



# PARLIAMENTARY DEBATES

## DEWAN NEGARA (SENATE)

### OFFICIAL REPORT

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FEDERATION OF MALAYA  
**DEWAN NEGARA (SENATE)**  
*Official Report*

Vol. III

Third Session of the First Dewan Negara

No. 5

*Monday, 23rd October, 1961*

*The Senate met at Ten o'clock a.m.*

PRESENT:

The Honourable Mr. President, DATO' HAJI ABDUL RAHMAN BIN MOHAMED YASIN, S.P.M.J., P.I.S., J.P. (Johor).

„ the Minister of Justice, TUN LEONG YEW KOH, S.M.N. (Appointed).

„ TUAN HAJI ABBAS BIN HAJI MOHAMED (Trengganu).

„ ENCHE' ABDUL HAMID BIN MAHMUD, J.M.N. (Appointed).

„ ENCHE' AHMAD BIN SAID, A.M.N (Perak).

„ ENCHE' A. M. ABU BAKAR, J.M.N. (Appointed).

„ ENCHE' ABDULLAH BIN ISHAK (Perlis).

„ ENCHE' ABDUL WAHAB BIN IDUS, P.J.K. (Negri Sembilan).

„ ENCHE' AMALUDDIN BIN DARUS (Kelantan).

„ ENCHE' CHAN KWONG HON, A.M.N., J.P. (Selangor).

„ ENCHE' CHEAH SENG KHIM, J.P. (Penang).

„ DATO' DR. CHEAH TOON LOK, J.M.N., J.P., Dato' Maha Kurnia (Appointed).

„ ENCHE' CHOO KOK LEONG (Appointed).

„ ENCHE' DA ABDUL JALIL BIN HAJI AWANG (Trengganu).

„ ENCHE' HASHIM BIN AWANG, J.P. (Penang).

„ ENCHE' KOH KIM LENG (Melaka).

„ DATO' LEE FOONG YEE, J.M.N., P.P.T., J.P. (Negri Sembilan).

„ ENCHE' LIM HEE HONG, A.M.N. (Appointed).

„ ENCHE' MOHD. SALLEH BIN MOHAMED ARIFF (Melaka).

„ ENCHE' MOHD. ZAHIR BIN HAJI ISMAIL (Kedah).

„ ENSKU MUHSEIN BIN ABDUL KADIR, J.M.N., P.J.K. (Appointed).

„ ENCHE' S. P. S. NATHAN (Appointed).

„ ENCHE' NIK HASSAN BIN HAJI NIK YAHYA, J.M.N. (Appointed).

„ TUAN HAJI NIK MOHD. ADEEB BIN HAJI NIK MOHAMED (Kelantan).

„ TOK PANGKU PANDAK HAMID BIN PUTEH JALI, P.J.K. (Appointed).

„ RAJA RASTAM SHAHROME BIN RAJA SAID TAUPHY (Selangor).

The Honourable DATO' SHEIKH ABU BAKAR BIN YAHYA, D.P.M.J., P.I.S., J.P. (Johor).

- „ TUAN SYED AHMAD BIN SYED MAHMUD SHAHABUDIN, J.M.N. (Kedah).
- „ ENCHE' T. H. TAN, J.M.N. (Appointed).
- „ DATO' E. E. C. THURASINGHAM, D.P.M.J., J.P. (Appointed).
- „ ENCHE' WAN AHMAD BIN WAN DAUD, J.M.N., P.J.K., J.P. (Perlis).
- „ DATO' WAN IBRAHIM BIN WAN TANJONG, J.M.N., P.J.K., Orang Kaya Indera Maharaja Purba Jelai (Pahang).
- „ ENCHE' YAP KHEN VAN, A.M.N., J.P. (Pahang).
- „ ENCHE' YEOH KIAN TEIK (Perak).

ABSENT:

The Honourable DATO' J. E. S. CRAWFORD, J.M.N., J.P., Dato' Kurnia Indera (Appointed).

- „ ENCHE' ATHI NAHAPPAN (Appointed)
- „ DATO' G. SHELLEY, P.M.N., J.P. (Appointed).
- „ ENCHE' S. O. K. UBAlDULLA (Appointed).

IN ATTENDANCE:

The Honourable the Prime Minister and Minister of External Affairs, Y.T.M. TUNKU ABDUL RAHMAN PUTRA AL-HAJ, K.O.M.

- „ the Deputy Prime Minister, Minister of Defence and Minister of Rural Development, TUN HAJI ABDUL RAZAK BIN DATO' HUSSAIN, S.M.N.
- „ the Minister of Internal Security and Minister of the Interior, DATO' DR. ISMAIL BIN DATO' HAJI ABDUL RAHMAN, P.M.N.
- „ the Minister of Finance, ENCHE' TAN SIEW SIN, J.P.
- „ the Minister of Transport, DATO' SARDON BIN HAJI JUBIR, P.M.N.
- „ the Minister of Labour, ENCHE' BAHAMAN BIN SAMSUDIN.
- „ the Minister of Education, ENCHE' ABDUL RAHMAN BIN HAJI TALIB.
- „ the Assistant Minister of Commerce and Industry, ENCHE' CHEAH THEAM SWEE.
- „ the Assistant Minister of the Interior, ENCHE' MOHAMED ISMAIL BIN MOHAMED YUSOF.

PRAYERS

(Mr. President in the Chair)

MESSAGE FROM THE HOUSE OF  
REPRESENTATIVES

**Mr. President:** Ahli<sup>2</sup> Yang Berhormat, saya suka mema'alumkan kapada Majlis ini bahawa saya telah terima satu keputusan daripada Dewan Ra'ayat. Sekarang saya jemput Setia-Usaha Majlis membachakan keputusan itu.

(Whereupon, the Clerk reads the following message dated 21st October, 1961):

"Mr. President,

The House of Representatives has passed the following Bills—

- (1) to provide for the more effectual prevention of corruption,
- (2) to amend and consolidate the law relating to education,
- (3) to provide for the establishment and incorporation of the University of Malaya and for matters connected therewith,
- (4) to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of December, 1962,
- (5) to repeal the Corporations Duty Ordinance of the Straits Settlements,
- (6) to amend the Local Councils Ordinance, 1952,
- (7) The Corporations Duty Ordinance respect to policies of assurance upon human life and the carrying on the life assurance business,
- (8) to amend the Local Government Elections Act, 1960,
- (9) to provide for the payment of export duty on rubber exported from Penang, and matters connected therewith,

and transmit them to the Senate for its concurrence.

(Sgd.) *Speaker*".

**Mr. President:** Ahli<sup>2</sup> Yang Berhormat, di-dalam keputusan dari Dewan Ra'ayat kepada Dewan Negara ini semua-nya ada 9 Rang Undang<sup>2</sup>. Lima Rang Undang<sup>2</sup> Kewangan dan empat Rang Undang<sup>2</sup> yang tidak kena mengena dengan kewangan. Peratoran Meshuarat 66 (2) mensyaratkan ia-itu Rang Undang<sup>2</sup> yang tidak ada kena mengena dengan kewangan boleh-lah di-bachakan kali yang kedua sa-telah 5 hari atau lebih daripada tarikh dikeluarkan pemberitahu akan tarikh bagi di-bachakan kali yang kedua. Bagaimana pun syarat Peratoran Meshuarat 66 (2) itu menyatakan, "Yang di-Pertua, jika puas hati atas permohonan sa-sorang Menteri menyatakan oleh sebab kepentingan awam berkehendakkan sa-suatu Rang Undang<sup>2</sup> ini di-bachakan kali yang

kedua dengan serta-merta, maka boleh juga Yang di-Pertua membenarkan sa-barang jenis Rang Undang<sup>2</sup> di-bachakan kali yang kedua dengan tidak berkehendakkan tempoh lima hari seperti yang di-kehendaki itu." Yang Berhormat Menteri Keadilan telah meminta kebenaran saya, menurut syarat ini, membenarkan 4 Rang Undang<sup>2</sup> ini yang tidak terkandung dalam keputusan ini, di-bachakan kali yang kedua dengan tidak di-kenakan tempoh lima hari itu. Saya telah membenarkan permintaan-nya itu.

#### BUSINESS OF THE SENATE

**The Minister of Justice (Tun Leong Yew Koh):** Mr. President, Sir, I beg to give notice that I will move the second and third readings of the following Bills today—

- (1) The Prevention of Corruption Bill
- (2) The Education Bill
- (3) The University of Malaya Bill
- (4) The Consolidated Fund (Expenditure on Account) Bill
- (5) The Local Councils (Amendment) Bill
- (6) The Life Assurance Bill
- (7) The Corporations Duty Ordinance (Repeal) Bill
- (8) The Local Government Elections (Amendment) (No. 2) Bill
- (9) The Rubber Export Duty (Penang) Bill

#### ORAL ANSWER TO QUESTION

##### Pengaduan Terhadap Kerajaan Negeri Trengganu

**1. Enche' Da Abdul Jalil bin Haji Awang** bertanya kepada Perdana Menteri ada-kah beliau telah mendapat surat<sup>2</sup> pengaduan resmi terhadap Kerajaan Negeri Trengganu; sa-kiranya ada, nyatakan tarikh dan bilangan surat pengaduan itu serta butir<sup>2</sup> aduan-nya.

**The Prime Minister:** Tuan Yang di-Pertua, saya ada menerima satu pengaduan pada 6hb July, 1961, tetapi sa-bagaimana Ahli Yang Berhormat sedia ma'alum bahawa surat pengaduan itu bukan-lah sa-chara rasmi. Permintaan<sup>2</sup> surat itu datang-

nya daripada Kerajaan Trengganu yang di-perintah oleh PAS. Akan tetapi dukachita berita<sup>2</sup> pengaduan-nya didalam surat itu dengan ringkas saya sebutkan di-sini, ia-itu Kerajaan Trengganu tidak ada mengadakan meshuarat negeri sejak daripada bulan February hingga sekarang. Dan chuma telah mengadakan meshuarat sabanyak 6 kali sahaja sa-lama ini. Jadi tergendala besar-lah bagi pehak Kerajaan untok menjalankan pentad-biran negeri Trengganu itu.

**Enche' Da Abdul Jalil bin Haji Awang:** Ada-kah surat Reference No.

**The Prime Minister:** Tuan Yang di-Pertua, saya telah menyatakan bahawa surat itu tidak rasmi, dan tarikh-nya ia-lah pada 6hb July, 1961. Jika Ahli Yang Berhormat itu suka hendak ambil tahu, saya sedia menunjukkannya sa-kira-nya sudi datang ka-pejabat saya.

## BILLS PRESENTED

### THE TRUSTEE INVESTMENTS BILL

Bill to preserve certain investment powers of trustee; presented by the Minister of Justice; read the First time, to be read a Second time at a subsequent meeting.

### THE VARIATION OF TRUST BILL

Bill to extend the jurisdiction of the Supreme Court, to vary trusts in the interests of beneficiaries and to sanction dealings with trust property; presented by the Minister of Justice; read the First time, to be read a Second time at a subsequent meeting.

## BILLS

### THE GENEVA CONVENTION BILL

#### Second Reading

**The Minister of Justice (Tun Leong Yew Koh):** Mr. President, Sir, I beg to move "an Act to enable effect to be given to certain international conventions done at Geneva on the twelfth

day of August, nineteen hundred and forty-nine, and for purposes connected therewith" to be read a second time.

**Enche' T. H. Tan:** Sir, I beg to second the motion.

**Tun Leong Yew Koh:** The above Bill is designed to adopt the four conventions signed at Geneva on 12th August, 1949, dealing respectively with wounded and sick members of the armed forces in the field, with wounded, sick and shipwrecked members of the armed forces at sea, with treatment of prisoners of war, and with protection of civilian persons in time of war. These conventions are set out in the four Schedules.

Section 13 of the Act repeals the Geneva and Red Cross (Control of Use) Ordinance, 1959, the provisions of which are now contained in Part III of the Bill. These provisions properly fall within the ambit of this measure, and it is desirable that they be incorporated therein.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. President *in the Chair*)

*Clauses 1 to 13* inclusive ordered to stand part of the Bill.

*First Schedule* ordered to stand part of the Bill.

*Second Schedule* ordered to stand part of the Bill.

*Third Schedule* ordered to stand part of the Bill.

*Fourth Schedule* ordered to stand part of the Bill.

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

*Sitting suspended at 10.20 a.m.*

*Sitting resumed at 10.40 a.m.*

(Mr. President in the Chair)

## EXEMPTED BUSINESS

### (MOTION)

**Tun Leong Yew Koh:** Mr. President, Sir, I beg to move—

That notwithstanding the provisions of Standing Order 11 (2), the House shall not adjourn this day until after the completion of all Government business on the Order Paper.

**Enche' T. H. Tan:** Sir, I beg to second the motion.

Question put, and agreed to.

Resolved,

That notwithstanding the provisions of Standing Order 11 (2), the House shall not adjourn this day until after the completion of all Government business on the Order Paper.

## BILLS

### THE PREVENTION OF CORRUPTION BILL

#### Second Reading

**Tun Leong Yew Koh:** Mr. President, Sir, I beg to move that a Bill intituled "an Act to provide for the more effectual prevention of corruption" be read a second time.

**Enche' T. H. Tan:** Sir, I beg to second the motion.

**The Minister of Internal Security and Minister of the Interior (Dato' Dr. Ismail):** Mr. President, Sir, may I be permitted to explain very briefly the objects and purposes of this Bill?

As Honourable Members are aware, since the establishment of the Anti-Corruption Agency and the Special Crime Branch of the Royal Federation of Malaya Police in November, 1959, it has been found that the existing Prevention of Corruption Ordinance, 1950, is inadequate to deal with the many aspects of corruption. The investigation and presentation of corruption cases present peculiar difficulties because corrupt transactions

are almost invariably surrounded by close secrecy and it is rarely that anyone but the corrupt participants themselves has any direct knowledge of precisely what has been done. As a result there arose the need to re-enact the provisions of that Ordinance with substantial amendments. The Singapore Prevention of Corruption Ordinance, 1960 which in turn was based on the Federation Corruption Ordinance, 1950, the Ceylon Bribery Act, 1954, and the Hongkong Prevention of Corruption Ordinance were made use of as the basis for re-enacting the provisions of this Bill.

Mr. President, Sir, I do not propose to go into detailed account of each provision in the Bill as an Explanatory Statement is provided at the end of the Bill. Briefly this consolidated new Bill is designed to cover difficulties experienced in the existing Ordinance.

Sir, I should like to emphasise, however, that this Bill which is now before the House is by no means the answer to corruption. It is only designed to facilitate the investigation and prosecution of corruption cases, and I am sure that this Bill will have the unanimous support of this House.

**Dato' Sheikh Abu Bakar bin Yahya:** Honourable Dato' President, Sir, I would like to support the Bill before this Honourable House which is a good Act, and if properly managed by all concerned, especially with the co-operation of the public, I am sure, Sir, the country, as stated by the Honourable Minister just now, will be rid of some of the alleged unfairness existing in certain departments in the country. But, Sir, may I ask whether this Act will supersede similar offence in Chapter IX of the Penal Code, which is also on corruption. In the Penal Code, the punishment is much less than what is stipulated in this Act and I believe there is nothing to prevent a smart lawyer from persuading the Court to punish the offender under the Penal Code instead of this Bill. This, in my opinion, would defeat the spirit of this Bill.

**Enche' Nik Hassan bin Haji Nik Yahya:** Dato' Yang di-Pertua dan Ahli<sup>2</sup> Yang Berhormat, saya bangun menyokong Rang Undang<sup>2</sup> ini kerana meminda undang<sup>2</sup> menche-gah berlaku-nya makan suap dalam negeri ini. Sunggoh pun dalam undang<sup>2</sup> ini banyak daripada bab<sup>2</sup> atau fasal<sup>2</sup> yang mengetatkan atau pun menambahkan hukoman<sup>2</sup> bagi menche-gah berlaku-nya perkara makan suap, tetapi satu perkara yang harus menjadi perhatian pehak Kerajaan bukan-nya perkara mengetatkan dan menche-gah dengan chara mengadakan hukoman<sup>2</sup> di-atas orang<sup>2</sup> yang melakukan makan suap ini, tetapi ia-lah supaya di-adakan satu chara di-atas susunan kerja yang lebeh kemas, lebeh ketat dan lebeh baik. Pada masa ini jabatan ini mempunyai chawagan<sup>2</sup>-nya di-seluruh Tanah Melayu ini, tetapi walau pun demikian bagi mencari bukti<sup>2</sup> dan kenyataan supaya di-hapuskan pekerjaan makan suap ini bukan-lah dengan chara mengadakan pegawai<sup>2</sup> bagi tempat<sup>2</sup> dalam satu<sup>2</sup> negeri itu, tetapi hendak-lah di-adakan satu susunan yang kemas pada peringkat Persekutuan yang mempunyai pegawai<sup>2</sup> yang tertentu khas bagi menyelideki dan menyiasat perkara<sup>2</sup> yang hendak di-siasat itu sa-chara terus daripada pusat kapada tempat<sup>2</sup> yang berlaku-nya kejadian<sup>2</sup> itu. Walau pun saya tahu pegawai<sup>2</sup> di-tempat yang di-letakkan di-pejabat yang tidak jauh, bahkan sa-tengah di-Pejabat Polis di-negeri<sup>2</sup> yang ada dalam Tanah Melayu ini, tetapi satu usaha bagi mengasingkan pejabat ini dengan hubungan<sup>2</sup> polis ada-lah sangat mustahak sa-kali supaya Pejabat Makan Suap ini akan menjadi satu pejabat yang bebas, satu jabatan yang bebas, dengan pegawai<sup>2</sup> yang bebas yang tidak di-pengarohi oleh mana<sup>2</sup> pehak, walau pun daripada pehak polis sendiri. Saya tidak hendak mengeluarkan tuduhan atau hendak mengeluarkan chakapan yang boleh membangkitkan sa-suatu perkara yang merosakkan nama baik satu<sup>2</sup> pehak dalam negeri ini, tetapi saya suka hendak menyokong Menteri yang berkenaan yang menyatakan undang<sup>2</sup> ini tidak dapat menghapuskan perjalanan makan suap yang ada dalam

negeri ini. Menghapuskan perjalanan makan suap ada-lah satu perkara yang susah dan rumit, tetapi mencari ikhtiar bagi mempertahankan supaya kurang berlaku-nya makan suap ini ada-lah satu perkara yang boleh di-lakukan atau yang mustahak di-lakukan dengan sa-berapa segera-nya di-mana kita mendengar banyak perkara makan suap ini berlaku dalam Tanah Melayu ini, tetapi sedikit benar yang kita dapat dengar kejadian<sup>2</sup> itu di-bawa ka-mahkamah bagi mendapatkan hukoman yang sewajar-nya. Dengan ini terang dan nyata-lah bahawa perkara makan suap bukan-lah satu perkara yang mudah di-chari dengan di-selideki, dan dengan yang demikian maka mustahak-lah di-susun supaya Jabatan Makan Suap ini di-jadikan satu jabatan yang benar<sup>2</sup> dapat menjalankan pekerjaan-nya dengan mempunyai pegawai<sup>2</sup> yang khas, yang di-lantek khas di-hantar ka-luar negeri untuk mendapatkan pelajaran yang tertentu bagi menche-gah hal ehwal makan suap dalam negeri ini.

Kita tidak mahu perkara makan suap ini berjadi<sup>2</sup> dalam negeri ini di-mana kita tidak dapat menche-gah sa-bagaimana pernah berlaku di-beberapa buah negeri lain. Kita mahu kemerdekaan kita di-jaga dengan bersekh, di-kawal dengan baik dan segala pemuda di-negeri ini dapat berjalan dengan sempurna dengan tidak ada gangguan daripada penyakit makan suap dan dengan kerana demikian itu-lah saya minta Menteri yang berkenaan melateh pegawai<sup>2</sup> makan suap ini dengan sempurna, dengan baik supaya mempunyai kecekapan dan kepandaian yang tinggi sa-kali berbanding dengan jabatan<sup>2</sup> yang lain. Dan mereka ini hendak-lah di-asingkan daripada di-pengarohi oleh mana<sup>2</sup> pehak walau pun daripada pehak yang berkenaan bagi menjaga keadaan negeri ini sendiri supaya pegawai<sup>2</sup> ini bebas kalau boleh-nya daripada pusat daripada Kementerian terus kapada perkara yang berlaku—tempat mana yang berlaku itu—supaya segala ikhtiar bagi menche-gah perkara makan suap itu dapat-lah di-jalankan dengan sempurna dan baik.

**Enche' Amaluddin bin Darus:** Tuan Yang di-Pertua, saya bangun untuk menyatakan sokongan yang chukup kuat atas Rang Undang<sup>2</sup> yang di-kemukakan di-hadapan kita ini. Jika tidak salah pada ingatan saya, dalam Dewan ini sudah sa-kali dua pernah saya berchakap atas masa'alah saperti ini, ia-itu masa'alah mengatasi supaya mengketatkan atau menghapuskan segala<sup>2</sup>-nya yang boleh menimbulkan rashuah atau makan suap, sa-kurang<sup>2</sup>-nya usaha<sup>2</sup> ka-arrah menche-gah daripada berlaku atau timbul kemungkinan<sup>2</sup> yang membawa kapada makan suap yang saya yakin dan perchaya bahawa kejadian makan suap jika berlaku di-dalam sa-sabuah negeri itu akhir-nya akan menghilangkan keperchayaan ra'ayat kapada Kerajaan yang memerintah dan akan menimbulkan berbagai<sup>2</sup> kejadian yang akibat-nya akan merosakkan kehidupan ra'ayat di-negara kita sendiri.

Tuan Yang di-Pertua, saya tertarek apa yang telah di-sebutkan oleh Ahli Yang Berhormat yang berchakap sa-belum saya tadi, ia-itu ada-lah menjadi harapan beliau sa-kira-nya Jabatan Makan Suap ini merupakan satu atau sa-buah jabatan yang asing yang mempunyai kuat kuasa dengan sa-bebas<sup>2</sup>-nya dan tidak mesti di-ganggu sa-kali pun oleh pehak<sup>2</sup> yang berkenaan dalam menjaga keamanan. Saya rasa dengan Bill atau Rang Undang<sup>2</sup> ini sudah-lah sampai kapada maksud melaksanakan-nya saperti yang di-maksudkan oleh Yang Berhormat yang berchakap tadi dan apa yang di-bayangkan-nya itu pada pendapat saya memang-lah sangat baik. Saya fikir, hanya ada satu jalan untuk mengatasi perkara ini guna untuk berkhidmat kapada negara untuk menche-gah kejadian<sup>2</sup> yang tidak di-ingini ini ia-itu dengan memberi kuasa kapada sa-buah Surohanjaya Menche-gah Makan Suap yang khas sa-mata<sup>2</sup> untuk menjauhkan kekachauan yang di-timbulkan oleh rashuah dalam negeri ini. Akan tetapi sa-buah Surohanjaya Bebas itu saperti juga Surohanjaya Pilehan Raya, tentu-lah tidak dapat di-buat kerana keadaan itu berkait pula dengan Perlembagaan

di-mana wujud-nya Surohanjaya Bebas bagi Perkhidmatan Awam dan Pilehan Raya itu di-tunjok dalam Perlembagaan dalam senarai yang tertentu di-mana itu ada-lah menjadi kuasa kapada Duli Yang Maha Mulia Yang di-Pertuan Agong, menunjok dan melantek orang<sup>2</sup> yang menjadi Pengerusi-nya. Jadi patut-lah di-timbang-kan pindaan Perlembagaan bagi membolehkan di-tuboh Surohanjaya itu, ini dapat di-bentok sa-bagai satu badan yang bebas, saya fikir akan menguntongkan kapada kita semua dan kebebasan ini tidak boleh di-ganggu oleh sa-siapa. Tidak ada yang lebeh baik untuk perubahan hanya dengan menubuhkan sa-buah Surohanjaya khas yang mana keadaan-nya saperti Surohanjaya yang lain di-tunjok oleh Duli Yang Maha Mulia Yang di-Pertuan Agong dan sharat<sup>2</sup> memberhentikan pun sama juga kaedah-nya saperti Surohanjaya Perkhidmatan Awam dan Pilehan Raya.

Itu ada-lah fikiran saya, yang saya fikir jika bermaksud untuk mendapat hasil yang chemerlang untuk kepentingan negara dan ra'ayat negeri ini. Chara yang saperti ini akan lebeh mendekatkan dengan tujuan menyampaikan maksud<sup>2</sup> kita semua ingin kapada berjalan-nya pentadbiran negeri ini dengan baik dan tidak ada sa-suatu yang boleh menimbulkan rashuah.

Pada am-nya, Tuan Yang di-Pertua, apa yang saya nyatakan ini akan menjadi benda yang baik dan lebeh baik untuk kebaikan kita bersama dan saya berdiri di-sini ada-lah menyokong Rang Undang<sup>2</sup> ini dengan sa-kuat<sup>2</sup>-nya, sa-bagaimana kata perpatah: "Kalau tidak ada rotan, akar pun berguna".

**Enche' Da Abdul Jalil bin Haji Awang:** Tuan Yang di-Pertua, saya juga bangun untuk menyokong Bill ini dan saya berpendapat bahawa sebab<sup>2</sup> timbul-nya makan suap ini ia-lah kerana pegawai<sup>2</sup> dalam satu<sup>2</sup> jabatan itu tidak menunaikan tugas dengan betul, ini bukan-lah saya hendak menuduhkan jabatan<sup>2</sup> yang berkenaan itu menjalankan kerja-nya tidak teratur.



Akan tetapi, kalau-lah kerja<sup>2</sup> di-dalam jabatan itu terator maka tentu-lah tidak timbul masa'alah makan suap ini. Oleh kerana orang<sup>2</sup> ramai memberi makan suap itu ada-lah di-sebabkan satu<sup>2</sup> permohonan atau kehendak<sup>2</sup>-nya tidak dapat di-luluskan atau lambat di-luluskan. Maka bagi mendapatkan kelulusan itu-lah yang mereka sanggup memberi makan suap dengan pegawai<sup>2</sup> itu. Kalau-lah satu peratoran dapat di-buat bahawa segala permohonan<sup>2</sup> itu mesti-lah di-utamakan kepada yang dahulu meminta-nya dan yang kemudian, di-kemudiankan, saya rasa, kalau di-buat peratoran yang demikian, tentu-lah maka makan suap ini akan dapat di-kurangkan.

Tuan Yang di-Pertua, saya mengatakan ini ia-lah daripada pengalaman<sup>2</sup> yang telah kita dapati bahawa satu<sup>2</sup> permohonan itu kadang<sup>2</sup> menunggu sampai bertahun<sup>2</sup> lama-nya maseh belum dapat di-luluskan atau dapat di-layan dengan sempurna. Kadang<sup>2</sup> permohonan baharu itu di-beri pertimbangan sedang permohonan<sup>2</sup> yang terdahulu daripada itu tidak. Pada pendapat saya kalau Kerajaan hendak mengatasi perkara makan suap ini hendak-lah di-adakan pegawai<sup>2</sup> yang bertanggung-jawab dalam hal makan suap ini dalam tiap<sup>2</sup> jabatan untuk menerima pengaduan<sup>2</sup> daripada orang ramai.

**Dato' Dr. Cheah Toon Lok:** Mr. President, Sir, all of us realise that no efficient government can exist where there is corruption.

I find that most of our laws are rather medieval because they do not progress with scientific knowledge. As far as I am aware, in certain sections of this enactment—especially in Section 15 about the admissibility of evidence—it is not stated that medical evidence should be taken into consideration. We know to-day—I think the Minister, who is also a medical man, will agree with me—that the human mind operates on three planes of consciousness: the conscious mind, the sub-conscious mind and the unconscious mind, and every act of ours is automatically registered in the sub-conscious mind

and, therefore, scientists have come forward with apparatus, with drugs, with psychiatric methods to probe this sub-conscious mind and to find the truth of the evidence of an individual. Now, we have scientific machines or the truth machines. We have drugs which are known as truth drugs, and we can use hypnosis to probe into the sub-conscious mind to get the truth. I wonder whether in Malaya, with the formation of a new nation, we will adopt the new methods to probe the truth of evidence given by an accused person. I think it is high time that scientific methods be adopted and may I suggest, if the Minister agrees with me, that medical evidence could be also admitted as evidence in a court of law. Thank you, Sir.

**Enche' Yeoh Kian Teik:** Mr. President, Sir, with reference to the speech made by the Honourable the last speaker, I, as a member of the legal profession, would say that there is sufficient interference with the law by laymen, not to say doctors (*Laughter*) and I hope that the medical profession will keep out of the legal profession.

In regard to the proposed Section 15 of the Bill, under the heading of "Admissibility of statements to police officers", I would like to say that there is a section of the Criminal Procedure Code (Section 113) which protects such statements in respect of offences under the Penal Code, and I feel strongly that this section should not be interfered with; nor should the provision be whittled away by new Acts of Parliament.

Further, Sir, the proposed Section 14, which throws the burden of proof on the accused person, is trying to change the accepted principle of the Penal Code in this country where an accused person is presumed to be innocent—this section throws the proof on him once gratification has been proved. Mr. President, Sir, I feel that we should not try to take away the provisions of the Penal Code or the Criminal Procedure, as they seek to protect the citizens.

Now, in respect of investigations of offences of this nature, again, it is left to the Police, which body I might say is doing a wonderful job of work in this country, but I feel, since there have been allegations in the past against Police officers, that investigations of this sort should be handled by the office of the Public Prosecutor rather than by the Police.

**Raja Rastam Shahrome bin Raja Said Tauphy:** Tuan Yang di-Pertua, saya bangun menyokong dengan sa-penoh-nya di-atas Rang Undang<sup>2</sup> Menchegah Makan Suap ini. Pada pendapat saya jika tidak mendapat sambutan dan kerjasama daripada orang<sup>2</sup> ramai Rang Undang<sup>2</sup> Menchegah Makan Suap ini akan tinggal undang<sup>2</sup> sahaja, ia tidak akan memberi satu fa'edah pun kepada pihak yang berkuasa. Saya berseru kepada orang ramai, "Mari-lah kita bersama<sup>2</sup> dengan pegawai yang menjalankan Undang<sup>2</sup> Menchegah Makan Suap ini."

**Enche' Wan Ahmad bin Wan Daud:** Tuan Yang di-Pertua, pada pendapat saya Rang Undang<sup>2</sup> Menchegah Rashuah ini sangat-lah elok. Dalam perhatian saya makan suap ini ada dua golongan manusia. Yang pertama, golongan yang tidak tahu undang<sup>2</sup>, bila ia makan suap mudah sangat dapat keterangan dan di-bawa ka-hadapan Pengadil dan ia di-hukum. Yang kedua, golongan yang tahu undang<sup>2</sup> seperti Tuan<sup>2</sup> Hakim. Saya fikir dalam 100 ia melakukan makan suap payah sangat hendak tangkap walau pun satu, sebab ia tahu melarikan diri daripada undang<sup>2</sup>.

Saya harap daripada hari ini Dewan kita akan meluluskan undang<sup>2</sup> ini bagi masa hadapan dengan niat kita sakalian dan pegawai<sup>2</sup> pentadbir yang tinggi sa-bagaimana pendapat Yang Berhormat Raja Rastam Shahrome yang mana saya menyokong ia-itu jangan-lah lagi membuat pekerjaan makan suap supaya negeri kita dan penduduk-nya mendapat nama yang tinggi dan bersehh, mulia dan di-hormati oleh negeri<sup>2</sup> lain. Bagi orang<sup>2</sup> yang beriman kepada Allah dan kepada hari kemudian walau berapa juta di-beri

kapada mereka, mereka tidak mahu terima, sebab mereka telah yakin ia-itu kita hidup dalam dunia tiap<sup>2</sup> sa-orang yang akal-nya siuman mahukan nama yang bersehh dan terpuji, yang dalam bahasa Inggeris-nya di-katakan "real gentlemen" mereka tidak mahu kapada jalan yang kotor. Oleh sebab hendak menjaga kehormatan dan maruah banyak di-antara kita yang berlumba<sup>2</sup> membeli motokar yang besar<sup>2</sup>, pakaian yang chantek<sup>2</sup>, menghiaskan rumah-nya dengan elok. Orang<sup>2</sup> yang beriman itu yakin walau pun banyak mendapat wang dengan jalan serong, sa-habis lama mereka boleh hidup dengan baik ia-lah 100 tahun dalam dunia ini, dan di-akhirat kelak kekal di-dalam azab, mereka ini tidak mahu makan suap walau berapa banyak sekalipun.

Orang yang pandai undang<sup>2</sup> jika ada yang telah biasa makan suap walau pun orang tidak boleh tangkap dan di-hukum, saya perchaya daripada tarikh ini pergi ka-hadapan mereka tidak makan suap lagi, kerana macham mana baik orang yang memberi suap itu ia sa-'orang tahu juga perkara keji ini, dan ia pandang kotor seperti binatang dengan sebab mereka tergamak memakan yang kotor. Kemudian mana<sup>2</sup> mereka pergi, pada perasaan hati dan pandangan orang yang memberi suap itu walau pun ia tabek kapada mereka, ia bukan tabek kapada jasad dan roh-nya tetapi ia tabek kapada jawatan mereka.

Oleh itu, saya harap sakalian orang dalam Tanah Melayu, baik yang pandai, mahu pun yang bodoh jauh-lah daripada rashuah. Tiap<sup>2</sup> sa-orang hendak-lah menjaga maruah dan kehormatan diri dengan suchi dan elok, yang mana nama negeri kita akan baik.

**Dato' Dr. Ismail bin Dato' Haji Abdul Rahman:** Tuan Yang di-Pertua, yang pertama saya suka hendak menjawab tegoran yang di-datangkan oleh Yang Berhormat Enche' Amaluddin Darus yang berkehendakkan supaya Pejabat Penchegah Rashuah ini bebas atau menjadi "free body" yang tidak di-bawah perintah sa-siapa. Perkara

yang di-bawa-nya itu sudah di-kaji oleh satu jawatan-kuasa apabila kita hendak menubuhkan Pejabat Menche-gah Rashuah ini, dan telah di-fikirkan ia-itu dengan keadaan yang ada dalam negeri ini tidak-lah mustahak di-adakan satu Pejabat Menche-gah Rashuah yang bebas. Kerana yang pertama kita dapati—dan di-sini saya juga menjawab tegoran Yang Berhormat Enche' Nik Hassan—dalam negeri kita ini sangat bertuah yang mana public service kita tegap dan tahu menjalankan kerja-nya dengan tidak di-pengarohi baik dengan chara rashuah mahu pun kuasa politik. Dalam negeri ini ada satu public service yang bebas (independent) saperti yang kita tahu maruah-nya sangat tinggi. Itu-lah sebab-nya negeri ini berlainan dengan negeri<sup>2</sup> lain yang baharu merdeka tidak ada public service sa-bagaimana yang ada di-hadapan Majlis ini.

Yang kedua, Pejabat Menche-gah Rashwah ini telah berjalan semenjak lepas merdeka, dan berkenaan dengan chara pegawai itu menjalankan kerja-nya sangat-lah memuaskan hati. Kita chuma berkehendakkan supaya di-adakan satu undang<sup>2</sup> yang boleh memberi lebih tegas lagi kepada pegawai itu supaya boleh menjalankan kerja-nya. Itu-lah tujuan Rang Undang<sup>2</sup> yang ada di-hadapan Majlis ini.

Now I come to the observation made by the Honourable Dato' Sheikh Abu Bakar and also mentioned by the Honourable Enche' Yeoh Kian Teik. There is, as is described in this Bill, a definition on page 2 which says, "‘prescribed offence’ means any offence under section so and so of the Penal Code." Now, the main reason for presenting this Bill in this House is that this Bill tries to enact a new law in regard to the admissibility of evidence. Evidently corruption is such a crime that we need a special legislation if we were to meet this sweeping menace and, as I said in my opening speech, the idea behind this Bill is to facilitate the investigation and the prosecution of crimes. Now, it naturally follows that if we can achieve the same object under the

Penal Code, then there is no necessity of bringing that into this House. So, in regard to the observation of the Honourable Dato' Sheikh Abu Bakar, if a crime is charged under this Ordinance, naturally the punishment will come as is provided in this Ordinance.

Sir, I will not try to enter into the controversy between the lawyers and doctors in regard to this Bill, because at the moment I am purely neutral having abandoned medicine for politics for the time being. (*Laughter*). But we do feel that in this country we must strike a balance whereby we try to do away with corruption in this country while at the same time not adopting a method that may be repugnant to democracy, and we feel that with the co-operation of the public and with the passage of this Bill through this House, we are confident that, although we may not totally be able to suppress this corruption—and here I may add that corruption in this country, although there is, it is not to such a large extent as has corrupted the society in other countries—we feel that we must try as far as possible to eliminate the little corruption that exists in this country and we feel that the method we have adopted—if armed with the legislation that we ask this House to pass—will, at least for the moment, be an adequate step towards achieving our objective. Thank you. (*Applause*).

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. President in the Chair)

Clauses 1 and 2—

**Dato' Dr. Cheah Toon Lok:** Mr. President, Sir, I would like to know under what category the "share" comes. When we transfer a share from one person to another, what type of

gift is it? Is it money by way of gift, loan, fee, reward, valuable security or other property or interest in property of any description, whether it is movable or immovable? I ask this because "shares" are not defined under "gratification". I would like to know under what type the "share" comes.

**Dato' Dr. Ismail:** Sir, I would imagine that it would come under (a) where it is stated that "gratification" includes money or any gift, loan, fee, reward, valuable security or other property or interest in property of any description, whether movable or immovable....."

**Dato' Dr. Cheah Toon Lok:** With your permission, Sir, I think that is not enough. Anything that is transferable, we define "money", according to political economy, as, first, something that is valuable as utility. Secondly it must be limited in supply. Thirdly it is transferable. Fourthly it is the material thing. Now it is transferable. But the other three do not suit this category. It is not limited in supply. So it does not come under definition of money.

**The Minister of Finance (Enche' Tan Siew Sin):** Mr. President, Sir, I hate to intervene in this debate (*Laughter*), but I think my Honourable friend Dato' Dr. Cheah Toon Lok is probably allowing his imagination to run rife a little. If we look at the definition, we find the following words: "gratification" includes—(a) money or any gift....." As far as my understanding of the word "includes" goes, it is not exhaustive; and I think the idea of this definition is that it should include the following things. Even if you go on with this very limited definition, I think it is quite appropriate to consider a share as a movable property.

**Dato' Dr. Cheah Toon Lok:** Mr. President, Sir, on a point of clarification, I am not satisfied, because there is a method by which lawyers make their living—on misinterpretation. (*Laughter*).

**Enche' Yeoh Kian Teik:** Sir, since lawyers have been mentioned, I would like to say something in regard to this. First of all, to my mind, the "share" is a valuable security on which you can raise money. Secondly, if my Honourable friend Dato' Cheah will look at (d) of this Clause, it says "any valuable consideration of any type". I think that will be wide enough to cover this "share", if it has any value at all. (*Laughter*).

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

*Clauses 3 to 31 inclusive ordered to stand part of the Bill.*

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

## THE LIFE ASSURANCE BILL

### Second Reading

**Tun Leong Yew Koh:** Mr. President, Sir, I beg to move that a Bill intituled "an Act to make further provision with respect to policies of assurance upon human life and the carrying on of life assurance business" be read a second time.

**Enche' T. H. Tan:** Sir, I beg to second the motion.

**The Minister of Finance (Enche' Tan Siew Sin):** Mr. President, Sir, Honourable Members will recall that in April this year, when introducing the Life Assurance Amendment Act, No. 20 of 1961, I informed the House that the Government intended to introduce comprehensive legislation to ensure the growth of a sound assurance business in the country, and also to provide the maximum of protection to policy holders. The introduction of this legislation had, however, to be deferred as we had not then been successful in recruiting an Insurance Commissioner. I am glad to say that with the co-operation of the Australian Government, the Government has now succeeded in securing the services of an Insurance Commissioner who has already arrived in the country, and is now working on our new insurance

legislation, and I would like to take this opportunity to express our grateful appreciation of the invaluable assistance rendered to us in this respect by that Government. That assistance has certainly been most timely. It is, therefore, hoped that this legislation will be enacted in the not too distant future.

I also informed the House then that the Amendment Act of 1961 introduced earlier in the year was an interim measure. Its purpose was to ensure that assurance companies had a capital of \$1 million before starting business and, therefore, had a sound financial foundation. In this respect the amendment was successful, but it was not directed at ensuring that the companies' business methods were sound. Further legislation, again of an interim character, is now necessary to ensure that sound methods are adopted.

During recent months great concern has been expressed about the activities of some so-called "assurance companies". These companies through advertising in the vernacular press and intensive canvassing have persuaded tens of thousands of uninformed people to take out policies with them. On present indications, many of these people can expect to find ultimately that their policies are valueless. Hence it is urgent and imperative that the public be protected against the nefarious practices of these companies.

These mushroom companies have issued policies at rates of premia that are grossly inadequate. It is fairly certain that in the future they will be unable to meet claims under these policies unless appropriate action is taken, and probably even if it is taken. The Bill, therefore, provides that no company can issue policies or continue to carry on a life assurance business unless its rates of premia have been approved by an actuary.

The life assurance business is a technical one. The formulation of rates of premia is a highly specialised branch of mathematics. The qualified people who make the necessary calculations,

as Honourable Members know, are called actuaries and they receive years of professional training. We can only be sure that premia are adequate if they are certified as such by an actuary. If the premia are inadequate, the ultimate failure of the life assurance company concerned, followed by defaults on claims and hence losses to its policyholders is almost a mathematical certainty.

The Bill also gives relief to the owners of existing policies. If, and only if, the rates of premia can be proved by an actuary to be inadequate, any waiting period provided by the policy will be void and a return of premia can be obtained if it is applied for within six months of the date of commencement of the legislation.

Apart from the fact that existing companies cannot in future issue policies with inadequate premia, a new company will be similarly bound. Further, a new company will not be able to commence business unless the Minister of Finance is satisfied that it will conduct its business in accordance with sound insurance principles.

It is appropriate that I should inform Honourable Members of some of the unsound practices of these mushroom companies. They ask no questions whatsoever about the state of health of the person whose life is to be assured. They charge the same rates of premia irrespective of age. They impose no maximum age limit, and most of the lives assured are old—60 years or more. The premia would be most inadequate even if they were assuring younger and healthy lives. The position is that people are being encouraged at a comparatively small outlay to assure people in the sole expectation of their early death. The policies being issued by these companies are frequently, or perhaps even generally, not for the laudable purpose of family protection. Many people are being encouraged to assure other people, including beggars, without their knowledge and consent, if the person effecting the policy thinks that the life assured will survive the waiting

period, usually nine months, and not much longer.

This is nothing more than gambling, and gambling with the most serious and dangerous implications. It is the kind of gambling which could possibly lead to the murder of completely innocent people in order that profits might be made by one party or the other. Insurance plays a vital and essential role in modern society and is based on the principle that when many people pay a small sum into a common pool, it will be fairly cheap and simple to insure themselves against disaster or loss occurring to a few. As such, it is a social boon of immeasurable value. On the other hand, life assurance as practised by the people against whom this Bill is aimed, is a grave social menace because the object of both the company and the policyholder could be to hasten the deaths of those who are assured—in the one case the death should take place within 9 months of a policy being taken out, and in the other, shortly after. I think, therefore, that every Honourable Member in this House will agree with me that the sooner this evil is wiped out from our midst, the better it will be for all concerned.

The policies being issued by these companies do not contain reasonable non-forfeiture provisions. A typical policy condition is that, however long a policy may have been in force, it shall be void if a premium is outstanding for two months. Further, there is no arrangement whatsoever for paid-up policies and surrender values, both of which are standard features of life assurance policies the world over.

The facts I have put before Honourable Members call for this urgent legislation. I should say, however, that life assurance business in the Federation is generally conducted along sound lines and renders an invaluable service to the community. Well-managed companies will not be affected adversely by this legislation, and the institution of life assurance itself should be strengthened.

**Enche' T. H. Tan:** Mr. President, Sir, after listening to the excellent explanation by the Honourable the Minister of Finance, there remains little for me to add to emphasise the desirability of the Bill. It is sufficient only for me to say that this is a very desirable piece of legislation because it contains provisions which are sufficient, at least for the time being, to curb the scandalous conduct of mushroom insurance companies existing in our country. For this particular reason, I support the Bill and in doing so I would like to commend the Government for having taken action so expeditiously.

**Engku Muhsein bin Abdul Kadir:** Tuan Yang di-Pertua, dalam perkara ini saya ingin menarek perhatian kapada Yang Berhormat ia-itu chara mendapatkan orang<sup>2</sup> memasoki Insurance yang di-jalankan oleh sa-sabuah Kompeni. Daripada apa yang diperhatikan terjadi di-tempat saya, ia-itu negeri Trengganu ada beberapa kejadian berlaku yang sangat merugikan orang kampung. Semangat masuk Insurance sekarang ini, saya nampak, memang sangat di-suka'i oleh banyak orang<sup>2</sup> kampung dan orang nelayan<sup>2</sup>. Tetapi apa yang mendukachitakan ia-lah berkenaan dengan masa'alah Insurance itu orang<sup>2</sup> yang menjalankan kerja<sup>2</sup> mendapat Insurance itu—ia-itu Agent<sup>2</sup>-nya terkadang<sup>2</sup> berlaku kejadian yang mendukachitakan ia-itu Agent<sup>2</sup> yang datang bukan-nya daripada kompeni<sup>2</sup> yang kecil bahkan kompeni<sup>2</sup> yang besar<sup>2</sup>. Mereka pernah pergi ka-kampung<sup>2</sup>, kampung<sup>2</sup> nelayan, kampung<sup>2</sup> menanam padi, yang mendapat bayaran premium untuk 3 bulan atau 6 bulan, dengan hanya meninggalkan sa-keping kertas, kadang<sup>2</sup> bukan recip yang sa-benar-nya. Ada satu Agent pergi ka-kampung itu dapat-lah 10 atau 12 orang yang memasoki Insurance itu kalau 3 bulan dapat-lah dia semua-nya sa-banyak \$500, akan tetapi lepas sa-bulan, dua bulan tidak di-terima apa<sup>2</sup> recip atau recip yang sa-benar-nya. Lepas 3 bulan hilang begitu sahaja. Orang<sup>2</sup> kampung ini pula memang tabi'at-nya tidak suka hendak bising atau report kapada

polis, dan pada sangkaan mereka kalau report ka-Polis tentu-lah akan di-bawa ka-Mahkamah dan menyebabkan kerja<sup>2</sup>-nya terganggu nanti. Jadi, banyak-lah perkara penipuan yang telah di-lakukan oleh Agent<sup>2</sup> itu.

Jadi, Tuan Yang di-Pertua, saya minta-lah kalau ada jalan, mesti-lah sa-sabuah kompeni itu tidak mempunyai Agent sa-barang sahaja, akan tetapi hendak-lah Agent<sup>2</sup> itu beramanah dan orang<sup>2</sup> yang boleh di-perchayai dan tidak-lah mereka melakukan penipuan seperti itu kepada orang<sup>2</sup> kampung.

**Enche' Yeoh Kian Teik:** Mr. President, Sir, I fully support the measures taken by the Government in respect of this matter. However, I would like to refer to Section 6, subsection 3, where a policyholder is entitled, or in the words of that section "he may elect to have the policy cancelled and ask for refund of the premiums paid".

Mr. President, Sir, I am always concerned with legislation which has a retrospective effect. Now, before this Bill came to this House, it was not unlawful for insurance companies and for people to take out policies on terms mutually agreed upon, and as far as the companies are concerned, they have, in fact, insured those people who come under Section 6. Therefore, if you have a law now which has this retrospective effect, it is quite possible for future legislation to make similar provisions and where parties come to an agreement at arm's length, there should, I feel, be no interference with such agreements. I fully agree with the Honourable Minister of Finance that the qualification period should be banned, but I think it is a bit too drastic to have this provision applied to previous agreements.

**Enche' Tan Siew Sin:** Mr. President, Sir, I would like to assure my Honourable friend Engku Muhsein that the Government is aware of what is happening in the kampongs and in the rural areas where the people are perhaps more susceptible to the blandishments of these insurance com-

panies and their agents—hence the reason for this Bill and its rather wide provisions. I think the solution there is really to educate those people not to be taken in so easily and, in fact, I intend in the course of the next few days to ask the Government Information Services to try to do a little of this education or re-education. That I think might probably serve Engku Muhsein's purpose better.

I appreciate the point raised by my Honourable friend Enche' Yeoh Kian Teik that legislation with retrospective provisions can be rather dangerous, and normally I myself would not favour such legislation. I think he will probably agree with me that the position here is rather serious and exceptional and I therefore submit that circumstances of the nature we have to encounter do justify this sort of legislation and in particular sub-clause (3) of Clause 6 of the Bill.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. President *in the Chair*)

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

*Clauses 4 to 6—*

**Enche' Yeoh Kian Teik:** Mr. President, Sir, on a point of clarification. There is no definition of the word "premium" here. If I am not mistaken, most of these insurance companies impose an annual charge and then during the period of qualification impose a monthly toll. I do not know whether it is classified as a premium or whether it is classified as a charge; and under this clause whether this payment made during the qualification period is or is not premium. There is one more point, i.e., whether the insurance companies will be entitled to a proportionate charge for the period



they hold the policyholders under cover, although the premium may not be sufficient?

**Enche' Tan Siew Sin:** Mr. President, Sir, my preliminary reaction is that the annual charge would be regarded as a premium; I think the liability of the company would remain with regard to the second point raised by the Honourable Member.

*Clauses 4 to 6* ordered to stand part of the Bill.

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

#### **THE LOCAL COUNCILS (AMENDMENT) BILL**

##### **Second Reading**

**Tun Leong Yew Koh:** Mr. President, Sir, I beg to move that a Bill intituled "an Act to amend the Local Councils Ordinance, 1952" be read a second time.

**Enche' T. H. Tan:** Sir, I beg to second the motion.

**The Assistant Minister of the Interior (Enche' Mohamed Ismail bin Mohamed Yusof):** Mr. President, Sir, the object of this measure is clearly stated in the Explanatory Statement at the end of the Bill before the House. Honourable Members will recall that at the May sitting of this House, it passed the Local Government Elections (Amendment) Act, 1961 which enables the Election Commission to assume responsibility for the supervision and conduct of elections to Local Councils. The Election Commission has been making all the necessary arrangements for the conduct of elections to Local Councils, and has notified me that it will be in a position to hold such elections in a few months' time—at the most nine months time. There is, therefore, no point in holding further Local Council elections until then.

The object of this measure is to suspend the holding of any further elections under the Local Councils Ordinance, 1952 and to extend the

term of office of existing members until such date as elections are held under the Local Government Elections Act, 1960.

I would like to inform the House that the terms of this Bill have been discussed in the National Council for Local Government and have been agreed to by that Council.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. President *in the Chair*)

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

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

#### **THE LOCAL GOVERNMENT ELECTIONS (AMENDMENT) (No. 2) BILL**

##### **Second Reading**

**Tun Leong Yew Koh:** Mr. President, Sir, I beg to move that a Bill intituled "an Act to amend the Local Government Elections Act, 1960" be read a second time.

**Enche' T. H. Tan:** Sir, I beg to second the motion.

**The Assistant Minister of the Interior (Enche' Mohamed Ismail bin Mohamed Yusof):** Mr. President, Sir, this Bill is very short and straightforward and the objects are clearly stated in the Explanatory Statement at the end of the Bill before the House. The Election Commission recently drew attention to a certain weakness in the Local Government Elections Act, 1960, which, I regret to say, was not noticed when the opportunity was taken to move certain amendments to this same Act in this House in May.



Sir, the Act provides that whenever there is a casual vacancy among the elected Councillors of a local authority it shall, subject to the provisions of this section, be filled within sixty days from the date on which it occurs and an election shall be held or an appointment made accordingly. It was pointed out that as the law stands, the possibility exists that the Commission may not be informed by the Council in time to arrange for the holdings of an election within sixty days of the occurrence of the vacancy, in which event the vacancy could not be filled. It is considered that this weakness in the law must be corrected at once; hence the Bill before the House.

I wish to point out to this House that the terms of this Bill have been discussed in the National Council for Local Governments and have been agreed to by that Council.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. President *in the Chair*)

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

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

## THE EDUCATION BILL

### Second Reading

**Tun Leong Yew Koh:** Mr. President, Sir, I beg to move that a Bill intituled "an Act to amend and consolidate the law relating to education" be read a second time.

**Enche' T. H. Tan:** Sir, I beg to second the motion.

**The Minister of Education (Enche' Abdul Rahman bin Haji Talib):** Mr. President, Sir, as the House is aware, this Bill intituled "an Act to amend

and consolidate the law relating to education" has been agreed to by the Dewan Ra'ayat.

With your permission, Sir, I will now give a short explanation of the main principles of the Bill.

The object of this Bill is to give statutory effect to the report of the Education Review Committee, 1960. That report was approved in principle by resolution of the Dewan Ra'ayat on the 12th of August, 1960.

This Bill, Sir, brings up-to-date and consolidates the law relating to education. The Education Review Committee in 1960 recommended various developments in the education policy which was approved by the Federal Legislative Council in 1956 on the basis of the Razak Report of that year and embodied in the Education Ordinance, 1957.

There are no fundamental changes in education policy. It is, however, desirable to have a new Act as it was found that the developments recommended in 1960, though firmly based on the 1956 Razak policy, would have necessitated amendments to the 1957 Ordinance, which would have been so extensive as to make more amendment of that Ordinance a very untidy business. At the same time, I have taken the opportunity of including in this Bill the law at present contained in the Registration of Teachers Ordinance, 1957—this is in order to have one comprehensive measure containing all the basic law for education.

The new developments, which I have referred to, include the raising of the school leaving age, the suspension of local education authorities, the establishment of post-primary or continuation schools, the discontinuance of partial assistance to non-conforming secondary schools, the reconstitution of the National Joint Council for Teachers as a negotiating body, the establishment of National, State and Local Advisory Boards, the establishment of firmer arrangements for giving instruction in the Islamic religion in assisted schools, the introduction of a

local inspectorate and the consolidation of the place of the national language in our education system.

It was claimed in the other House that this Bill and the policy embodied in it differs in certain respects from the 1956 policy and the 1957 Ordinance.

Sir, it is the contention of the Government that this is not so. My Honourable friend, the Deputy Prime Minister, declared in the other House last week that there were, in fact, no fundamental differences. I have myself stated this on many occasions, and I will not weary the House by substantiating this fact in detail and I can only ask the House to accept my sincere and firm assurance that no fundamental differences are introduced by this Bill into the education policy which the Alliance Government has consistently pursued for the last six years.

The main new development reflected in this Bill are the establishment by Clause 23 of *Sekolah<sup>2</sup> Pelajaran Lanjutan* or Continuation Schools as part of the secondary system and the suspension of Local Education Authorities, under Clause 132 and the establishment of new arrangements for raising a local contribution for education under Clause 105.

The establishment of *Sekolah<sup>2</sup> Pelajaran Lanjutan* is in fulfilment of the Alliance Government's promise, made in the 1959 Election Manifesto to raise the school leaving age. These schools will, in the first instance, provide a two-year course of secondary education with a vocational bias. The Government hopes at a later date to extend this course to three years.

The present Local Education Authorities are dissolved under Clause 132, but provision is made in Part X which will enable such authorities to be re-established when the time is ripe. In the meantime, local contributions for education by way of education rates or otherwise will be raised under Clause 105. The way this arrangement will work is that the Federal Govern-

ment will ask State or Rating authorities or both to raise a specific annual sum for education. They may raise this contribution in any way they think best.

Sir, the basic intention of this Bill, which is stated in the preamble, is to establish an education system which is national in its scope and purpose and based mainly on the national language and which at the same time preserves and sustains the various languages and cultures of our country.

Primary education will be provided free for all in each of our four main languages. This means that nearly all children will get their basic education in the language of a family. They will get this education free so that the children of our main communities will in future all be treated alike.

After the primary stage, education financed from public funds will be mainly through one of the official languages in the schools referred to in Clause 23 of the Bill. This is not new. It has been the Government's policy for the last five years.

Sir, this policy ensures the preservation and use of each of our four main languages in our national education system at the primary stage and then, in the interests of national unity, brings together all children at the secondary level into schools using mainly one of the official languages and all working towards the public examinations held in these languages.

Other languages and cultures can, however, be studied at secondary level in the medium of the language concerned and examinations in these subjects will also be conducted in the language concerned.

This is how the Government reconciles the aspirations of our main cultural groups with the needs of a national policy serving a united nation.

Clause 136 provides that partial assistance to secondary schools shall cease as from the beginning of next year.

The Razak Report did not provide for partial assistance at all but the Education Ordinance, 1957 provided for this as a transitional arrangement during a period when schools could arrange to convert themselves into national-type secondary schools eligible for full assistance.

From January next year, however, all secondary schools will either be fully assisted or private schools.

I have arranged to smooth the transition to full assistance for partially assisted schools by establishing a special salary scheme for established teachers in these schools. Furthermore, as I announced in the other House last week, I am prepared to make special arrangements to deal with under-qualified or overage pupils who may be at present in these partially assisted schools. This will be by allowing a system of private classes on the school premises outside normal school hours so that no present pupil will find himself thrown out of school.

Sir, as indicated in the preamble to this Bill, it is the Government's particular objective to secure the progressive development of an educational system in which the national language is the main medium of instruction. This ultimate objective was declared in the Razak Report in 1956 and included in the Education Ordinance, 1957.

Progress in this direction has already been made. Nearly half of all primary pupils are in fully assisted Malay medium national primary schools, and one of my top priorities is to improve the standards of teaching and accommodation in these schools. Secondary education in the Malay medium is being expanded as rapidly as possible. National Secondary Schools will be established in areas where the output of primary school pupils justifies it. A programme of training teachers for such schools has already been drawn up and is being implemented vigorously. The Lower Certificate of Education is being set in Malay as from last year and as from next year

the Federation of Malaya Certificate of Education will also be set in the national language. The teaching of the national language is compulsory in all schools whether assisted or not throughout the entire school course. The University of Malaya has agreed in principle gradually to introduce Malay as a medium into certain University courses, with the ultimate aim of evolving a bilingual University in Kuala Lumpur. I intend to introduce national language streams into former Government national-type primary schools—I repeat former Government national-type primary schools—and under Clause 21 (2) of this Bill I have powers to direct the conversion of national-type primary schools into national primary schools when I am satisfied that this can suitably be done.

Also, as a direct and potent encouragement to the use and study of the national language, all education in Malay will be free, not only in primary schools, but at all levels of our schools system.

Sir, our national education policy is thus firmly based on the national language. We have now established a system of common syllabuses which have to be followed by all schools and which promote a Malayan outlook and inspire a Malayan loyalty. At the same time, the other main languages and cultures of Malaya are also preserved.

The Government claims, Sir, that this is an education policy necessary for our new nation, a policy that is fair to all, fair to the parents, teachers, taxpayers and pupils and a policy which firmly meets the legitimate aspirations of all true and loyal citizens of the Federation.

It does not satisfy every extreme factional interest. But I claim with confidence, Sir, that it satisfies the majority of our citizens and that it is a policy properly adapted to the needs of our new nation.

**Enche' T. H. Tan:** Mr. President, Sir, this Bill takes us another major step further in the task of consolidating our national language and of creating

a Malayan nation. Assurances were given in the Lower House, and I quote that "as long as the Alliance Government remains in power there will be free primary education for all and free education in Malay medium streams at all levels."

The fear which a certain section of the Chinese community feels, namely, that the Bill will spell the death knell of Chinese education and culture, is, to my mind, entirely groundless. Indeed, the reverse will be the case, since primary education even in Chinese schools will be entirely free. Such primary education will provide the necessary basic Chinese education and there is nothing as far as I am aware in our laws to prevent the Chinese, if they so wish, to pursue higher studies in Chinese. I am convinced that as more and more Chinese educationists move ahead with the times, the opponents to the Bill will diminish in number and even disappear from the scene. I urge the section of the Chinese community concerned to move with the times—either they do so on their own volition or they will find themselves outstripped by time and become misfits in our fast progressing society. I submit that they have a duty in the task of nation building, and I believe that upon further reflection they will not shirk this duty—I am confident that they will not. Sir, I support the Bill before the House.

**Enche' Cheah Seng Khim:** Mr. President, Sir, having heard what the Honourable Minister of Education has said, and also his promises, which are not in this Bill, I would like to give my full support to this Bill.

**Dato' Sheikh Abu Bakar bin Yahya:** Yang Berhormat, Dato' Yang di-Pertua, saya sudah mendengar ucapan daripada Yang Berhormat Menteri Pelajaran dan Ahli<sup>2</sup> Yang Berhormat dalam Dewan ini. Saya mengambil peluang di-sini mengucapkan terima kasih kepada Yang Berhormat Menteri itu dan menyokong Rang Undang<sup>2</sup> yang di-bentangkan dalam Dewan ini. Pada perasaan saya tidak ada perbezaan yang besar di-dalam Rang

Undang<sup>2</sup> Tun Abdul Razak dan Abdul Rahman Talib itu. Tujuan yang besar dan mustahak memang-lah telah berada di-dalam-nya dan termasuk-lah kesemua-nya yang wajib, dan mesti di-jalankan di-atas segala penuntut<sup>2</sup> yang mustautin dalam Persekutuan Tanah Melayu ini daripada sakalian bangsa. Dato' Yang di-Pertua, kita semua telah memberi persetujuan ia-itu bahasa yang tunggal di-dalam Persekutuan ini ia-lah bahasa Melayu. Kita telah berada beberapa lama di-bawah Kerajaan penjajahan dan kita semua menggunakan bahasa yang lain daripada bahasa Kebangsaan ia-itu bahasa Melayu. Tetapi, sekarang sampai-lah masa-nya pula patut kita semua daripada sakalian bangsa yang menduduki dalam negeri ini bertolak ansor dengan dasar Pelajaran khas-nya dan juga dengan segala dasar<sup>2</sup> Kerajaan negeri ini.

Dato' Yang di-Pertua, saya menarohi sa-penoh keperchayaan bahawa Kerajaan tidak hendak membinasakan pelajaran<sup>2</sup> atau bahasa yang lain di-dalam negeri ini. Tetapi mesti-lah pula Kerajaan membuat tiap<sup>2</sup> urusan itu supaya segala pekerjaan yang berkenaan dengan pelajaran itu dapat di-jalankan dengan betul dan teliti; dan mengikut kemahuan dan kemajuan negeri Persekutuan ini. Yang Berhormat Dato' Yang di-Pertua, memang-lah tiap<sup>2</sup> satu urusan itu tidak-lah dapat sa-saorang itu memberi kesukaan atau kepuasan kepada kesemua-nya; seperti yang di-lafazkan oleh Yang Amat Berhormat Tun Abdul Razak dalam Dewan Ra'ayat sedikit masa dahulu; dalam bahasa Inggeris:

"It is difficult to please all in whatever we do, even if it is good".

Dato' Yang di-Pertua, saya telah mendengar ucapan daripada sa-orang ahli Pembangkang dalam Parlimen sedikit hari dahulu yang menyatakan ia-itu ada-lah perjanjian Kerajaan hendak memberi free education bagi Primary School itu semua-nya tidak betul dan telah menggunakan perkataan Inggeris "SHAM". Bahawasa-nya baharu sahaja tidak berapa lama

dahulu, dalam satu mesuarat Pengurus Sekolah Convent di-Johore (Board of Governors) dan saya salah sa-orang daripada ahli-nya; kita telah berunding kerana hendak menjalankan dasar<sup>2</sup> Kerajaan kerana memberi free education kepada Sekolah<sup>2</sup> Rendah (Primary) di-dalam tahun 1962. Dengan ini, Dato' Yang di-Pertua, siapa yang betul atau "SHAM" itu, terpulang-lah kepada Dewan ini memikirkan. Dalam Dewan Ra'ayat juga salah sa-orang daripada Parti Pembangkang telah mengkeritik, beberapa section di-dalam Rang Undang<sup>2</sup> ini, tetapi sa-balek-nya pula tidak ia memberi dasar atau alasan yang lebih baik lagi daripada itu, tetapi kehendak-nya supaya Undang<sup>2</sup> ini di-batalkan sahaja semua sa-kali.

Dato' Yang di-Pertua, ini boleh-lah di-katakan seperti kata perputih orang Melayu: "Sebab marahkan sa-ekor nyamok kelambu habis di-bakar". Ini bukan-lah sifat sa-bagai sa-orang yang sempurna akal-nya. Juga kalau ada section<sup>2</sup> dalam Rang Undang<sup>2</sup> itu tidak sa-suai dengan perjalanan pelajaran dalam Persekutuan ini, boleh-lah di-pindahkan section<sup>2</sup> itu pada masa hadapan kelak, tidak-lah di-tolak Undang<sup>2</sup> itu sama sa-kali. Dato' Yang di-Pertua, maksud saya tadi ia-itu butir<sup>2</sup> yang telah di-lafazkan oleh Yang Berhormat Menteri Pelajaran itu memberi satu keperchayaan ia-itu sudah sampai-lah masa-nya mesti Kerajaan Persekutuan ini menjalankan semua dasar<sup>2</sup>-nya kerana hendak memperbaiki pemerintahan negeri kita ini berkenaan dengan pelajaran. Oleh itu, Dato' Yang di-Pertua, saya menyokong Rang<sup>2</sup> Undang<sup>2</sup> ini, terima kaseh.

**Enche' Abdul Wahab bin Idus:** Dato' Yang di-Pertua, di-samping menjalankan dan memelihara Undang<sup>2</sup> Pelajaran ini, saya rasa Undang<sup>2</sup> ini sudah di-bentok dengan akal dan fikiran yang waras. Jadi, saya berdiri di-sini kerana terperanjat membaca perbahathan<sup>2</sup> yang sudah<sup>2</sup> dan Menteri Pelajaran sudah di-chabar sa-bagai hendak membunuh kebudayaan dan bahasa China. Jadi, ini-lah saya bangun memberikan fikiran saya bahawa Undang<sup>2</sup> ini di-buat dengan akal fikiran

dan pertimbangan; penentang<sup>2</sup> yang seperti itu ada-lah saya katakan mengikut rasa hati. Rasa hati ada-lah lain dengan akal fikiran, sebab itu sudah jadi berlainan dan berlawanan. Nampak-nya Undang<sup>2</sup> ini mengem-bangkan bahasa Kebangsaan menuju perpaduan bangsa. Jadi, kalau ada yang menentang, saya katakan bahawa orang itu sa-bagai pembunuh bangsa, orang<sup>2</sup> yang mengikut perasaan hati itu ada-lah pembunuh kepada perpaduan ra'ayat. Sebab-nya, Undang<sup>2</sup> ini kalau tidak di-terima maka perpaduan itu akan binasa.

Dato' Yang di-Pertua, saya nampak ada satu jalan yang seperti membunuh bahasa, tetapi tidak pernah di-sebut dalam negeri kita ini. Mithal-nya, di-hari ini di-Sekolah<sup>2</sup> China menggunakan bahasa Mandarin, tentu-lah beberapa tahun akan datang bahasa<sup>2</sup> yang biasa di-pertutorkan oleh orang<sup>2</sup> China dalam negeri ini sa-bagai bahasa Hokian, Hailam, Kek dan lain<sup>2</sup> bahasa lagi akan dengan sendiri-nya mati begitu sahaja. Tambahan pula besok sudah semenda-menyemenda hingga ka-anak chuchu-nya nanti bahasa<sup>2</sup> mereka itu akan mati, kalau dia Hailam, tidak hendak berchakap Hailam lagi. Perkara itu memang dengan sendiri-nya akan membunuh, dan ini tidak pernah di-chakapkan dalam negeri kita ini. Kita ramai<sup>2</sup> di-sini hendak-lah menggunakan akal dan fikiran dan jangan-lah mengikut perasaan hati atau mengikut kehendak hati. Kerana akal dan fikiran itu sentiasa ada menggunakan timbang-menimbang, tetapi kehendak hati tidak, ada-lah berlainan sedikit.

Jadi, Dato' Yang di-Pertua, kesimpulan-nya bahawa orang<sup>2</sup> yang mengatakan Undang<sup>2</sup> ini sa-bagai pembunuh bahasa dan kebudayaan, ada-lah juga saya katakan bahawa orang<sup>2</sup> yang menudoh itu mengikut perasaan hati-nya dan mereka ini ada-lah pembunuh kepada perpaduan ra'ayat, ini sudah pun saya terangkan tadi mithalan-nya ia-itu pada beberapa tahun akan datang bahasa<sup>2</sup> lain akan mati dan mereka akan menggunakan bahasa Mandarin.

**Enche' Nik Hassan bin Haji Nik Yahya:** Tuan Yang di-Pertua, di-samping menyokong Rang Undang<sup>2</sup> Pelajaran yang telah di-huraikan oleh Yang Berhormat Menteri Pelajaran, saya rasa perlu juga saya mengambil peluang untuk memberi fikiran dan pandangan saya di-atas Rang Undang<sup>2</sup> ini. Pada masa tahun 1957, ia-itu masa Undang<sup>2</sup> Pelajaran di-susun dengan berdasarkan kepada Penyata Razak, waktu itu saya maseh ingat lagi bagaimana hebat, bagaimana tentangan yang di-keluarkan oleh gulongan<sup>2</sup> yang menentang Dasar Pelajaran pada masa itu. Dan pada masa itu perkara yang telah di-keluarkan tidak ada beza-nya dengan apa yang telah di-keluarkan pada masa ini. Tentangan yang datang ia-lah daripada gulongan guru<sup>2</sup> sekolah China dan gulongan<sup>2</sup> orang China yang mahu menegakkan bahasa China menjadi bahasa rasmi negeri ini. Tetapi pada masa itu Dasar Pelajaran itu telah mendapat sambutan sa-bahagian besar daripada ra'ayat negeri ini yang kaseh kepada Tanah Melayu, dan suka melihat Tanah Melayu yang mempunyai berbagai<sup>2</sup> bangsa menjadi satu negeri yang aman dan baik. Dasar Pelajaran Razak itu telah di-luluskan oleh Majlis Meshuarat Undangan Persekutuan pada masa itu dengan tentangan<sup>2</sup> yang hebat. Dan bagi melaksanakan dasar ini dengan lebeh tegas lagi, maka satu jawatan-kuasa telah di-bentok dan ia-nya telah di-susun oleh Yang Berhormat Enche' Abdul Rahman bagi melaksanakan Penyata Razak itu pada dasar-nya.

Hari ini timbul lagi tentangan kepada Penyata Rahman Talib, dan tentangan ini tidak ada beza-nya dengan tentangan yang di-lakukan dalam tahun 1957 dahulu, chuma chara tentangan itu sahaja yang berbeza. Pada masa mereka menentang Penyata Razak, mereka itu berkata berbagai perkara merupakan tentangan kepada Penyata Razak itu. Maka apabila Penyata Rahman Talib di-kemukakan, mereka menentang dasar ini dan mengatakan berlainan dengan dasar Penyata Razak, pada hal mereka juga yang menentang Penyata Razak

tahun 1957 dahulu. Itu-lah pehak<sup>2</sup> yang mempermainkan Dasar Pelajaran ini bagi memecah-belahkan ra'ayat dalam negeri ini.

Pada saya, Kerajaan kita ini, sangat-lah mustahak mengambil satu tindakan yang tegas bagi mengawal dan menjaga perpaduan ra'ayat. Dasar Pelajaran ada-lah satu perkara nasional, satu perkara kebangsaan yang mesti di-kawal, di-pupok dengan baik. Sa-kira-nya ada pehak<sup>2</sup> yang merosakkan perpaduan ra'ayat dengan menggunakan Dasar Pelajaran ini, maka hendak-lah dengan sa-beberapa segera Kerajaan mengambil tindakan, mengadakan undang<sup>2</sup> yang tertentu bagi menchegeh mereka itu daripada menggunakan Dasar Pelajaran ini menjadi alat bagi memecah-belahkan dan menghuru-harakan Tanah Melayu ini. Kita pernah mendengar apa yang berlaku di-Ceylon, kita pernah mendengar apa yang berlaku di-beberapa buah negeri mengenai perkara pelajaran ini. Dan kita tidak mahu negeri kita ini menjadi satu medan kachau-bilau berkenaan dengan hal pelajaran. Dan dengan kerana itu-lah saya rasa perlu bagi Kerajaan kita mengambil tindakan dengan sa-beberapa yang dapat supaya perkara<sup>2</sup> yang berlaku di-negeri<sup>2</sup> lain itu tidak akan timbul dan berlaku dalam negeri kita ini.

Dalam Dewan Negara ini tidak ada Yang Berhormat Enche' Seenivasagam, jadi Dewan ini sejok dan tidak pernah panas dan hebat, tetapi kalau-lah ada Yang Berhormat Enche' Seenivasagam di-hadapan saya ini, saya rasa perlu juga kita berchakap sa-patah dua apa yang telah di-huraikan dalam Dewan Ra'ayat itu. Tetapi mereka ini tidak ada di-sini, ia tidak boleh menjawab tudohan<sup>2</sup> atau pun memberi jawapan kepada apa yang harus kita katakan dalam Dewan ini. Saya rasa perkataan<sup>2</sup> mereka yang di-keluarkan oleh mereka dalam Dewan Ra'ayat dan juga di-luar boleh membangkitkan perasaan permusohan di-antara kaum<sup>2</sup> dalam negeri ini. Mereka sedar perbuatan mereka itu merbahaya kepada negeri, tetapi mereka sedar bahawa apa yang mereka lakukan itu Kerajaan berlembut

tidak akan melakukan sa-suatu kepada mereka. Itu-lah sebab-nya mereka itu berani mempermainkan api dan itu-lah sebab-nya mereka itu sanggup mempermainkan api yang jadi merbahaya kepada Tanah Melayu, jadi Kerajaan mesti berdiri dengan tegas, menyatakan dengan tegas apa<sup>2</sup> langkah yang harus di-ambil dan sa-patut-nya mengadakan undang<sup>2</sup> dan mengeluarkan perintah bagi menchegeh berlaku-nya sa-barang perkara yang tidak di-ingini itu.

Kalau mereka yang menentang Dasar Pelajaran itu melawat negeri<sup>2</sup> lain, umpama-nya, Siam dan negeri<sup>2</sup> lain dalam dunia ini, mereka sendiri akan sedar betapa Dasar Pelajaran, perkara pelajaran kebangsaan dalam negeri itu telah di-jalankan dengan tegas dan kemas. Umpama-nya, kalau kita pergi ka-Siam, kita dapati bahasa Siam telah menjadi bahasa per-chakapan rasmi dan tulisan-nya juga menjadi tulisan rasmi dalam negeri itu. Sa-orang China yang telah hidup berpuluh tahun di-Bangkok umpama-nya, tidak berani menentang Dasar Pelajaran Siam yang ada dalam negeri itu. Tetapi, mereka yang duduk dalam negeri ini yang telah ma'amor dan baik menerima segala nikmat sanggup menentang apa yang kita lakukan dengan chara bertolak ansor dengan baik serta tidak ada kekerasan. Ini-lah fikiran yang ada pada sa-tengah gulungan yang tidak faham atau sengaja buat tidak faham untuk menguntongkan pihak-nya dalam permainan siasah dalam negeri kita ini.

Oleh itu, saya berseru kepada pihak yang berkuasa mengambil tindakan. Sa-barang Undang<sup>2</sup> Pelajaran itu disusun supaya ada tindakan<sup>2</sup> dan kuat-kuasa bagi Kerajaan menghapuskan sa-barang salah faham, sa-barang kekeliruan dan sa-barang perkara yang akan berbangkit dalam negeri ini mengenai hal pelajaran.

**Dato' Dr. Cheah Toon Lok:** Mr. President, Sir, I wish to thank the Minister of Education for his very thorough explanation of the provisions of the new Education Bill. I have consulted him on many occasions regarding the difficulties of the Chinese

schools, and his advice, actions and decisions have been most fair and his attitude accommodating. I wish here to express my thanks to him in this respect. The other day I happened to be at the debate in the Dewan Ra'ayat where this Bill was discussed at great length and I had a visitor with me. I read in the *Sunday Times* the next day that the Chairman of the MCA was there—by the way I am not the Chairman but I am the President of the MCA—to see that the Members of the MCA toe the party line so that all of them must support the Education Bill against their conscience. Sir, I was not able to refer the Honourable Member who spoke about me to Section 35 (5) of our Parliamentary procedure regarding imputation, imputation of motives which I never entertained at all; because as an Alliance party the decision was already taken at the Alliance pre-Council level, and I believe that even the Prime Minister himself, not to say the President of the MCA, has not the power, after a decision has been taken, to ask the Members to alter the decision of the Alliance pre-Council meeting. So I think that is a very unfair imputation, and I suggest that it is a policy of that party to divide the UMNO and the MCA regarding a very highly explosive and controversial matter.

I wish to say that I support this Bill on many grounds. We are now a new nation in the making. We have only experience of Parliamentary rule of Government within the last four years and in our experience we feel that communal feelings, even religious feelings, should be left out in a country that wants unity and that only unity can come through a process of education, a type of education which should be national in character. I feel that this Bill before the House is national in character although there has been a suggestion by the Opposition Party that Section 21 allows the Minister too much power and that he might, through paragraph 2 of that section, kill the culture and the language of the Chinese. Sir, I do not think that the culture derived by people during its



five thousand years of existence can be killed so quickly, and I do not think you can kill a language. I think many people do not understand that education is the means to an end only; even the terms social justice, social welfare, social security and economic justice, are the means to one particular end, and the particular end is the one, who is the root of human society—man, the individual, not a group, not the Englishman or the Russian or the Malayan or the Chinese or the Indian, but the individual as man only; nor through the Buddhists or through the Muslims or the Christians or the Hindus but as man only; and those means have one ultimate end. That end is a fuller, a richer, a happier and a more adequate life for man and not for a community or a group or a religious body. The defect in the West, if you read philosophy—Western philosophy—is the defect in keeping advancing a group not the man himself, the individual himself, who is after all the root of society, and that defect has caused us to live in fear to-day. America is such a big nation and yet she is living in fear; Russia is such a big nation and yet she is living in fear, not to say Malaya which is such a small nation. Are we also not living in fear? Why? It is because we have come to a stage when we say that that God you must worship is the God of the higher standard of living, because you must have a high standard of living or else you will perish. I think that is wrong. I think that is wrong because unless we go basically into the problem of man himself, then we can come to a stage when there will be peace, prosperity, throughout the world and this education to which we are coming is to bring all our people together so that we can have our national conscience, so that we can develop the Malayan, the man living in Malaya, not the Malay or the Chinese or the Englishman or the Russian, to a fuller, richer, happier life for him, and in that objective we must have some form of education so that the man understands how to live, how to understand, how to exercise his judgment, how to exercise his ability, so that he can fit in with the

society we are creating for him, to fit in with an environment which is conducive to a new civilisation and a new society that we are bringing up in Malaya to-day. I suggest that the extremists in religious bodies, in religious orthodoxies must not stress so much on religion; religion relates to our belief in something through which man has to approach God. I don't think that it is right that the path towards God, which are so many, should be a matter of controversy. After all, you approach God in order to know the way; the Muslim approaches in his own way to God.

**Mr. President:** I think you have gone out of your way. (*Laughter*).

**Dato' Dr. Cheah Toon Lok:** There is a provision on religion in this issue—I am sorry, Sir. I think we should only think of education as something to make man have a happier, larger, fuller life—that the object though material has got spiritual values. Not only have we a material life but we have a spiritual life, because all religions say there is a God, there is paradise and so on. Now unless a man is educated to understand religion, educated to be able to read to understand it, he will be led astray. So we are now giving free primary education to all children in this country and I think the Government is doing a great service to all these children, because at least within the next six years every child who is born in this country will be able to read and write; and I think the Alliance Government should be thanked for keeping its election pledges, (i) to give primary education free of charge to all children, and (ii) to raise the school leaving age from 13 to 15 so that the boy who has left school can have a means of sustenance, to find work not only to support himself but also to support his family.

I know that the opponents of this Bill are afraid of sub-clause (2) of Clause 21 of this Bill, which reads as follows—

“Where at any time the Minister is satisfied that a national-type primary school may suitably be converted into a



national primary school he may by order direct that the school shall become a national primary school."

I think the Minister has given an assurance that in this he would move with caution, on this matter because everybody knows, and he knows it himself, that this is a very explosive section. The Minister has assured us that he knows it and I think we will abide by his words. Thank you, Sir.

**Enche' Da Abdul Jalil:** Tuan Yang di-Pertua, saya bangun untuk menyalurkan undang<sup>2</sup> ini dan saya suka untuk memberi pandangan di atas perkara yang telah berlaku dalam soal pelajaran negeri kita ini. Tuan Yang di-Pertua, sejak berlaku-nya pelajaran Razak dahulu beberapa banyak sekolah<sup>2</sup> telah di-dirikan di-kampung<sup>2</sup>, tetapi sayang sa-kali yang di-dirikan di-kampung<sup>2</sup> itu tidak pula ada mempunyai rumah untuk kediaman guru<sup>2</sup>. Maka ini ada-lah menjadikan satu kesukaran yang besar kepada guru<sup>2</sup> yang mengajar di-kampung<sup>2</sup> itu, kerana keadaan rumah<sup>2</sup> di-kampung<sup>2</sup> tidak-lah begitu terator sa-bagaimana penduduk<sup>2</sup> di-bandar. Maka dengan ketiadaan rumah bagi guru<sup>2</sup> di-kampung yang terpenchil itu ada-lah menjadi satu kesusahan besar kepada guru<sup>2</sup> itu bahkan mereka terpaksa-lah berulang alek berpuluh<sup>2</sup> batu jauh-nya untuk menunaikan kewajipan-nya. Oleh kerana kedudukan-nya terlampau jauh maka mereka tidak dapat menjalankan tugas-nya dengan sempurna, kerana mereka terpaksa-lah mengambil masa yang panjang di-sepanjang jalan itu ia-itu dari tempat tinggal-nya ke-sekolah. Jadi kalau-lah Kerajaan dapat mengadakan rumah<sup>2</sup> guru itu seperti mana yang di-adakan di-bandar<sup>2</sup> tentu-lah kesukaran ini dapat di-atasi dan saya rasa patut-lah Kerajaan mengadakan rumah<sup>2</sup> guru di-kampung<sup>2</sup> yang di-dirikan sekolah<sup>2</sup> oleh Kerajaan, dan ini baharu-lah terjamin keadaan-nya dengan sempurna.

Kita tahu bahawa di-kampung ada sekolah kebangsaan yang bertujuan untuk memberi anak<sup>2</sup> kita pelajaran agar menjadi ra'ayat yang sempurna dalam negeri kita ini, tetapi kalau-lah dengan

keadaan yang demikian itu tentu-lah anak<sup>2</sup> kita itu tidak akan mendapat pelajaran yang sempurna oleh kerana guru<sup>2</sup> yang mendidik itu tidak di-beri rumah<sup>2</sup> untuk melaksanakan tujuan pelajaran ini.

Sekolah Kebangsaan ada-lah menjadi asas kepada tujuan kita dan bahasa Melayu akan di-jadikan bahasa resmi yang tunggal dalam Persekutuan Tanah Melayu pada tahun 1967 tetapi kalau-lah kita abaikan dalam perkara yang di-pandang kechil ini, saya bimbang nanti susah-lah orang<sup>2</sup> kampung itu bagi mendapat pelajaran yang sempurna bagi anak<sup>2</sup>-nya.

**Enche' Abdul Rahman bin Haji Talib:** Tuan Yang di-Pertua, saya ucapkan terima kasih kepada Ahli<sup>2</sup> Dewan ini yang telah menyokong Rang Undang<sup>2</sup> ini dan hanya saya hendak memberi penerangan atas dua tiga pandangan yang telah di-datangkan oleh Ahli<sup>2</sup> Dewan ini. Yang pertama pandangan yang baharu sahaja di-sampaikan oleh Yang Berhormat Enche' Da Abdul Jalil ia-itu berkenaan dengan hal rumah<sup>2</sup> guru yang mengajar di-kampung. Tuan Yang di-Pertua, dalam ucapan saya pada masa membentangkan Rang Undang<sup>2</sup> ini saya telah menyatakan bahawa kemajuan dan juga kejayaan sekolah kebangsaan ada-lah menjadi perkara yang mendapat perhatian saya yang istimewa. Jadi itu ada-lah statement berkenaan dengan dasar yang saya rasa patut di-ambil ingatan oleh Ahli Yang Berhormat itu sendiri.

Dan kira-nya Ahli Yang Berhormat itu memandangkan kepada Rancangan Lima Tahun Yang Kedua maka di-dalam itu kita dapati bahawa peruntukan yang berkenaan kechil<sup>2</sup> ada di-masokkan bagi mengadakan rumah<sup>2</sup> guru yang di-kampung itu. Jadi perkara ini, Tuan Yang di-Pertua, sudah pun di-ambil tindakan sa-belum Ahli Yang Berhormat itu melafadzkan dalam Dewan ini.

Berkenaan dengan yang kedua ia-lah fasal 21 (2) yang ada tersebut di-dalam penggal ini yang menimbulkan sedikit keraguan dan ketakutan. Dalam

uchapan saya tadi telah menyatakan, Tuan Yang di-Pertua, bahawa kelulusan ini ada-lah di-maksudkan kepada Sekolah<sup>2</sup> Rendah yang bangunan-nya di-punyai oleh Kerajaan, dan ini ia-lah bagi melaksanakan para. 56 daripada Penyata Razak. Saya bachakan bagi pengetahuan Majlis ini sendiri:

We recommend that the policy shall be to convert the present Government schools into Standard schools.....

pada masa itu di-gelar Standard schools tetapi pada masa sekarang di-gelar National Language Streams. Jadi tidak-lah maksud Kerajaan hendak memaksa sekolah rendah memakai bahasa China yang bangunan-nya bukan bangunan Kerajaan. Maksud para. ini ia-lah bagi melaksanakan para. 56 Penyata Razak. Barangkali, Tuan Yang di-Pertua, itu-lah dua perkara yang patut saya terangkan.

Question put, and agreed to.

Bill accordingly read a second time.

*Sitting suspended at 12.55 p.m.*

*Sitting resumed at 2.00 p.m.*

(Mr. President in the Chair)

### THE EDUCATION BILL

Bill committed to a Committee of the whole House.

House immediately resolved itself into a Committee on the Bill.

(Mr. President in the Chair)

Bill considered in Committee:

*Clauses 1 to 140 inclusive ordered to stand part of the Bill.*

*Preamble ordered to stand part of the Bill.*

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

## THE UNIVERSITY OF MALAYA BILL

### Second Reading

**Tun Leong Yew Koh:** Mr. President, Sir, I beg to move that a Bill intituled "an Act to provide for the establishment and incorporation of the University of Malaya and for matters connected therewith" be read a second time.

**Enche' T. H. Tan:** Sir, I beg to second the motion.

**Enche' Abdul Rahman bin Haji Talib:** Mr. President, Sir, the object of this Bill which was agreed to by the Dewan Ra'ayat last week, is to give the Kuala Lumpur Division of the University of Malaya the status of an autonomous, separate national University for the Federation to be known as the University of Malaya.

The new Constitution of the University is contained in the Schedule to this Bill. Substantially this Constitution represents a return to the 1949 Constitution of the University of Malaya, the Constitution which was enacted when the University was first founded in Singapore. It replaces the 1958 Constitution which provided for two Divisions of the University.

Sir, the establishment of two Universities has now become necessary, not because of any political divisions between the Federation and Singapore but because the increasing demand for University education both in Singapore and in the Federation is now of such dimensions that the creation of two separate brother Universities has become necessary in the best interests of all.

I have kept in close touch with the Minister of Education in Singapore in order to ensure that there will be an identity of purpose and of organisation between the two new Universities.

The new Constitution has also been discussed in detail and agreed with the University authorities.

The objective of the Government, and of the University authorities, is to build up a truly national University as the apex of our educational system. It is intended, and this principle is fully accepted by the University, to introduce gradually the use of the national language into certain University courses so that eventually a bilingual University will develop, crowning the education system of Persekutuan Tanah Melayu. In such a capacity the University of Malaya can always rely upon the full support of the Federation Government, financially and otherwise, and the Government will be no less jealous than the University itself of the academic standards of our University, their maintenance and their improvement.

The amendments which were made to this Bill in the other House are designed mainly to associate Their Highnesses the Rulers and Their Excellencies the Governors of the States more closely with the University. I am confident, Sir, that all will agree that this is highly desirable in our national University.

I would also invite attention of the House to the proviso to Clause 47 under which, provided they satisfy the entrance requirements laid down by the University itself, the University will not refuse admission to any students who have been awarded Federal or State scholarships.

Under Clause 53 of the Schedule, the Chancellor of the new University of Malaya will be appointed by the Yang di-Pertuan Agong after consultation with the present Chancellor. I am sure that the House will agree that the time has now come for the appointment of a Malayan Chancellor.

In saying this, I am sure the House would wish me to add a word of gratitude to the present Chancellor, the Rt. Hon'ble Mr. Malcolm MacDonald, who has been Chancellor of the University of Malaya since its foundation in 1949. He has himself offered to stand aside in favour of a Malayan Chancellor. This indicates once more

his understanding of the wishes of the people of this country and the sincerity with which he has approached our problem and our aspirations. On behalf of the Government I wish to thank him for his incomparable services to our University.

Sir, so far as I know, there is no controversy over the terms of the University's new Constitution, and this Bill was welcomed by all parties in the Dewan Ra'ayat. This new Constitution confers upon the University a right of managing its own affairs and a degree of autonomy which is proper to its status and dignity as a University.

The Government, Sir, is determined that our own University here in Kuala Lumpur shall be, by the highest standards, a first class teaching and research institution which will stand comparison with the best in the world. A very fine start has already been made in the Pantai Valley and great credit is due to all those who have built up the Kuala Lumpur Division during the last three or four years. There are already faculties of Arts, Science and Engineering. There are flourishing Departments of Agriculture, Economics, Malay and Indian Studies. Departments of Chinese and Islamic Studies are being created. Already there is a wide range of achievement in that beautiful campus. A faculty of Medicine is to be established, beginning, I hope, in 1963.

Sir, I hope that this Bill will find favour in this Honourable Senate. Its intention is to confer autonomy upon the University so as to maintain its position outside party politics and to enable the University, with the help of the Government, which will be readily given, to develop into a citadel of learning and research which will earn the respect not only of Malaysians, but also of the whole world. A fruitful partnership has already been established between the Government and the University in Kuala Lumpur, the results of which are there for all to see in the Pantai Valley. But these are only beginnings and I look forward

to splendid development in the coming years based upon this new Constitution which I commend for the wholehearted approval of this House. (*Applause*).

**Enche' T. H. Tan:** Mr. President, Sir, I support this Bill because it is fitting and proper that the independent Federation of Malaya should have a University of its own. I have no doubt that the Government will exert every effort to make our University a model seat of learning.

The creation of the Department of Chinese Studies is another proof that our Government does not intend to kill Chinese culture.

In entrusting the every day affairs of the University to its Council, I hope the Government would ensure not only that the studies at the University will be carefully planned to produce the right leaders, administrators and professional men and women, but also that the academic and non-academic staffs are properly looked after. I am as much concerned with the welfare of the academic staff as that of the well-being of the non-academic staff who keep the wheels turning. It has come to my knowledge that the representations that have been made so far concerning recruitment, promotions and service conditions, have seldom reached the University Council. Somehow and for some strange reason, these representations by the Non-academic Staff Association appear to have been blocked at some administrative level. May I ask for an assurance these representations by the non-academic staff will be brought to the attention of the Council and that appropriate action will be taken where necessary?

**Dato' E. E. C. Thuraisingham:** Mr. President, Sir, I wish to congratulate the Government and the Honourable Minister of Education for the very early and speedy realization of an ambition that many in this country have had for many years after the war. The establishment of this university, as the Minister has said, would form the apex of a widely based education

policy that has been passed in this Senate this morning.

The Honourable Minister's references to a dear friend, the Right Honourable Mr. Malcolm MacDonald, have been particularly pleasing. He worked very hard from 1949 onwards to maintain the highest integrity and the academic standards in the University of Malaya. He also strove to assist the formation of the Kuala Lumpur Branch, thereby paving the way for an independent University of Malaya which we see to-day.

This is not the whole story of university education in this country. I am sure as time goes by there will be need for another university, possibly in Penang, or any other town of the Federation. As a start, it may well be, as done in other parts of the world, that university colleges would be established linking the university proper and the colleges. But as time goes on it may be that those university colleges themselves so affiliated to the University of Malaya will themselves become universities in this country.

One matter that has always caused me great anxiety in university life has been the encroachment of politics. In the intimate and comprehensive governments that we have all over the world where men's speeches and actions are carefully scrutinised, we have thought that the university, and the university alone, was the place in which discussions on current politics and current affairs were permitted without any restrictions whatever from political leaders. I hope that our university will always remain free to discuss any problem whether political or otherwise without the fear of offending the authorities inside the university or authorities outside the university. I hope that will always be kept in mind—that at least our young men of high education would have a clear place for discussion in the future.

Again, Sir, I wish to congratulate the Honourable Minister for the great and splendid effort of bringing this Bill before the House. (*Applause*).

**Dato' Dr. Cheah Toon Lok:** Mr. President, Sir, I wish to congratulate this Government in bringing into being a new seat of learning and I hope that this will not be the only seat of learning that we will have in this country. As our students pass out from the schools and enter the highest seat of learning I hope they will be taught something more than the technical knowledge that is obtained in the university. It has been said that an Oxford graduate walks as if the world belongs to him and the Cambridge graduate behaves as if the world belongs to nobody. I hope the conduct of our graduates will be such that they will bring a good reputation not only to our highest seat of learning but also to our country, because after all the fame, name and reputation of a university rests upon the doings, activities and leadership of the graduates. (*Applause*).

**Dato' Sheikh Abu Bakar:** Honourable Dato' President, Sir, I wish to congratulate the Honourable Minister of Education for bringing this Bill into this House. I welcome it, Sir, and I am of the opinion that it is already time for the Federation to have its own university on the same lines as our neighbour Singapore's or even better.

I have nothing to comment on the provisions of the Bill itself—it is already complete and adequate. However, Sir, there is one small request which I would respectfully put to the Honourable Minister of Education for his favourable consideration. I have heard him just now saying that there are already in the University Faculties of Science, Art and Engineering whilst Departments of Chinese and Islamic Studies are being created. But he added, if I am not mistaken, "A Faculty of Medicine is to be established, beginning, I hope in 1963". Sir, I would respectfully ask him to omit the words "I hope" from that statement, so that we can have a Faculty of Medicine in 1963. This is my request, Sir. I have addressed this Honourable House at length once before about the Faculty of Medicine and the Minister of Health and Social

Welfare, Dato' Ong Yoke Lin, replied to me then. I am addressing again on the same question and I trust that a Faculty of Medicine will be created definitely in 1963. No doubt, Sir, the question is finance. But no doubt when the Minister asks Parliament to provide for it, as in Section 6 (1) of the Bill, I am sure there will not be one Member in this Honourable House, and also in the Lower House, who will not support such a request to make our university at par with Singapore University.

Lastly, I am strongly against some of the words spoken by some members of the Opposition in the Lower House a few days back. They said that the university students should be allowed to form societies—Socialist Club, Liberal Club, Alliance Club, etc. But, Sir, under regulation 48 of the Constitution, on page 19 of the Bill, it is already stipulated that the students shall be members of the society called the University of Malaya Students Union. Here I believe that the regulations relating to clubs or associations will be incorporated. To allow several clubs to be formed in a university will make the students indulge all their valuable time in clubs instead of on their lessons. The obvious result will be that we shall have more failures than passes. I support the Bill.

**Enche' Cheah Seng Khim:** Mr. President, Sir, I rise to support the Bill and I am particularly happy to hear about the university colleges in Penang. I hope the Honourable Minister of Education will heed the wise words of my Honourable friend Dato' Thuraisingham.

**Enche' Abdul Rahman bin Haji Talib:** Mr. President, Sir, I am grateful for the support given in this House for this Bill. I would like to touch on a point or two of the debates by the Honourable Members.

Firstly, my Honourable friend Enche' T. H. Tan has raised a point about the non-academic staff. I can assure him that I will bring up this complaint

to the proper authorities and I am sure that they will give it due consideration.

Secondly, on the view expressed by the Honourable Dato' Thuraisingham, I can only say that I share the view expressed by him that in future it may be necessary to have more than one university in Malaya. (*Applause*). As I have said in introducing this Bill, at the moment we have to concentrate in developing this new-born national university of ours.

There was one other point raised by the Honourable Dato' Sheikh Abu Bakar about the setting up of the faculty of medicine. Arrangements have been made to set up this faculty, but I cannot give him a definite assurance because the setting up of a faculty of this nature involves a lot of preparations. First and foremost is to find the staff and at the present time it is not easy to find the academic staff which we need. However, the matter is in the hands of the appropriate authority and I am sure that this faculty will be set up as contemplated by the Government.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. President *in the Chair*)

*Clauses 1 to 12* inclusive ordered to stand part of the Bill.

*Schedule* ordered to stand part of the Bill.

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

## THE CONSOLIDATED FUND (EXPENDITURE ON ACCOUNT) BILL

### Second Reading

**Tun Leong Yew Koh:** Mr. President, Sir, I beg to move that a Bill intituled "an Act to apply a sum out of the

Consolidated Fund to the service of the year ending on the thirty-first day of December, 1962" be read a second time.

**Enche' T. H. Tan:** Sir, I beg to second the motion.

**The Minister of Finance (Enche' Tan Siew Sin):** Mr. President, Sir, as it is uncertain whether it would be practicable to pass the Supply Bill authorising expenditure for the year ending 31st December, 1962 before the end of 1961 owing to the possibility that the dates for the next meeting of the Dewan Ra'ayat might be altered, it is necessary to make provision for Government expenditure from 1st January, 1962 until such date as the Supply Bill for 1962 is passed by Parliament.

The Consolidated Fund (Expenditure on Account) Bill, 1961, therefore provides for the issue from the Consolidated Fund of a sum of \$121 million which is calculated to provide for the service of the Government for about two months, as it is anticipated that the Supply Act will have become law not later than the end of February, 1962.

This procedure is similar to that adopted last year except that the present Bill includes a schedule setting out how the sum of \$121 million shall be applied between the various Heads of Expenditure.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

(Mr. President *in the Chair*)

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

*Schedule* ordered to stand part of the Bill.

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

## THE CORPORATIONS DUTY ORDINANCE (REPEAL) BILL

### Second Reading

**Tun Leong Yew Koh:** Mr. President, Sir, I beg to move that a Bill intituled "an Act to repeal the Corporations Duty Ordinance of the Straits Settlements" be read a second time.

**Enche' T. H. Tan:** Sir, I beg to second the motion.

**Enche' Tan Siew Sin:** Mr. President, Sir, the purpose of this Bill is to repeal the Corporations Duty Ordinance, Cap. 229 of the Laws of the former Straits Settlements. This Ordinance levies annually in respect of movable and immovable property which belongs to or is vested in any body corporate or incorporate, a duty at the rate of 3 per cent of the income or profits after allowing for certain permissible deductions in the management of such property. This Ordinance is applicable only to the States of Penang and Malacca and not to the rest of the Federation.

The administration of this Ordinance before the war is somewhat shrouded in obscurity but from information which it has been possible to collect, it would appear that the duty collected under the Ordinance was not substantial. In the case of Malacca, the amount collected was stated to be not more than \$100 per annum. No duty has been collected under this Ordinance since the war, presumably because this type of duty is now covered by the Income Tax Ordinance, 1947. The effectiveness of the Ordinance has, therefore, been allowed to lapse and since it is now redundant, it is considered that it should be repealed. The States of Penang and Malacca have been consulted and both Governments are agreeable to the proposal.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. President *in the Chair*)

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

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

## THE RUBBER EXPORT DUTY (PENANG) BILL

### Second Reading

**Tun Leong Yew Koh:** Mr. President, Sir, I beg to move that a Bill intituled "an Act to provide for the payment of export duty on rubber exported from Penang, and matters connected therewith" be read a second time.

**Enche' T. H. Tan:** Sir, I beg to second the motion.

**Enche' Tan Siew Sin:** Mr. President, Sir, the Bill now before the House is not only short but a straightforward one. Its provisions will enable export duty to be levied on rubber produced in and exported from Penang Island as from 1st January, 1962. Consequently, as from that date export duty will replace the present excise duty on estate rubber and the annual tree tax on smallholder rubber which are payable under Sections 3 (1) and 4 (1) respectively of the Rubber Excise (Penang) Ordinance, 1949.

The annual tax has become a source of increasing embarrassment and irritation to the rubber smallholders on the Island for a variety of reasons. In the first place, their rubber trees are generally old and therefore low-yielding. This is not all, they become less and less productive as time goes on. Secondly, the annual tax is fixed at so much, i.e., so many cents per tappable rubber tree and is payable on an arbitrarily determined average number of trees to the acre. In view of this, the tax is payable irrespective of whether the rubber is being tapped or not.



Thirdly, the quantum of tax is based on the average price ruling during the year two years prior to the year in which it is applicable. For example, the tax for 1961 would be based on the average ruling price for the year 1959, for the simple reason that this levy would have to be determined some time in 1960, and hence it would not be possible to base it on the year previous to that in which it would be applicable. The effect of this system could be that a smallholder would have to pay a higher rate of duty than his counterparts on the mainland because his levy, payable in a lean year, would be based on a price level prevailing during a boom year, and *vice versa*. This incidence is further aggravated by the fact that this tax is payable in one lump sum, unlike export duty which is deducted from the proceeds of rubber as it is sold, though I should also add that it is usual to allow such payments to be made in instalments. Be that as it may, it will be seen that this is a rigid formula which has all the disadvantages inevitably associated with rigidity.

No formula, however cleverly devised, can possibly take into full account the wide variations in yield occurring as between one holding and another, particularly between those which are planted solely with high-yielding material on the one hand and those containing derelict rubber on the other. In the circumstances, all that can be done is to devise a formula which would yield in tax an amount approximately equivalent to that obtainable from a holding of average yield. Such a formula must necessarily bear hardly on those which are below average while discriminating in favour of those which are above it.

On the other hand, the imposition of export duty will not only lighten the burden to which I have referred, by paying export duty and contributing to the replanting cess the smallholders will be entitled to participate in the various replanting schemes which have been specially designed to assist their

brethren on the mainland to replant their obsolescent holdings. At present only a limited acreage is being replanted on Penang Island, if at all. It is in their interest, therefore, that they should start replanting their holdings before it is too late.

I am aware that the rubber trade on the Island does not welcome this proposed arrangement, and perhaps this is putting it rather mildly. They oppose it on the ground that any changes of this nature would disrupt its entrepot trade. While I agree that importers of rubber who do so with the intention of re-exporting it, would be subject to a certain measure of Customs control, the Government is prepared to do everything possible to ensure that such control is limited to the minimum necessary to ensure the effective implementation of this Order, and I am satisfied, after giving the matter considerable thought, that the entreport trade in rubber will not suffer as a result of this new system.

Out of about 32,000 tons imported into Penang Island every year—in this connection, I have taken the average for the last three completed years—7,500 tons are remilled and turned into crepe and sheet rubber. In other words, the real entreport trade amounts to only 24,500 tons a year. On the other hand, a total of approximately 22,000 tons is imported into the Principal Customs Area every year and the importers of such rubber have apparently found it profitable to turn such rubber into crepe in spite of an import duty of \$20 a ton. I, therefore, see no reason why this section of the trade should suffer at all, because provision will be made in the appropriate Customs Regulations and Customs Duties Order to exempt rubber imported into Penang Island if such rubber is to be subsequently re-exported.

Question put, and agreed to.

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



House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. Speaker in the Chair)

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

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

## MOTION

### MALAYSIA

**Tun Leong Yew Koh:** Mr. President, Sir, I beg to move—

That this House agreeing in principle with the concept of Malaysia comprising the eleven States of the Federation, the States of Singapore and Brunei and the territories of North Borneo and Sarawak, endorses the Government's initiative in taking action for its realisation, the progress of which will be reported to the House by the Honourable the Prime Minister from time to time.

Sir, I am sure the proposal to create this new confederation will be welcomed by all sides of this House. Above all, it is particularly gratifying to read in the Press that the British Prime Minister himself seems so attracted to this proposal.

I have little doubt in my own mind that this "super-merger", if I may call it that, will work. Between the Federation and Singapore, Brunei, Sarawak and North Borneo there are a number of very strong links—links which are natural, and links which have been artificially created. The natural link is, of course, the link of race—whatever may be their religion, the sons of the soil in this part are of a common stock and, to a very large extent, of a common language. The original Malaysian stock has had added to it other stocks from different parts of Asia, each bringing with it its own cultures, its own skills and its own aptitudes. We in the Federation have shown that different races can live perfectly harmoniously together despite occasional but diminishing friction. I am sure that the same will apply in the greater confederation of the future.

That is the natural link. The artificial link, which is a very real one just the same, was imposed on us by our erstwhile colonial masters, and I think we must be at least grateful to them for that. Our system of administration is very similar indeed and follows perhaps the best pattern which has been evolved in the world—I refer to the dignity and freedom of the individual which is inherent in the Common Law which grew in England. Few people realise it, but the English Common Law is the basis on which about 800 million people in the world govern themselves in a spirit of liberty. And so, when we merge, we shall not be strangers with a totally different way of thinking—we already think alike. We have the same ingrained sense of the rule of law, the independence of the judiciary, the blessings of parliamentary government. We also have a civil service which is both honest and loyal. All these things we have in common. I doubt very much whether the peoples in the formerly and presently British-governed territories in this area have ever had, in their long history, so much in common. For that reason, our super-merger cannot fail to succeed.

In this age when international communism threatens the liberty of billions of people, no nation can afford to stand on its own. We here, Singapore and the Borneo Territories are far too small to go our own separate ways. I do not think that even a greater Malaysia could afford to stand militarily on its own. But if we do merge, we stand a much better chance of improving our economy by mutual co-operation and by the pooling of our resources. It is only by improving the standard of living of the poor in the kampongs and in the towns that we can counter the seductive blandishments of communism. To do this, we shall all have to make sacrifices. The Federation of Malaya has gigantic natural resources and for that reason we must be prepared to give, and give freely, to our associates who are not at present in our happy position. I have said this advisedly in case there

are any people who think the Federation is sponsoring a new regime to feather its own nest. That is not the case. At the same time, we are not entirely altruistic—merge we must, otherwise the Communists will pick us off, one by one, like plump rabbits. I can assure Honourable Members that there is no altruism in communism. In this country, we have always had personal freedom under colonial rule: not five years ago, we secured our political freedom as well. Whatever happens, the Borneo territories will soon get their political freedom too. But I suggest that, unless we combine our forces of construction, we may all lose our personal freedom and become sacrifices on the altar of that spurious political freedom which is the deceitful hallmark of communism.

Our good wishes and prayers will accompany our Prime Minister when he goes to London. He will meet old friends there who have a high regard for his moderation and honesty of purpose. I recollect that, during the talks on our own Merdeka, a British official in London stated that independence would be given to Malaya "on a golden plate", and so it was. I myself have no doubt but that this same golden plate will be taken out of storage on this occasion as well. (*Applause*).

**Enche' T. H. Tan:** Mr. President, Sir, in rising to second the motion before the House, I feel that every citizen of Malaya will agree in principle with the concept of the Federation of Malaysia which will unite the Federation of Malaya with the Borneo territories of Sarawak, Brunei, North Borneo.

The idea of such a federation is not new. I recall having first heard of it in 1954, when Tunku Abdul Rahman, Tun Abdul Razak and I were in London to persuade the British Government to give us an elected majority after the first elections in 1955. At that time the Federation of Malaysia would have been premature. Our own country was then only self-governing. Nevertheless, the idea of a Federation

of Malaysia with Singapore and the Borneo territories gained unofficial support from a large number of Members of the British Parliament. However, being ourselves then pre-occupied with our own struggle for constitutional progress aiming at full independence, we did not pursue the idea of the Federation of Malaysia; but the time has now come, Sir, for Malaya to help the areas still under British colonial rule in our immediate vicinity, namely the Borneo territories of Sarawak, Brunei and North Borneo to get independence through the process of forming the Federation of Malaysia. In view of the British policy of aiding colonial territories to attain independence, this process should be comparatively simple especially so as the early misgivings felt in the Borneo territories have now given place to confidence in and even enthusiasm for the Federation of Malaysia plan. There is every reason to believe that the Federation of Malaysia will enjoy political stability and economic development such as prevailing in our own country to-day.

Groups of public leaders from the Borneo territories who have visited Malaya have expressed admiration for her political stability, racial harmony and economic progress. Well they can have all these by the simple process of joining the Federation of Malaysia.

I am sure this House will endorse our Prime Minister's assurance that under the Federation of Malaysia plan, Malaya will help the Borneo territories to gain independence. The suggestion made elsewhere that under the plan we would colonise the Borneo territories is both irresponsible and unrealistic. It is irresponsible because it is obviously designed to frighten the peoples of the Borneo territories. It is unrealistic because Malaya could not colonise the Borneo territories even if she wanted to—the existing colonial power would see to that.

Mr. President, Sir, it is not difficult to picture the big arc of territories stretching from Perlis through Malaya, Sarawak, Brunei to North Borneo.

This federation of autonomous States can exert a stabilising influence in this part of the globe and make a most useful contribution to world peace. Perhaps the Federation of Malaysia, governed by a central Parliament, may well turn out to be one of the healthiest democracies in the world.

Before I leave this subject, I would like also to refer to the suggestion that the Federation of Malaysia should include Indonesia and the Philippines. This is an unworthy suggestion, for which there is not even an iota of support from the two countries concerned. The suggestion came from politicians whose best efforts lie in the realm of fantasy.

Now, Sir, I turn to the proposed merger of the State of Singapore into the Federation. Here, again, I dare say without fear of contradiction that merger is the popular desire of the peoples of Malaya and Singapore. Merger is desirable in principle—indeed it is even inevitable. However, there are fundamental problems to solve. Some of them are citizenship, educational policy, labour policy, the British bases and last, but not least, the communists. We should not allow these problems to frighten us. We should face the challenge squarely, and I am sure this House will want to give its unconditional support to the gallant efforts to Tunku Abdul Rahman to go to the aid of Prime Minister Lee Kuan Yew, whose hasty, though perhaps unavoidable, choice between communism and colonialism has brought about grave difficulties in Singapore to-day. Tunku Abdul Rahman's experience of handling communists would be of great value to Premier Lee Kuan Yew, and I am sure that with goodwill the two Premiers and the British Government can devise a working arrangement under which the merger of the State of Singapore into the Federation will be possible.

Sir, I make bold to offer a few thoughts on the problems that must be solved before the merger can be accomplished.

The people of the Federation cherish their citizenship and will want to be assured that the merger would not reduce its status.

They will also want to be assured that everything will be done to prevent misuse of Federation passports by Singapore citizens.

We here in the Federation are uncompromising in our determination to create a Malayan nation through education. We wonder whether the present Singapore Government's policy on education can contribute towards this end.

On the subject of British bases, we in the Federation are adamant that there must not be any bases here which by their nature will lay our country open to attack.

With regard to labour, my own view is that the present Singapore policy must be revamped so that capital can re-gain confidence.

On the subject of communists, I only need to give a reminder that in the Federation we have found that communists and nationalists cannot co-exist.

Mr. President, Sir, I hope this House will debate fully the proposal to create a Federation of Malaysia and the merger of Singapore into the Federation of Malaya. I am confident that after the debate, this House will come to the only conclusion possible, namely, that this Senate fully approves in principle the Federation of Malaysia and the merger, and gives its unqualified support to our Prime Minister for his forthcoming talks in London. *(Applause)*.

**Dato' E. E. C. Thuraisingham:** Mr. President, Sir, Malaysia is a conception of great glamour. I think that this is an event which is unique and unheard of in the history of this region. Malaysia has created a great psychological revolution in the minds of the people in these territories and some see in this proposal a glorious era in the

future; and some are perturbed that many difficulties and complicated matters may take such shape which might not be acceptable hereafter. However, all are in favour of a merger and welcome the national evolution of the people of this area who desire to have peace, security and prosperity in their territories. We have read and heard many speeches by leaders in these territories. I regret to say that though almost all welcome the merger, there has been no definite plan, or proposal, given by these leaders. For instance, some leaders in Singapore in no uncertain terms condemn their compatriots as subversives and revolutionists. They tell you that they have a lot of bad boys in Singapore and yet in the same breath they invite you to merge with them and that then everything will be fine and happy thereafter—not a word about the tens of thousands of decent people that live in Singapore.

Sir, we know how the Chinese in Singapore have led the people of Singapore and Malaya in culture, in industries, in banking and commerce. The heritage of men like Sir Song Ong Siang, Dr. Lim Boon Keng and Sir Cheng Lock Tan, still lives in Singapore. Let us not forget, while we hear such violent attacks on a few Singaporeans, that there are many in Singapore—men of great culture and integrity who would do their best to make this conception of Malaysia a success.

I know that a Working Party is working out details and will report to us soon; but in a matter like this, of large territories, of many peoples, involving the future of many generations, there should be a central committee composed of all political parties, politicians, men representing professions, trade and banking, who should all be in this committee to discuss this very complicated and very important matter. The money spent on this large Committee would be well spent and would create the goodwill that is very necessary. In the realisation of Malaysia the Honourable the Prime

Minister, some time ago, said that he expected to realise Malaysia in ten years, but now this idea is gaining momentum and the Prime Minister is going to London for consultations.

The question of military and naval bases will be one of the matters that would be discussed. I have no hesitation in saying that the Commonwealth bases in Malaya have created a sense of security and given great prestige to this area. I think the withdrawal of bases from Malaya will be a great economic and psychological calamity. I hope when the Prime Minister is in London, he will find a happy solution to this very important and vital question of bases. Malaysia which is conceived on the foundation of mutual security and on true democratic principles will never fail. It will grow in stature and will be a regional united nations organisation. In this context I wish to quote the famous dictum of Saint Augustine: "In veritate unitas, in dubie libertas, in omnibus charitas"—liberally translated it will be, "In essentials unity, in non-essentials liberty, in all things goodwill." This dictum of Saint Augustine was quoted many years ago by Sir Cecil Clementi when he spoke on the future government of the Malay States. This dictum has brought to the Federation of Malaya a stable central Government, freedom to the individual and a nation dedicated to tolerance and loyalty. It will not be out of place to suggest that the Federation of Malaysia may well be founded on this dictum: "Unity in fundamental matters, liberty in the ways of life of the individual and above all goodwill in all matters." The motto of the Federation of Malaysia may be, "Unity, Liberty and Goodwill." (Applause).

**Dato' Dr. Cheah Toon Lok:** Mr. President, Sir, I rise to support in principle the concept of Greater Malaysia, in other words, a Federation of Pan-Malayan States, because these territories are related in many ways to us. The conception of bringing these territories together, which have ethnic,

cultural, economic and social affinities with us, in an historic conception. We, who have just been granted freedom to rule ourselves have created such a desire in the hearts of others who have not been granted that freedom and with our experience in government will be a great help to those territories and to those people who are also our brothers. But I hope that we shall not forget the great help we have had from what many called our colonial masters. We have been their pupils; they have taught us many things—the love of freedom, the love of liberty, the rule of law and so on—and with our knowledge we shall also help those who are now under colonial tutelage, because our conception is only a means to an end, the means of bringing a happier, a larger, a greater life to the people of those regions. We must not forget that we are not the only people who have got to be protected from predatory countries. We must have our protection too; those people who have invested their great wealth in those territories also might desire to protect their investments, and I wish to support Dato' Thuraisingham that consideration should be given to those people who want to defend the right of investment in those territories and we must go hand in hand with others who are our friends to prevent our predatory enemies from seizing those territories which are coming to merge with us.

The question of Singapore is a question of power, and as my learned friend Dato' Thuraisingham has said, there are people there of great culture possessing great traditions, of immense knowledge in banking and commerce who will be of great help also to us, and I hope that one historic day the merger will succeed and for the territories of Borneo, Brunei and Sarawak their liberties will be granted, as our Tun Leong Yew Koh has said, on a golden plate.

**Enche' Da Abdul Jalil bin Haji Awang:** Tuan Yang di-Pertua, masa-lah Gabongan Melayu Raya ada-lah satu soal yang besar. Tuan Yang di-Pertua, dalam ranchangan Melayu

Raya yang di-ranchangkan oleh Yang Berhormat Perdana Menteri kita, saya nampak ada-lah berdasarkan kepada "Artificial Division" yang di-buat oleh pehak penjajah. Kalau-lah keterangan daripada Leader Dewan ini menyatakan bahawa perhubungan rumpun bangsa, perhubungan kebudayaan dan lain<sup>2</sup>-nya itu di-jadikan asas bagi pergabongan antara Malaya, Singapura, Sarawak dan kawasan<sup>2</sup> Borneo Utara, maka nyata-lah bahawa asas alasan itu tentu-lah Melayu Raya itu lebeh besar dan lebeh luas kawasan-nya.

Tuan Yang di-Pertua, kita mengetahui bahawa di-masa ini kita telah pun mengadakan satu jawatan-kuasa untuk menyatukan ejaan antara Malaya dengan Indonesia dan juga ada perhubungan dalam kebudayaan. Ini bererti bahawa perhubungan kita dengan Indonesia itu ada-lah rapat sa-kali dan mungkin besar dalam ranchangan mendirikan sa-buah Melayu Raya bahawa kalau-lah Melayu Raya yang di-chadangkan ini termasuk juga kawasan kepulauan Melayu maka itu ada-lah lebeh baik lagi. Tuan Yang di-Pertua, nama kawasan itu sendiri membuktikan asal-nya Melayu—Gugusan ke-Pulauan Melayu. Jadi apa-kah erti-nya nama Gugusan ke-Pulauan Melayu itu kalau ia terpisah daripada kita?

Tuan Yang di-Pertua, kita berjuang untuk menjadikan satu bangsa yang besar, satu bangsa yang kuat. Maka ada-kah dengan ranchangan Melayu Raya yang di-chadangkan oleh Yang Berhormat Perdana Menteri itu maka kita telah menjadi satu bangsa yang besar? Sedang penduduk-nya sedikit sa-kali. Tetapi kalau-lah betul<sup>2</sup> kita mahu menjadi satu bangsa yang besar di-Tenggara Asia maka mesti-lah kawasan<sup>2</sup> yang meliputi Gugusan ke-Pulauan Melayu itu di-chantumkan dalam chadangan Melayu Raya yang kita kehendaki itu baharu-lah erti-nya kita menjadi satu bangsa yang besar dalam Tenggara Asia ini.

**Engku Muhsein bin Abdul Kadir:** Tuan Yang di-Pertua, pepatah Melayu ada berkata, "Berjalan dahulu baharu berlari atau pun dudok dahulu baharu

berlunjur". Maka begitu-lah juga saya merasa dalam perkara Melayu Raya ini mustahak-lah sangat kita berdasarkan rancangan ini dari sa-tangga ka-satangga dan berdasarkan pada keadaan<sup>2</sup> yang ada terjadi pada hari ini. Dan oleh kerana itu-lah walau pun pada masa dahulu rumpun Melayu itu terdiri daripada, bukan sahaja negeri<sup>2</sup> yang di-ranchangkan ini, tetapi Indonesia dan Philippines, tetapi keadaan<sup>2</sup> itu ada-lah berubah dari masa ka-masa sama ada oleh penjajahan atau pun oleh sebab yang tertentu menyebabkan keadaan itu tidak boleh kembali. Saya percaya dengan keadaan<sup>2</sup> yang ada pada hari ini di-mana perubahan kebudayaan, pentadbiran, iktisad dan juga chara mata-wang-nya, maka rancangan mengadakan satu perchantuman antara sa-buah kawasan yang sama dalam perkara<sup>2</sup> ini ada-lah satu chara yang lebih menasabah, realistic, dan perektk daripada berangan<sup>2</sup> "Sa-bagai Mat Jenin" yang mengharapakan mendapat satu benda dari kayangan. Saya rasa tujuan kita hendak menchipta Melayu Raya yang terdiri daripada 11 buah negeri termasuk Singapura, Brunai, Borneo Utara dan Sarawak ada-lah satu chita<sup>2</sup>, satu tujuan yang chukup berdasarkan kapada keadaan yang ada pada hari ini, dan bukan-lah satu chita<sup>2</sup> yang hanya dengan chita<sup>2</sup> sahaja yang hanya chakap sahaja tetapi tidak dapat di-laksanakan. Apa-lah guna-nya kita memakai dasar hidong ta' manchong, pipi tersorong<sup>2</sup>, kerana saya tidak pernah mendengar pada masa ini, mithal-nya, ada orang dari Indonesia atau Philippines hendak berchantum dengan kita, maka apa sebab kita ini saperti anak dara ta' laku mengharapakan pinangan daripada orang.

Memadai-lah dahulu dengan keadaan kita pada hari ini selesaikan di-antara kita sa-sama kita, kerana dengan bertambah-nya beberapa buah negeri itu banyak kerja yang kita hendak buat dan banyak perkara yang hendak di-selesaikan. Dengan chara itu, saya rasa, mari-lah kita fikir dan membinchangkan sa-suatu perkara yang kita boleh buat, bukan chara angan<sup>2</sup>.

**Dato' Sheikh Abu Bakar:** Mr. President, Sir, I rise here to support the motion as proposed by the Honourable the Minister of Justice just now. After having heard all the explanations and speeches given by the Honourable Members of this House, I have a feeling that this Motion when it materialises would certainly be a step further in regard to our independence which was obtained about four years ago. At the present moment we all know that all the States to be comprised in Malaysia pursue their affairs separately and according to their whims and fancies. But with the birth of Malaysia these inconsistencies and differences between us all will certainly and gradually disappear and that the time will come when we shall have a Malaysia so strongly united and concrete that no outside interference will dare to intervene in our private and domestic affairs, or anyone to attempt to infiltrate its doubtful elements into our Malaysia.

Sir, I support the idea of the Honourable Dato' Thuraisingham, when he stated just now that it would be wrong for the Singapore base to be withdrawn. The world now, Sir, is living on its edge, if I may say so, and a serious explosion might occur at any moment and anywhere. For instance, Sir, let us consider the issues on Laos, the Congo and also many other countries—all these places might explode at any moment and mankind will go against one another in mutual destruction. Sir, I take it that in order to prevent such happenings as this our Prime Minister Y.T.M. Tunku Abdul Rahman conceived the idea of Malaysia comprising the Bornean States and also Singapore. We all see that support came from all places and from their important people and the leaders of the people there. From Singapore we have the personality of Prime Minister Lee Kuan Yew, from Borneo we have one Donald Stephens, and from Sarawak we have Mr. Ong Kee Hui and Dato' Mustapha bin Harun. All these people know what they are talking about with regard to the affairs in their countries.

However, Sir, with your permission, what happened when the resolution came to the Lower House some days ago? Some of the Opposition Members started to voice their opposition giving unreasonable reasons against the good intention of our Prime Minister. They were contemplating that Singapore would have refused merger and eventual Malaysia, but when their opinions did not materialise they had no alternative but to drop their wrath and hurled mud slinging on the Singapore Prime Minister. Sir, I am not here to judge whether the Singapore Prime Minister Mr. Lee Kuan Yew is a pro-Communist, right or left, but I am definitely sure that he is sincere in his intention that his State of Singapore should merge with the Federation for her stability, existence and improvement.

Lastly, Sir, I am happy to state here that one of the Independent Members, the Honourable Member for Seremban, Timor, said *inter alia* in the Lower House that Singapore has a better claim than Penang to join the Federation. He added that Singapore was closer to the Federation. Sir, with your permission I go a little further than the Honourable Member. I say that Singapore is not only closer to the Federation but that once upon a time Singapore belonged to Johore which is now a unit of the Federation. I am using the past tense and I am sorry I cannot use the present tense. I say so because it is well known in history and in constitutional development that it was in 1824, following an agreement which was first negotiated by Sir Stamford Raffles in 1819 that a Treaty of Friendship and Alliance was concluded between Their Highnesses the Sultan and the Temenggong of Johore and the East India Company by virtue of which the Island of Singapore was ceded to the Honourable the English East India Company. A few years later the East India Company was dissolved by an Act of the British Parliament and Singapore among others became a Crown Colony.

**Mr. President:** Penang too was part of Kedah.

**Dato' Sheikh Abu Bakar:** Yes, Sir. I say "among others". Now, Sir, as our Yang Teramat Mulia Prime Minister said in the Lower House, "times have changed and so must be our outlook" and it was I believe, Sir, on this idea and also on the fact that there was such an obvious link between Singapore and the Federation that he and the Prime Minister of Singapore came to terms on the question of merger and eventual Malaysia.

Sir, lastly, I would say that when Malaysia comes into existence, it will no doubt brighten our name not only throughout the Far East but also throughout the world. I support the motion. (*Applause*).

**Enche' Abdul Hamid bin Mahmud:** Tuan Yang di-Pertua, saya dengan berbesar hati berdiri memberi sokongan penuh kepada rancangan Melayu Raya, Tunku Perdana Menteri. Rancangan ini ada-lah satu rancangan yang sangat penting, rancangan yang bersejarah bagi negeri kita Tanah Melayu dan bersejarah kepada negeri<sup>2</sup> yang akan bersatu menjadi Melayu Raya itu. Rancangan ini sungguh di-banggakan kerana jika berjaya rancangan ini tentu-lah Sarawak, Brunai dan Borneo akan merdeka. Ketiga<sup>2</sup> negeri ini tentu-lah lambat hendak mendapat kemerdekaan kalau tidak bersatu dengan negeri kita atau memasoki Melayu Raya itu.

Singapura pada masa ini sa-buah negeri yang berperentahan sendiri tetapi peranan-nya hendak menuju kemerdekaan tentu-lah lambat negeri itu dapat kalau tidak bersatu dengan Persekutuan Tanah Melayu terlebih dahulu. Bagitu juga-lah keadaan Perlembagaan ketiga<sup>2</sup> negeri itu berlainan dengan keadaan negeri kita. Dengan ada-nya Melayu Raya ini kita perchaya akan dapat negeri<sup>2</sup> yang tersebut itu menjauhkan diri daripada perkembangan komunis, kerana apabila negeri<sup>2</sup> itu bersatu maka dapat-lah di-jalankan pembangunan luar bandar



sa-bagaimana yang ada di-negeri ini yang boleh meninggikan taraf hidup ra'ayat. Apabila taraf hidup ra'ayat-nya tinggi dan negeri-nya ma'amor dan aman sentosa maka faham komunis akan di-sekat daripada masuk ka-dalam negeri<sup>2</sup> itu. Kepujian harus kita beri kepada Perdana Menteri kita kerana dengan fikiran-nya itu kita berharap akan berjaya maksud ranchangan Melayu Raya ini.

Concept Melayu Raya Tunku ini ada-lah sa-suai dengan Perlembagaan kita kerana Perlembagaan kita memang membukakan kepada mana<sup>2</sup> negeri yang mahu masuk bersekutu dengan negeri ini. Bagitu juga sa-suai dengan dasar luar negeri kita ia-itu kita memperjuangkan kerana hendak memerdekakan negeri<sup>2</sup> yang maseh di-jajah. Ini satu kejayaan perjuangan kita, perjuangan Persekutuan Tanah Melayu menghapuskan penjajahan. Tiga empat buah negeri ini akan hapus daripada penjajahan apabila bersekutu dalam Melayu Raya. Tujuan besar Melayu Raya ini ia-lah menentang menghapuskan penjajahan. Bukan tujuan kita mengadakan Melayu Raya bersatu dengan empat buah negeri ini kerana hendak bersekutu atau menyatu-padukan negeri yang mempunyai sama kebudayaan. Indonesia, Philippines memang asal di-katakan satu rumpun, bagitu juga termasuk pulau Papua (New Guinea), di-seluruh negeri ini di-diami oleh orang<sup>2</sup> Melayu. Bukan tujuan kita mana<sup>2</sup> negeri yang di-diami oleh orang<sup>2</sup> Melayu, kita hendak masukkan dalam Melayu Raya. Kalau kita tengok kepada negeri Arab di-sana beberapa buah negeri yang penduduk-nya sama bangsa, sama bahasa, tetapi mempunyai Kerajaan<sup>2</sup> yang berlainan. Bagitu juga jikalau sa-kira-nya kita hendak masukkan Indonesian dan Philippines dalam gabungan Melayu Raya, ini seolah<sup>2</sup>-nya negeri itu negeri yang boleh di-tarek masuk, pada hal negeri<sup>2</sup> yang berdaulat tidak boleh kita bahathkan dalam Majlis kita ini.

Ada fikiran daripada parti<sup>2</sup> lain yang suka hendak menyatukan semua negeri<sup>2</sup> yang di-diami oleh orang<sup>2</sup> Melayu dalam Tenggara Asia ini

supaya menjadi satu negeri yang bergabung dengan Melayu Raya, tetapi mereka itu tinggal tidak menyebutkan kawasan negeri yang ia dudok bersahabat dengan kita yang di-diami oleh orang<sup>2</sup> Melayu.

Tuan Yang di-Pertua, dalam dunia ini memang banyak negeri<sup>2</sup> yang ada mempunyai satu bahasa tetapi lain Kerajaan dan ada negeri<sup>2</sup> yang satu bangsa, tetapi ada beberapa negara. Mithal-nya dalam negeri India, Yugoslavia, Canada, Australia dan United Kingdom mempunyai satu bahasa yang di-pakai dalam negeri itu, tetapi mempunyai Kerajaan<sup>2</sup> yang lain. Dengan sebab itu, tidak-lah harus bagi kita dalam menimbangkan pertubuhan Melayu Raya ini hendak memasukkan negeri<sup>2</sup> yang lain daripada apa yang di-chadangkan.

Berkenaan dengan Singapura ada juga ahli<sup>2</sup> politik dalam Dewan Ra'ayat, ia-itu pemimpim<sup>2</sup> daripada parti lain memikirkan bahawa patut-lah Singapura merdeka lebeh dahulu, dengan mengadakan pilihan raya dahulu dan sa-lepas itu baharu-lah ra'ayat menentukan hendak-lah tidak bersekutu dengan Persekutuan Tanah Melayu. Fikiran ini saya perchaya fikiran yang sa-suai dengan fikiran yang tidak mahukan negeri itu bersekutu dengan Persekutuan Tanah Melayu. Dan dengan jalan ini tentu-lah perkembangan fahaman Communist dalam negeri itu akan dapat bergerak dengan tidak ada halangan apa pun. Jika sa-kira-nya negeri itu dapat pemerentahan-nya daripada Communist, maka penyakit dalam negeri itu tentu-lah akan meresap kepada kita semua. Jadi jalan hendak mengelakkan Singapura daripada pengaruh fahaman Communist tidak ada jalan lain, melainkan ia-nya bersatu dengan Persekutuan Tanah Melayu, dan apabila negeri itu bersekutu dengan Persekutuan Tanah Melayu, saya berharap pada satu masa kelak dapat-lah Kerajaan kita, atau pun Malaysia pada masa itu memikirkan berkenaan dengan kedudukan tentera British atau pengkalan tentera British yang ada sekarang.



Persekutuan Tanah Melayu telah terkenal di-seluruh dunia ini sa-bagai satu negeri yang menentang fahaman Communist, maka dengan ada-nya Malaysia besok tentu-lah lebih kuat lagi kita akan berkehendakkan tentera kita. Jadi pada masa itu tidak-lah mustahak jikalau Kerajaan British hendak mengekalkan pengkalan tentera Singapura sa-bagaimana yang ada pada hari ini untuk mempertahankan negeri<sup>2</sup> di-sini daripada jatuh ka-pengaruh Communist. Ini pun satu daripada langkah yang akan dapat menguntongkan kepada ra'ayat negeri ini supaya kuasa<sup>2</sup> luar negeri esok menarek balek tentera<sup>2</sup>-nya daripada kedudukan-nya di-Singapura, dan pada masa itu dapat-lah kita susunkan tentera kita yang akan mengawal negara kita supaya dapat anak negeri kita sendiri memberi tenaga mereka untuk mempertahankan negara mereka sendiri.

Tuan Yang di-Pertua, saya berseru kepada Dewan ini supaya memberi sokongan penoh, mudah<sup>2</sup>an ranchangan Melayu Raya Tunku Perdana Menteri itu akan berjaya. (*Tepok*).

**Enche' Nik Hassan bin Haji Nik Yahya:** Dato' Yang di-Pertua, saya tidak hendak memberi ucapan yang panjang dalam masa<sup>2</sup>alah ini, tetapi saya menyokong dasar bagi mengadakan Melayu Raya yang di-chadangkan oleh Perdana Menteri kita itu, dan sudah kena-lah pada tempat-nya sa-kira-nya Dewan ini mengambil sa-bulat kata memberi sokongan yang sa-penoh-nya supaya Perdana Menteri kita waktu pemergian-nya ka-London akan mendapat mandate daripada kedua<sup>2</sup> Dewan ia-itu Dewan Ra'ayat dan Dewan Negara yang ahli<sup>2</sup>-nya daripada berbagai<sup>2</sup> parti, dan ini berma'ana ra'ayat yang telah memberi sokongan kepada-nya bagi berunding dengan Perdana Menteri British untuk menjayakan chita<sup>2</sup> ini.

Saya suka hendak menerangkan satu kejadian yang berlaku dalam Dewan Ra'ayat yang mana sa-orang wakil daripada Kelantan ada menyebutkan dalam Dewan itu menyatakan sesal-nya kerana Malaya ini mendapat kemerdekaan pada tahun 1957. Wakil ini ia-lah orang yang datang daripada

Seberang Prai, tetapi bertanding di-negeri Kelantan. Saya perchaya waktu tahun 1957 itu wakil itu tidak ada di-Kelantan dan ia tidak mengetahui benar-nya perasaan ra'ayat Kelantan mahukan merdeka tahun 1957 itu. Jadi ia datang ka-Dewan Ra'ayat itu menyatakan kesal-nya, kerana mendapat kemerdekaan tahun 1957. Saya rasa itu bukan-lah kehendak dan perasaan ra'ayat Kelantan barangkali, tetapi nasib-lah saya tidak ada dalam Dewan Ra'ayat, kalau saya ada saya panggil dia supaya ia mengemukakan perkara itu kepada ra'ayat Kelantan dan saya mengemukakan perasaan ra'ayat Kelantan supaya kita dapat mengetahui dengan sa-benar-nya. Tetapi saya rasa nasib saya tidak ada di-dalam Dewan Ra'ayat, saya ada dalam Dewan Negara ini yang mana tempat ia ta' boleh menjawab pertanyaan saya itu. Jadi, untuk menghapuskan kekeliruan ramai boleh-lah di-katakan dalam tahun 1957 kita mendapat kemerdekaan dengan kemahuan ra'ayat seluruh-nya, bukan sahaja dari negeri Kelantan tetapi seluruh Tanah Melayu. Tidak ada sa-orang ra'ayat yang merasa kesal atau sesal mendapat kemerdekaan yang kita dapat itu terutama-nya negeri Kelantan yang pada masa itu ra'ayat penoh menyokong kemerdekaan itu.

Sa-lain daripada itu, saya nampak parti yang menentang dan parti yang mempunyai wakil dalam Dewan Ra'ayat ia-lah Parti Islam sa-Tanah Melayu yang menentang chadangan Perdana Menteri itu. Mereka menentang dengan kerana mereka berkata mereka mahu kepada bukit tidak mahu kepada busut. Mereka mahu kepada rumah tidak mahu kepada bilek. Tetapi kita beri satu tangga untuk mereka jaga negeri Kelantan dan Trengganu mereka tidak terjaga. Macham mana mereka mahukan rumah? Tangga pun ta' hendak di-betulkan. Jadi ini patut menjadi pelajaran, patut menjadi ingatan kapada mereka, jangan-lah mahu kepada rumah, nanti di-beri rumah, rumah runtuh di-atas tanah, ta' boleh dudok atas rumah. Patut menjadi ingatan kapada mereka itu supaya sedar dan

fahaman dalam mengenali diri sendiri, dalam menjalankan segala apa chita<sup>2</sup> supaya tidak-lah kita mempermainkan politik ini kapada theory sahaja, tetapi kita mempermainkan politik negeri kita ini dengan sa-chara prektek, benda yang kita boleh lakukan, benda yang kita boleh buat supaya dapat-lah negeri kita ini mempunyai nama yang harum bukan sahaja di-negeri kita ini bahkan di-seluruh dunia ini.

**The Deputy Prime Minister (Tun Abdul Razak):** Mr. President, Sir, I have listened with considerable interest to the views expressed by Honourable Members of this House on this important proposal of Malaysia by our Prime Minister, and on his behalf, as well as on behalf of the Government, I should like to say that we are indeed grateful to Honourable Members of this House who have given this motion on the concept of Malaysia such understanding and such support. As the Prime Minister has told the Lower House—the House of Representatives—this concept of Malaysia is not a new thing and, indeed, this matter had been in his mind for a considerable time.

As Honourable Members are aware before this concept can be brought to realisation, there are many problems to be overcome. First, of course, there is the territory of Singapore which, though very close to us and has many links with us, has for a considerable time followed a different line of development. Therefore, before these two territories can be brought more closely together there are many problems to be resolved. That is why at present there is a Working Party appointed by the two Governments which is examining the various problems and it is hoped that the report of the Working Party will be available soon for consideration both in the House of Representatives and this House. As the Prime Minister had explained to the House of Representatives, he would welcome constructive suggestions from all political parties, from associations, from individuals, from Members of Parliament and from all those who have interest in the

welfare of this country at heart. As I have said, there are many problems to be resolved and therefore we welcome suggestions from whichever side or whichever party organisation. Therefore, in view of that, to my mind, there is no need—at least at present—to appoint a central working committee consisting of such large membership as suggested by the Honourable Dato' Thuraisingham. The Government, as I have said, would be prepared to consider views and suggestions from anyone and from any organisation, and I can assure this House that whatever views expressed on this very important matter would be given very, very careful consideration by the Government.

Now, Sir, in addition to Singapore we have also to consider these three territories—North Borneo, Brunei and Sarawak. These territories present different problems from Singapore. These territories have not advanced very much in the way of self-government. They have not had elections, and, therefore, the question of bringing them as units of Malaysia will present different problems from that of Singapore, but I would like to reiterate in this House—as the Prime Minister has said in the House of Representatives—that we will not do anything against the wishes of the people of those territories and if those territories wish to join the Federation of Malaysia it will only be in accordance with the wishes of the people of those territories.

Lastly, Sir, we have also to consider the British Government, who have responsibility for Singapore as well as the three Borneo territories. That is why, as there are matters to be resolved with the British Government, the Prime Minister proposes to have talks with the British Prime Minister soon; and I hope that the various problems could be resolved at top level discussion in London and I can assure this House the support that this House has given to this concept of Malaysia through the motion standing before this House will certainly fortify the

Prime Minister and Members of the Cabinet in bringing to realization this very important concept of Malaysia which will mean so much to the future happiness, peace and prosperity of the people of these territories. (*Applause*).

Question put, and agreed to.

Resolved,

That this House agreeing in principle with the concept of Malaysia comprising the eleven States of the Federation, the States of Singapore and Brunei and the territories of North Borneo and Sarawak, endorses the Government's initiative in

taking action for its realization, the progress of which will be reported to the House by the Honourable the Prime Minister from time to time.

#### ADJOURNMENT *SINE DIE*

**Tun Leong Yew Koh:** I beg to move that the House do now adjourn *sine die*.

**Enche' T. H. Tan:** I beg to second the motion.

Question put, and agreed to.

*Adjourned sine die at 4.00 p.m.*