

Volume V  
No. 3



Wednesday  
21st August, 1963



# PARLIAMENTARY DEBATES

## DEWAN NEGARA (SENATE) OFFICIAL REPORT

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DI-CETAK DI-JABATAN CETAK KERAJAAN  
OLEH THOR BENG CHONG, A.M.N., PENCETAK KERAJAAN  
KUALA LUMPUR

1964

*Harga: \$1*

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

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Vol. V

Fifth Session of the First Dewan Negara

No. 3

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*Wednesday, 21st August, 1963*

*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 without Portfolio, ENCHE' KHAW KAI-BOH, P.J.K. (Appointed).  
" ENCHE' ABDUL RAHMAN BIN AHMAD (Perlis).  
" ENCHE' AHMAD BIN SAID, A.M.N. (Perak).  
" TUAN HAJI AHMAD BIN HAJI ABDULLAH, A.M.N. (Penang).  
" ENCHE' ABDUL WAHAB BIN IDUS, P.J.K. (Negeri Sembilan).  
" CHE' AISHAH BINTI HAJI ABDUL GHANI (Appointed).  
" ENCHE' AMALUDDIN BIN DARUS (Kelantan).  
" ENCHE' CHAN KWONG-HON, A.M.N., S.M.S., 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).  
" DATO' J. E. S. CRAWFORD, J.M.N., J.P., Dato' Kurnia Indera (Appointed).  
" ENCHE' DA ABDUL JALIL BIN HAJI AWANG (Trengganu).  
" ENCHE' HOH CHEE CHEONG, A.M.N., J.P. (Pahang).  
" ENCHE' KOH KIM LENG (Melaka).  
" DATO' LEE FOONG YEE, J.M.N., P.P.T., J.P. (Negeri Sembilan).  
" ENCHE' LIM HEE HONG, A.M.N. (Appointed).  
" ENCHE' MOHAMED ADIB BIN OMAR (Trengganu).  
" ENCHE' MOHAMED GHAZALI BIN JAWI (Appointed).  
" ENCHE' MOHAMED SALLEH BIN MOHAMED ARIFF (Melaka).  
" ENGKU MUHSEIN BIN ABDUL KADIR, J.M.N., P.J.K. (Appointed).  
" ENCHE' S. P. S. NATHAN (Appointed).  
" NIK HASSAN BIN HAJI NIK YAHYA, J.M.N. (Appointed).  
" TUAN HAJI NIK MOHAMED ADEEB BIN HAJI NIK MOHAMED (Kelantan).  
" TOK PANGKU PANDAK HAMID BIN PUTEH JALI, P.J.K. (Appointed).

**The Honourable RAJA RASTAM SHAHROME BIN RAJA SAID TAUPHY (Selangor).**

- „ **DATO' SHEIKH ABU BAKAR BIN YAHYA, D.P.M.J., P.I.S., J.P. (Johor).**
- „ **DATO' G. SHELLEY, P.M.N., J.P. (Appointed).**
- „ **TUAN SYED AHMAD BIN SYED MAHMUD SHAHABUDIN, J.M.N. (Kedah).**
- „ **ENCHE' T. H. TAN, J.M.N. (Appointed).**
- „ **DATO' E. E. C. THURAISINGHAM, D.P.M.J., J.P. (Appointed).**
- „ **ENCHE' S. O. K. UBAIDULLA, J.M.N. (Appointed).**
- „ **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' YEOH KIAN TEIK (Perak).**

**ABSENT:**

**The Honourable ENCHE' MOHAMED ZAHIR BIN HAJI ISMAIL, J.M.N. (Kedah).**  
 „ **ENCHE' ATHI NAHAPPAN (Appointed).**

**IN ATTENDANCE:**

**The Honourable the Minister of Agriculture and Co-operatives.**  
**ENCHE' MOHAMED KHIR JOHARI (Kedah Tengah).**

**PRAYERS**

*(Mr President in the Chair)*

**ANNOUNCEMENT BY  
MR PRESIDENT**

**MESSAGE FROM THE HOUSE  
OF REPRESENTATIVES**

**Mr President:** Ahli<sup>2</sup> Yang Berhormat, saya suka hendak mema'aluarkan kapada Majlis ini ia-itu saya telah menerima suatu perutusan daripada Majlis Dewan Ra'ayat. Sekarang saya jemput Setia-usaha Majlis ini membachakan perutusan itu.

*(The Clerk reads the Message)*

“**Mr President,**

The House of Representatives has passed the Bill for Malaysia and transmits it to the Senate for its concurrence.

**(Sgd) DATO' HAJI MOHD. NOAH  
BIN OMAR,  
Speaker.”**

**BUSINESS OF THE  
SENATE**

**The Minister without Portfolio (Enche' Khaw Kai-Boh):** Mr President, Sir, I beg to give notice that I will move the Second and Third Readings of the following Bill at this sitting of the Senate:

**The Malaysia Bill**

**Mr President:** Ahli<sup>2</sup> Yang Berhormat, saya suka memberitahu kapada Majlis ini ia-itu di-dalam Majlis Dewan Ra'ayat suatu pindaan telah di-buat kapada Malaysia Bill, pindaan tersebut telah di-hantar kepada semua Ahli<sup>2</sup> Dewan Negara. Sekarang Majlis ini akan membincangkan Rang Undang<sup>2</sup> saperti yang telah di-pinda oleh Dewan Ra'ayat.

Honourable Senators, I also wish to inform the Senate that in the Dewan Ra'ayat an amendment has been made to the Malaysia Bill. The amendment has been circulated to all Senators. The Senate today will consider the Bill *as amended* by the Dewan Ra'ayat.

## EXEMPTED BUSINESS

### (Motion)

**Enche' Khaw Kai-Boh:** Mr President, Sir, I beg to move:

That notwithstanding the provisions of Standing Order 11, the Senate shall not adjourn today until consideration of the business on the Order Paper for today has been completed.

**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, the Senate shall not adjourn today until consideration of the business on the Order Paper for today has been completed.

## BILL

### THE MALAYSIA BILL

#### Second Reading

**The Minister without Portfolio (Enche' Khaw Kai-Boh):** Mr President, Sir, I beg to move that a Bill intituled "An Act for Malaysia" be now read a second time.

Mr President, Sir, the purpose of this Bill is to give effect to the constitutional arrangements made for the Federation of the Colonies of North Borneo and Sarawak and the State of Singapore with the existing States of the Federation of Malaya so as to form the Federation which will be known as "Malaysia".

I shall first recount chronologically and briefly the events which led to this Bill being moved in this House, after which I shall touch on a few major points before dealing with the general provisions of the Bill. The Bill constitutes one of the arrangements to the final agreement for the establishment of Malaysia entered into by the Federation of Malaya, the United Kingdom, North Borneo, Sarawak and Singapore in London on the 8th July, 1963.

On 27th May, 1961, the Prime Minister of the Federation of Malaya, Y.T.M. Tunku Abdul Rahman at a press luncheon in Singapore first publicly introduced the subject of Malaysia. The idea caught the imagination of the public in all the territories concerned though, from the outset, it was opposed by certain interests.

Malaysia was first jointly discussed by the leaders of the Borneo territories, Singapore and the Federation of Malaya at the Commonwealth Parliamentary Association Regional Meeting held in Singapore in July 1961. As a result of a preliminary examination, delegations from North Borneo and Sarawak took the initiative in proposing the formation of a Malaysia Solidarity Consultative Committee with the object of collecting and collating views and opinions concerning the creation of Malaysia and of initiating and encouraging discussions on Malaysia. The Committee met in Jesselton, Kuching, Kuala Lumpur and Singapore on various dates between August, 1961 and February 1962. Taking into account the expressed wishes of the Borneo people that their territories should have certain local safeguards, the Committee recommended the establishment of Malaysia with a strong Central Government in which should be vested full control of such matters as external affairs, defence and security. The Committee recommended acceptance of the principle that Malaysia should have a constitutional Head of State and recommended the continuance of the present system of the appointment of His Majesty the Yang di-Pertuan Agong. The sovereignty of the Rulers of the existing States would be guaranteed and the new States would each have its own Head of State and its own constitution. Islam would be the official religion of Malaysia but, in accordance with the existing provisions of the Constitution of the Federation of Malaya other religions could be practised in peace and harmony in any part of Malaysia. Special safeguards were recommended for the Borneo territories in respect of immigration into those territories subject to the right of the Central Government to ensure the admission of persons whose presence in the State was necessary in order to enable the Central Government to carry out its responsibility and the right of any citizen to enter for the purpose of exercising his rights in connection with the functioning of parliamentary democracy.

The Committee accepted the view that Malaysia should have a national

language and that it should be the national language of the existing Federation. Various recommendations were made by the Committee in regard to (1) representation in the Federal Parliament, (2) elections, (3) citizenship, (4) finance and (5) the special position of the indigenous peoples of the Borneo territories. I shall refer to these matters in greater detail shortly.

Whilst the deliberations of the Malaysia Solidarity Consultative Committee were proceeding, negotiations were taking place between the Governments of the Federation of Malaya and Singapore for the entry of Singapore into Malaysia and broad agreement was reached in August 1961. A memorandum setting out the Heads of Agreement between the two Governments was published as Singapore White Paper Command No. 33 of 1961. These Heads of Agreement were subsequently endorsed in a referendum by an overwhelming majority of the people of Singapore.

Tunku Abdul Rahman's proposals for Malaysia were welcomed by the British Government and the Prime Minister accepted an invitation by the British Government to visit London in November, 1961, for discussions with the object of reaching an understanding on the broad issues and to prepare the way for consultation with the Borneo territories regarding Malaysia. In a series of meetings in London British and Malayan Ministers examined the proposal to create Malaysia and concluded that it was a desirable aim but decided that, before coming to any final decision it was necessary to ascertain the views of the people of the territories concerned. It was accordingly decided to set up a Commission to carry out this task and to make recommendation. A Commission, which has become known as the Cobbold Commission, was set up consisting of nominees of the two Governments, and arrived in Kuching on 19th February, 1962.

The Commission toured North Borneo and Sarawak extensively. The itinerary of the Commission was so planned that representatives from every district in each territory had an opportunity to meet the Commission which

held fifty hearings at thirty-five different centres. All persons who wished to submit written memoranda were invited to do so. In response to this invitation the Commission received some 2,200 letters and memoranda. An open invitation to appear before the Commission was extended to all persons who wished to give oral evidence and full advantage was taken of this invitation and the Commission was able to meet and talk with large numbers of individuals and bodies. Over 4,000 persons appeared before the Commission as individuals or representatives of groups.

The report of the Cobbold Commission was published in June, 1962, and, in addition to certain detailed recommendations, the Commission recommended that a decision of principle about the future of the Borneo territories should be taken by the Governments as soon as possible. The Commission unanimously agreed that the formation of Malaysia was in the best interests of North Borneo and Sarawak.

The Cobbold Report was considered in detail by Malayan and British Ministers in a series of meetings in July, 1962, and, in light of the report and the agreement reached between the Governments of the Federation of Malaya and Singapore, the British and Malayan Governments agreed in principle to the establishment of Malaysia and decided to establish an Inter-Governmental Committee on which the British, Malayan, North Borneo and Sarawak Governments would be represented. The task of the Commission was to work out the detailed constitutional arrangement, including the safeguards for the special interests of North Borneo and Sarawak covering such matters as religious freedom, education, representation in the Federal Parliament, the position of the indigenous races, control of immigration, citizenship and the State Constitutions. The Minister of State for Colonial Affairs, Lord Lansdowne, the Chairman of the Committee, and Tun Razak (the Deputy Prime Minister of Federation of Malaya), the Deputy Chairman, visited North Borneo and Sarawak in August, 1962, and the first meeting of the Committee was held in Jesselton on 30th August, 1962.

On 12th September, 1962, a Motion was unanimously adopted by the Legislative Council, North Borneo, welcoming the decision in principle to establish Malaysia and a similar Motion was adopted without dissent by the Council Negeri of Sarawak.

Meetings of the Inter-Governmental Committee and its five sub-committees took place between September and December, 1962, and the recommendations of the Committee were published in February, 1963. These recommendations form the basis of the constitutional arrangements for Sabah and Sarawak set out in the Malaysia Bill. The report of the Inter-Governmental Committee was subsequently adopted by resolutions of the legislatures of North Borneo and Sarawak.

On the 8th July, 1963, a formal agreement for the establishment of Malaysia was entered into between the Federation of Malaya, the United Kingdom, North Borneo, Sarawak and Singapore. This agreement has been published as a White Paper and annexed to it is the Malaysia Bill substantially in the form in which it is now presented to this House.

Much has been said in the Lower House belittling the signatures of Singapore, Sarawak and Sabah representatives to the Agreement. I like to point out that the signatories lend weight and support to the Agreement that Britain should relinquish their jurisdiction over these territories in order to enable these territories to obtain independence by federating with the Federation of Malaya to form Malaysia. Although the relinquishment of jurisdiction is a matter for the British Government, the decision to federate to form Malaysia is a matter for the people of these territories concerned. That is why their signatures to the Agreement have importance and bearing on the Agreement. The change in the constitutional States of these two territories and the terms of their joining Malaysia are matters for the people of the two territories. No one can doubt that gentlemen like Dato' Mustapha, Donald Stephens and Temenggong Jugah are elected and true representatives of the people. They, therefore, have a right to sign an agreement which

determines the future of their State and for which they have full mandate of their people to do. That is why we on this side of the House marvel at the way some members of the Opposition, particularly the Socialist Front, can twist facts and try to undermine Democracy which they never seriously believe in and which they intend to destroy if they have the opportunity to do so.

With regard to the distinction between Singapore citizenship and the citizenship of the Federation of Malaya, I am to point out that there is no intention to divide us into racial groups. All citizens resident in the Malaysian territories, including citizens of Singapore, will be citizens of Malaysia, but as explained in the Lower House, the citizens of Singapore have rights in Singapore and the citizens of Malaysia outside Singapore have corresponding rights in their own territories. It has always been explained that Singapore joined Malaysia on a special term different from the other States because Singapore had already enjoyed a considerable measure of internal self-government, and under the terms agreed upon. Singapore still have control of their internal matters. The terms for the entry of Singapore were freely negotiated with the elected representatives of Singapore and these terms have been agreed upon by them. There is no hidden motive behind all these. It was a freely negotiated agreement.

On the subject of allocation of seats in the Federal Parliament as regards Sabah and Sarawak we have decided to be fair to them because although their population alone do not warrant such representation, their territories are vast and the potentialities are great. Both Sabah and Sarawak have large areas of land which have not been developed.

Because of all these factors, because of the large areas of the territories to which we must give due weight, because of their great potentialities to which we also have to give weight, we decided to give them the representations as indicated in Clause (9) i.e. 16 members from Sabah and 24 from Sarawak. Also, this very fair proportion of

representation in our Parliament would show to the peoples of these territories and to the world that we would like them to have a real say in the administration of our new country, and that we would like them to feel that they have a real part to play in our new nation. These territories are separated from us here by hundreds of miles and it is important to make them feel that they are close to us and that we also regard them close to us.

As regards Singapore, it has been explained earlier and on a number of occasions that because Singapore has (1) considerable measure of internal self-government and (2) local autonomy, the number of their representation to the Central Government must accordingly be reduced. Therefore, it was considered reasonable that they should have only 15 seats in the Federal Parliament and this was accepted by the Government of Singapore.

As regards language in the Borneo territories, when we achieved independence, we set a target of 10 years for making Malay the national language. Therefore, it is only fair that in the case of new territories, we should also give them the same period, that is to say, 10 years before they are forced to make up their minds to make Malay the sole national language.

With regard to Immigration, from our discussions with representatives of the Borneo territories and indeed from our discussions with the cross-section of the people of those territories both in their own area as well as when they visited this country, we were convinced that they have a genuine fear and anxiety over Immigration. They fear that because of the small size of their population in relation to the size of their territories their rights and their interests would be swamped by people from other parts of Malaysia, if after Malaysia we allow an unrestricted movement of people from other parts of Malaysia. Therefore, in order to allay their fear and anxiety, we are making special provisions to protect them against unrestricted movement of people from the other parts of the Federation. It is true that in one sovereign independent state these restrictions of movement

do not appear very desirable, but it should be appreciated that Malaysia is a Federation of States and that the new States of the Borneo territories decided to enter the Federation out of their own free will. Therefore, to some extent, we must respect their wishes and must understand their fears and anxieties. We hope in the course of time when they have become more closely integrated with us, when their officers have worked with us in this House and their officers have worked with us in the Central Government, in the Federal Departments, when their fears and anxieties will have faded away, then some of these provisions might not appear necessary and that they themselves would agree to do away with those provisions.

It should, however, be made clear that we are only giving protection to the citizens of those territories and if it is found that in carrying out development work they require labourers, skilled and unskilled, from outside their territories, it is clearly within the power of the Central Government to see that those labourers come from other parts of Malaysia and not from outside. Also, there are provisions in the Immigration Bill which give exceptions to those persons who have duties to perform in the territories to go there without any restriction.

With regard to above vis-a-vis Immigration, it has been suggested in the Lower House that the proposed immigration law restricts mobility of labour to the new territories. This, to some extent, is true, but it only restricts the mobility of labour to the extent that there is not enough labour in that territory. If the new territories require labour for development, as labour is scarce in those territories, obviously they will have to be provided from other parts of Malaysia. There will be opportunities in Malaysia not only for the people of those territories but peoples of other parts of Malaysia. There will be bigger areas to develop and more industries and there will be expanded opportunities. On this subject I would like to correct a misconception that 50 per cent of the labour required by the Borneo territories will have to come from Singapore. What we agreed

is because Singapore will be giving loan to the extent of \$150 million, free of interest, for five years, if an assessor who will be appointed considers that common market produces economic growth in Singapore, then it will be free of interest for five years; if there is no labour available in the territories, then labourers should be brought from other parts of Malaysia and 50 per cent of that labour would come from Singapore. This only refers to development projects to be carried out from loan money provided by Singapore.

With regard to the constitutional safeguards in the Bill for the new States of Singapore, Sabah and Sarawak, I am to point out that there is no change in the constitutional position of the present States of the Federation but the new States have certain safeguards which we agreed they should have—Singapore because of the special position of its entry into the Federation and Sabah and Sarawak because they are new and they have certain disadvantages and the fact that they are separated from the present Federation and from the Federal capital by many hundreds of miles.

It is all very well to talk about high-sounding principles but such doctrinaire principles should be modified to suit the special conditions of our country and it is only by doing this that we shall be able to establish a united, happy and contented people which is the aim of the Alliance Government. In the same way, because the Borneo territories, Sabah and Sarawak, are less advanced than the States of the Federation, we are giving them certain safeguards in order to allay the fears and anxieties of the peoples of those territories that they would not be dominated or exploited and that by joining Malaysia their interests would be fully safeguarded.

With regard to religious acts and observance of ceremonies in Sabah and Sarawak, we have accepted as a principle in our Constitution that Islam is a religion of the Federation as a whole and—this is accepted by Sabah and Sarawak—religion is a State matter and therefore we cannot impose religious matters on a State. It was the

wishes of the people of Sabah and Sarawak not to have clause (7) of Article 38 apply to them. We have, therefore, to give due consideration in view of the fact that religion is a State matter. It was the wish of Their Highnesses the Rulers that religion should remain a State matter. This is further testimony that in the evolution of Malaysia, close consultations prevailed and that we have not forced upon those people joining us anything against their will.

On the question of the appointment of Judges, by virtue of Clause 17 of this Bill, before tendering his advice to the Yang di-Pertuan Agong, the Prime Minister is bound to have consultation with the Judges all along the line and also with the Conference of Rulers. So it is obvious that the Prime Minister cannot appoint anybody according to his whims and fancies. It has been said in the Lower House that the Honourable Prime Minister might interfere with the function of the Judges. I can truthfully say that no Prime Minister with any sense of responsibility and good judgment will ever bring his influence or authority to bear on the working of the Judiciary. Once that happens, it will be the end of law and order and the Honourable Prime Minister for one, realises it too well. Though under our Constitution, Judges are appointed by the Honourable Prime Minister so to speak—never has he at any time attempted to interfere or in anyway use his influence to bear on their function as independent judges. The same goes for independent commissions.

One of the pre-requisites of a successful Federation is a strong Central Government. In this connection we have in the Bill Section 39 which proposes an amendment to Article 150 of the Constitution. I should make it clear that it is the Government of the country who should be responsible for deciding when a state of Emergency exists, it is the Government who is responsible for the safety and the welfare of the people who should decide when conditions justify the declaration of Emergency. The Government has to govern in all conditions of

Emergency and not necessarily when a war has been declared and there is an external or an internal disturbance. Under modern conditions, security of the country and the economic life of the people may be seriously threatened without an overt form of aggression or actual war. Therefore, there must be a provision to enable Government in those conditions of Emergency to govern the country, to protect the security and the lives of the people—there must be a grave emergency threatening the economic life and this is not a matter which Government can take lightly.

Much has been said and repeated on the dangers that threaten Malaysia and that by going ahead with it we are asking for it. The idea of having Malaysia is to deal effectively with all this trouble and for this reason Clause 39 of this Bill (Article 150 of the Constitution) enables the Government to pass laws to deal with these trouble makers, and Honourable Members of this House can rest assured that we will not hesitate to do this because Malaysia is not formed for the purpose of inviting trouble but for the purpose of preventing it from spreading from other territories to the Federation of Malaya, and with Malaysia, the combined effort of the people in the territories can meet any trouble when it comes, provided the Government is ready to back them; hence the new clause under the Constitution.

I come now to the general provisions of the Bill.

#### PART I—PRELIMINARY

This part of the Bill deals with its coming into operation and with the mechanics of the Bill.

Honourable Members will note a corrigendum to Clause 2 enabling the Bill to be brought into operation on a day subsequent to 31st August, 1963. This has been rendered necessary by the necessity of giving the Secretary-General of the United Nations an opportunity to assess the views of the people of the Borneo territories in accordance with the agreement recently reached at the

Manila Summit Conference. This corrigendum is made after consultation with the other Governments who were parties to the Malaysia Agreement.

Clause 3 provides that certain sections of the Act are to be inserted as articles of the Constitution. These are listed in order in the First Schedule to the Bill and sections which are to be inserted in the Constitution are distinguished in the text of the Act by a marginal note giving their numbers as articles.

#### PART II—THE STATES OF THE FEDERATION

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

#### PART III—GENERAL CONSTITUTIONAL ARRANGEMENTS

Title I—General Provision as to Federal and State Institutions

##### *Chapter I—Preliminary*

This chapter provides the necessary interpretation of constitutional terms.

##### *Chapter II—Heads of State*

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

##### *Chapter III—Parliament, Legislative Assemblies and State Constitution*

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

- (a) 104 members from the States of Malaya, that is to say the States comprised in the existing Federation of Malaya;
- (b) 16 members from Sabah;

- (c) 24 members from Sarawak; and
- (d) 15 members from Singapore.

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

Clause 12 provides:

- (a) in relation to a Borneo State, until the end of August 1975, or earlier with the concurrence of the Head of State, the State Constitutions as in force on Malaysia Day will be permitted to continue in operation notwithstanding their inconsistency with the provisions of Part I of the Eighth Schedule to the Federal Constitution;
- (b) in relation to Singapore, the provisions of Part I of the Eighth Schedule to the Federal Constitution will not be applied but the Constitution of the State as in force on Malaysia Day may not be amended in respect of any matter dealt with by those provisions unless the effect of the amendment is to bring the provisions of the State Constitution closer to those of Part I of the Eighth Schedule or the amending enactment is approved by act of the Federal Parliament.

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

#### *Chapter IV—The Judiciary*

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

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

The Federal Court will have the following jurisdiction:

- (a) exclusive jurisdiction to determine appeals from decisions of a High Court or a judge thereof (except decisions of a High Court given by a registrar or other officer of the court and appealable under federal law to a judge of the Court); and
- (b) such original or consultative jurisdiction as is specified in Articles 128 and 130.

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

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

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

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

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

#### *Title II—Citizenship*

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

The provisions of the Bill do not affect the existing rules as to citizenship

in relation to the States at present comprised in the Federation of Malaya, though the form of the Constitution will be altered by putting the rules relating to citizenship by operation of law into the Second Schedule to the Constitution as Parts I and II of that Schedule. (Clause 23 (1) (a) and (b)). These provisions, as at present, will only be able to be amended by a two-third majority under Article 159 (3). The existing Second Schedule to the Constitution (Supplementary provisions relating to Citizenship) is amended by the inclusion of the three sections set out in Part III of the Third Schedule to the Bill and by the miscellaneous amendments set out in Part IV of that Schedule. The existing Second Schedule to the Constitution, as so amended, will become Part III of the Second Schedule to the Constitution but will remain amendable by a simple majority under Article 159 (4) (a)—(Clause 24 (2) and Clause 33 (3)).

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

citizenship of Singapore or of the Federation loses the other also (Clause 23 (3)).

Naturalisation of Singapore citizens, as of others, will be a matter for the Federal Government (Clause 27), whose existing powers to deprive persons of citizenship will also extend to Singapore citizens (Clause 30). It will be possible, under Clause 28 and corresponding provision in the Singapore Constitution, for a Federal citizen who is not a Singapore citizen to become one, and vice versa, under conditions corresponding to those for acquisition of Federal citizenship by a foreigner.

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

- (a) a citizen of Singapore will, by virtue of such citizenship, be a citizen of Malaysia;
- (b) birth or residence in Singapore will only count for the purpose of acquiring citizenship of Malaysia through citizenship of Singapore, but the Federal Government may treat such residence as residence in the Federation outside Singapore for the purpose of naturalisation as a citizen other than a citizen of Singapore;
- (c) the Federal Government will have exclusive authority to grant citizenship by naturalisation but, in the case of a person to be naturalised as a citizen of Singapore, only with the concurrence of the Singapore Government;
- (d) the Federal Government will have authority to register a citizen of Singapore as a citizen of Malaysia (other than by virtue of citizenship of Singapore) if he satisfies all the requirements of Article 15 or 15A for citizenship by registration of wives or minor children of citizens or of Article 19 for citizenship by naturalisation;
- (e) the Federal Government will have authority to deprive persons of Malaysian citizenship on all grounds;

- (f) after Malaysia Day a person who was a citizen of Singapore prior to Malaysia Day will be liable to be deprived of his citizenship on any ground arising before Malaysia Day upon which he could have been deprived under the law in force prior to Malaysia Day provided proceedings are commenced before or within two years after Malaysia Day;
- (g) in respect of deprivations pending on Malaysia Day the Federal Minister will delegate his functions to a State authority and, in respect of proceedings commenced on or after Malaysia Day he will be empowered to do so;
- (h) deprivation or renunciation of Malaysian citizenship of a citizen of Singapore would involve loss of Singapore citizenship;
- (i) a citizen of Singapore who is deprived of, or renounces, his citizenship of Singapore (except on acquiring citizenship of Malaysia by registration), will cease to be a citizen of Malaysia and shall not, except with the approval of the Federal Government, be eligible for registration as a citizen of Malaysia or of Singapore; and
- (j) a person who has renounced or been deprived of his Malaysian citizenship would not be eligible to be registered as a citizen of Singapore except with the approval of the Federal Government.

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

### Title III—Legislative Powers and Administrative Arrangements.

The conditions peculiar to the new States require that the legislative and executive powers conferred on them should be different from those laid down in the Ninth Schedule to the existing Constitution as applicable to the States of the existing Federation. Clause 35 and the Fourth Schedule to the Bill set out the matters in respect of which the new States are to have exclusive or concurrent legislative competence. In the case of Singapore, which for a number of years had complete internal self-government, education and labour will be on the State List and a number of commercial or industrial subjects will be on the Concurrent List. It is to be observed that, under Article 74 of the Federal Constitution which is not amended, the Federal Parliament may make laws with respect to any matter enumerated in the Concurrent List and, under Article 75, any State Law which is inconsistent with the Federal law will be void to the extent of the inconsistency.

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

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

Clause 39 amends Article 150 of the Constitution to enable the special powers of legislation under the Article to be exercised in the event of His

Majesty the Yang di-Pertuan Agong being satisfied of the existence of a grave emergency whereby the security or economic life of the Federation or any part thereof is threatened whether by war, external aggression, internal disturbance or otherwise. A proclamation of emergency, however, will not extend the powers of Parliament with respect to any matter of Muslim law or the custom of the Malays or with respect to any provision of an emergency law which is inconsistent with the provisions of the Constitution relating to any such matter or relating to religion, citizenship or language be valid.

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

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

(i) *The National Land Council (Article 91) and the National Council for Local Government (Article 95A)*—The new States will be represented in these Councils but the State government will not be required to follow the policy formulated by them until—

(a) as regards the National Land Council, in the case of Singapore, Parliament with the concurrence of the State government so provides; and

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

(ii) *National Development Plan (Article 92)*—No area in the new States shall be proclaimed a development area under Article 92 without the concurrence of the State Government.

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

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

#### Title IV—Financial Provisions.

##### Chapter 1—Borneo States

The financial arrangements between the Federation and the Borneo States are embodied in Clauses 45 and 46 and the Fifth Schedule to the Bill but are, under Clause 47, subject to review by agreement between the Governments (or, in matters of disagreement, on the arbitration of an independent assessor). Reviews are to be made initially at the end of five years or ten years and thereafter if required by either Government at intervals of not less than five years.

### *Chapter 2—Singapore*

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

### *Chapter 3—General*

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

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

### *Title V—Public Services.*

Clauses 52 and 53 provide for the re-establishment of a Federal Judicial and Legal Service Commission under the chairmanship of the Chairman of the Federal Public Services Commission. The members will be the Attorney-General and one or more other members appointed by H. M. the Yang di-Pertuan Agong, after consultation with the Lord President of the Federal Court,

from among persons who are or have been Judges. The Commission will have jurisdiction over all members of the Judicial and Legal Service but this does not include Judges of the High Courts or the Federal Court.

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

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

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

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

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

- (a) to exclude from the public service, not only Ministers or Assistant Ministers, Chief Ministers or any other member of the Executive Council of a State, but also any political officer by whatever name he may be known; and

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

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

**TITLE VI—PROTECTION OF SPECIAL INTERESTS.**

*Chapter 1—General*

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

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

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

*Chapter 2—Borneo States*

Clause 61 makes special provision for the use of the English language in the Borneo States. It provides that no Act of Parliament terminating or restricting the use of the English language

for any of the purposes mentioned in Clauses (2) to (5) of Article 152 of the Constitution shall come into operation as regards the use of the English language until ten years after Malaysia Day in any of the following cases:

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

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

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

Clause 62 provides that the provisions of Clauses (2) to (5) of Article 153, so far as they relate to the reservation of positions in the public service, shall apply in relation to natives of the Borneo States as they apply in relation to Malays. It also provides that in a Borneo State Article 153 shall have effect with the substitution of references to natives of the State for references to Malays and that no reservation of a fixed proportion of scholarships or other educational privileges shall be reserved for natives.

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

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

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

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

Clause 66 lays down constitutional safeguards in respect of the Borneo States. Clause 66 (1) provides that no amendment of the Federal Constitution modifying its application to a Borneo State shall be made by a simple majority of the Federal Parliament under Article 159 (4) (bb) unless the modification is such as to equate or assimilate the position of that State under the Constitution to the position of the States of the existing Federation. Furthermore, no amendment to the Federal Constitution shall be made without the concurrence of the Head of a Borneo

State if the amendment relates to any of the following matters:

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

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

### *Chapter 3—Singapore*

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

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

Clause 69 lays down constitutional safeguards for Singapore by providing that no amendment shall be made to the Federal Constitution without the concurrence of the Governor of Singapore if the amendment affects the operation of the Constitution in relation to Singapore as regards any of the matters specified.

### *TITLE VII—SUPPLEMENTARY.*

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

## PART IV—TRANSITIONAL AND TEMPORARY

### *Chapter 1—General*

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

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

### *Chapter 2—State Officers*

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

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

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

### *Chapter 3—The Courts and the Judiciary*

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

### *Chapter 4—Parliament and Legislative Assemblies*

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

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

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

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

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

(a) *Elections to the Federal House of Representatives*—Until the second general election after Malaysia Day, elections in Singapore to the House of Representatives will be conducted in accordance with State law passed with the concurrence of H. M. the Yang di-Pertuan Agong. However, after the first elections, these elections will also be subject to Federal law (Clause 95 (1)). As Federal law prevails over State law in accordance with Article 75, the subject of elections in Singapore to the House of Representatives will, after the first elections, in effect be concurrent.

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

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

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

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

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

In making its recommendations, the Election Commission is required to take into account the principles set out in section 2 of the Thirteenth Schedule to the Constitution (Clause 96 (2) (a)).

#### FIRST SCHEDULE

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

#### SECOND SCHEDULE

This Schedule provides for the application to Sabah, Sarawak and Singapore of Part I of the Eighth Schedule to the Constitution (final provisions) in the same manner as it applies to the States of Penang and Malacca, except for the modification enabling the Speaker to be a person

who is not a member of the State Legislative Assembly provided that he is qualified to be a member.

#### THIRD SCHEDULE

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

#### FOURTH SCHEDULE

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

#### FIFTH SCHEDULE

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

#### SIXTH SCHEDULE

This Schedule contains minor and consequential amendments to the Constitution.

Sir, I beg to move.

**Engku Muhsein bin Abdul Kadir:** Tuan Yang di-Pertua, saya menyokong.

**Enche' S. O. K. Ubaidulla:** Mr President, Sir, for fear of repetition and waste of the valuable time of this House I must refrain from going over grounds of the cause, the reason, and the good that would result out of Malaysia. To know how a sizeable majority of the people have welcomed Malaysia, one would have to study the recently-held elections in which Malaysia was the central topic. Indeed, Opposition Members and members of opposition parties thought that Malaysia was a very fine weapon in their hands to defeat the Alliance in the recent elections. The Honourable Minister without Portfolio gave you the figures of the recent elections as a result of which the Alliance and pro-Alliance parties are still ruling. No country in the world has opposed Malaysia except China and Indonesia. Even Russia has soft pedalled its opposition to Malaysia knowing the evil intentions of Communist China. The Philippines has laid claim to North Borneo. Everything considered, Sir,

Malaysia stands warmly welcomed internally and internationally. Our future well-being lies in achieving Malaysia. Sir, yet the Opposition parties in Malaya as a rule opposed Malaysia. I wonder how many of us have pondered upon the reason why our Opposition parties are set to sabotage Malaysia. All Opposition parties in Malaya became so nervous on hearing the concept of Malaysia from the mouth of the Tunku. They know that it was a brilliant and epoch-making idea. They know it could unite the people who could not stand divided. They know Malaysia would bring peace and prosperity. They know, too, that if Malaysia was achieved, it would put up the stock of the Alliance Party and none of the Opposition parties would have the ghost of a chance of coming into power for many, many terms to come (*Applause*). In opposing Malaysia the Opposition parties had never reached a common basis of reason. I have watched the proceedings very diligently and very carefully, both in the Lower House and outside in election rallies. They were shifting their arguments from one reason to another from time to time in a variety of ways.

Sir, when the Tunku advocated Malaysia, the Opposition parties objected to it by saying that the people concerned had not been given a chance to have their say. All right. Then, there was a referendum in Singapore and there were elections in the Borneo territories. There were also elections in local and town councils in Malaya. All the people concerned had their say. They said in unmistakable terms that they favoured Malaysia, one and all. The Opposition parties, having decided to oppose, invented another reason after facing the election shocks. They said that Malaysia has displeased Indonesia and the Philippines, and that it may end in war. They requested our Prime Minister to have a Summit Talk with the leaders of Indonesia and the Philippines, so that the matter may be amicably settled. The Prime Minister did meet the leaders of Indonesia and the Philippines and even went out of the way to agree to receive a United Nations fact-finding mission, which in my opinion and in the opinion of all of us

is practically unnecessary. By agreeing to allow the United Nations team to find out for itself the Tunku has proved to the world that his aim is nothing but peace and prosperity for the people of this part of the world.

Sir, when the Summit Accord was reached and the United Nations team was invited to assess the views of the people of the Borneo territories, the Opposition parties again scratched their heads to find another knavish reason to oppose Malaysia. I say "knavish" because their latest reason for opposing Malaysia is a possible forecast of rebellion, revolt and civil disturbance in Singapore and the Borneo territories. This is the last bogey left in the armoury of their agitation against Malaysia. To suggest rebellion and revolt is the worst disservice they can do to a country which is internationally known for the peace and harmony with which its multi-racial people live in Malaya.

Sir, now let me come to some of the funny and self-contradictory arguments that members of the Opposition parties put forward against Malaysia. One Opposition Member said that the Federation cannot afford to help develop the Borneo territories, and if it did, the Federation will suffer financially. Contradicting this Member, another Member of the Opposition said that Malaya would exploit the Borneo territories and colonise the people there. Sir, how paradoxical is this statement.

One leading Opposition Member advocated the annexation of four Thai provinces into Malaya even before the Malaysia concept was mentioned. The annexation of four provinces of a sovereign State is nothing but provoking a war. That Opposition Member advocated annexation to protect the Malays in Thai territories. Now he thinks that if Singapore and the Borneo territories were included into Malaysia, the Malays will be doomed. Remember, there are far more Malays in Singapore and in the Borneo territories than in the four provinces of Thailand. The Member concerned wants us to wage a war to protect the Malays in Thailand but does not want us to accept the Malays of Singapore and Borneo who

are willing to join us (*Applause*). To say that the Chinese would swamp the Malays is neither factually nor mathematically nor even astronomically true (*Laughter*). May I ask the Members of the P.M.I.P. who voted Enche' Hasnul into occupying the Chair of the Malacca Town Council? It is the Chinese. They worked on the basis of party politics; I mean predominantly the Chinese votes. Who voted in Mr Seenivasagam? Who voted in Mr Gurnam Singh Gill to the Seremban Town Council? Persons who run Penang and Ipoh declared that the people in the Borneo territories would be colonised and subjugated and communal differences would be the order of the day. It would be interesting to know whether they do the same in their own towns by oppressing their people. If the Alliance Government cannot stop them from capturing four towns like Penang, Malacca, Seremban and Ipoh to rule, the same Alliance Government cannot do anything against the autonomy of the Borneo territories and the special rights they enjoy.

A learned Opposition Member said that under Malaysia, Singapore would become an industrial centre and Petaling Jaya would be wiped out; but in the same breath he said that under Malaysia although Singapore would have autonomy in Education and Labour, the Minister of Internal Security would have the final say. Sir, how illogical it is to say that the Federation Government would allow its industrial centre to be swamped and, on the other hand, suppress Labour and Education in Singapore. Sir, may I say that under Malaysia both Jurong and Petaling Jaya will be our towns. That is the spirit of Malaysia. Let the Opposition not play one against the other. Those days are gone.

Sir, one Opposition Member predicted that under Malaysia, Singapore would be treated as an outcast, a leper—an unwanted set of people; and yet he pointed out why Singapore was allowed multi-lingualism but not the Federation. Surely outcasts do not enjoy better facilities than the high casts. The same Honourable Member, who always stands and speaks against the special privileges of the Malays in Malaya, astonished all of us by asking why special rights were

not given to the Malays in Singapore. For the sake of opposing Malaysia, he became the champion of the Malays in Singapore (*Applause*). How incredible is this kindness!

In the game of opposing Malaysia, the worst part was played by the Pan-Malayan Islamic Party. I am now convinced that the P.M.I.P. has no leaders of imagination and foresight (*Applause*). It is just exploiting the people by stirring religious fervour and emotion. By opposing Malaysia, the P.M.I.P. has become the number one enemy of the Malays—yet it claims to be the champions of the cause of the Malays.

Whenever P.M.I.P. Members speak hear in the Senate, we used to leave it to the Members of Pantai Timor, who are in front of me, to reply, but when P.M.I.P. Members oppose Malaysia, I have lost all my sympathy for them. They are not a healthy opposition, and they are not fighting to preserve the rights and welfare of the Malays. By opposing Malaysia, they are fighting for the survival of their Party.

**Nik Hassan:** Hear, hear!

**Enche' S. O. K. Ubaidulla:** They have come to realise that when Malaysia comes into being, the popularity of the Alliance will shoot so sky-high that their Party will be finished once and for all (*Applause*).

When Tunku proposed the concept of Malaysia, the top-notch leaders of the P.M.I.P. agreed with the idea, but wanted Indonesia and the Philippines to be included in the concept called "Malaysia Raya". I personally went to meet one of the leaders of the P.M.I.P. and asked him what he meant by "Malaysia Raya". He kindly sat down with me and explained that the Philippines, Indonesia and Malaya, including the Bornean territories must come under one rule. I asked him how he proposed to make these sovereign States to come under one rule. He merely put me off by saying that there are ways and means, if we are genuine and earnest about it. If he meant that Maphilindo was one of the ways and means that he visualised, then he and his colleagues

must now support Malaysia. A loose federation for consultation and mutual protection, has been achieved by the concept of Maphilindo. Since he and his Party still oppose Malaysia, it is evident now that his concept was not Maphilindo but Malaysia and the Philippines to come under the rule of Indonesia, under the leadership of *Bung Karno*.

**Enche' Nik Hassan:** Hear, hear!

**Enche' S. O. K. Ubaidulla:** Now, the mask is torn and we come to know the true colours of the P.M.I.P. The P.M.I.P.'s interest is not the interest of the country, nor is its interest the interest of the Malays nor of Islam. Its only interest is to keep its Party going so that some of its indolent and inactive members can live well. They believe that their Party would forever be safer under some foreign rule. Sir, now may I tell them that the writing is on the wall: the sign of their Party losing ground in every election has become amply evident; their branches cracking up everywhere on the Malaysia issue has become well-known. I still believe that Dr Burhanuddin and Enche' Zulkiflee can become honest. If they do not support Malaysia, that will be the end of their Party. I request the P.M.I.P. Members to stop posing as the champions of the Malays. When they were given two States to run, what did they do for the Malays and Islam? Men who sat on the high pedestal were idle and indolent, and it was alleged that one of their Mentri Besars became often sick to be in the company of a certain charming and favourite nurse in the hospital (*Laughter*). Honourable Members, we need not go too far. One of the P.M.I.P. Members who sat here as a Senator was here with us for three years. I have not seen him standing up for once, let alone speaking—he did not even stand up! These are the people who are fighting for the cause of the Malays and the cause of Islam.

There was a time, Sir, when I honestly thought that the P.M.I.P. was a necessary opposition, because some of our Alliance Members of Parliament and Ministers did not give enough service to the religions, functions and activities—

I thought so. While I am at it, I would like to pay a glowing tribute to the lamented late Honourable Tun Leong Yew Koh, Dato' Sambanthan and Enche' Manickavasagam, because these fine men have spent all their spare time to the services of various activities of their religions and the followers of their religions—that is true. It is in this respect that I thought the Members of the P.M.I.P. could goad us into action so that we may be conscientious in our legitimate activities to the service of the respective religions. Now, I am thoroughly satisfied that the P.M.I.P. has not done anything singular for the Malays and Islam. I want to make it known to them that, as a non-Malay Muslim, I know for certain that what our Prime Minister Tunku Abdul Rahman has done for Islam and the Malays, could never be equalled by the whole lot of the P.M.I.P.—real, imaginary and inventory (*Applause*). The Tunku has done the greatest service to the cause of Islam without offending other religions and he has done the greatest service to the cause of the Malays without offending any other race. This is my confirmed view.

Now, Sir, I whole-heartedly support and welcome the Malaysia Bill. (*Applause*).

**Dato' Dr Cheah Toon Lok:** Mr President, Sir, this morning we are witnessing an historical event. We are bringing into being a new nation conceived in liberty dedicated to the people of South-East Asia, for the peace, prosperity, harmony and development of these various territories. It is as a result of political and social development of our democratic structure that we have been able to realise these possibilities, and it is also due to the genius of our Prime Minister who has conceived this idea.

People have opposed Malaysia on many grounds. One is that we are going to encircle Indonesia. The other is that it is going to increase the political powers of the Chinese in these various territories. But we are not doing that. How can a small nation of ten million people fight against a nation of one hundred million people? How can the

Chinese control political powers when they are so disunited even among themselves? (*Laughter*) The Chinese are a race of individualists (*Laughter*) from time immemorial, because of the teachings of the analects of Confucius as the basis of their culture. If the Chinese had been united, today the M.C.A. would have been the most wonderful political association in Malaya.

**Enche' S. O. K. Ubaidulla:** Yet, it is a wonderful political organisation!

**Dato' Dr Cheah Toon Lok:** But they are still individualists, and I hope this conception of Malaysia will bring all the Chinese to realise that they must be united as one people not only among themselves but amongst the people with whom they are living—amongst the Malays, the Dayaks, the Indians and the other races comprising the population of Malaya.

Sir, a new future is facing us—a future not only for ourselves but for generations of our children to come, who are going to be the future citizens of this new nation. I hope that the Chinese will realise that to be individualistic is not a virtue but is a failure in their social structure—it is a failure in their cultural structure, for no human being today, no nation today, can exist alone. The United Nations is an example of nations coming together and working together for the peace of the world. I hope people will not stand up and say that Malaysia is meant for the Chinese alone. It is not so. It is meant for all the races living in this country enjoying the liberties that democracy has given. I hope all of us will be dedicated to the future of Malaysia and will see that this infant grows up to the stature of a man, to show to the world that we, in this part of the world are capable of bringing into being a new democracy for the sake of peace, prosperity, harmony and the well-being of the people of East Asia. (*Applause*).

**Enche' T. H. Tan:** Mr President, Sir, I rise to make my little contribution to all that has already been expressed on the principle of the Bill before the House today. There is no doubt that political opinion in all the four terri-

tories concerned is overwhelmingly in favour of the establishment of the Federation of Malaysia. In recent elections in Malaya, Sabah and Sarawak, the pro-Malaysia Alliance Parties have won handsomely. To me personally, and to my colleagues in this House, it is a matter of great satisfaction that the Alliance Parties are forming the new Governments of Sabah and Sarawak. I am confidently looking forward to the day in the not too distant future when the Alliance Party of Singapore will be returned to power (*Applause*). The result of the Singapore Referendum adds further weight to the political justification for the creation of Malaysia.

Mr President, Sir, in the economic sense, the establishment of Malaysia will bring together areas of vast potentialities which, when developed, will make a valuable contribution to progress and to the consequent well-being and happiness of the people. I have travelled fairly extensively in the Borneo territories, and I have found that there is so much that the people there have in common with us. Taking into account political, economic and ethnic considerations, the establishment of Malaysia is the logical sequence to the independence of Malaya. Malaysia will be a federation of what were formerly British colonies in South-East Asia. It is logical that they should form themselves into a federation upon attaining freedom from colonial rule.

Mr President, Sir, there are certain principles embodied in the various clauses in the Bill before us that may evoke questions. For example, some of us may well consider the provisions relating to immigration as partial towards the Borneo territories. I ask Honourable Senators to accept these provisions as a gesture of our sincerity towards the people of Sabah and Sarawak who fear that they may be swamped. As 80 per cent of Malaya itself is still undeveloped, there is no cause for Sabah and Sarawak to entertain such fear. However, as I have said in this House yesterday, after a few years of co-existence with us, I am sure the people of Sabah and Sarawak will

of their own accord take steps to bring us even closer together with them by removing the immigration restrictions on our entry into their territories—so much is my faith in the peoples of the Borneo territories.

While the United Nations investigation team is busy at work in the Borneo territories, and in view of the Manila Summit Accord, I do not wish to say any more about the attitude of Indonesia and the Philippines, especially after my address in this House yesterday. I wish only to take this opportunity to reiterate my confidence that like the Cobbold Commission, the Michelmore team will find that the people of Sabah and Sarawak are convinced that their destiny lies in joining the Federation of Malaysia. The Michelmore team will find, as I have found, that there is a very vocal, even defined, group in Sibu and Kuching who do not—I repeat and emphasise the words “do not”—oppose the concept of Malaysia, but want its establishment to be brought about in a manner different from that provided by the Constitutional measures embodied in the Bill before us today. I hope the Michelmore team will ascertain beyond doubt that the opponents in Sibu and Kuching to our way of forming Malaysia are the communists, that these communist elements are in a very small minority and that they do not represent the respectable Chinese community in Sarawak as a whole. The Michelmore team should know that the communist-supported party in Sarawak, the S.U.P.P. failed in the recent elections on its anti-Malaysia platform.

Mr President, Sir, the Bill before us is an historical document which will have a very important place in the annals of world history. I put it to this House that we should consider it an honour and privilege to have a hand in its passage (*Applause*). After having heard the lengthy and lucid explanation of the Honourable Minister and Leader of the Senate, Senator Khaw Kai-Boh, Honourable Members should not hesitate to pass the Bill to establish Malaysia. I urge Honourable Senators to express appreciation of our Govern-

ment's efforts to bring about Malaysia and to indicate our welcome to the peoples of Borneo territories and Singapore by giving our unqualified blessing to this Bill. (*Applause*).

**Enche' Da Abdul Jalil bin Haji Awang:**  
 Tuan Yang di-Pertua, Malaysia Bill banyak telah di-bahathkan di-dalam Dewan Ra'ayat dan telah panjang-lah hari ini di-bahathkan dalam Dewan ini. Jadi, saya rasa tidak-lah saya hendak berchakap lebuh panjang dalam perkara ini tetapi beberapa perkara ini perlu juga saya jelaskan di-sini. Tuan Yang di-Pertua, di-dalam kenyataan-nya Yang Teramat Mulia Tunku Perdana Menteri kita pernah menyatakan bahawa Malaysia tidak-lah akan di-tubohkan kalau-lah sa-buah daripada negeri<sup>2</sup> yang di-chadangkan berchanton di-dalamnya itu tidak termasuk di-dalam Malaysia tetapi sekarang Brunei telah tidak di-masukkan di-dalam Malaysia ini. Jadi erti-nya bulan sabit sa-bagaimana pernah di-katakan oleh Yang Teramat Mulia Tunku Perdana Menteri itu telah sumbing-lah oleh sebab Brunei tidak masuk Malaysia ini.

Tuan Yang di-Pertua, di-dalam perwakilan kapada Federal Parlimen nampak-nya Sabah dan Sarawak mendapat perwakilan tidak sa-imbang dengan negeri<sup>2</sup> yang lain. Sabah mendapat 16 kerusi sedangkan penduduk-nya tidak sampai sa-tengah juta orang. Sarawak mendapat 24 kerusi sedangkan penduduk-nya tidak sampai 800,000 orang. Ini bererti perwakilan yang di-berikan kapada Sabah dan Sarawak itu ada-lah melebihi daripada apa yang patut di-berikan kapada-nya. Tuan Yang di-Pertua, sa-patut-nya soal perwakilan ini hendak-lah di-serahkan kapada Election Commission tetapi sekarang telah di-tetapkan oleh Cabinet terlebih dahulu. Bagitu juga soal Singapura, Singapura mendapat 15 kerusi pada hal kebanyakan hasil<sup>2</sup> daripada negeri Singapura itu di-simpan-nya sendiri, kerana kebebasan-nya di-dalam soal Buroh dan Pelajaran itu dia mendapat tiga suku daripada hasil negeri-nya tetapi dia maseh boleh mendapat 15 kerusi. Mengikut dasar negeri berdemokrasi tidak-lah ada wakil melainkan hanya dengan hasil chukai-nya.

Sedangkan chukai pendapatan Singapura itu ada-lah lebuh banyak di-simpan-nya sendiri dan Singapura mendapat wakil yang lebuh banyak daripada sa-patut-nya.

Tuan Yang di-Pertua, di-dalam Parlimen Malaysia ini negeri<sup>2</sup> yang baharu ini banyak mendapat hak<sup>2</sup> daripada negeri<sup>2</sup> Melayu yang ada dalam Persekutuan Tanah Melayu ini. Jadi kebebasan ini ada-lah sa-bagai hendak menarek, sa-bagai satu umpan, untuk menarek negeri<sup>2</sup> ini masok ka-dalam Malaysia atau kerana apa tidak-lah dapat saya katakan. Tetapi dengan pemberian wakil yang banyak itu nyata-lah ini hendak menarek negeri<sup>2</sup> ini ka-dalam Malaysia kalau tidak negeri<sup>2</sup> ini akan tidak mahu menerima Malaysia ini.

Tuan Yang di-Pertua, dalam Central Government yang kuat patut-nya segala perkara<sup>2</sup> ini mesti-lah melalui Kerajaan Pusat tetapi di-Sabah dan di-Sarawak soal ugama tidak termasuk di-dalam Perlembagaan negeri itu, bererti Sabah dan Sarawak tidak-lah menerima ugama Islam sa-bagai ugama rasmi negeri itu sa-bagaimana yang ada di-dalam Persekutuan Tanah Melayu hari ini. Dan segala perkara yang hendak di-buat berkenaan dengan ugama juga ber-kehendakkan kelulusan dua pertiga daripada Dewan Undangan di-negeri<sup>2</sup> tersebut.

Dalam soal bahasa juga, Tuan Yang di-Pertua, saya nampak Sabah dan Sarawak di-beri peluang sa-lepas 10 tahun daripada tahun 1963. Ini bererti bahasa Kebangsaan dan bahasa rasmi yang tunggal bagi Persekutuan Tanah Melayu yang telah di-tetapkan 10 tahun sa-lepas daripada kemerdekaan itu sudah tidak mempunyai erti lagi. Jadi nampaknya sa-olah<sup>2</sup> Kerajaan Central Govern-ment itu terlampau banyak memberi kebebasan kapada negeri<sup>2</sup> yang mau menerima Malaysia itu daripada ber-tegang untuk mempertahankan hak<sup>2</sup> atau prinsip<sup>2</sup> yang telah di-perjuangkan oleh Persekutuan Tanah Melayu.

Tuan Yang di-Pertua, maka dengan ini saya rasa tidak-lah perlu saya berchakap panjang hanya memada-lah sa-takat apa yang saya katakan kerana

perkara ini telah pun panjang di-bahathakn di-dalam Dewan Ra'ayat sana, sekian.

**Nik Hassan bin Haji Nik Yahya: Dato'**  
 Yang di-Pertua, di-dalam menyokong chadangan yang di-bawa oleh Yang Berhormat Menteri Yang Tidak Berjabatan supaya kita meluluskan Rang Undang<sup>2</sup> Perlembagaan bagi menuboh-kan Malaysia pada 31 Ogos ini atau pun kemudian daripada itu, saya rasa di-dalam saat yang bersejarah ini perlu-lah saya memberi pendapat saya kapada Rang Undang<sup>2</sup> atau pun Bill yang ada di-hadapan kita ini. Saya belum pernah mendengar kechaman yang di-buat oleh saudara saya ia-itu Yang Berhormat Tuan Ubaidulla terhadap pemimpin<sup>2</sup> Parti Islam sa-Tanah Melayu atau pun PAS di-dalam masa yang lalu saya berada di-dalam Dewan ini, tetapi hari ini-lah saya mendengar beliau ini menge-mukakan pendapat-nya dan telah meng-ambil keputusan bagaimana salah-nya Parti Islam sa-Tanah Melayu ini meng-ambil sikap menyokong Parti Progres-sive Ra'ayat, Front Socialist dan parti<sup>2</sup> Pembangkang yang lain dalam perkara Malaysia ini. Saya memberi tahniah-lah kapada saudara saya ini dengan kerana mengemukakan pendapat-nya yang tulus ikhlas sa-telah beliau menemui ketua Parti Islam sa-Tanah Melayu ini sendiri yang telah membangkang terhadap Rang Undang<sup>2</sup> ini. Saya rasa sudah sampai masa-nya bagi kita memendekkan perbahatan kita mengenai Rang Undang<sup>2</sup> Perlembagaan ini kerana apa yang telah di-terangkan oleh Menteri Yang Tidak Berjabatan itu telah pun jelas ada di-hadapan kita bagaimana perjalanan sa-buah negara Malaysia mengikut apa yang di-susun dan apa yang telah di-persetujukan sa-telah di-siasat, sa-telah di-kaji dan di-tapis dalam segala segi semenjak tahun 1961 lagi sa-hingga kapada hari ini ia-itu masok pada tahun 1963 ini. Tetapi dengan kechekapan dan kebijaksanaan dan kesabaran yang di-perbuat oleh Yang Teramat Mulia Perdana Menteri dan Menteri<sup>2</sup> kita maka sekarang ini segala kesulitan<sup>2</sup> dan segala halangan<sup>2</sup> dapat di-atas. Kerja menyusun Malay-sia terus berjalan, sa-hingga dapat kita mengadakan satu Bill atau satu Rang Undang<sup>2</sup> yang akan kita putuskan pada

sa'at yang bersejarah ini. Saya tidak sangka banyak perkara<sup>2</sup> perubahan yang akan berlaku dalam Rang Undang<sup>2</sup> Perlembagaan kita ini, atau pun Rang Undang<sup>2</sup> itu mengenai hal kuasa<sup>2</sup> di-Singapura dan juga kuasa<sup>2</sup> Kerajaan Pusat; tetapi dengan kerana kiraan yang bagitu rumit maka timbul berbagai<sup>2</sup> perkara yang terpaksa di-pinda sahingga di-bawa kepada perjumpaan di-London bagi menyelesaikan kesulitan<sup>2</sup> di-antara Singapura dan Tanah Melayu. Pada akhir-nya hari ini kita dengar dan kita dapati gambaran<sup>2</sup> yang terang di-hadapan kita ia-itu di-mana dudok-nya Singapura, dan di-mana dudok-nya Kerajaan Pusat. Kita memberi tahniah kepada pegawai<sup>2</sup> kita dan Menteri<sup>2</sup> kita yang telah mengikuti dalam perundingan itu dan menjayakan chita<sup>2</sup> kita bagi membentuk Malaysia itu. Dalam perkara ugama yang di-bangkitkan oleh pehak Pembangkang yang menyatakan bangkangan-nya itu ia-lah perkara yang pertama yang menjadi perasaan yang tidak puas hati ia-lah kerana ugama Islam itu tidak menjadi ugama rasmi atau ugama Kerajaan negeri<sup>2</sup> di-Borneo. Saya suka terangkan kapada pehak saudara<sup>2</sup> pehak Pembangkang ia-itu negeri Borneo itu ia-lah sa-buah negeri yang bukan berupa negeri sa-bagaimana Tanah Melayu ini. Negeri Borneo itu penduduk-nya yang berugama Islam, atau pun orang<sup>2</sup> yang menganut ugama Islam sangat-lah sadikit atau peratus orang yang menganut ugama Islam sangat-lah sadikit. Kebanyakan anak negeri di-Borneo itu ia-lah menganut ugama Christian dan banyak bilangan mereka yang tidak berugama. Jadi, kita harus bertanya kapada pehak Pembangkang, apa-kah yang akan menjadi dan bagaimana-kah chara-nya hendak menjalankan ugama Islam itu sa-bagai ugama rasmi yang akan di-hormati, dan akan di-ikuti oleh satu negeri yang lebih daripada 3/4 ra'ayat-nya bukan berugama Islam. Kalau kita buat masjid dan surau di-kampong<sup>2</sup>, tinggal-lah masjid<sup>2</sup> dan surau<sup>2</sup> itu tidak ada siapa yang hendak sembahyang. Kalau kita buat sekolah ugama Islam, tidak ada siapa murid yang hendak belajar. Jadi, itu-lah sebab-nya perkara yang pertama sa-kali yang harus di-lakukan oleh Kerajaan atau pun yang harus di-lakukan oleh orang<sup>2</sup> Islam ia-lah kerja mengem-

bangkan ugama Islam. Jadi, sa-patutnya-lah daripada pehak Pembangkang yang hendak membela ugama Islam itu yang merasa tidak puas hati dengan tiada-nya ugama Islam itu menjadi ugama rasmi itu menghantarkan orang<sup>2</sup> pergi ka-Borneo dan Sarawak supaya menjalankan kerja<sup>2</sup> supaya orang<sup>2</sup> yang keturunan Dayak yang belum berugama itu menganut ugama Islam. Saya tidak nampak ada orang<sup>2</sup> Islam yang menepok dada di-Kuala Lumpur ini orang<sup>2</sup> yang bersunggoh<sup>2</sup> hendak membela ugama Islam itu datang ka-hulu<sup>2</sup> negeri Sarawak di-mana tempat orang<sup>2</sup> Christian sedang mengembangkan ugama Christian. Saya tidak nampak Ustaz Zulkiflee, Dr Burhanuddin atau pun ketua<sup>2</sup> parti yang memperjuangkan Islam itu melawat dan menemui mereka itu supaya menunjukkan kebenaran Islam dan orang<sup>2</sup> yang belum berugama Islam. Sa-masa lawatan saya ka-sana, manakala saya berjalan ka-hulu<sup>2</sup> di-negeri Sarawak, saya melihat bagaimana chara orang<sup>2</sup> Christian mengembangkan ugama-nya, jadi kebebasan berugama itu ada-lah memberi peluang kapada pemimpin<sup>2</sup> Islam datang ka-Sarawak, datang ka-Borneo untuk mengembangkan Islam.

Satu daripada sharat dalam perjanjian itu telah juga di-terangkan ia-itu wang<sup>2</sup> yang di-belanjakan dengan wang lembaga loteri itu akan di-beri dan boleh di-beri dan di-belanjakan bagi mengembangkan ugama Islam. Kalau sa-kiranya orang<sup>2</sup> daripada Parti Islam itu tidak ada wang, datang-lah kapad<sup>2</sup> Tunku Abdul Rahman, minta wang pergi menemui orang<sup>2</sup> yang tidak berugama atau untuk mengembangkan ugama Islam. Ini yang lebuh baik, atau pun berjumpa dengan Senator T. H. Tan (Ketawa). Dia boleh beri kapada orang<sup>2</sup> yang hendak mengembangkan ugama Islam.

Sa-lain daripada itu satu daripada bahathan-nya ia-lah bahasa Kebangsaan. Saya ketawa kecil manakala mereka mengeluarkan perkataan kenapa Bahasa Kebangsaan mesti di-tanggohkan 10 tahun untuk di-rasmikan di-negeri<sup>2</sup> yang sa-umpama itu. Mereka telah lupa bahawa kita pernah menunggu 10 tahun untuk merasmikan Bahasa Kebangsaan,

di-India yang lebuh maju yang lebuh lama sa-hingga hari ini belum dapat merasmikan bahasa-nya sa-bagai Bahasa Kebangsaan (*Tepok*). Jadi, ini kenyataan yang ada di-hadapan kita, kenyataan<sup>2</sup> yang tidak boleh di-napikan. Saya rasa kalau-lah Yang Berhormat pehak Pembangkang ini mengalehkan fikiran-nya dan chuba menghalakan pandangan-nya kapada negeri Singapura ia-itu sa-buah negeri yang lebuh daripada 3/4 di-duduki oleh orang<sup>2</sup> yang bukan Melayu, orang<sup>2</sup> pernah menggunakan bahasa China, bahasa Inggeris, bahasa Tamil sa-bagai bahasa perkerjaan mereka, mereka ini tidak menggunakan bahasa Melayu dan sadikit sangat orang<sup>2</sup> yang tahu bahasa Melayu untuk di-jadikan bahasa pergunaan mereka.

Jadi kalau kita paksa mereka pada hari ini, kalau kita paksa mereka supaya menggunakan bahasa Melayu, saya bimbang Undang<sup>2</sup> dan segala pentadbiran yang akan berlaku di-negeri Singapura itu akan menjadi perkara yang sa-balek-nya daripada apa yang hendak di-buat. Kalau kita suruh mereka itu menyusun Undang<sup>2</sup> negeri mereka itu, mereka menyusun rumah tangga mereka, bukan negeri mereka. Kerana mereka ini tidak tahu dengan sa-benar<sup>2</sup>-nya dalam Bahasa Kebangsaan. Jadi kalau sa-kira-nya kita mesti paksa mereka itu untuk menggunakan Bahasa Kebangsaan bagi menjalankan kerja<sup>2</sup> di-Mahkamah Tinggi, sa-hingga pada hari ini di-negeri kita sendiri pun belum dapat menjalankan dengan Bahasa Kebangsaan ia-itu di-High Court bagaimana-kah pula orang<sup>2</sup> Singapura mesti menggunakan Bahasa Kebangsaan di-Mahkamah<sup>2</sup> mereka. Bagaimana-kah kita hendak paksa orang di-Borneo untuk menggunakan Bahasa Kebangsaan menjadi bahasa rasmi dalam pejabat<sup>2</sup> mereka. Manakala kita kenal dan kita tahu mereka ini tidak dapat menggunakan Bahasa Kebangsaan, melainkan mereka mesti di-ajar, mesti di-beri pelajaran dan mesti di-asoh supaya mereka dapat menggunakan-nya. Jadi sa-kira-nya pada hari ini kalau di-katakan di-dalam Perlembagaan, Bahasa Kebangsaan itu akan di-gunakan di-dalam tempoh 10 tahun lagi atau di-gunakan di-negeri<sup>2</sup> Borneo atau negeri<sup>2</sup> Sarawak atau pun

Sabah maka berma'ana kita meletakkan batu asas untuk menubohkan untuk membangunkan Bahasa Kebangsaan menjadi bahasa rasmi dalam masa 10 tahun. Berma'ana kita meletakkan batu asas dan dalam masa 10 tahun nanti kita akan menduduki di-atas rumah yang kita bina itu. Kita mesti meletakkan batu asas pada hari ini dan dalam masa 10 tahun lagi kita akan menerima hasil dan saedah daripada perletakan batu asas kita itu. Ini-lah chara pentadbiran, ini-lah chara pekerjaan yang di-buat mengikut chara yang baik dan mengikut chara sederhana. Saya rasa pehak Pembangkang tentu-lah ada membaca kitab<sup>2</sup>;—saya tidak baca—mereka tentu-lah dengar keterangan<sup>2</sup>, siaran<sup>2</sup> pada segi ugama yang di-dalam-nya kita perchaya sifat sederhana, sifat jangan bersikap gopoh, maka sikap sederhana ini-lah yang sa-baik<sup>2</sup> sikap untuk Kerajaan memandu chara hidup. Jadi saya rasa Perlembagaan yang ada pada hari ini dan susunan Perlembagaan yang kita susun pada hari ini ia-lah satu susunan yang sederhana sa-bagaimana yang dikatakan oleh rakan saya di-sebelah sini ia-itu Yang Berhormat Tuan Ubaidulla yang menyatakan Perdana Menteri kita telah pun mengadakan satu kaedah hendak mengembangkan ugama Islam, maka, perkembangan itu jangan-lah menyentoh dan menyakitkan hati orang<sup>2</sup> yang menganut ugama lain. Kalau kira-nya hendak memajukan orang Melayu dari segi ekonomi dan sa-bagai-nya, maka chara perlaksanaan ini tidak-lah menyentoh dan menyusahkan dan menyakitkan hati kaum<sup>2</sup> lain yang suka bersama<sup>2</sup> dalam membina negeri ini. Ini-lah satu chara, ini-lah satu kaedah dan chara yang di-atorkan oleh sa-buah negeri yang ada berbagai<sup>2</sup> kaum dan ugama pada hari ini, dan kaedah ini-lah membawa kita dapat menyusun sa-buah Kerajaan yang aman, ma'amor dan dapat kita pada hari ini menyusun sa-buah Kerajaan yang aman dan dapat pula kita memperbesarkan wilayah Kerajaan itu menjadi sa-buah Kerajaan yang lebuh besar dan umat yang lebuh ramai lagi.

Saya rasa terperanjat manakala wakil Pembangkang ia-itu saudara saya Yang Berhormat Enche' Da Abdul Jalil mengeluarkan sharaham yang paling

saya terkejut saya mendengar-nya, ia-itu hujah yang mengatakan kenapa Singapura dapat 15 kerusi sahaja. Kenapa Kerajaan Singapura yang mempunyai *ra'ayat* dua juta lebuh itu mesti menghantar wakil-nya 15 orang, manakala negeri Borneo, mithal-nya, Sarawak 24 dan Sabah chuma 16 orang sahaja, maka kalau di-Singapura di-asaskan kapada kemajuan-nya, Singapura patut mendapat lebuh dari 15 kerusi dalam Parlimen.

**Enche' Da Abdul Jalil:** Tuan Yang di-Pertua, sa-bagai penerangan barang-kali Yang Berhormat itu silap. Sa-betulnya saya tidak mengatakan Singapura patut di-berikan lebuh 15 kerusi. Saya mengatakan hasil yang di-terima oleh Singapura sa-banyak tiga per empat, maka Singapura tidak patut-lah di-beri 15 kerusi sahaja.

**Nik Hassan bin Haji Nik Yahya:** Jadi tidak 15 kerusi berma'ana lebuh-lah (*Ketawa*). Kalau sa-kira-nya Singapura itu tidak patut di-beri 15 kerusi dan patut-lah di-beri 30 kerusi. Kalau Singapura tidak patut di-beri 15 kerusi berma'ana Singapura mesti mendapat atau menghantar wakil-nya menurut hasil yang di-keluarkan oleh Singapura. Jadi ini berma'ana menambahkan lagi bilangan wakil daripada Singapura itu. Baharu pagi tadi sahaja wakil itu juga telah menyatakan di-Singapura orang China ramai. Harus-lah kita mesti sekat, mesti tahan, mesti tidak dimasukkan dalam Malaysia kerana dengan ada-nya dalam Malaysia nanti orang Melayu akan tenggelam. Sekarang ini kita dengar pula wakil Singapura harus mendapat lebuh kerusi. Kalau di-beri lebuh wakil kapada Singapura maka Singapura akan menelan-lah Tanah Melayu ini. Jadi ini-lah satu hujah yang saya rasa mengelirukan penduduk negeri ini, ada-kah kita mahu di-Tanah Melayu yang mempunyai wakil 104 orang itu dan kerana Singapura banyak hasil mesti di-beri 100 orang juga supaya menelan orang Melayu, orang China dan orang India yang ada di-Tanah Melayu ini? Ada-kah kita mahu hak bagi Singapura itu memandang kapada sa-buah negeri yang kecil yang mempunyai hak yang telah pun di-persetujukan oleh Kerajaan Per-

sekutuan supaya Singapura mempunyai hak dalam perkara Buroh dan Pelajaran dan lain<sup>2</sup>-nya? Jadi kalau Singapura mempunyai hak pentadbiran wang-nya sendiri, kalau Singapura berhak mentadbir kekayaan-nya sendiri dan kalau Singapura berhak mentadbir pelajaran berhak mentadbir hal buroh-nya sendiri, kenapa Singapura mesti mendapat lebuh daripada 15 kerusi? Kita tidak boleh mengasaskan kapada hasil Singapura kerana hasil Singapura itu tidak semua datang-nya ka-Tanah Melayu, kerana Kerajaan Singapura tidak menyerahkan hasil-nya kapada Kerajaan pusat. Kita hendak mendapat \$50 juta itu pun Tuan Lee Kuan Yew sudah bergaduh tidak mahu memberi \$50 juta itu kalau tidak ada 50 peratus buroh<sup>2</sup>-nya boleh masok bekerja di-dalam Malaysia ini. Jadi Singapura susah hendak melepaskan hasil-nya. Jadi ini-lah chara-nya bagaimana hendak menjaga negeri itu. Kalau negeri Amerika memberi wang kapada Tanah Melayu dengan sharat meletakkan sain board menyatakan ini wang Amerika, bagitu-lah Singapura, dia mahu 50 peratus buroh-nya masok disini. Ini bijak pandai yang di-permainkan oleh Tuan Lee Kuan Yew dan perkara ini di-tuntut pada akhir sa'at sa-masa kita hendak menyain perjanjian itu. Pada sa'at akhir itu-lah tadi saya katakan tidak siapa pun yang tidak menyatakan Tuan Lee Kuan Yew ini menikam kita dari belakang tetapi dia tidak pernah mengatakan bagitu. Jadi ma'ana-nya 15 orang wakil itu kurang, ma'ana P.M.I.P. minta lebukkan lagi (*Ketawa*). Jadi kalau Kerajaan PETIR, Tuan Lee Kuan Yew bilang payah hendak mendapatkan lebuh kerusi tetapi, P.M.I.P. lebuh mudah hendak membahagikan 30 kerusi pula. Jadi ini satu hujah yang saya nampak patut-lah di-fikirkan sa-mula ia-itu di-bawa dalam persidangan Parti Islam sa-Tanah Melayu untuk mengambil keputusan perkara buroh yang patut di-berikan kapada Singapura, dan bawa balek kapada Kerajaan supaya Kerajaan dapat menimbangkan sa-mula. Saya rasa apa yang di-susun di-dalam Perlembagaan ini ada-lah sederhana, kemas dan sudah patut. Dan saya rasa satu daripada sharat yang paling baik yang ada di-dalam Perlembagaan ini ia-lah untuk keselamatan negeri kita dan untuk keselamatan *ra'ayat* kita.

Ia-itu perkara memberi kuasa kepada Kerajaan Pusat sa-bagai yang ada dalam Perlembagaan ini, ia-itu mengenai hal kera'ayatan. Mengikut Perlembagaan yang saya katakan lebuh baik lebuh kemas dan lebuh selamat ia-lah sa-bagaimana yang ada dalam Perlembagaan ini, Kerajaan Pusat ini berkuasa membatalkan kera'ayatan sa-saorang ra'ayat Singapura itu kira-nya di-fikirkan ia-nya membahayakan atau pun melanggar atau pun melakukan sa-suatu pekerjaan yang boleh merosakkan keamanan dalam negeri kita. Pembatalan itu dengan sendiri-nya membatalkan kera'ayatan sa-saorang ra'ayat Singapura itu.

Jadi, ini ada-lah satu bab yang menunjukkan kita telah menjaga keselamatan negeri kita. Kalau sa-kira-nya bab ini tidak ada maka apa-kah yang akan jadi kapada kita kira-nya timbul satu<sup>2</sup> perkara di-Singapura itu. Jadi, dalam perkara bab ini saya suka bertanya kapada Menteri yang Tidak Berjabatan kira-nya ia boleh menghuraikan tentang bagaimana yang akan terjadi kapada mereka<sup>2</sup> yang tidak di-izinkan masok ka-Tanah Melayu ini. Mereka<sup>2</sup> yang di-pandang merbahaya sa-kira-nya mereka masok ka-Tanah Melayu, ada-kah apabila Malaysia ini terbentuk, mereka<sup>2</sup> ini tidak akan di-beri kera'ayatan Malaysia, dan kira-nya tidak di-beri kera'ayatan Malaysia, apa-kah jadi kapada mereka mengenai kera'ayatan Singapura mereka? Ini satu perkara yang saya rasa perlu kita mengetahu<sup>i</sup> tentang kedudukan mereka di-pandang merbahaya mengikut segi keselamatan Tanah Melayu ini. Sebab saya rasa tidak sadikit pemimpin<sup>2</sup> yang pro kominis yang menjadi alat kominis yang ada di-Singapura itu, mereka itu berselindung di-Singapura dan apabila Malaysia ini terjadi dengan chara automatic akan di-dastarkan menjadi ra'ayat Malaysia. Kira-nya mereka ini menjadi ra'ayat Malaysia dan tidak ada satu Undang<sup>2</sup> yang akan menyekat mereka itu datang ka-Tanah Melayu ini untuk mengambil bahagian dalam siasah Tanah Melayu mithal-nya untuk bertanding menjalankan segala politik Tanah Melayu jadi susah-lah. Saya rasa perlu di-beri satu jaminan dan keterangan bagaimana langkah Kerajaan

akan bertindak manakala kita membentuk Malaysia itu, apa-kah akan jadi dan bagaimana akan di-lakukan kapada mereka yang di-pandang merbahaya yang ada melindongkan diri di-Singapura dan tidak di-benarkan masok ka-Tanah Melayu. Ini satu soal yang saya harap akan dapat penjelasan daripada Menteri yang Tidak Berjabatan kira-nya dapat beliau memberi keterangan yang tersebut.

Dalam perkara immigration saya juga menyokong Rang Undang<sup>2</sup> ini kerana beberapa ra'ayat yang ada dalam Malaysia ini akan terhad kapada suatu negeri, mithal-nya, di-Singapura dan di-Borneo. Perkara itu ada-lah satu perkara yang mustahak bagi keselamatan negeri<sup>2</sup> di-Borneo. Yang Behormat Menteri yang Tidak Berjabatan menyatakan ia-itu kalau sa-kira-nya kita di-bebaskan berjalan ia-itu ra'ayat<sup>2</sup> yang ada dalam Malaysia itu maka penduduk<sup>2</sup> yang ada di-Borneo dan di-Sarawak itu akan merasa takut kerana mereka itu lemah dan keadaan mereka itu ada-lah di-dalam keadaan takut. Jadi, itu-lah sebab-nya maka keadaan perjalanan itu hendak-lah di-hadkan dan di-pinda Undang<sup>2</sup> immigration supaya ra'ayat daripada Singapura yang hendak masok ka-Borneo hendak-lah lebuh dahulu mendapat kebenaran daripada Kerajaan Borneo. Tetapi saya rasa perlu juga di-fikirkan kira-nya terhad perjalanan ra'ayat itu maka perlu kita fikirkan bagaimana chara kemajuan negeri itu dapat kita jalankan dengan chara yang baik dan chara yang memuaskan. Saya nampak satu daripada chara yang ada di-dalam Perlembagaan ini ia-lah dengan jalan di-beri kebenaran khas kapada mereka yang hendak menjalankan kerja<sup>2</sup> di-Borneo itu ia-itu perkara<sup>2</sup> yang mustahak di-beri kebenaran khas, di-beri kemudahan dalam membawa masok perkara<sup>2</sup> yang mustahak untuk membina negeri itu. Saya rasa Kerajaan Pusat dan Kerajaan Borneo akan dapat menyokong kerja itu dengan lebuh kemas dengan berperasaan bertolak ansor baharu-lah negeri itu dapat maju. Dalam perkara kedudukan kuasa Kerajaan Pusat dan Kerajaan<sup>2</sup> Negeri itu, saya rasa perlu kita mengambil pertimbangan supaya keadaan perhubungan

di-antara Kerajaan Negeri dengan Kerajaan Pusat akan menjadi baik di-masa hadapan. Kerajaan Negeri yang saya nampak akan menjadi satu masalah yang besar kapada kita ia-lah Kerajaan Negeri Singapura, sebab pada satu hari kelak Kerajaan Singapura akan menimbulkan berbagai<sup>2</sup> perkara yang menyakitkan kepala Kerajaan kita dan perkara itu harus mendapat perhatian memikirkan bagaimana-kah chara hendak menyelesaikan masalah yang sa-umpama itu.

Saya melihat di-dalam Rang Undang<sup>2</sup> ini satu daripada perkara yang ada ia-lah Mahkamah Tinggi, dan Kerajaan Pusat yang boleh menyelesaikan sa-suatu perkara yang berbangkit mengenai perselisihan Perlembagaan, dan wakil daripada Mahkamah Dunia akan menjadi orang tengah untuk memutuskan dalam satu<sup>2</sup> perkara. Saya rasa perkara itu kalau sa-kira-nya Kerajaan Pusat atau Mahkamah Tinggi boleh memutuskan dan keputusan itu boleh di-beri dan boleh di-terima, hendak-lah di-terima oleh kedua<sup>2</sup> Kerajaan itu maka itu ada-lah sa-baik<sup>2</sup>nya supaya tidak dapat menerima orang<sup>2</sup> daripada luar negeri menyelesaikan masalah di-dalam negeri kita. Dan kalau sa-kira-nya kita terima rombongan atau Surohanjaya Pendamai daripada Mahkamah Dunia, berma'ana-lah perkara hal dunia kita memberi peluang kepada mereka itu menchampori untuk menyelesaikan perselisihan dalam negeri kita. Tetapi oleh kerana perkara itu ada dalam Perlembagaan, saya tidak-lah berchadang hendak meminda, tetapi untuk memberi pandangan sa-berapa yang dapat manakala Malaysia terbentuk, biar-lah apa<sup>2</sup> penyelesaian itu jangan sa-mesti-nya kita mengambil orang<sup>2</sup> daripada luar negeri untuk menyelesaikan dan mendamaikan perselisihan negeri<sup>2</sup> yang ada dalam Malaysia ini. Kerana dengan berbuat demikian berma'ana-lah kita membenarkan hal-ehwal rumah tangga kita di-champori oleh orang lain. Jadi, saya rasa lebuh baik dalam satu<sup>2</sup> keputusan di-buat oleh Mahkamah Tinggi di-peringkat Kerajaan Pusat itu menjadi keputusan yang mu'tamad dalam satu<sup>2</sup> perkara perselisihan yang ada di-antara Kerajaan Pusat dengan Kerajaan

Negeri. Pada hari ini Kerajaan Pusat pun telah merasa berbagai<sup>2</sup> kesulitan menghadapi Kerajaan<sup>2</sup> Negeri yang ada di-dalam Persekutuan ini sendiri, umpama-nya, Kerajaan Negeri Kelantan hari ini menjalankan segala usaha dan daya untuk menyekat dan menyusahkan perjalanan pentadbiran Kerajaan Pusat, sa-hingga wang Kerajaan Pusat yang di-hantar kapada Kerajaan Negeri Kelantan untuk menjalankan kerja<sup>2</sup>nya tidak mahu di-terima, melainkan mesti menerusi khazanah mengikut kemahuhan dan polisi yang di-buat oleh Kerajaan itu sendiri. Ini satu kesulitan yang telah kita bertemu dan maseh belum sa-lesai hingga hari ini. Saya rasa oleh kerana kita berkehendakkan satu Kerajaan Pusat yang kuat dan oleh kerana kita tidak memandang kapada parti maka mustahak-lah Kerajaan Pusat itu menjadi sa-buah Kerajaan yang kukuh yang boleh menghadapi Kerajaan<sup>2</sup> Negeri dalam perkara pembangunan, dalam perkara yang berkenaan dengan hal nasib bangsa kita dan kemajuan-nya. Ini ada-lah satu perkara yang mustahak menjadi perhatian. Saya suka-lah terangkan di-sini Kerajaan Kelantan tidak menerima wang untuk membuka tanah di-negeri Kelantan, jadi kalau Kerajaan negeri itu mempunyai kuasa-nya sendiri atau kuasa autonomy di-dalam tadbiran kewangan dan sa-bagai-nya, maka Kerajaan Negeri itu menahan Kerajaan Pusat menchampori hal dalam negeri. Jadi, kalau kita tahan maka ra'ayat di-negeri Kelantan umpama-nya tidak dapat menerima saedah daripada hasil tercapai-nya kemerdekaan. Jadi, ini satu masalah yang berat yang harus kita pandang, apabila kita tubohkan Malaysia timbul satu masalah kapada negeri<sup>2</sup> Borneo dan Singapura, mereka ini apabila di-sekat oleh parti<sup>2</sup> yang bukan berchorak sama dengan chorak Kerajaan Pusat, maka parti<sup>2</sup> itu akan mengelakkan daripada timbul-nya kemajuan<sup>2</sup> di-dalam negeri itu. Umpama-nya, kalau sa-buah Kerajaan yang lain timbul di-Sarawak dan di-Sabah maka Kerajaan di-negeri<sup>2</sup> itu akan menahan kemajuan yang hendak di-buat oleh Kerajaan Pusat. Dengan tertahan-nya kemajuan yang hendak di-buat oleh Kerajaan Pusat itu maka ra'ayat di-wilayah<sup>2</sup> itu akan merasai yang mereka ini tertinggal walau pun mereka berada

dalam Malaysia, dan dengan perasaan tertinggal kuat sangat oleh sebab di-hasoh dan di-hasut oleh parti<sup>2</sup> yang menentang parti Kerajaan Pusat, maka perasaan menentang Malaysia dan menentang Kerajaan Pusat itu akan timbul. Apabila timbul pertentangan ini maka Kerajaan Malaysia ini akan menjadi huru hara dan akan menjadi sa-buah negeri seperti Congo yang kita tahu bahawa Kerajaan<sup>2</sup>nya berpechah<sup>2</sup> dan ini menjadikan satu perkara yang susah bagi kita hendak menyusun dan mentadbirkan-nya. Itu-lah sebab-nya saya kata Kerajaan Pusat ini hendak-lah menjadi sa-buah Kerajaan yang kuat, Kerajaan yang boleh menjalankan pembangunan luar bandar supaya wang yang di-untokkan bagi membangunkan ra'ayat di-luar bandar itu dapat di-teruskan kepada pegawai<sup>2</sup> Kerajaan pusat sendiri kepada negeri<sup>2</sup> tersebut itu supaya dapat mereka ini menjalankan kerja<sup>2</sup> pembangunan dan supaya ra'ayat merasai yang mereka itu ada-lah berada dalam sa-buah Kerajaan Malaysia yang maju yang mereka dapat menikmati hasil daripada penubohan sa-buah negara Malaysia ini.

**Mr President:** Ahli<sup>2</sup> Yang Berhormat, Majlis ini di-tanggohkan sa-hingga pukul 2.30 petang ini.

*Sitting suspended at 1.00 p.m.*

*Sitting resumed at 2.30 p.m.*

## THE MALAYSIA BILL

### Second Reading

*Debate resumed.*

**Nik Hassan bin Haji Nik Yahya:** Tuan Yang di-Pertua, sa-masa persidangan ini di-tanggohkan, saya sedang memberi pendapat saya tentang bagaimana mustahak-nya sa-buah Kerajaan Pusat yang kuat, supaya dapat mengatasi anchaman<sup>2</sup> yang mungkin timbul dari-pada satu<sup>2</sup> Kerajaan yang menyokong dan mengendalikan untuk sa-suatu parti yang lain daripada Perikatan ini, kerana saya perchaya umpama-nya macham di-Singapura telah dapat di-lihat, walau pun Kerajaan Lee Kuan Yew chuba mempermaining politik di-dalam Singapura, tetapi pada hari

ini kita dapat melihat bagaimana perjalanan-nya Kerajaan itu. Pada hari ini tidak lain ia-lah untuk memburu samsing<sup>2</sup> sahaja, di-dalam politik Singapura itu bukan-lah merupakan satu politik, dan bukan pula merupakan satu Kerajaan. Jadi, apa yang mungkin berlaku dalam negeri ini maka mustahak-lah bagi Kerajaan Pusat ini memikirkan bagaimana chara kita menjaga keselamatan Malaysia kelak, supaya tidak terancham pihak yang sa-umpama itu. Saya suka memberi pandangan kapada apa yang berlaku satu dua hari ini. Akhbar<sup>2</sup> mengatakan Dr Subandrio daripada Indonesia telah mengeluarkan perkataan<sup>2</sup> yang tidak menyenangkan, Dr Subandrio telah menerangkan bagaimana pendapat Kerajaan Indonesia tentang Kerajaan British tidak membenarkan bagitu banyak pemerhati<sup>2</sup> yang datang ka-Borneo untuk memerhatikan pekerjaannya yang akan di-lakukan kapada Surohan Jaya dari Bangsa<sup>2</sup> Bersatu itu. Saya rasa bagi kita di-Malaya ini merasa chukup-lah terkejut kerana ini merupakan suatu gangguan atau merupakan satu anchaman di atas pekerjaan yang di-lakukan oleh U Thant itu.

Saya rasa kita telah banyak bertolak ansor dalam perkara ini, dan Tunku telah pun bertolak ansor mengundorkan tarikh itu, dan tolak ansor yang di-buat oleh Tunku itu nampak-nya mereka ini chuba menyekat kita, mengganggu supaya wakil U Thant tidak dapat menjalankan pekerjaan-nya dengan bebas dan baik. Jadi, ini kita katakan satu gangguan daripada sa-buah Kerajaan yang chuba menahan dan menyekat pelaksanaan Malaysia yang susun ini dengan chara aman dan damai. Mereka telah menentang Kerajaan British kerana menahan mereka dari-pada masok memerhati, padahal mereka tidak memikirkan berpuloh<sup>2</sup> wakil itu apa-kah kerja dan tujuan-nya. Ini-lah benda yang kita rasa dukachita dan kita sangat terasa dukachita dengan gangguan<sup>2</sup> yang sa-umpama itu. Saya tidak hendak memanjangkan uchapan saya dalam perkara ini chuma kita berharap supaya Malaysia ini dapat di-tubohkan pada saat yang sa-mesti-nya, supaya Kerajaan Pusat dapat berjalan dengan baik bagi memberi

saedah ra'ayat seluroh Malaysia ini supaya dapat memileki segala hasil untuk mendapatkan kema'amoran dan kebaikan di-dalam negeri ini. Saya perchaya ada pehak pembangkang yang merasa tidak puas hati kapada penubohan Malaysia tetapi, apa juga yang telah di-kemukakan oleh mereka di-sini satu pun tidak dapat di-pegang oleh pehak Kerajaan. Apa yang menjadi asas hujah<sup>2</sup> mereka itu ia-itu mereka sentiasa mlarikan hujah<sup>2</sup> yang tidak tetap, dan tidak mempunya'i hujah<sup>2</sup> yang kemas yang boleh di-sahami oleh ra'ayat, menasabah untok di-terima. Mereka bawa perkara<sup>2</sup> pertahanan menjadikan hujah mereka, bangsa dan ugama dan pada akhir-nya sengaja mereka tidak mahu merayakan Malaysia. Umpama-nya di-Kelantan, Kerajaan Kelantan tidak mahu mengish-tiharkan Malaysia, dan telah pun di-beri perentah kapada tiap<sup>2</sup> pegawai negeri supaya jangan menyertai dalam perayaan Malaysia. Jika Kerajaan menahan supaya jangan menyertai di-dalam merayakan Malaysia, jadi ini langkah yang tidak mengikut Undang<sup>2</sup>, tidak harus di-ikut oleh sa-siapa pun. Jadi, saya rasa mereka ini akan menyedari bagaimana yang di-uchapkan oleh beberapa orang Yang Berhormat<sup>2</sup> itu, kesedaran itu akan dapat manakala Malaysia ini menjadi Kerajaan yang baik yang mempunya'i saedah<sup>2</sup> kapada seluroh ra'ayat. Sekarang saya menyokong Rang Perlembagaan ini.

**Enche' Cheah Seng Khim:** Mr President, Sir, I rise to support the Bill before the House today. I feel confident that Honourable Members in this House will see that this Bill is passed today.

I am sure that Members of the Commonwealth would also like to hear of this good result. When I was in London, I spoke to the delegates of the Commonwealth nations about Malaysia, and they all agreed that this is a step in the right direction. At this juncture I think it will be fair to say "thanks" to the British Government who have done so much for us with regard to Malaysia. I wish to congratulate the Honourable Mover of this motion for his clear explanation of this Bill, Clause by Clause.

Mr President, Sir, I beg to support the Bill.

**Enche' Khaw Kai-Boh:** Mr President, Sir, and Honourable Senators, today we have again the spectacle of three empty seats in this House when an important document such as the Malaysia Bill—not only important in its contents but important in the history of this whole region—and we have this spectacle of three empty seats which should have been occupied by the Opposition Members in this House. This is the behaviour of the representatives of a responsible political party, which has repeatedly claimed to be championing the cause of the people and of democracy. We would have thought that this House should be a place where all expressions are made to convince the people as to the right course of action to be taken by the Malaysians, but here we have this spectacle of three empty seats.

I would like to reply first to a number of points raised by the Honourable Member of the Opposition. Firstly, he touched upon the non-inclusion of Brunei. I need not go further than to repeat what I have said yesterday that the exclusion of Brunei in Malaysia is a proof against the repeated allegations made that Malaysia has come about through coercion and through forcing other people to join us. The fact that Brunei is not in Malaysia nails the lie not only of the Pan-Malayan Islamic Party but also of their mentors and inspirators abroad that Malaysia is nothing but a free and willing association of the people of the Borneo territories, Singapore and the Federation of Malaya.

I hope the Opposition Members are somewhere within loudspeaker's distance of this House, so that they might be able to return to this House and partake in the passing of this important Bill. Not only the Opposition Members have not done their homework as I have alleged yesterday, but also they have not even done their classwork today in this House, because they have raised points on which I have, in my opening address, touched upon, particularly regarding the allocation of seats pertaining to the special position of Singapore, and pertaining

to the language and to the various safeguards for the Borneo States. I thought I could perhaps repeat some of the things I have said in my opening address for the benefit of the Opposition Members, but, as they are not in this House now, I think I should spare the other Honourable Members of having to listen to all those points, in reply, over and over again.

Now, I would touch briefly on one of the points on which emphasis has been made in connection with the special safeguards for the Borneo people. I would like to remind the Opposition that democracy allows for weightage in favour of the less capable or less developed people—this is why we do not want to overwhelm Sabah or Sarawak, and have given them ample representation in the Federal Parliament of Malaysia.

With regard to the allegation by the Opposition that the Alliance has departed from the principle of a strong Central Government by giving Singapore autonomy in education, I am to point out that we agreed that Singapore should retain considerable measure of local autonomy and that is why Singapore has a small representation in the Central Parliament and that is why Singapore Citizens have rights in other parts of Malaysia besides Singapore. We have explained that the danger of keeping Singapore out is obvious and, therefore, we have to bring in Singapore and have to make the best out of the situation, because it would be a greater danger to the future peace and security of this region and to the whole of South-East Asia if Singapore were to be kept out of Malaysia and out of Maphilindo. The Opposition has not suggested any means of solving this problem except to point out the dangers and difficulties. We know the difficulties and problem, but it is a question of which is the less dangerous of the two alternatives.

With regard to the Opposition comments on the Financial arrangements with Singapore, I am to state that in the establishment of any Federation, compromise is essential, and as it has proved impracticable to agree on a

permanent division between Federal and State revenue in Singapore we consider that the present Agreement as set out in Annex "J" to the Malaysia Agreement represents the greatest practicable area of agreement. The arrangements are subject to regular review and should the two Governments be unable to agree on the amendments required, provision has been made for the appointment of an independent and expert assessor whose decision will be final. The appointment of the assessor is to be made in such a way as will ensure that he is not subject to political pressure.

It is not surprising that the Hon'ble Member and his PMIP party are opposing Malaysia because they have always followed a very narrow bigoted and outlandish line of policy and have not looked at the situation in the Federation as a whole, as well as the Borneo territories and the whole of South-East Asia. As the Hon'ble the Prime Minister had explained, we have to build a foundation for the peace and happiness of our country and Malaysia is intended to bring peace to this area as it will drive away colonialism. If we follow a reactionary policy looking merely to the past and not to the future, then I say there will be trouble for us and for our children. There is no need for me to go into any length on this issue because, as the Hon'ble the Prime Minister said, posterity alone will show whether we are right or wrong, and we are convinced that we are doing the right thing by establishing Malaysia for the peace and prosperity of our country and our people.

With regard to the question raised by the Honourable Senator Enche' Nik Hassan—in connection with some of his fears on the entry of Singapore Citizens into the Federation—I would say generally that we cannot stop Singapore Citizens with lawful purposes from coming into the Federation; but under the Agreement with Singapore, the Federation Government can stop the movement of Singapore people into the Federation on grounds of security—that is a very general statement, of course, depending on one's political

status as to whether he is a citizen of Singapore or not and as to his personal history and to all the surrounding circumstances. However, I would like to repeat what I have said, in the course of explaining the Malaysia Bill this morning, in regard to three very important aspects of the citizenship rules. The following are the three points which are relevant to the queries raised by the Honourable Member:

Firstly, the Federal Government will have authority to deprive persons of Malaysian citizenship on all grounds;

Secondly, deprivation of Malaysian citizenship of a citizen of Singapore would involve loss of Singapore citizenship. In other words if the Federal Government deprives the citizenship of a citizen of Malaysia, who is a Singapore citizen, that deprivation would automatically lead to the loss of his Singapore citizenship also. In other words, he will become an alien, and we have all the necessary safeguards in law with regard to aliens;

Thirdly, a citizen of Singapore, who is deprived of his citizenship of Singapore, will cease to be a citizen of Malaysia and shall not, except with the approval of the Federal Government, be eligible for registration as a citizen of Malaysia or of Singapore. In other words, there can be no short cut whereby some one who has been deprived of his citizenship of Malaysia, could run along and register himself as a Singapore citizen and then by operation of law become a Federal Citizen.

As the Honourable Members have been informed, by the acquisition of the citizenship of Singapore, a person will automatically become a citizen of Malaysia. But in this case, if a citizen of Singapore, who has been deprived of his citizenship, will cease to be a citizen of Malaysia, and unless the Federation Government approves, he will not be able to become a citizen of Singapore again.

Mr President, Sir, the terms of entry of the three new States into Malaysia,

as stated in the Bill, are fair and reasonable. We have to allow certain safeguards to the two territories of Sabah and Sarawak because of their special position and because of the fact that they are less developed than the existing States of the Federation. We have to assist them in whatever way we can to see that they are able to come up to the level of development that we have in the Federation. They have their resources and considerable potentialities.

It may be in the initial years to come that we will have to assist them. With their resources and potentialities they will be able to stand on their own before long. We are convinced that the benefits derived from the establishment of Malaysia will go to all States, both old and new. In Malaysia, we shall have a bigger area and a bigger population and greater potentialities—it will mean that we will have a greater market for our industries. It will be the duty of the Central Government to see to it that prosperity which is generated as a result of Malaysia will flow freely, fairly and evenly to all parts of the country, so that our people of all races wherever they may be in—in the town, in the village, in the longhouse or in the kampong—will be able to share in the prosperity, the peace and happiness of our new nation. Let us, therefore, pray to God for his blessings so that this new nation will be established in an atmosphere of peace, goodwill and understanding and that our people of all races will be united in order to make this new nation a happy place for us all and for our children in the years to come.

I submit, Sir, that anyone, who reasons things out carefully and any one, who sincerely has the interest and welfare of the people and the country, appreciates that what the Alliance Government does is right and that Malaysia is the right step forward in the interest of the future peace and security, not only to the territories contained therein but in the whole of South-East Asia.

Sir, I beg to move.

Question put, that the Bill be read a second time. The Senate divided—Ayes: 30, Noes: Nil, Abstention: Nil.

## AYES

Enche' Khaw Kai-Boh  
Enche' Abdul Rahman  
Enche' Ahmad bin Said  
Tun Haji Ahmad  
Enche' Abdul Wahab  
Che' Aishah  
Enche' Chan Kwong-Hon  
Enche' Cheah Seng Khim  
Dato' Dr Cheah Toon Lok  
Enche' Choo Kok Leong

Dato' J. E. S. Crawford  
Enche' Hoh Chee Cheong  
Enche' Koh Kim Leng  
Dato' Lee Foong Yee  
Enche' Lim Hee Heng  
Enche' Mohamed Adib  
Enche' Mohamed Ghazali  
Enche' Mohamed Salleh  
Engku Mehsein  
Nik Hassan

Tok Pangku Pandak Hamid  
Raja Rastam Shahrome  
Dato' Sheikh Abu Bakar  
Dato' G. Shelley  
Tuan Syed Ahmad  
Enche' T. H. Tan  
Dato' E. E. C. Thuraisingham  
Wan Ahmad  
Dato' Wan Ibrahim  
Enche' Yeoh Kian Teik

## NOES

Nil

## ABSTENTIONS

Nil

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr President *in the Chair*)

Clauses 1 to 7 inclusive ordered to stand part of the Bill.

Clause 8—

**Dato' Sheikh Abu Bakar:** Mr Chairman, Sir, I would like to seek a clarification from the Leader of the Senate and the Minister without Portfolio, with regard to Clause 8 of the Bill, the second line of which reads—

“... (which provides for sixteen members of the Senate to be appointed by the Yang di-Pertuan Agong) for the word ‘sixteen’ there shall be substituted the words ‘twenty-two’.”

That is to say, in my opinion, that there will be an addition of six members to this Senate after Malaysia. May I know whether these additional six members will be appointed by the Yang di-Pertuan Agong only from Malaya? May I also know the position of Singapore, Borneo and Sarawak—whether any members come from those territories—and if the answer is in the affirmative, why only so few members? I am posing these two questions, taking the line of the Honourable Minister

just now who said that we have given an ample representation in the Malaysian Parliament to Sarawak and North Borneo, because they are big States. Therefore, why should we give them very little representation in the Senate? I take it the more the merrier will be in this House.

**Enche' Khaw Kai-Boh:** Mr Chairman, Sir, for the information of this House, we have agreed that these six seats are meant for the new States coming into the Federation. These seats will be distributed between the States of Singapore, Sarawak and Sabah—two each. Furthermore, this number is recommended in the Inter-Governmental Committee Report, and now this is the result of the implementation of this Report.

As regards the point raised by the Honourable Member as to why we are not giving a bigger representation, the reason is that we are already providing special consideration for these two States. I am to state here that this House consists of matured and experienced Parliamentarians. As these two States, particularly Sabah and Sarawak, as I have already stated, are still undeveloped, we have given them the benefit of indirect elections to the House of Representatives. Obviously, we have to be conservative in the number of Senators provided for these territories.

Question put, and agreed to.

*Clause 8 ordered to stand part of the Bill.*

*Clauses 9 to 52 inclusive ordered to stand part of the Bill.*

*Clause 53—*

**Dato' Sheikh Abu Bakar:** Mr Chairman, Sir, I would like to seek a clarification from the Honourable Minister concerned in regard to Clause 53 (1) on page 31 of the Bill. The Clause reads as follows—

“....No member of any of the services mentioned in paragraph (e), (f) or (g) of Clause (1) of Article 132 shall, without the concurrence of the Judicial and Legal Service Commission, be dismissed or reduced in rank ....”.

I want to seek a clarification, if possible, from the Honourable Minister. According to our General Orders, in all Government Departments before a person is dismissed, he must be interdicted first of all and an enquiry held. I wonder whether this practice will be followed when a person is dismissed or reduced in rank under this Section.

Enche' Khaw Kai-Boh  
Enche' Abdul Rahman  
Enche' Ahmad bin Said  
Tun Hajji Ahmad  
Enche' Abdul Wahab  
Che' Aibah  
Enche' Chan Kwong-Hou  
Enche' Cheah Seng Khian  
Dato' Dr Cheah Toon Lok  
Enche' Choo Kok Loong  
Dato' J. E. S. Crawford

Enche' Hob Chee Cheong  
Enche' Kob Kim Leng  
Dato' Lee Fook Yee  
Enche' Lim Hee Hong  
Enche' Mohamed Adib  
Enche' Mohamed Ghazali  
Enche' Mohamed Salleh  
Engku Muhsin  
Enche' S. P. S. Nathan  
Nik Hassan  
Tok Pangku Pandak Hamid

Raja Bastam Shahrome  
Dato' Sheikh Abu Bakar  
Dato' G. Shelley  
Tuan Syed Ahmed  
Enche' T. H. Tan  
Dato' E. E. C. Thirairasingham  
Enche' S. O. K. Uhaidilla  
Wan Ahmad  
Dato' Wan Ibrahim  
Enche' Yeoh Kian Teik

AYES

NOES

Nil

ABSTENTIONS

Nil

Bill accordingly read the third time and passed.

**Engku Muhsin:** Tuan Yang di-Pertua, saya menyokong.

**ADJOURNMENT**

**(Motion)**

**Enche' Khaw Kai-Boh:** Mr President, Sir, I beg to move—

That the Senate do now stand adjourned to 26th August, 1963.

Question put, and agreed to.

**Resolved,**

That the Senate do now stand adjourned to 26th August, 1963.

*Adjourned at 3.15 p.m.*