

Volume II
No. 5



Monday
25th April, 1960

PARLIAMENTARY DEBATES

DEWAN RA'AYAT
(HOUSE OF REPRESENTATIVES)

OFFICIAL REPORT

CONTENTS

ORAL ANSWERS TO QUESTIONS [Col. 475]

BILL—

The Constitution (Amendment) Bill (debate continued)
[Col. 476]

WRITTEN ANSWERS TO QUESTIONS [Col. 585]

PRINTED AT THE GOVERNMENT PRESS
BY THOR BENG CHONG, ACTING GOVERNMENT PRINTER
FEDERATION OF MALAYA

1960

FEDERATION OF MALAYA
DEWAN RA'AYAT
(HOUSE OF REPRESENTATIVES)

Official Report

Second Session of the First Dewan Ra'ayat

Monday, 25th April, 1960

The House met at 10 o'clock a.m.

PRESENT:

- The Honourable Mr. Speaker, DATO' HAJI MOHAMED NOAH BIN OMAR, S.P.M.J., P.I.S., J.P.
- „ the Prime Minister, Y.T.M. TUNKU ABDUL RAHMAN PUTRA AL-HAJ, K.O.M. (Kuala Kedah).
- „ the Deputy Prime Minister and Minister of Defence, TUN ABDUL RAZAK BIN DATO' HUSSAIN, S.M.N. (Pekan).
- „ the Minister of External Affairs, DATO' DR. ISMAIL BIN DATO' ABDUL RAHMAN, P.M.N. (Johore Timor).
- „ the Minister of Finance, ENCHE' TAN SIEW SIN, J.P. (Malacca Tengah).
- „ the Minister of Works, Posts and Telecommunications, DATO' V. T. SAMBANTHAN, P.M.N. (Sungei Siput).
- „ the Minister of the Interior, DATO' SULEIMAN BIN DATO' ABDUL RAHMAN, P.M.N. (Muar Selatan).
- „ the Minister of Agriculture and Co-operatives, ENCHE' ABDUL AZIZ BIN ISHAK (Kuala Langat).
- „ the Minister of Transport, ENCHE' SARDON BIN HAJI JUBIR (Pontian Utara).
- „ the Minister of Health and Social Welfare, DATO' ONG YOKE LIN, P.M.N. (Ulu Selangor).
- „ the Minister of Commerce and Industry, ENCHE' MOHAMED KHIR BIN JOHARI (Kedah Tengah).
- „ the Minister of Labour, ENCHE' BAHAMAN BIN SAMSUDIN (Kuala Pilah).
- „ the Minister of Education, ENCHE' ABDUL RAHMAN BIN HAJI TALIB (Kuantan).
- „ TUAN SYED JA'AFAR BIN HASAN ALBAR, J.M.N., Assistant Minister (Johore Tenggara).
- „ ENCHE' ABDUL HAMID KHAN BIN HAJI SAKHAWAT ALI KHAN, J.M.N., J.P., Assistant Minister (Batang Padang).
- „ TUAN HAJI ABDUL KHALID BIN AWANG OSMAN, Assistant Minister (Kota Star Utara).
- „ ENCHE' CHEAH THEAM SWEE, Assistant Minister (Bukit Bintang).

The Honourable ENCHE' V. MANICKAVASAGAM, J.M.N., P.J.K., Assistant Minister (Klang).

- „ ENCHE' MOHAMED ISMAIL BIN MOHAMED YUSOF, Assistant Minister (Jerai).
- „ ENCHE' ABDUL GHANI BIN ISHAK, A.M.N. (Malacca Utara).
- „ ENCHE' ABDUL RAUF BIN A. RAHMAN (Krian Laut).
- „ ENCHE' ABDUL SAMAD BIN OSMAN (Sungei Patani).
- „ TUAN HAJI ABDULLAH BIN HAJI ABDUL RAOF (Kuala Kangsar).
- „ TUAN HAJI ABDULLAH BIN HAJI MOHD. SALLEH, A.M.N., P.I.S. (Segamat Utara).
- „ TUAN HAJI AHMAD BIN ABDULLAH (Kota Bharu Hilir).
- „ ENCHE' AHMAD BIN ARSHAD, A.M.N. (Muar Utara).
- „ ENCHE' AHMAD BOESTAMAM (Setapak).
- „ ENCHE' AHMAD BIN MOHAMED SHAH, S.M.J. (Johore Bharu Barat).
- „ TUAN HAJI AHMAD BIN SAAID (Seberang Utara).
- „ ENCHE' AHMAD BIN HAJI YUSOF (Krian Darat).
- „ TUAN HAJI AZAHARI BIN HAJI IBRAHIM (Kubang Pasu Barat).
- „ ENCHE' AZIZ BIN ISHAK (Muar Dalam).
- „ DR. BURHANUDDIN BIN MOHD. NOOR (Besut).
- „ ENCHE' CHAN CHONG WEN (Kluang Selatan).
- „ ENCHE' CHAN SIANG SUN (Bentong).
- „ ENCHE' CHAN SWEE HO (Ulu Kinta).
- „ ENCHE' CHIN SEE YIN (Seremban Timor).
- „ ENCHE' V. DAVID (Bungsar).
- „ DATIN FATIMAH BINTI HAJI HASHIM, P.M.N. (Jitra-Padang Terap).
- „ ENCHE' GEH CHONG KEAT (Penang Utara).
- „ ENCHE' HAMZAH BIN ALANG, A.M.N. (Kapar).
- „ ENCHE' HANAFI BIN MOHD. YUNUS, A.M.N. (Kulim Utara).
- „ ENCHE' HARUN BIN ABDULLAH, A.M.N. (Baling).
- „ ENCHE' HARUN BIN PILUS (Trengganu Tengah).
- „ TUAN HAJI HASAN ADLI BIN HAJI ARSHAD (Kuala Trengganu Utara).
- „ TUAN HAJI HASSAN BIN HAJI AHMAD (Tumpat).
- „ ENCHE' HASSAN BIN MANSOR (Malacca Selatan).
- „ ENCHE' HUSSEIN BIN TO' MUDA HASSAN (Raub).
- „ ENCHE' HUSSEIN BIN MOHD. NOORDIN, A.M.N., P.J.K. (Parit).
- „ TUAN HAJI HUSSAIN RAHIMI BIN HAJI SAMAN (Kota Bharu Hulu).
- „ ENCHE' IBRAHIM BIN ABDUL RAHMAN (Seberang Tengah).
- „ ENCHE' ISMAIL BIN IDRIS (Penang Selatan).
- „ ENCHE' KANG KOCK SENG (Batu Pahat).
- „ ENCHE' K. KARAM SINGH (Damansara).
- „ CHE' KHADIJAH BINTI MOHD. SIDIK (Dungun).
- „ ENCHE' KHONG KOK YAT (Batu Gajah).

- The Honourable ENCHE' LEE SAN CHOON (Kluang Utara).
- „ ENCHE' LEE SECK FUN (Tanjong Malim).
- „ ENCHE' LEE SIOK YEW (Sepang).
- „ ENCHE' LIM JOO KONG (Alor Star).
- „ ENCHE' LIM KEAN SIEW (Dato Kramat).
- „ DR. LIM SWEE AUN, J.P. (Larut Selatan).
- „ ENCHE' LIU YOONG PENG (Rawang).
- „ ENCHE' T. MAHIMA SINGH (Port Dickson).
- „ ENCHE' MOHAMED BIN UJANG (Jelebu-Jempol).
- „ ENCHE' MOHAMED ABBAS BIN AHMAD (Hilir Perak).
- „ ENCHE' MOHAMED ASRI BIN HAJI MUDA (Pasir Puteh).
- „ ENCHE' MOHAMED DAHARI BIN HAJI MOHD. ALI (Kuala Selangor).
- „ ENCHE' MOHAMED NOR BIN MOHD. DAHAN (Ulu Perak).
- „ DATO' MOHAMED HANIFAH BIN HAJI ABDUL GHANI, P.J.K. (Pasir Mas Hulu).
- „ ENCHE' MOHAMED SULONG BIN MOHD. ALI, J.M.N. (Lipis).
- „ ENCHE' MOHAMED YUSOF BIN MAHMUD, A.M.N. (Temerloh).
- „ TUAN HAJI MOKHTAR BIN HAJI ISMAIL (Perlis Selatan).
- „ NIK MAN BIN NIK MOHAMED (Pasir Mas Hilir).
- „ ENCHE' NG ANN TECK (Batu).
- „ DATO' ONN BIN JA'AFAR, D.K., D.P.M.J. (Kuala Trengganu Selatan).
- „ ENCHE' OTHMAN BIN ABDULLAH (Tanah Merah).
- „ ENCHE' OTHMAN BIN ABDULLAH (Perlis Utara).
- „ ENCHE' QUEK KAI DONG (Seremban Barat).
- „ TUAN HAJI REDZA BIN HAJI MOHD. SAID (Rembau-Tampin).
- „ ENCHE' SEAH TENG NGIAB (Muar Pantai).
- „ ENCHE' S. P. SEENIVASAGAM (Menglembu).
- „ TUAN SYED ESA BIN ALWEE, S.M.J., P.I.S. (Batu Pahat Dalam).
- „ TUAN SYED HASHIM BIN SYED AJAM, A.M.N., P.J.K. (Sabak Bernam).
- „ ENCHE' TAJUDIN BIN ALI (Larut Utara).
- „ ENCHE' TAN CHENG BEE, J.P. (Bagan).
- „ ENCHE' TAN KEE GAK (Bandar Malacca).
- „ ENCHE' TAN PHOCK KIN (Tanjong).
- „ ENCHE' TAN TYE CHEK (Kulim-Bandar Bahru).
- „ TENGKU INDRA PETRA IBNI SULTAN IBRAHIM, J.M.N. (Ulu Kelantan).
- „ DATO' TEOH CHZE CHONG, D.P.M.J., J.P. (Segamat Selatan).
- „ ENCHE' V. VEERAPPEN (Seberang Selatan).
- „ WAN MUSTAPHA BIN HAJI ALI (Kelantan Hilir).
- „ WAN SULAIMAN BIN WAN TAM (Kota Star Selatan).
- „ WAN YAHYA BIN HAJI WAN MOHAMED (Kemaman).
- „ ENCHE' WOO SAIK HONG (Telok Anson).

The Honourable ENCHE' YAHYA BIN HAJI AHMAD (Bagan Datoh).
 „ ENCHE' YEOH TAT BENG (Bruas).
 „ ENCHE' YONG WOO MING (Sitiawan).
 „ HAJAH ZAIN BINTI SULAIMAN, J.M.N., P.I.S. (Pontian Selatan).
 „ TUAN HAJI ZAKARIA BIN HAJI MOHD. TAIB (Langat).
 „ ENCHE' ZULKIFLEE BIN MUHAMMAD (Bachok).

ABSENT:

The Honourable ENCHE' D. R. SEENIVASAGAM (Ipoh).

IN ATTENDANCE:

The Honourable the Minister of Justice, TUN LEONG YEW KOH, S.M.N.

PRAYERS

(Mr. Speaker *in the Chair*)

EXEMPTED BUSINESS

(Motion)

The Prime Minister: Mr. Speaker, Sir, I beg to move,

That the proceedings on the Constitution (Amendment) Bill this day shall be exempted from the provisions of Standing Order 12 (1).

The Deputy Prime Minister: Sir, I beg to second the motion.

Question put, and agreed to.

Resolved,

That the proceedings on the Constitution (Amendment) Bill this day shall be exempted from the provisions of Standing Order 12 (1).

ORAL ANSWERS TO
QUESTIONS

LAM HUAT PINEAPPLE ESTATE

1. Enche' V. David (Bungsar) asks the Minister of Commerce and Industry whether he is aware that more than eighty workers have been deprived of their livelihood as a result of closing the Lam Huat Pineapple Estate at Johore, and if he will state what action his Ministry contemplates in re-opening the estate in the economic interest of the country and the welfare of the workers.

The Minister of Commerce and Industry (Enche' Mohamed Khir Johari): I am aware that due to changes in the organisation of the Lam Huat Hup Kee estate a temporary

dislocation in work involving 58 "family-contractors" did take place, but as a result of discussions between the parties concerned assisted by the Officers from the Ministry of Labour satisfactory settlement has been reached and the estate is expected to resume operation in the very near future.

ESTABLISHMENT OF COMMON
MARKET, FEDERATION AND
SINGAPORE.

2. Enche' V. David (Bungsar) asks the Minister of Commerce and Industry what concrete attempts he is making towards the establishment of a Common Market between the Federation and Singapore.

Enche' Mohamed Khir Johari: The Federation Government has appointed a team of officials to examine the proposals made by the Singapore Government for the establishment of a Common Market between the Federation and Singapore. Thereafter it is intended to hold talks between the officials of the two Governments.

BILL
THE CONSTITUTION (AMEND-
MENT) BILL

Mr. Speaker: Honourable Members, the debate on the amendment proposed by the Honourable Member from Pasir Mas Hulu to delete the word "now" and to substitute it with the words "this day six months", will now resume.

I would like to remind Honourable Members that the debate should be only on this amendment, and not on the principle of the Bill, for we are

going back to that after this amendment has been disposed of. Honourable Members can only give reasons as to why it should not be passed now but six months later.

Enche' V. David (Bungsar): Mr. Speaker, Sir, I support the amendment to postpone the amendments to the Constitution for a period of six months. My reasons are as follows.

The amendments to the Constitution of the Federation of Malaya involves a nation and therefore it needs serious consideration. The public has not been given the opportunity to express their opinion on the question of the proposed amendments to the Constitution. Mr. Speaker, Sir, it has been the practice in the former Legislative Council that Bills of importance are usually entrusted in the hands of Select Committees. If the six months' period is given, I am sure and confident that the amendments could be studied carefully by the Select Committee and presented at a date after the six months for debate in this House. The Government should seriously consider the views expressed by the Members of the Opposition and should not be hasty and rush to the early adoption of these amendments to the Constitution. During the past few days we have heard a lot of discontentment among the public which has been expressed in the press, and it is only fair and proper that members of the public are given adequate opportunity as citizens to express their views in connection with the amendments. Mr. Speaker, Sir, as I said the six months period will give an opportunity to the Government to appoint a Select Committee with Members of the Opposition in it and they would have time to study the amendments before tabling them at a later date.

Enche' Othman bin Abdullah (Tanah Merah): Tuan Yang di-Pertua, saya bangun menyokong pindaan yang di-kemukakan oleh sahabat saya dari Pasir Mas Hulu. Dalam perkara pindaan Perlembagaan Persekutuan Tanah Melayu yang di-kemukakan oleh Kerajaan ini, kami bagi pihak Persatuan Islam telah pun mengemukakan satu jalan tengah, daripada

beberapa masa'alah yang telah kita tempoh selama dua hari, dan sekarang masuk hari yang ketiga. Jalan tengah yang di-bawa oleh Persatuan Islam ia-lah supaya Kerajaan memikirkan sa-mula dan dapat memberi peluang yang sa-luas²-nya bagi kita memikirkan pindaan Perlembagaan ini, supaya jangan-lah sa-suatu pindaan yang di-kemukakan dan yang di-luluskan oleh Dewan ini akan menjadi satu penyelesaian yang besar kepada ra'ayat dan Kerajaan pada masa yang akan datang. Bukti-nya telah terang, Tuan Yang di-Pertua, bahawa mustahak-lah diambil masa yang agak panjang, dan masa 6 bulan yang di-kemukakan oleh penchadang ini tidak-lah rasa-nya terlalu panjang dan tidak-lah terlalu memakan masa yang oleh Kerajaan menerima chadangan yang di-kemukakan ini. Sebab, Tuan Yang di-Pertua, Perlembagaan Persekutuan Tanah Melayu sa-bagaimana yang telah di-kemukakan oleh sahabat saya dari kawasan Bachok ada-lah suatu Perlembagaan yang akan menjadi dasar daripada kehidupan ra'ayat dalam negeri ini sendiri. Dan oleh kerana Perlembagaan ini sa-bagai suatu dasar kehidupan ra'ayat dalam negeri ini, maka tiap² sa-suatu yang akan di-ubah dalam-nya hendak-lah di-fikirkan masak² dan hendak-lah menjadi suatu dasar. Apa-kah akan jadi kalau sa-kira-nya Perlembagaan yang di-pinda berbentuk seperti ini? Suatu mithal dapat kita kemukakan bahawa dalam tergesa²-nya Kerajaan mengemukakan pindaan ini, nyata-lah bahawa Fasal 30 mithal-nya di-tarek balek oleh Kerajaan. Nyata sa-kali bahawa Kerajaan tidak dapat mempertanggungjawabkan soal yang di-kemukakan itu dan lantas menarik sa-mula daripada fasal tersebut.

Maka kalau sa-kira-nya Kerajaan mengambil masa yang agak panjang memikirkan sa-mula pindaan² itu daripada awal sampai ka-akhir-nya, saya percaya sa-bagai tabiat manusia teringat bila kaki-nya terantok ka-batu, maka ada rasa-nya atau ada kemungkinan bahawa pindaan yang di-kemukakan ini akan di-pinda sa-kali lagi. Tuan Yang di-Pertua, pemikiran di-dalam soal pindaan ini perlu-lah lebar dan panjang, oleh kerana pindaan

Perlembagaan yang hendak di-pinda ini bukan-lah hanya mengenai sagulungan daripada ra'ayat negeri ini, tetapi mengenai pada keselurohan ra'ayat dalam negeri ini sendiri. Maka sudah-lah nyata, Tuan Yang di-Pertua, di-dalam bahathan (debates) yang telah pun kita hadapi selama tiga hari ini sa-banyak sedikit ada-lah merupakan suara ra'ayat yang oleh Kerajaan harus-lah mempertimbangkan dengan sa-masak²-nya, sa-kali pun wakil yang mengemukakan fikiran itu hanya ta' sampai saperti kata Yang Berhormat Menteri Muda itu ia-itu kalau kami beri dua kali suara pun ia akan kalah atau kalau kami beri sa-hingga kaki dan tangan-nya naik ka-atas ia akan kalah. Tetapi dalam masa'alah ini, Tuan Yang di-Pertua, bukan-lah masa'alah kalah atau menang-nya, tetapi masa'alah pemikiran terhadap nasib dan keadaan ra'ayat negeri ini pada masa yang akan datang oleh Persatuan Islam mengemukakan pindaan ini ia-itu supaya di-tanggohkan bahathan atau pun bachaan kali yang kedua-nya sa-lama 6 bulan. Bukan bererti bahawa kami telah menentang habis²-nya dalam soal pindaan Perlembagaan ini tetapi kami menentang-nya bila dan apabila pindaan Perlembagaan ini di-kemukakan sekarang ini juga. Dan di-dalam Dewan ini sekarang juga di-kemukakan dan di-terima maka ini-lah yang kami menentang-nya. Bukan penentangan itu pada isi² pada keselurohan-nya tetapi tergopoh²-nya pemerintah mengadakan pindaan ini-lah yang menyebabkan kami mengemukakan usul itu, Tuan Yang di-Pertua. Satu masa'alah yang patut saya mengemukakan di-sini, Tuan Yang di-Pertua, dalam soal dan sebab² kami meminta supaya 6 bulan itu di-tanggohkan, sebab, nanti akan di-salah fahamkan-lah oleh sa-bahagian besar daripada Ahli² Yang Berhormat dalam Dewan ini. Bahawa kami, Persatuan Islam ini ada-lah sebulu dengan pihak pembangkang² yang lain. Dan dengan sebulu itu nanti akan ada-lah kata² yang berbunyi bahawa PAS ini atau Persatuan kami ini ada-lah pro-kominis sa-bagaimana yang telah di-dengar pada masa sudah².

Tuan Yang di-Pertua, kami berkali² menegaskan bahawa penentangan kami

kapada pindaan Perlembagaan ini bukan-lah oleh kerana kami ini pro-kominis, bukan oleh kerana kami ini sesuai dengan fahaman kominis.

Mr. Speaker: Itu sudah pergi sedikit dari dasar-nya itu.

Enche' Othman bin Abdullah (Tanah Merah): Ini sahaja.

Mr. Speaker: Jaga² sedikit.

Enche' Othman bin Abdullah (Tanah Merah): Ya! saya berchakap ini jaga² benar, satu² sahaja keluar. Tuan Yang di-Pertua, kami telah menegaskan dalam Dewan ini dengan menyatakan bahawa kami ini satu parti yang mempunyai chita² Islam. Ideology kami, ia-lah ideology Islam. Ini keyakinan kami, sebarang ideology yang bertentangan tidak-lah sesuai dengan chita² kami walau pun musoh yang nombor satu dalam negara ini oleh parti pemerintah telah di-sebutkan ia-lah Persatuan Islam. Tetapi bagi kami tidak-lah menjadikan parti Perikatan sa-bagai musoh, Tuan Yang di-Pertua, tetapi musoh kami di-dalam soal ini, Tuan Yang di-Pertua, ia-lah tiap² sa-suatu chita² yang hendak menekan dan memeras kehidupan ra'ayat negeri ini dengan bentok apa sa-kali pun, itu-lah musoh dalam perjuangan kami.

Tuan Yang di-Pertua, di-dalam pemikiran, pindaan Perlembagaan ini, kami menuntut supaya pemerintah bersabar-lah dan dapat menerima usul di-tanggohkan sa-lama 6 bulan ini, suatu chadangan yang amat lunak kalau sa-kira-nya pemerintah benar² memberi satu

The Minister of External Affairs (Dato' Dr. Ismail): On a point of order, Mr. Speaker, Sir. I think you have been too lenient to Honourable Members. According to Standing Order 44 (1), he is not giving the reasons for supporting the amendment.

Enche' Othman bin Abdullah (Tanah Merah): Tuan Yang di-Pertua, sa-bagai dasar

Mr. Speaker: Tuan tidak boleh berchakap fasal dasar.

Enche' Othman bin Abdullah (Tanah Merah): 6 bulan di-tanggohkan.

Mr. Speaker: One minute! Bila saya berchakap, tolong orang lain jangan berchakap. Di-bawah Standing Orders, apabila Tuan Speaker berchakap, orang lain tidak boleh berchakap, ada di-bawah Undang² ini. Di-bawah nombor 44 (1) ini saya bachakan:

"The Chair, after having called the attention of the House, or of the Committee, to the conduct of a member who persists in irrelevance, or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech."

I am calling the attention of all the Honourable Members, and not of this particular Member only, to Standing Order 44 (1). I shall use that if Members go on repeating what other Members have said.

Enche' Othman bin Abdullah (Tanah Merah): Tuan Yang di-Pertua, saya tidak akan keluar daripada sebab² kami meminta 6 bulan ini di-tangguhkan, kalau sakira-nya pemerintah pernah memberikan satu masa yang telah ditetapkan kepada pengganas dalam negeri ini menyerah diri mithal-nya, memberi tempoh untuk mereka berfikir, Tuan Yang di-Pertua, supaya mereka kembali kepada masharakat dan dapat di-berikan amnesty atau dasar yang tertentu supaya mereka suka menyerah diri. Maka tidak ada sebab yang Kerajaan Persekutuan Tanah Melayu hari ini tidak dapat melampangkan dada, bertenang dengan chadangan yang kami kemukakan hanya 6 bulan bagi kami dan pemerentah memikirkan lebeh masak lagi. Dan sa-sudah itu baharu-lah kita bahathkan sa-mula. Sa-sudah itu, tidak-lah ada sa-orang pun dalam Dewan ini yang tidak matang atau tidak masak dalam membahath sa-dalam²-nya dari semua segi atas pindaan ini, sa-telah di-beri tempoh yang panjang untuk berfikir. Dan satu jalan yang baik juga bagi Kerajaan menerima usul dapat pula menimbangkan dari semua segi pindaan Perlembagaan itu. Demikianlah, Tuan Yang di-Pertua, alasan² kami sebab kami kemukakan supaya di-tangguhkan 6 bulan itu dan tidaklah kerana sebab² yang lain daripada itu.

Enche' V. Veerappen (Seberang Selatan): Mr. Speaker, Sir, I rise to support

the amendment to have the second reading of the Bill postponed for a period of six months. Sir, it took centuries, and it could be said thousands of years, to evolve a constitutional form of Government, and in these years it took several revolutions and many kings, and thousands of people have given their lives to evolve this type of Constitution. We are debating to-day the amendment to the Constitution. What is the importance of this Constitution? The Constitution is the guardian of the rights of people. All the years people have fought for these rights.

Mr. Speaker: Will you confine your speech to the reasons why it should be delayed for six months?

Enche' V. Veerappen: The importance for postponement, Sir.

Mr. Speaker: You are coming back to the principle of the Bill!

Enche' V. Veerappen: Even our Constitution has not been hurriedly written. It has been carefully planned. The Reid Constitutional Commission took more than a year and it had 118 meetings. It had received memoranda from 131 Government organisations, political parties, individuals and so forth. Now this Parliament has met for the last six months and in these six months we want to push this amendment through. The amendment affects very important changes. In fact the Reid Constitutional Commission purposely wrote into the Constitution certain safeguards so that politicians and political organisations will not have very much direct manipulations in the running of the services. Whereas here, we have almost all the amendments tending to make the Honourable the Prime Minister to have a finger in every pie. (*Laughter*).

We have been debating this just for two days. This is the third day and we have been in fact rushing things through. It can be seen from the withdrawal of Clause 150A. It was done as was stated by the Honourable Member for Larut Selatan just before the day it was presented.

Mr. Speaker: I do not like to interrupt too often, but those arguments have already been mentioned by other Honourable Members, I think some of them to-day. Under Standing Order 44 it is quite clear that Honourable Members should not repeat too much of the same thing.

Enche' V. Veerappen: That shows, Sir, that it was done in a hurry and it was not carefully thought out. Therefore I support this amendment to have it postponed for six months.

The Minister of the Interior (Dato' Suleiman bin Dato' Abdul Rahman):

Tuan Speaker, saya menumpang hendak bersama² masok berchakap dalam perlembagaan ini, kerana saya tak sangka sekali² Party Islam sa-Malaya sa-lepas pindaan yang pertama di-bawa telah menolak sa-belum Rang Undang² ini di-luluskan sahingga membawa pula satu pindaan meminta agar di-tanggohkan selama 6 bulan konon-nya. Belum-lah saya mendengar lagi satu² sebab pun yang telah di-kemukakan oleh Party Islam sa-Malaya dalam membawa pindaan ini sebab² yang munasabah dan patut di-tanggohkan sa-lepas yang saya katakan tadi pindaan-nya menolak sama sekali itu telah di-tolak oleh suara yang ramai dalam Majlis Meshuarat ini.

Zahir dan batin-nya, sebab² ini dikeluarkan sama ada dalam pindaan yang pertama hendak menolak terus menerus, dan juga batin-nya, sebab² yang Party Islam sa-Malaya hendak menolak ini pada fahaman saya tidak lain dan tidak bukan ia-lah semata² kerana berkehendakkan ideology of communism (*Tepok*) dan supaya di-akuī dalam negeri ini—

Enche' V. David: Mr. Speaker, Sir, on a point of order, nobody mentioned anything

Dato' Suleiman: I refuse to give way, Sir.

Enche' V. David: Sir, on a point of order

Mr. Speaker: What is your point of order? You must show me under what Standing Order?

Enche' V. David: There is nothing mentioned about the postponement . .

Mr. Speaker: You must show me under what Standing Order the speaker has infringed.

The Minister of Finance (Enche' Tan Siew Sin): You do not know your Orders?

Enche' V. David: 36—I am sorry, Standing Order 44 (1).

Mr. Speaker: I rule that out. It is not relevant. (*Applause*).

Dato' Suleiman: Sa-benar-nya, saya belum lagi faham apa-kah dasar-nya Party Islam sa-Malaya? Sa-bagaimana yang telah di-katakan tadi pada hendak menolak undang² ini sama ada semua sekali, dan juga 6 bulan ini bukan-nya party pembangkang itu memegang kapada dasar-nya dari di-tolak dasar party bahkan hendak menggunakan sentimen dan sama ada zahir atau batin mengatakan yang undang² ini hendak menekan communist. Nampak-nya telah berkali² tak mahu sama ada ideology of communism, atau pun communism—sa-bagai Perikatan kita tidak bersetuju sama sekali. Dalam perbahathan pada menggunakan per-chakapan, dan juga segala²-nya, maka lama kelamaan dengan mengaboī mata dengan terus menerus boleh di-katop, apa dia tujuan-nya yang sa-benar. Sa-bagaimana telah saya katakan tadi semua sekali yang party pembangkang ini berkehendakkan ideology of communism, dan communism di-akuī. (*Tepok*). Jikalau sa-benar-nya begitu berdiri di-depan ini, maka kita sa-bagai Kerajaan Perikatan di-mana kita mengaku yang kita tak mahu ideology of communism, dan communism. Saya berkata begitu, kerana sungguh pun yang membawa pindaan itu datang-nya daripada Ahli Persatuan Islam sa-Malaya yang mana kata-nya Party Islam sa-Malaya tidak mahu mengakuī ideology of communism, tidak mahu communism, dan tidak mahu Communist Party di-akuī. Itu ada-lah chakap sahaja yang di-keluarkan pada mula²-nya, tetapi bagaimana-kah keadaan-nya Ahli Yang Berhormat wakil dari Bachok dalam pindaan yang

pertama telah pun berchakap bahawa bersetuju menolak semua sekali, dan sa-lepas itu pula sa-orang Ahli Persatuan Islam sa-Malaya meminta ditangguhkan selama 6 bulan. Saya ingat ada satu perkara yang di-bawa kadalam Majlis Meshuarat ini dahulu sa-lepas Party Islam sa-Malaya menolak dengan tidak berjaya kesemua-nya sekali. Party Islam itu juga membawa satu pindaan meminta agar di-tangguhkan selama 3 bulan. Kalau begitu nampak-nya yang Party Islam mengaku yang dia berdasarkan Islam, dan dia tidak berkehendakkan communism. Dia bukan pro-communist, saya suka bertanya ada-kah dia non-communist? Pada fahaman saya non-communist itu pun pro-communist juga (*Tepok*) tujuan parti² yang sa-demikian itu ia-lah berkehendakkan negeri ini kachau-bilau, berkehendakkan Sultan dan Raja di-hapuskan. Berkehendakkan degree sahaja socialist barangkali terlampau nipis dengan communism, siapa-kah yang boleh mengatakan sa-belah mana communism, sa-belah mana socialist dan sa-belah mana Parti Islam sa-Malaya pada hari ini? Jika parti² pembangkang sunggoh² ada dasar, gunakan-lah alasan dasar parti itu pada hendak menolak Rang Undang² yang kita kemukakan pada hari ini. Konon-nya, kita tidak ada mandat, saya berkata di-sini semua ahli Perikatan yang ada di-sini di-pileh oleh pengundi² dalam negeri ini, kita membawa suara pengundi² itu ia-itu lebeh kurang 70 peratus, kita mengaku sekarang kita mengeluarkan suara ra'ayat. Jikalau ahli² parti² pembangkang tidak menyuarakan suara pengundi²-nya, chakap sahaja-lah di-sini, public mana yang di-katakan itu yang berkehendakkan menghalusi membacha Rang Undang² ini; public itu-lah yang memilih kita menjadi wakil di-sini, kita-lah yang patut memikirkan (*Tepok*). Dan saya tidak terima sa-kali² tuduhan yang mengatakan kita tergesa², barangkali juga dari-pada ahli² parti pembangkang yang sentiasa berfikir ia-itu kalau ia hendak membawa satu² perkara dengan tergesa²—barangkali begitu. Pehak kami tiap² perkara yang di-bawa kamari, kami sudah halusi dengan sa-penoh²-nya.

Pada masa hendak mengadakan undang² tuboh ini dulu pun, tidak ada satu parti pembangkang pun yang bersetuju, pada hari ini kita hendak meminda pun begitu juga. Kita tahu itu sa-mata² bahathan sahaja, tetapi jangan-lah berlebehan menggunakan alasan itu. Yang saya tahu chuma satu sahaja buku atau kitab yang tidak boleh di-tukar ia-itu-lah Koran (*Tepok*) sa-lain daripada itu boleh walau pun terjemahan Koran bukan hanya 3-4 kali malahan berpuluh²—satu sahaja yang tidak boleh di-ubah ia-itu Koran. Saya perchaya Parti Islam sa-Malaya bersetuju bersama² dengan saya. Yang kita hendak ubah itu sa-lepas kita menjalankan ini, kita hendak mengubah ini ia-lah hendak menjaga bukan sahaja ra'ayat jelata bahkan Ahli² Yang Berhormat yang pembangkang pada hari ini (*Tepok*).

Dato' Onn bin Ja'afar (Kuala Trengganu Selatan): Tuan Speaker, kalau Ahli Yang Berhormat itu benarkan saya menyampok

Mr. Speaker: He does not give way—he does not sit down. (*Laughter*).

Dato' Suleiman: Saya hendak menderangkan ia-itu saya tidak memberi, dahulu saya selalu memberi, tetapi dua hari dahulu apabila saya bangun, On a point of Order, satu daripada Ahli Yang Berhormat tidak hendak memberi. (*Ketawa*).

Mr. Speaker: Ta' apa-lah! (*Ketawa*).

Dato' Suleiman: Sa-benar-nya, Tuan Speaker, kalau dudok—bangun ini pun tidak merosakkan fikiran saya atau sabagai-nya (*Ketawa*). Sa-bagaimana yang saya katakan tadi, pada fahaman saya sama ada supaya pindaan ini ditangguhkan sa-lama 6 bulan atau lebeh lagi, ini tidak ada beralasan dan ta' ada suatu apa guna-nya, melainkan ia-lah menchari jalan bagaimana hendak melanjutkan bahathan ini, barangkali sampai hari kiamat. Jika sunggoh² parti² pembangkang hendak menchari jalan, hendak menunggu hari kiamat berkenaan dengan bahathan ini, begitu-lah pula kita sunggoh² ber'azam hendak luluskan ini dengan sa-berapa lekas-nya, itu-lah sahaja, Tuan Speaker, (*Tepok*).

Enche' Mohamed Khir Johari: Tuan Yang di-Pertua, saya ia-lah sa-orang Islam yang tulin dan saya pun hendak pergi Haji tahun hadapan. Dan saya berani berkata sa-bagai sa-orang Islam yang tulin bahawa dalam negeri kita ini tidak ada sa-orang Islam yang tulin yang mahu kita menanggohkan kelulusan undang² ini untuk menjaga keselamatan negara dan ugama kita (*Tepok*) kerana kita perchaya bahawa Islam itu tidak sa-kali² dapat hidup, sa-kira-nya ada kominisam dalam negeri kita ini (*Tepok*). Sejarah telah menunjukkan bahawa Islam tidak boleh hidup bersama dengan kominisam.

Di-masa lawatan saya di-Middle East, saya telah dapat peluang berjumpa dengan penganjor² Arab termasuk juga President Nasser, mereka itu bersependapat dengan saya bahawa Islam dan kominisam itu tidak boleh hidup bersama. Saya tidak ganggu jikalau orang mengechap saya ini sa-bagai penghianat kepada bangsa, tetapi saya tidak redza sa-kali² saya menerima chap yang saya ini penghianat kepada ugama Islam dan kepada negara kita (*Tepok*).

Enche' Tan Phock Kin (Tanjong): Mr. Speaker, Sir, speakers on the Government Bench, in speaking against this motion, have brought in the subject of Communism. They have also introduced the issue that they as the elected representatives, were returned as the Government of this country, and, as such, they are entitled to do what they like. The point at issue is this: they accused Members of the Opposition opposing the Bill and went so far as to say that the Opposition supports the ideology of Communism. I say here, Sir, that we oppose this Bill because we are opposed to the methods adopted by the Communists, and the methods adopted by the Government in amending the Constitution are no different from the methods adopted by Communist Governments in trying to maintain their position. The Honourable Minister of External Affairs gave us a discourse on democracy, but in the course of his discourse he disclosed one very important fact: he admitted that the Government have to use

undemocratic means to prevent the country from being overrun by the evils of Communism. I am sorry to say here that if a Government can depart from the fundamental concept of democracy, then that particular Government can no longer call itself a democratic Government. He has admitted, like the Communists, that the ends justify the means.

Enche' Tan Siew Sin: On a point of order, Sir—are we debating on the amendment or are we debating on the second reading? It seems to me that the Honourable Member is perhaps straying from the amendment.

Mr. Speaker: I would like to remind Honourable Members to confine themselves to the reasons why the Bill should not be passed now, why the second reading should be postponed for six months.

Enche' Tan Phock Kin: Very well, Sir. I am speaking in reply to Members of the Government who oppose the extension of the six months' period, and they have introduced the question of Communism, and I would be failing in my duty if I don't rebut that allegation.

As I pointed out before, it is clear—and the Government has admitted it—that they, like the Communists, agreed that the ends justify the means. The ends were . . .

Dato' Dr. Ismail: Mr. Speaker, Sir, I rise under Standing Order 44 (1). I did make the statement, but only in the course of the general debate; I never made it on the amendment to postpone it for six months.

Mr. Speaker: Will you discontinue that? Because you are replying to a point which did not arise in the debate on the amendment. The Minister of External Affairs did not take part in the debate on the amendment, he did take part in the ordinary debate on the second reading of the Bill.

Enche' Tan Phock Kin: Very well, Sir.

Mr. Speaker: You will confine yourself to the reasons why it should be postponed for six months only.

Enche' Tan Phock Kin: So you see, Sir, this question of bringing in Communism is by no means justified. The Members of the Government Bench blindly accuse Members . . .

Dato' Dr. Ismail: On a point of order under Standing Order 44 (1)—we will not tolerate further references to the second reading debate, and I must ask you, Sir, if the Members of the Opposition keep on transgressing, to exercise all the powers you have to make the Members stop.

Mr. Speaker: Will you discontinue on the line that you have been taking just now? Will you confine your remarks to the reasons why it should not be passed? That is very clear under Standing Order 44 (1).

Enche' Tan Phock Kin: I appreciate that, Sir. I shall therefore confine my remarks to the fundamental issues brought up by the Honourable the Minister of the Interior. I think that it is quite clear that on the issue of Communism, Members of the Government Bench have no leg to stand on, because if anyone is to be accused of adopting Communist methods, it is no other than the Government itself.

Coming now to the second question of the Government being able to obtain a majority and thereby are at liberty to legislate in whatever way they consider fit, this, Sir, I submit is a very fundamental issue.

Dato' Suleiman: On a point of information . . .

Enche' Tan Phock Kin: I refuse to give way, Sir.

Dato' Suleiman: I did not say that!

Mr. Speaker: You must not impute improper motives—that is under the Standing Orders.

Enche' Tan Phock Kin: So, speaking generally on the question as to whether the Government which is returned in a majority can do anything they like in this House—the question of amending the Constitution is of fundamental importance, and we in the Opposition accuse the Government of fraud, and of misrepresentation. The Honourable

the Prime Minister, in trying to explain away this particular issue . . .

Mr. Speaker: You are going back to that particular issue—the Prime Minister never took part in the debate on the amendment!

Enche' Tan Phock Kin: Yes, but what the Honourable the Prime Minister said is relevant here with regard to the Government having a mandate, and this subject was touched upon in the course of this debate. The Prime Minister said, in denying that he had said at any time that he would not amend the Constitution. But Members of the Opposition did not accuse him for saying that he would not at any time amend the Constitution. I repeat the words “at any time.” What the Opposition said was that he told the country in the course of elections that he will not amend the Constitution but, to use his own words, he would “uphold the Constitution”. That was said in reply . . .

Mr. Speaker: You are again violating Standing Order 44 (1)!

Enche' Tan Phock Kin: Mr. Speaker, Sir, that was said in reply to the Socialist Front.

Mr. Speaker: We are going back to the Bill later on. Will you confine yourself to the reasons why the Bill should be postponed?

Enche' Tan Phock Kin: These are the reasons precisely, Sir. Sir, in doing so, the Government has in fact admitted, in the very words as uttered by the Honourable the Prime Minister, they have admitted that they were returned with a majority under false pretences, by misrepresentation of facts, by telling the country that they did not propose to amend the Constitution, and after being returned move a Bill to amend the Constitution . . .

Mr. Speaker: I direct you to discontinue your speech!

Enche' Zulkiflee bin Muhammad (Bachok): Tuan Yang di-Pertua, manakala Persatuan Islam sa-Tanah Melayu menhadangkan supaya pindaan di-atas Undang² ini di-tanggohkan

pembacaan kali yang kedua-nya dan Persatuan Islam sa-Tanah Melayu telah menerangkan sebab²-nya, saya terpaksa berchakap sedikit di-sini kerana Menteri Dalam Negeri telah membuat satu perkara propaganda politik yang lichen dengan mengatakan bahawa di-dalam hendak menanggohkan apa yang di-katakan pindaan ini, Persatuan Islam hendak melengahkan Undang² menchegeh kominis dan dengan demikian bererti menyokong perkembangan kominis di-dalam negeri ini. Berperi²-lah Tuan Menteri itu menunjukkan semangat ka-Islaman mereka. Tuan Yang di-Pertua, saya merasa, dengan tidak ada Undang² ini pun Kerajaan ini sudah berjaya menghanchorkan kominis dan emergency hampir tamat. Jadi, nyata-lah, Tuan Yang di-Pertua, bahawa hujah mengatakan tidak chukup alat untuk menchegeh kominis dengan keadaan yang ada itu, tidak ada langsung boleh di-pakai. Tuan Yang di-Pertua, hendak tahu benar pehak Kerajaan pendirian Persatuan Islam berkenaan dengan kominis. Dirasakan oleh Kerajaan bahawa kalau orang lain berchakap, itu ada-lah semata² berchakap tidak berma'ana dan kalau dia berchakap walau apa chara sakali pun bahawa itu ada-lah perchakapan betul². Ini sukar di-fahamkan. Kita telah mengatakan bahawa kita menentang kominis dan tidak sa-fahaman dengan communism dan penanggohan yang hendak kita minta ini, bukan-lah kerana kita hendak membolehkan kominis itu bersemarak di-negeri kita oleh kerana Undang² menchegeh itu ada. Tuan Yang di-Pertua, walau pun Menteri Yang Berhormat itu sudah keluar daripada amendment ini dan telah mengatakan dahulu kita menolak berkenaan dengan pindaan ini sechara umum, maka patut-lah Tuan Menteri itu memerhatikan bahawa penolakan itu tidak sepatuh pun di-asaskan di-atas soal kominis tetapi di-asaskan kepada soal lain yang sudah saya terangkan dan sa-bagai menghormati Tuan Yang di-Pertua, saya tidak ingin mengulangkan-nya.

Tuan Yang di-Pertua, 6 bulan mungkin menjadikan satu masa yang terlalu lama bagi kita sakira-nya dalam masa 6 bulan itu kita akan ta' hidup, tetapi 6 bulan itu tidak menjadikan masa

yang sama, sebab dalam masa 6 bulan itu apa yang di-kehendaki oleh Pindaan Perlembagaan ini maseh di-kuatkuasakan oleh perlembagaan itu sendiri, yang mempunyai kaedah yang membolehkan Kerajaan supaya menahan anasir² komunis dengan keras-nya. Saya ingin tahu daripada Kerajaan yang lojik daripada mereka itu, apa-kah yang boleh melarang Kerajaan bagi membuat undang² an Act of Parliament supaya apa yang di-kehendaki dimasukkan dalam perlembagaan itu dijalankan dalam masa 6 bulan. Tak ada satu di-jalankan, tetapi chuma hendak menjalankan perbahathan hendak berkeras dengan sentimen politik itu sahaja. Amat-lah di-kesalkan melihat Dewan Ra'ayat ini menjadi satu tempat yang mungkin di-tempelak oleh orang, dengan ini saya menchuba dengan seberapa tenang-nya supaya membolehkan Dewan Ra'ayat ini mempunyai satu taraf yang terhormat.

Mr. Speaker: Saya hendak mengingatkan kepada Ahli Yang Berhormat dalam pindaan ini di-mana kita sudah mengambil masa lebeh kurang hampir satu jam, wal hal kita sudah membahathkan pindaan menolak bacaan kali yang kedua undang² ini yang sudah memakan dua hari. Dengan ini, kalau saya benarkan lagi mereka berchakap dalam perkara ini, harus barangkali kita tidak habis kerja² mustahak yang banyak lagi hendak dijalankan dalam Parlimen ini. Oleh itu, kalau ada orang yang hendak berchakap di-antara dua atau tiga orang, saya benarkan, dengan syarat seberapa pendek, dan berikan sebab²-nya sahaja—atas sebab, fasal apa hendak di-tempohkan dan jangan di-ulang² lagi apa yang sudah di-chakapkan walau pun apa yang telah di-chakapkan oleh mereka itu supaya jangan di-ulang²kan lagi.

Tuan Haji Ahmad bin Saa'id (Seberang Utara): Tuan Yang di-Pertua, saya bangun membangkang dengan keras-nya chadangan yang di-kemukakan oleh Ahli Yang Berhormat dari Pasir Mas Hulu supaya menanggohkan perbahathan ini selama 6 bulan. Saya minta supaya Ahli Yang Berhormat itu berfikir semula, kerana sekarang ini bulan April, dan jikalau di-tanggohkan

selama 6 bulan, maka sa-bagaimana yang telah di-titahkan oleh Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong untuk menamatkan Undang² Dharurat pada 31 haribulan July, 1960, akan jadi bahaya. Mulai daripada 1 haribulan August hingga bulan October, undang² ini ta' dapat di-kuak-kuasakan. Oleh itu, molekulah di-sediakan payong untuk menjaga daripada terkena hujan. Manakala kita lepaskan atau tamatkan Undang² Dharurat, apa-kah undang² yang hendak di-adakan untuk memelihara keselamatan penduduk² tanah ayer kita ini. Jikalau kita tidak luluskan undang² ini, akibat-nya sangat burok akan berlaku dan harus ada mala-petaka yang akan menimpa seluroh ra'ayat jelata negeri ini. Saya suka menarek perhatian pehak pembangkang pada Clause 28 berkenaan dengan an Act of Parliament

Mr. Speaker: Itu sudah melarat! Dasar-nya jangan di-sentoh!

Tuan Haji Ahmad bin Saaid: . . . dalam pechahan (b), (c), (d) dan (e) itu, jikalau tak di-luluskan maka tidak ada kuasa² bagi kita hendak menahan sesuatu puak, sa-suatunya anasir untuk menchari peluang hendak melaga²kan ra'ayat atau dengan chara buat satu fasal tak sukakan kepada Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong, atau dengan chara melaga²kan di-antara satu puak dengan puak yang lain, atau dengan chara menegakan Kerajaan pemberontak, sekian ribu batu persegi luas-nya. Maka dengan sebab itu, kami sa-bagai Kerajaan yang memerintah memandang mustahak di-luluskan undang² ini.

Yang kedua, mengikut Article 44 yang terchatet dalam Perlembagaan, Parliament ada-lah berkuasa penoh membuat sebarang undang², dan yang ketiga, Article 159 berkepalakan "Amendment of the Constitution," Dewan Parlimen boleh meminda sebarang undang² atau Perlembagaan ini, tidak dengan syarat mendapat *referendum* daripada ra'ayat.

Sa-saorang wakil ra'ayat ia-lah suara bagi kawasan itu dan menduduki dalam Dewan Ra'ayat ini, walau pun puak

pembangkang mahu pun puak Kerajaan. Dasar kita sa-bagai Kerajaan Perikatan; ma'ana-nya kita mewakili seluroh Persekutuan Tanah Melayu dan kita berkuasa penoh memutus dan meminda apa jua sekali pun. Perlembagaan United States of America hingga tahun 1951 telah di-pinda sabanyak 22 kali perundingan² dalam Dewan-nya. Lepas dua tahun sahaja merdeka, 12 perkara² telah di-pinda dalam undang²-nya. Kenapa kita tidak boleh meminda untuk menyesuaikan bagi menjaga keselamatan negara kita. Kalau tidak di-pindahkan maka saya tegaskan harus di-timpakan satu mala-petaka yang besar kapada kita.

Enche' K. Karam Singh (Damansara) rises.

Mr. Speaker: Will you be short? Confine your remarks to the reasons why this Bill should be postponed for six months.

Enche' K. Karam Singh: Mr. Speaker, Sir, at this moment it is very dangerous to give too much power to the Government because, as we have seen, they are losing their heads and their tempers, or their tempers and their heads—we do not know which is the order (*Laughter*). We have also heard one Honourable Minister saying "*siapa non-Communist dia juga pro-Communist*". This is a strange doctrine, Mr. Speaker—he who is not for us is against us—and when this happens we will find that there will be persecution after persecution, and we support this amendment so that this hysteria prevailing among the Government bench will not have a chance to get more power. One of the other Ministers used religion as a political instrument. We strongly object to that. There is no religious issue involved in this. The issue is: are the freedoms of the people going to be curtailed or not? And we say that let us postpone this.

Mr. Speaker: You are going against the Standing Orders! You can give reasons for the postponement only; do not discuss the principle of the Bill.

Enche' K. Karam Singh: I am supporting the amendment here.

Mr. Speaker: But your argument is not why it should not be passed now, or why it should be postponed.

Enche' K. Karam Singh: Mr. Speaker, Sir, when the Constitution was written the people of this country were consulted and they gave their views. We say: let the people have another chance to give their views on these amendments. Do not later regret when the people oppose this measure.

The Assistant Minister of Commerce and Industry (Enche' Cheah Theam Swee): Mr. Speaker, Sir, nothing can be so undemocratic as our having to listen to and abide by the views of the minority. The issue here is whether there is justification to postpone the debate on these constitutional amendments for six months, for all angles of this House have recognised that the Constitution was the result of the Constitutional Commission that came to Malaya and wrote a report and then finally produced this sacred document. Mr. Speaker, Sir, what I am going to say now is not my views but the views of these experts on constitutional law, whom the Opposition has also recognised. They have great respect for these experts and let us therefore follow their opinion. What is their opinion as regards the amendments to the Constitution? I commend to this House to read paragraph 80 of the Reid Commission Report, which says—

“It is important that the method of amending the Constitution should be neither so difficult as to produce frustration nor so easy as to weaken seriously the safeguards which the Constitution provides. We are all of opinion”

(All the members of the Commission were of the opinion, and in the Report you see here and there that they do dissent but on this particular point they all agreed. It was the unanimous view of all the constitutional law experts.)

“We are all of opinion that a referendum would not be a suitable method in the Federation, and that amendments should be made by Act of Parliament provided that an Act to amend the Constitution must be passed in each House by a majority of at least two-thirds of the members voting.”

They do not suggest that it be postponed for six months; nor do they suggest a referendum, Mr. Speaker.

These are the views of the constitutional law experts. They held 118 meetings before arriving at their conclusions on this Constitution. We are following their view and not our own views in this matter, and I don't know how we could be charged with taking too much liberty. What is more, Mr. Speaker, they have laid down that the power of amendment should commence with the first Parliament under the new Constitution. This is the first Parliament under the new Constitution and the power commences. (*Applause*).

The Prime Minister: Mr. Speaker, Sir, I can assure the Honourable Member that I stand up here without losing my head or my temper. I am quite clear in my head and my temper is quite cool (*Laughter*). What I am going to say here is in the hope that I might convince this House of the unnecessary action to postpone this present debate on the amendment of the Constitution.

The Honourable Member from Ipoh yesterday stated, or declared, that he would employ every means in his power, every tactic known to him, to prevent this Bill from going through, and I can only advise him that if he wants to prevent this Bill from going through the only way is to adopt the method adopted by Guy Fawkes in the old days—November 5th, 17 . . . something—and blow up this House while we are all here, because it is unthinkable that the voices of the minority should hold sway over the voices of the majority. Therefore, I would like to warn this House and this country and the people in this country—the decent, law abiding people of this country—that unless these amendments go through I do not know what is going to happen to our beloved country. I am strongly convinced that unless we have got laws to replace the Emergency Regulations, terrorism, murder, arson, kidnapping and every other form of crime will hold sway here. It is in the interests of the country, in the interests of the people whom we represent to protect the innocent people in this country. If the Opposition is determined to prevent this Bill from going

through, I can say it is also the determination of my Party and my own determination to see that this Bill goes through . . . (*Applause*).

Amendment put, and negatived.

Dato' Mohamed Hanifah bin Haji Abdul Ghani (Pasis Mas Hulu): Tuan Speaker, . . .

Mr. Speaker: Di-bawah Standing Orders 35 (3) (c), hanya-lah penchadang substantive motion sahaja yang ada hak boleh menjawab; pada pindaan² ta' ada hak boleh menjawab.

Enche' Zulkiflee bin Muhammad: Tuan Yang di-Pertua, saya belum berchakap lagi.

The Minister of Education (Enche' Abdul Rahman bin Haji Talib): Sir, we are now debating on the substantive motion !

Mr. Speaker: Ia belum berchakap lagi ! Saya ada ambil ingatan siapa² yang sudah berchakap ! (*Ketawa*).

Enche' Zulkiflee bin Muhammad: Tuan Yang di-Pertua, walau pun saya pada asas-nya dahulu berchadang hendak berchakap di-dalam chadangan asal bagi pindaan ini ia-itu saya hendak mengulang balek chakap saya dalam pindaan ini, tetapi sa-bagai menghormati masa rumah ini, saya tinggalkan-lah perkara ini, sa-benar-nya ta' salah, saya rasa ta' apa-lah. Tuan Yang di-Pertua, pada kali ini saya hendak memberi ulasan berkenaan dengan satu pindaan yang ke-29 Article 150 daripada Constitution. Pindaan ini, Tuan Yang di-Pertua, menyebutkan, "A Proclamation of Emergency and any ordinance, sampai-lah ka-bawah-nya, if not sooner revoked, shall cease to have effect if resolutions are passed by both Houses". Maksud besar daripada pindaan ini ia-lah membolehkan satu² pengishtihsaran kepada dharurat itu berjalan dan apabila itu berjalan hendak-lah ia-itu di-bawa ka-Dewan Parlimen, hanya Parlimen sahaja yang boleh membatalkan. Tuan Yang di-Pertua, ini satu perkara yang boleh kita fahamkan dengan baik, sebab keadaan dharurat tentu-lah memaksa undang² dan perkara dharurat. Akan tetapi, Tuan Yang di-Pertua, dengan pindaan

yang ke-29 ini nampak-lah pada kita bahawa pindaan itu akan membolehkan Kerajaan menjalankan emergency dengan tidak payah di-bawa ka-Parlimen kepada suatu waktu yang tertentu, umpama-nya, 5 bulan di-jalankan kuasa dharurat, tidak payah di-bawa ka-Parlimen. Tuan Yang di-Pertua, soal yang bagini, amat-lah merbahaya. Sebab ada-nya fahaman ini maka sa-bagai satu badan yang akan membolehkan kita memikirkan atas sa-suatu perkara itu dengan halus, saya memandang yang sa-patut-nya di-buat oleh Kerajaan dalam hal ini ia-lah menentukan satu masa yang tertentu hingga berapa lama kepada sa-suatu pengishtihsaran dharurat itu boleh di-jalankan dengan tidak di-sahkan oleh Parlimen atau dengan tidak di-beri kuasa kepada Parlimen menentukan keputusan dalam perkara itu. Sebab-nya, Tuan Yang di-Pertua, kuasa dharurat walau pun ia-itu pada awal-nya di-tujukan kepada orang yang menyebabkan dharurat itu, tetapi tidak-lah mustahil bahawa kuasa dharurat yang di-beri kepada sa-suatu Kerajaan akan membolehkan Kerajaan itu menggunakan kuasa-nya itu kepada perkara² yang tidak bersangkutan. Saya chakapkan ini kerana saya ada bukti²-nya, saya boleh dikeluarkan dalam Majlis ini, kalau siapa yang chuba menchabar saya; bahawa telah ada chara²-nya yang Kerajaan menggunakan kuasa dharurat di-dalam perkara yang bukan bersangkutan-paut dengan dharurat.

Tuan Yang di-Pertua, untuk membolehkan negeri ini mempunyai satu Perlembagaan yang kemas, maka pada fikiran saya Article 150 ia-itu di-tambah dengan cheraian (3) ini hendak-lah di-buat dengan chara yang membolehkan dengan terang-nya bahawa Kerajaan sa-telah mengishtihsarkan sa-suatu dharurat mesti-lah membawa perkara itu kepada pertimbangan Parlimen di-dalam satu masa yang tertentu. Ini tidak-lah boleh kita takutkan, sebab kalau sunggoh-lah dharurat itu mustahak berjalan Undang² Dharurat itu maka tentu-lah Parlimen akan meluluskan dan kalau tidak sunggoh maka berpeluang-lah kepada kita memikirkan apa-kah yang patut di-buat di-dalam keadaan-nya saperti itu. Jadi, Tuan Yang di-Pertua, ini-lah maka

saya mengatakan, Undang² Dharurat dan pindaan Perlembagaan ini nyata tergopoh² Kerajaan dan oleh itu saya berharap supaya pertimbangan diberikan dengan lebih halus supaya dapat-lah soal² yang di-pandang kechil, soal² yang kurang kemas saperti ini kita betulkan.

Enche' Abdul Rahman bin Haji

Talib: Tuan Yang di-Pertua, perbahathan atas Rang Undang² ini telah memakan masa yang lama—telah dua hari genap di-perbincangkan—beberapa hujjah dan alasan² yang telah di-datangkan oleh pehak yang membangkang dalam usaha mereka supaya Rang Undang² ini di-tolak atau di-tanggohkan—bahkan sa-orang ahli pembangkang telah menyatakan bahawa pehak-nya akan menggunakan segala ikhtiar dan helah untuk menahan-nya daripada di-luluskan. Saya hormati ketabahan hati-nya kerana saya perchaya bukan-nya sahaja ia telah ber'adzam berbuat begitu tetapi harus ia telah menerima pertunjuk supaya berbuat demikian dan pertunjuk itu tentu-lah datang-nya daripada anasir² yang akan mengechap ni'amat dan mendapat fa'edah dengan tidak lulus-nya Rang Undang² ini. (*Tepok*). Sa-balek-nya kami di-sabelah sini juga ber'adzam menggunakan segala daya upaya, usaha dan kepintaran kami supaya Rang Undang² ini di-luluskan—tetapi bukan untuk fa'edah anasir² jahat tetapi ia-lah untuk keselamatan negara dan penduduk² yang ta'at setia yang telah memberikan amanah kepada kami supaya menjaga dan mengawal keselamatan dan kesejahteraan mereka itu.

Di-dalam perbahathan sa-lama dua hari yang lepas, saya telah mengikuti hujjah² yang di-datangkan oleh pehak pembangkang dengan penoh minat dan teliti. Banyak perkataan telah di-ucapkan dan banyak pula tuduhan² di-lemparkan kepada pehak Kerajaan tetapi dalam kesimpulan-nya alasan² yang di-berikan berpusu² di-sekitar dua atau tiga perkara. Saya suka menyebutkan perkara² itu, supaya senang saya memberikan jawapan atas-nya satu persatu.

Pihak pembangkang menentang supaya Kerajaan di-beri kuasa membuat

Undang² bagi menahan untuk keselamatan negara. Alasan yang diberikan oleh mereka ia-lah bahawa mereka berkewajipan mempertahankan hak² kebebasan asasi dan asas² demokrasi. Kalau kuasa itu di-berikan kepada Kerajaan jahanam dan hanchor-lah hak² kebebasan asasi dan asas² demokrasi itu. Saya tegaskan bahawa sebab yang utama bagi Kerajaan berkehendakkan kuasa ini ia-lah untuk mempertahankan hak kebebasan asasi dan asas² demokrasi itu. Jadi, Tuan Yang di-Pertua, pada dzahir-nya tidak ada perbedzaan di-antara kedua pehak—antara Kerajaan dan Pembangkang—kedua²-nya hendak mempertahankan hak² asasi dan asas² demokrasi. Jadi apa-kah sebab-nya timbul pertentangan yang hebat ini? Sebab-nya, Tuan Yang di-Pertua, ia-lah:

- (i) Kerajaan hendak mempertahankan hak kebebasan asasi dan asas² demokrasi yang dihormati oleh gulungan ramai ra'ayat negeri yang ta'at setia, sakali pun dengan jalan mengorbankan hak² kebebasan asasi dari sa-gelintir manusia yang jahat; tetapi pehak pembangkang hendak mempertahankan hak² kebebasan asasi bagi satu gulungan kechil anasir jahat dengan jalan mengorbankan keselamatan dan kesejahteraan gulungan ra'ayat ramai. Jelas-lah, Tuan Yang di-Pertua, pehak pembangkang tidak mementingkan hak kebebasan asasi orang ramai, tetapi hendak mengorban-nya untuk kepentingan gulungan kechil yang jahat.
- (ii) Kehendak pehak² pembangkang itu ada-lah dengan sendiri-nya berlawan dan bertentang dengan asas² demokrasi yang konon hendak di-pertahankan-nya. Kerana mengikut pendapat saya, atau daripada sendi demokrasi berparlimen ia-lah—kehendak bilangan ramai mesti di-hormati (the will of the majority prevails) tetapi kalau (the will of the minority prevails) itu ada-lah sendi

demokrasi Communist. Barangkali demokrasi sechara itu-lah yang hendak di-per-tahankan oleh puak yang mem-bangkang.

Kalau demikian maksud-nya, saya katakan bahawa pendapat mereka ada-lah bertentang dengan kehendak ra'ayat, kerana kehendak² ra'ayat ada-lah nyata. Ra'ayat umum-nya menentang faham kominis dan segala yang berhubung dengan faham itu. Ini telah di-bokti-kan dengan kerjasama yang di-beri oleh mereka kepada Kerajaan di-dalam masa 12 tahun yang lepas dalam usaha melawan penjahat² kominis. Penjahat kominis telah di-tewaskan dan dengan-nya Kerajaan berchadang hendak menarek balek kuasa Undang² Dharurat. Tetapi dengan tewas-nya penjahat² kominis dan batal-nya Undang² Dharurat bukan-lah bermaana faham kominis telah hapus, bahkan beberapa orang pembangkang telah mengaku hal itu. Kerajaan perchaya bahawa orang² kominis akan menjalankan tektik-nya yang lain untuk memperhambakan ra'ayat negeri ini. Tektik itu ia-lah dengan chara meresap ka-dalam se-kolah², Trade Union dan pertubohan² lain. Untuk menentang tektik kominis yang baharu itu-lah maka Kerajaan berkehendakkan kuasa ini.

Saya tidak hairan sedikit pun bila Socialist Front dan People's Progressive Party membangkang Rang Undang² ini, tetapi saya perchaya ra'ayat seluroh-nya terchengang kehairanan bila Party Islam Sa-Tanah Melayu yang mengakui benchi kapada kominis, menentang faham kominis, membangkang supaya Kerajaan di-beri kuasa membuat Undang² menahan anasir jahat yang hendak mengembangkan faham kominis di-negeri ini. (*Tepok*). Pendirian yang saperti itu tidak mempunyai sedikit lojik pun, tetapi saya sendiri tidak hairan.

Satu perkara lagi yang telah di-besar²kan oleh pehak pembangkang ia-lah fasal kebebasan Mahkamah dan Perkhidmatan 'Awam—oleh kerana lantekan Hakim Besar dan Hakim² akan di-buat oleh Seri Paduka Baginda atas nasihat Perdana Menteri sa-telah berunding dengan Majlis Persidangan

Raja², maka pehak pembangkang me-ngambil keputusan mengatakan bahawa kebebasan mahkamah akan terancham. Hakim² akan menjadi boneka. Mahka-mah akan di-pengarohi oleh parti² politik. Pendapat itu ada-lah pendapat yang keliru yang timbul daripada fikiran yang tidak siuman, kerana Fasal 123 juga maseh ada. Adah-kah terlintas di-hati kita bahawa sa-orang yang mempunyai pengalaman Undang² sa-perti yang dalam Fasal 123 itu dan Majlis Raja² juga boleh di-pengarohi oleh Parti Politik dan membiarkan kebebasan Mahkamah terancham? Saya katakan bahawa tudohan yang di-buat oleh Ahli dari Menglembu ada-lah satu sangkaan burok yang di-buat oleh sa-orang loyar ka-atas rakan sa-jawat-nya yang akan menjadi Hakim² negeri ini. Ada-kah dengan sebab Hakim² itu di-lantek oleh Seri Paduka Baginda atas nasihat Perdana Menteri sa-telah berunding dengan Majlis Raja², maka kebebasan Mahkamah akan lenyap? Saya katakan tidak. Fasal 139 (4) dalam Parlembagaan ini juga memberikan kuasa yang hampir² sama kapada Perdana Menteri atas lantekan Ahli² Surohanjaya Perkhidmatan 'Awam. Pernah-kah Ahli² Dewan ini, semenjak tertuboh-nya Surohanjaya yang ahli²-nya telah di-lantek dengan chara yang hampir² sama saperti yang akan di-jalankan atas lantekan hakim² yang akan datang itu, mendengar sungutan bahawa Kerajaan ada meng-ganggu kebebasan mereka. Tidak pernah bukan? Dengan sebab itu saya katakan bahawa pendapat puak pembangkang ada-lah tidak berasas, kerana fikiran mereka sentiasa keliru dan mengelirukan.

Tuan Yang di-Pertua, Sa-orang ahli falsaf ada berkata "Fikiran yang kusut timbul-nya dari hati yang kusut. Hati yang kusut datang-nya dari niat yang jahat. (*Tepok*). Niat yang jahat tidak akan di-redzai Allah. Barang yang tidak di-redzai Allah tidak akan ber-hasil. (*Tepok*).

Sekian-lah.

The Minister of Justice (Tun Leong Yew Koh): I rise to accuse a Member of the Socialist Front, the Honourable Member for Dato Kramat, of deliberately misleading this House when

he says that in Ceylon the Judges are not appointed on the advice of the Prime Minister. Sections 52 to 56 of the Ceylon Constitution Order in Council deal with the judicature. The judicature consists of the Judges of the Supreme Court, District Judges, Magistrates, Commissioners of Bequests and Presidents of Rural Courts. The Judges of the Supreme Court consist of the Chief Justice and eight puisne Judges who are appointed by the Government generally on the advice of the Prime Minister. (*Applause*).

In India the Judges are appointed by the President, but the President is just as a political participant as the Prime Minister, because he is elected by the majority in the House of Representatives. In England, Judges are appointed by the Lord Chancellor who is a Member of the Government and we have never heard of any complaint that English Judges are partial because they are appointed by a political Member of the Government. I was shocked the other day to hear Honourable Member for Ipoh advocating the free preaching of Communist ideology in this country. He has not heard probably of what is happening in China. In Communist China to-day families are broken up and the adult members are sent to communes: wives and husbands are separated for life if they do not happen to work together in the same labour camp. Children are sent to State nurseries under the guardianship of the State and they will grow up without knowing who their parents are. This is what is happening in China.

With regard to labour, there is no such thing as a free trade union in China. Every trade union is an organ of the Government, to act as task masters and whip the labourers to produce as much as possible for the State.

With regard to education, no one in China is free to choose the school one likes to go to or to choose his profession. You are sent to any school on the Government's direction and to take up any profession as the Government wants. May I cite the case of a son of a friend of mine who went to China last

August? He was in the Wu Han University on the 1st of August, 1959. In October 15 of that year he wrote to his father saying, "I have been two and a half months in this University at Han Kow and I have only heard one (brain-washing) lecture"—not on engineering (which he was studying) but only a brain-washing lecture—"and the rest of the time from six o'clock in the morning to six o'clock in the evening every day I have to carry bricks to build the University. I do not know whether I can come back alive to see you again." This is what is happening to education.

With regard to the freedom of the Press, there is no such thing. Every newspaper is owned by the State. The Press is not free to write what it wants to say. The intellectual people are subjected to the most abject humiliation. They are made to gather manure and night soil in order to increase the agricultural produce of the country. Many of them have to attend the mutual criticism classes every day, and subjected to accusations by members of the Party of being anti-Government, or being agents of the Formosan Government, or agents of the United States of America. Many of them are afraid of the labour camps to which they may be sent; many of them commit suicide—by jumping from tall buildings, by drowning in the river, by taking poison and by cutting their throats—because they are afraid of being sent to Concentration Camps where they work 16 hours a day on a starvation diet. Sir, this is what is happening in China. Do you want this thing to happen in this country by preaching Communism in this land? I cannot imagine anybody else who would have said the same thing as the Honourable Member for Ipoh unless he is a paid Communist agent or a fellow-traveller. (*Applause*). I hope after hearing what I have said about what is happening in China, he will desist from advocating the freedom of preaching Communism in this Country.

Sir, the question of this amendment to the Constitution resolves itself into one of reasonableness. Communists and their ilk are unreasonable and they

will twist every constitutional safeguard to attain their vicious and baleful ends. But where do we draw the line? Well, that may be a matter of opinion; Honourable Members opposite are free to hold their own views in this House. We on this side prefer to follow the dictum by the great and learned American author the late Justice Oliver Wendell-Holmes who said, "licence begins when a man shouts 'fire' in a crowded theatre hall". Sir, what all of us want to do is to prevent the lunatic fringe of civilisation from converting our pleasant and harmonious community into one where confusion and chaos reigns. (*Applause*).

Enche' Tan Siew Sin: Mr. Speaker, Sir, I must say that I admire the mental dexterity with which Honourable Members opposite twist and turn facts and figures into distortions and falsehood. That probably explains why so often they are on one side of the fence and I am on the other. (*Laughter*).

Let us take the speech of the Honourable Member for Ipoh first. I well remember those days, even before this Parliament was constituted, when he and his friends had nothing good to say about our Constitution. Even when the Reid Commission was sitting they did everything they could to disrupt the work of the Commission and even when the Report had been published they did everything they could to prevent it from being passed into law and they even went so far as to send a mission to London or some other place in order to stop independence being granted to this country. At that time they criticised the Constitution bitterly. They criticised certain provisions like the special position of the Malays, the provisions on education, national language and so on. Now we suddenly hear that this Constitution, which not so long ago was the worst of all Constitutions, has become a Holy Bible—if I may use his exact words—"this Constitution is sacrosanct, it must not be changed, it cannot be changed, and you require a lot of thought to change it". Thus suddenly from a book of filth it has become a Holy Bible. That is why I admire their mental dexterity and I wish I were able to perform the mental contortions and

acrobatics which they are so capable of. Sir, this question is a very serious matter and in this respect I am referring to the provision for preventive detention which has aroused the ire of Honourable Members opposite so much. Let us go back to a period of 12 years ago when this country had just embarked on what has since been called the Emergency.

We have had 12 years of slaughter, 12 years of mass murder and atrocities, and in the process we not only spent \$1,500,000,000, we had to divert a lot of resources, both material and spiritual, in fighting this evil menace.

It is therefore clear, Sir, that this country is by no means free of the Emergency. In fact, as long ago as 1955, in an article which I wrote and published in the official organ of the Malayan Chinese Association known as "Malayan Mirror", I said that Communism would be at its most dangerous when the shooting war ends, and we have now reached this stage, and now it is seriously suggested that even though we will officially end the Emergency on 31st July we will not need some sort of law to prevent subversion from getting its grip on this country.

Honourable Members speaking against this particular provision have pointed to the cases of countries like Ghana and India. Let us remember, Sir, that in Ghana they did not have to fight Communist terrorism, Communist rebellion for 12 long, bitter years. That did not happen in Ghana, it did not happen in India, neither did it happen in Singapore, and yet, in all these countries, we have this particular law, and no one has suggested that in those countries democracy is dead. Yet it is seriously suggested that in this country, where we have fought this long and costly and bitter war, that we do not need such a law. I leave it to Honourable Members to form their own conclusions as to whether these people who are to-day suggesting this course of action really mean what they say, or it might be that they mean something else. We can only guess at their motives, and I sincerely hope, for the sake of the country and

of themselves that their motives coincide with the best interests of this country. They, of course, will protest loudly—I noticed, just before I got up, that six of them were about to get up—that they are not Communist, that they love this country, that, of course, they have the interests of this country as much at heart as we have. But I think we can judge them by their actions rather than by their words.

I well remember those days of the Emergency when our Honourable friends opposite—I don't know where they were then—did not say a word against the Emergency Regulations. That was the time when it was extremely risky to speak against the Government because at that time there was no elected Parliament, there was only a nominated Legislative Council. At one time there was a General in command who knew his mind and would not hesitate to use the Emergency Regulations with the utmost rigour should there be any nonsense in any part of the country, and our Honourable friends then who are so vociferous now were, as far as I know, as quiet as mice. We never heard any of them talk about democracy, about the dangers of totalitarianism, and so on. Neither did we hear a word against Communism. At that time, we on this side were sparing no efforts, and we in the Malayan Chinese Association fighting Communism openly did so, I think, with a certain amount of risk; there were even casualties in our ranks, and a number of our officials were shot. But Honourable Members opposite who are to-day so loudly protesting their loyalty to this country said nothing about Communism, said nothing against the Emergency Regulations—in fact, did nothing at all. But, to-day, suddenly, because we have got a democratic Government, they have suddenly become extremely vociferous, become very brave indeed, and in this House they rise with all the ire and fire at their command to thunder against the Government—which probably has been too lenient to them. *(Laughter)*.

Mr. Speaker, Sir, I do not want to take up the time of this House unduly, because we have had a very long

debate, and, as I say, Honourable Members opposite are very anxious to speak. But I would like to remind the House of one thing. As my Honourable friend the Prime Minister has said, this is a very serious issue. On this issue will depend the future of our country. We have just concluded a vicious war, and unless we can have provisions such as these embodied in the permanent law of the country, I think the future of this country can be very serious indeed. Those of us who owe our undivided loyalty to this country, those of us who have no other country but Malaya—and I am sure I speak in this connection on behalf of all decent citizens of Malaya, for all those who really love Malaya—on behalf of all those people, I think the course is quite clear. But I appreciate that there are others to whom this law must be anathema: they are the Communists, the fellow-travellers, and I say that those who are against this law are against this country, and those who are against this law are for the Communists, no matter what their protestations may be!

Enche' S. P. Seenivasagam (Menglembu): Mr. Speaker, I rise to protest against this Bill and to oppose it because I believe it is a calculated attempt to assassinate civil liberty in this country. Mr. Speaker, Sir, one Honourable Member expressed the hope that after he had spoken nobody else would repeat what the Member for Ipoh had said in this House on Friday. I am the Member for Menglembu, and I have much pleasure in repeating what the Honourable Member for Ipoh said. But what the Honourable Member for Ipoh said was that in a free and democratic country any person should have the right to propagate his views, be he Communist, Fascist or Democrat, or whatever he may call himself. It was not suggested that he should have an unhampered freedom of expression, that he should be allowed to do so without any interference from the Government. But there are ways and means with which he can be interfered—if he argues, you put up a better argument; if his idea is a good one, you put up a better one, and if you don't agree with

him, you explain why his idea is unsound. You don't have to lock up people, you don't have to get all these arbitrary powers. What the Honourable Member for Ipoh said was: Let people have a free voice, if you have an argument better than theirs, do it that way, and don't try to lock them up and to deprive them of their liberties.

Perhaps it is very difficult convincing some people, but we have said it over and over again that we are not Communists, neither are we Communist sympathisers. But we are sympathisers of freedom of speech, and that we will concede to anybody, whoever he may be, so long as he observes the one primary condition, and that is: No violence. If there is no violence, there must be freedom of speech. If someone has been smart enough to deceive the public, why can't you be smarter and tell the public the truth? That is the root basis of our argument.

Mr. Speaker, Sir, we who sit on this side of the House have been accused of many things, and to-day it has been slyly put in that we are the paid agents of international Communism or something to that effect. That, of course, is a malicious slander, without any basis, without any fact, a wild allegation. But I would like to assure the House that we are not American propaganda agents, and we do not act as American propaganda agents in this House: many of the emotional things which have been said in this House against the Communists you can read from any pamphlet issued by the United States Information Service.

There is one more thing I would like to observe before I go on. In justification of the Bill itself, it was suggested that we of the Opposition were cowards during General Templer's time. Memories are short, perhaps some people were too busy with other things, but we of the People's Progressive Party of Malaya even at that time did speak up against the Emergency Regulations, and we did protest against certain atrocities which were committed in this country by the security forces at that time—and those matters were raised and we did get an answer on them in the

House of Commons in London, when other people were too cowardly to do so. Perhaps some people have bitter experiences, perhaps they cannot forget how they were ticked off for suggesting—even suggesting—a visit to China—they forget how they were ticked off.

Mr. Speaker, touching first on the question of the appointment of Judges, it has been said that other countries are doing it, let us also do it. But sometimes we hear that what is good for other countries isn't good for Malaya. Sometimes, we hear what is good for other countries is good for Malaya, and people have been going from Great Britain right to Ghana, looking for precedents to explain their actions; why can't we start doing things and stick to things which have been proved to be good in this country. I wonder why, what is at the bottom of this move to change the method of appointment of Judges? Has anybody ever complained about the manner in which Judges have been appointed in this country? As I said the other day, that is the one thing in this country that nobody has ever complained about, and yet what is this craze to extend your tentacles to the Judges as well? Why can't we leave things which are good to remain good? Why must we go on to taint them? It may well be that the Honourable the Prime Minister is not happy as things are at present in that he has no power to appoint a favourite, but we must remember that this is coming into the Constitution, that this is going to be here for future generations. Supposing a wrong move is made, what is going to happen to this country with a bench of Judges who are political stooges? Let us look to the future, 50 years, 100 years hence, and safeguard justice in this country for ever. In England, of course, the Lord Chancellor is appointed on the recommendation of the Prime Minister, but then once he is appointed there is no further interference with the appointment of Judges. The Prime Minister has nothing whatever to do with the candidate whom the Lord Chancellor appoints as a Judge—and if I am misleading the House, I would

be grateful if somebody would correct me. That is the position as I understand it in England. In India and Ceylon, I agree that the position is what is as suggested, but, again, I say, just because India and Ceylon do it, we needn't do it. You are not doing everything that India and Ceylon are doing!

Mr. Speaker, Sir, I come to the question which has been debated in this House for the past three or four days, the question of subversion, against which the amendment to Article 149 is primarily designed. Mr. Speaker, the Government seems to be suffering from a "subversion-phobia". Only the other day, they told us that everything is very nice in this country. There were just 100-odd people who were giving trouble, and we had already got them locked up. And now we have heard for the past one or two days a squall, a squall that the whole country is going to be enveloped in serious trouble if the amendment doesn't get through. Surely, this is not a country without laws? We have got the Penal Code; we have got the Sedition Ordinance, and let us not forget that the British Government was running this country for so many years without any of these Emergency laws except when there was an outbreak of violence in 1948. If foreigners could have ruled this country, could have maintained peace and order in this country without all these arbitrary powers, then is it not a confession of failure when our own people come and tell us we cannot run the country, we can't govern, things will get out of hand, we must have all these terrific powers in our hands, otherwise chaos will break out. Is that not a confession of failure, abject failure? Once this thing is written into the law, once it becomes the law of this land in pursuance of these amendments—of course, it must be understood that the passing of these amendments does not by itself bring in any law but automatically it is going to be followed in the next session by an Act of Parliament—an Act is going to be introduced in pursuance of this clause.

SOME HONOURABLE MEMBERS: Yes!

Enche' S. P. Seenivasagam: Many Honourable Members have confirmed it, although I have had no inside information—it was only an intelligent guess and I think it has been confirmed. Well, what is going to happen to the international status of this country? Can our representatives in the United Nations stand up and accuse any other nation of being undemocratic, of locking up people without trial? What this Government proposes to do is to declare a perpetual state of subversion in this country—the declaration of a perpetual state of subversion in Malaya. And let us not forget that Russia has got a perpetual state of subversion and that is why they have the labour camps in Siberia. Ever since Russia came into existence after the revolution they have declared a perpetual state of subversion. They believe that the outside world is all the time going to subvert them, and trying to destroy their regime. They have declared a state of subversion and that—the state of subversion—has brought Russia into disrepute, because they lock up people without trial on the slightest suspicion. Are we going to follow what the Communist countries have done and declare that we are in a constant state of subversion, that people are all the time against us, that nobody likes us, that everybody wants to destroy us and that we have got to lock them up? That, Mr. Speaker, is what I interpret to be the policy of the Alliance Government.

Mr. Speaker, Sir, the Government and the Honourable Prime Minister have declared in emphatical terms, whether the Opposition likes it or not, whether there is reason in the Opposition or not, the Honourable Prime Minister and the Alliance are determined to get this Bill through and, of course, they will get this Bill through because they have got the power to do that (*Laughter*). But, of course, we only hope that they would have a receptive mind and that they would heed the advice of the Paramount Ruler. Apparently that is not heeded.

One last observation I want to make is that there is nothing much for the Government to crow about their majority here. The Constitution requires a two-third majority, and they can just push this Bill through with only two votes to spare and no more.

Enche' Mohamed Yusof bin Mahmud (Temerloh): Tuan Yang di-Pertua, saya bangun menyokong atas pindaan undang² di-hadapan Majlis kita ini. Pada keseluruhan-nya perbahathan yang tiga hari ini, pehak pembangkang berfaham di-atas dua asas. Yang pertama sa-bagaimana kata wakil dari Bachok, dan juga wakil dari Ipoh mengatakan Kerajaan tidak menunjokkan satu² sebab dan apa-kah sebab-nya kita hendakkan pindaan undang² ini. Yang kedua atas asas takut, atau pun memikirkan yang Kerajaan akan hendak menggunakan undang² ini dengan sewenang²-nya terhadap pehak pembangkang. Sekarang saya suka berchakap di-atas dua fasal sahaja ia-itu fasal Public Services Commission yang mana wakil dari Bachok sa-bagai wakil ra'ayat di-tempat-nya, saya tak tahu-lah barangkali di-tempat-nya banyak pegawai² Kerajaan yang baik menjalankan kerja dengan elok, tetapi pada keseluruhan-nya, pada tempat-nya saya fikir perkara ini tidak memuaskan hati.

Public Services Commission ia-lah satu badan yang akan mengawasi segala perjalanan perkhidmatan pekerja² 'awam kita, tetapi perkara² yang di-deritai oleh ra'ayat, yang di-rungut²-kan oleh ra'ayat tidak di-jalankan dengan sepenoh²-nya sa-bagaimana kehendak ra'ayat jelata, sebab mereka tidak menjalankan perkhidmatan-nya itu ia-lah—saya ambil satu contoh di-Pahang, mithal-nya. Public Services Commission yang hendak mengambil satu tindakan kapada sa-orang guru telah memakan masa selama 9 bulan, maka ini-lah yang tidak memuaskan hati ra'ayat, dan begitu juga baharu² ini di-Bentong di-mana ra'ayat jelata telah menyuarakan atas tak puas hati terhadap perjalanan Town Council yang sudah dua bulan tak dapat keputusan. Sebab apa berlaku demikian? Kerana kerja² Public Services Commission terlalu banyak sahingga

tak dapat menjalankan perkhidmatan-nya dengan sepenoh²-nya. Oleh itu, Kerajaan menchadangkan, saya perchaya Public Services Commission di-tugaskan betul² bahawa apa-kah kerja yang mustahak bagi mereka itu selain daripada kerja² yang kechil² yang di-tugaskan kapada Pegawai² Kanan supaya dapat menjalankan dengan sempurna-nya.

Bagitu juga kita telah mendengar satelah kita meminda undang² Public Services Commission, maka satu jawatan, atau satu persatuan Whitely Council telah mengugot Kerajaan ia-itu mengatakan mereka akan bertindak dengan tidak menjalankan pekerjaan² mereka. Perkara ini, saya perchaya yang mereka² ini faham kerana mereka itu pegawai Kerajaan. Ada jalan dan chara² bagi mereka itu untuk berunding dengan Kerajaan, maka ini-lah satu kerja yang di-tugaskan kapada Public Services Commission itu.

Yang kedua, berkenaan *subversive element*, atau pun perkara² menyulodop. Rasa saya majlis ini tentu-lah ingat sa-bagaimana perundangan Yang Teramat Mulia Perdana Menteri kita dengan Cheng Peng, Secretary General of Malayan Communist Party di-Baling (Kedah) dahulu. Apa kata mereka semasa keluar dari majlis itu? "Ia-itu Malayan Communist Party tidak akan menyerah diri. Mereka akan memperjuangkan dengan sedaya upaya supaya Malayan Communist Party menang." Sekarang kita sudah nampak perjuangan mereka itu menggunakan senjata, telah gagal tetapi dia akan menggunakan dengan chara² yang lain dengan menyeludop pula, maka ini-lah undang² yang hendak menjaga negeri kita ini. Sekarang kita telah mendengar dari Party Islam sa-Malaya mengatakan bahawa Party Islam sa-Malaya menentang komunis, dan bagitu juga kita ada perlembagaan yang mengatakan negeri ini beragama Islam yang berma'ana menentang communism.

Oleh itu, saya rasa sa-bagaimana hujah daripada pehak pembangkang mengatakan freedom—bebas, tetapi bebas Kerajaan Persekutuan Tanah Melayu, bebas berperlembagaan, bebas beragama, bebas berchakap dan bebas berfikir. Ini saya ingat bukan bebas

boleh berchakap, atau pun mengarahkan ideology yang menentang agama. Saya faham dan saya berharap pehak pembangkang, terutama sekali separoh²-nya supaya fahaman betul² apa² di-dalam perlembagaan. Kita suka terangkan bahawa Clause 3 ini mengatakan bahawa Islam agama rasmi negeri ini yang berma'ana apa² mana menentang agama—fahaman² yang menentang agama, maka bertentang dengan orang² Persekutuan Tanah Melayu.

Sa-perkara lagi, berkenaan dengan pehak pembangkang takut dan khuatir yang Kerajaan akan menggunakan undang² yang di-pinda ini pada mereka². Tetapi kita tidak di-tunjokkan, apa-kah perkara-nya yang Kerajaan telah buat pada mereka? Saya hendak bertanya, "Ada-kah chontohnya yang Kerajaan telah menahan mereka sa-masa menggunakan Emergency Regulations?" Boleh-kah tuan² tunjukkan satu chontoh yang Kerajaan menggunakan kuasa itu dengan tidak sa-patut-nya? Ini tidak ada, Tuan Yang di-Pertua.

Pada akhir-nya, Tuan Yang di-Pertua, saya rasa kita ta' hairan kapada orang² membangkang usul ini ia-itu undang² hendak menjaga keselamatan. Yang saya muskilkan ia-lah apabila tiap² kali kita membuat undang² untuk orang² jahat maka mereka² pula menjadi jagoh pada mereka² yang hendak menjahanamkan keselamatan. Saya hairan mereka² yang mengatakan ta'at setia kapada negeri ini dengan tidak berbelah-bahagi, tetapi sayang-nya membangkang pada undang² hendak menchegegah orang yang hendak membuat jahat dalam negeri ini.

The Minister of Transport (Enche' Sardon bin Haji Jubir): Tuan Yang di-Pertua, sa-telah mendengar bahathan atas pindaan Perlembagaan Persekutuan Tanah Melayu ini, kalau saya tidak bangun menerangkan dari pehak Kerajaan dan pemuda² seluroh Tanah Melayu yang telah menetapkan 31 hari-bulan August, 1957 tarikh kemerdekaan, tentu-lah pemuda² itu akan bimbang; kalau² pehak pembangkang itu berjaya menahan pindaan ini. Maka kemerdekaan ini akan runtoh, Kerajaan

yang boleh memerintah dan mengamankan negeri ini juga runtoh kerana konon-nya hendak mempertahankan kebebasan berchakap, kebebasan ra'ayat, tetapi tidak tahu yang subversive element kominis hari ini memang telah berkembang dari sa-hari ka-sa-hari, tiada siapa pun pehak pembangkang yang menapiakan perkara ini. Jadi tujuan Kerajaan meminda Perlembagaan ini hendak mengambil kuat-kuasa ya'ani menahan penjahat² daripada saki-baki kominis yang telah kita tewaskan dalam perjuangan dengan chara yang keras itu yang akan menjelma dengan chara yang lebeh halus lagi, kita ketahui tidak ada lain jalan menahan mereka, melainkan ia-lah menggunakan kuat-kuasa preventive measure ya'ani menahan mereka sa-belum dapat merobohkan Kerajaan dan menjahanamkan negeri kita ini.

Saya suka menerangkan kapada Yang Berhormat wakil dari Bachok sa-bagai sa-orang ketua daripada PAS telah menegaskan pendirian PAS menentang kominis, PAS menegaskan mahu keamanan—bagitu juga Kerajaan kami daripada Perikatan. Tetapi Ahli Yang Berhormat itu berkata tadi ia-itu ta' usah adakan undang² kerana menahan orang dengan tidak ada alasan kerana ia menjadi subversive element, tetapi minta-lah sahaja kapada Parlimen Yang Berhormat ini, bila tempoh dharurat itu ada ia akan di-beri kuasa. Saya suka menerangkan kapada Ahli Yang Berhormat itu, sa-belum kita hendak mengadakan persidangan di-Parlimen untuk meminta kuasa; barangkali Kerajaan negeri ini pun sudah jahanam. Pehak Kerajaan telah meneliti dengan sa-halus²-nya dari segala segi. Oleh kerana itu saya ucapkan terima kaseh atas pandangan—itu, tetapi pandangan-nya itu ada-kah sesuai dengan keadaan dalam negeri kita ini?—mengetahui baik²—yang pehak kominis itu maseh mahu berjuang, ia-itu tidak mahu mengaku kalah, mereka mahu berjuang dengan sa-chara halus, merasok dalam masharakat, merasok dalam segala lapisan, terutama sa-kali kapada pemuda² dalam negeri ini yang penduduk-nya 6½ juta lebeh kurang, yang berumur 25 tahun ka-bawah ada 60 peratus dan 21 tahun ada 50 peratus. Maka anasir² kominis

ini akan mempengaruhi segala²-nya yang mereka dapat terutama kepada pemuda-pemudi membiakkan faham Komunis yang tidak mengaku adanya Tuhan, ada-nya agama dan kebebasan berchakap serta bermeshuarat sa-bagaimana yang ada pada hari ini. Kita ada Parlimen, sa-belum undang² di-luluskan kita bawa ka-sini. Saya suka juga menerangkan kepada pehak Ipoh dan Menglembu yang mengatakan ia bukan-lah hendak mempertahankan fahaman kominis itu di-biakkan di-Tanah Melayu ini, tetapi mempertahankan kebebasan berfikir, kebebasan berchakap, kebebasan manusia sa-belum masuk tahanan mesti-lah di-bicharkan. Kita sendiri telah mendengar ia mengatakan satu daripada rahsia yang sulit ia-itu subversive itu tidak boleh di-hapuskan, melainkan fahaman kominis itu di-aku² di-Tanah Melayu ini. Maka Yang Berhormat Menteri Kehakiman telah menerangkan fahaman ini membawa kepada keruntuhan segala ikhlak, masharakat saperti di-negeri China atau negeri² yang telah menjalankan pemerintahan chara kominis. Pehak pembangkang juga telah mengaku bagaimana wakil Menglembu tadi mengatakan ia tidak mahu chara² pemerintahan di-Russia sekarang ini, tetapi kita mahu pemerintahan kebebasan. Tetapi fahaman yang di-jalankan oleh Russia dan China ia-lah fahaman kominis, kalau penerangan atau pun da'ayah komunis di-benarkan dalam negeri ini, apa akan jadi dalam negeri? Barangkali 10 kali burok-nya daripada keadaan² di-Russia dan di-negeri China hari ini.

Sa-perkara lagi berkenaan dengan kehakiman, saya suka juga memberi keterangan—bukan-lah keterangan chakap² sahaja. Yang Berhormat wakil dari Bachok daripada sa-malam mengatakan atas gangguan Perdana Menteri boleh melantek siapa² hendak jadi Hakim Besar. Di-sini saya suka membacakan buku: "The Machinery of Justice in England by Mr. R. M. Jackson. The Prime Minister nominates Law Lords, the Lord Justices of Appeal, the Lord Chief Justice, the Master of the Rolls, and the President of the Probate, Divorce and Admiralty Division."

Jadi di-sini juga di-aku² oleh sa-orang loyar ia-itu wakil dari Menglembu tadi mengatakan, "Oh, kalau ada kuasa² itu, kenapa hendak di-pinda, Tanah Melayu tidak ada satu keadaan yang burok." Tetapi kita mengaku yang kita hari ini berdasarkan Parliamentary Democracy sa-bagaimana di-England. Begitu juga berkenaan dengan kedudukan Perdana Menteri di-England dan mengikut dasar Parlimen di-sana dan chara melantek Hakim dan Hakim Besar; jadi tentu-lah kalau tersilap hendak di-baiki keadaan itu. Sa-benar-nya kita ingin menjalankan satu chara Parliamentary Democracy yang mana Perdana Menteri sa-sabuah negeri itu dapat hanya memberi nasihat, yang menchadangkan lantekan itu ia-lah terpulang kepada Duli Yang Maha Mulia Yang di-Pertuan Agong. Dan sa-sudah Hakim itu di-lantek, ada-kah pernah kita mendengar pehak Hakim itu menudoh kami daripada Kerajaan atau pun daripada Perdana Menteri mempengaruhi Hakim² yang menjalankan ke'adilan—belum lagi kita mendengar. Oleh sebab itu mensesuaian keadaan undang² yang berjalan di-Tanah Melayu ini berdasarkan kepada English system, jadi Parlimen kita juga berpandukan kepada Parliamentary Democracy daripada England. Kerana mensesuaian keadaan ini, maka kita meminda Perlembagaan ini bukan-lah ada niat hendak bermaharaja-lela atau menguasai Hakim itu bagaimana menjatohkan hukum yang di-dengar di-hadapan mereka itu. Jadi di-sini saya perchaya semua pehak pembangkang yang ada di-sini, mereka tidak ada di-sini kalau tidak membangkang, saya ucapkan terima kaseh membangkang itu dengan beralasan, dengan tidak melulu, kalau alasan itu tidak sesuai dalam negeri kita, maka bagaimana pehak yang melantek mereka² masuk dalam Dewan Parlimen ini hendak menerima fahaman² mereka itu.

Oh! Perdana Menteri telah mengatakan dalam Pilihan Raya kita tidak akan meminda Perlembagaan ini. Saya sa-orang daripada yang ada memberi penerangan seluroh Tanah Melayu sabagai Ketua Pemuda U.M.N.O. barangkali wakil Tanjong dan Dato Kramat ada mendengar saya berchakap di-

Pulau Pinang, saya mengatakan ia-itu kami pehak Perikatan juga mahu saku² $\frac{2}{3}$ —Alham dulillah—ra'ayat menerima (*Ketawa*) dapat $\frac{2}{3}$ lebih (*Tepok*) sebab apa? Sebab kami tahu Perlembagaan ini ia-lah unique in the whole world ia-itu Perlembagaan yang berlainan sa-kali di-dalam dunia ini, kita mempunyai Raja, tetapi kita dalam Commonwealth.

Mr. Speaker: Ini bukan tempat ber-sarah (*Ketawa*).

Enche' Sardon bin Haji Jubir: Jadi saya harap-lah—minta ma'af, Tuan Speaker, oleh kerana pehak pembangkang kadang² berchakap bersemangat juga. Jadi saya menerangkan ini benda yang hak, kami ada mandat memben-tok meminda, kira-nya dapat $\frac{2}{3}$ daripada Dewan Negara dan Dewan Ra'ayat yang mengundi bersetuju meminda Perlembagaan ini, maka boleh-lah di-pinda. Tiada satu Bab yang mengatakan kita mesti rujokkan kepada orang ramai atau pun ra'ayat jelata. Jadi di-sini-lah sahaja, Tuan Speaker, saya tidak akan memanjang-kan lagi, kami daripada pehak Kera-jaan dan penyokong² Perikatan tetap berdiri tegak untok menghapuskan anasir² di-Tanah Melayu ini supaya negeri ini aman damai dan ma'amor. (*Tepok*).

Che' Khadijah binti Mohamed Sidik (Dungun): Wanita-nya belum berchakap lagi, Tuan Yang di-Pertua.

Mr. Speaker: Saya chuma hendak mengingatkan kepada Ahli² Yang Ber-hormat, saya dapati ramai daripada Ahli² Yang Berhormat ini berchakap mengulangkan apa yang sudah di-chakapkan dahulu. Jadi, banyak masa sudah hilang dengan sebab itu. Kerana ada di-dalam Peratoran kita ini, saya boleh menahan sa-sa-orang Ahli Yang Berhormat itu jika sakira-nya ia mengulang²kan apa yang di-chakapkan-nya atau apa yang di-chakapkan oleh orang lain sekali pun, boleh saya tahan. Tetapi saya hendak mengemu-kakan Peratoran ini dan saya minta-lah supaya Ahli² Yang Berhormat bekerja sama dengan saya, jangan di-ulang²-kan lagi chakapan atau hujah² yang sudah di-sebutkan di-dalam Majlis ini supaya dapat ramai lagi boleh ber-chakap di-dalam Majlis ini.

Enche' Liu Yoong Peng (Rawang): Mr. Speaker, Sir, I cannot agree with many of the views expressed by the Government Bench. We know that in the old regime under Chiang Kai Shek there was no room for democratic practice in China with the result that the Communists swept the whole of China.

I submit, Sir, that there has not been a country in this world that had been successfully infiltrated by the Communist party and a government set up, although Communist countries exist in the world these are countries where the Communists had taken over by force of arms. I also submit, Sir, that in Malaya, if there is not enough room for democratic practice, if the Alliance Government intends to suppress the people, then the result would be—according to a scientific term that for every action there will be an equal and opposite reaction—in time to come Malaya may be swept by the Communists. But, if there is enough room for democratic practice, a state may arise as, we can see, in other countries in Asia—countries like India—where there is a Government that is not communistic and yet able to carry out parliamentary democracy.

Sir, I now say that the Government is aiming at more concentration of power in the Administration. There is a danger here. We know that in Asia parliamentary democracy is on trial. There is no such tradition as parliamentary democracy in Asia. It is such a precious thing implanted here, and taken from other parts of the world to this country, that we must try our best to preserve it if we can. So, it is my feeling that the Government should do its best and preserve the principle and the spirit of this parliamentary democratic system—and we know that where parliamentary democracy is practised, it is always the etiquette of political parties to do things entirely within the accepted principle of such a system. We know that no political parties where such a system is practised dare to carry out a policy which it has pledged it would not do during the election campaign and if it does, then we can always say that it has got into government by false pretences. This is

what I want to charge the Government with.

Now, Sir, we know that in Britain there is an old saying that the people in Britain are ruled by those in the grave. What do we understand by that? We know that the Constitution of Britain, the law of Britain, is actually decided by those people in generations that had gone by. But here, in Malaya, we have only attained independence for three years and I submit, Sir, that there are not enough people among us who can possibly succeed to rule us from the grave yet. I submit that there is not enough of this tradition for us to guarantee that there will be enough of this democracy as it is practised in Parliament. I submit, also, that we must not do things in a haste, but let us listen more and see how public opinion goes and then take the steps in regard to constitutional changes.

Enche' Tajudin bin Ali (Larut Selatan): Tuan Speaker dan sidang Ahli² Yang Berhormat Dewan Ra'ayat, saya bangun menyokong dengan kuat-nya chadangan pindaan kepada Perlembagaan yang telah di-majukan oleh Yang Berhormat Menteri Pertahanan. Tuan Speaker, Tuan, memang-lah mana² undang² pun untuk kebajikan orang ramai itu di-tentang hebat daripada sa-gulungan orang yang tidak bertanggung-jawab. Tuan Speaker, Tuan, kita teringat-lah waktu kita hendak menuntut kemerdekaan dahulu, ada tentangan hebat daripada orang yang tidak bertanggung-jawab ta' mahukan kemerdekaan. Tuan Speaker, Tuan, apabila pula negeri ini di-ancham oleh pengganas kominis dari dalam hutan, kita mengadakan perjumpaan, kita mengadakan perarakan dan sa-bagai-nya hanya dalam negeri Perak, kita tidak ada sokongan langsung daripada People's Progressive Party atau pun Parti Socialists Ra'ayat dan juga daripada Pan-Malayan Islamic Party.

Di-sini, Tuan Speaker, kita boleh dapat kesimpulan, mereka itu sunggoh pun tidak kominis, tetapi perasaan ber-sympathi dengan kominis memang ada. Tuan Speaker, kita hapuskan pengganas kominis di-dalam hutan tetapi semua Ahli² Yang Berhormat

tentu bersetuju dengan saya apabila kita berperang dengan kominis dahulu, kita ada dua medan peperangan ia-itu dalam hutan dan dalam pekan. Dalam pekan, kita tahu sangat "hard-core bandit" itu ber-diam diri barangkali, Tuan Yang di-Pertua, ibu²-nya pun ada di-sini. Tuan Yang di-Pertua, Tuan, "hard-core bandit" ini memang-lah pehak Perikatan bernasib baik di-izinkan Allah, apabila kita menentang pengganas kominis dalam hutan itu kita tidak di-ancham daripada pekan oleh pehak "hard-core bandit". Di-sini, Tuan Speaker, sampai-lah masanya kita bertindak dengan tegas-nya di-atas penyokong² pengganas yang ada dalam pekan². Tuan Speaker, saya tahu benar subversive yang ada di-dalam pekan² itu ter-bahagi pada tiga bahagian:

(a) Fifth columnists.

(b) Orang² yang menghidupkan api pergadohan antara kaum.

(c) Yang timbul gangsters, kidnappers dan sa-bagai-nya.

Tuan Speaker, kalau boleh saya menarek perhatian Majlis yang mulia ini, Malaya apabila hendak di-jajah oleh Jepon dahulu "fifth columnists" memang sudah ada dalam negeri kita, tetapi orang² ta' perchaya, orang itu telah sampai. Dengan itu kita Kerajaan yang bertanggung-jawab dengan pelajaran yang telah lalu akan gunakannya dengan sa-kuat²-nya menentang "fifth columnist" ini.

Berkenaan dengan pergadohan antara kaum yang jadi berluasan² dalam negeri Perak, saya suka menarek perhatian Majlis yang mulia ini, kerana dalam negeri Perak ada orang² yang suka memechah-belah antara kaum² lagi

Mr. Speaker: Ah, ah jaga! Saya suka mengingatkan bahawa pada meshuarat yang lalu kita telah meluluskan satu pindaan di-bawah Standing Order ini di-mana Ahli² tak boleh berchakap yang boleh mendatangkan persengketaan di-antara kaum. Tolong-lah sadikit jaga!

Enche' Tajudin bin Ali: Minta ma'af, Tuan Speaker, saya fikir di-sini bahayanya pergadohan antara kaum itu mungkin timbul. Saya mengambil

chontoh apa yang telah jadi di-Pulau Pangkor dahulu, sebab sedikit sahaja maka timbul satu pergaduhan yang dahshat. Ini menyebabkan manusia terkorban, beribu² harta benda telah terbakar dan binasa. Di-sini, Tuan Speaker, saya minta ma'af ada orang² yang saya fikir mengambil fa'edah dalam pergaduhan sa-perti itu, oleh sebab itu saya sokong kuat Rang Undang² yang di-majukan oleh Timbalan Perdana Menteri. Kita mesti ingat apabila kita bergaduh orang² yang mengambil fa'edah itu bersedia tinggal di-belakang. Orang² yang berkokok di-sini apabila negeri ini susah dia pun balek negeri, umpamanya India dan Ceylon, jadi tinggal-lah kita orang² yang ta'at stia, yang miskin, orang² yang susah menghadapi menyelesaikan masa'alah² negeri ini.

Saya fikir perkara (c) ini timbul-nya daripada subversive yang mana orang² kumpolan yang mengakibatkan membawa lari ia-itu kidnappers atau gangsters. Perkara ini juga jadi berluas²an. Saya rasa seluroh Persekutuan Tanah Melayu ada orang takut keluar malam di-mana perkara ini juga terjadi luas²an dalam negeri Perak. Oleh itu, patut-lah sangat kita orang² yang sukakan keamanan, ta'atkan negara ini menyokong seratus peratus terhadap Rang Undang² ini.

Ahli Yang Berhormat wakil Dato Kramat mengatakan undang² ini patut kita junjong tinggi, saya hendak menyatakan kepada Ahli Yang Berhormat itu bahawa tak ada perkara dalam dunia ini *remains in perpetuity*, kerana ia akan mati, saya pun akan mati, undang² itu kita pinda mengikut aliran masa.

Ahli Yang Berhormat dari Damansara mengatakan kita tak boleh menahan communism dalam negeri ini, dan menjadi malu kepada pehak Kerajaan, kerana kita bawa seluroh ashkar² Commonwealth menentang pengganasan dalam negeri ini. Kita di-sini minta bawa, minta bantuan daripada rakan² kita yang menentang keganasan dan tak bersetuju dengan communism, tetapi orang² yang mendapat fa'edah beranak di-sini, hidup di-sini, makan di-sini dan mendapat kera'ayatan di-sini namun apabila seruan negara memanggil mereka itu menuntut

kewajipan kepada negara, mereka itu lari, dan sudah banyak yang berdiri di-atas pagar sahaja

Mr. Speaker: Saya sudah terangkan supaya jangan di-ulang²kan lagi.

Enche' Tajudin bin Ali: Baik, Tuan Speaker. Saya berpendapat bahawa People's Progressive Party ia-lah satu parti siasah yang di-punyai oleh satu family sahaja lagi. (*Tepok*). Mereka tak boleh berchakap banyak, dan People's Progressive Party

Mr. Speaker: Saya ta' benarkan tuan berchakap fasal itu, kerana ta' ada kena mengena dengan perbahathan ini. Tuan boleh berchakap di-atas pindaan-nya—relevant to the motion.

Enche' Tajudin bin Ali: Saya berpendapat bahawa People's Progressive Party itu macham mana manusia berkehendakkan oxygen, maka parti itu chuma hidup dengan mengapi²kan pergaduhan antara kaum.

Mr. Speaker: Tarek balek perchakapan itu.

Enche' Tajudin bin Ali: Saya tarek balek perchakapan saya itu. (*Ketawa*). Saya memikirkan tadi ia-lah di-atas perchakapan wakil dari Besut ia-itu mereka berperi² sahaja sedangkan kita menentang komunis, sekarang mereka kata tak berfahaman komunis, sakiranya demikian saya harap Parti Islam sa-Malaya bertindak dan akan melawan dengan sedaya upaya-nya menyokong undang² itu, jadi baharulah benar mereka mengikut hadis. Tetapi, saya sangat-lah berasa sedih hati apabila kita tahu sangat²—saya mengaku bukan terpelajar hal ehwal ugama, namun apabila ada desakan dari People's Progressive Party berkenaan dengan undang² subversive maka kita tahu dengan terang bahawa PMIP menentang undang² subversive ini berma'na-lah PMIP bersimpati dengan communism. Perkara ini kita berasa sangat-lah dukachita, kerana kita tahu sangat ada-lah Islam menentang keras dengan communism, tetapi di-sini kita dapati bahawa wakil² daripada PMIP bersetuju dengan adanya communism, atau pun keganasan. Kami di-sini suka menyatakan bahawa kami ada-lah menentang golongan parti komunis, bukan sahaja dalam

Dewan ini malahan di-luar pun kita mesti tengok dan mengkaji mana² yang perlu di-ambil tindakan yang sewajar-nya.

Saya teringat ucapan Yang Berhormat Menteri Kehakiman mengata-kan bahawa tempat tahanan ta' ada. Yang sa-benar-nya tempat tahanan chukop banyak dalam negeri Perak, dan kalau ada orang² yang tidak bertanggong-jawab menentang undang² saya boleh tunjokkan tempat² itu seperti Pulau Pangkor, Pulau Jerjak, Pulau Hantu maka boleh-lah orang² yang tidak bertanggong-jawab serta melanggar undang² di-simpan di-situ. (*Ketawa*). Tuan Speaker, ...

Mr. Speaker: Kenapa di-ulang²kan perkara ini? Apa fasal? Saya tahan nanti! (*Ketawa*). Saya ta' hendak perkara ini di-ulang²kan berkali².

Enche' Tajudin bin Ali: Tuan Speaker, saya ta' hendak ulangkan lagi. (*Ketawa*).

Mr. Speaker: Kalau sudah, boleh dudok. (*Ketawa*).

Enche' Tajudin bin Ali: Tidak, sekali ini sahaja. Saya bagi pehak Perikatan menjunjong tinggi Perlembagaan Persekutuan, dan kita akan menjalankan segala upaya berhubung dengan apa² perkara mengikut undang² dan atoran yang telah di-sebutkan dalam Undang² Perlembagaan. Tuan Speaker, Tuan, kita tidak mahu mempengaruhi mana² hakim, umpama-nya, di-kawasan Kampar sana kita boleh mempengaruhi

Mr. Speaker: Ahli Yang Berhormat sudah banyak kali berchakap keluar daripada maudzu' yang ada ini, sudah banyak kali saya ingatkan.

Enche' Tajudin bin Ali: Ini yang penghabisan, Tuan Speaker.

Mr. Speaker: Tolong-lah jangan berchakap keluar daripada apa yang ada di-hadapan Majlis ini.

Enche' Tajudin bin Ali: Tuan Speaker, fasal undang² saya chuma hendak sentoh sedikit sahaja. Berkenaan dengan kedudukan kawasan Kampar, kalau sa-kira-nya Kerajaan tidak 'adil, memang Kerajaan dapat

mempengaruhi hakim hari itu. Kerajaan tidak mahu, kita betul² mengikut undang², undang² kata wakil kita di-kawasan Kampar itu salah dan mesti di-luchutkan—kita luchutkan dan di-sini kita akan bertanding sama rata seperti yang di-luluskan oleh undang² yang berkenaan.

The Assistant Minister of Rural Development (Tuan Haji Abdul Khalid bin Awang Osman): Mr. Speaker, Sir, for this debate the Members of the Opposition in no uncertain terms put forth their views opposing the constitutional amendment. They tried their best to make everyone here believe that they are sincere, and what they are saying will prove nothing but the truth. The question is: Are they sincere? Are they speaking the truth? Or are they trying to cheat and bluff the people for ulterior motives best known to themselves?

Enche' S. P. Seenivasagam: Mr. Speaker, Sir, on a point of order—is the word “bluff” in order?

Mr. Speaker: (To Tuan Haji Abdul Khalid) Don't use the words “cheat” and “bluff”.

Tuan Haji Abdul Khalid bin Awang Osman: My answer to that is that they are quislings who are working for the Communists. To use kinder words, I say they are persons whose loyalty is yet to be examined and what they are trying to do is definitely not in the interests of this country. I am sure, loyal Malaysians in this House and also outside this House will agree with me most heartily. What are the reasons for my conclusion that they are quislings and that they are working for the interests of the Communists?

Enche' S. P. Seenivasagam: Mr. Speaker, on a point of order. Under Rule 36. The Honourable Member is suggesting that the Opposition are now quislings working for the Communists, and under Rule 36 (4), “it shall be out of order to use offensive and insulting language about Members of the House”.

Enche' Tan Siew Sin: Is it nonsense to tell the truth? (*Laughter*).

Enche' S. P. Seenivasagam: I will tell you a few truths outside this House, if you like, which you won't like to hear!

Mr. Speaker: Order, order! I must warn Honourable Members that nobody is allowed to address one another. All remarks must be addressed to the Chair!

Enche' S. P. Seenivasagam: The Honourable the Minister of Finance was telling me

Mr. Speaker: You did not address me!

Enche' S. P. Seenivasagam: In that case I apologise. But I would like to draw your attention to the fact that the Honourable the Minister of Finance wanted to know whether we don't like to hear the truth.

Mr. Speaker: I didn't hear that at all. All speeches must be addressed to the Chair! I won't allow anybody to address one another. I must warn you

Tuan Haji Abdul Khalid bin Awang Osman: Sir

Mr. Speaker: I haven't finished yet!

I must warn you, under Rule 36 (4), which I shall read now:

"It shall be out of order to use offensive and insulting language about Members of the House."

That is very clear, and I want you to choose your words properly. If you use any offensive or insulting language, I shall rule you out of order. And that applies to everybody in the House.

Tuan Haji Abdul Khalid bin Awang Osman: Sir, thank you very much for your advice.

Enche' K. Karam Singh: Mr. Speaker, Sir, on a point of order—could those insulting words be withdrawn?

Mr. Speaker: That is not necessary. I have warned the Member and he won't use insulting words any further.

Tuan Haji Abdul Khalid bin Awang Osman: Sir, the reasons for my conclusion are obvious. They say the Government is undemocratic, yet under the protection of democracy they attack freely the Government. They have

charged that the Government has no mandate to amend the Constitution, yet the world knows the Alliance was returned with more than two-third majority to this House. They say the Government wants to put them behind bars, yet they know, and the world too knows, that with the Emergency Regulations and the emergency laws, the Government could have detained them if the Government so wished. They say the Government intends to oppress the Opposition and use the detention law for detaining a rival candidate just before an election, yet everyone knows the Honourable Members for Bungsar and Setapak had been detained and that they were released well in time for the election and for that reason they are in this House to-day. During the elections, they said that the Constitution must be amended because the Constitution does not provide for equal rights. Yet to-day, to suit their own convenience, they proclaim the Constitution a Bible and a sacred document. Some of them also have said during the elections that the Constitution must be slashed, because it smells of Colonialism—"berbau penjajah"—yet the very same persons are to-day fighting tooth and nail against the constitutional amendments. They say they are not Communists, yet they advocate Communism openly in this House. They say the Alliance will not be on the Government Benches in future, yet they do not allow the Alliance to do the work of amending the Constitution for them so that they will use the law to lock us up when they come into power. Sir, I can go on and on to point to you the inconsistencies of their arguments, and how far they are sincere in their words, and to the people of this country. So, from what I have submitted, Sir, I charge Members of the Opposition with championing Chin Peng. When the Honourable the Prime Minister, then the Chief Minister, met Chin Peng at Baling, the same demand was made by Chin Peng, that is, "Give the people the right to preach Communism"—these were the actual words said in the course of the debate

Dato' Onn bin Jaafar: Sir, I am against the insinuation "the Opposition"!

Mr. Speaker: (To Tuan Haji Abdul Khalid) Say "some of the Opposition" (*Laughter*).

Tuan Haji Abdul Khalid bin Awang Osman: This demand could just be a coincidence—or because of something else best known to themselves. I leave it to you, Sir, to judge.

Before I sit down, let me tell the Opposition one final thing: they are either against or with the Communists. The fact that they always seem not to be against the Communists makes me believe that they are pro-Communist, and I dare them to prove their innocence by agreeing with us to amend the Constitution.

Enche' K. Karam Singh rises—

Mr. Speaker: Will you be short? Don't repeat.

Enche' K. Karam Singh: I won't repeat, Sir. I have got something that has not been said, something original to say. (*Laughter*).

Mr. Speaker: I like to hear that!

Enche' K. Karam Singh: Mr. Speaker, now we find that the Police Service Commission is going to lose its power, and in its place we have a Police Force Commission which will be packed by the Minister concerned, the Secretary to the Ministry, and two other people appointed by the Agong, which, in fact, means appointed by the Prime Minister or by the Cabinet . . .

Dato' Onn bin Jaafar: Sir, on a point of explanation—is there such an individual as "the Agong"?

Mr. Speaker: The Yang di-Pertuan Agong.

Enche' K. Karam Singh: The Yang di-Pertuan Agong.

Now, we find that what would happen is that the Police Force, from being the Royal Police Force, would become a sort of His Excellency the Prime Minister's Police Force, which is a dangerous thing, because the impartiality of the Police Force should be guarded. I have myself so many times spoken to policemen on duty at our rallies, and they tell us: "Enche' kita tidak dalam mana-mana Parti,

kita hanya jalankan tugas kita." Will they be able to say that when the Minister, when the Secretary, when two other people are packed into this Commission that will control the Police? I say that they will not be able to say that.

Now, Section 17 of the amending Bill says that any person who is a member of any of the services mentioned, that is to say, of the Armed Forces, the judicial and legal service, the general public service, the police service, the railway service and the services common to the Federal and any State Government, holds office during the pleasure of the Yang di-Pertuan Agong or the Ruler of a State. Mr. Speaker, Sir, this is a very dangerous amendment because what will happen is that at any time when it does not please the Ministers or Assistant Ministers, what happens is that any of the members of the services can be thrown out. And when that happens, where is the independence of our civil service, of the services that will serve this country long after the Alliance is thrown out of office. Mr. Speaker, Sir, this increases the risks of being sacked run by any of the members of the services. There again there is a threat to their security of employment.

Mr. Speaker: Sir, Article 135, Clause 3, of the Constitution is proposed to be repealed. Article 135, Clause 3, of the Constitution says:

"No member of any of the services mentioned in paragraph (c), (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 or suffer any other disciplinary measure for anything done or omitted by him in the exercise of a judicial function conferred on him by law."

That Clause says that "for exercising a judicial function" a member of these services will not be sacked, will not be downgraded, or will not suffer any disciplinary action without the prior consultation of the Judicial and Legal Service Commission. But what is happening now? That safeguard on behalf of these services is being removed. What will happen now? None of these people will dare to act independently. Before they act, they will consult the pleasure of the

Minister concerned, and as his pleasure directs, as the wind of his whim blows, the member of the service will have to act. Otherwise there is the big stick of the sack, the downgrading and all the other disciplinary actions that can be availed against this member. When once that happens, where is the strong, independent civil service which a British Prime Minister, Lloyd George, said is the steel framework of the country? It will not remain the steel framework of the country, but that independence will be smashed and we will have a civil service entirely dependent on the will and pleasure of the Ministers, and I dread to think of the words of the Assistant Minister of Broadcasting when he said: "We are the Government. Radio Malaya is one of the instruments of the Government, and we will say it, and we will see to it that it will carry out our policy." What guarantee is there that the other Ministers will not say: "we are the Government. The Judiciary is an instrument of the Government. We will see that it will carry out our policy." What guarantee is there?

Mr. Speaker, Sir, Article 150 (1) of the Constitution says that when the Government—and in this case the Alliance Government, Sir—is satisfied that a grave emergency exists, the Yang di-Pertuan Agong may issue a Proclamation of Emergency and Article 150 (2) says Parliament shall be summoned as soon as possible and until it is summoned the Yang di-Pertuan Agong may issue Ordinances. But Article 150 (3) (the present Article) says that any such Proclamation of Emergency shall automatically expire two months from the date of Proclamation and any such Ordinance issued under this Proclamation of Emergency shall also automatically expire 15 days from the date of its issue. But what is happening now? What is the proposed amendment? The proposed amendment is that Parliament, as in the Constitution at present, need not sanction any Proclamation of Emergency within two months of its proclamation and it need not sanction any Ordinance within 15 days of its issue. What is the result? The result is that a Proclamation of Emergency can be

carried out, Ordinances can be issued without Parliament ever coming into the picture, without Parliament ever being asked to seal this Proclamation of Emergency with its approval. And what is the result? The result, Mr. Speaker, Sir, is that a Proclamation of Emergency can be issued over and above the head of Parliament and Parliament will not have any say in it at all. Mr. Speaker, Sir, very recent history illustrates the danger of this procedure. We know in 1956 Britain committed aggression against Egypt. And what happened? In the British Parliament the Labour Party of Britain protested very strongly against that aggression and the people of Britain rallied for that moment behind the Labour Party in its protest against that aggression. But we ask: if Parliament had not been convened and if the matter had not been brought up there, would that country have been able to express its opposition to that aggression? Mr. Speaker, the Government may act in haste, it may proclaim a State of Emergency and the people of the country may be against it; although the Alliance may have a two-third majority in this Legislature, but for that moment, on that issue of the Emergency, the people may be against them. What will happen if Parliament is not asked to sanction the Proclamation of Emergency? We will not be able to voice the Opposition of the entire country against that Proclamation of Emergency. Mr. Speaker, Sir, the result would be as in 1956 if the aggression against Egypt on the part of Britain went unprotected in Britain. It would be a great tragedy not only for this country but for the entire world for such a thing to happen.

Sir, to illustrate the danger of this new amendment, I will only quote from the *Straits Times* of Saturday, April 23rd and I quote the Honourable Deputy Prime Minister on page 2—

"But from experience it was known that very serious threats could develop to public security without actual threats of organised violence."

Mr. Speaker, Sir, "very serious threats could develop to public security without actual threats of organised violence". By an analysis itself of this sentence it would appear there is no

sense in it, because when you say that there could be serious threats without threats of organised violence the sentence defeats itself. So, we will have a Proclamation of Emergency without a threat of organised violence—probably without any threat at all but just because the Alliance Government would be full of its own fears. This, Mr. Speaker, would be a very dangerous thing in the hands of the Alliance Government.

Now, Mr. Speaker, Sir, I would answer one or two charges levelled against the Opposition. The Honourable Minister of External Affairs said that we have not condemned all atrocities and all aggressions whether from the East or from the West. We ask the Alliance Government: did they condemn the aggression that Britain committed on Egypt in 1956? Why did they keep quiet?

SOME HONOURABLE MEMBERS: We did. (*Interruption*).

Mr. Speaker: No interruptions!

The Prime Minister: May I offer an explanation, if the Honourable Member will allow me.

Enche' K. Karam Singh: I allow the Honourable Prime Minister with great pleasure.

Mr. Speaker: That means you allow him—thank you very much.

The Prime Minister: We did protest, Sir. We not only protested, but we collected some money and sent it to the Red Cross to help those who were injured from the aggression.

Enche' K. Karam Singh: If that was done, it was done on the quiet (*Laughter*) because if I remember correctly the Honourable Prime Minister himself had said—"We are a friend of Egypt and we are a friend of Britain. So we cannot take sides". That was the public statement. Of course, the important thing is to condemn in public, to take a moral stand in front of the whole world.

Then, the Honourable Minister of Justice talked about the freedom of trade unions. But, Mr. Speaker, Sir, again I quote the "Straits Times" of

to-day and in that what do we find? On page 7 this time—Police called to break pickets—Seremban, Saturday:

"The riot squad was again called out this morning to a Seremban estate where about 200 workers have been on strike since March the 27th".

Mr. Speaker, Sir, a riot squad for workers who peacefully picket—what freedom of trade unionism is this? And this same Government, its Minister of Justice, is boasting of free trade unionism. I ask—what has the Government done to the Union headed by my Honourable friend the Member from Bungsar? That Union was crushed by this Government. Many other Unions have also been crushed and members of trade unions arrested. Where is your boasted freedom of trade unionism? Show us that; we would like to see.

One Honourable Minister asked—where were the Opposition Parties when the Emergency was at its height? In order to remind him I would like to say that our leader, the Honourable Member for Setapak was in detention, held by the British Government under these same Emergency Regulations for seven years. That same Honourable Minister also said—Oh, if we went a little out of the way, if we talked a little nonsense, General Templer would have put us in. What is that compared to the seven years actually served by our leader? What is that? (*Applause*).

The Prime Minister: On a point of explanation, Sir. The Alliance Government released him. (*Applause*).

Enche' K. Karam Singh: If he had not been released the U.M.N.O. youth would have raised a hue and cry throughout the country. (*Interruption*).

Datin Fatimah binti Haji Hashim: (*rises*).

Enche' K. Karam Singh: (*rises again*).

Mr. Speaker: (To Enche' Karam Singh) I thought you had finished!

Datin Fatimah binti Haji Hashim (Jitra-Padang Terap): Dato' Yang di-Pertua

Mr. Speaker: Nanti dahulu!

Enche' K. Karam Singh: I just sat down because there was an uproar.

Mr. Speaker: Uproar does not mean that you have got to sit down.

Enche' K. Karam Singh: But I must thank the Chair at least. Thank you, Sir.

Mr. Speaker: Saya hendak bertanya sama ada boleh di-habiskan dalam lima minit, dan kalau boleh, tolong jangan di-ulang²kan apa yang sudah di-chakapkan dalam Majlis ini.

Datin Fatimah binti Haji Hashim: Boleh, Dato'. Saya bangun menyokong Rang Undang² Pindaan, terutama-nya berkenaan dengan mengenai subversive. Dengan ada-nya Rang Undang² Dharurat ini ada-lah sa-bagai satu benteng yang menahan kemerdekaan Tanah Melayu, maka alham du lillah tidak lama lagi tamat-lah dharurat, tetapi tentu-lah kita semua sedar dengan tamat-nya dharurat kemerdekaan negara kita ini maseh lagi terancham, dan lagi oleh kerana negeri kita menghadapi anasir², gerakan² yang halus dan lichin ia-itu gerakan penyeludup. Gerakan² yang tidak boleh di-chegah, atau di-lawan dengan senjata api bahkan di-adakan satu undang² baharu yang kita mesti mengadakan satu undang² baharu bagi menggantikan Undang² Dharurat. Dalam masa dharurat, ra'ayat telah menderita dengan kesusahan dan kehilangan harta benda, dan anak suami, dan pembenaan kehidupan ra'ayat dan kemajuan negara telah tersekat. Titek peloh darah anak² muda kita, dan suami telah mengalir di-hutan belantara, dan dengan ada-nya Dharurat tak lain dan tak bukan ia-lah mereka² yang hendak berkuasa di-negeri ini dengan jalan kekerasan. Saya sa-bagai ibu, saya tak mahu lagi melihat nyawa anak² muda kita terkorban dengan sebab-nya. Di-sini kira-nya tiada undang² yang baharu menahan anasir burok di-negeri ini, akhir-nya, Dato' Yang di-Pertua, perchaya-lah negara kita yang muda ini akan menjadi huru hara.

Sa-bagaimana kita telah merasa dan sa-kali lagi titek peloh darah anak² muda kita akan mengalir kerana hendak menahankan kemerdekaan negara kita yang muda ini. Kerajaan ini ada-lah bertanggung-jawab atas segala² keselamatan nyawa, harta benda, negara dan

ugama. Undang² baharu ini ada-lah penting bagi benteng yang pertama bagi keselamatan negeri kita ini, kerana gerakan ini ada-lah di-bantu oleh orang² yang bijak², jikalau di-biarkan ada-lah saperti anai² dalam tiang. Kalau kita biarkan ada-lah menjadi roboh-lah kemerdekaan kita. Yang membahayakan lagi yang saya sangat bimbangkan ia-lah kalangan anak² sekolah, dan anak² muda kita yang senang di-pengarohi oleh gerakan² penyeludup negeri ini. Mereka ini ada-lah sa-bagai tiang negara, kalau semua anak² muda kita telah rosak akhlak-nya di-pengarohi, apa akan jadi negeri kita ini kelak. Ini-lah yang saya katakan pindaan itu, terutama-nya hendak mengadakan penambahan untuk dimasukkan dalam perlembagaan anti-subversive yang mana ada-lah mustahak untuk kita luluskan.

Kemerdekaan atau pun kebebasan orang ramai di-negara kita ada-lah lagi penteng daripada kebebasan dua tiga orang yang tidak ta'at setia kepada negeri ini. Ini-lah satu undang² yang akan menghadkan kebebasan chuma sebilangan yang sedikit untuk menyelamatkan kebebasan kita yang ramai, dan juga berkenaan undang² ini ia-lah untuk menjaga negara kita ini bagi selama²-nya.

Dato' Yang di-Pertua, pehak kami telah banyak mengatakan ia-itu ra'ayat negeri ini telah memberi kepercayaan kepada Kerajaan Perikatan dan juga kepada Menteri²-nya. Oleh sebab memikirkan ra'ayat negeri ini, Kerajaan telah mengadakan satu pindaan ia-itu hendak mengadakan Undang² anti-Penyeludupan. Di-sini bagi pehak pembangkang jangan-lah sa-tengah²-nya berasa bimbang atas kuasa² itu hendak di-gunakan dengan sa-chara yang tidak 'adil kerana Kerajaan ini telah berkuasa penoh. Undang² Dharurat ini dahulu pun ada, tetapi pada pendapat saya, sa-masa itu lebeh-lah ramai pehak pembangkang yang bijaksana yang ada di-hadapannya bukan-lah kurang, tetapi Kerajaan ini telah 'adil tidak menggunakan kuasa-nya bagi fa'edah parti-nya. Jadi itu lah sahaja pendapat saya, Dato' Yang di-Pertua (*Tepok*).

Sitting adjourned at 1.00 p.m.

Sitting resumed at 2.30 p.m.

(Mr. Speaker in the Chair)

THE CONSTITUTION (AMENDMENT) BILL

Debate resumed on Original Question, "That the Bill be now read a second time."

Question again proposed.

Enche' Lim Kean Siew (Dato Kramat): Mr. Speaker, Sir, many things have been said about this amendment to the Constitution and I would suggest that the worst have been the charges levelled against us for being quislings, for being fellow-travellers, though not for having mental dexterity. And I would like, Sir, to say that it is not we who have been performing mental acrobatics but the Members on the opposite side.

I think that the Honourable the Minister of Justice did say just now that I mentioned something concerning Judges in Ceylon. In the first place, I think he has misdirected his remarks, because I made no reference to Judges in my previous speech on the amendment. Of course, faultiness of the mind is sometimes a convenient excuse for indulgence in accusation of people whom we dislike—for things we dislike about him.

Now, it has been stated that the Honourable the Prime Minister had said during elections that he would uphold the Constitution and that there has been a slight misquotation on my part when I stated he had said he would not amend the Constitution. I believe, Sir, that the Honourable the Prime Minister was referring to his radio speech and not to the speech which he made in south Province Wellesley. My accusation and the Honourable the Prime Minister's statement that he would uphold the Constitution simply comes to this: when one is accused of attempting to amend the Constitution and he says in that context that he will uphold the Constitution, it means that he will uphold the present Constitution and not the Constitution as will be amended in the future.

Now, the Honourable the Minister of Finance—he is just walking into this House—has stated that the Opposition did not do anything during 1948. Well, Mr. Speaker, Sir, I think reference to history is sometimes odious as in this instance, for we might as well ask what did some of us do during the Japanese Occupation. What about those who worked for the Japanese Occupation Government? Are some of them not here to-day? Can we say that they are traitors, can we say that they are quislings, and can we say that they are fellow-travellers? Sir, how far back to history do we go? It is clear that in 1948, when the Emergency Regulations were promulgated, the British Government attempted to do something which it had never attempted to do before. With the excuse of the Emergency, it introduced for the first time into recent Malayan history the principle of preventive detention. We know that under the Emergency Regulations an Emergency Police Force was introduced. We had what was known as a Police State which, I believe, some Alliance Government Members themselves at that time condemned. We do not want a Police State, a Police State which was introduced under the excuse of the Emergency.

Under the Emergency the Police have the power to arrest, to investigate, to commit iniquitous injuries, to go into people's private homes, and finally to recommend detention without trial which may last for years and years. When this state of affairs becomes permanent, what we will have is a permanent Police State—not an Emergency Police State. But since the Police Force Commission consists of—and I quote this amendment—(a) the Minister for the time being charged with the responsibility for the police, who shall be Chairman; (b) the Commissioner of Police; (c) the person performing the duties of the office of Secretary to the Ministry under the Minister for the time being charged with the responsibility for the police; (d) a member of the Public Services Commission, appointed by the Yang di-Pertuan Agong; and (e) two other

members appointed by the Yang di-Pertuan Agong; it would mean, therefore, that less than ten people would in effect be controlling our State through the Police organisation. We, therefore, would have an Executive Police State—a Government by the Executive which will be more or less independent of Parliament.

The Government has, of course, used the example of America and it has been stated that an American author has said that "licence begins when a man shouts 'fire' in a theatre . . ." If I am not mistaken—and perhaps the Honourable the Minister of Finance will correct me if I am wrong—I believe that in America even in the worst stage of McCarthyism, there was no law for preventive detention by an Executive authority. So, I think, merely to make use of an American author for the purpose of disallowing liberty is, as in this instance, misleading the people.

When we state that we are fighting Communism and that is why we must have this law, we in fact talk of subversion, because all the time the Government is referring to subversive activities on debates on Communism which it claims will destroy the State. If the Government means Communism when it talks of subversion, why does it not use that term? Why should it use the words "subversive activities"? Why not say "Communist activities"? Obviously because the term is more vague, more convenient, more indefinite, and therefore makes it more useful for the oppression of the Opposition that we dislike. It has been stated just now that the debate is on the question of pro- or anti-Communism, but I would suggest that that is absolutely incorrect. What we are fighting for now is this: should there be freedom to oppose, or should there be no freedom to oppose. And we regret that the Honourable the Assistant Minister of Rural Development—perhaps it would have been better had he directed his speech to rural development—should have referred to this side of the House as quislings working for the Communists. He was warned, but he was not asked to withdraw that term, and

had he more intelligence he would himself have withdrawn it, because the word "quisling" refers to people who are working for an occupation Government during the war—the term came from a Mr. Quisling who worked for the Nazi Government during the last war. I think that term could more appropriately be applied to those people who worked under the Japanese during the Occupation whoever it is.

Why do we dislike the word "subversion"? We dislike it, because under the term "subversion" Mahatma Gandhi was arrested and detained, Nehru was arrested and detained, Nkrumah was arrested and detained, Cheddi Jagan was arrested and detained, Soekarno was arrested and detained; but these people later on became heroes of their own nations.

Mr. Speaker: Are you not repeating what was said before?

Enche' Lim Kean Siew: Sir, I do not think anybody has mentioned Nkrumah. The point is this. The Emergency Regulations came into force in 1948 when there was a national liberation movement and the people were struggling for independence. On the pretext of "subversion" many nationalists were detained. What does "subversion" mean? Subversion really means this: every time we want to change an order, we must subvert that order. There can be no improvement and no construction without subversion. Can we build a new house if we do not destroy the old house? Can we change the Government, if we do not first overthrow that Government? Can we become independent if we do not get rid of colonialism and the colonial power? Can we go over to that side of the House (*indicating the Government benches*) if we do not subvert them, destroy them and push them over to this side of the House? That, Sir, is the meaning of subversion. To subvert means to undermine, to destroy. We cannot hope to change, we cannot hope to have a process of change, without subversion of the old order. In itself, therefore, the term is inoffensive.

Now, Sir, if we define the word subversion—as the Government has

been trying to do—as Communism, then why not use the word “Communism”—discard the word subversion—and add “any person or persons who actively work within the framework of the Communist Party”, or something like that. Would that not make the Government’s stand clearer, if that is its stand? Why use the word “subversion”? Obviously because subversion is a wider term and it can cover and mean the person whom we dislike and whom we want to get rid of.

The Honourable the Minister of Finance, who seems to think that we have mental dexterity, for which I thank him, has probably ignored the existence of the Honourable Member for Larut Selatan, because apparently he has greater mental dexterity than we have. He has, in fact, contributed both to the Government and to the Opposition by stating that the Opposition need not worry about amendment to Article 149 since it is already in the Constitution—and therefore we do not know what we were shouting about. Well, since he believes that what he says is true, he ought to tell his own Minister of Finance that he should not have any amendment at all. Why address his remarks to us?

Now, when we come to deal with the question of emergency, we must not forget that in times of emergency, it may be necessary to introduce laws which are in contradiction to laws which should be upheld by the Constitution during times of peace. But once we make emergency laws permanent and thus destroy the distinction between emergencies and non-emergencies by introducing arbitrary temporary measures into normal times, we are destroying one of the fundamentals of our democracy. Therefore, taking it in that sense, the Honourable the Prime Minister’s admission that we will uphold the Constitution ought to mean this—that we will uphold the fundamentals of our Constitution, the freedom and right to move, to speak and associate. But when the Government now attempts to take away one of these fundamentals of the Constitution, then I accuse the Government of subversion, because the Government is

subverting the Constitution. Therefore, since the Alliance is a substantial body of persons, they are, according to this amendment, a subversive body of persons and they should first put themselves in jail led by the Tengku. (*Laughter*). But, of course, when it comes to them, what they are doing are constructive measures, not subversive; when it comes to others, then they are accused of being subversive and destructive. I hope, Sir, that this Constitution which, I believe the Honourable the Minister of Finance had two meetings ago stated was produced with such great care, will not be amended in such great haste.

The Honourable Member for Larut Selatan, only a few days ago, stood up and said that Clause 30 of the amendment Bill was taken out because of the new Article 149. Now, we were issued with a cyclostyled paper showing the amendments which was placed on our table prior to the meeting of that day . . .

Mr. Speaker: Under Standing Order 44, you should not repeat.

Enche’ Lim Kean Siew: My point is this: even in an ordinary Bill, the Bill is read a first time and then it is adjourned to the next meeting of the House for the second reading for it to be read a second time. This gives us a lot of time to consider the *pros* and *cons* of the Bill, whether the Bill is good in effect or not. But at the second reading of this Bill, an amendment as fundamental as this to Article 149 is introduced giving us so little time to consider it that I can only say that we have not had really time to consider this Bill at all. If it was an ordinary Act and there was alteration of some minor clauses, then perhaps such haste would be justified. But in this instance, I do not think that there was anything wrong in the amendment as suggested by the P.M.I.P. We ought to postpone it for six months.

Enche’ Cheah Theam Swee: Mr. Speaker, Sir, on a point of order, I think that issue was debated on and negated by this House.

Enche’ Lim Kean Siew: Even that amendment to delay the Bill for six

months was unreasonably rejected. I think it has not been debated upon. Since there has been a rejection by this House of a request for time for consideration, I would suggest that the Government withdraws this Bill and introduces it again for the next session to give us time to consider it.

Enche' Yong Woo Ming (Sitiawan): Mr. Speaker, Sir, may I have your permission under Standing Order 40 (1) to move, "That the Question be now put"?

Mr. Speaker *indicates assent.*

Enche' Yong Woo Ming: Sir, I move,
That the Question be now put.

Enche' Tajudin bin Ali: Sir, I beg to second the motion.

Question, That the Question be now put, put, and agreed to.

The Deputy Prime Minister (Tun Abdul Razak): Mr. Speaker, Sir, we had a very long debate—a marathon debate—on the amendment to the Constitution, and I am sure the various issues involved have been expounded from both sides of the House. As I said when moving this motion . . .

Enche' Tan Phock Kin (Tanjong): Point of order, Mr. Speaker! I refer, Sir, to Standing Order 40 (1). It says here that the Question be now put, and the House agreed that the Question be now put.

Mr. Speaker: To close the debate.

Enche' Tan Phock Kin: It says that the Question can be put notwithstanding that the mover of the original motion has not had the opportunity to make his reply.

Mr. Speaker: That's right! Now I am giving him the right to reply. He was the mover of the substantive motion, therefore he has got the right of reply. But not the mover of an amendment. The motion before the House is that this Bill be read a second time.

Enche' Tan Phock Kin: It is my submission that he has no right under Standing Order 40 (1).

Mr. Speaker: He has the right! That is my ruling.

Proceed!

Tun Abdul Razak: Sir, as I said when moving this motion, I did not expect that this Bill would be passed without close scrutiny by this House, and this House has been given a full measure of time and opportunity to scrutinise the Bill. However, it is a matter of regret that there was an attempt by some Members of the Opposition, having failed to reject . . .

Enche' Lim Kean Siew: On a point of order, Sir, I thought that the Question had been put to the House, and therefore the motion is now closed.

Mr. Speaker: The motion was only to close the debate. That Question has been put and agreed to. Now the right of reply is with the mover of the motion. He has the right—that is my ruling.

Tun Abdul Razak: However, Sir, it is a matter of regret that there was an attempt by some Members of the Opposition, having failed to reject the second reading of the Bill, to delay the passage of this Bill.

I should explain, Sir, that this Bill was brought to this House for second reading after due notice was given at first reading at the last meeting of this House. Also, this Bill was published in sufficient time for the people of this country of all walks of life to scrutinise the provisions of this Bill. The Press was given sufficient time to study it, and I have personally taken the trouble to explain to members of the Press the various amendments proposed, and what they would involve. I am very pleased to see, Sir, that the various newspapers in this country have appreciated Government's intentions in amending the Constitution, and have given this Bill a fair scrutiny and fair comment. Therefore, Sir, in bringing this very important legislation, the Government had taken adequate measures to ensure that members of the public have been given time—good and sufficient time—to study its provisions in detail, and therefore there is no excuse for anyone

to say that he or she had not sufficient time to study this Bill. If members of any political party have not understood this Bill, they should say so openly, instead of trying to delay the passage of this Bill for the sake of delay (*Applause*). I say, Sir, that the Government, in bringing this Bill, has followed our Standing Rules and Orders very closely indeed. Our Standing Rules and Orders must be upheld by this House, and must be followed not only in the letter but in the spirit, and it would be futile, and, I suggest, impertinent for any Members of the Opposition Bench to talk about democratic practice and democratic rights if any law passed by this House is not strictly adhered to in the letter and spirit (*Applause*).

We have to judge people in these days of conflicting ideologies not by what they say or by their ideology, but by their aims, their deeds, and their methods. Now, Sir, the Honourable Members for Ipoh and Damansara have talked about Communist ideology. They contend that any political party must be allowed to preach this ideology, and given freedom of expression. As my Honourable colleague the Minister of External Affairs has said, we in this country have not only to contend with the Communist ideology in theory, but with Communism in practice. We have to judge the Communist Party not merely by their ideology, but by their deeds, their aims, and their methods. Now, we know the deeds of the Communist Party in this country, and in many other countries in the world. In this country, the Malayan Communist Party has been responsible for the murders of thousands. Nearly 10,000 members of the security forces and civilians have been murdered. Also, it has been responsible for the destruction of the economic life of this country and for the wasted expenditure of nearly \$1,500,000,000. Now, Sir, are these deeds the ideology of a party that deserves our support? We know, Sir, the aims of the Communist Party from their own writings—they wanted to overthrow the lawful Government of this country by unconstitutional means. The Honourable the Prime Minister

hear this from the leader of the Communist Party himself, Chin Peng. Now, as regards their deeds, the Emergency itself is a clear example. The Communists are prepared to employ whatever method they like to achieve their ends. They have failed to do so by force of arms. Now, they endeavour to achieve this by other means—by subversion. Now, Sir, are these the methods of a party that deserves our support or our sympathy? I cannot see, Sir, how anyone can give his or her sympathy to a political party such as that, unless that person believes and supports the aims, the deeds, and the ends of the Communist Party.

Now, a number of Honourable Members on the Opposition Benches too talked of fundamental liberties and freedom. Members of the Communist Party, by their deeds, their aims and their methods not only in this country but in many other countries of the world, have shown clearly that they do not believe in freedom and in fundamental liberties. They want to use freedom to destroy freedom, they want to use democracy to destroy democracy. Now, can we therefore give freedom and fundamental liberties to those people who would destroy this freedom, this liberty if they had a chance to do so. It is futile for me to ask some Members of the opposite bench to ponder over this thing. But I ask law-abiding citizens of this country to ponder and see clearly the writings on the wall, writings in various countries of the world.

It is, therefore, Sir, the duty of all of us who love freedom, cherish democracy, to defend that freedom and that way of life by whatever means are at our command.

A number of Honourable Members spoke on the amendment to Article 149 of the Constitution, and some Honourable Members asked: Who is to define acts of disaffection to His Majesty the Yang di-Pertuan Agong, or acts prejudicial to the security of Malaya? The answer to this is clear: Parliament will be the first judge; Parliament will have to be satisfied that circumstances as stated in the Article exist before Parliament can pass any

law giving the power for action to be taken against them. This is very clearly stated in the Bill. All the terms used in the proposed amendment to Article 149 are not new terms. They have been the subject of judicial interpretation in many countries. Indeed, Clause 28 (1) (b) of the Bill is already in the law of this country—it is in the law of Sedition. There is nothing new in that. As I have said, the experience of the last few years shown that although Communist terrorism has been suppressed with the result that it is no longer necessary to retain the Emergency Regulations, Communist subversion has become a serious threat to the security of the country. Therefore, it is necessary for the Government to have special powers to deal with subversion, to deal with this threat to our security. The existing Article 149 is designed to deal only with organised violence, and experience has shown that the danger is no longer violence but subversion, hence it is necessary to amend Article 149. It has been said by a number of Members from the Opposition Bench that Article 150 is sufficient to deal with subversion. But, Sir, Article 150 is merely directed to sudden and serious emergency—in case of war or any serious national emergency. Sub-Clause (1) of Article 150 makes that quite clear—that it is not intended to use Article 150 other than for such sudden and grave national emergencies. Therefore, there is no question that this Country will be governed by proclamation, as stated by a number of Honourable Members, because a proclamation of emergency will only be made in a national emergency, and in these circumstances Parliament can be summoned at any time. I hope Honourable Members will get this very clear, and I suggest to Honourable Members of the Opposition Bench that when speaking on important matters of the Constitution, they do read carefully and understand the provisions of the Constitution. Also, Sir, there is no question of having a proclamation under Article 150 (1) to deal with subversion. Article 150 (1) clearly stated that if the circumstances exist, and Parliament is satisfied that those circumstances exist, then Parliament is

empowered to pass legislation to deal with or to give power to deal with acts of sedition under that Article.

I come next to the question of the appointment of the Chief Justice and Judges. A number of Honourable Members also made very impassioned speeches on this amendment, but I must say with regret that a number of Honourable Members have not understood this proposed amendment. I would like to make it quite clear that under the present arrangements in appointing the Chief Justice, the Prime Minister already has a say in making that appointment—it is made on the recommendation of the Prime Minister. Therefore, there is no question that this is a new amendment, no question that we are bringing the Prime Minister, a political man, for the first time in on the appointment of the Chief Justice. It is already in the Constitution. Now, Sir, as regards the appointment of Judges, as I have said in bringing this motion, the present system has ceased to be appropriate now that appointments of Judges are no longer confined to members of the Legal and Justicial Service itself; judges are also to be appointed from members of the Bar. Therefore, Sir, it is considered that the present system is no longer appropriate and the Government therefore proposes that the system as originally recommended by the Reid Commission under paragraph 124 should be adopted. That Report clearly stated:

“We do not approve of the suggestion that Supreme Court judges be appointed by the Judicial and Legal Service Commission, since a body suitably composed for appointing subordinate judges (containing for instance, the Attorney-General) would not be suitably composed for appointing Supreme Court judges.”

That was the opinion expressed by the Reid Commission, and now in the proposed amendment we are adopting this recommendation because, as I said, Judges are no longer appointed merely from the members of the Legal and Judicial Service but also from members of the Bar. Therefore, in the light of this Report and of the changed conditions, the Government considers that we should follow the practice adopted by nearly all democratic countries. This is the practice in the United Kingdom.

Now on this point, Sir, the Honourable Member for Menglembu, instead of usually repeating his other brother the Honourable Member for Ipoh, is now contradicting him. The other day the Honourable Member for Ipoh said that he knew that the system of appointment of Judges in India, Pakistan and Ceylon is different from what is proposed here. To-day we heard his brother saying that he knew that the system of appointment of Judges in Pakistan, India and Ceylon is the same as proposed in this amendment. (*Applause*). Now, Sir, I have taken the trouble to verify the position regarding this matter and it seems clear to us, as my Honourable friend the Minister of Justice has explained, that in India the appointment of Judges is made by the President and as the President has no discretion he has to act on the advice of the Prime Minister. In the same way, in Ceylon, Judges are appointed by the Governor-General. As the constitution of Ceylon does not give the Governor-General any discretion, the Prime Minister of Ceylon does come in in the appointment of Judges. In the same way with the constitution of Pakistan, although that constitution has now been suspended, the President of Pakistan appoints Judges on the advice of the Prime Minister of Pakistan. Now, Sir, we are not adopting any different method from that which has been adopted in these countries, and this practice has been found to be working satisfactorily in all these countries.

Now, Sir, I should explain to this House that the question of the independence of the Judges does not depend on who make the appointment. It depends on the Judges themselves; it depends on the way the Judges behave toward the Bar. It depends on the way they undertake their duty because once they are appointed they cannot be dismissed except on the recommendation of a tribunal especially appointed by the Yang di-Pertuan Agong under Article 125. They will have their independence as in the case of the other persons mentioned in the Constitution. As in the case of the Auditor-General, the Auditor-General is appointed on the recommendation of the Prime Minister and I do not think any

Member of this House would say that political influence is brought to bear on the present Auditor-General. (*Applause*).

Now, Sir, I come next to the proposed amendments to the Public Services Commission. I have stated, repeatedly stated, that the principle that the public service should be free from political influence is a principle which this Government has supported and which is the principle which the Alliance Government itself asked to be included in the Constitution. The amendment does not depart from this principle, and I wish to make it quite clear to Members of the opposite bench that the proposed amendment does not depart from the existing principle. A number of Honourable Members made very impassioned speeches saying that we are trying to bring political influence into the public service. There is nothing of the sort. Under the proposed amendment the Public Services Commission still has the power on permanent appointment, on promotion and on disciplinary appeal. These are the main safeguards of an independent Public Services Commission; these are the functions of the Public Services Commission in England. We are not taking away these powers. What we intend to do by this amendment, Sir, is merely to ask the Public Services Commission to delegate some of the routine and less important functions to *ad hoc* boards of permanent officials—members of the public service, not of politicians. Now, Sir, I would like to make it quite clear not only to this House but outside this House, in case there is any misunderstanding about it through the speeches made by Members opposite, that I can assure members of the public service, being an ex-member of the public service myself, that it is far from the wish of the Alliance Government to bring political influence on the public service—this can be clearly seen from our records for the last five years (*Applause*) during which there was not an instance of this. The main purpose, as I said, of bringing in this amendment is to facilitate the work of the Public Services Commission. The Public Services Commission unfortunately has been inundated with work; there are

so many functions given to the Public Services Commission which resulted in their being unable to cope with the work in hand. That is why it is intended that certain of the less important functions be delegated to *ad hoc* boards.

Now, Sir, the Honourable Member for Damansara spoke about Alliance Government Ministers dismissing civil servants. Sir, the Honourable Member spoke without taking the trouble to read the Constitution and the regulations, and without taking the trouble to read the terms of service. Civil servants are engaged according to their terms of service, Sir, and they cannot be dismissed except under their terms of service. If there is any attempt to dismiss them then they have the right to bring an action in court. That is clear, Sir, and I speak with authority being an ex-civil servant myself. If there is any attempt to bring injustice to a civil servant, he has a right of appeal, because disciplinary issue is a matter for the Public Services Commission. So there is no case at all to say that it is possible in any way for politicians or Ministers to interfere in the public service or in the running of the public service. I hope, Sir, that after my somewhat prolonged explanation, Honourable Members opposite is now clear as to what is intended by this amendment.

Now, Sir, I now come to the amendment to Article 151. Several Honourable Members spoke against this amendment and said that it would take away the power from an independent board. As I said in moving this motion, the threat of subversion is a threat to the security of the country and is a threat to the lawfully constituted Government of this country. Therefore, the appropriate authority to deal with it is the Government. The Government is responsible for the security of this country and Government must have the necessary power to deal with this threat to the security of the country. We consider it hardly fair to entrust such an important and responsible function to an independent board. It is clearly the function of the Government as has been done now in Singapore.

Now, Sir, I come next to the question of the Police Force Commission. Here again, Sir, a number of allegations were made saying that this country will be turned into a Police State; that this country will become an executive Police State. Now clearly, Sir, this is not what is intended in this amendment. The intention of this amendment is simply this: that instead of a Police Service Commission we now have a Police Force Commission which will deal with service matters affecting the Police Force. Now, disciplinary matters affecting the Police Force are governed by law and by regulations and they cannot be interfered with by anyone. The purpose of this amendment is to simplify the administration in matters of service in regard to the Police Force. Now, Sir, we have a similar Council for the Army—the Armed Forces Council, presided over by the Minister who administers the Armed Forces. No one can say that there is political influence being brought to bear on the Armed Forces: it is the same with the Police and the Police is an instrument of Government. Therefore it is the Government who should administer the Police Force.

Now, Sir, I do not wish to go on explaining the various other points brought up by Honourable Members opposite and I think my colleagues in the Government have replied to many of those points. As I say, Sir, hearing the speeches made by Honourable Members opposite, there are indeed very few points that were really brought forth and many of the points that have been brought forward have been, I think, because of a misunderstanding of the provisions in this draft Bill and also because of a misunderstanding of the intention of the Government. As we have had a long debate on this, I do not wish to take any more time of this House but would like now to ask that the question be put and that the Bill be read a second time. (*Applause*).

Enche' Tan Phock Kin: Sir, under Standing Order 46 (4), I call for a division.

Mr. Speaker: Are there more than 15 Members who want a division? (More than 15 Members stand).

Original question, that the Bill be The House divided: Ayes: 76;
now read a second time, put. Noes: 24; Not Voting: Nil.

AYES

Tunku Abdul Rahman Putra
Al-Haj
Tun Abdul Razak bin Dato'
Hussain
Enche' Abdul Aziz bin Ishak
Enche' Abdul Rahman bin Hj.
Talib
Enche' Abdul Hamid Khan
Enche' Abdul Ghani bin Ishak
Enche' Ahmad bin Mohamed
Shah
Enche' Ahmad bin Arshad
Enche' Hassan bin Mansor
Enche' Hussein bin Toh Muda
Hassan
Enche' Hanafi bin Mohd.
Yunus
Enche' Harun bin Abdullah
Enche' Hussein bin Mohd.
Noordin
Tuan Syed Hashim bin Syed
Ajam
Enche' Hamzah bin Alang
Dato' Dr. Ismail bin Dato'
Abdul Rahman
Tengku Indra Petra ibni Sultan
Ibrahim
Enche' Ibrahim bin Abdul
Rahman
Enche' Ismail bin Idris
Tuan Syed Ja'afar bin Hasan
Albar
Enche' Kang Kock Seng
Enche' Lee San Choon
Enche' Lee Seck Fun
Dr. Lim Swee Aun

Enche' Aziz bin Ishak
Enche' Abdul Samad bin
Osman
Enche' Abdul Rauf bin Abdul
Rahman
Enche' Ahmad bin Hj. Yusof
Tuan Haji Abdul Khalid
Tuan Haji Abdullah bin Hj.
Md. Salleh
Tuan Haji Azahari bin Hj.
Ibrahim
Tuan Haji Ahmad bin Saaid
Enche' Lee Siok Yew
Enche' Lim Joo Kong
Enche' T. Mahima Singh
Enche' V. Manickavasagam
Enche' Mohd. Ismail bin Md.
Yusof
Tuan Haji Mokhtar bin Hj.
Ismail
Enche' Mohd. Sulong bin
Mohd. Ali
Enche' Mohamed bin Ujang
Enche' Mohd. Yusof bin
Mahmud
Enche' Mohamed Nor bin
Mohd. Dahan
Enche' Mohamed Abas bin
Ahmad
Enche' Mohd. Dahari bin Hj.
Mohd. Ali
Enche' Mohd. Khir bin Johari
Dato' Onn bin Ja'afar
Enche' Othman bin Abdullah
Dato' Ong Yoke Lin
Enche' Quek Kai Dong

Tuan Hj. Abdullah bin Haji
Abdul Raof
Enche' Bahaman bin Samsudin
Enche' Cheah Theam Swee
Enche' Chan Chong Wen
Enche' Chan Siang Sun
Enche' Chin See Yin
Tuan Syed Esa bin Alwee
Datin Fatimah binti Hj.
Hashim
Enche' Geh Chong Keat
Tuan Hj. Redza bin Hj. Md.
Saaid
Dato' V. T. Sambanthan
Dato' Suleiman bin Dato'
Abd. Rahman
Enche' Sardon bin Haji Jubir
Wan Sulaiman bin Wan Tam
Enche' Seah Teng Ngiab
Enche' Tan Siew Sin
Enche' Tan Cheng Bee
Dato' Teoh Chze Chong
Enche' Tan Tye Chek
Enche' Tajudin bin Ali
Enche' Wan Yahya bin Hj.
Wan Mohd.
Enche' Woo Saik Hong
Enche' Yahya bin Haji Ahmad
Enche' Yeoh Tat Beng
Enche' Yong Woo Ming
Tuan Haji Zakaria bin Hj.
Mohd. Taib
Hajjah Zain binti Sulaiman

NOES

Enche' Ahmad Boestamam
Tuan Haji Ahmad bin Abdul-
lah
Dr. Burhanuddin bin Mohd.
Noor
Enche' Chan Swee Ho
Enche' V. David
Tuan Haji Hussain Rahimi
Tuan Haji Hassan bin Hj.
Ahmad
Enche' Harun bin Pilus

Enche' Khong Kok Yat
Che' Khadijah binti Mohamed
Sidik
Enche' K. Karam Singh
Enche' Lim Kean Siew
Enche' Liu Yoong Peng
Wan Mustapha bin Haji Ali
Nik Man bin Nik Mohamed
Dato' Mohamed Hanifah bin
Hj. Abd. Ghani

Enche' Mohamed Asri bin Hj.
Muda
Enche' Ng Ann Teck
Enche' Othman bin Abdullah
Enche' S. P. Seenivasagam
Enche' Tan Kee Gak
Enche' Tan Phock Kin
Enche' V. Veerappen
Enche' Zulkiflee bin Moham-
mad

ABSTENTION

Nil

Question accordingly agreed to.

Bill accordingly read a second time.

ALLOCATION OF TIME ORDER (Motion)

Tun Abdul Razak: Mr. Speaker, Sir,
with your permission, I beg to move—

That the following provisions shall apply
to the remaining proceedings on the Consti-
tution (Amendment) Bill—

(a) The proceedings in Committee shall be
brought to a conclusion upon the

expiration of the period of four
hours from the time of committal of
the Bill to Committee;

(b) The proceedings on the Report and
Third Reading shall be brought to
a conclusion upon the expiration of
the period of half an hour from the
conclusion of the proceedings in
Committee;

(c) For the purpose of bringing to a con-
clusion any proceedings on the Bill
the Chairman or Mr. Speaker may

allot a maximum time to be given for the clauses of the Bill;

- (d) For the purpose of bringing to a conclusion any proceedings on the Bill which are to be brought to a conclusion at the time appointed by this Order, and which have not previously been brought to a conclusion, the Chairman or Mr. Speaker shall, at the time so appointed or allotted, put forthwith any Question already proposed from the Chair, and any amendments or new clauses.
- (e) Nothing in this Order shall—
 - (i) prevent any proceedings to which this Order applies from being taken or completed earlier than is required by this Order; or
 - (ii) prevent any business from being proceeded with in accordance with Standing Orders if the proceedings under this Order have been completed.

Now, Sir, the object of this motion is simple. It is to ensure that this Bill is passed to-day after allowing reasonable time for debate, in addition to the long time we have had already, and that the passage is not interrupted merely for the sake of interrupting.

Now, Sir, the reason for this motion is also simple. Although the Government was prepared to allow from Friday to Monday for the passage of this Bill in view of its importance, we have only just completed the motion for the Second Reading and it is obvious that certain Members of the Opposition intend to delay the Bill by every means that they can contrive within the framework of Standing Orders. This became clear, Sir, when the Honourable Member for Dato Kramat and the Honourable Member for Pasir Mas Hulu introduced their motions on Friday and Saturday. One would have expected, Sir, following good parliamentary practice that the first motion having been rejected the second motion, which has the same effect as the first motion, was unnecessary. But the Members of the Opposition decided to bring this second motion all the same, obviously with the intention of delaying the passage of this Bill. Now, Sir, the Honourable Member for Ipoh places this intention beyond doubt by stating in so many words on Saturday. The Government takes this warning very seriously because whatever we

think about the defects of certain Members of the Opposition we have never thought them defective in cunning. *(Laughter)* Sir, it is obvious that the Opposition has had ample opportunity to raise all points of substance which they have on this Bill. These points affect only half a dozen of the 36 clauses and the most important of these is of course Clause 28, and this clause is merely an enabling clause.

Now, legislation to give effect to the powers conferred will be brought before this House for detailed consideration at a later meeting. It is clear, Sir, as I have said, that the Opposition have had time for full expression of their views. They are now resorting to delaying tactics. Now I suggest that these negative and unproductive tactics are wasting the time of Parliament and the time of the Government. Therefore, in face of this threat of obstruction, the Government is justified in adopting this recognised counter-measure to such a threat in introducing what is commonly known as the guillotine procedure. And most Members know that the "guillotine" here is meant in a strictly parliamentary sense. Most Honourable Members will be aware, and I make this point only for the benefit of those who may not know, that this procedure has been a recognised feature of parliamentary government in the United Kingdom over fifty years. It has been used a dozen times in the House of Commons since 1930 by both Labour and Conservative Governments. It has only been used to defeat an attempt by the Opposition such as this Government is facing to-day. The procedure has been recognised and adopted as occasions demand in other Commonwealth countries. Therefore, I submit there is ample authority and precedents for its introduction under Standing Order 100.

Now, Sir, no Government likes to introduce a motion of this kind and this Government is no exception, but our hands have been forced by the Opposition and we are satisfied that there is justification for adopting this procedure on this occasion for the reasons which I have stated. In taking

this step, our minds are clear because of the knowledge that the Opposition will have had, by the time this Bill is passed, ample opportunity—and the public and the Press will have had adequate opportunity—to express their views. And what is more, in accordance with our bi-cameral system, this Bill will then go forward for another debate in the Dewan Negara. There will therefore be a further opportunity for Members of the Upper House, the Dewan Negara, to express their views and also for the public to express their reaction to this Bill.

Sir, I beg to move.

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

Enche' Tan Phock Kin: Mr. Speaker, Sir, I rise to oppose the motion. The reason given by the Government for moving this motion is merely the belief of the Government that the Opposition is interrupting for the sake of interrupting. This, I submit, Sir, is a very sweeping allegation. This motion in our view is unprecedented and, if passed, will be a most undesirable precedent. It makes Government by discussion a farce, because by the very nature of the motion it is aimed at removing opposition, at removing even objective discussion. I submit, Sir, that under our Standing Orders on page 62, Standing Order 56 onwards, which regulate proceedings in Committee, we have rules to that effect. This Parliament should abide by the Standing Orders. After all the Standing Orders are made by a Select Committee with a Government majority, and I see no reason whatsoever why that we should depart from procedures laid down in the Standing Orders. When this particular motion was proposed, it was stated in the Notice of Motion to be proposed under Standing Order 27. Standing Order 27 says that a motion of this sort can be moved without notice if the public interest requires that a motion should be debated as soon as possible. I see no reason whatsoever, no urgent public interest, as to why this ruling should apply for this to-day when we already have rules as set out in the Standing Orders. So it is obvious that this is a very blunt

attempt by the Government to eliminate opposition to the Bill and I ask this House to oppose it with all vigour.

Enche' S. P. Seenivasagam: Mr. Speaker, Sir, I rise to support the objections which have been raised to this motion. Clearly this is an attempt to curtail further discussion. Undoubtedly the Government Members have felt very uncomfortable over the substantial reasons we have already put forward to oppose this Bill—and perhaps they are unable to stand any further argument. This is a precedent which must not be allowed to pervade the atmosphere of this House. Once this sort of thing is done then the Government will not think twice about doing it again. This is a sort of thing which should not be resorted to. After all on a matter of such great importance, a matter which concerns every single individual in this country, surely Government can afford to allow two days or even three or four days for its discussion. What is the urgent business the Government Members have to attend to upon departing from this House? Surely it is the interest of the citizens alone which should get consideration, and if we, who represent at least one-third of the country, want to discuss the matter, I see no reason why a Government which professes to be a democratic Government should refuse a hearing to one-third of the country.

Enche' Lim Kean Siew: Mr. Speaker, Sir, I also rise to oppose this motion. We have actually had only one full day's discussion, half a day on Saturday and slightly more than half a day to-day to discuss a fundamental question of fundamental rights in this country. This is a fundamental issue made even more fundamental by an attempt to use the guillotine. Not only are we attempting to change the Constitution to-day but we are also attempting to amend the Standing Orders on debates by means of this motion in order to shorten time of debate. It has been said by the Honourable the Deputy Prime Minister that he knows of our defects, but he never has suspected that cunning was one of those. Well, I would like to say that though we know the defects of the Government, we have never suspected

that fear is one of them. If this matter warrants discussion, then let the discussion not be limited by fear and the time for discussion shortened. If the Government can push through such an important issue in two and a half days then anything else could be pushed through in even a shorter time. I was a member of the Select Committee on Standing Orders of this House and I remember that during our discussions the question of public interest was brought up and I think, Sir, it was decided that it was only in times of emergency, where it was absolutely fundamental for a Bill to be pushed through as soon as possible, for example, in times of war or at the outbreak of war, or national disturbances, that we would use sections as this one which deal with public interest.

Sir, the Emergency is continuing. It will not be over until July 31st according to the Honourable Member for Larut Selatan, and July 31st has still a long way away. Surely it is possible on such a fundamental matter that there is full discussion.

After all since the Government Members claim that logic is on their side, and reason is on their side, and wisdom is on their side on this issue; since they claim the right to so many of these virtues, they ought to have no fear for any lengthy discussion on this matter.

Enche' Zulkiflee bin Muhammad: Tuan Yang di-Pertua, saya tidak bersetuju dengan chadangan ini, oleh sebab walau pun Timbalan Perdana Menteri tadi telah mengatakan bahawa pembangkang² ini tujuan yang besarnya ia-lah melanjutkan perjalanan pindaan ini, saya mengatakan bahawa pembangkang² yang ada ini tidak-lah ta' berakal, sebab perkara yang hendak di-bahathkan ini pada asas-nya sudah di-terima. Jadi apabila suatu perkara yang pada asas-nya sudah di-terima, maka perbahathan dalam Jawatan-Kuasa akan di-lakukan dalam perkara itu, oleh sebab yang demikian, Tuan Yang di-Pertua, menentukan orang itu sunggoh pun sedikit, saya pandang ada-lah satu perkara yang mustahak. Sebab boleh jadi, kalau benar keterangan Timbalan Perdana Menteri itu

memuaskan hati, boleh jadi ta' sampai 4 jam perkara ini selesai. Jadi dengan sebab membahathkan ini pun, Tuan Yang di-Pertua, segala pindaan atau fikiran yang di-buat dalam Jawatan-Kuasa tentu-lah Tuan Yang di-Pertua akan menolak pindaan yang telah terang² berlawanan dengan asas, apa guna di-terima pindaan yang balek merosakkan asas-nya. Jadi apa yang akan di-buat oleh Dewan ini ia-lah mengelokkan pada tempat yang agak kurang. Itu sahaja, Tuan di-Pertua, yang akan di-kemukakan dan saya perchaya hal ini dapat di-selesaikan dalam masa yang pendek.

Dato' Dr. Ismail: Mr. Speaker, Sir, I think there is an English idiom to say "Look before you leap". However, the Honourable Member for Ipoh—I am sorry he is not here, but I think his neighbour will convey to him—did not look before he leapt because it was, to say the least, very bad tactic for him to reveal what he wanted to do. He told us in this House that the Opposition would use all parliamentary tactics to obstruct the passage of this Bill.

Enche' Zulkiflee bin Muhammad: Only the Peoples' Progressive Party, Sir.

Dato' Dr. Ismail: Well, Sir, I was coming to that point. In fact if we have only one opposition party, then we may take risk with the Honourable Member for Ipoh because he may not mean what he said. But since we have a diversity in the Opposition, the Government, using parliamentary method too, cannot afford to take risk. So what we do is strictly parliamentary practice too, and I am not trying to teach this House, but one Honourable Member says that we are trying to amend the Standing Orders.

Sir, in the United Nations itself we have Standing Rules and Orders and it is always understood that the House is master of its own procedure. So if this House decides by a majority to adopt this procedure, I maintain that it is very parliamentary, to use the words of the Honourable Member for Ipoh.

Enche' Tan Siew Sin: Mr. Speaker, Sir, I would like to show this House

that what the Government proposes is both constitutionally or legally and morally correct. I should like to deal with the legal aspect first. I have with me here "Erskine May's Parliamentary Practice". I think even Honourable Members opposite have probably heard of this book—and this also happens to be the latest edition (1957 Edition). For the benefit of those who have not heard of this book, I should add that it is compiled for use in the Mother of Parliaments, that is the British House of Commons, and it does amplify the ordinary Standing Orders.

If you would allow me, Sir, I would like to read a short passage to indicate that this procedure is both proper and used on suitable occasions. I am looking at page 476 which describes in great detail the methods used by the Opposition to delay the passage of a Bill. I shall read the passage which describes the method open to a Government to prevent delaying tactics in case such tactics can be obstructive to the passing of important legislation:

"But it does not meet the occasions, which arise under Governments of whatever political complexion, when, in order to secure the passage of specially important and very complex or very controversial legislation . . ."

such as the present one is,

"the leaders of the House are confronted with the choice, unless special powers are taken, of cutting down their normal programme to an undesirable extent, or of unreasonably prolonging the sittings of Parliament . . ."

as has been the case now,

"or else of acknowledging the impotence of the majority of the House in the face of the resistance of the minority. In such circumstances resort is had sooner or later . . ."

in our case it is later,

"to the most drastic method of curtailing debate known to procedure, namely the allocation of a specified number of days to the various stages of a Bill, and (in the case of the committee and report stages) of limited amounts of time to particular portions of the Bill, together with provision for securing the disposal of the stages or portions of the Bill at the end of the time allotted for each. This method is not provided for by the Standing Orders but is applied, when the need arises, by special orders of the House, known officially as "Allocation of Time" orders, and colloquially as "Guillotine" or "Closure by compartment" orders. The provisions of these orders are described in detail in the third section of this chapter."

I will not bother to read the third section of the chapter. Honourable Members will, therefore, be aware that this is not an unusual method in the Mother of Parliaments. Further, Honourable Members who were present at the last Budget Session—I believe most of the Honourable Members present to-day were present then—will remember that Standing Order 66 does provide even for the Budget to be taken in this way and there is therefore nothing very unusual in this method or procedure.

Mr. Speaker, Sir, I shall now come to the moral aspect of this procedure, because Honourable Members opposite are very good on this point. This Bill has got 36 Clauses, and it is open to Honourable Members opposite if they wish to do so to move amendments and debate on every one of these 36 Clauses, in order to delay the passage of this Bill, and if this were to take place—judging from what has been heard previously in this House, I have a sneaky feeling that it is possible that this might take place—it would be possible to delay the passage of this Bill not by days, but by weeks and even by months. Therefore, I think that it is not unreasonable in such a case, especially where we are certain to hear the same arguments *ad infinitum* and, as I said on Saturday, *ad nauseam* for the Government to resort to this practice in order that not only the time of the Government but also that of the public will not be wasted.

Enche' V. David: Mr. Speaker, Sir, I would like to propose an amendment to the motion. My amendment is to replace "four" with "twelve". I think it is extremely necessary . . .

Mr. Speaker: Which part are you referring to?

Enche' V. David: Clause (a) about the proceedings in Committee. Sir, by the very introduction of this sudden and surprising motion we are driven to the conclusion that the Party-in-power with its majority is trying to steamroll over the views of the Opposition. Quotations were read from books on parliamentary practices stating that in time of urgency and

importance such a motion can be introduced. As far as we are concerned we do not realise that there is such importance contained in this Bill. Therefore, Sir, I submit that we, the Opposition Members, should have the opportunity to express our views clause by clause and as such, I beg to move.

Enche' K. Karam Singh: Sir, I second the amendment by my Honourable friend from Bungsar.

Sir, I refer to the word "guillotine" that has been used by the Deputy Prime Minister, but what is under the guillotine to-day is not only our freedom to discuss in this House, but our Constitution, our liberties, our fundamental rights, the impartiality and independence of the Judiciary, the independence and impartiality of the Civil Service.

Mr. Speaker: We are now on the amendment to change "four" to "twelve".

Enche' K. Karam Singh: Yes, Sir, that is why I am supporting the amendment.

Mr. Speaker: You are seconding that amendment. Why you want it to be changed from "four" to "twelve"—that is all I want to know.

Enche' K. Karam Singh: Yes, Sir, because of the fundamental issues involved in this case: the threat to our liberties, to our Constitution, to the independence of our Judiciary and of our Civil Service—we want greater time to discuss this very important Bill clause by clause so that the country, so that our people, can know the stand on both sides of the House on each and every issue in this Bill.

The Prime Minister: Mr. Speaker, Sir, I wonder if the Honourable Members from the Opposition would consider a compromise. It is a very long and arduous business sitting here for 12 hours. Eight hours is a full working day. I would suggest a compromise—six hours instead of four—for this debate. If Honourable Members would accept, I would put it to my colleagues here to propose that.

Mr. Speaker: So it is an amendment to the amendment?

The Prime Minister: Yes, Sir.

The Minister of Transport (Enche' Sardon): Sir, I beg to second the motion.

Mr. Speaker (To Enche' V. David): Do you accept that before I put it to the House. It is proposed as a compromise—instead of 12 hours it becomes six.

Enche' V. David: No, Sir, we feel that six hours would not be enough for this debate. We stick to twelve.

Mr. Speaker: If nobody wishes to speak on this amendment, I am going to put it first to the House.

Enche' Lim Kean Siew: Which Amendment, Sir?

Mr. Speaker: From "four" to "twelve".

Enche' Lim Kean Siew: I thought it was re-amended from "twelve" to "six"?

Mr. Speaker: Yes. That is subject to agreement.

Enche' Lim Kean Siew: It was moved and seconded, and it has to be put first to the House.

The Prime Minister: Well, Sir, as I have said, I stand by it.

Mr. Speaker: So I must put the last one—instead of "four" it is "six".

(To Enche' V. David): If that amendment is approved by the House, your amendment will not be put to the vote any more.

Enche' V. David: Mr. Speaker, there is one point I would like to clarify. Can we debate on this six hours amendment?

Mr. Speaker: Yes. You want to debate it? (*Laughter*) We are on that now.

Enche' Lim Kean Siew: On a point of clarification—I wonder if the Honourable the Prime Minister would explain to the House why he has decided to extend this by two hours,

if he thought originally that four hours was sufficient.

Mr. Speaker: On compassionate grounds! (*Laughter*).

Enche' Lim Kean Siew: Sir, we may be weak, but we are certainly not sick nor dying. (*Laughter*).

Mr. Speaker: Well, if nobody wishes to speak on this amendment, I am going to put it to the House.

Enche' V. David: Mr. Speaker, Sir, by amending my amendment from four hours to six hours, the Government Bench has accepted that four hours is not enough to debate this Bill clause by clause. The principle now has been accepted that the time is not enough. Mr. Speaker, Sir, I strongly feel that we must have adequate time to go clause by clause and even sentence by sentence in order to scrutinise this Bill. Therefore, Sir, I oppose six hours and stick to 12 hours.

Enche' K. Karam Singh: Mr. Speaker, Sir, I would support my Honourable friend from Bungsar (*Laughter*) because if the Honourable the Prime Minister had realised that four hours is not enough, I think we would appeal to him to see that six hours is also not enough. I would appeal to the Honourable the Prime Minister just to look to our country people outside who want to know the opinion on each and every clause of this Bill, and to know what they say, and not what we say. So I would appeal to him, in the interests of the public outside, to extend it by another, say, few hours. (*Laughter*).

Mr. Speaker: I shall now put the Question.

Amendment to amendment put, and agreed to.

Original Question, as amended, put and agreed to.

Resolved,

That the following provisions shall apply to the remaining proceedings on the Constitution (Amendment) Bill—

- (a) The proceedings in Committee shall be brought to a conclusion upon the expiration of the period of six hours

from the time of committal of the Bill to Committee:

- (b) The proceedings on the Report and the Third Reading shall be brought to a conclusion upon the expiration of the period of half an hour from the conclusion of the proceedings in Committee;
- (c) For the purpose of bringing to a conclusion any proceedings on the Bill the Chairman or Mr. Speaker may allot a maximum time to be given for the clauses of the Bill;
- (d) For the purpose of bringing to a conclusion any proceedings on the Bill which are to be brought to a conclusion at the time appointed by this Order, and which have not previously been brought to a conclusion, the Chairman or Mr. Speaker shall, at the time so appointed or allotted, put forthwith any Question already proposed from the Chair, and any amendments or new clauses.
- (e) Nothing in this Order shall—
 - (i) prevent any proceedings to which this Order applies from being taken or completed earlier than is required by this Order; or
 - (ii) prevent any business from being proceeded with in accordance with Standing Orders if the proceedings under this Order have been completed.

THE CONSTITUTION (AMENDMENT) BILL

Bill committed to a Committee of the whole House.

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

Bill considered in Committee.

(Mr. Speaker *in the Chair*)

Enche' Lim Kean Siew: Mr. Speaker, Sir, in view of the fact that the Government is trying to push through this Bill, the Socialist Front will not participate in the discussion of this Bill clause by clause.

Clauses 1 to 11 inclusive ordered to stand part of the Bill.

Clause 12—

Dato' Onn bin Jaafar: Sir, on Clause 12, what is the necessity for incorporating this into the Constitution? Surely the provisions in Clause 12 could be more conveniently put into an Act, rather than incorporated in the Constitution, with all the consequential difficulties of amendment later?

Tun Abdul Razak: Sir, I believe it is not possible to have an Act to provide for this unless there is provision in the Constitution. For example, we have in the Constitution provisions relating to the National Land Council, the National Finance Council. We have to have provision in the Constitution similarly relating to the National Council for Local Government to give it statutory status, otherwise there will be no purpose having a National Council of that nature.

Dato' Suleiman: Mr. Speaker, Sir, may I add a little to what the Deputy Prime Minister has said. The proposed National Council for Local Government has only advisory powers, and one of the subjects on which it will advise the Federal and State Governments will be all legislation dealing with local government, which will in future have to be submitted to the National Council before being enacted. So it is necessary to have this provision in the Constitution before we can have the National Council on Local Government.

Clause 12 ordered to stand part of the Bill.

Clauses 13 and 14 ordered to stand part of the Bill.

Clause 15—

Dato' Onn bin Jaafar: Sir, I would suggest an amendment to Clause 15 by the deletion of the word "advice" and the substitution of the word "recommendation" so that the clause will now read, "In appointing the Chief Justice the Yang di-Pertuan Agong shall act on the recommendation of the Prime Minister, after consulting the Conference of Rulers; and in appointing the other judges of the Supreme Court he shall act on the recommendation of the Prime Minister, after consulting the Conference of Rulers and considering the advice of the Chief Justice."

Enche' Zulkiflee bin Muhammad: Tuan Yang di-Pertua, saya ta' tahu m a c h a m mana bahathan dalam Jawatan-Kuasa ini hendak di-jalankan. Saya rasa pindaan yang di-buat oleh wakil dari Kuala Trengganu Selatan tidak selesai dalam soal dasar-nya. Sebab dalam soal recommendation

yang hendak di-letakkan di-situ, tidak ada keterangan daripada si-peminda, kenapa hendak di-pakai kalimah itu? Maka susah-lah bagi Jawatan-Kuasa ini hendak memikirkan perubahan tentang dasar-nya itu ia-itu pindaan Perlembagaan ini.

Tun Abdul Razak: Sir, I am afraid the Government cannot accept this amendment because our intention is to make the position of the Head of State, the Yang di-Pertuan Agong, a constitutional one and matters that we can add to his discretion are very limited, and we do not wish to amend it any more. Sir, I think Clause 15 as proposed is desirable because that is the system, as I have explained, adopted in most other countries; and that is the system we intend to follow.

Dato' Onn bin Jaafar: Sir, in the original Article 122 of the Constitution, we have these words, "In appointing the Chief Justice the Yang di-Pertuan Agong may act in his discretion". Now, those words have been left out, and I still feel that in the interest of justice in this country, where a directive principle of safeguard should be the separation of the judiciary from the executive, it would be preferable to use the word "recommendation" rather than the word "advice"; or to leave Article 122 as it stands now in the Constitution.

Enche' Zulkiflee bin Muhammad: Tuan Yang di-Pertua, ini-lah yang menyebabkan hal ini tidak dapat kita bahathkan. Sebab, Tuan Yang di-Pertua, menggantikan "advice" itu dengan kalimah "recommendation" ada-lah suatu penggantian yang pada hasil-nya sa-rupa. Jadi ada-kah maksud wakil dari Kuala Trengganu Selatan itu bahawa kalimah "recommendation" itu lebih kuat daripada "advice"?

Dato' Onn bin Jaafar: "Advice" itu lebih kuat daripada "recommendation".

Enche' Chin See Yin (Seremban Timor): Mr. Speaker, Sir, I am in full agreement with the Honourable Member who made that suggestion. He used the word "recommendation" because when advice is given by the Prime Minister, under the Constitution

the Ruler must accept that advice. In the case of a recommendation it cannot be looked upon in the sense that it is advice—it is purely an act of proposing, not necessarily that it should be positive and that it should be accepted by His Majesty. Therefore, Sir, I think that in order to keep an independent judiciary from being tainted by political influence the word “recommendation” should be used.

Enche' S. P. Seenivasagam: Mr. Speaker, Sir, frankly I see little difference between the two words; there may be some subtle difference which I do not appreciate. Now, Sir, whether we state “shall act on the advice” or “shall act on the recommendation”, I do not see how the Yang di-Pertuan Agong can refuse to act on the recommendation or on the advice in appointing him.

Sir, at the moment we are on this amendment, but there is one point on which I want some clarification and if you will permit me, Sir, I will raise that point now so that it will save me the trouble of having to speak again later. (*Mr. Speaker indicates assent*). Sir, it is stated here that the Yang di-Pertuan Agong “shall act on the advice of the Prime Minister, after consulting the Conference of Rulers”. I take it that means that the Yang di-Pertuan Agong is expected to consult the Conference of Rulers, and, supposing in the course of that consultation, the Conference of Rulers disapproves of a Judge, is the Yang di-Pertuan Agong still bound to appoint him as Chief Justice although the Conference of Rulers disapproves of him?

Tun Abdul Razak: Sir, I would like to reply first to the Honourable Member for Kuala Trengganu Selatan. I assume from the proposed amendment by the Honourable Member that he would like the Yang di-Pertuan Agong to act in his own discretion on the recommendation of the Prime Minister. But in our proposed amendment the Yang di-Pertuan Agong acts on the advice of the Prime Minister. There is a slight difference, of course. If the Yang di-Pertuan Agong acts in his discretion, he need not necessarily act on the advice of the Prime Minister.

But in actual practice, being a constitutional monarch, he does seek advice. Therefore, as I have said, the intention is to make His Majesty the Yang di-Pertuan Agong the constitutional monarch and to review the number of matters in which he can act in his discretion, because in actual practice as a constitutional monarch he acts on the advice of the Prime Minister.

In answer to the point raised by the Honourable Member for Menglembu, in law, of course the Yang di-Pertuan Agong can appoint against the advice of the Conference of Rulers; because he has only to consult. But in actual practice he always gets agreement. The matter of appointment is discussed at the Conference of Rulers and as far as possible agreement is reached in the Conference of Rulers. I think there has never been an instance in which the Yang di-Pertuan Agong acted against the advice of the Conference of Rulers—I mean that in practice agreement has always been reached. But as I said, in law, of course even if there is any difficulty, the Yang di-Pertuan Agong can appoint a judge provided he has consulted the Conference of Rulers, i.e. even if he does not get agreement with the Conference of Rulers he can still appoint a judge. But in actual practice that does not happen.

Dato' Onn bin Jaafar: Sir, the provision in the Indian Constitution in respect of appointment of judges is that the President may by warrant under his hand and seal appoint a judge after consultation with such other judges as he may deem necessary; in the case of the appointment of the Chief Justice in India that again was the procedure; and on the appointment of other judges he usually consults the Chief Justice. As I have said before, we have no such thing as directive principle of State policy incorporated in our Constitution here. Those principles have been incorporated in the Indian Constitution, in the Pakistan Constitution, in the Burmese Constitution, in the Irish Constitution and in many other Constitutions—words laid down as the directive principle of State policy that the judiciary should be

separate from the executive. I make this point because in appointing judges to the Supreme Court it should be as far as possible an independent act of the executive head, without interference by the Prime Minister or any other person from the executive side. I therefore feel that rather than amending this Constitution it would be more preferable to continue with the provision that exists in the present Constitution which states, "In appointing the Chief Justice the Yang di-Pertuan Agong may act in his discretion, but after consulting the Conference of Rulers and considering the advice of the Prime Minister". I would rather like to see this provision retained than an amendment made to this particular section 122.

Tun Abdul Razak: As I said, Sir, the intention now is to lessen the power of discretion of the constitutional Head of State. Even in India—I see in the "Commentary on Indian Law" which I have here—although the power of appointment is with the President, the President has no discretion in the Constitution and the last word does rest with the Prime Minister—he cannot do things as he likes. I think the best way for us is to follow the system which has been adopted and which is working satisfactorily in India, Pakistan and Ceylon. But I can assure Honourable Members in this House that in making the appointment the Prime Minister would naturally consider that the person who is appointed must have the confidence of the Bench and the Bar. In the countries which have adopted this system I see that it has worked well. We are now working towards a full constitutional monarchy and I think it is not fair to give so many executive powers to the Yang di-Pertuan Agong. As I said, in actual practice it is the Prime Minister who has a say in the appointment. I think it is better for our constitutional development to have this amendment as suggested so as to make it quite clear that the Yang di-Pertuan Agong acts on the advice of the Prime Minister. That means that the Government is directly responsible, and the Government is answerable to Parliament.

Mr. Speaker: Do you want to proceed with the amendment, or are you satisfied with the explanation?

Dato' Onn bin Jaafar: I am only making a suggestion, Sir.

Mr. Speaker: You do not want to make any amendment?

Dato' Onn bin Jaafar: No, Sir.

Clause 15 ordered to stand part of the Bill.

Clauses 16 to 20 inclusive ordered to stand part of the Bill.

Clause 21—

Tun Abdul Razak: Sir, I propose an amendment to Clause 21 (b)—

- (a) Delete the words "comma and", and the comma appearing before the word "or" in the first line of the paragraph.
- (b) Substitute for the word "and" appearing immediately before the word "members" in the fourth line of the paragraph the word "to".

Amendment put, and agreed to.

Clause 21, as amended, ordered to stand part of the Bill.

Clauses 22 to 27 inclusive ordered to stand part of the Bill.

Clause 28—

Tun Abdul Razak: Sir, I propose that Clause 28 be amended as follows—

- (a) Substitute for paragraph (a) thereof the following new paragraph:

"(a) by repealing Clause (1) thereof and substituting therefor the following new Clause:

'(1) If an Act of Parliament recites that action has been taken or threatened by any substantial body of persons, whether inside or outside the Federation—

- (a) to cause, or to cause a substantial number of citizens to fear, organised violence against persons or property; or
- (b) to excite disaffection against the Yang di-Pertuan Agong or any Government in the Federation; or
- (c) to promote feelings of ill-will and hostility between different races or other classes of the population; or

(d) to procure the alteration, otherwise than by lawful means, of anything by law established; or

(e) which is prejudicial to the security of Malaya or any part thereof,

any provision of that law designed to stop or prevent that action is valid notwithstanding that it is inconsistent with any of the provisions of Article 5, 9, or 10, or would apart from this Article be outside the legislative power of Parliament; and Article 79 shall not apply to a Bill for such an Act or any amendment to such a Bill."

(b) Delete the whole of paragraph (c) thereof and substitute a full-stop for the semi-colon at the end of paragraph (b) thereof.

Further, Sir, I would like to propose a slight amendment to Clause 28 (1) (c). Clause 28 (1) (c) now reads "to promote feelings of ill-will and hostility between different races or other classes of the population;". Now I propose that the semi-colon there be deleted and the following words be added: "likely to cause violence". So Clause 28 (1) (c) now reads:

"to promote feelings of ill-will and hostility between different races or other classes of the population likely to cause violence;".

Enche' S. P. Seenivasagam: Mr. Speaker, Sir, notwithstanding the proposal to add these words, I still feel that the clause as a whole is highly objectionable because it seeks to draw a difference between promoting feelings of ill-will and hostility between different races or other classes of the population when it assumes that one type of hostility and ill-will does not cause violence but another type of hostility and ill-will causes violence. I am unable to appreciate that at all. If you start to create ill-will between different communities, then the possibility, the likelihood of violence is always there, and one cannot possibly argue that you can go about creating ill-will between communities without the likelihood of causing violence. The whole question would be, Mr. Speaker, Sir, whether the propaganda machinery of a political party goes to such an extent as to advocate violence. So long as there is no advocacy of violence, so

long as the political party takes the trouble to advocate non-violence and keeps its party members and supporters within bounds, I see no reason why they should be exposed to the fear of sub-clause (c). Sub-clause (c) as a whole is a serious interference with the democratic rights of propagating each one's views subject always to the rule that there be no advocacy of violence and I consider that the whole of sub-clause (c) is quite unnecessary; and this is just an attempt to restrict political parties from propagating their own views. But let me make it clear at this stage that I myself am a non-communist; my Party is non-communal, and we hate to have anything to do with communalism. But if there is any party which sincerely believes that they have reason to fight for their own community, then I do not think the Constitution should impose any restriction on that party.

Mr. Speaker: Do you wish to move an amendment?

Enche' S. P. Seenivasagam: No, Sir. I was making that point by way of comment for the consideration of Government.

Dato' Onn bin Jaafar: Sir, I would like to move an amendment to Clause 28 by the deletion of (b), (c) and (e). Now, what do the words "to excite disaffection against the Yang di-Pertuan Agong or any Government in the Federation" mean? As pointed out by the Honourable Member for Bachok a day or two ago in a reference to myself, he said that the Honourable Member for Kuala Trengganu Selatan did advocate in this House and outside this House that the Yang di-Pertuan Agong has got no subjects. Well, I am going to maintain that attitude both in this House and outside this House until the Constitution is suitably amended to allow the Yang di-Pertuan Agong to have his subjects. Now, Sir, does that cause disaffection to the Yang di-Pertuan Agong?

Another point was raised by the Honourable Assistant Minister for Publicity and Radio (*Laughter*)—the other day he distinctly singled me out as the only Member in this House

who was not in mourning. The fact that I am not in mourning, does that excite disaffection against the Yang di-Pertuan Agong? As a matter of fact I went into mourning on the very first day on hearing the news of the death of the Yang di-Pertuan Agong and I was in mourning still about 10 days later. I was in mourning at the funeral at Sri Menanti; and from there I went to Kedah and to Perak. And what did I find there? When I got to Kedah, I met a lot of people in Gurun and other areas who were not in mourning, and I ask them: "Why are you not in mourning?". *Jawab-nya*, "*Bukan Raja saya*."

The Prime Minister: It is customary in Kedah for the people not to mourn in the event of the death of even their own Rulers. If they are not in mourning, they are conforming to the tradition of Kedah. Therefore I do not think that the Honourable Member's explanation is quite correct.

Dato' Onn bin Jaafar: I am grateful to the Honourable the Prime Minister for pointing it out to me, but it has confirmed what I observed in Kedah. Now the people in Province Wellesley and the people in Kedah, with certain exceptions, do not mourn. Now the fact that I am not in mourning to-day or the first day that this House met, does that indicate to excite disaffection against the late Yang di-Pertuan Agong? I have known the late Yang di-Pertuan Agong probably before the Assistant Minister of Broadcasting and Information was born. We were together in school in Kuala Kangsar in 1911 and we were very good friends ever since. Then when he went into Government Service, I was in the Government Service.

When he was an officer of the F.M.S. Volunteer Force and was posted to duty in Singapore for about two months, the very person he contacted was myself. I happened to be an officer of the Johore Military Force. I did take French leave every night to be with him.

I have the highest respect for His late Majesty as a man and as a friend. And I consider it is my duty in mourning with Government for a ten-day

period. I am not that kind of an individual who is hypocritical and insincere. I believe, when I go into mourning, I do it sincerely.

Not like the Assistant Minister of Education who, I would like to reply to him, on the death of the late Sultan of Johore, as a Johore national

The Assistant Minister of Education (Enche' Abdul Hamid Khan): Sir, on a point of order, I thought the Honourable Member referred to the Assistant Minister of Education. He is not correct.

Dato' Onn bin Jaafar: I am sorry, Broadcasting and Information—not the Assistant Minister of Education. He does not come into the picture at all. I would like to put to the Assistant Minister of Broadcasting and Information as a subject of Johore—I believe he naturalised himself as a national of Johore—how many days did he mourn when the late Sultan of Johore died? It all goes to show that it is the sincerity of the man and not the outward show of mourning which really counts.

Now on the question of "exciting disaffection against the Yang di-Pertuan Agong or any Government in the Federation"—let us see the picture to-day. From Johore to Perlis all the Governments are Alliance Governments including Pahang, and in Kelantan and Trengganu the Governments there are controlled by the P.M.I.P. Now would it be exciting disaffection against any Government in Johore, Malacca, Negri Sembilan, Selangor, Perak, Pahang, Penang, Kedah and Perlis, if the Opposition parties criticise the Governments in those States? And conversely would it be exciting disaffection on the part of the Alliance as has been done to-day—you will see in the *Straits Times* to-day "Call on the Menti Besar, Trengganu to resign". Now that is surely exciting disaffection against the Government. So why have this nebulous term which defies all interpretation.

Again under (c) "to promote feelings of ill-will and hostility between different races or other classes of the population"—the Honourable Member for

Ipoh has mentioned the fact that he on many occasions stood up in this House to advocate Chinese rights. When he advocated those Chinese rights, some Members of the Alliance resented it and argued that he was destroying special Malay rights. Now would that be promoting feelings of ill-will? Suppose I stood up in this House and advocated for special Malay rights would I be promoting ill-will? Again those nebulous words can be construed in many different ways.

Again (e) "which is prejudicial to the security of Malaya or any part thereof". These are very wide terms and nebulous. Anything may be prejudicial. The security of the Federation depends from where it comes, which is the judge, what is prejudicial to the security of Malaya. I therefore move that (b), (c) and (e) should be deleted from this clause 28.

Enche' Chin See Yin: Mr. Speaker, Sir, I wish to comment on this. The fact that we supported this Bill is because of subversion, and that this has caused the murder of innocent people. Here we have got to ask the Government side to give us some sort of clarification and some sort of assurance. The clarification on exciting disaffection has been dealt at some length by my Honourable friend for Kuala Trengganu Selatan and in fact it has been pointed out to me by my friends the difference in the cause for action. One section says that the remark made by my Honourable friend saying that His Majesty the Agong has no subjects, is not saying something that has caused or excited disaffection. I find another section of my friends say if you tell the army or the Police to lay down arms when they are asked to do something, that is exciting disaffection. Therefore it is very necessary that we should have some sort of an assurance from the Government, as in this country we are now practising democracy in a true spirit and in time of elections things of this kind might be said and it might be possible that the lower ranks in the Government Service might take the opportunity to put in somebody they do not like because they have said something which is

tantamount to exciting disaffection. Therefore it is necessary that a sort of example be set out and some sort of assurance be made in the course of election speeches that the lower ranks will not take advantage of this clause.

Mr. Speaker, Sir, the same can be said with regard to clause (c). Now it is very good on the part of the Government to decide on that clause which is likely to cause violence. But it has been suggested that it is also possible that in mentioning—a few things have been mentioned here two days ago—that the officer who is in charge of the Election Commission may walk up to the speaker and say: "You have violated the law of the country; you have caused bad feeling between the various races"; and innocent persons might have been taken in and locked up for a few days until representations have been made to the highest authority. For that reason I say, Sir, it is necessary for us to fight subversive elements. We need all the powers to fight them. But at the same time we need all the protection for the innocent people who in fact have assisted Government so much in the preservation of peace and good order. Therefore, Sir, I ask that the Government will give an assurance that something will be done and some examples or regulations will be made for the people in the lower rank which administer the law to carry out in a manner which is really in keeping with this and not to take advantage of the law.

Mr. Speaker: The sitting is suspended for 15 minutes.

Sitting suspended at 4.30 p.m.

Sitting resumed at 5.00 p.m.

(Mr. Speaker in the Chair)

THE CONSTITUTION (AMENDMENT) BILL

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

Consideration of the Bill in the Committee resumed.

Clause 28—

Tun Abdul Razak: Mr. Speaker, Sir, I should like to explain to the Honourable Member that this proposed

amendment to the Constitution is only an enabling Ordinance. In fact, this amendment to the Constitution does not mean that people can be brought to court or put into prison because of this. A law will be submitted to this House—and I have given notice of an Internal Security Bill—which will make provision for various acts if, as they say, Parliament is satisfied that action has been taken or threatened by any substantial body of persons. It has to be a law and there is no question that just because we pass this to-day that anyone can be brought to court or put into prison because of disaffection or because of exciting disaffection or promoting feelings of ill-will or anything like that. I should like to explain that (a), (b), (c) and (d) are all taken straight from the present law on Sedition which at present exists except (e)—and (e) is, of course, a new sub-clause. The rest are all in the Sedition Ordinance. So it is not a new thing at all.

The Honourable Member for Kuala Trengganu Selatan says that if he does not put a white band on his head he is liable to sedition under this. I should not have thought so. Seditious tendency is all laid down in the Sedition Enactment and under this law it says that it must be a substantial body of persons, but he is only one man. At the most I should say that his act does amount to discourtesy, but not exciting disaffection. So, Honourable Members will have a chance to debate the Ordinance when it is brought before the House. The Ordinance is going to lay down the various acts and the various offences and what-nots. This is only an enabling clause to amend the Article in the Constitution.

Amendment put, and agreed to.

Clause 28, as amended, ordered to stand part of the Bill.

Clause 29—

Enche' Zulkiflee bin Muhammad: Tuan Yang di-Pertua, dalam Fasal 29 ini satu tambahan hendak di-buat berkenaan dengan Undang² Dharurat menurut apa yang di-tuliskan di-sini: Undang² Dharurat boleh di-istiharkan dan di-keluarkan dan hendak-lah di-bawa ka-Dewan Parlimen, kalau tidak Clause 29 (3) itu di-batalkan. Hal ini,

Tuan Yang di-Pertua, saya rasa walau pun saya bersetuju kuasa dharurat di-beri kepada Kerajaan dalam masa dharurat, tetapi oleh kerana Parlimen Persekutuan Tanah Melayu ini ada-lah badan yang tertinggi dalam membuat undang², maka pada fikiran saya patut-lah di-buat satu had bagi masa membawa perkara ini dalam Parlimen. Menurut Article 150 di-sini ada di-terangkan ia-itu masa 2 bulan sa-bagai satu masa yang menasabah bagi membawa hal ini dalam Parlimen. Maka saya, Tuan Yang di-Pertua, menhadangkan satu pindaan yang berbunyi ia-itu pindaan sa-sudah Perkataan Parlimen, "Both Houses of Parliament, not later than 90 days after their proclamation, if not sooner revoke, shall cease to have effect . . ." Maksud saya membawa pindaan ini supaya di-dalam masa 90 hari Kerajaan hendak-lah membawa pengistiharan Undang² Dharurat ini serta undang² yang di-timbolkan oleh keadaan dharurat kepada Parlimen supaya di-dapati fikiran yang sa-bulat daripada Dewan Ra'ayat ini.

Mr. Speaker: The amendment moved by the Honourable Member for Bachok is to add the following words in the third line of Clause 29 (3):

"not later than 90 days after their proclamation".

Tun Abdul Razak: Tuan Yang di-Pertua, saperti yang saya sudah terangkan bahawa Article 150 ini di-gunakan kerana masa dharurat yang besar saperti peperangan atau National Emergency. Jadi tidak-lah di-gunakan kerana perkara yang kecil dan bila ada National Emergency tentu-lah Parlimen akan di-panggil dan Undang² Proclamation ini hendak-lah di-bentangkan ka-dalam Parlimen, ini ada tersebut dalam Fasal 150 (2) "If a Proclamation of Emergency is issued when Parliament is not sitting, the Yang di-Pertuan Agong shall summon Parliament . . ." Jadi ma'ana-nya Parlimen akan di-beri tahu, undang² itu akan di-bentangkan di-hadapan Parlimen, Parlimen di-beri peluang kalau hendak di-binchangkan proclamation itu boleh di-binchangkan. Tetapi Kerajaan tidak berchadang hendak membuat ia-itu

lepas 3 bulan di-rentikan, kemudian di-bawa balek, ini merugikan masa Parlimen dan masa Kerajaan, terutama sekali di-dalam National Emergency—jadi sa-kali di-binchangkan oleh Parlimen itu chukup-lah. Saya fikir kalau Ahli Yang Berhormat wakil Bachok itu bacha Article 150 (2) tentu faham hal ini ia-itu kalau hendak buat proclamation—Parlimen akan di-panggil, “. . . the Yang di-Pertuan Agong shall summon Parliament as soon as may be practicable, and may, until both Houses of Parliament promulgate ordinances having the force of law, if satisfied that immediate action is required.” Jadi saya rasa perkara ini tidak-lah hendak di-belakangkan, tujuan-nya hanya bila proclamation itu di-buat di-setujui oleh Parlimen, tidak-lah hendak di-bawa tiap² 3 bulan di-binchangkan seperti chadangan Ahli Yang Berhormat itu tadi, perjalanan ini saya fikir sukar. Undang² ini di-gunakan pada masa National Emergency atau pun peperangan yang besar dalam negeri ini, perkara² yang kecil² seperti subversive, undang² ini tidak ada di-bawah fasal ini. Saya harap kalau Ahli Yang Berhormat itu faham Article 150 (2) ini; saya fikir amendment ini tidak-lah mustahak.

Enche' Zulkiflee bin Muhammad: Tuan Yang di-Pertua, saya bersetuju juga dengan kuasa dharurat ini sunggoh pun Yang Berhormat Timbalan Perdana Menteri tadi telah menyatakan hal ini dalam perkara yang besar² sahaja. Yang menjadi soal bukan-nya dengan pindaan saya itu tadi, Tuan Yang di-Pertua, kita akan memanggil Parlimen tiap² 3 bulan sa-kali—not necessary—yang saya maksudkan ialah bagi pengesahan mula-nya itu, apabila Parlimen sudah mendengar cerita itu, maka tidak-lah mustahak lagi tiap² 3 bulan sa-kali. Maksud saya mustahak-nya—walau pun “. . . the Yang di-Pertuan Agong shall summon Parliament. . .” apabila emergency, jadi tidak di-tentukan waktu itu dalam masa dharurat. Kata-lah kita dalam peperangan, dalam perang tentu-lah kita berhajatkan kepada “national solidarity” dan untok menchapai persetujuan itu dalam Parlimen ini-lah tempat yang menasabah. Jadi, Tuan Yang di-Pertua, saya fikir perkara ini tidak

salah, sebab dalam Constitution kita yang dahulu telah ada di-tetapkan waktu-nya. Yang saya tidak mahu, Tuan yang di-Pertua, bahawa di-dalam keadaan yang begini—memanjangkan dharurat itu dengan tidak di-ketahui oleh Parlimen.

Tun Abdul Razak: Jadi pindaan yang di-chadangkan oleh Ahli Yang Berhormat itu berma'ana undang² ini tiap² 3 bulan mesti-lah di-baharu, kalau fahaman saya tidak silap “not sooner than three months”.

Mr. Speaker: Not later than 90 days after the proclamation.

Enche' Zulkiflee bin Muhammad: Yes, not every 90 days.

Tun Abdul Razak: No, that will mean that, you see, “and, if not sooner revoked, shall cease to have effect” jadi, seperti yang saya sudah terangkan tadi, Tuan Yang di-Pertua, saya dukacita tidak dapat menerima-nya. Kerana kehendak Fasal 150 (2) telah terang² menunjukkan “Parlimen akan di-panggil” dan perkara ini akan diterangkan dalam Parlimen. Fasal 150 (2) tidak di-tetapkan “If . . . the Yang di-Pertuan Agong shall summon Parliament as soon as possible . . .” jika tidak di-tetapkan masa, bererti “possible” saya fikir tidak berma'ana 3 bulan, 2-3 hari mesti panggil Parlimen tidak salah rasa saya dari segi undang².

Mr. Speaker: Hendak di-vote?

Enche' Zulkiflee bin Muhammad: Tidak.

Clause 29 ordered to stand part of the Bill.

Clause 30—

Tun Abdul Razak: Sir, I propose that Clause 30 be deleted.

Amendment put and agreed to.

Clause 30 accordingly deleted.

Clauses 31 to 36 inclusive ordered to stand part of the Bill.

Bill reported with amendment.

House resumes.

Tun Abdul Razak: Sir, I beg to move that the Bill be now read the third time and passed.

The Prime Minister: Sir, I beg to second the motion. **Question put:** the House divided: Ayes, 75; Noes, 13; Abstention, Nil;

AYES

Tunku Abdul Rahman Putra Al-Haj
Tun Abdul Razak bin Dato' Hussain
Enche' Abdul Aziz bin Ishak
Enche' Abdul Rahman bin Hj. Talib
Enche' Abdul Hamid Khan
Enche' Abdul Ghani bin Ishak
Enche' Ahmad bin Mohamed Shah
Enche' Ahmad bin Arshad
Enche' Aziz bin Ishak
Enche' Abdul Samad bin Osman
Enche' Abdul Rauf bin Abdul Rahman
Enche' Ahmad bin Hj. Yusof
Tuan Haji Abdul Khalid
Tuan Haji Abdullah bin Hj. Md. Salleh
Tuan Haji Azahari bin Hj. Ibrahim
Tuan Haji Ahmad bin Saaid
Tuan Haji Abdullah bin Hj. Abdul Raof
Enche' Bahaman bin Samsudin
Enche' Cheah Theam Swee
Enche' Chan Chong Wen
Enche' Chan Siang Sun
Enche' Chin See Yin
Tuan Syed Esa bin Alwee
Datin Fatimah binti Hj. Hashim
Enche' Geh Chong Keat

Enche' Hassan bin Mansor
Enche' Hussein bin Toh Muda Hassan
Enche' Hanafi bin Mohd. Yunus
Enche' Harun bin Abdullah
Enche' Hamzah bin Alang
Enche' Hussein bin Mohd. Noordin
Tuan Syed Hashim bin Syed Ajam
Dato' Dr. Ismail bin Dato' Abdul Rahman
Tengku Indra Petra ibni Sultan Ibrahim
Enche' Ibrahim bin Abdul Rahman
Enche' Ismail bin Idris
Tuan Syed Ja'afar bin Hasan Albar
Enche' Kang Kock Seng
Enche' Lee San Choon
Enche' Lee Seck Fun
Dr. Lim Swee Aun
Enche' Lee Siok Yew
Enche' Lim Joo Kong
Enche' T. Mahima Singh
Enche' V. Manickavasagam
Enche' Mohd. Ismail bin Md. Yusof
Tuan Haji Mokhtar bin Hj. Ismail
Enche' Mohd. Sulong bin Mohd. Ali
Enche' Mohamed bin Ujang

Enche' Mohd. Yusof bin Mahmud
Enche' Mohamed Nor bin Mohd. Dahan
Enche' Mohamed Abas bin Ahmad
Enche' Mohamed Dahari bin Hj. Mohd. Ali
Enche' Mohd. Khir bin Johari
Enche' Othman bin Abdullah
Dato' Ong Yoke Lin
Enche' Quek Kai Dong
Dato' V. T. Sambanthan
Dato' Suleiman bin Dato' Abd. Rahman
Enche' Sardon bin Haji Jubir
Tuan Hj. Redza bin Hj. Md. Said
Wan Sulaiman bin Wan Tam
Enche' Seah Teng Ngiab
Enche' Tan Siew Sin
Enche' Tan Cheng Bee
Dato' Teoh Chze Chong
Enche' Tan Tye Chek
Enche' Tajudin bin Ali
Enche' Wan Yahya bin Hj. Wan Mohd.
Enche' Woo Saik Hong
Enche' Yahya bin Haji Ahmad
Enche' Yeoh Tat Beng
Enche' Yong Woo Ming
Tuan Haji Zakaria bin Hj. Mohd. Taib
Hajjah Zain binti Sulaiman

NOES

Tuan Haji Ahmad bin Abdul-lah
Dr. Burhanuddin bin Mohd. Noor
Enche' Harun bin Pilus
Tuan Haji Hussain Rahimi
Tuan Haji Hassan bin Hj. Ahmad

Tuan Haji Hasan Adli bin Hj. Arshad
Che' Khadijah binti Mohd. Sidik
Enche' K. Karam Singh
Enche' Mohamed Asri bin Hj. Muda

Dato' Mohamed Hanifah bin Hj. Abd. Ghani
Nik Man bin Nik Mohamed
Enche' Othman bin Abdullah
Enche' Zulkiflee bin Moham-mad

ABSTENTION

Nil

Question accordingly agreed to.

Bill accordingly read a third time and passed.

Mr. Speaker: Honourable Members, the House is adjourned to 10. o'clock a.m. tomorrow.

Adjourned at 5.20 p.m.

WRITTEN ANSWERS TO QUESTIONS

MINISTRY OF EDUCATION

Teachers Training Colleges in England

1. Enche' V. David asks the Minister of Education how long more the teachers training colleges in England will be retained; the cost of keeping them so far, the number of teachers that have graduated from these colleges, and whether non-Federal Citizens have been sent for training to these colleges at Federation Government expense and if so how many.

The Minister of Education (Enche' Abdul Rahman bin Haji Talib):

- (a) The lease of the Kirkby College expires in June, 1962, and that of Brinsford College in October, 1964.
- (b) The total cost of training the teachers at these colleges until the end of 1959 was \$19,016,163.36.
- (c) Up to December, 1959, 1,444 teachers have graduated from these colleges. In addition, 91 trained teachers attended special one year courses at these Colleges.
- (d) Only Federal Citizens and those eligible for Federal Citizenship were selected for training.

2. Enche' V. David asks the Minister of Education whether the lecturers at the above colleges are paid according to expatriate service rates, or according to the British Home rates.

Enche' Abdul Rahman bin Haji Talib: Lecturers at the above colleges are paid in accordance with the Pelham Scale for staff at equivalent U.K. Teachers Training Colleges.

St. Francis Institution, Malacca

3. Enche' V. David asks the Minister of Education whether the funds misused by the St. Francis Institution,

Malacca, as reported by the Auditor-General (1958 Report) have been recovered, and if not what action is being taken regarding the recovery of the money.

Enche' Abdul Rahman bin Haji Talib: It is regretted that the Auditor-General was misinformed regarding the \$12,000 given to St. Francis Institution, Malacca, as a grant for the construction of two classrooms.

The classrooms were built in 1959, and the unexpended balance of the grant has been refunded. The money was not used to meet a deficit in the school accounts, and the deficit referred to in para. 143 of the 1958 Report of the Auditor-General was in fact met from Mission funds. The question of recovery of the money does not therefore arise at all.

THE MINISTRY OF EXTERNAL AFFAIRS

Recognition of the Geneva Agreement on Indo-China

4. Enche' V. David asks the Minister of External Affairs whether the Federation Government recognises the Geneva agreement on Indo-China and whether it stands for the use of free elections for the unification of North and South Vietnam.

The Minister of External Affairs (Dato' Dr. Ismail bin Dato' Abdul Rahman):

- (a) The question of whether the Federation Government recognises the Geneva Agreement on Indo-China or not does not arise at all since the Federation Government is not a party to the Geneva Agreement.
- (b) One of the main provisions of the cease-fire agreements on Indo-China states that "Elections would be held simultaneously in both parts of

Vietnam by July 20, 1956, with the aim of establishing a unified Government. They would be organised after consultation between the Viet-minh and Vietnamese Governments, and carried out under the supervision of an International Supervisory Commission

consisting of India, Canada and Poland”.

- (c) In view of the above, the question of the holding of elections for the unification of North and South Vietnam is therefore purely a matter for these two countries and the parties to the Geneva Agreement.