitution is completely undermined. My party must, therefore, in the strongest terms possible condemn this Bill.

Dr Tan Chee Khoon (Batu): Mr Speaker, Sir, on the 9th of August, 1965, this House saw this Constitution, the Constitution of Malaysia, being amended or, should I say, raped to effect the eviction of Singapore. Then no prior notice was given to this House and, indeed, to the rest of Malaysia, and this House saw the unholy spectacle of how in a matter of 3½ hours, on a Certificate of Urgency, Singapore was unceremoniously booted out of Malaysia. Today the Alliance Government is more merciful: it has given this House and the rest of the country four days to ponder on the proposed amendment.

Mr Speaker, Sir, we, on this side of the House in the Opposition benches, have protested at the manner in which our Constitution has been amended, or mucked about, or mutilated, at the whims and fancies of the Alliance Government. We have maintained time and again that adequate notice should be given for any amendment to the Constitution. This is to enable not only the Members of this House but the country at large to deliberate and chew over the proposed amendment before we in this House can pass it. The advantages are obvious. All aspects of the proposed amendment can be discussed both privately and in the Press, so that we in this House can have the benefit of the distillation of the results of such discussions. This, then, is the first defect of this Bill before this House today. Far too short notice has been given to us before we are asked to come here and pass it.

Mr Speaker, Sir, the manner in which this Constitution of Malaysia has been amended and the number of times it has been mucked about must, in the ultimate analysis, destroy not only its value but also the sanctity of the Constitution. We on this side of the House do not for a moment say that the Constitution should be inviolate, nor do we maintain that it should not be changed. Indeed, if this Constitution is to be a living thing, then it should be changed, should change be necessary.

Mr Speaker, Sir, during the last Budget session of this House, when this House debated the Constitution and Malaysia Act (Amendment) Bill, I had pointed out that since 1964, our Constitution had been amended four times, on most occasions with very little notice to this House and in the case of the Constitution of Malaysia (Singapore) Amendment Bill introduced on August 9th, 1965, no notice at all was given. I also pointed out that elsewhere, for example, in Australia, United Kingdom and the United States of America, they have adequate safeguards to see that all sections of the country are consulted before the Constitution is amended. Indeed, in the United States of America, the Americans go to extraordinary lengths to see that their Constitution is not amended or tampered with at the whims and the fancies of the Federal Government. Alas, no such safeguards exist in our Constitution and thus it was that the Member for Tanjong has introduced a Private Member's Bill to see that the Constitution should be amended to provide such a safeguard. But from the manner in which this Bill has been treated and the low priority accorded to it, it does not seem that this Bill will ever be passed by this House. If this Bill had been passed and had been enacted into law, then we will not see such a monstrous Bill as this one that has been tabled before this House today.

The Constitution is the supreme law of the country and its provisions safeguard the rights and liberties of all the citizens. By Article 70, the Constitution further safeguards the rights of the States and the territories of Malaysia, and the provisions of Article 70 further guarantee the sovereignty and the integrity of the States and territories of Malaysia. The Constitution would, therefore, seem to be impotent and meaningless when its provisions can be violated and be abused by those in power as and when they like. As I have already pointed

out, the present Government with its overall majority in the Dewan Ra'ayat has constantly been amending the Constitution without just cause. If this be the situation, where those in power could misuse and abuse their power, then what safeguards have the citizens? One would dread to see the day when the Government suspends the Constitution and rule by decree, as it has the powers now—that will be the end of democracy and the beginning of a totalitarian State in this country.

Mr Speaker, Sir, Clause 3 of this Bill seeks to amend Clauses 5 and 6 of Article 150 of the Malaysian Constitution, which permits Parliament, notwithstanding anything in the Constitution to make laws in respect of any matter should it appear that this is required by reason of the emergency proclaimed under Article 150. Mr Speaker, Sir, the Constitution of Sarawak specifically states that the Constitution of Sarawak can only be amended by the State Legislature. Although the Member from Sarawak has quoted it, Mr Speaker, Sir, with your kind indulgence, I quote Article 41 (1) of the Sarawak Constitution:

"Subject to the following provisions of this Article, the provisions of this Constitution may be amended by an Ordinance enacted by the Legislature but may not be amended by any other means."

Mr Speaker, Sir, Article 66 (2) of the Malaysia Act reads, I quote,

"No amendment shall be made to the Constitution without the concurrence of the Governor of the Borneo State or each of the Borneo States concerned, if the amendment is such as to affect the operation of the Constitution as regards any of the following matters:"—

and it is stated in (*c*) which is the matter before the House today—

"(*c*) the matters with respect to which the Legislature of the State may make laws, and the executive authority of the State in those matters, and (so far as related thereto) the financial arrangements between the Federation and the State;"

Mr Speaker, Sir, it is quite clear that the Constitution of Sarawak cannot be amended except as laid down in Article 41 (1) and (2) that I have just quoted. It is equally clear that the Malaysia Act provides safeguards for . . . . .

The Minister for Home Affairs (Tun Dr Ismail): On a point of clarification, Sir, I would like to ask the Honourable Member if he can continue his argument to the logical conclusion. We are left suspended in the air. He quoted the Second Part of the Sarawak Constitution and we are left in the air. So what he was trying to convey to us has no meaning.

Dr Tan Chee Khoon: If the Minister for Home Affairs will not disturb me, I shall try to follow it to its logical conclusion. What I am trying to say is—and I will be quoting exclusively from these books—that what the Government seeks to do today is to override the State Constitution which only has the power to amend the State Constitution; and I am trying to prove that this Bill, if enacted into law, is *ultra vires*. If the Honourable Minister for Home Affairs will not interrupt me further, I shall carry on.

Mr Speaker, Sir, I believe that the Alliance Government is seeking to amend our Constitution under the provisions of Article 71 (3) of the Constitution. Now Article 71 (3) says, "If it appears to Parliament that in any State any provision of this Constitution or—of the Constitution of that State is being habitually disregarded Parliament may, notwithstanding anything in this Constitution, by law make provision for securing compliance with those provisions". Mr Speaker, Sir, I have looked through this and the advice given to me is that it is only under that provision of our Constitution, Article 71 (3), that the Federal Parliament can amend this Constitution to override the State Legislature.

Mr Speaker, Sir, we all know that a good deal of discussions and deliberations had been gone into between Malaya, Singapore, Sabah and Sarawak, before the four parties agreed to come into Malaysia, and we know that the Cobbold Commission went to Sarawak and sought the views of all the people concerned. Mr Speaker, Sir, the Cobbold Commission Report provides for safeguards of the amendments to the Constitution of the State of Sarawak in paragraph 42 (12).

I read, "Powers reserved in the Constitution to a State may not be changed without the agreement of the State". This is the Cobbold Commission's Report, paragraph 42 (12) for the benefit of the Minister of Home Affairs. I read again, Mr Speaker, Sir, a further safeguard in this Cobbold Commission's Report that is found in paragraph 148 (*b*)—I read the relevant portion—

"In view of the special circumstances which apply to the Borneo territories, autonomy and safeguards should be given in certain matters which are not enjoyed by the other States. We are anxious in this connection that some form of guarantee should be provided whereby no amendment, modification or withdrawal of whatever special powers or safeguards may be given can be made by the Central Government without the positive concurrence of the Government of the State concerned. We feel strongly that appropriate provisions should be made in the Constitution to ensure that the special safeguards for the interest of Sarawak and North Borneo, as territories in the new Federation, are maintained. We would, at the same time, wish to reiterate the principle that the power of amending the Constitution of each State belongs exclusively to the people in the State. We therefore recommend that the existing Constitution of the Federation of Malaya should be taken as the basis of the Constitution of the new Federation with such amendments and safeguards as may be necessary. We also recommend that no amendment, modification or withdrawal of any special safeguard granted should be made by the Central Government without the positive concurrence of the Government of the State concerned."

Mr Speaker, Sir, all these authorities that I have quoted will, I hope, not only convince the Minister of Home Affairs but I hope whatever diplomats that are sitting behind me that this House has no power to amend the Constitution of the State of Sarawak. That power rests solely with the State of Sarawak, with its Council Negri and with its Supreme Council.

Mr Speaker, Sir, in the Explanatory Statement we are told that,

"Clause 3 of the Bill is designed to remove any doubt as to whether the power of Parliament to make laws pursuant to the Proclamation of Emergency extends to making laws inconsistent with the provisions of a State Constitution, as it expressly does in relation to the Federal Constitution—Article 150 (5) and (6). The proposed amendment to the Constitution is intended to be a temporary one, which will cease to have effect six months after the Proclamation of Emergency ceases to be in force."

Mr Speaker, Sir, I presume that the Alliance Government in bulldozing this Bill through this House—and we know that it can bulldoze this Bill through this House—works on the presumption that any Act of Parliament can supersede any provision of the State Constitution, and that where there are inconsistencies, the Act of Parliament will prevail. Mr Speaker, Sir, may I, in all humility, warn the Alliance Government that the Harley judgement has already proved that the dismissal of Dato' Stephen Kalong Ningkan has been unconstitutional. If this Bill is passed and is enacted into law, should it be tested in a Court of law, it may well be proved to be *ultra vires* and unconstitutional. Mr Speaker, Sir, I do not know whether there are any members of the Diplomatic Corps from America sitting behind me, and I shudder to think what will happen if the Federal Government in America were to bring in such a Bill to amend a State, Alabama, for example, ...

Tun Dr Ismail: On a point of order, Sir, an Honourable Member in this House shall address the Speaker, not the gallery.

Mr Speaker: You are quite right—not only "not the gallery", but only the Members of Parliament.

Dr Tan Chee Khoon: I shall address the Chair, Mr Speaker, Sir. I shudder to think if the Federal Government in America, all because the Governor of Alabama proves to be recalcitrant and does not listen to the advice given by the Federal Government over racial issues, wanting to amend the Constitution of the United States of America merely to remove a recalcitrant Governor down there. The very thought of it by the freedom loving people of the United States of America will make them hold up their hands in horror. This equally applies, Sir, if the Federal Government of Australia were to do such a thing—if New South Wales, for example, were to prove recalcitrant and the Federal Government were to pass an Act in Canberra

to override the State Constitution of New South Wales. In other democratic countries, Mr Speaker, Sir, these things are not just done, it is just not cricket, but to the powers that be in this country, these things are the rule rather than the exception.

Another defect, Mr Speaker, Sir, in this monstrous Bill is that it seeks to apply only to Sarawak. In the explanatory note, we are told that there is a lacuna in the State Constitution and that this lacuna is also found in all other State Constitutions in the component States comprising Malaysia. Why then should this amendment apply only to Sarawak? If you want to plug up a lacuna or hole in the Constitution, the proper thing would be to plug up where the hole exists in all the States, so that, I presume, under that power if the recalcitrant P.M.I.P. in Kelantan chooses to be too difficult, I suppose then the Alliance Government by advising the Yang di-Pertuan Agong and through the Council of Rulers may well advise the Sultan of Kelantan to kick out the P.M.I.P. Government and have a minority Government composed of the Alliance Party in Kelantan to take over the ruling of Kelantan.

Mr Speaker, Sir, constitutional lawyers and jurists the world over must hold up their hands in horror at the manner in which the Alliance Government is amending the Constitution merely to overcome a legal *impasse*. We are told that this amendment is intended to be a temporary one and will cease to have effect six months after the Proclamation of Emergency ceases to be in force.

Mr Speaker, Sir, this amendment raises yet another serious matter, the independence of the judiciary. Article 121 of the Constitution provides for the judicial independence of the Courts. By Article 121 the Courts can act independently without adverse interference from the Executive organ; thus the Courts are able to perform properly and deliberate their decisions justly and independently. Mr Speaker, Sir, on 8th September, 1966, Mr Justice Harley in the High Court of Sarawak gave judgement in favour of Dato' Stephen Kalong Ningkan, but the Alliance Government was not too pleased with the judgement, to say the least. Therefore, today we see before us this Bill which in substance is an indirect act on the part of the Government to override the independent judgement of Mr Justice Harley. This Bill is an act of the Government to encroach on the power of the judicial system and therefore, is contrary to Article 121 of the Constitution.

Mr Speaker, Sir, Clause 4 of this Bill is specifically designed to enable the Governor to remove the present Chief Minister and put in a Chief Minister of the choice of the Alliance Party. This Clause is thoroughly bad in law and offends against all canons of justice and fairplay. This is particularly so in the Borneo States where one can be the Governor of a State one day, an Alliance M.P. (not present here at the moment, Sir) the next day, and soon after a Minister of the Alliance Cabinet. Where then is impartiality of the Governor who should be above politics?

Even the *Sarawak Tribune* in an editorial on Saturday, 17th September, 1966 has this say:

"The Central Government should have suspended the State Constitution instead of amending it. To amend the Constitution, even temporarily, will create an undesirable precedence and may undermine the confidence of the public in Sarawak in the sanctity of the Constitution. The Central Government takes the line that there is an *impasse* in the State's political situation because Dato' Ningkan is alleged to have lost the confidence of the majority of members of the Council Negri and something must be done to dismiss him. The Central Government now seeks the sanction of Parliament for the sole purpose of putting a nominee of the Sarawak Alliance to take his place."

Mr Speaker, Sir, Article 21 (1) of the Sarawak Constitution provides, as has been pointed out by the Member from Sarawak, that six months shall not lapse between the last sitting of one session and the date appointed for the first sitting in the next session. Mr Speaker, Sir, the Council Negri last met on 13th June, 1966, and Dato' Stephen Kalong Ningkan is well within his rights to choose to stay until 14th

December, 1966, when it will be mandatory on his part to convene the next meeting of the Council Negri. But he does not want to cling to office. He has advised the Governor to dissolve the Council and hold immediate general elections. He has done this not once, but twice officially to the Governor. He has done more than that. He has proposed that should the Council Negri be dissolved, there should be an interim Government comprising himself and representatives of all political parties to administer the State in the interim period.

This solution is also implied in the judgement of the Acting Chief Justice, Mr Justice Harley, when he said:

"The Constitutional way out both for a British Prime Minister and for a Sarawak Chief Minister is not by dismissal but by resignation. We need not speculate on what would happen if occasion arose for a resignation and a Chief Minister refused to resign. In the instant case the Chief Minister has not refused to resign and there is no power to dismiss him. He has already indicated through his counsel that he was prepared to consider a dissolution and presently an election."

Mr Speaker, Sir, it is an accepted democratic and constitutional practice for the Prime Minister, or in this case the Chief Minister, to advise the constitutional head to dissolve the Council Negri. He can do so at any time of his own choice, and this is exactly what Dato' Ningkan has done. In this case, it is the Governor who has acted unconstitutionally by refusing to do so, by refusing to accept the legally constituted Chief Minister of the day. If the Governor is the constitutional head and above politics, he is duty bound to accept the advice of the Chief Minister and his Cabinet. But he has shown his partisanship by wanting to convene the Council Negri knowing full well that he has no power to do so, and this Clause 4 is specifically designed to oversome this *impasse*. What a travesty of justice!

The whole Bill smacks of political chicanery and makes a mockery of the Rule of Law as we are being summoned here today to rubber-stamp what has already been decided by the Alliance Government Cabinet.

Mr Speaker, Sir, the Alliance Government have justified their action because, in the words of the Deputy Prime Minister, "we want to see democratic practices complied with". Mr Speaker, Sir, I have already pointed out that Dato' Stephen Kalong Ningkan has not been undemocratic and he is well within his rights in not dancing to the tune of the Alliance Party.

Time was when the Alliance Party members of the Council Negri had the right to do what they so desperately want to do now, that is to hold a meeting of the Council Negri. Then Dato' Stephen Kalong Ningkan almost begged his opponents to settle the issue in the Council Negri.

Thus after the meeting of the Council Negri on 14th June, 1966, in a signed statement he said:

And I quote Mr Speaker, Sir, "I cannot understand why a number of Council Negri Members should fly all the way to Kuala Lumpur, and from there issue an order demanding my resignation. They are all Sarawak Council Negri members. The constitutional and democratic manner in which to deal with such a serious issue as a motion of no confidence against the Chief Minister should be debated in the Council Negri. They had an opportunity to do when the Council Negri met here today, but they deliberately chose to boycott the meeting for reasons best known to themselves."

Mr Speaker, Sir, when the Alliance members of the Council Negri spurned the challenge—they scuttled to Kuala Lumpur to hear their Master's voice and to take orders from their Master in Kuala Lumpur. They thought they could stage a *coup d'état* in Kuala Lumpur, for did not their Master's voice say that Stephen Kalong Ningkan's head must fall? And so a compliant Governor dismissed Dato' Stephen Kalong Ningkan and the worthy Penghulu Tawi Sli gaily went on his way to form his Cabinet. It turned out that he counted his chickens before they were hatched, for all these acts were declared to be unconstitutional by the Harley Judgement on 8th September, 1966.

Mr Speaker, Sir, one of the main arguments for this Bill is that Dato' Stephen Kalong Ningkan is flouting all accepted principles of democratic

practices by refusing to convene the Council Negri, knowing full well that he has a minority Government. I have already pointed out that according to the Sarawak Constitution he is well within his rights. The Alliance Party members of the Council Negri seem to think that they are in the majority in the Council Negri. But suppose we carry the test a little further and let the Divisional Advisory Councils decide whether they have confidence in the present set of Council Negri members. This is precisely what Dato' Ningkan has done, for he has fixed a meeting of all the five Divisional Advisory Councils on September 26th, 1966. I challenge the Alliance Governor not to interfere with this meeting that has been called for 26th September, 1966. For if these five Divisional Advisory Councils, which are the electoral colleges which elect the Council Negri Members, express confidence in the Cabinet of Dato' Stephen then it makes a hollow mockery of the Alliance claim that they command the majority vote in the Council Negri. Mr Speaker, Sir, a little later I shall try to convince the House that the Alliance Party is really a minority party put into power by the British under the three—tiered system of elections held in Sarawak in 1963.

One other reason for the Bill is that the situation in Sarawak is deteriorating rapidly and violence may break out at any time. Is there any evidence of this, or is the Alliance Government deliberately creating a scare in order to ensure the passage of this Bill through this House? The Member for Ipoh and the Member for Sarawak have both stated that there is no tense situation in Sarawak. "No Tension Here", states this paper. Perhaps, when it comes to the Minister for Home Affairs to speak, he may well tell us a different story since he generally knows better than even the Chief Minister of Sarawak. Dato' Stephen Kalong Ningkan was touring a remote part of Sarawak all day, when he heard of the news of the Proclamation of Emergency—third hand. If the Chief Minister can be away from Kuching, the seat of power, then it is not likely that the situation in Sarawak can be that tense and deteriorating. This has all been trumped up by the Alliance Government.

Dato' Stephen Kalong Ningkan has asked that an impartial Commission of Enquiry be appointed to go to Sarawak immediately to investigate if there is any emergency in the State. He stated, "It is absolute nonsense to say that there was at the moment a state of emergency in Sarawak. This is merely an excuse to ride roughshod over the Sarawak Constitution." Mr Speaker, Sir, here then is another valid challenge from Dato' Ningkan. If the Alliance Government refuses to accept this challenge, then there is clear evidence that they believe in guided democracy for the people of Sarawak—guided, Mr Speaker, Sir, not by the people of Kuching but by their masters in Kuala Lumpur manipulating their puppets in Kuching. This country has rightly condemned Soekarno's guided democracy in Indonesia, and yet this is exactly what the Alliance Government is doing for the people of Sarawak.

Then there is the bogey of Communism. Why must the Alliance Government always drag in this bogey of Communism whenever they want to take any repressive measures? The country is getting tired of this bogey and it is getting too stale for the country to swallow. The fact is that the situation in Sarawak is not tense at all, and all that the Communists do does not pose a greater threat than before. If there is any tension, it has been caused by the Alliance Party whose members staged an illegal demonstration on 15th September, 1966, at Kuching. May I ask the Minister for Home Affairs why has this demonstration been allowed to take place and what action, if any, has the Police taken against the demonstrators? Or is the Alliance Government trying to convince this House and the country that Dato' Stephen Kalong Ningkan is collaborating with the Communists? If so, let them say so.

Mr Speaker, Sir, we really have an Alice in Wonderland situation in this country. In 1964 this House approved of the Emergency Regulations and presumably these Emergency Regulations apply throughout the whole of

Malaysia, Sarawak included, and presumably under the Emergency Regulations then passed by this House, they have the power to do everything they want, as has been pointed out by the Member for Ipoh. Why then should they now pass another state of Emergency for the State of Sarawak only? This is where the Alice in Wonderland situation arises. You have an Emergency within an Emergency. Mr Speaker, Sir, this is unheard of in the democratic world—that is, you have an Emergency within an Emergency. I really do not know who had advised the Cabinet on this Emergency within an Emergency. If it is the Attorney-General's Department, or the Solicitor-General's Department, then I seriously ask the Government to have a closer look into the efficiency of these two Departments.

Mr Speaker, Sir, the whole democratic world has condemned the illegal seizure of power by the Ian Smith Regime. If this Bill is passed by this House and is placed on the Statute Book, then we will be equally condemned by all freedom loving people, and the Indonesians will be fully justified to have a closer look at the question of the determination of the wishes of the people of the Bornean States.

Mr Speaker, Sir, in an editorial on 17th September, 1966, *The Times* of London stated that the Alliance Government had acted in a heavy-handed manner. It went on to say:

"Imposition of a state of emergency will not improve matters, will not immediately guarantee to Kuala Lumpur the Government of its choice in Kuching. The reasons given for a state of emergency—says *The Times*—are thin. The Communist threat in the jungles is real but it is hard to understand why it has suddenly become worse."

The liberal *Manchester Guardian* has this to say:

"A hitherto unrevealed quality of statesmanship will have to be shown—above all in Kuala Lumpur—if the Federation is to work. Now it is involved in a quarrel with the Chief Minister of Sarawak, as it was a year ago with the Chief Minister of Singapore. The details are quite different, but this time, too, so many different kinds of motives are tangled together—racial, political, economic, linguistic, religious and not least personal."

After relating the events which led to the present impasse, the editorial adds:

"When governments, unable to oust an opponent by legal processes, start tampering with the Constitution, the stability of constitutional government itself is a danger of being weakened. But Kuala Lumpur certainly has to find a way of breaking the deadlock. That would be easier if it could be more confident of the support it commands in Sarawak."

Mr Speaker, Sir, let us come closer and see what the *Sabah Times* has to say. The *Sabah Times* in an editorial states:

"We fully respect the frustration being suffered by the Alliance leaders in our sister State having as they do the majority without the government, but this surely does not mean that the situation is beyond redemption. We would ask the Central Government to tread carefully on this political hot-bed."

Mr Speaker, Sir, based on the figures of the 1963 Sarawak District Council Elections, the Alliance Party in Sarawak is a minority party in power there. The results of the Sarawak Elections in 1963 showed that the Alliance Party entered 273 candidates, won 137 seats and gained 68,814 votes. The SUPP entered 207 candidates, won 118 seats and gained 73,843 votes. The Independents entered 405 candidates, won 115 seats and gained 58,980 votes. Finally, PANAS entered 110 candidates, won 59 seats and gained 37,435 votes. Of the valid votes cast, the Alliance Party had 29.2%, SUPP 31.3%, the Independents 25% and PANAS 14.4%. Thus it is quite clear that neither from the seats gained, nor from the votes cast, are the Alliance Party in any sense a majority party in Sarawak. To do so is a travesty of truth.

It is true to say that control over the Council Negri in Sarawak depended on the sole Independent winner, namely Enche' Jimat anak Intan of the Binatang Local Council which composes of 7 Alliance, 7 SUPP and 1 Independent Members. Now, before the District Council election for the representation to the Divisional Advisory Council, all the Alliance members of Binatang District Council together with Enche' Jimat were brought over here by air, housed in Hotel Merlin and dined and wined there—all this at the expense of

the humble and long suffering taxpayer of this country. After this Enche' Jimat duly obliged by voting with the Alliance. Besides this, a whole heap of independents were bought over to enable the Alliance to manipulate and gain control of the Divisional Councils and the Council Negri. We in Malaya are now quite familiar with these machinations of the Alliance Party, come election time.

Mr Speaker, Sir, the Alliance Party in Sarawak is composed of the following parties: PESAKA, SNAP—although it is out of the Alliance now—, BERJASA, SCA and PANAS. This is a motley crowd composed of warring factions which are at each other's throat all the time. Thus, the Alliance Party in Sarawak, as in the mainland of Malaya, has been riddled with crises since its formation and has been fragmenting all the time. The basic cause of these crises has been interference from Kuala Lumpur. Every time there is trouble in Kuching, instead of composing their differences there, they scuttle to hear their Master's voice here and receive their instructions from their Masters here. Thus, after Dato' Ningkan had been dismissed, Tun (Dr) Ismail accompanied by the Inspector-General of Police and the Attorney-General went to Kuching. That night in a statement broadcast over Radio Sarawak Tun (Dr) Ismail railed against Dato' Ningkan. *Inter alia* he said, and I quote:

"Nowhere is it laid down in the Constitution that the majority support is to be determined in the Council Negri. This is where Dato' Ningkan and some newspapers went: they insisted that unless the Council Negri is convened and takes a decision on the majority question any action contrary to this is unconstitutional. In asking His Excellency the Governor to exercise his power to terminate Dato' Ningkan's office as Chief Minister, the Alliance Party is acting in accordance with the Constitution and not bypassing it."

Now, Tun (Dr) Ismail should know better since he is also the Minister for Justice and he had his Attorney-General with him. I do not know whether the Attorney-General is here today. We all know that his pontification has been proved wrong by the Harley Judgement.

Later in early July, 1966, the Prime Minister went over with a large entourage which included the ambassadors of South Vietnam and America. Why the latter two personages should be included in such a mission, we are still to know. The Tunku too breathed fire and brimstone against all who dared to defy the Alliance Godhead and he was particularly severe on Dato' Ningkan. All this did not deter or frighten the opponents of the Alliance and their stand has been vindicated by the Harley Judgement. The events of the last few days, Mr Speaker, Sir, have been too recent for me to recapitulate.

Mr Speaker, Sir, the solution to the sorry state of affairs amongst the warring factions of the Alliance Party in Sarawak does not lie in bringing this monstrous Bill before this House. One solution, as has been pointed out by others before me, would be to dissolve the Council Negri, the Divisional Advisory Councils and the District Councils and call for general elections straightaway. This Dato' Ningkan has done. But this, the Deputy Prime Minister has rejected out of hand as being inappropriate. This merely reveals the utter hypocrisy of the Alliance Party, for it was this very three—tiered system of election that brought the Bornean States in Malaysia and also brought the Alliance Party into power in Sarawak. Another solution would be to accelerate the preparations for the general elections on a constituency basis, dissolve the Council Negri and let a Caretaker Government take over, comprising of representatives of all political parties. This proposal has again been made by Dato' Ningkan and has again been rejected out of hand by Kuala Lumpur.

A third solution would be to dissolve both the Council Negri and the Divisional Advisory Councils and let fresh elections take place from the District Councils to the Divisional Advisory Councils and from there to the Council Negri. This, again, may be the intention of Dato' Ningkan, when he has called for an emergency meeting of all the five Divisional Advisory Councils on September 26th, 1966. I

challenge the Alliance Government to accept this proposal as a test of their strength in Sarawak. If they are so sure, Mr Speaker, Sir, of their strength in Sarawak, of their majority in the Council Negri, why do not they go a little further back and consult the Divisional Advisory Councils, which are the electoral colleges which elected the Council Negri members? If, as they claim, they have the majority support in Sarawak, then there is no fear of their losing their grip on the Divisional Advisory Councils and the Council Negri.

Mr Speaker, Sir, another solution would be to hold a referendum not to see whether they should or should not opt for Malaysia, but to hold a referendum merely to test the popularity of Dato' Stephen Kalong Ningkan. The referendum need not be a very complicated one; it need only say, "Do you support Dato' Ningkan or not?" That is all. I challenge the Alliance Government to hold such a referendum and that is an acid test of whether they have the majority support of the people or is it Dato' Stephen Kalong Ningkan?

Yet another solution, Mr Speaker, Sir, would be, why should not they have recourse to the courts, for after all it was a court that declared the dismissal of Dato' Stephen Kalong Ningkan to be unconstitutional? There is still legal redress for the Alliance Government. Why the Alliance Government and Party in this case, Mr Speaker, Sir? Normally one differentiates the Government from the party, but this House and this country have seen that there is no difference between the Party and the Government. I challenge the Government. "Why should not you go and seek redress in the courts, instead of bringing this monstrous Bill before this House?".

Yet another solution, Mr Speaker, Sir, as has been pointed out both by the Member from Sarawak, who spoke before me, and by the *Sarawak Tribune*, is to suspend the Constitution of Sarawak and rule by decree. They have the powers now, but they do not choose to do so, rather they want to plug up a lacuna in the State Constitution and then empower a compliant Governor to dismiss the Chief Minister.

Mr Speaker, Sir, we in the Labour Party have always maintained that the Alliance Government will practise parliamentary democracy so long as they are in no danger of losing at the ballot box. The moment the Alliance Party is in danger of losing at the ballot box, they will throw overboard parliamentary democracy and rule at the point of the bayonet. The Alliance Party has laid bare its fangs and the country has once again been forewarned.

Finally, Mr Speaker, Sir, away with the can't and the incantations, the pontifications and hypocrisy of the Ministers, both inside and outside this House. Let the Government not pay mere lip service to parliamentary democracy. Let the rule of law prevail and let all those who cherish freedom, justice, and fairplay join forces to oppose this monstrous Bill. Thank you, Mr Speaker, Sir. (*Applause*).

Tuan Edmund Langgu anak Saga (Sarawak): Mr Speaker, Sir, on behalf of the Sarawak National Party, I would like to take this opportunity to oppose the Bill that is before this House today.

Mr Speaker, Sir, the constitutions of many democratic countries include checks and balances in order to preserve stability in government and to prevent gerrymandering in politics. The system whereby there is requirement for the Legislature to meet at regular intervals prevents a government ruling without coming before the people's representatives from time to time to account for its actions. On the other hand, the authority of the Cabinet to call a meeting prevents disruptions of government by political groups vying for power in attempting continual changes of government by calling the Legislature into session for frequent votes of no confidence, as seen in France and Italy. The actions of the minority government ruling for a short period between meetings of the Legislature is nothing extraordinary.

The proposed action by the Federal Government, Mr Speaker, Sir, to remove one of the checks and balances in the Constitution has inherent danger in the long term. What if there is another swift change of allegiance of some members of the Legislature in the minds of some? The situation in Sarawak has arisen, because the campaign by Penghulu Tawi Sli and his colleagues to defeat Dato' Ningkan went half-cocked. Had they been patient and marshalled sufficient votes, they could have adopted the normal constitutional procedure of moving a vote of no confidence in the Council Negri and winning the vote in June. There is no reason to believe that Dato' Ningkan would not have resigned under such circumstances. All Sarawak knows the inside story of the twenty-one signatures and why the last meeting of the Council Negri was boycotted. Having adopted gerrymandering tactics and also what has since proved to be unconstitutional approach and having missed the bus, Penghulu Tawi Sli and his colleagues are not content to catch the next bus but to storm the bus depot and take out the bus before the driver is ready.

The reason given by the Federal Government for pursuing the matter are wellknown to be a smokescreen, and the shameful use of the radio to put over the Alliance propaganda fills all Asian people with disgust. Even those who hold no brief for Dato' Ningkan personally are swayed to his support by the very unfairness of the tactics of his Opposition. This will be proved in the next coming election, Mr Speaker, Sir.

All of us who are true Sarawakians and supporters of Malaysia are dismayed by the way it is proposed to tamper with the Sarawak Constitution in the interests of political expediency. We are dismayed at the apparent intemperance and the hypocritical attitudes of our leaders in Kuala Lumpur. We do not want autocratic rule. We want democracy, and to preserve that democracy we want the ample checks and balances to remain in the Constitution, inconvenient as they may be to any political party at a particular moment.

We know Sarawak is stable and we know that Communists are well under control. Security can only worsen through agent provocateur tactics, thus providing an excuse for stern Federal actions. All those who love Malaysia and those who have fought for Malaysia will surely beg the ruling party in Parliament to take a statemanlike attitude and not sell their souls for a mess of pottage. Malaysia and the Constitution are worth three months' patience, but perhaps some people fear a switch of allegiance during the three months' period? Hence the proposed action.

Lastly, the actions of the Federal Cabinet in accepting the signatures of the Members of the Council Negri as *prima facie* evidence of majority seem perilously near to contempt of court, in view of the recent court ruling on the constitutional method of determining the majority of the Council Negri Members. What has the Divisional body to say? Dato' Stephen Kalong Ningkan's action is not unconstitutional and is not undemocratic. Who can blame him for making use of one of the checks and balances in the Constitution, particularly in view of the political caprice of his opponents both in Sarawak and in Kuala Lumpur?

Mr Speaker, Sir, today we are not merely considering the Bill that is before the House but to give autocratic and dictatorial powers to the Governor of Sarawak. The effect of this Bill is to give the Governor of Sarawak more powers than the British colonial governor. Sarawak was a British colony before and now we are supposed to have achieved our independence within Malaysia. But are we? Today, if this Bill is passed, the effect of it would, as I said, revert Sarawak to the status of a colony again. May I ask Honourable Members here to put your hands to your hearts and answer the question truthfully: It is not so? We are all brothers in Malaysia.

The Inter-Governmental Report and the London Agreement had divided the

functions and powers between the State and Federal and also, at the specific request of the Sarawak people and the Borneo States, specific safeguards were introduced in the Constitutions of both States and Federal to ensure that the Constitutions of the States are honoured not only in the letter but also in the spirit. But what has happened, Mr Speaker, Sir? First, the Federal Government, because of their dislike of the Chief Minister, Dato' Stephen Kalong Ningkan, who is the champion of the State rights in the Constitution of the State of Sarawak, has to be removed by hook or by crook, because, presumably, he is not pliable enough to suit the Federal Ministers. What did then happen? The Federal Ministers schemed to remove him. Firstly, they called the Members of Council Negri in ones and twos to Kuala Lumpur and told them what a rotten fellow Dato' Ningkan was and made these poor Council Negri Members of Sarawak, some of whom did not even know how to read and write, to affix their names and even "chop" to request Dato' Ningkan to resign. Secondly, the Federal Government sent the Federal Minister of Home Affairs, Tun Dr Ismail, Mr Khaw Kai-Boh, the Federal Attorney-General, and the Inspector-General of Police to go to Sarawak and put pressure on the Governor, Tun Abang Openg, to sack the Chief Minister, Dato' Stephen Kalong Ningkan, on June 17th this year unconstitutionally. This is now histroy, Mr Speaker, Sir.

Now, Sir, not being satisfied by having done one grave injustice to the Constitution of Sarawak, the Federal Government today, in order to cover their stupidity and their loss of face, is prepared even to butcher the State Constitution, and not only that but also to insult our Speaker, and our Council Negri Standing Orders. Our Council Negri, Mr Speaker, Sir, in Sarawak will be celebrating its centenary next year, i.e., 1967. It is, I say now with pride as a Sarawakian, the oldest and most respected Legislature in Malaysia. I say this without any fear of contradiction. It is because the Federal Government is jealous of our cherished traditions, of our honoured Legislature, that they have decided to butcher it. Why can't the Federal Government let our State Government and the people to settle our State differences without the stupid and blundering interference from Kuala Lumpur? I accuse the Federal Government and some of the Alliance leaders of deliberately trying to split us in Sarawak, using the old colonial policy of divide and rule. Leave us in Sarawak alone and we can settle our differences ourselves. Please do not send agents provacateurs—the work of these agents is an open secret to the people of Sarawak.

I accuse once again, Mr Speaker, Sir, the Federal Government for the present political crisis in Sarawak in their deliberate interference in our State affairs. This has been done for two primary reasons: firstly, the ignorance of local conditions; and, secondly, which everyone in Sarawak believes, this is a calculated attempt of the divide and rule policy of the Alliance. They want to divide the people of Sarawak, particularly the Dyaks. Is this what *Ikrar Perpaduan* means? Is it not our national policy that we Malaysians should stand solidly together? Then why this attempt in amending our Constitution today to disunite Sarawak?

Tun Razak, the Deputy Prime Minister, said that it is to allow democracy to work. But do Honourable Members know that in the three-tiered system of elections in Sarawak that the Divisional Advisory Councils, which had elected members to the Council Negri, should have been consulted for their views? I read here what the State Government has done for the benefit of the House. This was a statement by the Chief Minister of Sarawak, Dato' Stephen Kalong Ningkan, dated 18th September, 1966, which says—I quote—

"In order to seek the views of the people in Sarawak in all the five Divisions comprising the State of Sarawak, the Supreme Council has decided that the Divisional

Councils of the five Divisions, namely First, Second, Third, Fourth and Fifth, should be convened on the 26th of this month, in order to seek the views of the Divisional Advisory Councils on the following:

(1) whether the present Council Negri Members still enjoy the confidence of the Divisional Councillors who elected them, and

(2) whether direct or indirect elections should be held at the earliest possible date.

The people in Sarawak will agree that this is the proper and democratic step to take, namely, that the present Council Negri members should at least know what their electors think of them and would also provide the opportunity to meeting their electorates who are responsible for their election to the Council Negri.

The views of these five electoral bodies, who elect Members of the Council Negri, will give the people of Sarawak an idea as to whether the present Members of Council Negri still command the confidence of the people or otherwise".

I have said it before, and I repeat, that it is not a question of whether Dato' Stephen Kalong Ningkan still commands the confidence of the Council Negri Members but whether the Council Negri Members themselves still command the confidence of the people who have elected them. This is their acid test. It is the true democratic and constitutional test. The matter is one within the competence of the State Government. We have always traditionally used our Divisional Councils to inform us of the true feelings of the people. This has been the *adat* or the laws. Since we cannot have direct elections immediately, our tiered system of electoral college does give us the means of assessing what the next tier below the Council Negri feels about their elected representatives in the Council Negri. I am sure nobody in Sarawak and in Malaysia will dispute the wisdom, logic and practicability of this method of assessing the views of the people in the whole State through the five Divisional Advisory Councils.

Our Government is accused of being a minority Government, but it is a popular Government. I would make it categorically clear here that we have no wish to carry on the Government against the wishes of the people. That was why we have advised the Governor to proclaim general elections and dissolve the Council Negri. In the interim period, until the new Council Negri is convened, there should be a caretaker Government comprising all political parties. This move would provide the right atmosphere in the intervening period, while our State is preparing the general elections. We are sure that this is the proper and right step to take in the light of the present circumstances and which all Sarawakians, irrespective of their personal feelings against one another, must accept as just and fair not only to themselves but to the people of this country. Let us practise true democracy and not any form of guided democracy. I hope it is realised by every citizen of the country that this Bill to be passed by the Parliament today would give to the Governor even more power than the powers given to the old colonial Governors in the days of British colonialism.

I would like to say once again that the situation throughout Sarawak is calm and peaceful and there is no truth whatsoever in the allegation that the situation is deteriorating. If there is any doubt in the minds of Members of Parliament, I would suggest that they come over to Sarawak and see for themselves. I appeal to everyone to remain calm and not listen to the false rumours even if carried out by broadcasting and newspapers. Is this not the right and correct move?

The Council Negri Members by their participation in the violation of the State Constitution have, in the opinion of many people in Sarawak, ceased to command the confidence of the people. Let the Divisional Advisory Councils air their views.

Mr Speaker: Order, order! How long more will you take to finish your speech?

Tuan Edmund Langgu anak Saga: I think about 20 minutes.

Mr Speaker: How many pages more?

Tuan Edmund Langgu anak Saga: About 20 minutes, Sir.

Mr Speaker: Well, we will suspend the sitting now.

EARLIER RESUMPTION

(MOTION)

Tun Haji Abdul Razak: Before the sitting is suspended, I would like to move,

That, notwithstanding the provisions of Standing Order 12 (1), this House shall resume its sitting at 2.30 p.m. today.

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

Question put, and agreed to.

Resolved,

That, notwithstanding the provisions of Standing Order 12 (1), this House shall resume its sitting at 2.30 p.m. today.

Sitting suspended at 1.04 p.m.

Sitting resumed at 2.30 p.m.

(Mr Speaker *in the Chair*)

THE EMERGENCY (FEDERAL CONSTITUTION AND CONSTITUTION OF SARAWAK) BILL

Second Reading

Debate resumed.

Tuan Edmund Langgu anak Saga: Mr Speaker, Sir, the Council Negri Members, with their participation in the violation of the State Constitution, have in the opinion of the people in Sarawak ceased to command the confidence of the people. Let the Divisional Advisory Councils air their views. The Divisional Advisory Councils, as I pointed out earlier, are the immediate electorates of the Council Negri Members. Mr Speaker, Sir, Dato' Stephen Kalong Ningkan has said that he does not wish to be the Chief Minister against the wishes of the people. Indeed, he has asked the Governor in his letter to His Excellency, the Governor dated 16th September, 1966. I quote:

"I have informed you by my letter, CM. 1/6/66 dated 9th September, 1966, that the best solution to the present political situation in Sarawak is a General Election. I repeat the relevant parts of that letter:

'The learned Acting Chief Justice did indeed suggest the best solution when in the concluding part of the judgment he said:

With reference to my preparedness to consider a dissolution and presently an election, the political solution may well be the only way to obviate the multiplicity of legal complications. Possibly all parties and the people of this nation in whom sovereignty is supposed to lie will wish the same solution.'

I, therefore, with the concurrence of all Members of the Supreme Council hereby advise Your Excellency to proclaim that a general election in Sarawak be held immediately and, for the purpose aforesaid, I request that the Council Negri be dissolved.

It is also the considered opinion of the Supreme Council that during the period between the dissolution of the present Council Negri and the meeting of the Council Negri to be elected, this State of ours be administered by a caretaker Government composed of myself and Members, representing various parties, and that is the best way to serve the interests of Sarawak in particular, and Malaysia in general.

The proposed amendments to the Constitution, when assuming such a step to be legal, would in the present circumstances create only discontentment and frustration among the people of Sarawak and that will create instability and trouble, which may never be removed.

If you hand over Sarawak to certain parties by getting the State Constitution amended, you will be playing into the hands of communists and in creating bitterness amongst the people of Sarawak for generations to come. I sincerely believe that you do not want that to happen."

Mr Speaker, Sir, why did not then the Governor pay heed to this request of a man, who was, and is still, the rightful and legal Chief Minister since Sarawak achieved independence within Malaysia over three years ago? Surely, a caretaker Government consisting of various parties is the answer in the interim period between now and general election? Why, in the God's name, is it necessary to change the Constitution merely to put discredited Alliance Council Negri Members into the State Government? Why not let the State Constitution take its course? Why there must be Council Negri by December? Do not forget that Dato' Stephen Kalong Ningkan was sacked by the Governor under pressure from Federal Ministers. If there is any doubt of this

in the mind of Tun Mustapha, or any other Members, who seem to be doubtful, I challenge them to request immediately for a Commission of Enquiry by this House, or request His Majesty the Yang di-Pertuan Agong to appoint one to investigate my accusation.

Three months ago, on June 17, 1966, the Federal Government did not then think of an injustice done to Stephen Kalong Ningkan and the people of Sarawak. They had never thought of democracy, when they instructed the Sarawak Council Negri Members, who then were called to Kuala Lumpur, to boycott Council Negri. Why? It was because it suited the Federal Government to do so. In the period when their illegal Government was in charge their Radios blared against Dato' Ningkan, and smear campaigns staged by the Alliance were carried out. If three months were given to the illegal Government of Sarawak to operate, then why, in the name of justice and democracy, not allow the State Constitution in its normal course, unless Dato' Ningkan's Government resigns, for the Council Negri to meet in December if the Governor refuses the Council Negri to be dissolved?

My colleagues and I sincerely hope that the House would support us for the sake of justice and democracy in Malaysia that the following steps should be taken:

(1) Do not pass the Bill to interfere with out State Constitution.

(2) Dissolve the Council Negri and in the interim period, between now and general election, form a caretaker Government consisting of members from the various parties.

(3) Let the views of the Divisional Advisory Councils be heard by the Government.

(4) May I respectfully draw the attention of this House to what we have already stated publicly? It is ridiculous and absolute nonsense to any that there is at the moment a state of emergency in Sarawak. This is merely an excuse to ride roughshod over the Sarawak Constitution. I respectfully call on the Honourable Members of this House, especially the Deputy Prime Minister and his colleagues in the Cabinet and the Federal Government to show a sense of sincerity and to have the best interests of Sarawak at heart by immediately advising the Yang di-Pertuan Agong to appoint a Commission of Enquiry to come to Sarawak at once to investigate whether there is a state of emergency here before resorting to interference with our State Constitution and Council Negri Standing Orders by giving autocratic powers to the Governor.

(5) Muzzle Radio Malaysia, Sarawak, from pouring rumours and false propaganda materials which have already brought suspicion and disgrace to Radio Sarawak. If we in Malaysia, Sir, believe in the freedom of speech and the freedom of the press, then surely the people of Sarawak, who are the taxpayers, are entitled to the freedom of hearing both sides speak. Whilst Tawi Sli is allowed to have his speech broadcast, the legal Chief Minister, Dato' Stephen Ningkan, is disallowed from doing so. Honourable Memmers, is this right? Is this justice? Is this democracy? Is that what we believe in Malaysia?

Please ponder over my appeal today. I make it from the heart. It is because of my love for the unity of Sarawak and Malaysia that I make this plea. Do not let us act rashly and precipitately.

It is considered not out of place to remind our Council Negri Members of the following expressions as illustrated in the Cobbold Report in referring especially to the Ibans. Paragraph 42 of the Report reads as follows:

"Powers reserved in the Constitution to a State may not be changed without the agreement of the State."

This was the view of the 51 elected Chiefs (Pengarahs and Penghulus)

representing some 112,000 Ibans out of a total of 238,000 in the State.

This was an expression of opinion to which the Cobbold Commission attached very great weight.

In the Commission's final recommendation under paragraph 148 (*b*), the part affects Constitutional changes reads as follows:

"In view of special circumstances which apply to the Borneo territories, autonomy and safeguards should be given in certain matters which are not enjoyed by the other States. We are anxious in this connection that some form of guarantee should be provided whereby no amendment, modification or withdrawal of whatever special powers or safeguards may be given can be made by the Central Government without the positive concurrence of the Government of the State concerned. We feel strongly that appropriate provisions should be made in the Constitution to ensure that the special safeguards for the interests of Sarawak and North Borneo (Sabah), as territories in the new Federation, are maintained. We would, at the same time, wish to reiterate the principle that the power of amending the Constitution of each State belong exclusively to the people of the State. We therefore recommend that the existing Constitution of the Federation of Malaya should be taken as the basis of the Constitution of the new Federation with such amendments and safeguards as may be necessary. We also recommend that no amendment, modification or withdrawal of any special safeguard granted should be made by the Central Government without the positive concurrence of the Government of the State concerned."

Malaysia has come to pass and the Constitution of the Federation of Malaya has been used as the basis to form the Constitution of Malaysia, and our State Constitution is our guarantee of safeguards. Has Sarawak agreed to amend Article 150 of the Federation Constitution, and which amendment affects directly our State Constitution? Sir, there should be a period of mourning for the introduction of this Bill, and the timing is all at fault and putting, or placing our Governor and Speaker in a very awkward situation in the eyes of Sarawakians.

Mr Speaker, Sir, in conclusion I would strongly stress that the Sarawak National Party and the majority of the Sarawak people oppose the Bill. Lastly, Mr Speaker, Sir, I wish to make it clear to the nation through this House that the Sarawak National Party despite its actions remains in favour of Malaysia and anti-Communist. Thank you, Sir.

Wan Abdul Rahman bin Datu Tuanku Bujang (Sarawak): Mr Speaker, Sir, I have no doubt that any Honourable Member in this House who has the interest of Sarawak and Malaysia truly at heart and who wants Sarawak to remain in Malaysia, will not hesitate to present a bouquet to the Federal Government for the action it has taken and proposes to take in the explosive political crisis in Sarawak. The left-wing Opposition, Mr Speaker, Sir, especially the Sarawak United Peoples Party cannot, of course, be expected to endorse the Governments's action for obvious reasons. They have nothing better to do than to oppose every Government measure. If they do not oppose, the S.U.P.P., for example, Mr Speaker, Sir, will receive punishment from its main supporter the C.C.O. Let us, therefore, sympathise with their most pitiful plight.

Mr Speaker, Sir, the S.U.P.P. has expressly stated that there is no threat to the security on Sarawak. We should not wonder at such a statement, because it has always been saying this. What can we expect from a party that keeps burying its head ostrich-like in the sand? Right from the day it was born, some six years ago, the S.U.P.P. has been denying the existence of the C.C.O. in Sarawak. The S.U.P.P. leaders have always denied that the Party is heavily penetrated by Communists even when one of its members, Weng Meng Chuan, has been deported from Sarawak.

It is always the aim of the Communists to launch an armed struggle in Sarawak. It will help them tremendously if a state of disorder, chaos and political instability prevails in the State. For this reason, Mr Speaker, Sir, the C.C.O. wants the present political instability and tension to deteriorate. In the past, it used only the S.U.P.P. as their political front. During the past few weeks, it has formed a new front with an ally in the person of Dato' Kalong Ningkan. They support Dato'

Ningkan's denial of a threat to the security of Sarawak, because they want to have a free hand to bring about complete disorder in the State. The question for us to decide is, whose word can we trust and whose judgement should we accept? The choice is clear, Mr Speaker, Sir, the C.C.O. will score a victory, if this House were to accept the words of S.U.P.P. and Kalong Ningkan's political party members.

Mr Speaker, Sir, the High Court in Kuching recently decided that, under Article 7 (1) of the Constitution of Sarawak, the loss of confidence by members of Council Negri in the Chief Minister must be shown by a vote on the floor of the Council Negri and cannot be shown in any other way. Immediately after the judgement was delivered Mr Speaker, Sir, 25 out of 42 members of the Council Negri swore affidavits declaring the loss of confidence in Dato' Ningkan. In addition, they have been asking the Speaker and Dato' Ningkan to call an immediate meeting of the Council Negri to decide once and for all whether or not Dato' Ningkan should continue in office as Chief Minister. The Speaker has claimed that he can only call a meeting at the request of the Chief Minister. Dato' Ningkan, Mr Speaker, Sir, had also rejected the request of the 25 members under the most flimsy excuse that the Government had more urgent business to do. What business is more urgent than the question of whether or not he still retains the confidence of the majority of the Council Negri? Dato' Kalong Ningkan, Mr Speaker, Sir, and his colleagues have deliberately prevented the elected representatives of the people of Sarawak from exercising their constitutional and democratic right, namely, to demonstrate their loss of confidence in Dato' Ningkan.

Mr Speaker, Sir, how can a man who is supported by only 7 members of the Council Negri be allowed to flout the fundamental spirit of our Constitution? How can we entrust the Government of our country to such a man—today he fights the S.U.P.P., tomorrow he enters into an immoral political matrimony with Communist supported parties?

According to the papers, Mr Speaker, Sir, Dato' Ningkan has quoted Mr Justice Harley's suggested solution to the political crisis in Sarawak, namely, the holding of a general election. Mr Speaker, with respect to the learned Judge, I think that he has gone outside the scope of his judicial function in suggesting a political solution to a political problem of which he was not asked to suggest (*Applause*). Why did the learned judge not suggest the calling of an immediate meeting of the Council Negri to resolve the political crisis, when even the learned senior counsel for Dato' Ningkan said in his submission, here I quote, Mr Speaker, Sir, from the *Straits Times* of 30th August this year: "Quite rightly the decision as to who should be the Chief Minister was in the hands of the Council Negri itself. The final decision as to who should be the Chief Minister should be in the hands of the representatives of the people. This is in the Council Negri". Mr Speaker, Sir, this is the simple crux of the matter. Our Constitution says that the power to decide who should be the Chief Minister rests with the Council Negri. This is clear from Articles 6 and 7 of the State Constitution. There is nothing in the Constitution, Mr Speaker, Sir, which says that if a majority of the members of the Council Negri cease to have confidence in the Chief Minister, a general election must be held—this is exactly what Dato' Ningkan suggests. The Constitution says that if Chief Minister ceased to command the confidence of the majority he must resign. Dato' Ningkan has refused to resign. He has refused to face Council Negri as well.

Mr Speaker, Sir, before Sarawak became a Crown Colony, it was indeed a very peaceful State. Since the 1st July, 1946, on which date Sarawak was illegally annexed by the British Labour Government, the peace and tranquility in the State disappeared. The bitter struggle against the treachery of the British and its henchmen in Sarawak resulted in the assassination of the second Governor of Sarawak in 1949. The Communist

activities threatened the security of the country. Political interference in the affairs of Sarawak by people, who have no right to do so, has been going on since after the second world war. British officers serving in Sarawak during the Brooke regime voted in Council Negri to cede Sarawak to the British. Even after Malaysia was formed, Mr Speaker, Sir, British officers serving in Sarawak have not ceased interfering in Sarawak politics (*Applause*). Mr John Pike, the ex-Financial Secretary of Sarawak, for example, said a few days after the withdrawal of Singapore from Malaysia that if Malaysia could give $300 million for Sarawak's development, Singapore could offer double that figure. A few days after Dato' Kalong Ningkan was dismissed, though unconstitutionally, by the Governor, the wife of Mr Justice Harley stated in a party that it was not right to remove Dato' Ningkan otherwise than by a vote of no confidence in the Council Negri.

Another gentleman, Mr Shaw, the expatriate Secretary, Mr Speaker, Sir, interferred in the Land Bill crisis in Sarawak last year. Thank God, Mr Speaker, Sir, both Mr John Pike and Mr Shaw had been sent home for good by Penghulu Tawi Sli (*Applause*). One of the officers in the British High Commission, a gentleman by the name of Mr Spendlove, has said openly that Malaysia would last only nine more months. I call upon the interfering British officers, Mr Speaker, Sir, to stop interfering anymore in our internal affairs (*Applause*). They have done enough damage in Sarawak. If they do not like us, they can go back home for good. (*Applause*).

On the situation in Sarawak, Mr Speaker, Sir, if any of the Opposition Members here is prepared to guarantee that the present political tension will not deteriorate into bloodshed, I would like to see the face of that Honourable Member.

Mr Speaker, Sir, on the Constitution of Sarawak, even the senior counsel for Dato' Ningkan submitted to the Court that it was an unusual Constitution in the sense that it gives no power to the Governor to dismiss the Chief Minister, even after a vote of no confidence has been passed in the Council Negri.

The Honourable Member, Mr Stephen Yong, has said that the Bill before this House proposes to give more powers to the Governor than the powers possessed by colonial governors. The Honourable Member in making such absurd and nonsensical proposition must be a very poor lawyer indeed. (*Laughter*).

Finally, Mr Speaker, I read in the papers that Dato' Ningkan has asked the Governor to dissolve the Council Negri and hold general election. In my view, he can only do so under Article 7 (1) of the Sarawak Constitution, which gives power to the Chief Minister to advise the Governor to dissolve the Council Negri, if he ceased to command the confidence of the majority. The Governor under Article 10 can refuse to dissolve the Council Negri. I presume that the Governor has so refused and Dato' Ningkan should, therefore, resign immediately. Thank you, Sir.

Dr Mahathir bin Mohamad (Kota Star Selatan): Mr Speaker, as a backbencher I have every sympathy for the Government for the predicament that the Government is in today. Here is a situation, which is guaranteed to put the Government in a bad light, whatever decision it chooses to take. The situation in Sarawak is such that decisive action now will certainly guarantee success, but it will open the Government to the accusation of being heavy-handed. To wait for conditions to deteriorate further would absolve the Government from this charge, but would probably open it to charges of being indecisive and acting too late. I am glad, Mr Speaker, Sir, that the Government has chosen to act now. There can be no excuse for dilly-dallying, for too much is at stake in Sarawak and far too many people are ready to take advantage of any tendency towards instability for the Government to be complacent. That all has not been too

well in Sarawak since Malaysia was formed no one can deny. This is the only State where the Communists have a foot-hold. But what is equally important is that this is the only State whose Government has exhibited a very peculiar attitude towards what may be termed as the Malaysian spirit.

The Government of Kalong Ningkan has always claimed that it is all for Malaysia. It wants all the good things that Malaysia can give to Sarawak. It wants money; it wants development; and it wants education. But nevertheless, this Government has succeeded in creating the impression that Sarawak is in Malaysia but quite separate, that Sarawak wants what Malaysia has to offer, but will surrender none that belongs to Sarawak. Now, Sir, we do not mind this. It is not Malaysia's intention to impose its ideas on all the States; but in the case of Sarawak every time the Government of Stephen Kalong Ningkan chooses to differ, it is not the people of Sarawak who benefit, it is the British (*Applause*), in particular the British expatriates. By repeated coincidence, the British officers in Sarawak and the British colonial policy gained by the policies of the Ningkan Government. The people of Sarawak, through their recognised representatives, have time and again complained about the failure of the Federal Government to implement promises, but every time these complaints were investigated, the ugly expatriates are found at the bottom of it. In time the people of Sarawak grew to dislike these people and to deplore the apparent favour that the State Government of Kalong Ningkan has bestowed on the expatriates.

Mr Speaker, Sir, it may be argued that the way the Members of the Council Negri chose to demonstrate their lack of confidence in the Government of Kalong Ningkan was slightly unusual, but the Constitution of the State of Sarawak certainly did not specifically state that this was wrong. Even the learned Judge in giving grounds for judgement merely said that what was done differed from practice and precedence in other democratic countries—and that was all. The method may have been wrong, but the fact remains that a majority of the representatives of the people of Sarawak are dissatisfied with the Government of Kalong Ningkan. The unfortunate thing, Sir, is that this judgement, which is so meticulously based on democratic precedence and practice elsewhere, has led to an even more flagrant violation of another democratic practice—that of the resignation of a premier Minister when he loses the confidence of a majority of the elected representatives of the people. In the face of this violation, the court appears helpless, and yet this violation is most serious in that it may lead to government by decree and by proclamation—a denial of the very principle of democracy that the court has upheld. What is a responsible central Government like us to do? Even if there had been no deterioration in the situation, such a gross violation of democratic principle will surely warrant positive remedy. The Central Government's position is unenviable, but there is very little choice for it but to act. I am sure it gives the Government no pleasure to do this. But I would be disappointed if the Government were to vacillate.

I am reminded, Sir, of the painful decision of President Eisenhower to send troops to one of the Southern States of America, when anti-Negro riots broke out there. I think this morning we heard, when the Member for Batu was mentioning this, that the Federal Government of America would never think of changing its Constitution even if the Negroes in the Southern States were killed. But, then, there was no need to change the Constitution because the President had the power to act in the way he had acted in the case of the riots in Alabama. Invocation of Federal Authority is unpleasant, but if a Federal Government is to function, it must have capacity for action under certain conditions. It is with relief, Sir, that I view the majority that the Government commands in this House.

Mr Speaker, Sir, I would like to make a comment on what was said by the Member for Ipoh this morning. He

asked whether the Government thinks that the Government of Kalong Ningkan is legal. Now, I think the Deputy Prime Minister in his address made it quite clear that *de jure* the Government of Kalong Ningkan is the Government of Sarawak. But is it in fact the Government of Sarawak? In a recent case the High Court in Rhodesia ruled that the Smith's regime was illegal, but that does not remove the fact that the Smith's regime is the *de facto* Government of Rhodesia. In this matter, Sir, it is not so much whether a court passed a decision as to whether a government is illegal or legal, but as to whether the Government is in fact the Government of the people or not. And in the case of Sarawak quite obviously, if you follow democratic practices, the Government of Tawi Sli would be the real Government of Sarawak, while the Government of Kalong Ningkan, though it would be the legal Government, is not in fact the acceptable Government from the democratic sense.

Mr Speaker, Sir, having stated my support for this move by the Federal Government, I would like to seek clarification on a matter of basic democratic principle. We know, Sir, that in a democracy there must be checks and balances, so that no one person or group of persons can literally take the law into their own hands. This is why we separate the legislative body from the judiciary. The Legislature may not interfere with the courts and the courts in turn will not interfere with the legislature, except on points of law which are brought before them. I stand to be corrected, if am wrong. That is why I ask for clarification.

Now, in the case of the Sarawak crises, if I remember correctly, the court was asked to decide whether the dismissal of Stephen Kalong Ningkan as Chief Minister was legal or not. In the judgment, it seems to me that the suggestion was made that an election be held to solve the political problem in Sarawak. It may be that the court was asked to suggest a solution to a political *impasse* that this judgment would create. If this was so, then I would be glad to register my gratefulness for this advice. However, if no opinion was asked for, then I beg to express my humble opinion that a dangerous precedent has been created. I may be wrong, but it does seem to me that the haloed tradition that the judiciary divorces itself from politics has in this case been ignored. A political solution out of a political *impasse* has been suggested by a court, for that, Sir, is what the opinion regarding election amounts to. Now, if this is acceptable, then in future the courts may not be very far divorced from politic. What this may mean to the future of democracy in this country, I would not dare to predict. Suffice to say, Sir, that that advice has already resulted in a lot of difficulties in Sarawak, which have in turn forced the Government to act in a manner that exposes it to all sorts of calumnies from within and without. However, Sir, I do not hesitate for one moment to support the action by our Government. Thank you.

Dato' Abdullah bin Abdulrahman (Kuala Trengganu Selatan): Tuan Yang di-Pertua, saya bangun menyokong Rang Pindaan Perlembagaan yang ada di-hadapan kita pada hari ini. Kita semua ketahuï bagaimana burok-nya keadaan dharurat yang ada di-negeri Sarawak pada hari ini. Anasir kominis ada-lah sentiasa menchari peluang untok mendapat faedah daripada suasana yang burok yang telah berlaku semenjak beberapa hari di-Sarawak sana. Di-sini kita dapat sa-orang Ketua Menteri yang tidak, dengan erti kata yang sa-benar, mengikut principle democracy. Dengan terang beliau ketahuï ia-itu beliau tidak lagi mendapat keperchayaan dan sokongan yang penoh daripada rakan²-nya di-dalam Majlis Negri, tetapi walau pun di-minta beberapa kali oleh pehak Perikatan beliau maseh juga berdegil tidak mahu memanggil Meshuarat Council Negri. Maka di-dalam keadaan ini apa-kah patut pehak Kerajaan bertindak? Jawapan-nya, Tuan Yang di-Pertua, tidak lain tidak bukan, melainkan ia-lah memberi kuasa kapada satu orang lain pula saperti Governor memanggil Council Negri ini,

dan ini-lah yang sekarang ini telah di-buat oleh pehak Kerajaan.

Saperti kita dengar tadi daripada uchapan Yang Amat Berhormat Tim-balan Perdana Menteri, sa-kira-nya Council Negri membuat keputusan maseh memperchayaï kapada Dato' Kalong Ningkan. maka beliau terus-menerus akan jadi Ketua Menteri. Apa yang pehak kita suka melihat ia-lah keadaan huru-hara dan mala petaka berlaku di-Sarawak pada masa ini. Kita ketahuï di-sabelah-nya ada kerisis politik dan di-sabelah lagi ada anchaman kominis yang kuat untok menghanchorkan demokerasi di-Sarawak, tetapi sayang apakala di-kemukakan usul meminda Perlem-bagaan ini pehak parti Pembangkang kebanyakan-nya telah menentang dengan sa-hebat²-nya. Mereka sedia ketahuï ia-itu satu daripada tujuan besar meminda Perlembagaan ini ia-lah hendak menghindarkan dan hendak menahan anasir kominis daripada mendapat faedah dari suasana yang ada di-Sarawak pada masa ini. Maka dengan ada-nya tentangan daripada pehak parti² Pembangkang tadi jelas-lah, Tuan Yang di-Pertua, kapada kita ia-itu sa-tengah daripada parti² Pem-bangkang ini ada hubongan-nya dengan pehak kominis. Maka, Tuan Yang di-Pertua, dari itu saya berseru kapada pehak Kerajaan supaya menjalankan penyiasatan sama ada benar atau tidak sa-tengah parti² Pembangkang ini ada hubongan dengan pehak kominis.

Baharu sa-kejap tadi kita dengar Ahli Yang Berhormat dari Sarawak mengatakan S.U.P.P. mungkin ada hubongan dengan SCO atau pun anasir kominis di-Sarawak. Kalau bukti sudah ada, Tuan Yang di-Pertua, dan sa-kira-nya patut Kerajaan bertindak, maka saya rasa pehak Kerajaan patut mengambil langkah, mengharamkan parti² Pembangkang ini. Tuan Yang di-Pertua, dengan jalan ini sahaja baharu-lah kita dapat menyelamatkan dan mengekalkan keharmonian, saling-mengerti dan keamanan di-dalam negara kita ini yang terdiri daripada berbagai² bangsa. Di-sini, ia-itu di-dalam hubongan pindaan Perlembagaan ini, terang kapada kita ia-itu pehak Yang Berhormat Dato' Kalong Ningkan telah mengekokkan, telah menempangkan demokerasi yang ada di-Sarawak atau dalam bahasa Inggeris-nya, Dato' Kalong Ningkan has crippled democracy in Sarawak today. Maka apa yang di-buat oleh pehak Kerajaan pada hari ini ia-lah menyelamatkan demokerasi dan me-nempatkan sa-mula demokerasi itu di-tempat-nya yang sa-wajar. Itu sahaja, tidak lebeh dan tidak bukan.

Pagi tadi, Tuan Yang di-Pertua, kita dengar Ahli Yang Berhormat dari Ipoh chuba hendak mengelirukan orang ramai di-dalam negeri ini dengan menyebutkan berkenaan dengan kuasa Mahkamah dan kuasa Parlimen. Bagitu juga pehak Ahli Yang Ber-hormat dari Batu telah terang² berkata ia-itu kita di-Parlimen ini menchuba hendak mengatasi kuasa Mahkamah.

Tuan Yang di-Pertua, saya sangkal dengan sa-keras²-nya tudohan saperti itu. Apa yang berlaku di-sini pada hari ini ada-lah dua perkara yang ber-asingan dan berlainan. Satu keputusan telah di-buat oleh pehak Mahkamah Tinggi di-Sarawak. Apa yang kita buat di-sini, Tuan Yang di-Pertua, ia-lah meminda Perlembagaan. Kita semua ketahuï kuasa dan kewajipan Mah-kamah ia-lah mentafsirkan undang² (interpret the law), dan kita pula di-Parlimen ini ia-lah membuat undang² dan meminda undang²—to make laws and to amend laws. Jadi mana-kah menasabah kalau ada tudohan me-ngatakan kita di-sini hendak mengatasi kuasa² Mahkamah? Pehak Mahkamah terpaksa mentafsirkan undang² saperti yang ada terkandong dalam undang² yang berkenaan itu. Maka kalau pehak kita di-dalam Parlimen ini berfikir patut dan mustahak meminda undang² itu saperti Perlembagaan ini, maka itu ada-lah kuasa penoh kita, kebebasan penoh kita, dan apa yang kita buat pada hari ini ia-lah untok memelihara kepentingan ra'ayat di-Sarawak khas-nya dan di-Malaysia umum 'am-nya dan menjaga kepentingan keamanan di-dalam negara.

Kemudian Yang Behormat dari Ipoh ada menyebutkan dan mengung-kit²kan berkenaan dengan deliberate gap di-dalam Perlembagaan—ke-kosongan yang sengaja di-ada²kan

di-dalam Perlembagaan. Saya tidak setuju dengan chakapan ini, Tuan Yang di-Pertua. Perlembagaan di-buat oleh manusia. Tiap[2] perkara yang di-buat oleh manusia itu tidak semua-nya sempurna. Di-sini, saperti kata Yang Berhormat dari Kota Star Selatan, peculiarity has risen—satu perkara luar biasa—aneh—telah berlaku di-Sarawak. Satu perkara yang kurang tamaddun telah berlaku ia-itu di-mana satu Ketua Menteri yang sudah ketahuï tidak lagi ada keyakinan Ahli[2] Council Negri, tetapi maseh suka memegang jawatan. Ini tidak pernah berlaku di-tempat lain, dan ini terang[2] melanggar principle democracy.

Kemudian satu perkara yang menyedehkan juga, kita dapat tahu ia-itu pagi ini di dalam akhbar *Straits Times* ada menyebut ia-itu oleh kerana ada-nya pindaan kapada Perlembagaan ini, pehak Yang Berhormat daripada Tanjong (Penang) telah menasihatkan atau mengshorkan kapada orang ramai ia-itu sa-kira-nya pehak Ketua Menteri di-buang oleh pehak Governor atau pun di-minta berhenti daripada jawatan-nya oleh pehak Governor, orang[2] pekerja termasok-lah ahli[2] perniagaan patut memberhentikan kerja sa-paroh hari kerana membantah. Tuan Yang di-Pertua, sunggoh aneh! Ini berbunyi saperti menghasut—sound like sedition under the Penal Code, Mr Speaker. Kalau-lah berlaku perkara[2] yang saperti ini yang di-nasihatkan oleh pehak Ahli Yang Berhormat daripada Tanjong, saya bimbang, Tuan Yang di-Pertua, perkara[2] yang tidak di-ingini akan berlaku di-dalam negara ini. Kerana pada waktu itu kalau Governor bertindak, Governor ada-lah bertindak di-bawah Undang[2] yang di-beri kuasa oleh Parlimen ini. Di-dalam keadaan sekarang kita tidak mengetahuï siapa-kah dia yang sa-benar-nya Kerajaan di-Sarawak dan siapa-kah yang sa-benar-nya Ketua Kerajaan di-Sarawak. Maka kalau ada pindaan Perlembagaan ini maka terang-lah kapada kita semua pehak siapa yang sa-benar-nya memegang teraju atau tampok Kerajaan di-Sarawak pada hari ini.

Bagitu juga di-dalam hubongan ini, Tuan Yang di-Pertua, saya suka mengambil peluang ia-itu pehak satengah[2] akhbar saperti yang di-bacha oleh Ahli Yang Berhormat daripada Ipoh tadi, *Times*, mithal-nya telah berlaku tidak 'adil terhadap Kerajaan ini. Saya mengerti dan saya sedar kebebasan akhbar, tetapi kebebasan ini patut-lah di-gunakan dengan mensesuaikan dengan keadaan di-dalam negeri, khas-nya apakala negeri ada di-dalam keadaan dharurat atau dalam bahasa Inggeris-nya, Tuan Speaker, I am aware of the freedom of the press, but then what I feel is that in exercising this freedom what should be borne in mind always is the circumstances in the country, the situation of emergency—that should be taken into account.

Sekian-lah sahaja, Tuan Yang di-Pertua, oleh kerana pindaan ini ada-lah sa-mata[2] untok membawa keamanan dan untok menempatkan demokrasi di-tempat-nya yang sewajar-nya, maka mari-lah kita semua menyokong Rang Pindaan Perlembagaan ini.

Sekian-lah sahaja, terima kaseh.

Mr Speaker: Saya suka menerangkan kapada Persidangan ini, ada-lah menjadi keelokan perbahathan jika di-bawa perkara[2] yang tepat sahaja, sebab kita hendak memberi peluang kapada beberapa banyak Ahli[2] Yang Berhormat hendak berchakap—pada hal masa kita barangkali sampai pukul lima atau pukul lima lebeh[2] sadikit sahaja. Itu saya suka mengingatkan kapada pehak Pembangkang dan juga pehak Kerajaan.

Dato' Mohamed Asri bin Haji Muda (Pasir Puteh): Tuan Yang di-Pertua, perbahathan telah berlanjutan dari pagi tadi sampai-lah kapada petang ini dan kadang[2] terasa sedeh juga saya bila ada di-antara Ahli[2] yang berchakap ini telah melarat sampai terkeluar daripada perkara yang di-bahathkan, saperti Ahli Yang Berhormat daripada Kuala Trengganu Selatan baharu sabentar tadi telah mengkait[2]kan sahingga sampai kapada satu tudohan bahawa kebanyakan daripada Parti[2] Pembangkang ada hubongan dengan pehak kominis.

Sa-benar-nya pehak Menteri Dalam Negeri sendiri dan kakitangan[2]-nya daripada puchok pimpinan Polis sampai kapada bawah-nya tentu-lah berwaspada dalam perkara ini untok memerhatikan dengan teliti-nya, apakah ada hubongan semua parti dan sa-genap orang, sama ada daripada Parti Pembangkang sendiri atau daripada pehak Parti Kerajaan, sama ada mereka itu menyokong pehak kominis atau pun melakukan tindakan[2] yang memberi keuntongan kapada kominis. Oleh yang demikian, Tuan Yang di-Pertua, saya berasa dukachita-lah dengan uchapan Yang Berhormat tadi sa-hingga sampai melarat kapada mengharamkan Parti[2] Pembangkang dalam negeri ini demi untok menchapai keamanan, konon. Tetapi kalau sakira-nya semua Parti[2] Pembangkang di-haramkan di-dalam negeri ini, maka demokrasi dalam negeri ini sudah tidak ada ma'ana dan tidak ada erti lagi. Itu nama-nya demokrasi satu Parti.

Dato' Abdullah bin Abdulrahman: Tuan Yang di-Pertua, kalau Yang Berhormat tadi dengar apa yang saya katakan ia-lah, meminta kapada Kerajaan kerana ini ada hubongan dengan menghindarkan pehak kominis daripada mengambil kesempatan—peluang ini—di-Sarawak. Saya berkata, dengan ada-nya chakapan[2] daripada pehak orang[2] di-Sarawak sendiri dan lain[2], saya bimbang sa-tengah[2] pehak Pembangkang ada hubongan dengan pehak kominis dan saya meminta Kerajaan menyiasat. Saya kata, kalau ada bukti minta-lah Kerajaan mengambil tindakan mengharamkan Parti[2] Pembangkang itu—bukan kesemua-nya. Yang ada hubongan sahaja dengan pehak kominis.

Dato' Mohamed Asri bin Haji Muda: Tuan Yang di-Pertua, Ahli Yang Berhormat itu mengkaitkan kapada sa-tiap Parti Pembangkang yang menentang Rang Undang[2] ini. Mungkin pada hari ini harus semua Parti Pembangkang ini menentang Rang Undang[2] ini. Apa-kah tiap[2] Parti Pembangkang yang akan menentang Rang Undang[2] ini boleh di-sifatkan bahawa mereka itu ada hubongan dengan parti kominis? Ini-lah soal-nya yang saya bangkitkan. Jadi demi untok menchari keamanan perlu-lah Parti[2] Pembangkang itu di-haramkan—demikian-lah apa yang di-sharahkan oleh Ahli Yang Berhormat itu—mengikut fahaman saya-lah. Jadi, Tuan Yang di-Pertua, kalau bagini-lah chara berfikir-nya ahli[2] bijak pandai, kechewa-lah negara kita ini.

Tuan Yang di-Pertua, masaalah yang ada di-hadapan kita sekarang ini ia-lah untok meluluskan satu Rang Undang[2] di-mana akan di-pinda beberapa fasal di-dalam Perlembagaan kita dan memberi kuasa kapada Ketua Negara atau pun Governor bagi negeri Sarawak untok memanggil sidang Dewan Negri memechat Ketua Menteri dan, jika perlu, menyingkirkan Speaker untok sementara waktu bagi membolehkan Council Negri atau Dewan Negri bersidang.

Saya suka menyentoh sa-bagai mukaddimah daripada kenyataan saya ini, Tuan Yang di-Pertua, ia-lah mengenai soal perishtiharan dharurat yang telah di-lakukan beberapa hari yang lalu terhadap negeri Sarawak. Sabahagian besar daripada pehak Pembangkang telah menyebut perkara ini. Saya tidak akan menyebut lebeh banyak dalam perkara ini tetapi saya suka menyatakan, Tuan Yang di-Pertua, bahawa mengikut kuasa di-bawah Fasal 150 dalam Perlembagaan kita ia-itu-lah bahawa satu perishtiharan dharurat boleh di-ishtiharkan untok keselurohan negara atau pun untok sabahagian daripada negara itu jika sa-kira-nya di-yakinkan benar[2] bahawa bahaya yang ada itu akan mengancham keselamatan negara atau pun keselamatan ekonomi negara, ya'ani anchaman itu telah merupakan satu anchaman yang terlalu hebat dan merupakan satu anchaman yang, jika tidak di-ambil tindakan besok lusa, negara kita ini akan hanchor lebor atau pun terbalek langsong.

Bagitu-lah mengikut fahaman dan bagitu-lah niat pada mula-nya sa-waktu Perlembagaan itu di-ranchangkan. Soal-nya sekarang ini, Tuan Yang di-Pertua, ia-lah apa-kah kejadian yang munchul di-Negeri Sarawak sekarang ini benar-benar telah sampai kapada

had yang di-kehendaki daripada semangat yang terkandong di-dalam Fasal 150 itu? Itu-lah soal-nya. Pehak Kerajaan Pusat telah menyatakan dengan tegas bahawa keadaan[2] yang berlaku di-Sarawak sekarang ini sudah bagitu terok, sudah bagitu hebat, dan memerlukan satu tindakan yang tegas, dan ini-lah tindakan yang akan di-ambil melaluï Rang Undang[2] yang ada di-hadapan kita ini.

Walau pun Ketua Menteri Sarawak, Dato' Stephen Kalong Ningkan, sa-bagai Pengerusi Jawatan-kuasa Keselamatan Negeri telah memberikan penafian bahawa keadaan yang di-gambarkan bagaimana hebat-nya keselamatan di-Sarawak itu sedang terancham atau tidak benar dan sa-hingga sampai beliau telah menganjorkan supaya di-kirim sa-buah Jawatan-kuasa Penyiasat untok menyiasat keadaan itu sa-benar-nya, tetapi telah di-nafikan oleh pehak Kerajaan Pusat, terutama oleh pehak Yang Amat Berhormat Timbalan Perdana Menteri sendiri.

Jika kita memandang kapada penyata yang di-bentangkan di-Rumah ini ia-itu-lah Anchaman Kominis di-Sarawak, tetapi penyata ini hanya dalam bahasa Inggeris sahaja dan jika di-teliti pula kapada uchapan yang di-sampaikan oleh Yang Amat Berhormat Timbalan Perdana Menteri baharu sa-belah pagi tadi dan kenyataan[2] dalam surat khabar, keadaan crisis yang ada di-Negeri Sarawak itu; keadaan anchaman yang di-bayangkan di-Negeri Sarawak itu telah berchampor gaul, antara anchaman kominis yang mengancham keselamatan dalam negeri dengan keadaan crisis apa yang di-namakan crisis Perlembagaan dan crisis politik. Chuma, apa yang di-kaitkan dalam kenyataan dalam Bill ini ia-itu-lah crisis Perlembagaan atau crisis politik yang ada sekarang ini memberikan kesempatan kapada pehak kominis untok menjalankan jarum[2]-nya bagi merosakkan keselamatan dalam negeri.

Saya rasa, Tuan Yang di-Pertua, kita terpaksa membahagikan keadaan anchaman yang berlaku di-Sarawak itu kapada dua. Yang pertama ia-lah anchaman kominis, sama ada anchaman kominis itu yang tetap ada sejak dahulu sampai sekarang ini dan bertambah kuat keadaan-nya, atau pun anchaman kominis yang timbul daripada crisis Perlembagaan Negeri Sarawak. Dan yang kedua, ia-lah crisis Perlembagaan dan politik itu sendiri, sa-bagai zat-nya sendiri. Dengan membahagikan kedua-dua perkara ini dapat-lah kita memberi nilai atau pun memberikan, memikirkan, ubat-ubat bagi mengatasi penyakit-penyakit yang ada di-Sarawak itu sendiri.

Kalau sa-kira-nya kita meninjau keadaan anchaman kominis dan sama-sama-lah kita akuï mithalan-nya, bahawa keadaan anchaman kominis di-Sarawak itu bagitu hebat sekarang ini, dan sesuai-lah dengan penyata yang di-bentangkan ia-itu Anchaman Kominis Sarawak yang di-kait-kaitkan dengan gerakan kominis sa-dunia mithalan-nya, kita dapat terima-lah keadaan itu sa-bagai satu kenyataan.

Apa-kah perlu-nya di-adakan satu pengishtiharan dharurat yang baharu sedangkan negara kita seluroh-nya, termasok Sarawak, telah dan sedang berada dalam keadaan dharurat yang telah di-ishtiharkan pada 3 haribulan September, 1964, dahulu? Dengan Undang-Undang Dharurat yang di-ishtiharkan pada 3 haribulan September, 1964 dahulu, Kerajaan dapat bertindak apa sahaja bagi menchegah anchaman yang di-timbulkan oleh kominis itu, sama ada anchaman lama, anchaman baharu atau pun anchaman yang wujud dari berlaku-nya crisis Perlembagaan dan politik yang ada pada masa sekarang ini. Pehak Kerajaan boleh menghantar askar sa-berapa banyak, pehak Kerajaan boleh mengadakan sekatan-sekatan bergerak, pehak Kerajaan boleh mengadakan apa sahaja saperti mereka telah adakan pada masa-masa yang telah lalu di-bawah Undang-Undang Dharurat yang telah di-ishtiharkan pada 3 haribulan September, 1964.

Jadi pengishtiharan dharurat yang baharu di-ishtiharkan pada 15 haribulan September kelmarin, pada pandangan saya, kalau tidak pun merupakan sa-bagai kerja tambahan sahaja atau pun boleh-lah saya katakan

bahawa perishtiharan dharurat yang baharu ini, pada semangat-nya, tidak-lah sama sa-kali berkait dengan keadaan anchaman keselamatan yang ada di-Sarawak itu dari sudut gerakan kominis-nya. Tetapi di-tujukan benar-benar kapada soal crisis Perlembagaan, pada hal jika sa-kira-nya kita meninjau dari bentok crisis Perlembagaan atau crisis politik yang ada pada masa sekarang ini tidak-lah sa-tenat apa yang di-gembar gemborkan. Banyak jalan keluar-nya yang maseh boleh kita pileh dan chari dengan tidak payah kita meminda Perlembagaan, dengan tidak payah kita hendak menchachatkan Perlembagaan, dengan tidak payah kita hendak mengotor-kan da'awat dalam Perlembagaan untok sementara waktu enam bulan. Banyak lagi chara-chara lain yang boleh di-laluï saperti menubohkan Jawatan-kuasa Penyiasat sa-bagai-mana yang di-kehendaki oleh Ketua Menteri, Dato' Stephen Kalong Ning-kan, atau pun menyegerakan usaha-usaha, jentera-jentera pilehan raya, supaya pilehan raya sa-chara langsong dapat di-adakan sa-berapa segera yang boleh atau pun ini kira-nya langkah akhir-lah, jika di-anggap merbahaya benar-lah crisis Perlembagaan bagitu hebat, dan Dato' Ningkan telah meru-pakan kepala batu yang tidak dapat di-pechahkan lagi, pengikut²-nya bagitu ramai, pengaroh-nya akan mendadak lebeh luas lagi kalau tidak ada satu langkahan yang tegas dan langkahan yang tegas pun tidak akan dapat di-lakukan, boleh juga pehak Kerajaan Perikatan ini memikirkan satu lang-kahan yang sa-habis² tegas-nya sa-akan² langkahan terhadap Singapura supaya lenyap-lah angka 13, angka sial yang ada dalam Malaysia sekarang ini. Jadi-lah kita Malaysia dengan angka 12, angka berkat—tidak angka sial.

Ini terserah-lah kapada pehak Kera-jaan. Saya tidak menyarankan bagitu. Ma'ana-nya maseh banyak lagi chara² yang boleh kita fikirkan bagaimana hendak mengatasi crisis Perlembagaan yang ada di-Sarawak itu. Kita terpaksa kembali ka-pangkal sadikit, Tuan Yang di-Pertua. Sebab² timbul-nya crisis Perlembagaan ini, kita terpaksa kem-bali kapada pokok cherita bagaimana kesah pemechatan yang di-lakukan oleh Governor terhadap Dato' Stephen Kalong Ningkan, Ketua Menteri, bagaimana cherita pemimpin² Kerajaan Pusat berterbangan berkejar ka-Kuching dengan di-ketuaï oleh Yang Berhormat Tun Menteri Dalam Negeri, oleh Ketua Besar Polis, oleh Peguam Negara dan oleh siapa lagi entah-lah berkejar ka-sana hingga sampai-lah kapada cherita Dato' Stephen Kalong Ningkan di-pechat oleh kerana ber-dasarkan kapada lebeh dari sa-paroh ahli² Council Negri Sarawak itu tidak lagi memperchayaï kapada Dato' Ningkan.

Tuan Yang di-Pertua, sa-belum saya lanjutkan cherita ini, saya hendak menyatakan sikap saya. Ini cherita saya bukan-lah cherita membela Dato' Kalong Ningkan tetapi mencheritakan kesah. Kemudian saya akan memberi-kan pandangan² dari sudut parti saya bagaimana chara mengatasi-nya sa-sudah saya akan mengatakan bahawa parti saya tidak dapat menerima pindaan Perlembagaan ini.

Tuan Yang di-Pertua, sikap yang bagitu tergesa² dan terburu² yang di-lakukan oleh pemimpin Perikatan di-Pusat ini dalam masaalah pemechatan Dato' Kalong Ningkan daripada Ketua Menteri telah berlanjutan sampai ka-Mahkamah, Dato' Kalong Ningkan dengan chara berani-nya telah men-chabar capacity atau pun kemampuan Governor itu sendiri dalam pemecha-tan diri-nya dalam Mahkamah, dan hasil-nya saperti-lah sama² kita tahu bahawa Mahkamah Tinggi negeri Sarawak telah memberikan keputusan bahawa Dato' Kalong Ningkan sa-bagai Ketua Menteri tidak boleh di-pechat jawatan-nya melainkan melaluï undi tidak perchaya di-dalam Dewan Negri atau pun Council Negri sahaja. Dengan demikian bermula-lah satu cherita baharu, cherita orang² yang ingin mempertahankan Perlembagaan tetapi, dengan sedar atau pun tidak sedar, telah chuba menchabul Perlem-bagaan itu sendiri. Walau pun pentaf-siran-nya tidak jelas, walau pun apa sahaja alasan-nya tetapi semua orang tahu bahawa dalam negara demokrasi chara hendak menjatokan sa-buah

Kerajaan itu ia-lah melaluï undi tidak perchaya, dan undi tidak perchaya itu walau apa pun akan di-sebutkan nama-nya, dia mesti hanya melaluï Dewan Negri tidak boleh melaluï dengan surat sumpah, affidavit atau pun sa-bagai-nya.

Dengan demikian sa-sudah keputusan Mahkamah, Dato' Kalong Ningkan dapat kembali memegang jawatan Ketua Menteri dan di-sini timbul-lah persoalan baharu, persoalan apa-kah sa-buah Kerajaan dapat di-pertahankan dalam erti kata menjalankan pentadbiran dengan keadaan sa-bahagian besar daripada Ahli² Dewan itu tidak memperchayaï diri-nya, sedangkan untok mengesahkan bahawa kepercha-yaan itu ada atau tidak ada mesti melaluï Council Negri. Sa-bahagian besar daripada Ahli² Dewan telah mendesak supaya di-adakan persidangan Council Negri di-mana Jema'ah² Menteri-nya sahaja-lah yang akan dapat meminta Tuan Speaker memanggil Council Negri itu bersidang, telah meminta di-adakan persidangan Council Negri itu sa-berapa segera yang boleh. Dan yang dzahir-nya sekarang ini ia-lah Ketua Menteri itu, Dato' Kalong Ningkan, sa-olah²-nya enggan daripada bersikap meminta di-panggil sidang Council Negri untok menghadapi undi tidak perchaya atau undi perchaya terhadap diri-nya.

Akibat ini timbul kemarahan, kemarahan yang sa-benar-nya ia-lah kemarahan daripada penyokong² Penghulu Tawi Sli, bekas Ketua Menteri buat sementara waktu di-luchutkan jawatan Ketua Menteri yang sa-benar, atau pun kemarahan anggota² Perikatan sendiri-lah. Dari situ timbul-lah demonstrasi yang dza'if, timbul-lah kejadian pechah sa-buah dua tingkap di-pejabat bangunan British dan sa-buah pejabat company. Demonstrasi yang dza'if kata saya, ia-lah demonstrasi yang di-buat oleh Parti Buroh di-Pulau Pinang itu yang konon-nya tidak dapat kebenaran Polis pada masa yang lalu pun besar demonstrasi itu lagi. Bahkan pemechahan tingkap yang berlaku di-Sarawak yang di-sebut sachara besar²an dalam surat khabar itu kalau di-tengok dengan keadaan sabenar-nya barangkali ta'kan sama lagi dengan pemechahan tingkap bangunan USIS di-Kuala Lumpur satu masa yang lalu. Membandingkan keadaan² suasana yang timbul di-Sarawak akibat daripada keengganan Dato' Kalong Ningkan daripada memanggil persidangan Council Negri itu dengan keadaan² yang kadang² bergelora di-sabelah Malaysia Barat kita ini amat-lah jauh.

Saya merasa tindakan² yang timbul daripada kalangan anggota² Perikatan Negeri Sarawak itu lebeh banyak merupakan tindakan untok menutup malu-nya daripada tindakan yang merupakan kesunggohan benar² dari sudut politik, kesunggohan yang benar² dari sudut hendak memeliharakan Perlembagaan itu sendiri. Jadi, Tuan Yang di-Pertua, timbul-lah beberapa persoalan akibat daripada kejadian² ini, ia-itu persoalan yang pertama apakah dapat di-biarkan sa-orang Ketua Menteri berkuasa tanpa undi terbanyak dari Ahli² Dewan Negeri atau lebeh tegas, dapat-kah di-biarkan Dato' Kalong Ningkan sa-bagai Ketua Menteri Sarawak yang halal sekarang ini berkuasa tanpa undi terbanyak atau undi perchaya daripada Ahli² Council Negri—satu. Persoalan yang kedua, pentafsiran undi perchaya telah di-pechahkan oleh Mahkamah hanya melaluï Dewan sedangkan Ketua Menteri yang sah, yang halal sekarang ini, nampak-nya belum lagi bersedia, buat sa-hari dua ini, untok mengadakan persidangan Council Negri, sedangkan dia sendiri sedar sa-bahagian terbesar daripada Ahli² Dewan Negeri atau Council itu tidak perchaya lagi terhadap-nya. Sedar kata saya ia-lah melaluï chakap², melaluï surat sumpah atau sa-bagai-nya.

Tetapi, Tuan Yang di-Pertua, mengenaï persoalan ini kita di-samping membinchangkan persoalan itu dari segi politik, kita tidak boleh lupa pula perbinchangan itu dari sudut Perlembagaan itu sendiri. Pada pandangan saya kedegilan yang di-lakukan oleh Ketua Menteri, Dato' Kalong Ningkan, buat sementara waktu ini maseh lagi belum merupakan perlanggaran kapada Perlembagaan. Sebab Perlembagaan itu sendiri ada mempunyaï sipat² tolorensi-nya, ia-itu-lah Perlembagaan juga

mengikut fasal[2]-nya dapat membenarkan persidangan Dewan Negri itu diadakan sa-lewat[2] 6 bulan sa-kali.

Erti-nya dalam tempoh antara satu sidang yang akhir dengan sidang yang akan di-adakan di-hadapan jarak-nya 6 bulan sa-sabuah Kerajaan dapat berjalan dari sudut Perlembagaan, dengan demikian Ketua Menteri Sarawak. Dato' Stephen Kalong Ningkan, yang sekarang ini dapat menjalankan pentadbiran negeri-nya sa-hingga satu sidang Dewan yang mesti di-adakan tidak lewat daripada 6 bulan dari sidang Dewan yang terakhir sa-kali mengikut perhetongan ia-lah tidak lewat daripada 14 haribulan Disember tahun 1966—itu dari sudut Perlembagaan. Chuma dari sudut semangat demokrasi nyata-lah sa-sabuah Kerajaan yang terang[2] atau pun yang jelas tidak di-sokong oleh suara terbanyak, ia-itu melalui gambaran biasa bukan gambaran Perlembagaan, ada-lah tidak demokratik, moral-nya kurang tertib. Perlu ia-nya mengadakan sa-berapa segera sidang Council Negri di-mana hak menentukan perchaya atau tidak perchaya di-mileki sa-chara mutlak oleh-nya.

Sekarang, Tuan Yang di-Pertua, kita berbinchang soal ia-lah demokrasi. Jika demokrasi yang kita binchangkan maka kita mesti-lah memandang dari sa-genap aspect, tidak boleh kita pandang dari satu sudut sahaja. Dari sudut sa-orang Ketua Menteri yang sudah sedar dia tidak dapat undi keperchayaan, walau pun belum ada sidang Dewan, dia maseh mempertahankan kedudokan sa-bagai Ketua Menteri. Dari sudut demokrasi, sekarang kita bertanya sudah tentu-lah pehak Kerajaan akan menjawab dengan senang-lah, demokrasi-kah nama-nya? Kita bertanya-lah bagitu, sa-orang Ketua Menteri memegang terus jawatan-nya dengan tidak bersedia mengadakan sidang Council Negri sa-sudah ia sedar sa-bahagian terbesar mendesak supaya di-lakukan demikian. Jawapannya tidak-lah; ta' ada semangat demokrasi-lah tetapi dari sudut Perlembagaan dia dapat berbuat demikian sahingga tempoh[2] yang di-tentukan itu telah sampai.

Yang Kedua, kita akan bertanya demokrasi-kah nama-nya sa-buah Dewan Negeri atau Council Negri yang sampai sekarang tidak terdiri dari orang[2] di-pileh oleh ra'ayat melalui satu pilehan raya sa-chara langsong, malah sa-tengah[2] Ahli[2] Dewan ini pun, Dewan Ra'ayat kita ini, dapat dudok di-kerusi Dewan ini. bahkan kerusi Menteri[2] pun ada yang dapat dudok dengan tidak payah melalui pilehan raya sa-chara langsong.

Bahkan, Tuan Yang di-Pertua, wujudnya dharurat yang berlanjutan sejak tahun 1964 sampai sekarang di-tambah lagi dengan anak dharurat, dharurat baru, anak dia-lah, sebab dharurat itu khusus untok Sarawak sahaja, ditambah lagi dengan anak dharurat atau dhararut baru di-Sarawak dan kemudian akan di-susul oleh kuasa[2] yang mutlak yang akan di-beri kapada Governor, mengikut Rang Undang[2] ini pun ada-lah menchabul atau sakurang[2]-nya menghilangkan semangat demokrasi itu sendiri. Ini semua-nya, Tuan Yang di-Pertua, ada-lah diantara beberapa kechachatan demokrasi di-negara kita yang perlu di-atasi dengan sa-berapa segera, khusus-nya masaalah Sarawak itu sendiri, kita tidak binchangkan soal Sabah sekarang ini sebab Sarawak yang timbul masaalah ini.

Jadi, Tuan Yang di-Pertua, bila kita tahu demikian dudok-nya penyakit, penyakit yang pertama saya ulang balek sa-chara rengkas—Ketua Menteri yang tidak bersedia hendak meletakkan jawatan atau hendak mengadakan sidang Council Negri. pada hal dia sedar undi ta' perchaya sudah tentu akan timbul lebeh banyak yang menentang daripada yang menyokong-nya, satu. Yang kedua-nya, seluroh Ahli Council Negri itu sendiri termasok yang menyokong Penghulu Tawi Slinya sampai kapada Dato' Stephen Kalong Ningkan sendiri, ada-lah orang yang tidak di-pileh oleh ra'ayat dengan sa-chara pilehan raya sa-chara langsong—pun juga tidak demokrasi-nya—ini semua perlu di-atasi. Biar-lah saya nyatakan dalam penyelesaian kemudian saya masokkan-lah teruskan uchapan saya kapada soal demokrasi kita ini.

Sekarang satu Bill, satu Rang Undang[2] untok meminda Perlembagaan, di-kemukakan kapada kita. Satu perkara yang saya ragu[2], apa-kah telah pernah menjadi kebiasaan dalam amalan demokrasi berparlimen dalam dunia ini membawa rang pindaan Perlembagaan dalam meshuarat tergempar sa-chara ini? Itu satu. Kalau telah pernah berlaku, bila? Beri-lah chontoh[2]-nya dan sebab[2]-nya berlaku demikian, pada hal telah pernah kita debatkan—kita bahas dalam Rumah yang mulia ini, Tuan Yang di-Pertua, beberapa ketika yang lalu bahkan ada satu saranan daripada pehak pembangkang ini kalau hendak di-pinda Perlembagaan patut[2]-lah di-beri masa yang chukup, patut-lah di-tanggohkan sidang itu dan di-beri peluang kapada orang mengkaji dengan chermat-nya pindaan Perlembagaan mesti-lah melaluï beberapa process-nya dengan sachara tenang bukan sa-chara terburu nafsu.

Satu lagi di-dalam Rang Undang[2] ini, Tuan Yang di-Pertua, ada perkara yang ganjil ia-itu pindaan Fasal 150, Cheraian 5 dan Cheraian 6, ia-itu hendak memasokkan perkataan "atau dalam Perlembagaan Negeri Sarawak," sa-lepas daripada kalimah "Perlembagaan," dalam Melayu-nya-lah—salepas daripada kalimah "Constitution" di-masokkan perkataan "or in the Constitution of the State of Sarawak".

Jadi, Tuan Yang di-Pertua, ini, pindaan ini, khusus kapada Sarawak, waktu pada masa mula[2] Perlembagaan Tanah Melayu dan akhir-nya, jadi Perlembagaan Malaysia. Fasal 150, Cheraian 5 dan Cheraian 6 ini di-buat tidak-kah terfikir oleh ahli[2] yang merangka Perlembagaan itu bahawa tidak lengkap dengan ada-nya hanya kalimah "Perlembagaan" ini, ya'ani Perlembagaan Malaysia atau Perlembagaan Persekutuan, sa-hingga tidak ternampak oleh mereka itu hendak memasokkan kalimah[2] negeri[2] yang lain dan kalau ternampak, mengapa ta' di-masokkan?

Pada faham saya, Tuan Yang di-Pertua, mereka telah mengkaji dengan chukup masak, bahawa tidak berperlembagaan dan tidak berdemokrasi, kuasa[2] boleh di-beri kapada Rumah ini untok meminda Perlembagaan[2] Negeri. Sekarang kita telah masokkan Negeri Sarawak oleh kerana kebetulan Negeri Sarawak yang sakit sangat Kerajaan Pusat menghadapi-nya kerana kebetulan, Ketua Menteri yang sekarang ini sudah berenggang jauh, sa-sudah menjadi sahabat yang karib dan akrab. Ini merupakan satu keganjilan, keganjilan dalam Perlembagaan, pindaan kapada Perlembagaan yang akan berjalan kuat-kuasa-nya dalam tempoh waktu yang terbatas, pada hal, Tuan Yang di-Pertua, orang na' meminda Perlembagaan ini berapa masak, berapa lama masa yang digunakan untok memasakkan process pemikiran dan jika boleh pindaan kaatas Perlembagaan itu jangan-lah bersifat sementara.

Saya bimbang, Tuan Yang di-Pertua, bahawa pindaan Perlembagaan saperti ini akan di-chabar oleh satu gulongan lain dalam Mahkamah pula nanti dan pada masa itu akan terbuka pula tembelang ketidak tahuan-nya Menteri[2] Kerajaan Pusat ini dalam hal urusan Perlembagaan, saperti tembelang-nya yang pertama telah pechah dalam Mahkamah Tinggi Negeri Sarawak. Saya bimbang dan kalau berkali[2]-lah yang timbul soal yang saperti ini, Tuan Yang di-Pertua, hilang-lah, hilang-lah nama baik kita, rosak-lah perjalanan Perlembagaan kita, dan rosak-lah demokrasi negeri ini lebeh[2] lagi dengan memberikan pula kuasa[2] mutlak kapada Governor saperti di-sebutkan dalam pindaan ini, nyata berlawanan benar[2] dengan demokrasi dan semangat-nya . . . . .

Mr Speaker: Persidangan ini di-tempohkan.

Sitting suspended at 4.10 p.m.

Sitting resumed at 4.30 p.m.

(Mr Speaker *in the Chair*)

Dato' Mohamed Asri bin Haji Muda: Tuan Yang di-Pertua, sa-lain daripada saya telah sebutkan berkenaan dengan kelemahan Rang Undang[2] ini, maka nyata sa-kali

bahawa wujud-nya Rang Undang[2] ini dapat di-anggap melanggar sama sakali dengan chara[2] amal democracy dan menyalahi kehendak[2] Perlembagaan itu sendiri. Tadi saya telah katakan mithal-nya dalam pindaan Fasal 150, Cheraian 5 dan 6 dengan memasokkan di-dalam Perlembagaan Negeri Sarawak mithal-nya sampai tempoh-nya cheraian itu di-batalkan kembali besok lusa, timbul pula hal[2] di-negeri yang lain pula, bawa pula ka-persidangan, pinda Perlembagaan, masok pula perkataan negeri[2] yang lain. Akhir-nya Perlembagaan kita ini akan menjadi tebal, bukan kerana tebal kandongan-nya, tetapi tebal pindaan demi pindaan yang kesemua-nya sudah di-batalkan oleh kerana lewat waktu-nya.

Jadi, Tuan Yang di-Pertua, patut-lah chara yang terburu[2] saperti ini yang dilakukan oleh pehak Kerajaan untok mengatasi masaalah yang tidak sabagitu rumit yang dapat di-atasi chara yang lain, katakan-lah pehak Kerajaan fikir kembali dan meninjau kembali supaya Rang Undang[2] ini tidak diluluskan dalam Dewan ini. Kerajaan boleh menghadapi penyelesaian masaalah Sarawak ini dengan chara yang lebeh baik, dengan chara yang lebeh sempurna, sebab dengan chara ini, Tuan Yang di-Pertua, akan menimbulkan anggapan, atau pun perasaan kurang senang di-kalangan ra'ayat dan pendudok negeri Sarawak dan mungkin akan menimbulkan satu perasaan tidak puas hati terhadap kejujoran Kerajaan Pusat dan kedemokrasian Kerajaan Pusat ini sendiri terhadap negeri-nya bahkan sudah pernah timbul suara[2] dari jauh yang menyatakan bahawa di-zaman British dahulu pun tidak macham itu. Sekarang ini hendak di-beri kuasa kapada Gabenor yang jauh melebehi daripada kuasa[2] yang ada pada orang puteh zaman dahulu.

Ini, Tuan Yang di-Pertua, chakap[2] ini, walau pun bunyi-nya terlalu rengan, akan tetapi kesan-nya dan akibat-nya amat-lah berat. Kita maseh dalam perengkat memujok, ya'ani saya katakan dalam perengkat memujok, maseh lagi kita hendak chuba memperkenalkan Malaysia ini di-kalangan ra'ayat Malaysia itu sendiri. Kerajaan Pusat terpaksa membelanjakan wang beratus[2] melion untok Ranchangan Malaysia Yang Pertama. Ini sa-mata[2] untok memajukan negeri[2] Sabah dan Sarawak. Kerajaan British sudah tidak sanggup memberi pinjaman. Kita yang memikul beban, sedangkan kesanggupan kita untok memasokkan Sabah dan Sarawak dalam Malaysia dahulu kerana British sanggup hendak tolong kita beri wang. Sekarang bebanan itu, biawak hidup itu, terpaksa kita pikul di-belakang kita, mahu ta' mahu kita kena buat, sebab ini merupakan satu polisi pujokan untok menyedar kedudokan orang di-sana, memberi faham supaya mereka dapat memandang Malaysia Barat dengan Malaysia Timor itu sama sahaja.

Tetapi dengan munchul-nya Rang Undang[2] dan langkahan[2] yang akan di-ambil melaluï Rang Undang[2] ini dan chara[2] yang telah di-lakukan sawaktu menjatohkan Dato' Kalong Ningkan dahulu dan sa-terus-nya, adalah amat berlawanan dengan semangat memujok saperti yang saya sebutkan tadi dan ini menyebabkan pada pandangan saya, menyebabkan semangat yang kita bimbang sa-lama ini akan hidup dengan subor-nya di-Sarawak ya'ani ada di-kalangan orang[2] Sarawak yang memandang keadaan kedudokan Kerajaan Pusat ini sa-bagai penjajahan dan mereka sa-bagai anak jajahan sahaja. Kalau semangat ini hidup merebak, maka hakikat Malaysia pun akan sakit dan pada akhir-nya tidak-lah tahu apa yang saya hendak katakan lagi, mungkin kalau kita pun tidak hendak memesahkan mereka, mereka sendiri pula akan memesahkan diri kemudian kelak.

Jadi, Kerajaan mesti-lah dengan fikiran yang tenang, lapang dan dada terbuka dengan chara sejok, bukan chara marah, bukan chara panas menghadapi masaalah ini. Pada pandangan pehak kami di-sini chara bagi mengatasi-nya ia-lah melaluï chara pilehan raya. Memang betul mengikut apa yang di-nyatakan oleh Setia-usaha Surohanjaya Pilehan Raya Persekutuan alatan[2], jentera[2] pilehan raya itu

belum siap dengan sempurna di-Sarawak, pendaftaran pengundi pun belum sempurna. Kalau besok, lusa di-adakan pilehan raya orang² yang tidak menjadi warga-negara pun berhak mengundi. Pendek-nya segala² mesti di-siapkan dan itu erti-nya memakan waktu sama ada 3 bulan, 4 bulan, 5 bulan atau 6 bulan, mungkin 7 bulan. Soal memakan waktu atau sa-bagai-nya tidak berbangkit. Soal-nya itu-lah satu²-nya jalan yang sederhana bagi memechahkan masaalah ini. Orang Sarawak sendiri tidak akan terasa hati, pehak Dato' Kalong Ningkan dan penyokong²-nya tidak terasa hati, pehak Penghulu Tawi Sli dan penyokong²-nya pun tentu akan dapat menerima dengan baik, sebab mahu atau ta' mahu, sama ada Kalong Ningkan berkuasa terus buat sa-hari dua ini oleh kerana Perlembagaan membenarkan sa-hingga 14 Disember, sama ada undang² ini di-luluskan dan kuasa Gabenor di-beri dengan lebeh banyak dan Penghulu Tawi Sli naik menjadi Ketua Menteri, pilehan raya itu mesti di-adakan. Kalau tidak kerana hendak mewujudkan satu Kerajaan yang betul² demokratik di-Sarawak sa-kurang²-nya hendak menunaikan kehendak² yang terchantum di-dalam Perjanjian Damai—Perjanjian Bangkok—yang telah di-tandatangani oleh Timbalan Perdana Menteri, Tun Abdul Razak dengan Tuan Adam Malik di-Jakarta, mahu atau ta' mahu pilehan raya itu mesti di-adakan.

Ini pun satu perkara juga, Tuan Yang di-Pertua. Kalau tekanan saperti ini terus-menerus di-lakukan, kalau perasaan orang² di-Sarawak tersinggong, pilehan raya yang akan di-adakan nanti yang berhubong dengan soal *reaffirm* ya'ani meninjau kembali atau pun hendak mengetahui kembali atau pun hendak menduga kembali kemahuan orang² di-Sarawak itu suka atau tidak menyertai Malaysia saperti yang terkandong di-dalam Perjanjian Damai di-Bangkok itu akan memberikan hasil yang mengechiwakan pehak kita. Kalau sa-kali dua kali ra'ayat di-tekan, kebebasan-nya di-tekan dan sa-bagai-nya, saya bimbang kok gambaran yang kita harap²kan itu akan menimbulkan kebalekan dan kalau sa-bahagian besar orang Sarawak tidak sukakan Malaysia, Tuan Yang di-Pertua, apa jadi? Timbul satu problem baharu, timbul satu kerumitan baharu, entah bagaimana pula chara penyelesaian yang akan di-lakukan oleh Kerajaan Pusat tidak-lah saya tahu, terserah-lah kapada Menteri² yang bijaksana ini menyelesaikan-nya saperti bijaksana-nya menyelesaikan masaalah² yang terdahulu daripada ini.

Jadi, Tuan Yang di-Pertua, hanya dengan melalui pilehan raya jika kita terpaksa menunggu sa-lama 6 bulan kerana persediaan jentera pilehan raya belum sempurna dan sekarang ini pada faham saya telah mulai di-lakukan kerja² untok menyempurnakan jentera² pilehan raya itu di-negeri Sarawak. Kalau kita terpaksa menunggu 6 bulan maka 6 bulan kita hendak menunggu mengadakan pilehan raya 6 bulan berjalan kuat-kuasa pindaan ini. Alternative yang ada pada undang² ini nyata tidak demokrasi saperti di-sebutkan tadi bahkan tidak berperlembagaan. Dengan berjalan sa-buah Kerajaan yang menerusi satu undang² yang undemocratic dan tidak berperlembagaan 6 bulan lama-nya menunggu pilehan raya dan kita terpaksa menghadapi problem² yang besar, sakit hati ra'ayat, perasaan yang tersinggong dan sa-bagai-nya. Maka pada pandangan saya lebeh baik sa-lama 6 bulan hendak menunggu pilehan raya ini Dewan Negeri atau pun Council Negri itu di-bubarkan dan sa-buah Kerajaan Peralehan (Caretaker Government) di-tubohkan atau pun kalau-lah pehak Kerajaan Pusat ini baik hati sahkan Dato' Kalong Ningkan itu memegang jawatan Ketua Menteri-nya sampai pilehan raya itu berjalan. Itu pun kalau dalam tempoh 6 bulan jarak antara dua kali sidang Dewan Negeri pada pandangan saya maseh dapat di-pertanggong-jawabkan kerana ia, mahu tidak mahu, maseh berjalan di-atas garisan Perlembagaan yang sedia ada. Sekian.

Mr Speaker: Saya suka memberi keterangan ada-lah persidangan ini akan di-rentikan pada pukul 6.30 hari ini oleh kerana kita memberi peluang kapada Menteri² menjawab lebeh kurang dalam ¾ jam. Jadi masa yang ada terbuka kapada Dewan ini

ada-lah kurang suku pukul enam—5.45. Itu sahaja had-nya untok berbahath atas perkara ini. Jadi, kalau boleh tolong-lah pendek²kan sadikit supaya ramai lagi boleh berchakap.

Tuan Thomas Kana (Sarawak): Mr Speaker, Sir, to us from Sarawak, this is a very important meeting, for the outcome of this meeting will decide whether democracy is to continue to function in Sarawak or to give way to the dictatorship of a very small minority.

Honourable Members of this Honourable House have heard that the political situation in Sarawak is serious. There, in that land, where a number of Honourable Members of this House come from, a tiny minority of people led by Dato' Stephen Kalong Ningkan, a minority representing only the Sarawak National Party, is trying to override the wish of the people of the State and attempting to dictate to the people because of his ambition and the ambitions of his colleagues. We have requested Dato' Ningkan to convene the Council Negri and face the political judgment there, but this man, who keeps on saying that he is a strong and brave man, has refused to be judged in the Council Negri. He has refused to be judged in Council Negri, not because it is right of him to refuse, but because he fears the political judgment of Council Negri—a judgment which will thwart his ambition. He has only a pitifully small minority in Council Negri, and that minority is backed by the anti-Malaysia Sarawak United People's Party, which he has previously opposed and which he courts now, and he tries to rule the country. Is it right of him to do that? Is it right morally and politically? Is there a democracy in the world which is ruled by a minority?

Sir, the majority of the people of Sarawak will tell this House that it is morally wrong and politically wrong of Dato' Ningkan to ignore the voice of the majority. Yet this man, this Dato' Ningkan, under the guise of protecting the Constitution of Sarawak, closes his eyes to his wrong acts and attempts to deceive the people and telling them that the answer to the political *impasse* is an immediate general election and not the convening of the Council Negri. The Council Negri, which is the House of Representatives of Sarawak, is the highest legislative body in Sarawak, and we read yesterday in the *Straits Times* that Dato' Ningkan now wants the Divisional Advisory Councils in Sarawak to meet and pass judgment on the Council Negri. This is an insult to Council Negri, a body higher than the Divisional Advisory Councils, a body made up of representatives from the Divisional Advisory Councils. Dato' Ningkan is obviously trying to delay the show and to deceive the people and make them forget Council Negri. He says that it is unnecessary to convene the Council Negri, yet he is attempting to convene the Divisional Advisory Councils—but the people of Sarawak will not be easily misled. They know what Dato' Ningkan has been doing and what he is up to. In the light of this and in the light of Dato' Ningkan's refusal and the Speaker's refusal to convene the Council Negri, it should now become the duty of this House to intervene to put right what is wrong and to get the Governor of Sarawak to call the Council Negri to meet.

The Sarawak United People's Party in alliance with Dato' Ningkan is opposed to the steps which are being taken by the Central Government to put right what is wrong. They call this act of saving the situation in Sarawak as wrong. Would they prefer the situation to be exploited by elements dangerous to the peace and tranquility of the State of Sarawak? Would they have preferred the worsening of the political situation? I leave that to the wise judgment of the Honourable Members of this Honourable House to answer.

The Sarawak United People's Party is an anti-Malaysia party, a party which, we all know, wants to separate Sarawak from Malaysia. Are we going to tolerate the stand made by such a party, a stand which is prejudicial to the interest of Sarawak? This party is trying hard to split the Alliance and is trying hard to call for an immediate general election. Dato' Ningkan, blinded by his ambition, does not appear to see

the objective of the Sarawak United People's Party. He does not appear to see that the Sarawak United People's Party is not really interested in defending the Constitution of Sarawak but is merely interested in its own ends. Read only what they say about wanting early election—even on the basis of the three tier system, this same party has made so much noise against the three tier system before the present political situation develops. It does appear that for their own subversive ends they are quite prepared to eat back their words. We all know what the three tier system would mean. It would mean that non-citizens would be allowed to go to the polls, and with the situation as it is such an election would be of help to the Sarawak United People's Party, which has a large number of non-citizens as its members.

Now, the question that Malaysia be put on the platform at the election—the fate of Malaysia, will be tested. Can Honourable Members approve of non-citizens to decide whether or not Sarawak should remain in Malaysia, this Malaysia which we love? Is the fate of our beloved country to be thrown into the hands of non-citizens? Never! When in 1946 the Council Negri met to decide whether Sarawak should remain independent, or become a British Colony, non-citizens under British arrangement took part in the decision in the Council Negri, and moreover they were allowed to vote. They voted, and by their unfortunate hands Sarawak was ceded to the British Crown. We do not wish such unfortunate things to happen again. Let us have a proper election when the time comes and when the election machinery has been satisfactorily completed—not now.

Right now, Sir, the matter as to whether Dato' Ningkan should remain to rule or not must be resolved in Council Negri. Why must we give way to Dato' Ningkan's desire just because a very small minority is behind him, and why must we dishonour Council Negri by not giving it a chance to decide on a solution to the present problem?

Mr Speaker, Sir, it is true that many of our Council Negri members are illiterate, as pointed out by the Honourable Mr Edmund Langgu, but the Honourable Member must not also forget that it was the same illiterate members who voted Dato' Ningkan into power in 1963 and also voted all the Honourable Members from Sarawak into this House. I am proud of our illiterate members, because they have shown their wisdom, courage and sincerity to the people of Sarawak. The same cannot be said of the so-called literate Sarawak National Party and the Sarawak United People's Party members, who are rude and arrogant. I will not say more, Sir. The facts about Sarawak are already wellknown to the Honourable Members of this House. I have no doubt they will judge wisely.

Mr Speaker, Sir, I support this important Bill and would like to call on my Honourable friends in the House to support it. If we fail here, I feel the problem in Sarawak will be enlarged and exploited. Thank you.

Tuan Pengiran Tahir Putra (Sabah): Tuan Yang di-Pertua, dalam menyokong pindaan Rang Undang[2] ini maka saya ingin berchakap sadikit mengenai beberapa orang Ahli[2] Yang Berhormat daripada Party Pembangkang yang telah menyuarakan tentangan mereka kapada langkah yang sedang di-ambil oleh Kerajaan Pusat untok menjaga keselamatan negeri Sarawak dan juga untok menyelesaikan krisis politik di-negeri itu. Di-antara-nya, Ahli Yang Berhormat bagi kawasan Batu telah berkata, di-antara lain, bagaimana-kah ke'adilan dapat di-jalankan dalam wilayah[2] Borneo, apabila sa-saorang itu dapat menjadi Governor satu hari kemudian-nya menjadi sa-orang MP Perikatan, dan pada hari lain-nya pula menjadi Menteri Kerajaan Pusat.

Dalam uchapan-nya itu, Yang Berhormat itu tentu-lah menudoh Yang Berhormat Menteri Hal Ehwal Sabah, ketika menjadi Yang di-Pertuan Negara Sabah telah tidak menjalankan tugas-nya dengan 'adil. Tudohan saperti ini sangat-lah burok dan tidak patut di-buat oleh sa-orang Ahli Yang Berhormat itu kapada sa-orang Ketua Negara yang di-hormati oleh seluroh ra'ayat Sabah. Ahli Yang Berhormat itu tidak

tahu hal ehwal Sabah dan tidak sa-orang pun ahli daripada Sabah yang telah memberi mandat kapada-nya untok berchakap mengenaï hal ehwal Sabah (*Ketawa*) (*Tepok*).

Dan lagi, sangat-lah tidak patut bagi Ahli Yang Berhormat itu mengecham Yang di-Pertuan Negara dan Sabah kerana Rang Undang[2] ini tidak ada kena mengena dengan masaalah Sabah. Saya perchaya tujuan Ahli Yang Berhormat itu membuat tudohan[2] yang liar itu ada-lah dengan tujuan untok membuat kachau bilau politik dalam negeri Sabah juga. Party Buroh Malaya di-ketahuï sa-bagai sa-buah party yang di-pengarohi oleh penjahat[2] kominis. Apabila ada kekachauan dalam Malaya maka selalu-nya nampak Party Buroh Malaya ada champor tangan.

Saya memberi amaran kapada Yang Berhormat itu supaya jangan champor tangan dalam masaalah politik Sabah atau pun politik Sarawak, kerana party-nya tidak mempunyaï chawangan dan tidak mempunyaï sa-orang ahli pun di-Sabah. Agak-nya Yang Berhormat itu berfikir chuma ke'adilan boleh di-dapati daripada ahli Party Buroh saperti beliau sendiri. Kalau Yang Berhormat itu ada mimpi atau pun khayal menjadi Yang di-Pertuan Negara Sabah maka elok dia bangun atau pun lari dari khayal-nya itu. (*Ketawa*).

Tuan Yang di-Pertua, saya juga tidak dapat mengelak diri daripada berchakap dan memberi pendapat mengenaï kata[2] Yang Berhormat daripada Sarawak ia-itu Enche' Edmund Langgu, nyata kapada Dewan ini bahawa uchapan yang bagitu panjang yang telah di-uchapkan-nya di-dalam Dewan ini bukan-lah uchapan-nya sendiri. Sunggoh pun saya tidak tahu sangat bahasa Inggeris, tetapi memang nyata kapada saya ia-itu Yang Berhormat itu sendiri tidak tahu semua erti perkataan[2] yang telah di-gunakan-nya pada hari ini (*Ketawa*). Perkataan[2] yang di-gunakan oleh Ahli Yang Berhormat itu terhadap Menteri kita sangat-lah kotor dan tidak patut di-gunakan dalam Dewan yang mulia ini, tetapi kita sakalian tentu faham kerana ia telah bertukar haluan daripada bekerjasama dengan Party Perikatan, party-nya ia-itu Party Kebangsaan Sarawak atau Sarawak National Party telah menentang Perikatan dengan musoh[2]-nya, ia-itu SUPP, dan sedar bahawa SUPP sa-bagai yang pernah di-katakan oleh Yang Berhormat itu sendiri ada-lah sa-buah party yang di-pengarohi oleh kominis di-dalam Sarawak.

Tuan Yang di-Pertua, kami di-Sabah pun pernah menghadapi krisis[2] politik, tetapi pemimpin[2] kami di-sana, sama ada daripada USNO mahu pun daripada UPKO, bersetuju menyelesaikan perselisehan[2] mereka dengan sa-chara yang terator dan mengikut perinsip[2] demokrasi. Kami tidak mahu penyelesaian politik di-antara kami merosakkan negara kami saperti yang dilakukan oleh Dato' Ningkan. Bagi pehak ra'ayat Sabah, Parti Perikatan Sabah menyokong dengan sa-penohnya tindakan yang di-ambil oleh Kerajaan Pusat di-dalam krisis politik di-Sarawak.

Sa-lain daripada itu Ahli Yang Berhormat dari Ipoh telah membayangkan harus juga pada suatu hari kelak Sabah akan keluar daripada Malaysia. Ini chuma ada kemungkinan jika Yang Berhormat itu memegang tampok Kerajaan Sabah, tetapi nyata kapada kita sakalian bahawa Sabah tidak akan menerima pemimpin saperti itu. Kami di-Sabah ada-lah akan tetap dengan Perikatan dan akan mempertahankan Malaysia sa-hingga ka-titisan darah yang akhir (*Tepok*).

Tuan Jonathan Bangau anak Renang (Sarawak): Mr Speaker, Sir, allow a voice from Sarawak to be heard in this House on an important subject as to whether or not His Excellency the Governor of Sarawak be given the power to convene a Council Negri meeting and thereby bringing the question of Dato' Ningkan's leadership into discussion in the said Council. My stand on this, Sir, is that His Excellency the Governor of Sarawak ought to be given the power to call a Council Negri meeting, so that democracy in Sarawak is saved and the voice of the people of Sarawak respected.

Yesterday Dato' Stephen Kalong Ningkan has proposed that a caretaker Government be appointed to carry on the Government until a general election is made possible. This to my mind, is not going to solve the problem we are now faced with. Dato' Ningkan is merely trying to distract the attention of the people from the demand made by the Alliance for convening the Council Negri. A caretaker Government, as suggested by Dato' Ningkan, will not work satisfactorily. He suggests that this caretaker Government will be made up of himself—he himself is very important, of course, even when his leadership is questioned—and some representatives from the other parties. This combination of people with such varied ideas will not work smoothly—it will only create more problems. There is really no need to do this. The solution to the present problem is simple. Call a Council Negri meeting and decide there who should lead the country's Government between now and election time. To create a caretaker Government, or to hold an immediate three tier election, will not only be a waste of time but will also be a waste of money and effort. What is the use of having an unsatisfactory three tier election now when soon after, as a result of the unsatisfactory nature of the election, another expensive election will have to be held?

Mr Speaker, Sir, Dato' Ningkan has no right to sit in office, when he only has a handful of supporters in the Council Negri. Of what meaning is democracy, if we allow him to do as he pleases, and if we allow some six people to override the wish of the majority in the Council Negri? Is he to say to the people that he has adopted a system of guided democracy? How can we allow such immoral behaviour on the part of Dato' Ningkan to go on? We would be greater culprits if we allow wrongs to go uncorrected. How can we tolerate Ningkan's rejection of the request made by the Governor of Sarawak to convene the Council Negri? How come that power is not given to a Governor to call a meeting of Council Negri when there exists in the State a dangerous situation? If the Governor has no power to call such a meeting in his effort to find a solution to the present political problem, then what is to act as a guarantor to the continuance of democracy in the State? There must be a safeguard against the usurpation of power by some scrupulous people, and right now in Sarawak power is being usurped by Dato' Ningkan and his small group of unscrupulous colleagues. Are we to simply stand and stare at such a stunt? Are we to say that we are weak and unable to unseat a man, who has not got the confidence of the majority in the Council Negri? Are we not strong enough to restore democracy in Sarawak? I believe, as I am sure other Honourable Members of this House also believe, that this House is strong and that it can restore democracy in Sarawak. This House has championed democracy in the past and I have no doubt that it will again champion democracy in this particular instance. Dato' Ningkan must not be allowed to have his own ways. He is a spoilt child already and we do not want to spoil him any more (*Laughter*). He is supported by the Sarawak United Peoples' Party and such an alliance of political immorality and anti-Malaysianism is unhealthy for Sarawak. The Sarawak United Peoples' Party has said that Dato' Ningkan is right when they know full well that he is wrong. They have also stated that Sarawak has been spoilt by Malaysia and that since Malaysia there has been no improvement and good in Sarawak. Does the Sarawak United Peoples' Party mean that the situation during the colonial government was better? If this Party says it, then I can only say about them that they are a very insincere bunch of people with the tendency to say things to suit their objectives and for political expediency. They know full well that Sarawak has improved by leaps and bounds through Malaysia and no patriotic Sarawakian would feel nostalgic for the colonial government—and this is the S.U.P.P. with whom Ningkan has aligned himself.

Mr Speaker, Sir, I call upon the House to support the Bill under discussion. Sarawak must be saved from

being destroyed by anti-Malaysia elements and by people who have no moral courage to resign when they know full well that they have no political and moral right to lead any more. Thank you. (*Applause*).

Tuan Haji Muhammad Su'aut bin Haji Muhd. Tahir (Sarawak): Tuan Yang di-Pertua, Ahli[2] Yang Berhormat sakalian telah mendengar berbagai[2] hujah daripada pehak Pembangkang menentang Rang Undang[2] ini. Tetapi tidak satu pun daripada mereka itu dapat meyakinkan ra'ayat Malaysia di-Sarawak bahawa bangkangan[2] mereka itu membenarkan datang daripada hati yang jujor serta ingin melihatkan keamanan serta kemajuan yang ada di-dalam Sarawak pada masa ini. Sakalian pehak Pembangkang yang berchorak kiri ya'ani daripada parti P.P.P., S.U.P.P. mahu pun Parti Buroh, mengutok tindakan ra'ayat, mengutokkan tindakan Kerajaan Pusat, parti[2] ini mahukan pilehan raya di-adakan dengan sa-berapa segera di-Sarawak untok menyelesaikan krisis yang telah jadi dalam Sarawak pada masa ini. Mereka tahu ia-itu jika pilehan raya di-adakan sekarang, maka terpaksa-lah sistem Tiga Peringkat itu di-gunakan. Kerana persiapan hendak mengadakan pilehan raya yang terus ini belum lagi siap. Dalam tiap[2] uchapan wakil pehak Pembangkang terutama sa-kali daripada pehak S.U.P.P. dalam masa yang lampau mereka mengutokkan di-atas sistem itu atau pun pilehan raya Tiga Peringkat itu, tetapi sekarang mereka itu dengan bersunggohan[2]-nya menyokong pilehan raya itu mesti di-adakan dengan sa-berapa segera-nya kerana apa ia-lah mereka hendak mengambil peluang yang baik sa-kali di-dalam subversive-nya menjalankan kerja[2] membeli orang[2] yang ada dalam Sarawak sekarang.

Kami bumiputra Sarawak menentang dengan sa-keras[2] pilehan raya sa-chara Tiga Peringkat ini di-adakan di-Sarawak. Di-bawah sistem ini mereka yang bukan warga negara Sarawak boleh dapat mengundi dalam pilehan raya itu. Walhal, Tuan Yang di-Pertua, saya maseh ingat di-masa negeri Sarawak di-rampas oleh Kerajaan Koloni orang[2] yang bukan bumiputra Sarawak itu telah kami jumpai minta kapada mereka ada-kah mereka menyokong rampasan ini atau pun membangkang di-atas rampasan ini. Apa yang di-jawab oleh mereka[2] itu, terutama sa-kali salah sa-orang daripada orang di-Sarawak itu Ketua China sekarang chuchu-nya ada di-dalam Dewan ini mengatakan, "ada-lah kami ini bukan orang Sarawak, kami datang di-sini hanya-lah datang menchari makan maka kami tidak akan champor semua sa-kali di-dalam hal keadaan Sarawak." Maka ini sangat-lah bertentangan dengan keadaan yang ada pada masa ini di-dalam Sarawak itu.

Tuan Yang di-Pertua, mana satu dunia yang lain yang membenarkan orang[2] yang tidak—orang[2] yang bukan warga negara, membuang undi, saya ingat tidak ada sa-kali[2]. Tuan Yang di-Pertua, dalam tawarikh Sarawak, Sarawak telah mengalami berbagai[2] pengkhianatan bukan sahaja daripada mereka yang bukan ra'ayat Sarawak tetapi juga daripada beberapa ra'ayat Sarawak sendiri. Pengkhianatan yang besar sa-kali telah berlaku kapada ra'ayat Sarawak, terutama sa-kali bumiputra-nya, ia-lah apabila Sarawak di-rampas oleh British daripada Kerajaan Brooke pada 1-7-1946, pada tarikh itu-lah Sarawak menjadi sa-buah Koloni British dari taraf sa-buah negara yang bernaung sahaja kapada taraf Koloni. Bagi British dan Raja Brooke Yang Ketiga apa yang di-katakan-nya penyerahan Sarawak kapada British telah di-lakukan dengan persetujuan suara ramai di-dalam Council Negri Sarawak—ini tidak betul sa-kali. Bahkan mendiang Winston Churchill dahulu telah berkata penyerahan Sarawak itu ia-lah akhir—ini kata-nya, tetapi Tuan Yang di-Pertua, pada masa itu Council Negri Sarawak, ada-lah terdiri daripada ahli[2] kerana jawatan yang mana kesemua-nya pegawai[2] Inggeris—Chief Secretary, Finance Secretary, President[2] dan lain[2] dan juga ahli[2] yang di-lantek oleh Raja sendiri, dan banyak lagi daripada ahli itu bukan-lah warga negara Sarawak. Banyak daripada mereka itu ada-lah warga negara British bahkan boleh di-katakan ada juga warga negara China.

Tuan Yang di-Pertua, bagitu-lah British menchuri Sarawak pada pegawai² Inggeris yang makan gaji di-dalam negeri Sarawak. Mengundikan dalam Council Negri, menyerahkan Sarawak kapada negeri tumpah darah mereka itu, ia-itu Britain, mereka itu di-sokong oleh ahli² yang bukan bumi-putra Sarawak dan sa-gulongan yang kechil sa-kali dari bumiputra yang memperjuangkan kepentingan mereka sendiri, nyata-lah bahawa Council Negri telah di-gunakan oleh Labour Party di-England dan Raja Brooke yang ketiga untok kepentingan mereka sendiri. Akibat daripada pengkhianatan itu ia-lah sa-bilangan yang besar dari-pada pegawai² Kerajaan—pemerentah-an itu, sa-banyak 338 orang pegawai Kerajaan—pemerentahan telah meletak-kan jawatan. Hingga pada hari ini, Tuan Yang di-Pertua, ada tiga lagi dudok di-dalam Dewan ini, Yang Ber-hormat Tuan Zaini, Yang Berhormat Ajibah Abol dan saya sendiri.

Akhir-nya, Tuan Yang di-Pertua, dengan pengkhianatan yang berlaku demikian itu, dengan kemarahan anak² negeri Sarawak akhir-nya hingga kapada jiwa Tuan Governor dalam Sarawak telah di-korbankan oleh ra'ayat Sarawak, maka kami ingin-lah me-mandangkan apa² perkara yang akan berlaku demikian lagi. Menurut kata, salah sa-orang daripada ahli P.P.P. kira-nya undang² ini di-luluskan, maka akan berlaku satu perkara yang tidak di-ingin. Kalau sudah demikian, Tuan Yang di-Pertua, menunggu-lah kami apa juga akibat-nya akan datang.

Sekarang Dato' Ningkan dan rakan²-nya daripada S.U.P.P., P.P.P., dan Party Buroh Malaya, chuba menentang suara ramai daripada ra'ayat Sarawak, terutama sa-kali bumiputra pada hal dahulu-nya Dato' Ningkan tidak mahu pilehan raya di-adakan sa-belum tahun 1968. Sekarang apabila Dato' Ningkan sudah tidak di-perchayai lagi oleh sa-bilangan yang besar daripada wakil² ra'ayat dari Council Negri, Dato' Ningkan berkata, seluroh Council Negri Sarawak tidak-lah perchaya, tidak lagi di-perchayai oleh ra'ayat dan oleh itu kata Dato' Ningkan pilehan raya mesti di-adakan dengan segera, walau pun mengguna sistem tiga peringkat, sa-hingga kapada crisis politik di-Sarawak baharu² ini S.U.P.P. pula telah mengu-tok sistem tiga peringkat, dan men-desak supaya pilehan raya sa-chara langsong di-adakan dengan segera di-Sarawak. Sekarang S.U.P.P. sa-telah bersetuju hendak berzinah politik dengan Party Dato' Ningkan, maka pilehan raya menurut sistem tiga peringkat di-adakan dengan sa-berapa segera. Bagini-lah pendirian kedua² buah party yang tidak mempunyai prinsip sama sa-kali. Kami menentang dengan keras-nya, tiga peringkat ini, ia-nya memberi hak kapada mereka yang bukan warga negara Malaysia untok menentukan masaalah politik dalam Sarawak.

Tuan Haji Abu Bakar bin Hamzah: Tuan Yang di-Pertua, untok penjelasan sadikit kalau dapat, ada-kah pilehan raya di-Sarawak itu di-beri hak undi kapada orang² yang bukan warga negara Malaysia dan warga negara Sarawak?

Tuan Haji Muhammad Su'aut bin Haji Muhd. Tahir: Tuan Yang di-Pertua, tadi saya sudah katakan, barangkali Yang Berhormat tidak men-dengar apa. Demikian-lah sahaja. (*Ketawa*).

Tuan Haji Abu Bakar bin Hamzah: Erti-nya dalam pilehan raya itu orang yang bukan warga negara pun boleh mengundi juga. Oh! ta' tahu lagi!. (*Ketawa*).

Tuan Haji Muhammad Su'aut bin Haji Muhd. Tahir: Saya suka bertanya kapada pehak Pembangkang ia-itu di-mana satu dunia yang lain memberi hak mengundi kapada mereka yang bukan warga negara negeri itu? Kami mahu pilehan raya sa-chara langsong di-adakan dengan sa-chepat mungkin, tetapi sa-belum pilehan raya itu di-adakan, Perlembagaan Sarawak hen-dak-lah di-hormati dan di-patohi. Prinsip² demokrasi hendak-lah di-amalkan. Dato' Ningkan tahu, saperti juga S.U.P.P. dan Parti² yang sama chorak dengan S.U.P.P., dalam Dewan ini ia-itu 25 orang daripada 42 orang Ahli² Council Negri Sarawak, telah

bersumpah tidak lagi perchaya kapada Dato' Stephen Kalong Ningkan sa-bagai Ketua Menteri.

Ini tidak dapat di-nafikan[2] sama sa-kali oleh sa-siapa juga pun. Bukan-kah nyata menurut prinsip demokrasi dan juga menurut Perlembagaan Sarawak Dato' Ningkan patut meletakkan jawatan-nya apabila 25 orang ini telah menyatakan kehilangan keperchayaan mereka terhadap Dato' Ningkan dan penyokong[2]-nya tetapi beliau sekarang menyatakan bahawa 25 orang itu tidak di-perchayaï oleh ra'ayat lagi. Ini ber-arti bahawa chuma wakil[2] yang di-perchayaï oleh ra'ayat ia-lah mereka yang menyokong S.U.P.P. dan Dato' Ningkan, bahkan hujjah saperti ini nyata kapada kita sakalian sa-bagai satu hujjah paling bodoh sa-kali dan merupakan hujjah gulongan yang chuma menentang kapada kepentingan mereka sendiri. Saya suka memberi amaran kapada Parti[2] S.U.P.P., P.P.P. mahu pun Parti Buroh, supaya jangan champor tangan sama sa-kali di-atas perkara[2] politik Sarawak.

Tuan Yang di-Pertua, semenjak 7 haribulan September keadaan di-Sarawak telah tegang. Dalam beberapa hari yang lalu perasaan marah telah memunchak sa-hingga tunjok perasaan telah di-adakan, posters, pumplet, lampau-hambong mengutok Kerajaan. Oleh kerana itu sa-orang daripada Surohanjaya Kerajaan British telah di-sangkakan champor tangan dalam masaalah politik Sarawak. Bangunan kepunyaan Information British dan lain[2] telah di-lempar, dengan batu dan pechah, ini konon-nya ada-lah peker-jaan ini, pekerjaan main[2] sahaja kata salah sa-orang daripada pehak pem-bangkang tadi. Ada-kah pehak Pem-bangkang itu jikalau perbuatan yang sa-macham itu yang sa-benar-nya pada hari demonstration ada ribu[2] orang yang telah menunjok perasaan oleh kerana saya salah sa-orang daripada-nya Ahli Dewan Ra'ayat melihatkan mereka itu turun banyak[2] hendak menunjokkan perasaan. Jadi saya dapat ketahuï ada-lah tunjok perasaan itu tidak dengan perlembagaan, kerana mereka tidak dapat permit daripada Kerajaan. Maka saya minta kapada mereka bersurai-lah dengan chara aman dan damai, bukan kerana mereka itu tidak akan menunjok perasaan dan membunoh dan apa ada perasaan mereka akan tunjok perasaan, akan tetapi oleh kerana kami ketua[2] melihat-kan perkara yang akan berlaku itu mendatangkan merbahaya, maka kami minta mereka itu pulang dan saya sendiri dengan rakan[2] saya turun naik kapada tiap[2] buah rumah orang menga-takan jangan-lah perkara bagini di-buat, kita akan mengambil tindakan lain daripada itu lagi dengan sa-chara aman dan damai. Hingga kapada wakil ra'ayat dalam Council Negri tidak berani keluar rumah dan tidak berani keluar ka-tempat-nya oleh kerana takut di-cholek oleh mereka[2] yang hendak membeli mereka menjadi ini perkara terlampau laku. Ada salah sa-orang daripada Ahli Council Negri ini hendak di-beli orang juga, tetapi tak payah saya hendak memberi tahu dalam Dewan ini.

Had ini, Tuan Yang di-Pertua, saya sa-kali lagi menyatakan sokongan saya kapada Rang Undang[2] ini.

Tuan C. V. Devan Nair (Bungsar): Mr Speaker, Sir, I do not want to hold a personal brief for the Chief Minister of Sarawak—and I do not believe other Members of the Opposition are inte-rested in holding a personal brief for him. Having prefaced my remarks in that manner, Sir, I would like to state as follows.

The Proclamation of Emergency in Sarawak together with this Bill before the House, seeking to amend the Con-stitution, shall stand or fall in the public eye, depending on the validity of the arguments advanced by the Govern-ment in their justification. The argu-ments are as follows:

(*a*) the moral and the constitutional propriety of the measures taken; and

(*b*) the threat posed to the security of Sarawak, if the objectives of the Bill are not attained.

It is my submission, Sir, that on both counts the Government has not only failed, and failed dismally to establish a valid case, but has, in fact, scored several indictments against itself.

Let me take the first one, Sir, i.e., the moral and constitutional propriety of the Bill. It is claimed that the passage of this Bill will restore to Sarawak a Government enjoying majority support in the Legislature. Against this has been advanced the more cogent and the more crucial question as to whether the present Legislature in the State continues to command the confidence of the country at large. The ultimate question surely is not whether Dato' Stephen Kalong Ningkan enjoys the confidence of the Alliance majority in the Council Negri but whether the supposed Alliance majority in the Council Negri enjoys the confidence of the country at large; and considering, Sir, the appalling behaviour of many of these gentlemen, who have shifted and re-shifted their loyalties (*Laughter*), this would appear to be highly dubious. A Chief Minister who finds that there has been a shift in the loyalties of his erstwhile supporters, due to pressures and pulls exercised on them, as he claims, from outside his State, is allowed by convention, surely, and by the Constitution to recommend to the Head of State the dissolution of the Legislature and to seek elections to a new Legislature. This has been done, but let us grant for the moment that practical difficulties exist in the way of holding immediate general elections. The next best thing to do in the circumstances would have been to appeal to the next nearest fountain of ultimate authority in the present set-up in Sarawak, which are, as has been pointed out, the five Divisional Advisory Councils, who under the present three tier system act as electoral colleges to the Council Negri. It stands to reason that if immediate reference to the ultimate source of power in the State, the general electorate of Sarawak, is not feasible, then reference could at least be made to the penultimate source of power in the present set-up in the State, and that is the five Divisional Advisory Councils. This would have helped to determine whether the supposed Alliance majority in the Council Negri enjoys the support and the confidence of those who put them in the Council Negri in the first place. This recommendation of the Chief Minister has also been ignored by the Central Government, and instead the Central Government has had recourse to the unilateral and highly arbitrary Proclamation of Emergency in the State and the introduction of this Bill in this House. The crucial question that arises, Sir, is, "Does the Constitution govern the conduct of the ruling party, or does the ruling party govern the conduct of the Constitution?" (*Laughter*). It would appear that once again the Central Government has shown that when it comes to Alliance Party interests, the sanctity of the Constitution is thrown to the winds, and party interests are allowed to supersede the workings of the Constitution. Granted that there is an undoubted threat to the security of Sarawak posed by the Communists in Sarawak, but if public confidence in the sanctity of constitutional processes is shaken, as it has been by the actions of the Central Government, then the Communist threat, far from being diminished, is surely aggravated. The Communists and their allies will now be able to say to the people of Sarawak, and with justification, "Look, don't be fooled by all these senseless pratings about democracy and the Constitution and so forth, which you hear from Kuala Lumpur. You have seen for yourselves more than once that they change the rules of the game whenever they want to score goals, not only against us" (so the Communists will say) "but against the State Government and Chief Minister who had originally been with them, and who in fact have always been anti-Communist." The Communists will continue to tell the people, "Do you want to continue supporting a Central Government which tampers so shamelessly with the rules of the game? Do you want Sarawak to be a football at the feet of Kuala Lumpur or do you want to retain some dignity and self-respect?"—very powerful appeal, Sir—and they would end up by saying triumphantly, "Better join us, give a bashing to the Central Government and let us get the hell out of Malaysia!" Such are the powerfully potent weapons the Central Government has presented to its Communist enemies on a gift platter through the Proclamation of Emergency and the

presentation of this Bill. Simple commonsense, which is a very rare commodity on the Government benches, should have dictated to the Central Government the vital need to exercise forbearance, patience, tact and intelligence in the face of an undoubtedly difficult situation, and to have refrained from fiddling about with the sacred rules of the constitutional game and thereby shaking the foundation of confidence in constitutional processes not only in Sarawak but in Malaysia as a whole.

Frankly, Sir, I do not believe that anyone in the constitutional Opposition can feel safe after this alarming exhibition of sneering political cynicism. To attempt to provide a constitutional Opposition in this country is clearly an exercise in the most utter futility, if the Constitution is always subject to immolation at the altar of Alliance Party interests. And when constitutional law-abiding birds like me and my colleagues in the Opposition begin more and more to feel in this manner, the stage is set and prepared for sole occupation by those who believe in resort to extra-constitutional methods of political action—the Communists—and when that starts, Sir, people like us must perforce get under the table.

The whole chain of events, beginning with the first illegal dismissal of the Chief Minister, constitutes a story of blunder piled upon blunder, until today the Central Government stands indicated of directly contributing to the aggravation of the security threat in Sarawak. It is a sordid tale of narrow party interests dominating policy and conduct at every turn. First of all, you illegally dismiss the Chief Minister, after wilfully and deliberately by passing the Council Negri. A High Court ruling susbequently declares the dismissal to have been illegal. Meanwhile, there have been frantic comings and goings between Kuala Lumpur and Kuching until the Central Government feels that the Alliance has secured a comfortable majority of members in the Council Negri. Then you amend the Constitution in order to compel a vote in the Council Negri, which you had avoided in the very first instance. You stage a pathetic public demonstration, described by one member, as "representing no more than a crowd at a pauper's funeral", in order to spread the impression that law and order were threatened, and you end up by making your Communist enemies whoop in joy, for even they had never expected that you would so successfully have scored so many goals into your own net. Sir, the ground is further cut from under the Government's feet when we consider the fact that the Council Negri will have to be called into session, in any case, after three months or so from now. Are three months such a long time to wait, or is it feared that within those three months, loyalities among that very volatile section, among the Alliance members of the Council Negri, may shift again, affidavits or no affidavits.

The most charitable explanation, Sir, of the conduct of the Government's actions would be that Kuala Lumpur has committed a series of monumental blunders. But this would perhaps be a little bit too lenient. The more realistic assessment would be that those who rule the destinies of the Malaysian people have become so thick-skinned in their cynicism as to have lost all sense of perspective and tolerance. I believe that most members of the Opposition, Sir, in this Parliament must feel that whatever we may say, here, or do here, is a sheer waste of time, that the most eloquent pleas for sanity must inevitably be debased or rendered ineffective in the fetid atmosphere of this Alliance dominated House. But lest the whole country should lose out by our default, it is perhaps wiser to put on a brave face and to attempt the impossible.

In the best interests of Malaysia and the integrity and survival of this nation, the Government—and I appeal to the Government—must ignore short-sighted partisanship in what started off essentially as a squalid intra-party squabble. All that has happened so far presents merely the superficial symptoms of a deep-rooted malady. The basic diagnosis of this disease is the

increasingly widespread disenchantment and disillusionment of the people of Sarawak with regard to their role and their place in Malaysia. It is not a role or a place which self-respecting Sarawakians can be expected to endure for long with any equanimity. The lack of autonomy, the bullying and the coercion from Kuala Lumpur, and the too obvious string-pulling from Kuala Lumpur, manipulating local puppets in Kuching, all these factors offend the strongly felt and entrenched local Sarawakian sentiments. The blame for all this must be placed squarely at Kuala Lumpur's door. The Communist enemies of Malaysia are the sole and inevitable beneficiaries of the Government's action.

The remedy, Sir, is clearly, I would submit to the Government with all urgency, not to exacerbate such feelings. Unfortunately, this has precisely been the effect of the Central Government's actions so far. The remedy must lie in returning dignity and self-respect to the people of Sarawak, in respecting and accommodating local Sarawakian sentiments and loyalties within, of course, the larger context of Malaysian loyalty and identity as a whole. Such is the political formula that the Central Government must devise, in order to retain the allegiance of Sarawak to Malaysia, and I would plead, Sir, for such a radical approach, such an enlightened approach, before the situation deteriorates beyond the point of no return. Perhaps, there is still time, given the will, the intelligence, and the determination, to devise and to apply such a formula. It may mean adjustments to the Constitution to provide for a greater degree of autonomy for Sarawak, but amendments to the Constitution to bring this about—a happier Sarawak within Malaysia—will be far more welcome to this House and to me and to my colleagues in the Opposition than the amendments which are proposed today. If, however, the intention is to provoke the further disintegration of Malaysia by applying Draconian methods of coercion, and by saying to the people of Sarawak, "You remain in Malaysia and you take us on our own impossible terms, or else, get out", then the Central Government, if that is the intention, could not have done better than what it has done. In such a case, there is little to be said, Sir, apart from consigning the future of Sarawak and the future of Malaysia to the lap of the Gods. Thank you, Sir.

Dr Lim Chong Eu: (Rises).

Mr Speaker: Time is up. I said "a quarter to six". There will be no more debate except replies from the Government bench.

Dr Lim Chong Eu: I will be very brief. May I?

Mr Speaker: I am sorry, I do not wish to argue this point.

The Minister for Local Government and Housing (Tuan Khaw Kai-Boh): Mr Speaker, Sir, I would like to answer to a few points raised by the Opposition. The Opposition based its criticism and opposition mainly on all sorts of assumption and imputations, particularly the Honourable Members for Batu. Before I summarise the points raised by the Opposition, I would like to deal with the point—and I think the one and only point—raised by the Honourable Member for Bungsar while it is still fresh in our mind.

The Honourable Member for Bungsar said that the case presented before this House lacks moral and constitutional propriety, purely because of what he termed as shifted and reshifted loyalties. I am afraid the Honourable Member for Bungsar is the least qualified person to talk about the merits and demerits of shifted and reshifted loyalties. Let me remind him that such shifting of loyalty has been the favourite pastime in his one-time mother party in Singapore (*Applause*), and it is in that territory that we have this unique rule of any Legislative Assembly, whereby any Honourable Member who changes his camp should resign from his seat in the House. We do not find that unique rule in this Honourable House (*Applause*) and not mentioning, of course, and I need

hardly remind him, that he himself has once shifted from the Communist camp (*Applause*).

Tuan C. V. Devan Nair: Mr Speaker, Sir, on a point explanation—Would the Minister be happier if I returned to the Communist camp, or if I remained there, instead of trying to help him not to score goals into his own net?

Tuan Khaw Kai-Boh: I am only stating the facts, Sir. We have also witnessed the height of hypocricy. I think when someone, who once believed in the irreconcilable view that the Communist dogma is the only instrument of winning the control of power in any Government, turns around today and labels himself as an innocent constitutional law-abiding hird—a little birdie—I think it is gross blasphemy, to say the least.

Mr Speaker, Sir, these are the few points raised by the Honourable Members of the Opposition, I would summarise them first and I will deal with each one of them quite separately.

Firstly, the Opposition stated that this Bill means, in effect, rule by dictatorship, suspension of the Constitution, rule by decree and autocratic and dictatorial rule and things of that sort; secondly, Honourable Members of the Opposition stated that this Bill means that the Executive, in fact, is superseding the Judiciary, or that we are legislating against the Judiciary, thirdly, the Opposition stated that it was because of the Sarawak Alliance's fear to hold a general election that this Bill is now being presented to this House; fourthly, that there is, in fact, no emergency, fifthly, that this Bill means an amendment of the Sarawak Constitution and, therefore, unconstitutional without ratification by the Council Negri of Sarawak, and lastly, Sir, why such a legislation is being made in respect of Sarawak and not in respect of all the States where such an ommission appears in the Constitution.

Now, let us be very clear in our minds as to what is the object of this Bill. It is very simple, Sir. The object of this Bill is to break the constitutional stalemate in Sarawak and to enable the Sarawak Legislature to resume its constitutional role. There is nothing more and nothing less. In the case of Sarawak, we know through the judgement that there are gaps in the Constitution and, because of these gaps in the Sarawak Constitution we know reached this impasse. In the judgement it is stated that the Governor has no right to dismiss the Chief Minister. Furthermore, we have this decision of the Speaker that he cannot convene the Council Negri to allow the ordinary democratic process to take its course. Then, finally, we have this episode of a so-called political leader, who commands through his Party only five votes—five votes out of 42 in the Council Negri, who hangs on to his office by hiding and sheltering himself behind pure legalism and nothing else—pure legalism. We have a Chief Minister who refused to convene the Council Negri and to allow the Council to express its confidence or lack of confidence of his stewardship.

Sir, we know that in any Constitution we cannot write into it to provide for every contingency possible under human relationship. We also know that we have a lot of age-old conventions, we have men of honour and political leaders with honour and with chivalry, who will abide by the unwritten part of the Constitution; and we expect political leaders to be gentlemen, who will follow the unwritten rules of the Constitution so that when a leader fails to command the confidence of the majority of the House, he must resign. But we do not see that quality today in certain quarters in Sarawak.

Now, very briefly this Bill boils down to the following objective. Firstly, this Bill will provide discretion for the Governor to summon the Council Negri; secondly, this Bill will suspend the Standing Orders where it is necessary, in order for a vote of no confidence to be taken; thirdly to give direction to the Speaker to hold a meeting; and finally to dismiss the Chief Minister should there be a vote of no confidence against him. There is no question here of the Executive

superseding the Judiciary, and we are not passing a Bill which will nullify the judgement of the court.

We are not passing a Bill which will instal a man of any one's choice as Chief Minister. Dato' Stephen Kalong Ningkan remains the Chief Minister and nothing will disturb that *status quo*. I would like to stress very strongly that there is no question whatsoever of the Executive superseding the Judiciary, in the sense that the Legislature is trying to nullify the judgement, though in fact, there is nothing new even should the Legislature choses to do so, but this is not in the present case.

We have often heard judges passing comments while giving judgement in some cases that "the law is an ass and under the law today I have to pass this judgement, and it is up to the Legislature to amend the law to suit the circumstances, or to fill in the necessary gaps in the Legislature." If I remember correctly, there was even a case in connection with war-time compensation, where judgement was passed that very heavy damages had to be paid to a concern, which would mean a very big sum of public funds being expended in connection with this war-time compensation; and, because of the very big sums of money involved, should this principle be adopted to other cases, a legislation was passed in England not only making it impossible for anyone to claim any further war damages under the same principle but it even went further to nullify the very judgement which awarded the damages.

Tuan C. V. Devan Nair: On a point clarification, Sir, my colleagues and I in the Opposition have decided that it is a pain in the neck having to listen to the Honourable Minister and we much prefer the healthier and happier atmosphere outside this Chamber.

Tuan Khaw Kai-Boh: Mr Speaker, Sir, that is a purely personal view. As I stated in the last meeting, Sir, these are the very people who claim to practise parliamentary democracy—yet they would say what they want and then walk out of this Chamber (*Applause*). (Some Honourable Members: Shame!) In any case, I notice that only two Members from the Opposition are walking out of this Chamber.

This Bill, Sir, is necessitated by a Chief Minister, as I said earlier, who chose to shelter behind legalism to preserve a position to which there is every reason to believe that he is no longer politically or morally entitled to.

Now, with regard to this accusation of our suspending the Constitution or practising dictatorship, there is nothing of the kind. In fact, this Government is fully entitled to suspend the Constitution under Article 150 (4). In fact, it was a surprise to the Press—I think, I can quote later the editorial in the *Straits Times*—that this was not the case. We resorted to, what the editorial stated, the much simpler and much more acceptable procedure by resorting to Article 150 (5). I quote now, Sir, from the *Straits Times* editorial of September 19, which proves my case that this is not a question of suspension of the Constitution. Under the heading of "All in Order" the first part of this editorial says—I quote:

> "There seems to have been bewilderment in Sarawak at the action the Federal Government is taking to allow the authority of the Council Negri to prevail. (There is no suspension). Perhaps something more spectacular was expected, such as the suspension of the Constitution and all powers placed in the hands of the Governor with supervision by the Federal Authorities. Publication of the Bill which comes before the Parliament on Monday explains a simpler and much more acceptable method."

So, in fact, Sir, there is no question of a dictatorial rule and or any autocratic measure being taken by the Central Government, or even any question of suspension of the Constitution.

Next, Sir, it has been raised by the Opposition that the Sarawak Alliance dare not hold a general election. I think, this point has been adequately answered by Honourable Members from Sarawak and I need only mention here that the other alternative is a three-tiered election, and surely we do not want to persist in such constitutional parody.

With regard to the point that there is, in fact, no emergency today in Sarawak, I will leave that to my colleague the Minister of Home Affairs to deal with—he is the Competent Authority. But I merely like to touch on what the Honourable Members from the opposition did. They merely quoted a lot of foreign press reports and foreign press editorials. These editorials, or such reports, are by people who are thousands of miles away from this country and thousands of miles further away from reality, and I would have listened with greater interest if the Honourable Members read to this House quotations from local press. But, as far as the local press is concerned, I think they have studied the Bill unlike our Honourable Member of the Opposition—and, in fact, I have three editorials here and all of which agreed more or less with the measures taken by the Government.

First, we have the editorial of the *Straits Times* dated 17th September entitled "All in Order" and then another *Straits Times* editorial on 16th September entitled "The Wise Way Out"; and further we have another editorial in the *Malay Mail*, "Fairplay in Sarawak" and I need not read to this House the details of the editorials, but merely to sum up the point to the effect that this is a very simple and acceptable way of dealing with a situation such as the one we have in Sarawak. I have just had this editorial put before me, in the *Sunday Mail* of 18th September, yesterday, under the heading: "Central Government Has Sound Reasons", and I ask this House to bear with me if I read to you this very brief editorial—

"Emergency amendment of the Constitution is not a practice to be applauded and encouraged or accepted as a matter of course. But in this instance, the Federal Government has offered sound reasons for the measures it has taken and proposes to take. The situation in Sarawak is intolerable from the point of view of democratic practice and stable government, and highly dangerous from the point of view of security.

There exists in Kuching a State Government which the public has strong reasons to believe no longer enjoys majority support in the legislature. The Chief Minister, by all the rules of democracy, should either admit this and resign, or demonstrate that he does in fact enjoy sufficient confidence to entitle him to continue in office. But Dato' Stephen Kalong Ningkan has declined to do neither. Instead he is exploiting a legalism which prevents the Council Negri from being convened without his consent, and hanging on to office without submitting his position to democratic test."

There is much more than what I have quoted, but I would not take too much time of this House. What I am trying to stress is, when it suited the purpose of the Honourable Members of the Opposition, they would quote editorials or reports from foreign press to back up their point. But I am afraid that this is a very weak way of substantiating their case because they have been quoting reports from *The Times* and the *Manchester Guardian*, which we know are in a place as much as over 8,000 miles away from this country, quite far from facing the reality of the situation as we are facing here, and we would have liked our Opposition leaders to read from our local press and pay more attention to the local press since they are such great supporters of local politics.

Next one, Sir, is the question of amendment of the Sarawak Constitution. Here, Sir, there is no question that there is any actual amendment to the Constitution of Sarawak, which we all agree needs agreement of the State. We are not disputing that fact. I think the Honourable Member for Batu has taken a lot of pain to read the wrong section that we are basing our action on. He has read Article 73 of the Constitution. We are not doing this exercise under Article 73. We are doing this under Article 150 of the Constitution and he really got the wrong end of the stick. I quite agree that in the ordinary course of events, if we amend the Sarawak Constitution, this would not be effective without the ratification of the Sarawak Council Negri. But, as I said earlier, we are facing an emergency, and we are facing a situation whereby a political leader who chose to deviate from the accepted democratic practice and from the ordinary code of chivalry and honour required of a political leader of the stature and status of a Chief Minister, who, whether the Constitution is written or not with the

Clause, when he loses the confidence of the majority, must resign; and because there is this legal omission there—and I stated earlier that many judges have stated that sometimes the law is an ass—he chose to shelter behind the legalism to preserve his position.

Finally, Sir, I need not say further than to back up the case of the Government by reading just one last sentence of this editorial in the *Malay Mail* which sums up the whole situation. Under the title of "Fairplay in Sarawak", it says here, Sir:

"The logical and fairplay to do this is for the Chief Minister to put his support to the test by convening Council Negri in accordance with normal democratic practice. Failing this, the Federal Government has no choice but to take the steps it is taking."

Thank you, Sir. (*Applause*).

The Minister of Home Affairs (Tun Dr Ismail): Mr Speaker, Sir, first of all, I would like to draw your attention to the remarks made by the Honourable Member for Bungsar before he left the House. He said that it was a pain in the neck for him to be in the House to listen to the Honourable Minister who was speaking. I leave it to you, Sir, whether that remark is not a contempt of the House and discourtesy to the Honourable Minister speaking, and whether it is not to become a subject of a Committee on Privileges.

Mr Speaker: I did not hear it clearly. He mumbled something and walked out.

Tun Dr Ismail: I heard it very clearly, Sir, He said that it was a pain in the neck to remain in the House to hear the Honourable Minister speaking and that he preferred to hear him from outside.

Now, Sir, this meeting of Parliament, as is stated in the Explanatory Note to the Bill, is to discuss the constitutional crisis, which has occurred in Sarawak and which His Majesty the Yang di-Pertuan Agong is satisfied constitutes a grave Emergency whereby the security of Sarawak is threatened.

Now, Sir, my Honourable colleague, the previous speaker, and my Honourable colleague, the Deputy Prime Minister, have replied in detail to all the other observations made in the course of the debate. It is my duty as Minister of Home Affairs to rebut some of the observations made by some of the Members of the Opposition in regard to the security of the State of Sarawak.

Sir, the Honourable Member for Batu and the Honourable Tuan Stephen Yong have said that there is no threat to the security of Sarawak, and that it is only a concoction by the Federation Government. Sir, my Ministry has published a Government White Paper entitled "The Communist Threat to Sarawak". Now, Sir, I would like to draw the attention of the House to the relevant paragraph in my Foreword to this White Paper. I quote:

"This has been achieved despite the need to safeguard and withhold all classified information which endangers the security of our sources, or which may forewarn the enemy."

Sir, anyone reading this Government White Paper will know how serious is the Communist threat to Sarawak.

Mr Speaker, Sir, this White Paper has been prepared by my Ministry as a result of the changing conditions in Sarawak arising out of the end of confrontation. We, who are responsible for the security of the country, will have to look ahead and plan for the changing circumstances in the State of Sarawak. It is written in this Government White Paper that there are no less than 700 to 800 Communists trained during the confrontation in Indonesia. When confrontation was ending our first duty was to assess what would be the intention of these Communists, who were well trained in the use of arms during the confrontation. We embarked on "Operation Harapan", whereby we wanted to know whether these trained Communists would surrender. The result up-to-date is that only 10 have surrendered and not all of them are Communist-trained in the use of arms. Clearly, Sir, with the ending of confrontation, there is still a state of Emergency in Sarawak.

This is quite clear from the reason I had stated in this House in answer to questions asked by Members from Sarawak as to whether it was my intention to repeal all emergency laws promulgated during confrontation. I said that the Emergency Regulations or laws were passed not only because of the confrontation but because of other threats, mainly the Communist threat in Sarawak. So, however clever our Security Forces are and however they try to concoct stories, they cannot invent all these details. The Honourable Member, Enche' Stephen Yong, did not try to rebut the substance of this White Paper. He and his colleagues know, as well as I do, what the Communists are doing there. So, there is no question that there is a concoction by the Government, or by my Ministry, about the security threat to Sarawak by the Communists.

We come now to this question, whether the political instability in Sarawak will enhance further the Communist threat to Sarawak. The Honourable Enche' Stephen Yong quoted Dato' Stephen Kalong Ningkan, as his authority for saying that there is no Emergency threat in Sarawak, and he said that he quoted Dato' Stephen Kalong Ningkan because he was the Chairman of the State Security Executive Committee.

Now, Sir, first of all, let us be quite clear as to what is the function of the State Security Executive Committee. The State Security Executive Committee is established under the National Defence Council Directive No. 1, "Control of Operations" and the function of the State Security Executive Committee is to be responsible for the general direction of operations within the State. So, the State Security Executive Committee is not wholly in a position to assess the security of the State of Sarawak. That has to be done centrally. We get all the information from the field, from the State Security Executive Committee, we digest the information, and we analyse the information. Then only can we give an assessment of the security threat to the State of Sarawak. However, because of the confrontation, I had asked the Police, the Security Forces, who are all Federal Departments to brief the Chief Minister who is still so *de jure*, on the security situation of Sarawak. Whether he is trying to do it politically, or he has not got sufficient grey matter to realise that his own State is under the Communist threat, I do not know. I would rather believe that he is mentally slightly deficient and also, added to that, he tried to make political gain out of this statement that he made to the Press.

It is interesting to hear Enche' Stephen Yong, when he said that he also heard from foreign Consuls in Sarawak that there is no security threat in the State of Sarawak. Unfortunately, he refused to reveal the name of this foreign representative. It is not difficult, of course, to find out because there are so few foreign Consuls in Sarawak. It is the duty of this Government to find out, and there is such a thing as declaring as *persona non grata* foreign diplomats, who interfere in the internal affairs of another country. (*Applause*).

Tuan Stephen Yong: May I ask for a clarification? I did not say that. I only went to ascertain from the consular officials. I said I talked to various people, including them, just to find out the situation.

Tun (Dr) Ismail: Well, he is suggesting that for the script of the proceedings of this House. We will look into that.

The other point brought by Members of the Opposition is, why cannot we wait three more months, because by that time it is mandatory for the Chief Minister *de jure* to summon a meeting of the Council Negri. Now, Sir, it would be possible to wait three months, if Dato' Kalong Ningkan has a majority Government. If Dato' Kalong Ningkan has a majority in the House, then there is no security threat for the country. Because, as I said, in combating this Communist threat, there must be political stability, there must be a Government which commands majority support, and that is one of the reasons

why the National Defence Council and I have asked the Chief Ministers and Ministers of the States in Malaysia to be Chairman of the State Security Executive Committees, because the Chief Minister, or Menteri Besar, is the Head of a Government which commands the majority support, and can give political support to the Committee. Of course, I have second thoughts now, kerana Ahli Yang Berhormat daripada Pasir Puteh ini tadi nampak-nya dia kata Communist threat ini tidak ada kena-mengena dengan politik. Jadi kalau pendapat dia sa-macham itu saya fikir tidak ada guna Menteri Besar Kelantan menjadi ketua State Security Executive Committee (*Ketawa*).

Dato' Mohamed Asri: Tuan Yang di-Pertua, tidak-lah saya katakan tidak ada kena-mengena dengan politik. Chuma saya kata kita pisahkan soal anchaman kominis dengan soal krisis Perlembagaan yang ada sekarang—itu sahaja. Saya pisahkan, sebab kata saya kalau-lah kerana anchaman kominis itu dapat kita melakukan tindakan melalui Undang[2] dharurat yang memang sudah ada untok menambahkan masaalah krisis Perlembagaan itu saya kemukakan pula pandangan saya, itu sahaja (*Ketawa*).

Tun Dr Ismail: Jadi bagi pengetahuan Ahli Yang Berhormat itu ambil-lah saya punya nasehat, tidak boleh di-pisahkan (*Ketawa*). Itu-lah sebab-nya kita berkehendakkan Ahli Yang Berhormat itu sa-bagai sifat-nya Menteri Besar Kelantan mengetuai State Security Executive Committee ini, kerana dia Political Head dan Chief Executive di-sana. Jadi boleh-lah membawakan keadaan politik apabila memandangkan keadaan saperti itu. Ini-lah guna-nya elected Government. Jadi kalau kita beri tiga bulan kapada Dato' Kalong Ningkan ini—dia tidak ada majority support—apa guna-nya dia jadi Ketua State Security Executive Committee? Apa ada guna-nya—dia tidak ada political support? So what is the point of asking Dato' Stephen Kalong Ningkan to remain for three months and to be the Chairman of the State Security Executive Committee, because he no longer has the political support—he is no longer the political Chief Minister of Sarawak. So, there is a great difference in waiting for six months for the usual Council Negri meeting to be held mandatorily and another thing to allow a Chief Minister *de jure*, who has no majority support to continue for three months, and especially in Sarawak where the security of the State is gravely threatened by the Communists and by the changing conditions there. As you all know, and as the Deputy Prime Minister has said, we are taking over from the British and Commonwealth troops there, and we have these 700 to 800 trained Communists establishing bases in Sarawak and who have already started acts of terrorism and have already deposited arms in the State of Sarawak. So, how can we, if we are going to take preventive action against the Communists, endanger the security of the State by allowing this political instability to continue even for three months? I would be guilty, and I will be failing in my duty if, for example, I were to wait for three months, and during those three months the Communists got the upper hand through political means, because we know that one of the objectives of the Communists is to erode the fabric of the Government, to go into the political parties, and we have a great deal of evidence there on this Communist threat to Sarawak.

Sir, we need not waste too much time on the Member for Bungsar. He said that it was a sheer waste of time to stay in this House although that did not prevent him from making a long speech. So, we can sum up that he makes up by rhetoric and eloquence for his want of logic and substance during this debate.

Sir, I cannot end without making some remarks in regard to the part that I played in this political crisis in Sarawak. I have been quoted and have been stated in this House of having gone there accompanied by the Chief of Police and by the Attorney-General. Sir, I make no apology for having done what I had done. As I have

stated before, I do not want to be repetitions and I want to be as brief as possible. First of all, I went there to solve the political crisis in Sarawak, not to interfere in the affairs of the State of Sarawak. As he knows, the Government of Sarawak was formed by the Alliance Party, who commands the majority in the Council Negri. It was because the Alliance commanded the over-all majority in the Council Negri that Dato' Kalong Ningkan, as the Chairman of the Alliance there, as the Secretary-General of the Alliance there, was elected Chief Minister. So, he was appointed the Chief Minister by virtue of the fact that he was an Alliance man and the Alliance commanded majority support in the Council Negri. I went there to appeal to Dato' Kalong Ningkan to behave as a good party man to resign, because members of the Party, who are in the Council Negri, no longer have confidence in him. This he refused to do. He said that he owed his duty to the people of Sarawak. I told him that he must be mad (*Laughter*) because modern politics is party politics. Honourable Members should know that. In this House you belong to the Labour Party, you belong to the P.M.I.P., we belong to the Alliance. So, how can he say that he owed his duty to the people of Sarawak? If he had stood as the people of Sarawak, he probably would not have been returned. He was because he was an Alliance man. So, as the Alliance members in the Council Negri had no more confidence in him, I tried to persuade him to resign—this he refused to do.

Then, Sir, of course I have to seek advice on what to do. Now, it is very easy to be wise after the event, but at that time—and I would do the same if I were placed in the same position—I think I acted rightly, because we had argued from every angle, and it was argued in the court too, that it is a matter whether this vote of confidence can be registered outside or inside the House, and there is such a thing as a convention in politics. You cannot play politics by law all the time, otherwise what is the use of having elections? You just go to the court, "Decide—I am the best man now. If people decide I am the best man, I am the Chief Minister of the State"? But in politics there is such a thing as decency and etiquette and convention. Now, this man refused to abide by the known party convention, by modern politics. He thinks that he can be the Chief Minister of Sarawak by going to court. All right, he went to the court. The court had decided that he is the Chief Minister *de jure*, but can he become the Chief Minister politically, because that is all that matters? After all—do not let us kid ourselves, the Government can function if there are no Chief Ministers, no politicians. In France, as you know, before De Gaulle took matters into his hands, the politicians were quarrelling all the time, and the Government were run by the civil servants. So, do not kid ourselves that you are the Chief Minister because you are indispensable. We are there because we are the elected representatives of the people. We bring the people to the administration of the country; and if we, for example, are elected as a party member and the party has no more confidence in us, then it is our duty to resign. That is party convention. But Dato' Kalong Ningkan chose to go to court. All right, we abide by the decision of the court, and, as my colleague the Minister for Local Government said, we are not querying the judgement of the court. We are not against the court. We are doing exactly what the court told us to do—to decide this question of majority in the Council Negri. But, if we have a Chief Minister, who wants only to be Chief Minister *de jure* and when the security situation in Sarawak is so grave—we must have political stability there—we have no alternative but to take democratic means to achieve our ends. We can suspend the State Constitution of Sarawak and rule by decree; but as I have always said, we, in the Alliance Government, try in time of emergency to preserve the fundamentals of parliamentary democracy—(*Applause*) and that is what we are doing. Thank you. (*Applause*).

EXEMPTED BUSINESS

(Motion)

Tun Haji Abdul Razak: Tuan Yang di-Pertua, sa-belum saya menggulong perbahathan ini, sebab sudah pukul 6.30 p.m. saya minta izin hendak membentangkan satu usul:

That this House be exempted from Standing Order 12 (1) and shall not rise until 7 p.m. tonight.

Tun Dr Ismail: Tuan Yang di-Pertua, saya menyokong.

Question put, and agreed to.

Resolved.

That this House be exempted from Standing Order 12 (1) and shall not rise until 7 p.m. tonight.

THE EMERGENCY FEDERAL CONSTITUTION AND CONSTITUTION OF SARAWAK BILL

Second Reading

Debate resumed.

Tun Haji Abdul Razak: Tuan Yang di-Pertua, bagi menggulong perbahathan dalam Rang Undang[2] ini, saya suka terutama sa-kali menguchapkan sa-tinggi[2] terima kaseh kapada Ahli[2] Yang Berhormat, terutama sa-kali Ahli[2] Yang Berhormat dari Sarawak yang telah memberi sokongan kapada Rang Undang[2] ini dan kapada langkah[2] yang Kerajaan Pusat berchadang hendak ambil untok hendak menyelamatkan negeri Sarawak.

Jadi, Tuan Yang di-Pertua, saperti saya telah terangkan pada pagi tadi bahawa langkah[2] yang kita ambil itu ada-lah sa-mata[2] hendak membolehkan demokrasi, atoran dan peratoran demokrasi yang sa-benar-nya, berjalan di-Sarawak itu. Jadi, dengan sebab itu-lah kita berchadang hendak memberi kuasa kapada *Governor*, terutama sa-kali untok memanggil Meshuarat Council Negri dan kemudian daripada itu memechat, atau memberhentikan Kerajaan yang telah mendapat undi ta' perchaya daripada pehak Council Negri. Jadi, langkah[2] ini, saperti saya kata pagi tadi ia-lah langkah yang sederhana sa-mata[2] untok hendak menjaminkan yang dasar demokrasi itu berjalan mengikut atoran dan peratoran yang tertentu.

Mr Speaker, Sir, my Honourable colleague, the Minister for Housing and Local Government, has already replied on the constitutional and legal points raised by Honourable Members in this House, and my Honourable colleague, the Minister for Home Affairs, has also replied on the security issue. I only wish to reply to a few other points, which have not been covered by my two colleagues.

Sir, the Honourable Member for Bungsar has alleged that the Alliance Government has always broken the rules, whenever they find the situation is to its disadvantage—he alleges that we have always broken the rules. Well, Sir, Honourable Members of this House could see just now as to who really did break the rules. The rule of our democracy, and the rule of this House is that on any issue we debate in this House, fully and frankly, and at the end of the debate the decision is taken by vote. The Honourable Member for Bungsar, after he made a serious and very vehement allegation against the Government, did not have the decency, or the courtesy, to remain in this House to listen to the reply given by the Government, but instead of that he chose to leave this House. Well, Sir, this is the way in which people, who talk so much about democracy, behave in this Honourable House, and, as I said, these are the people who allege that we have broken the rules, when they themselves have broken the fundamental rule of democracy. Sir, the Honourable Member also has alleged that in the political field too in Sarawak we have broken the rules. What we have done, Sir, or have decided to do, is merely to see that the democratic rules are adhered to. As I explained this morning, the Chief Minister, who knows that he no longer enjoys the confidence of the majority of the members of the Council Negri, does not wish to resign. The fundamental rule in democracy, the accepted practice in democracy, is that when a Head of Government does not enjoy the confidence of the majority of Parliament, or legislative body,

or Legislative Assembly, he must resign. So, when you have a situation where the political players or actors, whatever you may call them, do not follow the rules, obviously we must take measures to see that the rules are properly followed, and that is why we have decided to give these very limited powers to the Governor as the Head of the State of Sarawak to see that the rules of democracy are followed.

Mr Speaker, Sir, I have listened very carefully to the speeches of the Honourable Members of the Opposition, but in all their speeches I have failed to find any valid argument against the measures we propose to take in this Bill. Indeed, the Honourable Member for Ipoh made one very important admission. The Honourable Member for Ipoh said that, if the Government could give an assurance that these measures would only last for one week, he would support this Bill. Well, Sir, obviously, if he thought that these measures would be all right for one week, they should be all right for one month, two months, or seven months. Obviously, to him there is nothing wrong with the principles in the Bill, as he said that if we could give an assurance that they could be terminated after one week, he would support this Bill. Sir, as I have explained, and as my Colleagues also have explained, these measures that we have proposed are temporary, in order to bring to an end the present constitutional and political crisis, that the Bill is linked to the effect on the security of Sarawak by the present constitutional crisis, and that when the Government is satisfied that the security of Sarawak is no longer impaired by this present absence of a stable government, then the Government will advise His Majesty that the Proclamation of Emergency should end. When the Proclamation of Emergency ends, then the provisions under this Bill will lapse after six months.

Sir, the Honourable Member for Ipoh and, I think, one or two other Honourable Members in the Opposition, asked why was it necessary for the Government to proclaim a new State of Emergency when we have already a state of Emergency. I would like to explain to Honourable Members of the Opposition that the Emergency that we proclaimed because of confrontation, external threat from Indonesia, and also threat from the Communists, is different and was declared under different circumstances from the present Emergency that we have just proclaimed. I feel that unless we make this quite clear, the Members of the Opposition will themselves be the first to complain that we are misusing the provisions of the present Emergency Regulations. That is why we decided, because the circumstances are different, the present state of Emergency was brought about by constitutional and political crisis to make it quite clear that we are not using or misusing the present Emergency Regulations. That is why we have decided that we should declare a separate state of Emergency and there is nothing wrong under the Constitution for us to have two types of Emergency at the same time, because the two Proclamations of Emergency deal with different circumstances.

Now, Sir, the Honourable Member for Ipoh also asked how could Ministers work in peace in Sarawak, or have confidence in the Governor, when the Governor can sack them at any time. I am sure, Sir, the Honourable Member is under a misapprehension, because under the present Constitution of Sarawak the Governor has the power to dismiss all the Ministers—Members of the Supreme Council—other than the Chief Minister, and he can only dismiss the Chief Minister under this Bill, if the Chief Minister has lost the confidence of the House as demonstrated by a vote in the Council Negri. So, there is no question that the Governor can dismiss the Chief Minister any time he likes. He can only dismiss the Chief Minister when the Chief Minister has lost the confidence of the Council Negri.

Sir, the Honourable Member for Ipoh also said that the Bill, introduced in this House, will prejudice the position of the Courts and will impair the

confidence the Judges have in the Government, because we have always believed in the independence of the judiciary. Sir, here again I think the Honourable Member for Ipoh, and I think one or two Honourable Members of the Opposition, are under a misapprehension. It is the duty of the Courts to interpret the Constitution and the laws, but if the Parliament finds, the Legislature finds, that there are defects in the law, or that the law does not give effect to the real intention of Parliament, then it is the duty of Parliament to amend the law. This has happened on a number of occasions in democratic countries. When Parliament finds that the Judiciary has pointed out that there are defects in the law, the logical step for the Parliament would be to amend the law, so that the law will give the true intention of Parliament. So, this is not in any way interfering with the independence of the Judiciary or of the Courts. As my colleagues have stated, we respect the decisions of the Court, but by this Bill it is only intended to give effect to the intention of the Constitution.

Sir, the Honourable Member for Batu said that this Bill, when passed, would be *ultra vires*. I was not quite sure what he meant by this and he suggested that the Government . . . . .

Dr Tan Chee Khoon: Mr Speaker, Sir, on a point of clarification—I did not say anything of that sort. I said, Mr Speaker, Sir, that if this Bill were passed today and were placed on the Statute Book, if it were tested in Court *"it may well be"*—that is different from it will be.

Tun Haji Abdul Razak: Sir, this Bill that we are introducing in this House now is under Article 150 of our Constitution. As far as I know, and as far as we have been advised, Article 150 under Proclamation of Emergency will over-ride the ordinary provisions of the law and, I think, it is clear in the Inter-Governmental Committee's Report too that under a state of emergency the Central Government will have full power to carry out the powers conferred to the Federal Government under the Proclamation of the Emergency. So, it is clear that Article 150 does give the Central Government, after a law has been passed by Parliament, the power to carry out the intention provided in the law.

The Honourable Member for Batu, did also say that if there is a lacuna in the Sarawak Constitution, it also exists in other States, and he asked why not plug the hole in the Constitution? He mentioned particularly Kelantan. I do not know why he mentioned Kelantan. (*Laughter*) Sir, we proclaimed a state of Emergency in Sarawak, and we are dealing only with Sarawak. It is not our intention to extend this to other States, at least not for the time being. (*Laughter*). That will be for my Honourable colleague, the Minister for Home Affairs, to say when there is need to declare a state of Emergency in some other State. The Amendment, that we propose, or the legislation that we propose, is merely temporary, and it is to deal with the emergency situation in Sarawak; and if it is desired to fill in the gap or the lacuna in the State Constitution of other State, then I think this matter should be taken through the ordinary process and not through a Proclamation of Emergency.

Then, Sir, some Honourable Members of the Opposition have asked why is it necessary for us to proclaim a state of Emergency, and why do we not seek redress in Court. Sir, if we were to seek redress in the Court, it will mean that this matter will have to go to the Court of Appeal, Federal Court, and then perhaps to the Privy Council. This will take many months and, as the Minister for Home Affairs has said, the situation is such that we can no longer wait for a few months. So, that is why we have considered it necessary to take this action now, and not to wait for several months. Also some Honourable Members have suggested why do we not suspend the Constitution and rule by decree. Sir, as has been explained, we, the Alliance Government, believe in democracy, and it is always our policy to interfere

as little as possible with the principles of democracy and the rule of law. As I explained this morning, in this particular instance we went so far as to enable the accepted democratic practice to be adhered to, and we saw to it that we interfered as little as possible with the ordinary administration and also with the Constitution of the State of Sarawak.

I think an Honourable Member from Sarawak has mentioned that in regard to the Chief Minister, Dato' Stephen Kalong Ningkan, it is not a question that he has lost the confidence of the majority of the Council Negri but he has lost the confidence of the people. I think my Colleagues have already explained, that it is our intention, to hold elections in Sarawak as soon as practicable, and preparations are already in train, and as has been explained it is obviously undesirable to have elections under the present system, when non-citizens are allowed to vote—and I think that the present qualification for a voter is only seven years residence. As a number of Honourable Members of this House from Sarawak have pointed out, this is very undesirable and it is not desirable for a national election to be held when non-citizens are allowed to vote. So, it is necessary now to prepare new rules and regulations, new arrangements, and new machinery, so that we will have a proper general election in Sarawak in accordance with our Constitution.

The Honourable Member from Sarawak, Enche' Stephen Yong, did say that by bringing this legislation we, the Alliance Government, had broken our pledge to the people of Sarawak and the safeguard that we have guaranteed to the people of Sarawak under the Constitution. Sir, this is completely untrue. We stand by our promise and by our assurance to the people of Sarawak that their interests will be looked after and the safeguard that is written in the Constitution will be upheld. By this legislation we merely, as I said, intend to allow the majority of the people of Sarawak, as represented in the Council Negri, to express their views, and for their views to be given effect. There is no question of interfering with the safeguard in the Constitution for the people of Sarawak. This is all that we decided to do and that is all the intention of this Bill.

Well, Sir, these are the points raised by Honourable Members, and I once again wish to express our gratitude to many Honourable Members, who have spoken in support of this Bill. As I said this morning, and I repeat here again, these measures are temporary and they will lapse as soon as the state of Emergency comes to an end. These measures are merely made to see that democratic principles are adhered to in Sarawak. (*Applause*).

Question put.

The House divided: Ayes 118; Noes Nil; Abstention Nil.

AYES

Tun Haji Abdul Razak bin Dato' Hussein

Tun Dr Ismail bin Dato' Haji Abdul Rahman

Tuan Tan Siew Sin

Tan Sri V. T. Sambanthan

Tan Sri Haji Sardon bin Haji Jubir

Tuan Mohamed Khir Johari

Tuan Bahaman bin Samsudin

Dr Lim Swee Aun

Capt. Haji Abdul Hamid Khan bin Haji Sakhawat Ali Khan

Tuan Khaw Kai-Boh

Tan Sri Temenggong Jugah anak Barieng

Tuan V. Manickavasagam

Tuan Senu bin Abdul Rahman

Tuan Haji Mohd. Ghazali bin Haji Jawi

Tuan Abdul-Rahman bin Ya'kub

Tun Datu Mustapha bin Datu Harun

Tuan Haji Abdul Khalid bin Awang Osman

Tuan Sulaiman bin Bulon

Engku Mubsein bin Abdul Kadir

Tuan Lee Siok Yew

Dr Ng Kam Poh

Tuan Abdul Ghani bin Ishak

Tuan Abdul Karim bin Abu

Wan Abdul Kadir bin Ismail

Tuan Abdul Rahman bin Haji Talib

Wan Abdul Rahman bin Dato' Tuanku Bujang

Tuan Haji Abdul Rashid bin Haji Jais

Tuan Abdul Razak bin Haji Hussin

Dato' Abdullah bin Abdul-rahman

Tunku Abdullah ibni Almarhum Tuanku Abdul Rahman

Tuan Haji Abdullah bin Haji Mohd. Salleh

Tuan Ahmad bin Arshad

Tuan Haji Ahmad bin Saaid

Puan Ajibah binti Abol

Tuan Ali bin Haji Ahmad

O.K.K. Datu Aliuddin bin Datu Harun

Dr Awang bin Hassan

Tuan Aziz bin Ishak

AYES

Tuan Jonathan Bangau anak Renang
Pengarah Banyang anak Janting
Tuan Chan Ching Wen
Tuan Chan Seong Yoon
Tuan Chan Siang Sun
Tuan Chew Biow Chuon
Tuan Chia Chin Shin
Tuan Francis Chia Nyuk Tong
Tuan Chin Foon
Tuan D. A. Dago anak Randan *alias* Dagok anak Randen
Tuan Syed Esa bin Alwee
Datin Hajjah Fatimah binti Haji Abdul Majid
Tan Sri Fatimah binti Haji Hashim
Tuan S. Fazul Rahman
Datu Ganie Gilong
Tuan Ganing bin Jangkat
Tuan Geh Chong Keat
Tuan Haji Hamzah bin Alang
Tuan Hanafi bin Mohd. Yunus
Tuan Hanafiah bin Hussain
Tuan Harun bin Abdullah
Tuan Stanley Ho Nyun Khiu
Tuan Hussein bin To' Muda Hassan
Dato' Haji Hussein bin Mohd. Noordin
Tuan Hussein bin Sulaiman
Tuan Ikhwan Zaini
Tuan Ibrahim bin Abdul Rahman
Tuan Ismail bin Idris
Tan Sri Syed Ja'afar bin Hasan Albar
Penghulu Jinggut anak Attan
Tuan Kam Woon Wah
Tuan Thomas Kana
Tuan Lee San Choon
Tuan Lee Seck Fun
Tuan Amadeus Mathew Leong
Dato' Ling Beng Siew
Tuan Lim Pee Hung
Tuan Peter Lo Su Yin
Dr Mahathir bin Mohamed
Tuan T. Mahima Singh
Tuan C. John Ondu Majakil
Dato' Dr Haji Megat Khas
Tuan Mohd. Arif Salleh
Orang Tua Mohammad Dara bin Langpad
Tuan Mohamed Idris bin Matsil
Tuan Mohd. Tahir bin Abdul Majid
Tuan Mohamed Yusof bin Mahmud
Tuan Mohd. Zahir bin Haji Ismail
Wan Mokhtar bin Ahmad
Tuan Haji Mubamad Su'aut bin Haji Muhd. Tahir
Dato' Haji Mustapha bin Haji Abdul Jabar
Tuan Ng Fah Yam
Tuan Haji Othman bin Abdullah
Tuan Othman bin Abdullah
Tuan Quek Kai Dong
Tuan Haji Rahmat bin Haji Daud
Tuan Ramli bin Omar
Tuan Haji Redza bin Haji Mohd. Said
Raja Rome bin Raja Ma'amor
Tuan Sandom anak Nyuak
Tuan Seah Teng Ngiab
Tuan Siow Loong Hin
Tuan Senawi bin Ismail
Tuan Sng Chin Joo
Tuan Soh Ah Teck
Tuan Sulaiman bin Ali
Tuan Sulaiman bin Haji Taib
Pengiran Tahir Petra
Tuan Tajuddin bin Ali
Tuan Tai Kuan Yang
Tuan Tan Cheng Bee
Tuan Tan Kee Gak
Tuan Tan Toh Hong
Tuan Tan Tsak Yu
Tuan Tiah Eng Bee
Tuan Toh Theam Hock
Tuan Yeh Pao Tze
Tuan Haji Zakaria bin Haji Mohd. Taib

NOES

Nil

ABSTENTION

Nil

Bill accordingly read a second time.

EXEMPTED BUSINESS

(MOTION)

Tun Haji Abdul Razak: Mr Speaker, Sir, it is already 7.00 o'clock. May I, with your permission, move:

That this House shall be exempted from Standing Order 12 (1) and shall not rise until Government business is completed.

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

Question put, and agreed to.

Resolved,

That this House shall be exempted from Standing Order 12 (1) and shall not rise until Government business is completed.

THE EMERGENCY (FEDERAL CONSTITUTION AND CONSTITUTION OF SARAWAK) BILL

House immediately resolved itself into a Committee of the whole House.

Bill considered in Committee.

(Mr Speaker *in the Chair*)

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

Tun Haji Abdul Razak: Mr Chairman, Sir, I beg to move that the Bill be reported back to the House.

Tan Sri Temenggong Jugah: Tuan Yang di-Pertua, saya menyokong.

Question put, and agreed to.

House resumes.

Third Reading

Tun Haji Abdul Razak: Mr Speaker, Sir, I beg to report that the Bill has been considered in Committee and agreed to without amendment. I accordingly move that the Bill be read a third time and passed.

Tan Sri Temenggong Jugah: Tuan Yang di-Pertua, saya menyokong.

Question put.

The House divided: Ayes 118; Noes Nil; Abstention Nil.

AYES

Tun Haji Abdul Razak bin Dato' Hussein
Tun Dr Ismail bin Dato' Haji Abdul Rahman
Tuan Tan Siew Sin
Tan Sri V. T. Sambanthan
Tan Sri Haji Sardon bin Haji Jubir
Tuan Mohamed Khir Johari
Tuan Babaman bin Samsudin
Dr Lim Swee Aun
Capt. Haji Abdul Hamid Khan bin Haji Sakhawat Ali Khan
Tuan Khaw Kai-Boh
Tan Sri Temenggong Jugah anak Barieng
Tuan V. Manickavasagam
Tuan Senu bin Abdul Rahman
Tuan Haji Mohd. Ghazali bin Haji Jawi
Tuan Abdul-Rahman bin Ya'kub
Tun Datu Mustapha bin Datu Harun
Tuan Haji Abdul Khalid bin Awang Osman
Tuan Sulaiman bin Bulon
Engku Muhsein bin Abdul Kadir
Tuan Lee Siok Yew
Dr Ng Kam Poh
Tuan Abdul Ghani bin Ishak
Tuan Abdul Karim bin Abu
Wan Abdul Kadir bin Ismail
Tuan Abdul Rahman bin Haji Talib
Wan Abdul Rahman bin Dato' Tuanku Bujang
Tuan Haji Abdul Rashid bin Haji Jais
Tuan Abdul Razak bin Haji Hussin
Dato' Abdullah bin Abdul-rahman
Tunku Abdullah ibni Almarhum Tuanku Abdul Rahman
Tuan Haji Abdullah bin Haji Mohd. Salleh
Tuan Ahmad bin Arshad
Tuan Haji Ahmad bin Saaid
Puan Ajibah binti Abol
Tuan Ali bin Haji Ahmad
O.K.K. Datu Aliuddin bin Datu Harun
Dr Awang bin Hassan
Tuan Aziz bin Ishak
Tuan Jonathan Bangau anak Renang
Pengarah Banyang anak Janting
Tuan Chan Ching Wen
Tuan Chan Seong Yoon
Tuan Chan Siang Sun
Tuan Chew Biow Cheon
Tuan Chia Chin Shin
Tuan Francis Chia Nyuk Tong
Tuan Chin Foon
Tuan D. A. Dago anak Randan *alias* Dagok anak Randen
Tuan Syed Esa bin Alwee
Datin Hajjah Fatimah binti Haji Abdul Majid
Tan Sri Fatimah binti Haji Hashim
Tuan S. Fazul Rahman
Datu Ganie Gilong
Tuan Ganing bin Jangkat
Tuan Geh Chong Keat
Tuan Haji Hamzah bin Alang
Tuan Hanafi bin Mohd. Yunus
Tuan Hanafiah bin Hussain
Tuan Harun bin Abdullah
Tuan Stanley Ho Nyun Khiu
Tuan Hussein bin To' Muda Hassan
Dato' Haji Hussein bin Mohd. Noordin
Tuan Hussein bin Sulaiman
Tuan Ikhwan Zaini
Tuan Ibrahim bin Abdul Rahman
Tuan Ismail bin Idris
Tan Sri Syed Ja'afar bin Hasan Albar
Penghulu Jinggut anak Attan
Tuan Kam Woon Wah
Tuan Thomas Kana
Tuan Lee San Choon
Tuan Lee Seck Fun
Tuan Amadeus Mathew Leong
Dato' Ling Beng Siew
Tuan Lim Pee Hung
Tuan Peter Lo Su Yin
Dr Mahathir bin Mohamed
Tuan T. Mahima Singh
Tuan C. John Ondu Majakil
Dato' Dr Haji Megat Khas
Tuan Mohd. Arif Salleh
Orang Tua Mohammad Dara bin Langpad
Tuan Mohamed Idris bin Matsil
Tuan Mohd. Tahir bin Abdul Majid
Tuan Mohamed Yusof bin Mahmud
Tuan Mohd. Zahir bin Haji Ismail
Wan Mokhtar bin Ahmad
Tuan Haji Muhamad Su'aut bin Haji Mubd. Tahir
Dato' Haji Mustapha bin Haji Abdul Jabar
Tuan Ng Fah Yam
Tuan Haji Othman bin Abdullah
Tuan Othman bin Abdullah
Tuan Quek Kai Dong
Tuan Haji Rahmat bin Haji Daud
Tuan Ramli bin Omar
Tuan Haji Redza bin Haji Mohd. Said
Raja Rome bin Raja Ma'amor
Tuan Sandom anak Nyuak
Tuan Seah Teng Ngiab
Tuan Siow Loong Hin
Tuan Senawi bin Ismail
Tuan Sng Chin Joo
Tuan Soh Ah Teck
Tuan Sulaiman bin Ali
Tuan Sulaiman bin Haji Taib
Pengiran Tabir Petra
Tuan Tajuddin bin Ali
Tuan Tai Kuan Yang
Tuan Tan Cheng Bee
Tuan Tan Kee Gak
Tuan Tan Toh Hong
Tuan Tan Tsak Yu
Tuan Tiah Eng Bee
Tuan Toh Theam Hock
Tuan Yeh Pao Tze
Tuan Haji Zakaria bin Haji Mohd. Taib

NOES

Nil

ABSTENTION

Nil

Bill accordingly read the third time and passed.

Mr Speaker: The House is adjourned *sine die*.

Adjourned at 7.10 p.m.