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Thursday
15th August, 1963

PARLIAMENTARY DEBATES

DEWAN RA'AYAT
(HOUSE OF REPRESENTATIVES)

OFFICIAL REPORT

CONTENTS

BILLS:

The Constitution (Amendment) Bill [Col. 955]
The Malaysia Bill [Col. 965]

FEDERATION OF MALAYA

DEWAN RA'AYAT

(HOUSE OF REPRESENTATIVES)

Official Report

Fifth Session of the First Dewan Ra'ayat

Thursday, 15th August, 1963

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

PRESENT:

The Honourable Mr Speaker, DATO' HAJI MOHAMED NOAH BIN OMAR, P.M.N., S.P.M.J., D.P.M.B., P.I.S., J.P.

" the Prime Minister, Minister of External Affairs and Minister of Information and Broadcasting, Y.T.M. TUNKU ABDUL RAHMAN PUTRA AL-HAJ, K.O.M. (Kuala Kedah).

" the Deputy Prime Minister, Minister of Defence and Minister of Rural Development, TUN HAJI ABDUL RAZAK BIN DATO' HUSSAIN, S.M.N. (Pekan).

" the Minister of Internal Security and Minister of the Interior, DATO' DR ISMAIL BIN DATO' HAJI ABDUL RAHMAN, P.M.N. (Johor Timor).

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

" the Minister of Works, Posts and Telecommunications, DATO' V. T. SAMBANTHAN, P.M.N. (Sungei Siput).

" the Minister without Portfolio, DATO' SULEIMAN BIN DATO' HAJI ABDUL RAHMAN, P.M.N. (Muar Selatan).

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

" the Minister without Portfolio, DATO' ONG YOKE LIN, P.M.N. (Ulu Selangor).

" the Minister of Agriculture and Co-operatives, ENCHE' MOHAMED KHIR BIN JOHARI (Kedah Tengah).

" the Minister of Labour and Social Welfare, ENCHE' BAHAMAN BIN SAMSUDIN (Kuala Pilah).

" the Minister of Health, ENCHE' ABDUL RAHMAN BIN HAJI TALIB (Kuantan).

" the Minister of Commerce and Industry, DR LIM SWEE AUN, J.P. (Larut Selatan).

" the Minister of Education, TUAN HAJI ABDUL HAMID KHAN BIN HAJI SAKHAWAT ALI KHAN, J.M.N., J.P. (Batang Padang).

" the Assistant Minister of the Interior, ENCHE' CHEAH THEAM SWEE (Bukit Bintang).

" the Assistant Minister of Labour, ENCHE' V. MANICKAVASAGAM, J.M.N., P.J.K. (Klang).

The Honourable the Assistant Minister of Commerce and Industry,
 TUAN HAJI ABDUL KHALID BIN AWANG OSMAN
 (Kota Star Utara).

- „ the Assistant Minister of Information and Broadcasting,
 ENCHE' MOHAMED ISMAIL BIN MOHAMED YUSOF (Jerai).
- „ ENCHE' ABDUL AZIZ BIN ISHAK (Kuala Langat).
- „ ENCHE' ABDUL GHANI BIN ISHAK, A.M.N. (Melaka Utara).
- „ ENCHE' ABDUL RAUF BIN A. RAHMAN, K.M.N., P.J.K.
 (Krian Laut).
- „ ENCHE' ABDUL RAZAK BIN HAJI HUSSIN (Lipis).
- „ ENCHE' ABDUL SAMAD BIN OSMAN (Sungei Patani).
- „ TOH MUDA HAJI ABDULLAH BIN HAJI ABDUL RAOF
 (Kuala Kangsar).
- „ TUAN HAJI ABDULLAH BIN HAJI MOHD. SALLEH, A.M.N., P.I.S.
 (Segamat Utara).
- „ TUAN HAJI AHMAD BIN ABDULLAH (Kota Bharu Hilir).
- „ ENCHE' AHMAD BIN ARSHAD, A.M.N. (Muar Utara).
- „ ENCHE' AHMAD BIN MOHAMED SHAH, S.M.J.
 (Johor Bahru Barat).
- „ TUAN HAJI AHMAD BIN SAAID (Seberang Utara).
- „ ENCHE' AHMAD BIN HAJI YUSOF, P.J.K. (Krian Darat).
- „ TUAN HAJI AZAHARI BIN HAJI IBRAHIM
 (Kubang Pasu Barat).
- „ ENCHE' AZIZ BIN ISHAK (Muar Dalam).
- „ DR BURHANUDDIN BIN MOHD. NOOR (Besut).
- „ ENCHE' CHAN CHONG WEN, A.M.N. (Kluang Selatan).
- „ ENCHE' CHAN SIANG SUN (Bentong).
- „ ENCHE' CHAN SWEE HO (Ulu Kinta).
- „ ENCHE' CHAN YOON ONN (Kampar).
- „ ENCHE' CHIN SEE YIN (Seremban Timor).
- „ ENCHE' V. DAVID (Bungsar).
- „ DATIN FATIMAH BINTI HAJI HASHIM, P.M.N.
 (Jitra-Padang Terap).
- „ ENCHE' GEH CHONG KEAT, K.M.N. (Penang Utara).
- „ ENCHE' HAMZAH BIN ALANG, A.M.N. (Kapar).
- „ ENCHE' HANAFI BIN MOHD. YUNUS, A.M.N. (Kulim Utara).
- „ ENCHE' HARUN BIN ABDULLAH, A.M.N. (Baling).
- „ ENCHE' HARUN BIN PILUS (Trengganu Tengah).
- „ TUAN HAJI HASAN ADLI BIN HAJI ARSHAD
 (Kuala Trengganu Utara).
- „ TUAN HAJI HASSAN BIN HAJI AHMAD (Tumpat).
- „ ENCHE' HASSAN BIN MANSOR (Melaka Selatan).
- „ ENCHE' HUSSEIN BIN TO' MUDA HASSAN (Raub).
- „ ENCHE' HUSSEIN BIN MOHD. NOORDIN, A.M.N., P.J.K. (Parit).
- „ TUAN HAJI HUSSAIN RAHIMI BIN HAJI SAMAN
 (Kota Bharu Hulu).
- „ ENCHE' IBRAHIM BIN ABDUL RAHMAN (Seberang Tengah).
- „ ENCHE' ISMAIL BIN IDRIS (Penang Selatan).

The Honourable ENCHE' ISMAIL BIN HAJI KASSIM (Kuala Trengganu Selatan).
 " ENCHE' KANG KOCK SENG (Batu Pahat).
 " ENCHE' K. KARAM SINGH (Damansara).
 " CHE' KHAIDIJAH BINTI MOHD. SIDEK (Dungun).
 " ENCHE' LEE SAN CHOON, K.M.N. (Kluang Utara).
 " ENCHE' LEE SECK FUN (Tanjong Malim).
 " ENCHE' LEE SIOK YEW, A.M.N. (Sepang).
 " ENCHE' LIM JOO KONG, J.P. (Alor Star).
 " ENCHE' LIM KEAN SIEW (Dato Kramat).
 " ENCHE' LIU YOONG PENG (Rawang).
 " ENCHE' T. MAHIMA SINGH, J.P. (Port Dickson).
 " ENCHE' MOHAMED BIN UJANG (Jelebu-Jempol).
 " ENCHE' MOHAMED ABBAS BIN AHMAD (Hilir Perak).
 " ENCHE' MOHAMED ASRI BIN HAJI MUDA (Pasir Puteh).
 " ENCHE' MOHAMED NOR BIN MOHD. DAHAN (Ulu Perak).
 " DATO' MOHAMED HANIFAH BIN HAJI ABDUL GHANI, P.J.K. (Pasir Mas Hulu).
 " ENCHE' MOHAMED YUSOF BIN MAHMUD, A.M.N. (Temerloh).
 " TUAN HAJI MOKHTAR BIN HAJI ISMAIL (Perlis Selatan).
 " ENCHE' NG ANN TECK (Batu).
 " TUAN HAJI OTHMAN BIN ABDULLAH (Tanah Merah).
 " ENCHE' OTHMAN BIN ABDULLAH, A.M.N. (Perlis Utara).
 " ENCHE' QUEK KAI DONG, J.P. (Seremban Barat).
 " TUAN HAJI REDZA BIN HAJI MOHD. SAID, J.P. (Rembau-Tampin).
 " ENCHE' SEAH TENG NGIAB (Muar Pantai).
 " ENCHE' D. R. SEENIVASAGAM (Ipoh).
 " TUAN SYED ESA BIN ALWEE, J.M.N., S.M.J., P.J.S. (Batu Pahat Dalam).
 " TUAN SYED HASHIM BIN SYED AJAM, A.M.N., P.J.K., J.P. (Sabak Bernam).
 " TUAN SYED JA'AFAR BIN HASAN ALBAR, J.M.N. (Johor Tenggara).
 " ENCHE' TAJUDIN BIN ALI, P.J.K. (Larut Utara).
 " ENCHE' TAN CHENG BEE, J.P. (Bagan).
 " ENCHE' TAN PHOCK KIN (Tanjong).
 " ENCHE' TAN TYE CHEK (Kulim-Bandar Bahru).
 " TENGKU BESAR INDRA RAJA IBNI AL-MARHUM SULTAN IBRAHIM, D.K., P.M.N. (Ulu Kelantan).
 " DATO' TEOH CHZE CHONG, D.P.M.J., J.P. (Segamat Selatan).
 " ENCHE' TOO JOON HING (Telok Anson).
 " ENCHE' V. VEERAPPEN (Seberang Selatan).
 " WAN MUSTAPHA BIN HAJI ALI (Kelantan Hilir).
 " WAN SULAIMAN BIN WAN TAM, P.J.K. (Kota Star Selatan).
 " WAN YAHYA BIN HAJI WAN MOHAMED, K.M.N. (Kemaman).
 " ENCHE' YAHYA BIN HAJI AHMAD (Bagan Datoh).

The Honourable ENCHE' YEOH TAT BENG (Bruas).

“ ENCHE' YONG WOO MING (Sitiawan).

“ PUAN HAJAH ZAIN BINTI SULAIMAN, J.M.N., P.I.S.
(Pontian Selatan).

“ TUAN HAJI ZAKARIA BIN HAJI MOHD. TAIB (Langat).

“ ENCHE' ZULKIFLEE BIN MUHAMMAD (Bachok).

ABSENT:

The Honourable ENCHE' AHMAD BOESTAMAM (Setapak).

“ ENCHE' KHONG KOK YAT (Batu Gajah).

“ ENCHE' MOHAMED DAHARI BIN HAJI MOHD. ALI
(Kuala Selangor).

“ NIK MAN BIN NIK MOHAMED (Pasir Mas Hilir).

“ ENCHE' S. P. SEENIVASAGAM (Menglembu).

“ ENCHE' TAN KEE GAK (Bandar Melaka).

IN ATTENDANCE:

The Honourable the Minister without Portfolio, ENCHE' KHAW KAI-BOH, P.J.K.

PRAYERS

(Mr Speaker *in the Chair*)

BILLS

**THE CONSTITUTION
(AMENDMENT) BILL**

Second Reading

The Deputy Prime Minister (Tun Haji Abdul Razak): Mr Speaker, Sir, I beg to move that the Constitution (Amendment) Bill be read a second time. Although this is a short Bill to amend our Constitution, the amendments proposed are important and it is necessary that these should be effected before Malaysia. Some of the amendments are minor and non-controversial, and it is hoped that the House will be able to accept them without debate. The main amendments are to Article 12 of the Constitution and to Article 50 (3), and also to repeal certain provisions of the Constitution which are found to be no longer necessary.

Now, Sir, Clause 2 of the Bill is to amend Article 12 of the Constitution so that not only the Federal Legislature but also the State Legislatures shall have the power to enact laws enabling the States to give financial assistance to Muslim religious institutions and for the purpose of giving instruction in the

Muslim religion. It is intended that this power will be retrospective to Merdeka Day.

Clause 3 (1) repeals Article 50 (3). Article 50 (3) provides that a person's nomination for election to Parliament is void if his election would or might be void. Honourable Members will appreciate that this provision would result in a situation whereby an unsuccessful candidate, who obtains the next largest number of votes will be elected instead of there being a fresh election. Besides, there are also objections to the use of the words "might be void", because the meaning is not quite clear. It is, therefore, proposed to repeal Article 50 (3).

Clause 3 (2) removes a conflict between Article 118 and Section 5 of the Seventh Schedule to the Constitution. Article 118 provides that disputed elections to the Senate shall be decided by an election petition, whereas Section 5 of the Seventh Schedule provides that they shall be decided by the Senate.

Clause 4 introduces a new Clause, Clause 6A, to Article 144. The new Clause will empower the Public Services Commission to delegate minor disciplinary powers to officers of the Armed Forces, or the Police, where a member of the general public services is employed by them. This amendment

is, of course, of practical value in order to assist the Public Services Commission in work connected with minor disciplinary matters.

Clause 5 replaces the present definitions of "federal purposes" and "state purposes" in Article 160 (2) with new definitions. The present definition of "federal purposes" is such that all purposes connected with a matter in the Concurrent List are federal purposes, even though the matter is one about which a State has legislated and Parliament has not. The new definition of "federal purposes" is more precise. The same applies to the new definition of "state purposes".

Clause 6 amends the Legislative Lists in the Ninth Schedule to ensure that, where Parliament or a State Legislature legislates on matters in the Concurrent List, it can also legislate on certain incidental matters such as offences and fees.

Clause 7 amends Section 2 (a) of the Tenth Schedule to clarify that in calculating State road grant the cost of, for instance, equipment provided by the Federal Government is not brought into account.

Sir, as I have explained, Clause 8 proposes to repeal a number of provisions which have already out-lived their purposes. This Clause provides for the repeal of a number of provisions in the Constitution which are now spent. These are as follows:

Article 16—

The words "except" where the application is made within one year after Merdeka Day" in paragraph (d) of Article 16 can no longer have effect, as the period specified has already expired.

Article 18—

Clause (4) of Article 18, presumption of good character, can now be repealed, because since 21 June, 1962, it is only applied for the determination of applications made before that date, and all such applications have now been dealt with under the Constitution (Amendment) Act, 1962, Schedule, section 1 (c), in force on the 21 June, 1962.

Article 71—

Clause (4) of Article 71 conferred powers on Parliament, if at any time after the 30th June, 1959, it appeared that the Constitution of any State did not contain

the provisions set out in Part I of the Eighth Schedule. As that date has since passed, these powers can be exercised, and the words, "after the thirtieth day of June, 1959" are superfluous.

Article 109—

In Clause (6) of Article 109, the provision in paragraph (a) relating to the first financial year after the commencement of Part VII is now spent and can be deleted with the consequential deletion of the word "succeeding" in paragraph (b).

Article 131—

Clause (2) of Article 131 makes provision for appeals to the Privy Council until Parliament otherwise provides. The Parliament has now made such provision under Appeals from Supreme Court Ordinance, 1958; and consequently Article 131 (2) is spent and can be repealed together with the cross reference to it in Article 131 (1).

Article 139—

The relevant date laid down in Clause (3) of Article 139 has now passed, and the Clause can, therefore, be repealed together with the words "after the relevant date" in Clause (2). The powers conferred by Clause (2) can now be exercised without qualification as to time.

Article 159—

Clause (2) of this Article makes provision regarding amendment to the Constitution before Parliament was constituted in accordance with Part IV of the Constitution. As Parliament has now been constituted, this provision is spent and can be repealed.

Article 160—

The definition of "Legislative Council" is spent and can be repealed.

Article 161—

This Article brought the Constitution except as otherwise specifically provided into operation on Merdeka Day. It operated on Merdeka Day and has no further use. It is, therefore, repealed.

Article 162—

Clause (4) of the Article conferred certain powers on His Majesty the Yang di-Pertuan Agong within a period of two years beginning with Merdeka Day. The period having now expired, the powers can no longer be exercised, and the Clause can be repealed as spent.

Articles 163, 164 and 165—

All these three Articles contain temporary provisions in respect of periods which have now ended. The Articles are consequently spent and can be repealed.

Article 166—

With the exception of Clauses (3) and (8) of the Article which contains continuing

provision, this Article operated on Merdeka Day to vest property or to reserve land, property and land, to which it relates became vested or reserved on Merdeka Day. The Article has, therefore, operated and can be repealed with the exception of Clauses (3) and (8).

Article 167—

Except for Clauses (6) and (7) which are of continuing effect, the whole of this Article operated on the transfer of rights, liabilities and obligations on Merdeka Day. It is now, therefore, spent and can be repealed.

Articles 168 and 170 to 173—

Article 168 provides for the continuance of legal proceedings pending immediately before Merdeka Day and is now spent and can be repealed.

Article 170 made temporary provisions regarding the registration of citizens during a period of one year after Merdeka Day and is, therefore, consequently now spent.

Article 171 made provision for the constituencies for the first elections after Merdeka Day and is now spent. It can, therefore, be repealed but without prejudice to the operation of any law referring to the number of constituencies specified in Article 171 (2), that is State constituencies.

Article 172—With the establishment of the new Federal Courts and High Court, the continuance of the Supreme Court existing immediately before Merdeka Day will no longer be necessary, and the Article can be repealed without prejudice to the continuance of the Supreme Court up to Malaysia Day.

Third Schedule—

Section 9 of this Schedule which relates to the election of the Yang di-Pertuan Agong which took place prior to Merdeka Day is spent and can be repealed.

Seventh Schedule—

Section 1 (1) provides for the first election of Senators after the dissolution of the Legislative Council of the State and is now spent.

Sections 6 and 7 relating to the terms of office of Senators elected at the first election are also spent.

Tenth Schedule—

Sections 1 and 2 provide Capitation Grant in respect of the financial years beginning 1st January, 1959, and this is now spent.

Eleventh Schedule—

Section 21 and section 25 of the Interpretation and General Clauses Ordinance, 1948, were applied in relation to the coming into operation of the Constitution on the 31st August, 1957, and these are also spent.

Twelfth Schedule—

This applied certain provisions of the Federation of Malaya Agreement, 1948, to the last Federal Legislative Council until that Council was dissolved. That Council was dissolved on the 27th June, 1959, and the provisions of the Schedule are therefore spent.

Mr Speaker, Sir, these are the provisions with which it is proposed to amend the Constitution. As I said, some of them are minor and non-controversial, and it is hoped that the House will be able to accept them without debate. Sir, I beg to move.

The Minister of Finance (Enche' Tan Siew Sin): Sir, I beg to second the motion.

Enche' D. R. Seenivasagam (Ipoh): Mr Speaker, Sir, the Honourable the Deputy Prime Minister has explained why Article 50 of the Constitution is, by this Amendment Bill, to be revoked from the Constitution itself. The reasons given are that it is, firstly, vague and, secondly, in some cases it may result in a defeated candidate being replaced in place of the original successful candidate.

Mr Speaker, Sir, one important question arises here and that is this. Article 49 of the Constitution places certain disqualifications on citizens saying that they shall not be eligible for election to the Dewan Ra'ayat. Among those disqualifications are a number, but for the purpose of my comments today, let me take the case of a person who becomes a bankrupt after he has been elected to this House or a person who takes part in a business when he should not. Now, under the election laws, as I understand them—if I am wrong I will be corrected—a voter or an elector has a right to file an election petition only within a specified period after the elections have been held, i.e., within one month of the election expenses returns being gazetted in the *Gazette* of the Federation of Malaya. Therefore, if Article 50 is removed from this Constitution, and let us assume that somebody is elected to this House and subsequently long after one month—let us say after one year—he becomes a bankrupt or he takes part in a business which he is not entitled

to, then I ask what is the remedy? The elector cannot file an election petition, then who is going to file an election petition if indeed there is power to file such a petition?

Tun Haji Abdul Razak: Mr Speaker, Sir, on a point of information, if I may. The proposal now is not to amend the whole Article 50 but to amend only Article 50 (3).

Enche' D. R. Seenivasagam: Sir, if we amend up to sub-section (3) of Article 50—sub-section (4) does not deal with the problem and it says:

"A person cannot be validly nominated for election to membership of either House or appointed to the Senate without his consent."

That does not answer the question which I pose. That only speaks of nomination for election on nomination day. Even if he gets through his nomination, then the remedy of an elector in this country is to file an election petition and that is only within the limited period of one month after the *Gazette* Notification of the return of election expenses. If Article 50 goes off, then I ask what is the remedy in the event of such a thing happening—a person becoming a bankrupt or dealing in business, say, one year after his elections? I think the Minister can get an answer for us, because it is important. Article 50 was inserted into the Constitution so that either by declaration of this House, or under the Constitution under Article 50, one would automatically be disqualified without the opt of an election petition. If you remove Article 50, then I see no remedy, unless I am shown what the remedy is going to be.

With regard to the other Articles, Sir, some of which are outdated and useless, because the period of time envisaged in the original Constitution

has lapsed, is there any good reason for revoking those sections? If there is a good reason, then there are so many laws in this country where sections are no longer useful, and I wonder why those sections have not been revoked!

Tun Haji Abdul Razak: Mr Speaker, Sir, I am very grateful to the Honourable Members for not putting up any comments to the meritorious Amendment Bill before the House and I assume that they therefore accept all the proposed amendments to the Constitution.

Now, Sir, with the regard to the query made by the Honourable and learned Member for Ipoh, as I have said, the proposal here is only to delete Article 50 (3) which reads:

"If the election of any person would or might be void under Clause (2) his nomination for the election shall be void."

To my mind the remedy for an elector or to remove a Member of the House, if he becomes disqualified for membership under Article 50 (1), is there because the whole of Article 50 still remains except for sub-section (3).

Now, as regards Clause 8 of this Bill, we intended to put that as an amendment to the Constitution, because we thought it would be a good thing to tidy up our Constitution by deleting all the Articles and Clauses which are now of no more use and which, as I have said, are spent. I think Honourable Members would agree that our Constitution is a very important document and that it should be as tidy as possible, and I think Clause 8 is rather a tidying measure to remove all the anomalous and also unnecessary provisions of our Constitution.

Question put.

The House divided: Ayes, 80; Noes, Nil; Abstentions, 8.

AYES

Tunku Abdul Rahman Putra
Al-Haj
Tun Haji Abdul Razak bin Dato'
Hussain
Dato' Dr Ismail bin Dato' Haji
Abdul Rahman
Enche' Tan Siew Sin
Dato' V. T. Sambanthan
Dato' Suleiman bin Dato' Haji
Abdul Rahman

Dato' Haji Sardon bin Haji Jubir
Dato' Ong Yoke Lin
Enche' Mohamed Khir bin Johari
Enche' Bahaman bin Samsudin
Enche' Abdul Rahman bin Haji
Talib
Dr Lim Swee Aun
Enche' Cheah Theam Swee
Enche' V. Manickavasagam

Tuan Haji Abdul Khalid bin
Awang Osman
Enche' Mohamed Ismail bin
Mohamed Yusof
Enche' Aziz bin Ishak
Enche' Abdul Ghani bin Ishak
Enche' Abdul Rauf bin
A. Rahman
Enche' Abdul Samad bin Osman

Toh Muda Haji Abdullah bin Haji Abdul Raof
 Tuan Haji Abdullah bin Mohd. Salleh
 Tuan Haji Ahmad bin Abdullah
 Enche' Ahmad bin Arshad
 Enche' Ahmad bin Mohamed Shah
 Tuan Haji Ahmad bin Saaid
 Enche' Ahmad bin Haji Yusof
 Tuan Haji Azahari bin Haji Ibrahim
 Dr Burhanuddin bin Mohd. Noor
 Enche' Chan Chong Wen
 Enche' Chan Siang Sun
 Enche' Chin See Yin
 Datin Fatimah binti Haji Hashim
 Enche' Hamzah bin Alang
 Enche' Hanafi bin Mohd. Yunus
 Enche' Harun bin Abdullah
 Tuan Haji Hasan Adli bin Haji Arshad
 Tuan Haji Hassan bin Haji Ahmad
 Enche' Hassan bin Mansor
 Enche' Hussein bin To' Muda Hassan

Enche' Hussein bin Mohd. Noordin
 Tuan Haji Hussin Rahimi bin Haji Saman
 Enche' Ibrahim bin Abdul Rahman
 Enche' Ismail bin Haji Kassim
 Enche' Ismail bin Idris
 Enche' Kang Kock Seng
 Che' Khadijah binti Mohd. Sidek
 Enche' Lee San Choon
 Enche' Lee Seck Fun
 Enche' Lee Siok Yew
 Enche' Lim Joo Kong
 Enche' T. Mahima Singh
 Enche' Mohamed bin Ujang
 Enche' Mohamed Abbas bin Ahmad
 Enche' Mohamed Asri bin Haji Muda
 Enche' Mohamed Nor bin Mohd. Dahan
 Dato' Mohamed Hanifah bin Haji Abdul Ghani
 Enche' Mohamed Yusof bin Mahmud
 Tuan Haji Mokhtar bin Haji Ismail

Enche' Othman bin Abdullah
 Enche' Othman bin Abdullah
 Tuan Haji Redza bin Haji Mohd. Said
 Enche' Seah Teng Ngiaib
 Tuan Syed Esa bin Alwee
 Tuan Syed Hashim bin Syed Ajam
 Tuan Syed Ja'afar bin Hasan Albar
 Enche' Tajudin bin Ali
 Enche' Tan Cheng Bee
 Enche' Tan Tye Chek
 Tengku Besar Indra Raja ibni Sultan Ibrahim
 Dato' Teoh Chze Chong
 Wan Mustapha bin Haji Ali
 Wan Sulaiman bin Wan Tam
 Wan Yahya bin Haji Wan Mohamed
 Enche' Yahya bin Haji Ahmad
 Enche' Yeoh Tat Beng
 Enche' Yong Woo Ming
 Puan Hajjah Zain binti Sulaiman
 Tuan Haji Zakaria bin Haji Mohd. Taib
 Enche' Zulkiflee bin Muhammad

NOES

Nil

ABSTENTIONS

Enche' Chan Swee Ho
 Enche' Chan Yoon Onn
 Enche' K. Karam Singh

Enche' Lim Kean Siew
 Enche' D. R. Seenivasagam
 Enche' Tan Phock Kin

Enche' Too Joon Hing
 Enche' V. Veerappen

Question accordingly agreed to.

Bill accordingly read a second time.
(Applause).

The Constitution (Amendment) Bill committed to a Committee of the whole House.

Bill considered in Committee.

(Mr Speaker in the Chair)

Clauses 1 to 8 inclusive ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill.

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

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 it be read a third time and passed.

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

Question put.

The House divided: Ayes 82; Noes Nil; Abstentions 9.

AYES

Tunku Abdul Rahman Putra Al-Haj
 Tun Haji Abdul Razak bin Dato' Hussain
 Dato' Dr Ismail bin Dato' Haji Abdul Rahman
 Enche' Tan Siew Sin
 Dato' V. T. Sambanthan

Dato' Suleiman bin Dato' Haji Abdul Rahman
 Dato' Haji Sardon bin Haji Jubir
 Dato' Ong Yoke Lin
 Enche' Mohamed Khir bin Johari
 Enche' Bahaman bin Samsudin
 Enche' Abdul Rahman bin Haji Talib

Dr Lim Swee Aun
 Enche' Cheah Theam Swee
 Enche' V. Manickavasagam
 Tuan Haji Abdul Khalid bin Awang Osman
 Enche' Mohamed Ismail bin Mohamed Yusof
 Enche' Aziz bin Ishak

Enche' Abdul Ghani bin Ishak
 Enche' Abdul Rauf bin A. Rahman
 Enche' Abdul Samad bin Osman
 Tuan Haji Abdullah bin Haji Abdul Raof
 Tuan Haji Abdullah bin Mohd. Salleh
 Tuan Haji Ahmad bin Abdullah
 Enche' Ahmad bin Arshad
 Enche' Ahmad bin Mohamed Shah
 Tuan Haji Ahmad bin Saaid
 Enche' Ahmad bin Haji Yusof
 Tuan Haji Azahari bin Haji Ibrahim
 Dr Burhanuddin bin Mohd. Noor
 Enche' Chan Chong Wen
 Enche' Chan Siang Sun
 Enche' Chin See Yin
 Datin Fatimah binti Haji Hashim
 Enche' Geh Chong Keat
 Enche' Hamzah bin Alang
 Enche' Hanafi bin Mohd. Yunus
 Enche' Harun bin Abdullah
 Tuan Haji Hasan Adli bin Haji Arshad
 Tuan Haji Hassan bin Haji Ahmad

Enche' Hassan bin Mansor
 Enche' Hussein bin To' Muda Hassan
 Enche' Hussein bin Mohd. Noordin
 Tuan Haji Hussin Rahimi bin Haji Saman
 Enche' Ibrahim bin Abdul Rahman
 Enche' Ismail bin Haji Kassim
 Enche' Ismail bin Idris
 Enche' Kang Kock Seng
 Che' Khadijah binti Mohd. Sidek
 Enche' Lee San Choon
 Enche' Lee Seck Fun
 Enche' Lee Siok Yew
 Enche' Lim Joo Kong
 Enche' T. Mahima Singh
 Enche' Mohamed bin Ujang
 Enche' Mohamed Abbas bin Ahmad
 Enche' Mohamed Asri bin Haji Muda
 Enche' Mohamed Nor bin Mohd. Dahan
 Dato' Mohamed Hanifah bin Haji Abdul Ghani
 Enche' Mohamed Yusof bin Mahmud
 Tuan Haji Mokhtar bin Haji Ismail

Enche' Othman bin Abdullah
 Enche' Othman bin Abdullah
 Enche' Quek Kai Dong
 Tuan Haji Redza bin Haji Mohd. Said
 Enche' Seah Teng Ngiab
 Tuan Syed Esa bin Alwee
 Tuan Syed Hashim bin Syed Ajam
 Tuan Syed Ja'afar bin Hasan Albar
 Enche' Tajudin bin Ali
 Enche' Tan Cheng Bee
 Enche' Tan Tye Chek
 Tengku Besar Indra Raja ibni Sultan Ibrahim
 Dato' Teoh Che Chong
 Wan Mustapha bin Haji Ali
 Wan Sulaiman bin Wan Tam
 Wan Yahya bin Haji Wan Mohamed
 Enche' Yahya bin Haji Ahmad
 Enche' Yeoh Tat Beng
 Enche' Yong Woo Ming
 Puan Hajjah Zain binti Sulaiman
 Tuan Haji Zakaria bin Haji Mohd. Taib
 Enche' Zulkiflee bin Muhammad

NOES

Nil

ABSTENTIONS

Enche' Chan Swee Ho
 Enche' Chan Yoon Onn
 Enche' V. David

Enche' K. Karam Singh
 Enche' Lim Kean Siew
 Enche' D. R. Seenivasagam

Enche' Tan Phock Kin
 Enche' Too Joon Hing
 Enche' V. Veerappen

Question accordingly agreed to.

Bill accordingly read the third time and passed.

THE MALAYSIA BILL

Second Reading

Tun Haji Abdul Razak: Mr Speaker, Sir, I beg to move that a Bill intituled "An Act for Malaysia" be read a second time.

The purpose of this Bill, as its title indicates, is to give effect to the Constitutional arrangements which have been the subject of negotiations for some time between the various countries involved for the establishment of a Federation of the present Colonies of North Borneo (Sabah) and Sarawak and the State of Singapore with the existing States of the Federation of Malaya. This Federation will be known as "Malaysia".

At the beginning of this session, for the last two days, Honourable Members have heard from the Honourable the Prime Minister an account of the events which led to the recent Agreement signed in London between the representatives of the United Kingdom Government, the elected representatives of the State of Singapore, of Sabah and Sarawak and representatives of the Federation of Malaya. The House also has had full opportunity of expressing their views on the various events leading up to the formation of Malaysia. Sir, I do not, therefore, propose to take the time of this House dealing on these matters again. The statement by the Honourable the Prime Minister and the debate in this House had clearly indicated that the proposal to establish Malaysia, culminating in the signing of the Agreement in London last month, was the result of the desire of the peoples of Singapore, Sabah and

Sarawak to achieve independence through Malaysia and also the desire of us here in the Federation to help them to achieve this objective in view of our many close ties. The admission of these new States to the Federation obviously makes it necessary for us to effect certain amendments to our Constitution and also to make certain transitional and temporary provisions. As has been explained and as the House is fully aware, as a result of many months of negotiations with the representatives of these territories, certain safeguards have been agreed to and these have to be embodied in the Constitution. All these matters are included in the Bill which is now before the House.

With regard to Sabah and Sarawak, an Inter-Governmental Committee was set up consisting of representatives of British, Malayan, Sabah and Sarawak Governments. The recommendations of this Committee form the basis of the Constitutional arrangements for the admission of Sabah and Sarawak into Malaysia. The Report of this Committee was adopted by resolution in the Legislative Assemblies of the two territories.

With regard to Singapore, separate negotiations with the Singapore Government were held and agreed and both Governments agreed to the terms of Singapore's entry into Malaysia. All the agreed terms are now embodied in this Bill.

As a result of special Constitutional arrangements for the admission of the new States, it has been found necessary in some respects to amend the Constitution as it applies to the existing States in the Federation; but these amendments, in a number of cases, affect the text of the Constitution and do not in any way alter the substance. They are to preserve the position of the existing States and to fit in the position of the new States in the Constitution without disturbing the Constitution of the existing States. Examples of these are provisions regarding the delimitation of constituencies in Section 10 (2) of the Bill and the amendments to the 13th Schedule to the Constitution as pro-

vided in the Sixth Schedule to the Bill. In other cases, provisions are included in this Bill to clarify rather than amend the existing Constitution, i.e. Section 11 dealing with disqualification of Members of Parliament and of Legislative Assemblies and Chapter 37 dealing with power of Parliament to authorise State Legislature to pass laws on Federal subjects.

Mr Speaker, Sir, the Bill deals with a number of constitutional matters and obviously it is not possible for me to go into detail clause by clause, but I will now explain briefly the general provisions of the Bill.

Part I—This Part deals with the coming into operation and with the mechanics of the Bill. Honourable Members will note that I have circulated round a corrigendum to Clause 2 enabling the Bill to be brought into operation on a day subsequent to the 31st August, 1963. As has been explained by the Prime Minister, this has been rendered necessary as the Secretary-General of the United Nations has been invited to assess the views of the people of the Borneo territories in support of Malaysia in accordance with the Agreement recently reached in Manila. The Secretary-General of the United Nations has agreed to undertake this task and if, at his request, it is necessary to postpone the coming into operation of this Bill for a very limited period, the corrigendum will enable this to be done.

PART II—THE STATES OF THE FEDERATION.

Clause 4 provides that the name of the Federation shall be "Malaysia" and that the States of the Federation shall be the nine States of the existing Federation individually and the States of Sabah, Sarawak and Singapore.

PART III—GENERAL CONSTITUTIONAL ARRANGEMENTS.

Title I—General provisions as to Federal and State Institutions.

Chapter I—Preliminary.

This chapter provides the necessary interpretation of constitutional terms.

Chapter II—Heads of State.

This chapter provides for the Heads of State of Sabah, Sarawak and Singapore to be members of the Conference of Rulers except for purposes connected with the Muslim religion. Honourable Members will note that the expression "Governor" is defined in Clause 5 as meaning a Head of State, by whatever title he is known, in a State not having a Ruler.

Chapter III—Parliament, Legislative Assemblies and State Constitutions.

Clause 8 provides for the number of appointed members of the Senate to be increased from 16 to 22 and Clause 9 provides that the House of Representatives shall consist of 159 elected members being—

- (a) 104 members from the States of Malaya, that is to say the States comprised in the existing Federation;
- (b) 16 members from Sabah;
- (c) 24 members from Sarawak; and
- (d) 15 members from Singapore.

Clause 10 increases the number of members of the Election Commission from 2 to 3 and provides for separate reviews of constituencies by the Election Commission under Article 113 (2) in respect of the States of Malaya, the Borneo States and the State of Singapore. The latter provision is necessary because a specified number of seats in the House of Representatives will be allocated to the States of Malaya, Sabah, Sarawak and Singapore respectively. The position of the States of the existing Federation in regard to the review of constituencies will not be disturbed.

Clause 12 provides—

- (a) in relation to a Borneo State, until the end of August, 1975, or earlier with the concurrence of the Head of State, the State Constitutions as in force on Malaysia Day will be permitted to continue in operation notwithstanding their inconsistency with the provisions of Part I of the Eighth Schedule to the Federal Constitution;

However, in the main, the Constitution which shall be granted to these States on Malaysia Day shall contain provisions substantially corresponding to the Eighth Schedule, except that they would not be fully and directly elected Assemblies;

- (b) in relation to Singapore, the provisions of Part I of the Eighth Schedule to the Federal Constitution will not be applied but the Constitution of the State as in force on Malaysia Day may not be amended in respect of any matter dealt with by those provisions unless the effect of the amendment is to bring the provisions of the State Constitution closer to those of Part I of the Eighth Schedule or the amending enactment is approved by act of the Federal Parliament;

As Honourable Members are aware, Singapore has earlier a Constitution which corresponds substantially to the Eighth Schedule of the Federation Constitution.

The effect of Clause 12 (2) is to ensure, as recommended in paragraph 20 (2) of the Report of the Inter-Governmental Committee, that the question whether a provision of a State Constitution is inconsistent with the provisions of Part I of the Eighth Schedule to the Federal Constitution should ultimately be determinable by the Courts.

Chapter IV—The Judiciary.

This chapter provides for the establishment of a Federal Court and three High Courts. The High Courts will be—

- (a) one in the States of Malaya;
- (b) one in North Borneo and Sarawak; and
- (c) one in the State of Singapore.

The Federal Court, which will have its principal registry in Kuala Lumpur, will have the following jurisdiction—

- (a) exclusive jurisdiction to determine appeals from decisions of

a High Court or a judge thereof (except decisions of a High Court given by a registrar or other officer of the court and appealable under federal law to a judge of the Court); and

(b) such original or consultative jurisdiction as is specified in Articles 128 and 130.

Honourable Members will note that the existing Articles 128 and 129 are repealed by section 3 and the First Schedule to the Bill and that the new Article 128 set out in Clause 14 of the Bill is substituted for them. The new Article 128 confers on the Federal Court jurisdiction to determine—

(a) whether a law is invalid because it makes provision with respect to a matter with respect to which the legislature making the law has no power to legislate; and
 (b) any disputes between States or between the Federation and a State.

Jurisdiction to determine constitutional questions is also conferred on the Federal Court by Clause 14 (2).

The jurisdiction other than that conferred on the Federal Court is vested in the High Courts and such inferior courts as may be provided by federal law.

Clauses 15 to 22 provide for the constitution of the Federal Court and High Courts, the appointment and transfer of judges and their qualifications and various ancillary matters.

Title II—Citizenship.

Clauses 23 to 34 of the Bill deal with the subject of citizenship.

The provisions of the Bill do not affect the existing rules as to citizenship in relation to the States at present comprised in the Federation of Malaya, though the form of the Constitution will be altered by putting the rules relating to citizenship by operation of law into the Second Schedule to the Constitution as Parts I and II of that Schedule (Clause 23 (1) (a) and (b)). These provisions, as at present, will only be able to be amended by a two-third majority under Article 159 (3).

The existing Second Schedule to the Constitution (Supplementary provisions relating to Citizenship) is amended by the inclusion of the three sections set out in Part III of the Third Schedule to the Bill and by the miscellaneous amendments set out in Part IV of that Schedule. The existing Second Schedule to the Constitution, as so amended, will become Part III of the Second Schedule to the Constitution but will remain amendable by a simple majority under Article 159 (4) (a). (Clause 24 (2) and Clause 33 (3)).

There are special provisions of a transitional nature under which persons connected with the Borneo States will become Federal citizens (Third Schedule, Part I, section 2) or will be entitled to registration as citizens (Clause 26). In general, outside Singapore, birth or residence anywhere in Malaysia will make a person a Federal citizen or qualify him for registration or naturalisation under the same conditions as at present. Equally, birth or residence in Singapore will, under corresponding conditions, make a person or qualify him to be a Federal citizen but as a citizen of Singapore. Except as regards naturalisation, the right to citizenship of Singapore will depend on provisions contained in the Constitution of Singapore which correspond to those contained in the Federal Constitution in relation to Federal citizenship and these provisions of the Singapore Constitution will be amendable only with approval given by act of the Federal Parliament (Clause 23 (2)). Clause 23 also provides that every citizen of Singapore will be a Federal citizen by operation of law and that citizenship of Singapore shall not be severable from citizenship of the Federation. However, a Singapore citizen who loses his citizenship of Singapore or of the Federation loses the other also (Clause 23 (3).)

Naturalisation of Singapore citizens, as of others, will be a matter for the Federal Government (Clause 27), whose existing powers to deprive persons of citizenship will also extend to Singapore citizens (Clause 30). It will be possible, under Clause 28 and corresponding provision in the Singapore Constitution,

for a Federal citizen who is not a Singapore citizen to become one, and vice versa, under conditions corresponding to those for acquisition of Federal citizenship by a foreigner.

The effect of the citizenship provisions of the Bill in relation to citizens of Singapore may be summarised as follows—

- (a) a citizen of Singapore will, by virtue of such citizenship, be a citizen of Malaysia;
- (b) birth or residence in Singapore will only count for the purpose of acquiring citizenship of Malaysia through citizenship of Singapore, but the Federal Government may treat such residence as residence in the Federation outside Singapore for the purpose of naturalisation as a citizen other than a citizen of Singapore;
- (c) the Federal Government will have exclusive authority to grant citizenship by naturalisation but, in the case of a person to be naturalised as a citizen of Singapore, only with the concurrence of the Singapore Government;
- (d) the Federal Government will have authority to register a citizen of Singapore as a citizen of Malaysia (other than by virtue of citizenship of Singapore) if he satisfies all the requirements of Article 15 or 15A for citizenship by registration of wives of minor children of citizens or of Article 19 for citizenship by naturalisation;
- (e) the Federal Government will have authority to deprive persons of Malaysian citizenship on all grounds;
- (f) after Malaysia Day a person who was a citizen of Singapore prior to Malaysia Day will be liable to be deprived of his citizenship on any ground arising before Malaysia Day upon which he could have been deprived under the law in force prior to Malaysia Day provided proceedings are commenced before or within two years after Malaysia Day;
- (g) in respect of deprivations pending on Malaysia Day the Federal Minister will delegate his functions to a State authority and, in respect of proceedings commenced on or after Malaysia Day he will be empowered to do so;
- (h) deprivation or renunciation of Malaysian citizenship of a citizen of Singapore would involve loss of Singapore citizenship;
- (i) a citizen of Singapore who is deprived of, or renounces, his citizenship of Singapore (except on acquiring Malaysian citizenship by registration), will cease to be a citizen of Malaysia and shall not, except with the approval of the Federal Government, be eligible for registration as a citizen of Malaysia or of Singapore; and
- (j) a person who has renounced or been deprived of his Malaysian citizenship would not be eligible to be registered as a citizen of Singapore except with the approval of the Federal Government.

The difference in the position and rights of a Federal citizen according to whether he is or is not a Singapore citizen will depend on Clause 31 of the Bill under which clause the right to stand or vote at elections to Parliament or to a State Legislative Assembly in or out of Singapore will depend on a person being or not being a Singapore citizen. For international purposes all Federal citizens will have the same status and, except as provided in Clause 31 and Clause 60, Singapore citizens will have the same civil rights under the Constitution as other citizens.

Title III—Legislative Powers and Administrative Arrangements.

The conditions peculiar to the new States require that the legislative and executive powers conferred on them should be different from those laid down in the Ninth Schedule to the existing Constitution as applicable to the casting States of the Federation.

Clause 35 and the Fourth Schedule to the Bill set out the matters in respect of which the new States are to have exclusive and concurrent legislative competence. In the case of Singapore, which for a number of years had complete internal self-government, education and labour will be on the State List and a number of commercial or industrial subjects will be on the Concurrent List. It is to be observed that, under Article 74 of the Federal Constitution which is not amended, the Federal Parliament may make laws with respect to any matter enumerated in the Concurrent List and, under Article 75, any State Law which is inconsistent with the federal law will be void to the extent of the inconsistency.

It is also provided (Clause 35 (3)) that the legislature of a Borneo State may make laws for imposing sales taxes, and any sales tax so imposed shall be deemed to be among the matters enumerated in the State List, but no such State sales tax shall be discriminatory between goods of the same description according to the place in which they originate and the charge for any federal sales tax has priority over a State sales tax.

Clause 37 empowers Parliament by law to delegate legislative authority in respect of a matter enumerated in the Federal List to the legislature of a State subject to such conditions or restrictions (if any) as Parliament may impose and Clause 38 enables such legislative authority and also executive authority for a State to administer specified provisions of any federal law to be delegated by order. Any such order is required to be laid before each House of Parliament (Clause 38 (5)).

Clause 39 amends Article 150 of the Constitution to enable the special powers of legislation under the Article to be exercised in the event of His Majesty the Yang di-Pertuan Agong being satisfied of the existence of a grave emergency, whereby the security or economic life of the Federation, or any part thereof, is threatened whether by war, external aggression, internal disturbance or otherwise. A proclama-

tion of emergency, however, will not extend the powers of Parliament with respect to any matter of Muslim law or the law of the Malays or with respect to any matter of native law or custom in a Borneo State and nor will any provision of an emergency law, which is inconsistent with the provisions of the Constitution relating to any such matter or relating to religion, citizenship or language be valid.

Under Article 4 of the existing Constitution the power to question the validity of any law made by Parliament or the legislature of a State on the ground that it makes provision with respect to a matter with respect to which the legislature had no power to make laws, is confined to proceedings between the Federation and a State. Clause 40 amends Article 4 to enable a law to be questioned on this ground by an individual person in proceedings commenced with the leave of a judge but the Federation and any State concerned will be entitled to be a party to any such proceedings.

Clause 42 excludes the Borneo States and Singapore from Parliament's power to pass uniform laws in relation to land or local government and Clause 43 modifies Article 91 (National Land Council), Article 92 (National development plan), Article 94 (Federal powers in respect of research) and Article 95A (National Council for Local Government) in the following manner—

(i) *The National Land Council (Article 91) and the National Council for Local Government (Article 95A).*

The new States will be represented in these Councils but the State government will not be required to follow the policy formulated by them until—

(a) as regards the National Land Council, in the case of Singapore, Parliament with the concurrence of the State government so provides; in the case of any new State, this arrangement will be varied by Parliament with the concurrence of the State concerned so as to bring it into line with the

existing States (Clause 66 of the Bill); and

(b) as regards the National Council for Local Government, in the case of any new State, until Parliament with the concurrence of the State Legislative Assembly so provides.

(ii) *National Development Plan (Article 92).*

No area in the new States shall be proclaimed a development area under Article 92 without the concurrence of the State Government.

(iii) The agricultural and forestry officers of the Borneo States shall not be required to accept professional advice given under Article 94 (1) (under which the Federation may conduct research, give advice and technical assistance etc., in respect of matters in the State List) but are required to consider such advice.

So long as a new State is not required to follow the policy formulated by the National Land Council or the National Council for Local Government, the representative of the State on the Council will not be entitled to vote on questions before the Council. But, where a State becomes obliged to follow the policy so formulated, its representative will become entitled to vote and, therefore, the number of Federal representatives in the council will be increased by one so as to preserve the existing balance (Clause 43 (2) and (4)). Both these arrangements are subject to Clause 66.

Title IV—Financial Provisions.

Chapter 1—Borneo States.

The financial arrangements between the Federation and the Borneo States are embodied in Clauses 45 and 46 and the Fifth Schedule to the Bill but are, under Clause 47, subject to review by agreement between the Governments (or, in matters of disagreement, on the arbitration of an independent assessor). Reviews are to be made initially at the

end of five years or ten years and thereafter if required by either Government at intervals of not less than five years.

Chapter 2—Singapore.

Under Clause 48, the financial arrangements between the Federation and Singapore will depend upon an agreement between the two Governments. This agreement is set out as Annex "J" to the Malaysia Agreement and includes the arrangements for a common market. Under Clause 8 of the Agreement the arrangements for the division of revenue between Singapore and the Federation will remain in operation until 31st December, 1964, and shall then be subject to review. Subsequently there will be a similar review in respect of each period of two years. In default of agreement between the two Governments any issue in dispute will be referred to an independent assessor appointed jointly by the two Governments. In default of agreement between the two Governments on the choice of an assessor the Lord President of the Federal Court, after considering the views of both Governments, will appoint an assessor from among persons recommended by the International Bank for Reconstruction and Development as being persons enjoying an international reputation in finance. The recommendations of the assessor will be binding on both Governments.

Chapter 3—General.

This chapter contains provisions relating to the borrowing powers of, and State audits in, the Borneo States and Singapore.

Clause 51 provides that the rules for determining the rate at which a State road grant is payable by the Federation to the States of the existing Federation shall be the same as if the Malaysia Act had not been passed.

Title V—Public Services.

Clauses 52 and 53 provide for the re-establishment of a Federal Judicial and Legal Service Commission under the chairmanship of the Chairman of the Federal Public Services Commission.

The members will be the Attorney-General and one or more other members appointed by H.M. the Yang di-Pertuan Agong, after consultation with the Lord President of the Federal Court, from among persons who are or have been Judges. The Commission will have jurisdiction over all members of the Judicial and Legal Service but this does not include Judges of the High Courts or the Federal Court.

Clause 54 provides for the establishment in the Borneo States and Singapore respectively of branches of the Judicial and Legal Service Commission. The clause will have effect until the end of August, 1968, and thereafter until the Federal Government determines to the contrary or, in relation to Singapore, until Parliament otherwise provides by an Act passed with the concurrence of the Governor.

Clause 55 establishes in the Borneo States and Singapore branches of the Federal Public Services Commission with jurisdiction in respect of members of the General Public Service of the Federation employed in a federal department in a Borneo State or in Singapore. The clause will have effect for the same period as Clause 54.

Clause 57 extends the jurisdiction of the Police Force Commission (except as regards disciplinary control) to members of the public service of a Borneo State seconded to the Police Force and authorises the Police Force Commission to exercise disciplinary control over such persons unless there is established in the State a board for this purpose consisting of:

- (a) the Chairman of the State Public Service Commission;
- (b) the State Legal Adviser;
- (c) the Senior Officer of Police in the State; and
- (d) a representative of the Officer of Police in general command of the Police Force.

Clause 58 amends Article 132 of the Constitution by substituting new Clauses (3) and (4) for the existing Clauses. The principal effects of the substitution are—

- (a) to exclude from the public service, not only Ministers or

Assistant Ministers, Chief Ministers or any other member of the Executive Council of a State, but also any political officer by whatever name he may be known; and

- (b) to exclude Judges of the Federal Court or a High Court from the public service.

Clause 59 increases the maximum number of members of the Public Services Commission from eight to ten.

Title VI—Protection of Special Interests.

Chapter I—General.

Clause 60 amends Article 9 of the Constitution so as to enable Parliament by law, so long as a State is in a special position as compared with the States of the existing Federation, to impose restrictions, as between that State and other States, on the rights of movement and residence conferred by Clause 2 of Article 9. This power of Parliament is, however, subject to the limitation that no restriction on the right of movement between the State of Singapore and the States of the existing Federation shall be imposed except by a law relating to labour or education or to any matter in respect of which, because of the special position of Singapore, it appears to Parliament to be desirable to prevent the enjoyment of rights both in the State of Singapore and in the States of the existing Federation.

Clause 60 (2) enables a law passed under Clause 3 of Article 9 to be passed before Malaysia Day. The purpose of this is to enable the Immigration Act, restricting immigration into the Borneo States, to be passed before Malaysia Day in accordance with the recommendation of the Inter-Governmental Committee.

Clause 60 (4) provides that restrictions on the right to form associations conferred by Article 10 (1) (c) may be imposed by any law relating to labour or education as well as by law passed in the interest of security, public order or morality. This amendment is necessary because the State of Singapore will have legislative and executive power in relation to labour and education.

Chapter 2—Borneo States.

Clause 61 makes special provision for the use of the English language in the Borneo States. It provides that no Act of Parliament terminating or restricting the use of the English language for any of the purposes mentioned in Clauses (2) to (5) of Article 152 of the Constitution shall come into operation as regards the use of the English language until ten years after Malaysia Day in in any of the following cases—

- (a) the use of the English language in either House of Parliament by a member for or from Sabah or Sarawak;
- (b) the use of the English language for proceedings in the High Court in Borneo or in a subordinate court in Sabah or Sarawak, or for such proceedings in the Federal Court as are mentioned in Clause (4); and
- (c) the use of the English language in Sabah or Sarawak in the Legislative Assembly or for other official purposes (including the official purposes of the Federal Government).

It is also provided by this Clause that no such Act of Parliament as is mentioned in Clause (1) thereof shall come into operation as regards the use of English in the High Court in Borneo or for proceedings in the Federal Court on appeal from the High Court in Borneo or arising from proceedings before that Court until the Act has been approved by the legislatures of the Borneo States.

Finally it is provided in Clause 61 (5) that, notwithstanding anything in Article 152, a native language in current use in a Borneo State may be used in native courts or native law and, in the case of Sarawak until otherwise provided by enactment by the State legislature, by a member addressing the State Legislative Assembly.

Clause 62 provides that the provisions of Clauses (2) to (5) of Article 153, so far as they relate to the reservation of positions in the public service, shall apply in relation to natives of the Borneo States as they apply in relation

to Malays. It also provides that in a Borneo State Article 153 shall have effect with the substitution of references to natives of the State for references to Malays and that no reservation of a fixed proportion of scholarships or other educational privileges shall be reserved for natives.

Clause 62 (5) authorises a State law in a Borneo State to make provision for the reservation of land for natives of the State or for alienation to them, or for giving them preferential treatment as regards the alienation of land by the State.

Under Clause 64 no Act of Parliament providing special financial aid for the establishment or maintenance of Muslim institutions or the instruction in the Muslim religion of persons professing that religion shall apply to a Borneo State without the consent of the Head of that State.

Under Clause 64 (2) where a Federal law provides aid for the establishment or maintenance of Muslim institutions or instruction in the Muslim religion by way of grant out of public funds in States other than Sabah and Sarawak, there shall be paid by the Federation to the Government of Sabah or Sarawak and applied for social welfare purposes in the State amounts which bear to the revenue derived by the Federation from the State in the year the same proportion as the grant bears to the revenue derived by the Federation from other States in that year.

Clause 65 authorises the inclusion in the Constitution of Sabah and Sarawak of provision that an enactment of the State legislature under Article 11 (4) controlling or restricting the propagation of any religious doctrine or belief among persons professing the Muslim religion shall not be passed except by a specified majority not exceeding $\frac{2}{3}$ rd of the total number of members of the State Legislative Assembly.

Clause 66 lays down constitutional safeguards in respect of the Borneo States. Clause 66 (1) provides that no amendment of the Federal Constitution modifying its application to a Borneo State shall be made by a simple majority of the Federal Parliament under

Article 159 (4) (bb) unless the modification is such as to equate or assimilate the position of that State under the Constitution to the position of the States of the Federation. Furthermore, no amendment to the Federal Constitution shall be made without the concurrence of the Head of a Borneo State if the amendment relates to any of the following matters—

- (a) citizenship;
- (b) the constitution and jurisdiction of the High Court of the State;
- (c) the distribution of legislative and executive functions and the financial arrangements related thereto;
- (d) religion, language and the special position of natives of the State; and
- (e) until August, 1970 the quota of members of the House of Representatives allocated to the State in proportion to the total allocated to other States on Malaysia Day.

Clause 66 (4) extends this protection to any rights and powers conferred by Federal law on the Government of a Borneo State as regards immigration into the State.

Chapter 3—Singapore.

Under Clause 67, until otherwise provided by enactment of the Singapore Legislative Assembly, the English, Mandarin and Tamil languages may be used in the Legislative Assembly and the English language may be used for the texts of all bills and enactments of that legislature.

Clause 68 provides that nothing in the Federal Constitution shall prohibit or invalidate any provision of State law in Singapore for the advancement of Malays but there shall be no reservation for Malays of positions in the public service to be filled by recruitment in Singapore, or of permits or licences for the operation of any trade or business in Singapore.

Clause 69 lays down constitutional arrangements for Singapore by providing that no amendment shall be

made to the Federal Constitution without the concurrence of the Governor of Singapore if the amendment affects the operation of the Constitution in relation to Singapore as regards any of the matters specified thereunder.

Title VII—Supplementary.

This part of the Bill contains minor and consequential and transitional provisions and repeals.

PART IV—TRANSITIONAL AND TEMPORARY.

Chapter 1—General.

This chapter contains provisions for the continuation and modification of present laws, succession to property, rights, liabilities and obligations, the continuation of criminal and civil proceedings and succession on future transfers of responsibilities.

Clause 79 makes provision for the vesting of defence lands in Singapore and Clause 80 makes temporary financial provisions for Sabah and Sarawak in respect of the period up to 31st December, 1963.

Chapter 2—State Officers.

This chapter contains the customary provisions for the preservation and protection of pensions of serving officers.

Clause 85 provides for the transfer to the Police Force of the Federation of all persons who immediately before Malaysia Day were members of the Police Force in Singapore. Such a person—

- (a) shall be employed on terms and conditions not less favourable than those applicable to him immediately before Malaysia Day;
- (b) unless and until he elects to the contrary,—
 - (i) shall not be liable to be transferred without his consent to a post outside Singapore; but
 - (ii) shall not be eligible for promotion to such a post.

Chapter 3—The Courts and the Judiciary.

This chapter contains transitional and temporary provisions relating to the courts and judges.

Chapter 4—Parliament and Legislative Assemblies.

Clause 93 provides for the first elections and appointments of senators from the Borneo States and Singapore.

Clause 94 provides for the election of the members of the Federal House of Representatives and the State Legislative Assemblies in the Borneo States.

There will be a period of indirect elections which shall be, for elections to the House of Representatives the period up to the first dissolution of Parliament occurring after the end of August, 1968, and for elections to the Legislative Assembly, the first dissolution of that Assembly so occurring. However, H.M. the Yang di-Pertuan Agong with the concurrence of the Head of a Borneo State may by order reduce the period of indirect elections.

During the period of indirect elections the members of the House of Representatives from the State shall be elected by the State Legislative Assembly in accordance with such procedure as may be prescribed by order of the Head of State made with the concurrence of H.M. the Yang di-Pertuan Agong. Such order may either require elections to be made from among members of the Assembly or permit others to be elected. During the period of indirect elections in a State elected members of the State Legislative Assembly shall be elected as may be provided by Federal or State law.

Clause 95 makes provision for the election in Singapore of members of the Federal House of Representatives and the State Legislative Assembly.

(a) Elections to the Federal House of Representatives.

Until the second general election after Malaysia Day, elections in Singapore to the House of Representatives will be conducted in accordance with State law passed with the concurrence of H.M. the Yang di-Pertuan Agong.

However, after the first elections, these elections will also be subject to Federal law (Clause 95 (1)). As Federal law prevails over State law in accordance with Article 75, the subject of elections in Singapore to the House of Representatives will, after the first elections, in effect be concurrent.

For the purposes of the first elections in Singapore to the House of Representatives, the electoral rolls in force immediately prior to Malaysia Day may be used and consequently, in respect of these elections only, Article 119 (Qualifications of Electors) and 30A (Franchise of Singapore and other Citizens) will not apply (Clause 95 (2)).

(b) Elections to Singapore Legislative Assembly.

The subject of elections to the Singapore Legislative Assembly will be concurrent for five years after Malaysia Day and thereafter until Parliament with the concurrence of the State Government provides otherwise (Clause 95 (3) and (4) and the Fourth Schedule to the Bill, Part II—List III (b)—Item 20).

Until the first revision of the electoral rolls after Malaysia Day, Article 119 and Article 30A will not apply in respect of elections to the Singapore Legislative Assembly (Clause 95 (5)).

Clause 96 provides for the delimitation of constituencies in the Borneo States for the first direct elections and for the first elections in Singapore to the House of Representatives to which Clause 95 (1) does not apply, i.e. the second general election held after Malaysia Day and subsequent elections.

The constituencies will be delimited by order of H.M. the Yang di-Pertuan Agong giving effect, with or without modifications, to the recommendations of the Federal Election Commission (Clause 96 (1) and (6)). The report of the Election Commission and the draft order are required to be laid before the House of Representatives before the order is made (Clause 96 (5) and (9)).

In making its recommendations, the Election Commission is required to

take into account the principles set out in section 2 of the Thirteenth Schedule to the Constitution (Clause 96 (2) (a)).

First Schedule.

This Schedule indicates which sections of the Act are to be inserted as articles of the Constitution and the manner in which they are to be inserted.

Second Schedule.

This Schedule provides for the application to Sabah, Sarawak and Singapore of Part I of the Eighth Schedule to the Constitution (final provisions) in the same manner as it applies to the States of Penang and Malacca, except for the modification enabling the Speaker to be a person who is not a member of the State Legislative Assembly provided that he is qualified to be a member.

Third Schedule.

This Schedule contains the provisions regarding citizenship related to Title II (Clauses 23 to 34) of the Bill.

Fourth Schedule.

This Schedule contains the special legislative lists for the Borneo States and Singapore.

Fifth Schedule.

This Schedule, which is related to Title IV—Chapter 1 (Clauses 45 to 47) (Financial provisions in respect of the Borneo States), specifies the special grants to the Borneo States and the additional sources of revenue assigned to them.

Sixth Schedule.

This Schedule contains minor and consequential amendments to the Constitution.

Sir, I have endeavoured to explain briefly the various provisions of the Constitution and I must admit that there are a number of important provisions in the Constitution. I apologise for taking much time of the House in explaining these matters.

Sir, I beg to move.

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

Mr Speaker: The question is that the Malaysia Bill be now read a second time. I think it is the best time to suspend the sitting for 15 minutes.

Sitting suspended at 11.30 a.m.

Sitting resumed at 11.55 a.m.

Dr Burhanuddin bin Mohamed Noor (Besut): Dato' Yang di-Pertua, saya bangun membangkang Rang Undang² Malaysia ini, dan berhubong dengan usul Perdana Menteri pada hari kelmarin ia-itu yang berkaitan dengan Rang Undang² Malaysia pada hari ini telah pun di-nyatakan pembangkangnya oleh Persatuan Islam sa-Tanah Melayu. Tujuan pendirian Persatuan Islam menentang perjanjian London dan juga menentang Rang Undang² Malaysia ini, bukanlah berdasarkan kapada perasaan yang sempit, bukanlah berdasarkan kapada dasar perkauman, bukanlah berdasarkan kapada perasaan ka-ugamaan yang sempit, tetapi berdasarkan kapada dasar kebangsaan yang luas dan lebar, berdasarkan kapada dasar kebangsaan bumi putera yang makin libar-nya di atas rasa jiwa semboyan perjuangan bangsa Melayu dan bangsa Melayu yang hendak menegakkan atau meluaskan-nya yang sekarang ini di-tujukan kapada dasar Maphilindo.

Dato' Yang di-Pertua, di-dalam masa gagasan Malaysia penjajah ini di-bawa ka-persidangan Dewan yang mulia ini, Persatuan Islam telah juga membangkang dan telah menyatakan di atas kedudukan Malaysia yang membawa rachun-nya biang keladi yang akan membichanakan sejarah semboyan bumi putera di-seluroh Nusantara bangsa Melayu ini. Jadi, saya berdiri di-sini ia-lah hendak menerangkan pembangkangan kami terhadap gagasan Malaysia dan terhadap Rang Undang² ini. Malaysia dan Rang Undang² Malaysia yang ada sekarang ini ada-lah satu helah politik yang halus, yang cherdek yang telah di-bentuk oleh penjajah, kalau mahu buat chara lama orang sudah tahu perlu di-buat chara baharu untuk menipu bangsa Melayu dan untuk menipu dan menjatohkan hak ketuanan bangsa Melayu. Tidak-lah dapat di-betulkan kesalahan menerima Malaysia ini, melainkan manakala

ra'ayat Melayu, bangsa Melayu sedar kembali kapada dasar perjuangan bumi putera-nya, dasar perjuangan kebangsaan-nya yang luas di-seluroh Nusantara ini, maka pada masa itu-lah akan ketara di-mana palsu-nya Malaysia yang telah pun di-persetuju oleh pehak Perikatan ini.

Dato' Yang di-Pertua, orang² Melayu dan bangsa Melayu dengan perjuangan kebangsaan-nya di-Semenanjong Tanah Melayu ini telah tertipu dan terkena. Bagaimana pernah perjuangan² bangsa Melayu sa-belum merdeka dahulu dan sa-belum merdeka kesedaran politik berkembang di-tanah ayer kita ini dan sa-belum jiwa merdeka berkembang di-dalam tanah ayer ini perjuangan penganjor² Melayu telah mengingatkan bahawa mungkin Tanah Melayu menjadi Palestine yang kedua. Ya! sekarang binchana-nya tiba. Dato' Yang di-Pertua, bahawa terkena orang² Arab di-tanah Arab di-bumi Palestine itu dengan chara kekasaran sa-hingga berlaku perubahan Palestine pada nama Israel Sahyor. Tetapi perubahan kemerdekaan Persekutuan Tanah Melayu yang kita terima pada tahun 1957, sa-sudah di-bahath dan di-bangkitkan oleh bangsa Melayu dalam Kongres Kedua berkenaan Perlembagaan Reid yang di-kemukakan keputusan² Kongres Kedua itu kepada Tunku sa-belum ka-London. Sudah-nya Federation Reid di-jalankan juga bagaimana yang telah di-tubohkan itu. Itu-lah rupa kesalahan² dan pengalaman chita² perjuangan bumi putera Melayu di atas tanah ayer-nya sendiri. Dengan nyata sa-kali, Dato' Yang di-Pertua, bahawa Perikatan dan UMNO yang dahulu-nya memperjuangkan HIDUP MELAYU dan satu daripada party yang saya pimpin Party Kebangsaan Melayu memperjuangkan kemerdekaan dengan menggunakan perkataan MERDEKA teriak-nya, pada masa itu UMNO tidak mahu merdeka dan party saya sedar dengan perjuangan bumi putera negeri ini memperjuangkan kemerdekaan. Jadi nyata-lah sa-sudah party itu di-haramkan oleh penjajah maka mengambil tempat-lah UMNO dengan Perikatan memperjuangkan kemerdekaan—merdeka palsu dan merdeka kosong yang di-akui oleh Perdana Menteri sendiri merdeka yang

maseh 80 peratus dan saya mengatakan merdeka itu kosong.

Dato' Yang di-Pertua, saya kaitkan ini ia-lah kerana menjelaskan kedudukan perjuangan Malaysia nanti dan dengan Bill yang ada di-hadapan kita ini. Jadi bagitu-lah kedudukan-nya manakala bumi putera di-seluroh nusantara itu telah memperjuangkan berperingkat², pada peringkat yang pertama membebaskan diri 100 peratus bahagian² daripada bahagian nusantara Melayu ini dan sa-sudah dapat men-chapai kemerdekaan yang penoh ini-lah maka suku² bahagian daripada bangsa Melayu dan chita² Melayu Raya akan dapat-lah di-perjuangkan untok di-satukan, dapat di-perchantumkan sa-bagaimana pepatah Melayu yang mengatakan, "perahu lalu, kiambang bertaup". Sekarang penjajah telah merasakan dengan pengalaman², kesedaran yang di-bangkitkan di-dalam negeri ini yang di-perjuangkan oleh Persatuan Islam ini dari dua segi, segi kebangsaan Melayu dan segi Ugama Islam yang benar. Maka ada-lah bagaimana dahulu-nya seruan merdeka itu telah menggegar dan melumpohkan sendi dan anggota penjajah yang terpaksa akhir-nya mesti menggulung tikar, menjadi amaran-lah seruan MERDEKA untok mereka menggulung tikar. Oleh kerana gagasan Malaysia atau Melayu Raya sudah di-perjuangkan oleh ra'ayat negeri ini dan ini ada-lah lanjutan perjuangan sejarah bukan-lah perjuangan sa-mata² timbul oleh Perikatan yang ada pada hari ini.

Saya sendiri, Dato' Yang di-Pertua, tidak-lah membangkitkan perkara ini tetapi saya mengatakan perjuangan sejarah bangsa Melayu dan lanjutan perjuangan bangsa Melayu yang dibawakan dengan nama Malaysia ini ada-lah menjadikan ia di-pakai maksud Melayu raya. Sa-sudah Persatuan Islam mengatakan kepsuan Malaysia bukan Melayu Raya dan sabalek-nya, sekarang dalam Bill ini sendiri mengatakan di-dalam bahasa Melayu-nya pun Malaysia maka itu nyata-lah bentuk penjajahan. Dato' Yang di-Pertua, manakala Malaysia ini telah timbul kekeliruan sa-olah² Malaysia ini-lah sambongan perjuangan bumi putera Melayu hendak memperjuangkan kembali kemerdekaan yang

penoh bagi Persekutuan Tanah Melayu ini tetapi pada hal bahagian ini telah timbul kekeliruan bukan sa-bagaimana merdeka yang di-perjuangkan dahulu tetapi telah di-palsukan dan di-berikan bagaimana chontoh-nya itu kita ibaratkan kapada kanak² dengan orang dewasa manakala pada kanak² mithalan-nya hendakkan motor-car dan orang dewasa juga minta motor-car. Merdeka yang telah di-chapai oleh Perikatan ada-lah saperti kanak² dapat motor-car anak² maka kanak² itu rioh dan gumbira-lah kerana dapat motor-car. Sa-benar-nya orang dewasa yang bagaimana meneruskan perjuangan chita² perjuangan bumi putera mengetahui betul² bahawa merdeka itu sa-bagaimana motor-car anak² juga, tetapi bukan-lah merdeka yang dapat membawa kepenohan dalam erti motor-car sa-bagaimana motor-car betul dan bagitu-lah sa-bagaimana yang ada sekarang ini dan ini-lah pengakuan Perdana Menteri Merdeka 80 peratus. Saya mengatakan merdeka ini kosong dan mesti-lah kita isikan merdeka kosong itu bukan dengan ideology atau bentok dagang di-tanah ayer kita ini tetapi dengan ideology dan bentok hasil yang sudah sedia ada dari turun temurun, dari datok nenek kita dahulu sambong menyambong hingga kapada anak chuchu bumi putera negeri ini. Kita tidak perlu kapada ideology baharu apa sa-kali pun lain daripada ideology asal kita itu, kita akan kechiwa dan kita akan di-tipu oleh penajah.

Dato' Yang di-Pertua, saya rasa apa yang saya katakan kemerdekaan kosong ini dan tidak penoh, arti-nya sa-bagaimana patong anak² ini sudah pun di-buktikan oleh sa-orang wakil dari Kuala Langat yang dahulu-nya dudok di-dalam Kementerian Kerajaan Perikatan itu sendiri. Dia telah mengetahui apa yang ada di-dalam-nya kerana ini, Dato' Yang di-Pertua, saya suka-lah menolak kekeliruan berkenaan dengan pemakaian Malaysia—perjuangan Malaysia itu sambongan dari perjuangan chita² bumi putera negeri ini. Dato' Yang di-Pertua, memang ada-lah saya katakan Malaysia satu langkah politik, helah penajah yang halus dan lichin kapada orang yang mengikuti perkembangan politik bumi

putera ini yang sa-benar-nya. Sa-bagaimana saya katakan bahawa PAS bukan membangkang kerana party-nya, dan bukan kerana kepentingan party-nya bukan oleh sebab² sempit fahaman kebangsaan di-samping fahaman Ugama. Tetapi sa-benar-nya ada-lah fahaman perjuangan nusantara seluroh perasaan bumi putera negeri ini dalam erti Islam, di-dalam universal religion, dalam dunia ini maka nyata-lah dia luas chita² perjuangan Islam tidak dikongkong oleh satu perkara yang kecil sa-bagaimana yang telah di-tentukan itu. Kerana untuk menolak keraguan pemakaian Malaysia ini, saya rasa boleh saya buat sa-bagai satu ibarat yang mudah jalan yang kita katakan kalau di-tanya, "engkau mahu makan?" Tentu sahaja, jawab-nya. "Kita mahu makan". Dato' Yang di-Pertua, ada tiga bentuk makanan yang saya beri ia-itu makanan yang ber-rachun atau makanan yang merbahaya makanan yang kedua, makanan yang tidak mengenyangkan erti-nya sa-kadar alas perut sahaja. Maka yang ketiga ia-itu-lah makanan yang mengenyangkan dan mensehatkan. Jadi ibarat ini perkataan makan kita ibaratkan satu perkataan Malaysia. Malaysia, Dato' Yang di-Pertua, kalau kita tengok apa yang di-bawa oleh Perikatan ini jadi-lah makanan yang merbahaya yang mengandungi benchana yang di-susun dengan baik putar belit politik yang halus dari penajah dengan chara ber-perlembagaan menggunakan hak ke-tuanan Melayu di-dalam kedudukan perjuangan bumi putera Melayu. Nyata-lah, Dato' Yang di-Pertua, apa-kaah Malaysia yang di-kehendaki oleh Persatuan Islam ini ia-lah sa-bagaimana makanan untuk orang bagi mensehatkan badan bukan yang mem-binchanakan kesihatan. Kekeliruan Malaysia terpaksa PAS bawa dua kali usul dalam Dewan ini kerana dengan sendiri telah nyata sa-sudah timbul gagasan Malaysia maka timbul-nya biang keladi penangkapan dalam negeri ini, penangkapan di-sana, tudohan yang bukan² merupakan rasa benchi penduduk² negeri ini dengan keluarga jiran tetangga kita. Di-dalam men-datangkan pembinaan keamanan dan membentuk kembali chita² bumi putera negeri ini "Perahu lalu kiambang ber-

taup" maka Persatuan Islam telah membawa dua usul ka-Dewan ini dan ta' payah-lah saya sebutkan lagi kenyataan kita membawa usul ia-itu sa-belum di-adakan Malaysia ini perlu-lah ada perundingan awal dengan negara tetangga Indonesia dan Philippine.

Ini usul Persatuan Islam sa-Tanah Melayu ia-lah dengan maksud PAS mengetahui betul² pendirian dan perjuangan asal pusaka nenek moyang kita, dan satu daripada usul lagi kita telah melihat confrontasi Indonesia pada masa ini yang mungkin menimbulkan dan melibatkan kerosakan kedudukan keamanan South East Asia ini dan melibatkan keamanan dunia seluroh-nya, maka PAS membawa chadangan supaya perkara itu di-bawa kapada Bangsa² Bersatu. Tuan Yang di-Pertua, pandangan jauh daripada perjuangan Persatuan Islam telah terbukti dengan timbul-nya rundingan di-Tokyo dan rundingan punchak di-Manila merundingkan keputusan yang sa-suai dengan dasar dan chita² perjuangan Kebangsaan Malaysia atau Melayu Raya yang di-kehendaki oleh PAS itu. Supaya lebuh tegas lagi, suka saya menjelaskan bahawa Persatuan Islam ada-lah sa-suai dan sa-jalan dengan keputusan Maphilindo dan mengalu²kan keputusan Maphilindo dan Perishtiharan Manila itu. Jadi, perkara ini-lah yang saya harap semua bangsa Melayu mengetahui di-mana punchak perbalahan pertentangan perjuangan Persatuan Islam di-dalam masaalah Malaysia itu. Malaysia ini ada-lah perkara besar berhubong dengan masaalah National, itu-lah saya menerangkan perkara ini dengan sa-chara meluas sadikit, Tuan Yang di-Pertua, satu daripada chontoh lagi supaya lebuh jelas pendirian Persatuan Islam ini. Perikatan memakaikan symbol perahu layar—and perahu layar itu-lah yang akan membawa chita² Malaysia-nya.

Tuan Yang di-Pertua, Malaysia perahu layar Perikatan yang membawa Malaysia itu Persatuan Islam nampak betul daripada Rang Undang² ini dan daripada gelagat yang berlaku dalam masa dua tahun ini bahawa itu ada-lah mengandungi biang keladi ia-itu bin-chana penjajahan yang bersembunyi

di-dalam chita² Malaysia itu. Malaysia yang di-bawa oleh perahu Perikatan itu kami nampak ada beberapa tali dan ada beberapa rantai² penjajah yang maseh lagi terikat di-perahu yang telah belayar di-pantai Persekutuan Tanah Melayu dan akan di-layarkan menuju kapada persetujuan Maphilindo itu konon, kemudian, Tuan Yang di-Pertua, bukan pada asal mula Malaysia itu di-kemukakan, daripada mula-nya nyata sa-kali Malaysia itu ada rantai², sauh² dan tali² penjajahan berikat mengikat diri pada perahu layar Perikatan itu—ada tali yang pendek, dan ada tali² yang panjang, rantai² dan sauh² yang panjang bersembunyi manakala hendak di-layarkan menuju kapada chita² Malaysia yang benar² menurut Maphilindo yang boleh membawa chita² Malaysia yang terpaksa di-putuskan rantai² itu dan di-putuskan tali² itu lebuh dahulu, tetapi ingat sauh-nya maseh ada lagi di-bawah. Maka ini-lah saya mengingatkan dan pandangan Persatuan Islam chita² Malaysia yang di-bawa oleh perahu layar Perikatan itu akan berlaku dan akan menempoh nanti kesulitan² yang di-sebutkan di-dalam Perlembagaan Malaysia itu dengan nyata akan dapat menunjukkan kapada saya di-mana rantai² dan di-mana sauh², di-mana tali² itu akan mengikat dan mengganggu tercapai-nya chita² Maphilindo dengan yang di-chadangkan Perikatan itu sendiri. Perahu chita² Malaysia itu akan dapat berubah bentuk-nya sadikit, Tuan Yang di-Pertua, daripada rantai² penjajahan, manakala selesai nanti pemeriksaan penyiasatan Bangsa² Bersatu. Kalau sudah lepas clear jalan-nya maka rantai² yang nampak mungkin tidak kehilangan, tetapi bahtera itu telah berjalan ka-tengah sadikit menghela² sauh penjajah, Tuan Yang di-Pertua, ka-arah ka-tengah lautan. Manakala Malaysia yang di-chita² oleh Persatuan Islam Sa-Tanah Melayu itu ada-lah bahtera yang membawa chita² bumi putera yang bebas dapat di-layar dan di-pautkan lekat pada sauh dan berlabuh di-pantai chita² Maphilindo dan chita² semua nusantara Melayu. Jadi, itu-lah, Tuan Yang di-Pertua, beza-nya maka Persatuan Islam dengan nyata dan nampak benar² keadaan² kedudukan Malaysia ini, dan berpolitik

sa-chara halus dan cherdek di-bentok oleh penjajah dan mengekalkan chara penjajahan itu-lah Persatuan Islam Sa-Tanah Melayu membangkang Rang Undang² ini—kerana akan menjadi pula macham mana merdeka dengan Perlembagaan Reid itu akan lebuh jatoh lagi taraf Persekutuan Tanah Melayu ini dengan datang-nya Malaysia, kemerdekaan yang di-namakan kemerdekaan Malaysia mengikut Perjanjian London.

Tuan Yang di-Pertua, di-dalam Perlembagaan Malaysia itu terselit banchana² yang akan menenggelamkan bangsa Melayu dan melambatkan perjuangan chita² bumi putera bangsa Melayu, juga akan berlaku satu chara bagaimana keadaan yang sudah berlaku dalam masa dua tahun ini dengan sebab timbul-nya Malaysia, timbul confrontasi, timbul satu keadaan² yang tidak puas hati, timbul penderhakaan di-Kalimantan Utara akan membawa jarak-nya bangsa Melayu dan chita² yang sudah di-setujukan dalam declaration di-Manila itu. Dan dengan Malaysia ini-lah, Tuan Yang di-Pertua, akan bertambah kuat pengaroh asing—yang asing daripada chita² bumi putera negeri ini dan akan bertambah pengaroh penjajah dengan bentok yang baharu. Tuan Yang di-Pertua, ada-lah nyata Malaysia tidak dapat menolong orang Melayu Singapura. Kita akan jatoh, kerana Persekutuan sendiri telah jatoh taraf kemerdekaan-nya dalam Malaysia sa-bagaimana jatoh-nya orang Singapura di-dalam keadaan sekarang ini. Tuan Yang di-Pertua, daripada tujuan yang telah pun di-katakan oleh Yang Berhormat Timbalan Perdana Menteri masa mengemukakan Malaysia Bill ini dengan penerangan Yang Amat Berhormat Perdana Menteri kelmarin ia-itu yang pertama sa-kali kerana menentang dan menghapuskan kominis. Di-sini saya suka menerangkan dari-pada tinjauan PAS bahawa jangkaan dan perhitongan itu salah dan kerana tidak-lah dengan masok-nya negeri² seperti Singapura yang di-dapati banyak kominis itu ka-Persekutuan Tanah Melayu maka kominis itu akan hilang. Dalam pandangan saya, Tuan Yang di-Pertua, bahawa kominis akan senang merebak dan akan lebuh luas

pengaroh-nya. Jadi tidak-kah dengan Perlembagaan ini dengan sendiri-nya memberi keluasan ra'ayat Singapura untuk menjadi ra'ayat Persekutuan.

Tuan Yang di-Pertua, dalam keterangan Yang Amat Berhormat Perdana Menteri sa-malam ia-itu tujuan Malaysia di-tubohkan ia-lah kita hendak menegakkan keamanan dan kema'amoran dalam Persekutuan dan dalam kawasan Malaysia. Saya suka mengatakan kema'amoran ini bukan-lah kapada chita² perjuangan bumi putera, tetapi ia-lah keamanan yang akan di-bentok untuk beberapa lama yang akan dapat di-pakai oleh penjajah dengan kepentingan penjajah dan kapitalis. Keamanan, Tuan Yang di-Pertua, ia-lah keamanan dalam negeri. Dalam masa dua tahun hendak membentuk Malaysia telah timbul beberapa perkara huru-hara, kachau-bilau dan tudoh-menudoh yang mengkechiwakan kapada kehendak rasa jiwa perpaduan ra'ayat negeri ini. Ini ia-lah banchana yang besar, Tuan Yang di-Pertua, ia-itu penyakit “divide and rule” yang berjalan dalam tanah ayer kita. Dan manakala kita tinjau kapada keamanan luar negeri sudah nyata-lah berapa sukar keadaan yang timbul dengan konferantasi dari Indonesia dan dengan beberapa keadaan² yang lain lagi. Tuan Yang di-Pertua, kedudukan tentera asing di-dalam Malaysia ini ada-lah membelakang dan menjatohkan taraf kemerdekaan Tanah Melayu. Perkara ini sudah pun di-terangkan oleh beberapa ahli yang membangkang, ia-itu bagaimana burok-nya Fasal VI dalam perjanjian yang di-tanda-tangan di-London itu.

Tuan Yang di-Pertua, Part VI Fasal 89 muka 160 dan 161 di-dalam Rang Undang² ini dalam Perlembagaan Singapura itu mengatakan akan di-beri layanan² kapada orang Melayu, di-katakan sa-bagaimana Fasal 153 dalam Perlembagaan Persekutuan Tanah Melayu. Tetapi, manakala kita baca Fasal 89 itu nyata-lah perkataan itu sa-bagai keadaan bayang² ayer di-gunong, Tuan Yang di-Pertua, yang di-pandang dari jauh berpuloh batu, manakala orang dahaga sa-bagaimana perjuangan bumi putera Singapura terhimpit dan tersepit

akan mengharapkan ayer yang tidak dapat itu akan kechiwa. Tuan Yang di-Pertua, ini-lah helah politik, terutama yang ada di-dalam Malaysia Bill ini.

Tuan Yang di-Pertua, kera'ayatan yang di-sebutkan dalam Rang Undang² Malaysia ini sangat merosakan bangsa dan chita² bumi putera Melayu. Ini nyata kalau kita baca Article 23 pada muka 68. Tuan Yang di-Pertua, kedudukan Singapura dimasukkan ka-Persekutuan ini sangat-lah manja, dan ini ada-lah satu perkara yang mengkechiwakan kedudukan dan taraf Persekutuan Tanah Melayu ini sendiri. Layanan kepada orang Melayu Singapura ada-lah berlawanan dengan Fasal 153 dalam Perlembagaan Persekutuan, sebab Fasal 153 ada menentukan hak orang Melayu, tetapi Article 68 itu ia-lah bayang² ayer yang saya katakan tadi, ada menyebut kerana hendak melayan orang Melayu. Bila kata layanan akan sa-rupa dengan layanan yang lain yang lebuh kuat di-Singapura. Maka bererti perkara itu sa-bagaimana keadaan bayang² ayer digunong yang jauh sa-bagaimana yang saya katakan tadi.

Di-dalam memberi kera'ayatan Singapura, Tuan Yang di-Pertua, orang Melayu Singapura dapat di-tolong dengan sebab masok ka-Persekutuan ini, tetapi dalam Article 31 nyata-lah bahawa orang Singapura boleh menjadi ra'ayat Persekutuan dan bagitu sa-balek-nya. Tetapi keadaan chara bertanding dalam pilehan raya dan sa-bagai-nya akan terkechiwa juga kedudukan orang Melayu.

Dalam Article 39 berhubong dengan dharurat. Ini lagi lebuh merbahaya kedudukan pertahanan mengikut Article VI dalam perjanjian yang ditanda-tangan di-London. Kuasa military sa-bagitu penoh, maka dengan kuat dharurat yang tidak lagi menyebutkan specific sebab di-istiharkan dharurat ini juga akan mengechiwakan kedudukan demokrasi negeri ini, dan ini ada-lah satu perkara yang melanggar kebebasan dan dasar Perlembagaan Persekutuan ini sendiri.

Dato' Yang di-Pertua, layanan kepada Sarawak dan Sabah ada-lah ber-

lawanan dengan perkembangan Islam, sa-bagaimana yang telah di-terangkan oleh Timbalan Perdana Menteri bahawa soal Islam ada-lah berlainan sa-kali dudok-nya sa-bagaimana yang ada saperti kedudukan Islam di-Pulau Pinang, atau pun Melaka. Tidak-lah dapat sama sa-kali di-layangkan bagaimana yang ada ini tidak kemasokannya saperti Pulau Pinang dan Singapura kapada Persekutuan. Dari segi Persatuan Islam, maka kedudukan sangat-lah kechiwa dengan keadaan saperti itu. Dato' Yang di-Pertua, tujuan Kerajaan sudah pun menetapkan pemakaian bahasa Melayu sa-bagai bahasa kebangsaan negeri ini hingga pada tahun 1967 tercipta-lah seluroh-nya akan pemakaian bahasa kebangsaan, dan manakala jadi-nya Malaysia kelak, maka dengan sendiri-nya bahasa Melayu tidak akan dapat lagi di-resmikan pada tahun 1967 kerana bahagian²nya sendiri sudah tidak dapat menerima tahun 1967 sa-bagai target date, tetapi bahasa Inggeris akan terus dipakai. Maka ini-lah perkara-nya yang saya fikir perkara yang besar daripada article yang di-sebutkan dalam Rang Undang² Malaysia yang berbahaya benar yang menjadi biang keladi di-dalam meneruskan chita² perjuangan kebangsaan Melayu yang di-perjuangkan oleh Persatuan Islam, dan dengan perjuangan chita² Islam, dan manakala chita² Malaysia yang sasuai dengan Persatuan Islam akan dapat-lah dengan sendiri-nya perkembangan chita² kebangsaan-nya, dan dengan yang demikian dengan sendiri-nya-lah dapat peluang berkembang chita² Islam yang di-perjuangkan oleh Persatuan Islam ini.

Dato' Yang di-Pertua, satu daripada tujuan Malaysia ini ia-lah kerana hendak menentang Komunis dan menghapuskan Komunis sa-bagaimana yang telah di-sebutkan berkali² oleh Perdana Menteri bahawa siapa yang menentang Malaysia ini, di-tudoh-nya jadi Komunis dan ini termasuk-lah yang di-sebutkan kapada Persatuan Islam yang di-tudoh di-pengarohi oleh Komunis di-samping menjadi agent musoh, atau tidak mengambil berat di-dalam masaalah² kebangsaan. Dalam masaalah kebangsaan ini, saya rasa

saya sudah jelaskan, Dato' Yang di-Pertua, kerana kita jalankan erti-nya memahamkan di atas pendirian kebangsaan kita. Perkara ini ta' perlu-lah saya ulangkan lagi, kerana kebangsaan kita berdasarkan kapada bumi putera seluoh Nusantara, yang di-maksudkan ia-lah persetujuan Manila ia-itu Manila Declaration, dan dua usul PAS berkenaan Malaysia ada-lah tegas di-dalam menerangkan maksud kebangsaan yang setia yang telah di-bawa-nya di-dalam Dewan ini. Di-sini saya suka hendak menerangkan di atas pendirian Persatuan Islam berkenaan dengan Komunis ini, ia-itu ada-kah kita ini—Persatuan Islam menyertai-nya, sebabnya ia-lah oleh kerana kami menentang Malaysia, ma'ana-nya kita sudah-lah satu langkah dengan Komunis, satu boat dengan Komunis. Ini, Dato' Yang di-Pertua, bak kata pepatah Melayu: Tidak-lah semua yang bulat itu menggolek, yang pipih itu melayang. Jadi, kalau semua-nya itu asalkan bulat menggolek, asalkan pipih melayang, ah! itu logic kata Perdana Menteri, tetapi ini tidak, Dato' Yang di-Pertua. Saya suka menerangkan balek tentang perjuangan sejarah bangsa Melayu supaya tegas, erti-nya Malaysia yang hendak di-perjuangkan dan saya perchaya Malaysia ini ada-lah satu perkara yang timbul dari lanjutan perjuangan chita² bangsa Melayu yang telah di-pakai untuk mengejar kesempatan bangkitnya bangsa Melayu yang tulin ini maka di-pakai dan di-perkuda-nya-lah Malaysia palsu ini. Saya tahu benar, kalau kita kaji kedudukan sejarah dunia yang bergolak dan putaran masharifikat di-dunia ini, bagaimana timbulnya Komunis dalam dunia ini. Maka dengan itu tahu-lah kita di-mana duduk-nya Islam dan perjuangan Islam, yang niat-nya ia-lah untuk hendak menentang Komunis dan ini-lah yang menjadi pokok Malaysia. Saya suka hendak menerangkan dalam perkara ini bahawa perjuangan Islam, kalau kita tinjau sejak dari abad yang keenam hingga-lah ka-abad lima belas, Islam telah mengambil tempat yang luas di-dalam mengembangkan peradaban peri kemanusiaan, kemajuan dan tamaddun baharu

Tuan Syed Ja'afar bin Hasan Albar (Johor Tenggara): Tuan Yang di-

Pertua, boleh saya memberi penjelasan?

Dr Burhanuddin bin Mohamed Noor: Tidak.

Mr Speaker: Dia tidak beri.

Dr Burhanuddin bin Mohamed Noor: Dato' Yang di-Pertua, manakala sampai ka-abad yang akhir, timbul-lah pertentangan di-Benua Eropah dengan perkembangan Islam.

Enche' Ibrahim bin Abdul Rahman (Seberang Tengah): Tuan Yang di-Pertua, Peratoran Tetap 36 (1). Pada pendapat saya dalam uchapan Ahli Yang Berhormat itu dia tidak menumpukan kapada apa yang di-bahathkan di-dalam Rang Undang² ini, chuma di-sebutkan berkenaan dengan kedudukan Islam yang ta' ada kena mengena dalam perkara ini.

Mr Speaker: Perbahathan di atas bachaan kedua di atas Rang Undang² ini amat-lah luas. Rang Undang² ini meliputi Malaysia, dan ada tuduhan yang mengatakan siapa yang menentang Malaysia itu, orang itu Komunis, maka oleh sebab itu, saya hendakkan adil, oleh kerana ada berkait sadikit dalam perkara ini. Jadi saya ta' dapat menahan Ahli Yang Berhormat itu; tambahan pula pada hari sa-malam, oleh sebab pehak ketua PAS tidak dapat berchakap, di-sebabkan tidak chukup masa, maka saya telah berjanji hendak memberi peluang kapadanya pada hari ini.

Dr Burhanuddin bin Mohamed Noor: Terima kaseh, Dato' Yang di-Pertua. Sa-sudah kebangkitan kaum Christian menentang perkembangan Islam di-Asia, maka timbul-lah perang SALIB kali yang pertama, perang SALIB kali yang kedua, dan saya fikir ta' perlu-lah saya ulangkan, Dato' Yang di-Pertua, kerana ini terbentang dalam sejarah, dan dengan timbulnya perlawanan ini-lah maka jatoh-nya ketenteraman yang di-bawa oleh Islam di-dunia ini. Dan sa-lepas itu beraleh pula revolution Franchis dan timbul-lah fahaman *fretanite*, dan *liberte*—fahaman persaudaraan, persamaan dan kemerdekaan. Daripada itu timbul pula fahaman socialism, dan dengan fahaman socialism itu ada-lah tepat sa-kali dalam roda sejarah tentang

kejatohan menentang fahaman capitalism yang mula² bangkit pada masa itu. Manakala capitalism mengorak langkah memusing roda naik, maka timbul-lah pula imperialism dan dengan timbul-nya imperialism, maka timbul fahaman communism yang menentang penjajahan di-Eropah itu. Pada masa itu Islam telah mula malap, maka datang-lah Komunis. Saya tahu bahawa fahaman Komunis semenjak timbul-nya fahaman utopia, pada masa itu fahaman primitive Komunis sudah ada. Saya suka hendak menerangkan dengan chara ringkas-nya bagaimana roda Komunis itu besar di-Eropah. Kemudian Komunis ini menentang penjajahan dan manakala penjajahan berkembang di-tanah ayer kita ini dalam tahun 1511 yang mana pada masa itu tidak ada Komunis di-tanah ayer kita dan tidak ada socialism dagang di-tanah ayer kita, kita dengan bentuk masharifik kita sendiri. Siapa yang menentang penjajah pada masa itu ia-lah kebangsaan bumi putera Melayu dan chita² Islam. Ini-lah yang menentang ada-nya dari mula sejarah tanah ayer kita, dan ta' perlu saya ulangkan lagi, kerana ada satu buku yang saya karangkan bernama "Fal-safah Kebangsaan Melayu" yang bertujuan pada chita² Melayu Raya yang sudah pun menjelaskan dalam perkara ini, dan bagitu juga dalam perjuangan kita. Maka sa-sudah berkembang penjajahan di-tanah ayer kita ini, maka pada masa itu-lah fahaman socialism international, fahaman communism international berkembang di-mana² sa-haja dalam tanah jajahan. Ini-lah chara mula² Komunis berkembang-nya dan ini bukan-lah satu perkara yang timbul atau tumboh dari bumi putera son of the soil. Apa yang sudah ada sedia ia-lah perjuangan Melayu bagi menentang penjajahan, penjajahan yang hendak mengchristiankan bumi putera tanah ayer kita ini. Itu-lah chita² yang ujud dalam jiwa kita. Maka ini ada-lah nyata bahawa sa-sudah memandang kuchar-kachir-nya perjuangan politik di-tanah ayer kita ini yang mula di-taja oleh UMNO sendiri ia-itu Hidup Melayu dan memperjuangkan chita² bumi putera, tetapi oleh kerana sudah

berbelok dan bertukar dasar-nya chara Perikatan ini, maka kesedaran bangsa Melayu hendak mengembalikan kapada dasar lunas perjuangan kebangsaan bumi putera, maka itu-lah timbul-nya parti² lain saperti P.M.S. mithal-nya dan akhir sa-kali timbul pula Persatuan Islam, kerana ini adalah jiwa yang genuine ia-itu timbul daripada son of the soil—bumi putera negeri ini jiwa pusaka, dan ini-lah yang hendak di-perjuangkan terus oleh Persatuan Islam.

Dato' Yang di-Pertua, bahawa, membabitkan Persatuan Islam ini kapada komunis, ini semua sa-kali salah dan semua sa-kali jahil dengan pendirian Islam dan Persatuan Islam yang tegas dalam Undang² Persatuan Islam ini. Dato' Yang di-Pertua, sa-bagai kenyataan bagaimana kuat dan besarnya perjuangan Islam ini sa-bagaimana mithalan-nya pada masa berbangkit Arabi di-Masir, Lord Gladstone mengatakan dia memandang kebangkitan Arabi di-Masir pada masa itu "Salagi umat Arab berpegang kapada Al-Kur'an maka sa-lama itu-lah, penjajah tidak akan aman di-Timor Tengah dan akhir-nya kita terpaksa keluar". Ini-lah, Dato' Yang di-Pertua, maka Islam itu sendiri bertentangan dengan penjajah. Dia berkehendak kemerdekaan menurut semangat

Tuan Syed Ja'afar bin Hasan Albar: Dato' Yang di-Pertua, Standing Order 36 (1). Pada pandangan saya, Dato' Yang di-Pertua, sejarah perjuangan Tanah Melayu, Islam tidak ada sangkut paut-nya dengan Timor Tengah dan dengan apa yang di-bahathkan di-hadapan Dewan ini. Jadi ini-lah saya menarek perhatian Dato' Yang di-Pertua.

Mr Speaker: Saya memberi ingat, sunggoh pun saya membenarkan tuan berchakap panjang di-dalam perbahathan membahathkan Rang Undang² bachaan kali yang kedua ini tetapi jangan-lah mengambil masa yang lebeh panjang sangat atas perkara² yang bersangkutan dengan Rang Undang² ini, kalau di-mithal²kan atas satu² perkara itu saya ta' tahan.

Dr Burhanuddin bin Mohamed Noor: Dato' Yang di-Pertua, kerana tuduhan

kapada PAS membawa perjuangan komunis, melakukan ejen musoh. perkara ini telah di-tegaskan dalam Manifesto Persatuan Islam hendak menegakkan kedaulatan Al-Kur'an. Jadi itu-lah satu daripada perkara Lord Gladstone yang dia juga menjadi Perdana Menteri England pada suatu masa dahulu kalau tidak salah saya, ia mengatakan "sa-lagi Al-Kur'an dipakai sa-lama itu-lah dia akan menghalau penjajah daripada Middle East ini". Jadi, Dato' Yang di-Pertua, kerana kita berdiri dengan dasar Al-Kur'an inilah yang Perdana Menteri dan beberapa orang² daripada Perikatan sudah pun menerangkan berkali² Al-Kur'an tidak boleh di-pakai, Islam tidak sesuai lagi dengan keadaan perkembangan dunia, orang Melayu sudah sadikit bilangan-nya, tidak payah kita berjuang lagi, Islam tidak sesuai dengan perkembangan zaman moden. Jadi, ini-lah, Dato' Yang di-Pertua, saya berasa bahawa suara yang di-keluarkan oleh Lord Gladstone itu tadi. Nyata-lah di-sini, Dato' Yang di-Pertua, bahawa menudoh kita sa-bagai komunis, ini salah semua sa-kali. Bahawa kita berjuang ada-lah benar² Islam. Kerana pehak Perikatan itu berdiri dalam perahu Malaysia bentuk penjajah itu maka dia terpaksa menyuarakan dengan suara sa-bagaimana di-suarkan oleh Lord Gladstone itu.

Dato' Yang di-Pertua, persetujuan Singapura menerima Malaysia ini, saya rasa kalau kita kaji halus² dalam Perlembagaan ini; kerana saya hendak berchakap dalam polisi sahaja nyata-lah sa-bagaimana Sang Kanchil cherdek benar, Singapura masok kapada Persekutuan ini. Dan kerana yang menjadi ketakutan berkembang-nya komunis di-Singapura itu ada-lah dari orang² Siagapura dan dengan di-masokkan nanti kapada Persekutuan maka perkembangan chara Sang Kanchil yang akan mengkechiwakan kedudukan bangsa Melayu. Dengan chara terbentoknya Malaysia dan masok-nya Singapura maka jatoh-lah taraf Persekutuan kita, seperti kata pepatah Melayu, untong sakarong, rugi saguni. Itu-lah, Dato' Yang di-Pertua, kerana perkara ini berhubong dengan Perlembagaan pernah dalam masa mula membahathkan

gagasan Malaysia ini dahulu, saya rasa dengan ada-nya Malaysia ini akan mengandongi binchana² sa-bagaimana telah saya sebutkan tadi. Kenapa-kah tidak kita pakaikan nama Persekutuan Tanah Melayu itu kerana ia sudah sedia ada taraf kemerdekaan-nya dalam Perlembagaan lebuh baik daripada bentuk mengalehkan Persekutuan ini kapada Malaysia yang maseh banyak lagi tangga² penjajah. Maka kita masokkan negeri² yang hendak masok itu ka-dalam Perlembagaan Persekutuan Tanah Melayu tetapi bukan dengan chara Malaysia sekarang yang sudah berubah bidang dan dasar. Ini sudah bertukar tapak, Dato' Yang di-Pertua, daripada tapak Persekutuan Tanah Melayu yang sudah 80 persen merdeka kata Perdana Menteri kita dahulu masa menerima kemerdekaan-nya tetapi sekarang sudah tidak berbentuk itu lagi tetapi sudah berbentuk kapada semangat dan landasan yang di-persetujukan di-dalam perjanjian London, Dato' Yang di-Pertua. Jadi ini-lah saya rasa maka sebab-nya Persatuan Islam memandang tidak mahu di-masokkan sa-bagaimana telor ka-dalam satu raga Perikatan sama² pechah. Jadi perjuangan bumi putera ini biar-lah kita terus dengan chara keyakinan sediakala dan Persatuan Islam akan terus berjuang dengan chita² kebangsaan bumi putera negeri ini yang sesuai dengan chita² Melayu Raya yang luas yang sekarang di-rumuskan pada Perishtiharan Manila.

Tuan Yang di-Pertua, jika-lah Malaysia yang maseh kita tunggukan sekarang daripada pemerekusan United Nation, dan juga dengan persetujuan perishtiharan Manila dengan negeri² yang saya katakan tadi, Tuan Yang di-Pertua, maka dengan sendiri-lah jika kita terima Malaysia ini berenggang dan putus daripada sambong tali yang membawa kita kapada Perishtiharan Manila, kerana tali perjanjian dengan penjajah yang lebuh kuat mengikat kedudukan Malaysia itu. Itu-lah sahaja, Tuan Yang di-Pertua.

Enche' Lim Kean Siew (Dato Kramat): Mr Speaker, Sir, I am glad that I caught your eye—I was already despairing especially in view of the fact that the Government saw fit

yesterday to move the closure of the discussions on the Malaysia Agreement and in view of the fact that the Deputy Prime Minister has stood up this morning to state that a full opportunity had been given to this House to speak on the Malaysia Agreement.

Sir, it is unfortunate that the Government should have thought fit to cut short the discussions of the Malaysia Agreement which, in fact, gave rise to this Bill as an instrument to implement the provisions of that Agreement. Sir, it is also regretted that this Bill was published and sent to us so shortly before the sitting of this House.

Mr Speaker, Sir, I challenge anyone in this House who can stand up and say that he understands the full implications of this Bill. (*Laughter*) Even the Mover of this motion had to refer very strenuously to his notes when trying to present his case before this House. The complexity of this Bill has special effects which proper debate on the Malaysia Agreement would have brought up very clearly. The Explanatory Statement of this Bill says that this Bill is to provide for the establishment of Malaysia by the admission to the Federation of the new States of Sabah, Sarawak and Singapore and that it forms part of the terms on which the new States agreed to join Malaysia. The reason that is given is that this Bill is the result of terms of agreement entered into between the new States and ourselves. Of course, we must regret the absence of the State of Brunei. Mr Speaker, Sir, this leads me to the first point that I would like to touch on.

It is regretted that discussions on the provisions of the agreement should have been carried on in the way they were carried on by our Government and the other States. If we refer to the Malaysia Agreement itself, we will see the signatories are as follows:

"For the United Kingdom:

HAROLD MACMILLAN
DUNCAN SANDYS
LANSDOWNE

For the Federation of Malaya:

T. A. RAHMAN
ABDUL RAZAK
TAN SIEW SIN

V. T. SAMBANTHAN
ONG YOKE LIN
S. A. LIM

For North Borneo:

DATU MUSTAPHA BIN DATU HARUN
D. A. STEPHENS
W. K. H. JONES
KHOO SIAK CHIEW
W. S. HOLLEY
G. S. SUNDANG

For Sarawak:

P. E. H. PIKE
T. JUGAH
ABANG HAJI MUSTAPHA
LING BENG SIEW
ABANG HAJI OPENG

For Singapore:

LEE KUAN YEW
GOH KENG SWEE"—only two great personalities for Singapore! (*Laughter*).

Sir, we know that under our Constitution, our Government has a right (though this right may be wrongly executed) to carry out negotiations with the other States and deal with the external affairs of our country. But what is the position of North Borneo? Who, in fact, is Datu Mustapha bin Datu Harun constitutionally? Who, in fact, is D. A. Stephens constitutionally? Who, in fact, are the other people of North Borneo who signed the Agreement? The position is the same with Sarawak: who is Mr Pike; who is Mr Jugah; who is Abang Haji Mustapha and others? We all know that North Borneo and Sarawak are colonies. There had been elections recently, but the powers given to the people elected, are only with regard to internal affairs, and they have no powers whatsoever to deal with any foreign country on any external affairs of Sarawak and North Borneo. What right have they constitutionally and legally to sign this document? If they have no right, then surely this document is a fraud!

Now, Mr Speaker, Sir, let us come to the other people who have represented Singapore—Lee Kuan Yew and Goh Keng Swee. It has been said that he who sups with the devil should sup with a long spoon, and I would like to ask the Government, "Should they have supped with them at all even with a long spoon?" (*Laughter*) Mr Speaker,

Sir, in spite of the blast and thunder that have emanated from our southern region and over the island of Singapore, in spite of the fact that its representatives claim to have nearly brought Duncan Sandys to his knees had it not been for our Prime Minister, the fact still remains that Singapore Government was only given internal self-rule. There was no authority for the Singapore Government to enter into any agreement whatsoever regarding the external affairs of Singapore. In fact, as we know it, the agreement, as it now stands, between our Government, Britain and Singapore is that the external affairs and internal security shall be taken in consultation with the British Government especially and secondly with our Malayan Government. The Singapore Government has no such authority. If we can remember, and if the Honourable Deputy Prime Minister will remember, even our Government was blamed for the arrests in Singapore, it was then the claim of the Prime Minister of Singapore that he had no authority, over matters of security as it affected external matters. Now, Mr Speaker, Sir, will the Government then not admit that, in fact, the signatories, or the representatives of North Borneo, Sarawak and Singapore, are superfluous and have been introduced without proper legality and that it has no effect whatsoever? And that, in fact, the proper signatories are the United Kingdom and the Federation of Malaya? But since the United Kingdom does not appear, on the face of it, to be representing Sarawak, Singapore and North Borneo, we must then come to examine the real intent of the United Kingdom in signing this agreement. Was the intention of the United Kingdom in signing this agreement to mislead the peoples in her colonies? If so, then this agreement is null and void!

Tuan Haji Ahmad bin Saaid: Mr Speaker, Sir, on a point of Order—S. O. 36 (3) which says:

"It shall be out of order to attempt to reconsider any specific question upon which the House has come to a conclusion during the current session except upon a substantive motion for rescission."

Sir, we have already discussed about that agreement which has been passed by the House yesterday. I think, therefore, the Honourable Member is irrelevant.

Mr Speaker: He is not irrelevant! Please proceed!

Enche' Lim Kean Siew: May I explain that, Sir?

Mr Speaker: Not necessary! (Laughter).

Enche' Lim Kean Siew: Well, I would like to remind the House again to the fact that I am referring to the Explanatory Statement which is attached to this Bill.

Mr Speaker: Order! Order! Time is up! The sitting is suspended till half past four this afternoon!

Sitting suspended at 1 p.m.

Sitting resumed at 4.30 p.m.

(*Mr Speaker in the Chair*)

THE MALAYSIA BILL

Debate resumed.

Enche' Lim Kean Siew: Mr Speaker, Sir, as I was saying this morning, in spite of the length of the signatories to the Malaysia Agreement, apart from the signatories of the United Kingdom and the representatives of this Government, the rest of the signatures are superfluous and quite unnecessary because one cannot say that these people, including our very august Prime Minister of Singapore, ever had any constitutional right to approve on the provisions of this Bill. I was asked on my way out of this House this morning if I would therefore conclude that this agreement is illegal and fraudulent. Well, I would say that it is not illegal, but whether or not it is fraudulent I would leave it to my questioner. Mr Speaker, Sir, as somebody else has told me, this Malaysia Agreement, and no doubt the Bill, has been built on sands—I hasten to add that I mean shifting sands and not Duncan Sandys—and some of these signatories

in their undue haste to establish political positions for themselves have tried to palm off what I consider to be a rather unwilling bride, the bride being Singapore. In spite of what everybody may have said, there is no doubt that the main question of Malaysia is Singapore. What would become of Singapore after 1963? I have heard people say that Singapore will become the Cuba of South East Asia. Other people reckon it to be quite a reactionary State, likening it to the reactionary State of Palestine, or Israel. But no matter what they have said, the whole point is this: that we are trying to distinguish Singapore from the rest of Malaysia. If we want a proper Federation, if we want a proper union, the provisions of this Bill which distinguish Singapore from us should be removed. One cannot build a modern State with discriminations against people or races. And yet although our Standing Orders prohibit us from making remarks which would cause racial hatred and ill-will, there is no doubt that the underlying tone of the whole Malaysia plan and the provisions of the Malaysia Bill and the introductory speech of the Honourable the Deputy Prime Minister has been based upon a deep underlying and perhaps hysterical fear of a people who must therefore be distinguished from the rest of us. Perhaps I can say this: we are in the position of a man who desperately desires to marry a woman and rather than have no marriage at all such a person would prefer any kind of marriage rather than no marriage at all so long as he is able to have that woman (*Laughter*). I have deliberately introduced that analogy in order to discover the nature and condition of the minds of the Government benches (*Laughter*) and it is quite clear now that their minds are well directed in that direction. But, nevertheless, what I say is of quite serious import. Here we have Singapore and Singapore knows that due to this fear we must come to terms with her and the Singapore Prime Minister has bargained with us and bargained very hard. But because of our great desire to have Singapore and to balance it with the Bornean States we

have, I feel, pushed ourselves too fast and too hard into this bargain and consequently the Federation, I am afraid, Mr Speaker, Sir, is of no advantage to us, or to anybody else.

The other day one of the speakers from the Opposition side was so bold as to say that if Malaysia came about, there would be slightly over four million Chinese and about four million Malays. The Honourable the Prime Minister was quick enough to say that we must not look at the problem from the racial point of view, and that we must not take racial balance into consideration. Otherwise where would we be? He claims that we must view ourselves as one people. I agree. As a matter of fact, the Chinese, if you are taking the situation racially, are nearer to five million than four million and definitely is, in proportion, higher than any other race in this proposed Federation; and if we distinguish ourselves from the Chinese, the reaction is that they would distinguish themselves from us.

Mr Speaker, Sir, this Bill as well as the way it has been introduced shows a great bias towards viewing the situation from the racial point of view, and I feel that this is where we have gone wrong for so many years. Mr Speaker, Sir, may I be so bold as to suggest that we should destroy once and for all the canker that is growing in our midst—it is not revolution, not civil unrest, but racialism and communalism, sometimes used religiously, sometimes used in non-religious terms and in ideological terms. One does not refer to the Chinese in Singapore as such, but one says that they are communists; one does not refer to the Chinese as Chinese in Singapore, or say that one is afraid of the Chinese, but one uses strictures such as, they are non-Muslims, they are therefore dangerous, and we are Muslims. Because we have viewed the situation in this way, we have thought that if we took in the Bornean States at whatever cost, we could balance the racial proportions. But I would like to repeat here again, Mr Speaker, Sir, that in our Bill there are special provisions reserved for native rights and there are

many, many peoples in the Bornean territories who are neither Malays nor Chinese; such as, the Melanos, Ibans, Dyaks, Kalabits, Kadayans, Kayans, Muruts, Dusuns, and many many other peoples, and they come to slightly more than half the population of the whole of the Bornean States. If for the Muslims we include the Bajaus and Melanaus, we have roughly 120,000 Muslims, and not all of them are Malays. The whole population of about 1,200,000 in the Bornean territories are roughly divided into about 45% Chinese and about 50% or 45% other races, and the rest are Malays. Of course, there has been a tendency to gloss over this fact, by the absurdity of including all Muslims as Malays to obtain a higher Malay population figure? Mr Speaker, Sir, why don't we, once and for all, in this Bill provide for the term "Malaysian"? Why don't we call ourselves "Malaysian", and once and for all cut away from our midst that cancer which is the underlying cause of a lot of mistrust and suspicion among ourselves and bringing about the inability to integrate with one another? One could say that one is either a Muslim or a non-Muslim in this country, but when Muslim is synonymous with Malay and non-Muslim becomes synonymous with communism or the Towkay Chinese, there is bound to be hatred which will continue on even after Malaysia is formed. This is a responsibility which we all owe not to ourselves but to our children and our grandchildren as well. We cannot even call ourselves Malayans, because if we call ourselves "Malayans" we distinguish ourselves from the Borneans—and it is this, in fact, which has created certain provisions in this Bill, which I will refer to, which makes it imperative that when we want to go to the Bornean States we must obtain a permit from the Government, otherwise entry into the Bornean States, which is part of the Federation of Malaysia, would be illegal. In fact it is this also that makes us distinguish ourselves so carefully by so many provisions in this Bill—and I will be referring to the provision that distinguishes the Singapore citizen from a

Malayan citizen, as if to say that the Singapore citizen has leprosy because he is not a Malay. Mr Speaker, Sir, if we were to divide ourselves into races and distinguish ourselves on racial origins and define ourselves according to our racial origin, then apart from the Semangs, the Temiars, and the Jakuns of Malaya, we are also going to have to classify people into Bukitans, Bisayahs, Dusuns, Sea Dayaks, Land Dayaks, Kadayans, Kalabits, Kayans, Kenyahs (including Sabups and Sipengs), Kajangs (including Sekapans, Kejamans, Lahanans, Punans, Tanjongs and Kanowits), Lugats, Lisums, Malays, Melanos, Muruts, Penans, Sians, Tagals, Tabuns and Ukits according to a provision of this Bill and we would never become what we are—Malaysians. Unluckily, the Temiars and the other aboriginal races of Malaya are not defined in this Bill as those to have special privileges. Are special rights also included for them?

Now, Mr Speaker, Sir, how then are we going to view this Bill? How are we going to examine its provisions? Once we have accepted that we will all live in a hut, we can no longer criticise the fact that it is a hut. Once we have decided that we are going to live in a flat, we can no longer complain that we have no garden. Once we have decided that we are going to live in a cave because of the modern situation, we can no longer criticise the fact that we cannot see the sun from the cave. If we want to examine our situation logically, we must first of all ask ourselves, do we want to live in a cave, in the first place, or do we want to live in a flat, or do we want to live in a hut, or do we want to have a garden? I think, Mr Speaker, Sir, that we should go back, in examining this Bill, to the basis of Malaysia and ask ourselves first of all if this is the Malaysia intended.

I have said just now, Mr Speaker, Sir, that I regret that Brunei is not in the Agreement. But I regret it for different reasons, different from the reasons which the Government bench may have. I regret it on the ground that Malaysia should have brought

into our midst blood and the horrors of insurrection. I regret it because youths have decided that they must somehow, with all their youthful fervour, oppose it physically. I regret it because that has brought upon them, and upon their heads, repercussions by the British Government with the power of arms and an army of well-trained soldiery.

I regret it, Mr Speaker, Sir, because in this disagreement racialistic feelings in many of us have been heightened. I regret it especially, Mr Speaker, Sir, because several signatories to this Agreement have decided to ride rough-shod over the blood and the bones of their brethren to join Malaysia. It was not long ago when Mr Donald Stephens himself opposed Malaysia. How he has changed, and he, even before Malaysia is formed, is known to be the Chief Minister-designate of Borneo and, therefore, one would be inclined to question whether or not this fact had made him change his stand.

Mr Speaker, Sir, there are many who support Malaysia, but it is not clearly known if they are supporting Malaysia because of political advancement for themselves. I do not know if this is true, but even in a small matter such as this which I shall now mention, one senses the underlying truth. Recently it was announced that a certain sum of money shall be lent to Sabah by the Singapore Government on the understanding that half the labour force required in Sabah for development shall be taken from Singapore. Soon afterwards there was an undercurrent rumour that went round that the Prime Minister of Singapore thought he had had the better of the Malayan Government as he intended to send his cadres to North Borneo in order to build a political force in favour of the Party to which the Singapore Prime Minister belongs. Now, surely that is a political plan, not national. Surely, his motive is more for political development rather than for the development of Malaysia as a Federation of States. There is a difference between State interest and Party interests, and Party interests have

been put before State interest by this measure. I mention this, because I want to ask a question. If Singapore were to come into Malaysia on terms as provided in this Bill, how many of these terms are the direct result of political considerations which have nothing to do with the Federation and the interests of the State of Singapore? If things are as it is here proved, the provisions of the Bill being motivated by Party interests—should we support the provisions of this Bill? I will, Mr Speaker, Sir, endeavour to show how one might attempt to distinguish motives and whether, in fact, the provisions of the Bill are good for the State of Singapore or not. That is why, Mr Speaker, Sir, I regret that Brunei is not in this Agreement, because a situation has arisen in Brunei which has compelled its Sultan to move in the only way that is logical—to wait and listen to the wishes of the people; a fact not taken into consideration in the other areas.

Mr Speaker, Sir, in examining this Bill, perhaps, we should go further and not only ask what type of Malaysia should we have, but whether we should have Malaysia at all under such conditions. Even if we want Malaysia, do we want this Malaysia? In other words, having decided that, we should live in a house with a garden, we still have to ask ourselves what type of house do we want that will go with a garden? Here inspite of our warnings, inspite of our suggestions made so many times and for so long, the Government has seen fit to proceed with the Malaysian proposal without consulting the Opposition and without giving the Opposition a chance to work together with the Government. We are supposed to accept Malaysia as it is given to us. We are expected to marry the bride that our grand-father has decided that we should marry (*Laughter*)—we are not supposed to question this marriage at all. You will remember—I am sure many of us know it—that when England declared war on Germany in 1939, the Opposition was called in for consultation, and the Government that went to war against Germany was a national Government—a Coalition

Government—England went to war as one. We are asked not only to enact new States but also to change the Constitution of the Federation, to change ourselves from Malaya to Malaysia, and to face possible acts of hostility from Indonesia. We have warned the Government of events which have now taken place. Yet we have been tainted with labels—such as the labels generously given to us by the Honourable Member for Sepang in his read speech; and we have been abused; and Malaysia is being pushed down the throats of the Malaysian peoples in the midst of screams of protests.

Mr Speaker, Sir, there are a few things we ask for which could have changed the structure of Malaysia, which might have deeply influenced the provisions of this Bill, and it is these provisions I would want to recall today. Mr Speaker, Sir, there is no doubt that the provisions of this Bill—and this Bill itself—were to placate the Bornean States. The provisions and Agreement are aimed at placating the Bornean States, because of the threat of hostility which has arisen in those States which made it imperative that we had to give way in order to get Malaysia. The Honourable the Deputy Prime Minister himself today has quite rightly said that this Bill is the result of a compromise in all directions. Mr Speaker, Sir, compromise indeed—and indeed in all directions! But need we have compromised to this extent? Should we have, as a result of the compromise, created a structure with different citizenships, different immigration laws, different State interests, different languages, different educational facilities and different national languages? The only thing that is neat here refers to the Legal Department itself, that is the setting up of a new Federal Court of three Chief Justices chaired by the Judge who will not call himself President, but Lord President. And apart from that, the rest is a compromise—a compromise in all directions.

Mr Speaker, Sir, when our Prime Minister went to Manila, he came back with a name, which sounds atrocious to me at least, *Maphilindo*. There was no doubt that from the beginning we

knew that Malaysia would be coloured by the fact that it is within the Malaysian context of the Malay speaking people of 130 millions, spreading from the Sulu regions down south and up to the Pattani states of Thailand. We said then that if you wanted to set up Malaysia you must take into consideration this complex. Sir, we cannot deny the fact that we are living in a Malaysian world which had given rise to the *Melayu Raya* concept, which became a political movement in the 1930s, and which many of us, who were old enough, were involved in. We warned the Government soon after Malaysia was proposed that one cannot set up a Malaysia that is a pocket Malaysia sitting on the head or in the bosom of the Malaysian region like a worm in the heart of an apple, because it would corrupt the whole apple and decay it. We warned that the Indonesian Government would be hostile and that would colour Malaysia and would give the power of threat to the Singapore Government, thereby strengthening its position of bargaining which has resulted in the provisions of this Bill—but no one heeded us. The result was the Summit Conference held at Manila with *Maphilindo*. What *Maphilindo* means, I do not know. *Malindo*, I know, means the Malay language as agreed between Malaya and Indonesia. Sir, *Maphilindo* seems to be the result of putting together the names of Malaya, Philippines and Indonesia. If that is so, then the whole concept, again, is wrong, because that is quite different from Malaysia comprising of all the Malay speaking peoples. And it must be remembered that the Philippines include the Christians—the Roman Catholics of the Philippines—and probably my Honourable friend from Besut on hearing this might find his hairs standing-on end. (Laughter).

Sir, when we agreed to *Maphilindo* however, we, in fact, were agreeing to Malaysia generally and it should have been called by that name—a name referring not to our pocket Malaysia of former British colonies but to all Malay-speaking countries; an association of independent States within this

Malaysian context, with arrangements of friendship, but each State remaining independent, so that each State could move according to its internal needs and demands is the only logical step to take—but we agreed to *Maphilindo* instead. Mr Speaker, Sir, it is unfortunate that Malaya was put into a situation whereby the Malayan Government had to move only in one direction, and that was to set up our pocket Malaysia as quickly as possible and at all costs. It is unfortunate that there were no discussions with Indonesia and the Philippines right at the very beginning. Nobody took notice of the Philippines until the Philippines asserted that North Borneo belongs to her and she wanted back North Borneo, and that the heirs to the Sultan of Sulu claimed a right over North Borneo. It was only then that Mr Donald Stephens was stampeded into Malaysia. Then Sarawak, because of feeling of hostility, found itself in a position whereby it had to make up its mind whether to come into Malaysia at once or face hostility alone.

Mr Speaker, Sir, that situation need not have arisen. There need not have been this breach of the peaceful situation in Sarawak and North Borneo, if we had been more careful. The question now is, can we save it—and I say, Mr Speaker, Sir, "Yes, we can save it." We can save it still by postponing this Bill and by approaching the situation in an honest and straightforward way and going back to Sarawak and speaking to the people, because we cannot hope to take by violence what we cannot achieve by sweet words.

Now, the other point about Malaysia is to view the provisions of the Malaysia Bill itself. It is said in the Explanatory Statement that these provisions "form part of the terms on which the new States agreed to join Malaysia." Mr Speaker, Sir, how were, in fact, the wishes of the people determined? Let us first take the case of Singapore. There is no doubt that as for Singapore, the Malayan Government was threatened, and threatened, and threatened; and it was in that

position of threat that we had to negotiate. It was not the P.M.I.P. who spoke at first of the Cuba of Singapore. It was not the P.M.I.P. who spoke first of the difference of non-religious Singapore and religious Malaya. It was the Prime Minister of Singapore himself who stirred up such racialist feelings. First, he said that Singapore could not exist without Malaya and that the Malays were afraid of the Chinese in Singapore, thereby injecting into us that fear, which was leavened by the introduction of yeast and allowed to ferment by his immediate introduction and emphasis of communist threats, thereby also emphasising fear in the British Government of a communist takeover, because the British Government, if anything, was afraid that if Singapore were left independent it might become communist. By stampeding both the British and the Malayan Governments, the Prime Minister of Singapore was thus able to stand his ground; and in order to lend credence to his accusation, Mr Speaker, Sir, as you will remember, he deliberately agitated strikes in Singapore and tried to encourage violence by saying quite openly to all his opponents, "Well, you boys, Changi for you—lock-up after Malaysia", a threat he has carried out before Malaysia.

If, in fact, the people of Singapore had then taken up violence, he could have then loudly proclaimed, "My words have proved correct; now these are my terms; you accept or Singapore stays out and becomes Communist." If what I say is true, should we not look into the position of Singapore again? Can the provisions of this Bill, in fact, deal with the true position of Singapore? I have said yesterday that Singapore is, in fact, part of Malaya. Singapore is not a foreign State; Singapore is not part of the Bornean complex, nor is it part of the island of Borneo. Singapore is part of Malaya; it belongs to Malaya; by right it should come back to Malaya, and its people should be treated as anybody else in Malaya—with the same equality. But we have here the Explanatory Statement, paragraph 4 of which says:

"The other general matter with which the Bill deals at length is citizenship (ss. 23 to 34—12 sections in all—and the Third

Schedule); but this is due not to any general change in the Federation as a whole but to the special position in Singapore. There are special provisions of a transitional nature under which persons connected with the Borneo States will become federal citizens (Third Schedule, Part I, s. 2) or will be entitled to registration as citizens (s. 26). But in general, outside Singapore, birth or residence anywhere in the Federation, including the Borneo States, will make a person a federal citizen or qualify him for registration or naturalisation under the same conditions as at present. Equally birth or residence in Singapore will under corresponding conditions make a person, or qualify him to be, a federal citizen, but as a citizen of Singapore;"

Sir, paragraph 5 of the Explanatory Statement further emphasises this inequality saying:

"The special provision for Singapore citizenship is related to the special constitutional arrangements under which Singapore has fifteen seats in the House of Representatives (s. 9), but a considerable degree of local autonomy"

Mr Speaker, Sir, why was that necessary at all? Were we all so moved by the threats of the Prime Minister of Singapore? It is regretted, as I have said, that the Opposition Members were not consulted seriously and were not put into any Committee. I say so because I myself voiced that suggestion many times and we were, Mr Speaker, Sir, in a position, perhaps, to bring about a greater sectional unity from Singapore than the Prime Minister of Singapore could ever have done.

It is, Mr Speaker, Sir, very difficult to examine, even to begin to examine, the provisions of this Bill, because there are so many things which could have been put right but which were not put right and have been allowed to contaminate other provisions. For example, there is the question of the democratic pattern in Parliament; the question of citizenship; the question of the special rights of Malays, the Malay language and the State religion; the question of immigration and the financial provisions which seem to affect one another so badly and there is so much difference between the States that I think we can hardly call ourselves the same peoples though we may be in the same Federation if this Malaysia Bill became an Act and Malaysia came into being.

Mr Speaker, Sir, perhaps, we can start off with Clause 7 (3) of the Bill which says:

"At the end of Article 38 of the Constitution there shall be added as Clause (7)—

"(7) The function of the Conference of Rulers of agreeing or disagreeing to the extension of any religious acts, observances or ceremonies to the Federation as a whole shall not extend to Sabah or Sarawak, and accordingly those States shall be treated as excluded from the references in Clause (2) of Article 3 and in this Article to the Federation as a whole."

Sir, I am speaking from memory as I have not got our Constitution in front of me.

Mr Speaker: (*Showing his copy of the Constitution*). Would you like to have this one? I have two copies.

Enche' Lim Kean Siew: Yes, Sir.

(*Enche' Lim Kean Siew being handed over the copy*).

Enche' Lim Kean Siew: Mr Speaker, Sir, in the first place, it is envisaged that a Native Chief would be the first Ruler, first Governor, of Sarawak. It would not be long before somebody is going to ask him. "Why don't you try to become the Agong?"

Sir, it is clear from sub-section (3) which I have just read out that Sarawak will not have Islam as its State religion. Sabah and Sarawak are to be treated as excluded from the references in Article 3 (2) which says:

"In every State other than Malacca and Penang the position of the Ruler as the Head of the Muslim religion in his State in the manner and to the extent acknowledged and declared by the Constitution of that State, and, subject to that Constitution, all rights, privileges, prerogatives and powers enjoyed by him as Head of that religion, are unaffected and unimpaired; but in any acts, observances or ceremonies with respect to which the Conference of Rulers has agreed that they should extend to the Federation as a whole each of the other Rulers shall in his capacity of Head of the Muslim religion authorise the Yang di-Pertuan Agong to represent him."

Mr Speaker, Sir, from this it is clear that Sabah and Sarawak will, as regards religion, be in the position of Singapore, Malacca and Penang, except that it would be otherwise than illogical if we do not put the Paramount Chief of

Sarawak as the first Governor of Sarawak. Even amongst the Rulers there is need and a desire for democracy. By that I suppose it would not be long before the Governor of Sarawak would want to see if he could not be Agong, and if that is denied to him, he might take offence and say that he is not treated with equal respect. And we must remember that he would not be a Muslim. Whether or not this would bring about consternation amongst our Rulers I do not know nor is it for me to say, because I will never have the chance of becoming the Governor of Sarawak, not being a native as defined in the Schedule, the list of which I have just read out. By origin and by definition I happen to belong to one of those known as immigrant, non-native. I do not know why it should be so, but that is the position.

Mr Speaker, Sir, we then come down to Parliament itself. Section 9 of the Bill reads as follows:

“(1) The House of Representatives shall consist of one hundred and fifty-nine elected members.

(2) There shall be—

- (a) one hundred and four members from the States of Malaya;
- (b) sixteen members from Sabah;
- (c) twenty-four members from Sarawak;”

and at last the august—

“(d) fifteen members from Singapore”,

which no doubt will include names with which we are very familiar. Mr Speaker, Sir, under the provisions of this Bill there can be no amendment before a certain period of the representatives from the other States in Parliament. After that anybody's guess is as good as mine. But until then there shall be no amendment as regards the number of representatives and the quota from the other States. Apart from political exigencies, apart from political considerations, apart from political fears, apart from the fact that we in Malaya desire to maintain control, is this representation fair? Our Constitution has just been amended to allow Malaya in the next elections, if we want to, or in the elections after the next, to increase our representation in Parliament by new delimitations of constituencies. Mr Speaker, Sir, Malaya has roughly 7

million people. In this Parliament 7 million people are represented by 104 members at the moment with prospects of future increases. Sabah, i.e. North Borneo, has a population of about 455,000—that is nearly half a million—and it is entitled to 16 members. Sarawak has a population of slightly over 744,000 and for the 744,000 they are entitled to have 24 members. Singapore with nearly 2 million people is entitled to have 15 members to represent it, and since, in spite of what we may say about labour and education, the House of Representatives is the highest body of our land to decide on the laws affecting our fundamental democratic rights, is this fair? No body has rights greater than the power that is given to our representatives in Parliament, and yet Singapore is entitled to have 15 members only. Why? Because it might be a Cuba? Because it might be communist? Because it is non-Malay? Because it is immigrant? Not because it is the most important port of Malaya? Not because we must have peace in Singapore at all costs? Not because we must not have any civil unrest in Singapore? Not because it is the greatest industrial complex in Malaya? Not because it is the gateway to the East? Not because it has the biggest naval base in the Far East held by Britain? No, Because it might be a Cuba. Mr Speaker, Sir, if it is true that there would be unrest and therefore the representation should be smaller, and if it is true that they are Singaporeans and not Malayans and therefore they should not have so much representation, will that solve the problem in the end? Or will that bring about animosity, distrust, hatred, fear and suspicion? The Minister of Finance of Singapore was once reported to have said this while he was in Britain: if we cannot conquer the British, let us marry them. That may contain a lot of truth, and I wish that he had carried out his belief in this political arena of Malaysia. If he realises that Singapore is at a disadvantage because the people of Singapore are being distinguished from the other people, then he should fight to remove this difference which causes this fear and hostility even if it is by marriage. He should move forward and say that

we are all Malayans, as capitalist America has tried to do.

Mr Speaker, Sir, I met a man two evenings ago. I found him walking down from Parliament and I gave him a lift. He turned out to be a member of the crew who had come to televise Malaysia. When I asked him who he was, he said, "I am an Australian. I represent the Australian Broadcasting Corporation and I have come to televise Malaysia and its people." I found him to be quite a nice person. I had a drink with him and then, when we became more familiar, I asked him again, "Look, are you really Australian?" He said, "Why?" I said: "I do not think you are an Australian. I think you must have come from South England." "Well, as a matter of fact, in 1949 I left London and emigrated to Australia. I am surprised you can trace my English accent because even Australians cannot do so. But, you know, I am Australian; I am not English." Mr Speaker, Sir, he left England in 1949—this is 1963—and he is accepted by the Australian Government as an Australian. He worked as an Australian. Mr Speaker, Sir, there are some people like the Honourable Minister of Finance himself whose family has been in Malaya for longer than most families have been. Should we still call him Chinese? Well, I cannot. (*Laughter*). With greatest respect I have to call him a Malayan. And if he had taken to the Islamic religion, he would probably be Malay, because I have no doubt that he speaks Malay better than Chinese; and I have no doubt that he knows Malay customs or understands them. Yet, he is considered a Chinese. So also, why should we distinguish these various people of Singapore from the rest of us and treat them politically as different from us?

Mr Speaker, Sir, the population of Singapore is composed of many people of many ethnic origins. Although we distinguish them from ourselves and maintain that fifteen members are enough, because we do not want them to swamp the Malaysian Parliament, there will be some people, no doubt, even in this House—may be not the P.M.I.P., and may be the P.P.P.—who will still say, "Fifteen is too many, and

since they are Chinese we must allow them but one representative." May be even one is too many to some. Therefore, by process of argument, we may reduce representation to zero and say: "After all, these people are unbelievers and they are condemned anyway."

Mr Speaker, Sir, I feel myself that if we want to bring about a peaceful Malaysia, we must give the people at least their fundamental democratic rights. We can, by provisions in the Schedule, limit those rights to some extent, although I do not agree with it; but to reduce their representation is to limit their rights without definition. In other words, we do not know to what extent they can lose their rights through lack of representation. Mr Speaker, Sir, it is my belief that no modern State can come about without equality, both of political and of economic rights. I agree, Mr Speaker, Sir, that immigrant Chinese people hold the major portion of the country's economy, but as the Government believes in capitalism, we cannot really quarrel with them or can we? We can if we decide that it is only through socialism that we can achieve economic equality. In such an event we can give them equal political rights whilst we deprive them of that superior economic right. Because they maintain that economic power, they are asked to give up some of their political rights. Such is the argument of the government. The Government forgets, however, that the vast majority of the Chinese people are not millionaires. There are only 74 people in the whole of Malaya that earns over \$100,000 a year; that is according to government statistics—74 people. My colleague here has stated that he wonders if the Honourable Minister of Finance is one of them. I have no doubt he is not.

Dato' Dr Ismail: Is your family one of them?

Enche' Lim Kean Siew: No. Mr Speaker, Sir, if we keep thinking of the few exceptions as being representative and symbolic of the general whole, we are bound to go on imagining that a rubber tapper, although he looks black, must be a Malay; and the Chinese labourers in the estates must be millionaires, because they are Chinese. These,

Mr Speaker, Sir, are the things that give rise to chauvinist organisations. Out of respect for the members of those organisations I will not like to mention them here, but there is no doubt that instead of diminishing racialism and chauvinist organisations, there is fear that we will create it and together with it will come dictatorship and with dictatorship will come revolution if we continue in this way. I would like to take this opportunity to ask the House to reconsider this, because I feel that this fundamental point, if it is not dealt with, will make it quite superfluous our attending Parliament and speaking in the hope of building a new nation.

Mr Speaker, Sir, some have expressed to me personally the futility of it all if the whole basis of democracy is not first established in Malaya, as only the facade would remain. People see the institutions in Malaya and compare them to Laos and Cambodia and to other States like Indonesia, and say: "Thank God! We have Malaya." Well, I say this. Mr Speaker, Sir, it is a well-known psychological fact that when a man turns mad, for a few years after that he will still have the residual habits of a sane person and will appear sane because of those habits, and that after those habits wear away the insanity will show itself. The same thing applies to Malaya. Because of our Civil Service, because of the vast momentum that has been gathered in the past and the experience of the Civil Service the momentum is being kept, though it is fast running out, things appear normal in Malaya when it is not so, and democracy looks safe when it is being slowly strangled to death.

We have warned the Government that it is because of our rubber that we have been able to maintain our rural development programme and that synthetic will be a threat. Today, rubber is 65 cents a pound—I doubt if it will ever go up to beyond 75 cents again—and that it is very possible that it will remain at 65 cents for many, many months to come. We are digging into our reserves abroad; we are borrowing money, and those who are not really concerned with the future look upon

us with beaming faces and shake our hands and say, "Well done, old chap; now, can I open another new industry, pioneer status included", and, of course, we smile and reply, "Please do so". In five years they would have made back their capital, and they would not bother what happened to that industry after that. We are the people who have our responsibilities; we cannot be guided by people who have considerations outside of ourselves.

Now, Mr Speaker, Sir, let us go now into the question of Citizenship—Clauses 23 to 34, ten pages in all, excluding the Schedules. The whole of these ten pages is made for one purpose, and one purpose alone—to distinguish Singapore citizens from ourselves. If it could have been expressed more simply, I wonder why it was not done. As it stands, I doubt if anybody in this House can read all these Clauses—23 to 34—and tell me what they import.

Let us take, for example, Clause 26 which says:

"Subject to Article 18, any person of or over the age of eighteen years who is on Malaysia Day ordinarily resident in a Borneo State is entitled, upon making application to the Federal Government before September, 1971, to be registered as a citizen if he satisfies the Federal Government—

- (a) that he has resided before Malaysia Day in the territories comprised in those States and after Malaysia Day in the Federation outside Singapore for periods which amount in the aggregate to not less than seven years in the ten years immediately preceding the date of the application, and which include the twelve months immediately preceding that date;
- (b) that he intends to reside permanently in the Federation outside Singapore;
- (c) that he is of good character; and
- (d) except where the application is made before September, 1965, and the applicant has attained the age of forty-five years at the date of the application, that he has a sufficient knowledge of the Malay language or the English language or, in the case of an applicant ordinarily resident in Sarawak, the Malay language, the English language or any native language in current use in Sarawak."

I do not know if anybody knows the meaning of "ordinarily resident" as

expressed here, because apparently you can be ordinarily resident in any or all of the Bornean States, yet you cannot be ordinarily resident in Singapore as Singapore residence is separate from residence anywhere else in the Federation. Thus again, if one is ordinarily resident in the Bornean States—in other words, you can be ordinarily resident in more than one Bornean State at the same time—(how one can be ordinarily resident in more than one state at any one time it is not explained)—he can become a citizen but any period of residence in Singapore apparently is not counted. Now, Mr Speaker, Sir, the position grows in complexity. Clause 27 says:

“(1) Subject to Clauses (7) and (9), the Federal Government may, upon application made by any person of or over the age of twenty-one years who is not a citizen, grant a certificate of naturalisation to that person if satisfied—

(a) that—

- (i) he has resided in the Federation outside Singapore for the required periods and intends, if the certificate is granted, to do so permanently; or
- (ii) he has resided in Singapore for the required periods and intends, if the certificate is granted, to do so permanently;

(b) that he is of good character; and
(c) that he has an adequate knowledge of the Malay language.

Here you see a perfect example of senseless compromise. If we are resident in the Federation outside of Singapore and outside of the Bornean territories, we must know Malay to obtain our citizenship. But if we are resident outside of Singapore and in the Bornean States, and have not yet reached the age of forty-five, we would qualify for citizenship, if we either know Malay well, or English, or any other native language of Sarawak, Malay thus being but only one of the language required.

Mr Speaker, Sir, everybody is lucky, and some people are more lucky than others, but the most unlucky of all are the Singapore citizens, in spite of the fact that the Singapore Prime Minister has said that Singapore citizenship is exactly the same as Federation citizenship. If it is the same, why is it more difficult?

Then Clause 27 goes on to say:

“(2) Subject to Clause (9), the Federal Government may, in such special circumstances as it thinks fit”—

here it introduces the word “special”—

“. . . upon application made by any person of or over the age of twenty-one years who is not a citizen, grant a certificate of naturalisation to that person if satisfied—

- (a) that he has resided in the Federation for the required periods and intends, if the certificate is granted, to do so permanently;
- (b) that he is of good character; and
- (c) that he has an adequate knowledge of the Malay language.”

“(3) The periods of residence in the Federation or the relevant part of it”—that is excluding Singapore, of course—“. . . . which are required for the grant of a certificate of naturalisation are periods which amount in the aggregate to not less than ten years in the twelve years immediately preceding the date of the application for the certificate, and which include the twelve months immediately preceding that date.”

It is ten years out of twelve, not seven years out of ten, if a person is resident in the Federation outside of Singapore; whilst if a person is outside of the Federation of Malaya, and within the Bornean States, he qualifies for citizenship if he is resident seven out of 10 years.

“(4) For the purposes of Clauses (1) and (2) residence before Malaysia Day in the territories comprised in the Borneo States shall be treated as residence in the Federation outside Singapore; and for purposes of Clause (2) residence before Malaysia Day in Singapore shall be treated as residence in the Federation.

(5) A person to whom a certificate of naturalisation is granted shall be a citizen by naturalisation from the date on which the certificate is granted.

(6) A person to whom a certificate of naturalisation is granted shall be a Singapore citizen if but only if the certificate is granted by virtue of paragraph (a) (ii) of Clause (1).”

Now, I am certain that nobody knows what this means without proper reference. Certainly it is a good test for students of the University doing law.

“(7) A certificate of naturalisation as a Singapore citizen shall not be granted without the concurrence of the government of Singapore.”

Now, here is another complication. If a person wants a Federation citizenship

by naturalisation, and if he is a Singapore citizen, he must get the sanction of the Singapore Government. Here the man is put into double jeopardy: first, he must get the approval of the Federation Government; then he must get the approval of the Singapore Government. If the Prime Minister or the Singapore Government does not like his face, the answer will be "No", and that will be the end of the matter: (*Laughter*) the poor fellow will become a Singapore citizen for life. On the other hand, if the Singapore Government wishes to get rid of him, it will say, "Yes, by all means do so". But the Federation Government may say, "Sorry, you do not qualify, you are not tall enough, and you cannot get a Malayan citizenship". So, the man with a Singapore citizenship if he wants to naturalise himself as a Malayan citizen he must pass through the screens of the Special Branch and Internal Security of two Governments including the "I shall lock you up" Minister. (*Laughter*). The rest of those sub-clauses are not important, but there are rules for applications for naturalisation which shall be disposed of by certain dates which I am mentioning to show the House how complicated, in fact, the whole matter is.

Sir, a person in the Bornean territories can become a citizen, and he does not need to know Malay, but if he is unfortunate enough to be deserted by his mother in Malaya then, instead of seven years to become a citizen, he has to wait for ten years—and he must know Malay. If he however, is abandoned in Borneo, he need not have to know Malay to become a citizen. A person from Singapore is even better. He does not even need to have any language qualification. If he can speak Tamil, he can become a Singapore citizen. Such, Sir, is the contradiction of our citizenship laws.

Mr Speaker, Sir, although I would like to, yet I do not propose to read through all the paragraphs dealing with citizenship, because all one has to do is to read through these clauses to see how complicated it is and how full of exceptions and the many types of citizens that are intended—and yet we are supposed to be one people after Malay-

sia. I think the Singapore Government says in a song, "Malaysia, one for all, or all for one, and unity and progress as one people," but with different citizenship certificates!

Now, Mr Speaker, Sir, let us take Clause 27 again—it says:

"(1) Subject to Clauses (7) and (9), the Federal Government may, upon application made by any person of or over the age of twenty-one years who is not a citizen, grant a certificate of naturalisation to that person if satisfied—

(ii) he has resided in Singapore for the required periods and intends, if the certificate is granted, to do so permanently; . . ."

Here, again, we come across a case of double jeopardy. In order to qualify for Federation citizenship certificate, a person must obtain from Singapore proper evidence that he has been residing there for the required period—what the required period is in this case, I am afraid, I do not know. What is the required period for a Singapore citizen who wants to apply for naturalisation? In our case, it is ten years.

Then, sub-clause (7), which is very unusual, says:

"(7) A certificate of naturalisation"—and I add the word "however"—"as a Singapore citizen shall not be granted without the concurrence of the government of Singapore."

What is the meaning of this clause? It appears, Mr Speaker, Sir, that if I want to naturalise myself as a Singapore citizen—which God forbids—I would not be able to obtain that citizenship without the concurrence of the Singapore Government. In other words, even if the Government of Malaya considers me a person of good character, the Singapore Government may think otherwise and refuses me a certificate; and if it does that, no matter what the Malayan Government may think, I cannot become a citizen, I cannot be naturalised; I then would have to live my life over ten years again to qualify myself for citizenship—by that time I would have become a grandfather with a long beard, but in the meantime my children and my wife would, perhaps, be stateless.

Mr Speaker Sir, Clause 28 says:

"(1) The Federal Government may, upon application made by any Singapore citizen

of or over the age of twenty-one years, enrol him as a citizen who is not a Singapore citizen, if the Federal Government is satisfied that, had his application been for the grant under Article 19 of a certificate of naturalisation as a citizen who is not a Singapore citizen, the conditions of paragraphs (a) (i), (b) and (c) of Clause (1) of that Article for the grant of the certificate would be fulfilled."

Now, Sir, can anybody make any sense of this?

"(2) In relation to Singapore citizens Articles 15 and 15A shall apply to entitle or allow them to be enrolled as citizens who are not Singapore citizens, in the same way as those Articles apply, in relation to persons who are not citizens, to entitle or allow them to be registered as citizens,"—and this is the devil—"except that references to Article 18 shall not apply, nor shall Clause (6) of Article 15."

"(3) A citizen enrolled as being or not being a Singapore citizen by virtue of this Article or by virtue of any corresponding provision in the Constitution of the State of Singapore shall be or not be a Singapore citizen accordingly from the day on which he is so enrolled."

"(4) Where a person has been enrolled under this Article as a citizen who is not a Singapore citizen, and the Federal Government is satisfied that the enrolment—

(a) was obtained by means of fraud, false representation or the concealment of any material fact; or

(b) was effected by mistake; the Federal Government may cancel the enrolment:

Provided that Article 27 shall apply in relation to the cancellation as it applies in relation to an order under Article 24, 25 or 26 depriving a person of citizenship."

Mr Speaker, Sir, Clause 29 says:

"(1) In Article 16 of the Constitution (which provides for the registration as citizens of certain persons born in the Federation before Merdeka Day) in paragraph (a) after the words 'resided in the Federation' there shall be inserted the words 'outside Singapore', and in paragraph (b) for the words 'to reside permanently therein' there shall be substituted the words 'to do so permanently'."

The whole tenet of the citizenship clauses is this: to make it clear, that a Singapore citizen will find it almost impossible to become a member of any other State unless he has given up his Singapore citizenship and unless the Singapore Government concurs or agrees to that transfer, a Federation citizen, however, cannot become a

Singapore citizen at all unless he has fulfilled the conditions that are required by the Singapore Government—in other words, he has to be resident in that country for a certain number of years. As for the citizens of the Bornean territories, they have to take seven years out of ten years before they can become citizens of the Bornean States or Federation citizens, and they have a right of entry to Malaya as citizens according to the Immigration Bill, which we have to deal with later on, without any hindrance. Yet, if a Federation citizen after all these great difficulties of waiting ten years out of twelve years and learning his languages and counting his beads at nights to qualify as a Federation citizen, he cannot enter the Bornean territories without obtaining a pass or permit as if he were a foreigner in Malaysia.

The Prime Minister of Singapore made it very clear that one of the reasons that Malaysia was necessary was because of the fast growing population of the unemployed youths, which in 1965 would swamp Singapore with unemployed unless its labour problem was solved and that the labour problem would not be solved unless those people could find an outlet for themselves—in other words to emigrate. Now, the people of the Borneo territories do not want those of Singapore, who cannot emigrate without a pass. Do the people of Malaya want them? If they swamp Malaya, what would happen? Some chauvinist organisation would look at their colour and decide that it is not the right colour and tell them to go back!

Mr Speaker, Sir, the whole point about citizenship in any federation is to allow the people of those countries to have equal political rights at least. In other words, in the words of other political leaders, there can, and there should, never be first class and second class citizens. There can, and there should never, be citizens divided into classes. Every person must be equal before the eyes of the law. Yet, we have here the citizenship provisions which not only distinguish ourselves into various classes but also into various categories—Federation of Malaysia

citizen (Bornean type), Federation of Malaysia citizen (Singapore type and Malayan types) and so on, as if we are different species of monkeys. Mr Speaker, Sir, because of this, it is very difficult for me to accept the argument that citizens of Singapore and of the other States are the same as the citizens of the Federation of Malaya. It is stated here that the Singapore citizenship is the same as the Federation Citizenship. Yet, in spite of what is stated, Singapore citizens are distinguished from the others; and if we look at Clause 23 (3) on page 12 of the Bill, it will make my point very clear indeed. Clause 23 (3) says:

"Citizenship of Singapore shall not be severable from citizenship of the Federation very good, bold words—"but this is where the word "but" comes in—"a Singapore citizen by the loss of either shall lose the other also (subject to the provision made by this Part for the enrolment of a Singapore citizen as a citizen who is not a Singapore citizen)."

Sir, I can even see the Honourable Deputy Prime Minister shaking his head in difficulty. I know it is difficult to appreciate, Sir!

Dato' Dr Ismail: So simple!

Enche' Lim Kean Siew: The very fact that if a Singapore citizen loses his Singapore citizenship, he will therefore have to lose his Federation citizenship, gives the Singapore Government the power over the Singapore citizen, which the Federation Government may not have. Now, you cannot say that that is the same as the Federation citizenship. Can the Singapore Government deprive a Federation citizen of his citizenship, or can the Singapore Government deprive me of my citizenship? No. But it can deprive a Singapore citizen of his citizenship. I say so because it is stated here ". . . a Singapore citizen by the loss of either shall lose the other also " So, a Singapore citizen by losing his Singapore citizenship will lose his Federation citizenship automatically; and if the Federation Government removes his citizenship, he will lose his Singapore citizenship automatically also—so, again, he is put under double jeopardy.

Mr Speaker, Sir, coming now to the question of immigration, it is provided

in one of the Clauses in this Bill that immigration shall be a matter regulated by the Borneo States themselves. This is the result of the Immigration Bill which is part of the Malaysia Agreement. Clause 6 (1) of the Immigration Bill (Annex E) on page 176 of the Malaysia Agreement, has this to say:

"Subject to sub-section (2) and to sections 7 and 8, a citizen of the Federation shall not be entitled to enter a Borneo State without having obtained a Permit or Pass in that behalf unless—

(a) he belongs to the Borneo State;
or"

So, the question of freedom of movement in the Federation of Malaysia is drastically curtailed by this Clause in the Bill. If it is still denied that citizenship is not equal, then it must be admitted that some citizenships are more equal than others. There is no doubt that the possession of citizenship papers in the Federation of Malaya, unless the person is from Borneo, does not qualify him even for the entry into the State. There are certain exceptions, of course: for example, if he is a member of the Legislative Assembly or of the Executive Council or of the Federal Government, or if he is a judge of the Federal Court or of the High Court in Borneo, or if he is a member of the public service of the Federation or of the public service of the Borneo State, he is allowed to enter a Borneo State without a permit. There is, of course, a little glamour or hope in sub-clause (2) of Clause 6, which says:

"Where a citizen of the Federation is entitled to enter the Borneo State under sub-section (1), the citizen's children under the age of eighteen years and (if he is a man) his wife, if entering the Borneo State with, or to be with, the citizen, shall not be required by sub-section (1) to obtain a Permit or Pass in that behalf."

So, Mr Speaker, Sir, section 6 only allows certain categories of citizens to enter the Bornean States. Other people would have to have a pass. Of course, section 7 allows this. It reads—

"Sub-section (1) of section 6 shall not have effect in relation to a citizen of the Federation entering the Borneo State for the sole purpose of engaging in legitimate political activity; but the burden of proof that a person is entitled to enter the Borneo State under this section shall lie on him."

How much affirmation is this to us? We have been banned from entering the Bornean States. What is the use of saying that people engaging in legitimate political activity may enter the Borneo State when the burden of proof shall lie upon them? We cannot enter the Bornean States. And to us as politicians engaged in political activity this is fundamental. Other people might say: "Well, these politicians will cause a lot of trouble if they are allowed to come to Borneo. Well, that is good; after all, we do not want trouble." Yes, in that case why not ban political activities. We might as well say: "My children cause a lot of trouble. So why not as well bury them?" If we want to have equality of rights, if we believe that this Federation is not for a political purpose, and it is not for the specific purpose of developing a centre here—be it an anti-communist centre or be it to create a bastion for the British Government—the point is that we cannot hope to have this thing tied together and held together if there are these differences. Here I am not concerned with motives. Do not misunderstand me. I am not concerned here what the purpose of Malaysia is, although I think it is relevant. And I ask again: how would those people not in power, not in the Government, without influence, the ordinary citizens feel when they want to go to the Bornean States and cannot do so? And while a wife is allowed to go, a husband may not, unless a special pass is obtained. The provisions of our Constitution, which cannot be changed except by two-thirds majority in future, will have enshrined within it this further disqualification of Federation citizens; and there is no doubt that our Government has given way to the argument that in the Bornean States, though they need development, though only 6 per cent of the soil is under cultivation, shifting or settled or mixed, there is not enough land to allow people from other parts of Malaysia from going to those areas to cultivate and develop that land. When we come to consider the financial position we will realise how absurd this position is, because the Federation is committed

to spending certain sums of money in the Bornean States in the development of roads, failing which that sum which should have been spent on those roads shall be paid to the Bornean Government—to the Sabah Government to be precise.

Mr Speaker, Sir, to revert back to the immigration laws, the Honourable the Deputy Prime Minister did say that it was in a way necessary and that it was necessary because of the special position of Sabah. The way he put it, Mr Speaker, Sir, unfortunately does not quite explain the whole position. He said that due to the special situation in the Bornean territories and because of the need for security and other reasons, there must be some kind of control for the movement of people into the Bornean territories. Mr Speaker, Sir, the tenets of the Malaysia Agreement to some extent belies the assurances he has given us this morning. The relevant clause in this Bill itself looks quite harmless. But the Bill which will be introduced as a result of this clause has the direct result of making it practically impossible for the average Federation citizen to go into the Bornean States. So how and in what way have we integrated the Bornean States, except to take over political control, except to take over security control, except to take over military control? The representation given to the Bornean people—of 16 seats to Sabah and 24 seats to Sarawak—making it 40 in all, makes it impossible for them in any way to influence the Malaysian Government. And this allocation is subject to no change. In exchange for Malaysia they get certain grants—guaranteed—of \$5,800,000 to Sarawak and a road grant of \$5,179,500 to Sabah. In exchange for that they hand over political control to Malaya. Yet that is not the whole story. What Malaya gives does not count for what Malaya gets. Malaya is in charge of their external trade with reservations as mentioned in the Schedule, of timber, petroleum and other matters which are in the State List. Malaya has given to Borneo its registration fees for its motor vehicles and certain other

miscellaneous matters like medicine, ports and so on. So Malaya has an advantage for which it has agreed to give an annual grant of \$10 million or so. We all know that the total export and import figure of Sabah is \$202,000 million, more or less. Now, having taken over control of Sabah, we give them a representation of 16 seats and say that as this is proportionate to the population they should be satisfied. But there is no doubt that effective political control is taken out of the hands of those people of Sabah. Mr Speaker, Sir, the same position applies in the case of Sarawak. It has been said that the Sarawak people have profited more than we do in this Malaysia Agreement. I do not think so. From the point of view of material benefits, there has been give and take, but from the point of view of political control, of citizenship rights, of the rights of the people, and of political rights, they have signed their death warrants.

Mr Speaker, Sir, let us now consider the question of the Malay Language. On the one hand, we have Tuan Syed Nasir and his bi-annual National Language campaign months, trying to bring about a Malayan nation with a Malayan language which, I must hasten to add, I support. But the Government, which set up the Dewan Bahasa dan Pustaka, is sabotaging the work of this very Dewan. First of all, we have here that Singapore shall have Mandarin, Tamil and other languages which can be used officially in its legislative bodies. This is synonymous with saying that they are the National Languages in Singapore. Singapore citizens do not necessarily have to know Malay, and the Government, unfortunately, has no power to remove those qualifications.

Then, when we come to the Bornean territories, the same pattern arises—English or Malay can be used equally. There is an attempt to say that in ten years we might be able to remove this. But, Mr Speaker, Sir, in fact, what has been agreed upon, and what is the truth of the situation? The truth of the situation is that the Malayan people

will be at a disadvantage in ten years' time when compared with the other Federation citizens, because most of us, if we are sincere, would be sending our children to Malay schools and we would all be learning Malay. We would go to Singapore and they would be speaking English and they would look upon us as "the poor country cousins of ours" from the Federation of Malaya; and we would go to the backwoods of Sarawak and Borneo, going up the Rejang River to the longhouses, where they would be speaking to us in English and we would be speaking in Malay. (*Laughter*). What then is the benefit economically, politically, or otherwise of trying to develop the Malay language in Malaya? Are we withdrawing from this position? If so, let the Government be brave enough to say, "Yes, we are withdrawing. We must have two languages, Malay and English." There is no point in our being ostriches in the sand and hiding our heads in the sand and thinking that our bodies are not being seen. If so, let us say so. If it is not so, then how can we allow this difference? Is it for the sake of bringing about Malaysia that we are allowing this? If so, then for the sake of peace, harmony, and progress, let us destroy this Dewan Bahasa dan Pustaka and its programme, which will put us at a disadvantage with the other peoples of Malaysia. Mr Speaker, Sir, it says under section 61 (1), on page 38, that:

"(1) No act of Parliament terminating or restricting the use of the English language for any of the purposes mentioned in Clauses (2) to (5) of Article 152 shall come into operation as regards the use of the English language in any case mentioned in Clause (2) of this Article until ten years after Malaysia Day."—In 1967 we are going to have Malay.

"(2) Clause (1) applies—

(a) to the use of the English language in either House of Parliament by a member for or from a Borneo State; and

(b) to the use of the English language for proceedings in the High Court in Borneo or in a subordinate court in a Borneo State, or for such proceedings in the Federal Court as are mentioned in Clause (4); and

(c) to the use of the English language in a Borneo State in the Legislative Assembly or for other official

purposes (including the official purposes of the Federal Government).

(3) Without prejudice to Clause (1), no such Act of Parliament as is there mentioned shall come into operation as regards the use of the English language for proceedings in the High Court in Borneo or for such proceedings in the Federal Court as are mentioned in Clause (4), until the Act or the relevant provision of it has been approved by enactments of the Legislatures of the Borneo States; and no such Act shall come into operation as regards the use of the English language in a Borneo State in any other case mentioned in paragraph (b) or (c) of Clause (2), until the Act or the relevant provision of it has been approved by an enactment of the Legislature of that State.

(4) The proceedings in the Federal Court referred to in Clauses (2) and (3) are any proceedings on appeal from the High Court in Borneo or a judge thereof, and any proceedings under Clause (2) of Article 128 for the determination of a question which

has arisen in proceedings before the High Court in Borneo or a subordinate court in a Borneo State.

(5) Notwithstanding anything in Article 152, in a Borneo State a native language in current use in the State may be used in native courts or for any code of native law and custom, and in the case of Sarawak, until otherwise provided by enactment of the Legislature, may be used by a member addressing the Legislative Assembly or any committee thereof."

Mr Speaker, Sir, the effect of that clause is to make it officially impossible to get rid of English in the Bornean States. And, therefore, Mr Speaker, Sir, I ask, what is the purpose of insisting that we should only learn Malay here?

Mr Speaker: The time is up. The sitting is adjourned until 9.30 a.m. tomorrow.

Sitting adjourned at 6.30 p.m.