

Volume II
No. 12



Wednesday
22nd June, 1960

PARLIAMENTARY DEBATES

DEWAN RA'AYAT
(HOUSE OF REPRESENTATIVES)

OFFICIAL REPORT

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

Official Report

Second Session of the First Dewan Ra'ayat

Wednesday, 22nd June, 1960

The House met at Ten 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 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).
- „ ENCHE' V. MANICKAVASAGAM, J.M.N., P.J.K., Assistant
Minister (Klang).

The Honourable ENCHE' MOHAMED ISMAIL BIN MOHAMED YUSOF, Assistant Minister (Jeraï).

- „ 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, P.J.K. (Krian Darat).
- „ TUAN HAJI AZAHARI BIN HAJI IBRAHIM (Kubang Pasu Barat).
- „ ENCHE' AZIZ BIN ISHAK (MUAR Dalam).
- „ DR. BURHANUDDIN BIN MOHD. NOOR (Besut).
- „ ENCHE' CHAN CHONG WEN (Kluang Selatan).
- „ ENCHE' CHAN SIANG SUN (Bentong).
- „ ENCHE' CHAN SWEE HO (Ulu Kinta).
- „ ENCHE' CHAN YOON ONN (Kampar).
- „ ENCHE' CHIN SEE YIN (Seremban Timor).
- „ ENCHE' V. DAVID (Bungsar).
- „ DATIN FATIMAH BINTI HAJI HASHIM, P.M.N. (Jitra-Padang Terap).
- „ ENCHE' GEH CHONG KEAT (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).
- „ TUAN HAJI HUSSAIN RAHIMI BIN HAJI SAMAN (Kota Bharu Hulu).
- „ ENCHE' IBRAHIM BIN ABDUL RAHMAN (Seberang Tengah).
- „ ENCHE' ISMAIL BIN IDRIS (Penang Selatan).
- „ ENCHE' K. KARAM SINGH (Damansara).
- „ ENCHE' LEE SECK FUN (Tanjong Malim).
- „ ENCHE' LEE SIOK YEW (Sepang).
- „ ENCHE' LIM JOO KONG (Alor Star).
- „ ENCHE' LIM KEAN SIEW (Dato Kramat).

The Honourable DR. LIM SWEE AUN, J.P. (Larut Selatan).

- „ ENCHE' LIU YOONG PENG (Rawang).
- „ ENCHE' MOHAMED BIN UJANG (Jelebu-Jempol).
- „ ENCHE' MOHAMED ABBAS BIN AHMAD (Hilir Perak).
- „ 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' D. R. SEENIVASAGAM (Ipoh).
- „ 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, P.J.K. (Larut Utara).
- „ ENCHE' TAN CHENG BEE, J.P. (Bagan).
- „ ENCHE' TAN PHOCK KIN (Tanjong).
- „ ENCHE' TAN TYE CHEK (Kulim-Bandar Bahru).
- „ TENGKU 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, P.J.K. (Kota Star Selatan).
- „ WAN YAHYA BIN HAJI WAN MOHAMED (Kemaman).
- „ ENCHE' WOO SAIK HONG, J.P. (Telok Anson).
- „ ENCHE' YAHYA BIN HAJI AHMAD (Bagan Datoh).
- „ ENCHE' YEOH TAT BENG (Bruas).
- „ ENCHE' YONG WOO MING (Sitiawan).
- „ PUAN HAJJAH 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 the Minister of Labour, ENCHE' BAHAMAN BIN SAMSUDIN (Kuala Pilah).

- „ ENCHE' HUSSEIN BIN MOHD. NOORDIN, A.M.N., P.J.K. (Parit).
- „ ENCHE' KANG KOCK SENG (Batu Pahat).
- „ CHE' KHADIJAH BINTI MOHD. SIDEK (Dungun).
- „ ENCHE' KHONG KOK YAT (Batu Gajah).
- „ ENCHE' LEE SAN CHOON (Kluang Utara).
- „ ENCHE' T. MAHIMA SINGH (Port Dickson).
- „ ENCHE' MOHAMED ASRI BIN HAJI MUDA (Pasir Puteh).
- „ ENCHE' TAN KEE GAK (Bandar Malacca).

IN ATTENDANCE:

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

PRAYERS

(Mr. Speaker in the Chair)

ORAL ANSWERS TO
QUESTIONSSTAFF AND EQUIPMENT OF
TECHNICAL AND VOCATIONAL
SCHOOLS

1. Enche' Geh Chong Keat asks the Minister of Education whether Technical and Vocational Schools have been adequately staffed professionally and properly equipped.

The Minister of Education (Enche' Abdul Rahman bin Haji Talib): Mr. Speaker, Sir, Technical and Vocational Schools are not yet adequately staffed professionally due to the non-availability of properly qualified staff. However, these schools are very well equipped. International experts visiting Malaya have reported the standard of building and equipment in Technical schools are among the highest in Asia.

2. Enche' Geh Chong Keat asks the Minister of Education to state the academic and technical qualifications of their teaching staffs.

Enche' Abdul Rahman: Mr. Speaker, Sir, I will deal first with the academic and professional qualifications of the staff at Technical Institutions.

The staff for non-technical subjects should have an Honours or Pass

Degree, and the Diploma of Education. The staff for technical subjects should hold an Engineering qualification, with a Degree or the Diploma of the Technical College, and should have been trained as a teacher.

I will go to the academic/professional qualifications of staff of Junior Trade Schools. Candidates for appointments as instructors under this Scheme must have attained their 25th but not their 35th birthday, and must have passed the Lower Certificate of Education or Form III in an English school. In addition, they must either have been employed in Government Service for at least one year as Tradesmen, Special Grade, or have been employed by an engineering firm for at least one year in a post equivalent to that above. Candidates must also possess ability to impart both practical and theoretical knowledge, and have a thorough practical knowledge of all the tools or mechanical devices needed in their trade, be proficient in maintaining them in good working order, and have complete knowledge of the safety measures and precautions against accidents to be taken while working at their trade. Preference will be given to candidates who possess the Certificates of the City and Guilds of London Institute for proficiency in their particular trade.

3. Enche' Geh Chong Keat asks the Minister of Education to state how heads of these schools are appointed giving details of their academic,

technical qualifications and teaching experience.

Enche' Abdul Rahman: Mr. Speaker, Sir, the post of Headmaster of Technical Institutions are within the time-scale. Officers within this category are appointed to the posts of Headmasters by the Ministry. Qualifications for Headmasters in Technical Institutions are an Engineering Degree, but owing to shortage of officers with the requisite qualifications, graduates from Raffles College have been appointed to such posts. Headmasters in Junior Technical Trade Schools are in fact Chief Instructors, which is a promotion grade and are not therefore an appointment to a particular post. Promotions to Chief Instructors are made by the Public Service Commission. In addition to the qualifications of Headmasters already mentioned, Headmasters are also Chief Instructors promoted from Senior Instructors. Qualifications for Senior Instructors are at least the Final of the City and Guilds or other equivalent.

Enche' Geh Chong Keat: May I know from the Honourable Minister the academic/technical qualifications and the teaching experience of the present Technical Adviser?

Enche' Abdul Rahman: That is a separate question entirely. I am not prepared to answer that.

Mr. Speaker: You require notice?

Enche' Abdul Rahman: Yes, Sir.

"Penyakit Merah" Disease of Padi

4. Enche' Abdul Samad bin Osman minta kepada Menteri Pertanian dan Sharikat² Kerjasama menerangkan adakah telah di-ketahui apa menyebabkan "Penyakit Merah" dan apa-kah ubatnya.

The Minister of Agriculture and Cooperatives (Enche' Abdul Aziz bin Ishak): Tuan Yang di-Pertua, perkataan "Penyakit Merah" ada-lah istilah 'am yang di-gunakan untuk menyatakan beberapa jenis keadaan penyakit. Sebab² penyakit ini terjadi dan sa-tengah jalan² untuk menghapuskan-nya telah pun di-dapati. Penyakit

ini terjadi di-sebabkan oleh kekurangan makanan yang mengandungi zat galian dan keadaan parit yang tidak sempurna. Ini dapat di-hapuskan dengan menambahkan makanan yang mengandungi zat itu dan mengelokkan lagi keadaan parit² yang tersebut.

Enche' Abdul Samad: Ada-kah jalan menghapuskan penyakit ini di-umumkan kepada ra'ayat?

Enche' Abdul Aziz: Hari ini-lah di-umumkan.

Reafforestation in the State of Kedah

5. Enche' Abdul Samad minta kepada Menteri Pertanian dan Sarikat² Kerjasama menerangkan berkenaan dengan beribu² relong hutan kayu telah di-benarkan di-tebang dalam negeri Kedah untuk kilang² dan lain² tetapi tidak ada atau sedikit benar hutan² itu di-tanam sa-mula dengan kayu² pilehan, tidak-kah patut Kerajaan membuat ranchangan yang besar dengan segera untuk menjalankan "reafforestation" dengan besaran supaya menjaga keselamatan dan kegunaan kayu untuk anak chuchu kita kahadapan yang akan guna berganda banyak kayu dalam negeri ini.

Enche' Abdul Aziz: Tuan Yang di-Pertua, ini ada-lah perkara negeri tetapi langkah² yang di-ambil oleh Kerajaan Persekutuan itu meneruskan ranchangan Kerajaan Negeri. Di-dalam hutan tersebut pekerjaan menebang ada-lah sa-bahagian daripada kerja "silviculture" atau di-dalam bahasa Melayu-nya "mempelihara anak² kayu". Dalam masa menjalankan pekerjaan itu Jabatan ini menanamkan pokok² yang baharu yang akan memberi hasil yang lebeh dalam usaha menanam samula. Kerja menebang di-hutan² Kerajaan atau State Land ada-lah dengan maksud mengambil jenis pokok² yang berguna sa-bagai menyiapkan tanah itu untuk di-keluarkan bagi kegunaan fa'edah 'am.

Di-atas perkara mengajar orang ramai supaya menggunakan kayu² itu, langkah ada-lah di-jalankan untuk memberi sharahan² di-sekolah² dan di-kampung². Ini di-usahakan oleh Pegawai² Hutan di-seluruh Negeri daripada tahun 1956.

Enche' Abdul Samad: Tidak-kah boleh Kerajaan menjalankan kerja "reafforestation" atau menanam semula itu dalam Forest Reserve dengan chara berbesaran supaya dapat-lah kita membiakkan kayu² untuk anak chuchu kita pada masa hadapan.

Enche' Abdul Aziz: Dalam hutan yang sadikit saperti di-Baling ia-itu kawasan yang tidak begitu luas, tidak-lah dapat di-tambah atau di-tanam kayu² itu.

Visits of Political Leaders to Detention Camps

6. Enche' V. Veerappen asks the Minister of the Interior to state why he would not permit leaders of legitimate political parties to visit their party members in detention camps and Members of Parliament or State Legislatures to visit detention camps or speak to detainees.

Dato' Suleiman: Mr. Speaker, Sir, under Regulation 29 [The Emergency (Detained Persons) Regulations, 1953] (L.N. 329) the Minister has a discretion to permit persons to visit detention camps. All applications are considered by the Minister and are dealt with on their merits.

Enche' V. David: Mr. Speaker, Sir, will the Honourable Minister permit me to see Mr. Balan?

Dato' Suleiman: No, Sir. (*Laughter*).

Enche' V. David: Will the Minister forward reasons?

Dato' Suleiman: I will probably give it to him in my reply later on in the course of my speech on the Internal Security Bill.

Enche' V. Veerappen: I am afraid the Minister has not answered my question. I did make an application to the Minister and I am sure the House will be glad to know why it was refused.

Dato' Suleiman: I considered it on its merits.

Enche' V. Veerappen: What are the demerits? As Members of Parliament are we not to be allowed to visit detention camps and see the conditions existing there?

Dato' Suleiman: Sir, I have got the discretion to give a reply or not, but since there may be other questions I prefer not to answer this one, and probably the Honourable Member will also get the reason in my speech which I will make later on.

Enche' Ahmad Boestamam: Tuan Yang di-Pertua, dalam zaman penjajahan Inggeris dahulu pemimpin² dari parti² politik di-benarkan melawat orang² tahanan. Kenapa-kah kalau pemerintah sekarang ini begitu demokratik kebebasan yang dahulu itu tidak di-lakukan sekarang ini.

Dato' Suleiman: Tuan Yang di-Pertua, masa ini tidak sama dengan masa dahulu.

Enche' Tan Phock Kin: In his reply the Honourable Minister talks of discretion in this House. But in his reply to Mr. V. Veerappen he talks of political figures. It was stated that it is undesirable for political figures to visit detainees. I shall be very glad if the Minister can define what is meant by political figures, and, secondly, whether Ministers are included in the list as political figures.

Enche' V. David: Supplementary question, Sir.

Mr. Speaker: One minute. He has already got a supplementary question which is not yet answered. You must know the Standing Orders!

Dato' Suleiman: Mr. Speaker, Sir, I wonder if the Honourable Member listened to my reply just now. I never said political figures.

Enche' Tan Phock Kin: I was referring to the letter addressed to Mr. V. Veerappen by the *Pesurohjaya Penjara*, and it is stated in the reply very clearly that "I have communicated your desire to the Minister of the Interior, Persekutuan Tanah Melayu, and have been instructed to say that he regrets that he is not prepared to agree to political figures' visit to detainees in *tempat tahanan*." It is very clearly stated, Sir, and if the Minister did not issue instructions, then the particular officer must have misrepresented facts.

Dato' Suleiman: I issued instructions, Sir, but in my reply this morning I did

not say political leaders. I suppose the *Pesurohjaya* used his discretion when replying. I had included all persons, and among all persons, political leaders.

Enche' V. David rises.

Enche' Ahmad Boestaman: Kalau demikian

Mr. Speaker: Yang di-belakang dahulu.

Enche' V. David: The Honourable Minister just now said that he completely refuses me permission to see Mr. Balan. I wait for a full reply, a clear explanation as to why as a citizen of this country and as a representative of the people

Mr. Speaker: I do not want you to make a statement now.

Enche' V. David: I just want to know why I am refused, Sir.

Mr. Speaker: He has already replied to that.

Enche' V. David: He said he is going to speak. I do not know when he is going to speak. He may not even speak.

Mr. Speaker: He will speak later on.

Enche' V. David: I want an assurance that he will explain.

Mr. Speaker: He will do that.

Enche' V. David: Thank you.

Enche' Ahmad Boestaman: Tuan Yang di-Pertua, Menteri Dalam Negeri tadi mengatakan tidak menyentoh soal "party figures". Kalau begitu pertanyaan ini tidak berjawab sebab dalam pertanyaan ini tersebut "leading political party."

Dato' Suleiman: Tuan Yang di-Pertua, saya sudah jawab tadi. Saya ada berkuasa di-dalam Regulation 29 sama ada "political leaders" atau tidak. Kalau mithal-nya Ahli Yang Berhormat itu memikirkan "political leaders" tidak termasuk di-bawah Regulation 29, ini saya tidak tahu-lah.

Enche' D. R. Seenivasagam: Mr. Speaker, Sir, from the answers given, I am not clear in my mind whether the

Minister of the Interior means that no political figure, or political leader, will be allowed to see detainees. Is that the meaning of it? Or does that mean that each political leader or figure, when an application is made, will be considered on his merits or demerits?

Dato' Suleiman: I am surprised that this question comes from my Honourable colleague Mr. D. R. Seenivasagam whom I respect as a lawyer. May I repeat the answer to the question, Sir.

Under Regulation 29 [The Emergency (Detained Persons) Regulations, 1953] (L.N. 329) the Minister has a discretion to permit persons to visit detention camps. All applications are considered by the Minister and are dealt with on their merits.

Enche' V. Veerappen: Mr. Speaker, Sir, just now the Minister referred to Regulation 29. Is it not a fact that these Regulations are made by himself? (*Laughter*).

Enche' V. David: May I know what are the merits and demerits?

Mr. Speaker: That is a different question.

BILLS

THE INTERNAL SECURITY BILL

Order read for resumption of debate on Question, "That the Bill be now read a second time."

Question again proposed.

Enche' S. P. Seenivasagam (Menglembu): Mr. Speaker, Sir, the Bill before us to-day is a vicious and repulsive document, a document which is repulsive to all those who believe in democracy and who know the meaning of democracy. Mr. Speaker, Sir, before I proceed any further I must say that I have only feelings of sorrow for some Honourable Members of this House who apparently have not understood the technical meanings of the words used in this Bill. The draughtsman of this Bill has done everything within his legal skill and knowledge to subvert every known decision of a high court judge and to subvert all the principles which are embodied in the spirit, but not in the letter, of our Constitution.

The Constitution starts off by saying that it guarantees certain fundamental rights—every citizen shall have freedom of speech, liberty and so on. Of course, there are provisos, but those provisos must be interpreted in the restricted sense in which they are intended to be interpreted. And not only does this Bill subvert the decisions of the judges in this country but also completely ignores and throws into the gutter the principles set out and observed for centuries by the judges of England which is supposed or pretended to be the source of inspiration for justice in this country. It is difficult, Mr. Speaker, Sir—and I say this because I do not know who has drafted this Bill—for one to believe that it is a citizen of this country who has drafted this Bill, and I believe that it is not a citizen of the Federation who has drafted this Bill. It is difficult to believe that any citizen of this country could have drafted this Bill if he has the interests of his fellow citizens at heart. If I am wrong, then perhaps I will be corrected.

What the Government is trying to do by this Bill is to secure complete mastery over the body and soul of every citizen in this country. We were told by the Honourable the Deputy Prime Minister: "Yes, this Bill does give wide powers, but then you have nothing very much to worry about. Look at our past records. After all only 70 people are now under detention." But perhaps we would be enlightened as to how many people did lose their liberty under the Emergency Regulations at some time or another. It may be there are only 70 people in detention, but how many hundreds have lost part of their lives in detention camps and how many have been sent out of this country under the Emergency Regulations. Those facts we do not yet know.

We heard the Honourable the Prime Minister declare the other day that Malaya was pledged to support the principles of justice and fair play and those principles which are set out in the Declaration of Human Rights as adopted by the United Nations. Let us now consider a few clauses in this Bill to see whether that was a mere protestation of acceptance of the Declaration of Human Rights, or whether in practice

this Government has any respect at all for those human rights.

First of all comes the consideration of the provision relating to preventive detention. We have been told that there are safeguards, but, Mr. Speaker, Sir, the safeguards—what are they? It is a fundamental principle of the administration of justice, or the conception of justice, that a man cannot be judge and jury—accuser and judge—at the same time. But what is the principle here? The Minister makes an order for the detention of a man, of course, in the name of His Majesty. The unfortunate detainee appeals to an Advisory Board. The Advisory Board, let us say, says: "This man should be released." That is not the end of it. It goes back to the person who accused this man and issued an order of detention in the first place, and he who accused him first is now the judge, and he says, or at least he has the power to say, "Very well, although the Advisory Board says you should be out, nevertheless, I who put you in in the first place, say that you must still be inside." That is that. That is the conception of justice embodied in this Bill. Is it not a flagrant violation of every principle of justice known to the civilised world?

May I in this connection refer to a recommendation made by the International Commission of Jurists at their conference. Malaya, officially or unofficially, attended that meeting, and one hesitates to think that this Government would repudiate what has been recommended by the International Commission of Jurists which consists of the most distinguished lawyers and judges all over the world, and now this is what it says following the conference held at New Delhi:

"In modern conditions and in particular in societies which have undertaken the positive *etage* of providing welfare services for the community, it is recognised that Legislatures may find it necessary to delegate powers to executive and other agencies to make rules having a legislative character. The grant of such power should be within the narrowest possible limits and should carefully define the extent and purpose of the delegated legislation and should provide for the procedure by which it can be brought into effect. Public emergencies threatening the life of a nation may require extensive delegation of powers. Even in such cases, however, the rule of law requires that every

attempt be made by the Legislature to define as carefully as possible the extent and purpose of the grant of such delegated powers and the procedure by which such delegated legislation is to be brought into effect. In no event shall fundamental human rights be abrogated by means of delegated legislation. To ensure the extent and purpose and procedure appropriate to delegated legislation, it is essential that it should be subject to ultimate review by a judicial body independent of the executive."

Now, would the representative of this country stand up in the United Nations and say "we do not accept that"? Would the representative of this country in the United Nations get up and say "We will not follow that; we support the theory that a man must be detained and that he must have no right to any judicial remedy"? Will this Government remember that these are the very powers which were enjoyed by the rulers of Germany and which are now enjoyed by the rulers of Russia? I fail to understand what is the difference in principle. The only difference, it may be said, is that. "The Russians have not got a conscience; we have got a conscience and you rely on our conscience." But in the letter, if you look at the text, they will be about the same in effect. So, how can we presume to criticise foreign countries which we say are dictatorships when our own laws do not provide for any democracy and we adopt the laws which are in force in those countries. Has Russia not got the power to detain anybody without trial? They do. Has any Minister—or whatever he is called in Russia—not got the power to order for somebody to be locked up? He has. And so do we have it here, and where is the validity of our criticism except that, as I have said, of the human element. This country can perhaps say, that our Ministers and our Prime Minister are more humane than the Russians and that they do not abuse the powers. But the powers are there and that is our objection. So long as the powers are there, there is no protection for the citizens, as has been pointed out more than once, in this House. Will this Government pause to think that supposing another party comes into power, how are you going to get rid of this legislation if they abuse it? That is a danger which this Government does

not foresee, because they believe that they shall for ever be in power.

Now, I further say that this Bill was drafted by one who had little regard for the principles as declared in the Charter of Human Rights of the United Nations which had been accepted by the Government, and without due reflection. I do not intend to go over all the ground covered by my Honourable friend the Member for Dato Kramat. However, with regard to that clause, which speaks about people being trained for a show or display of force—I think it is Clause 6—that is a clause which prohibits any Association from training anybody for a show of physical force. That obviously is accepted by the Government without proper reflection; that creates a criminal offence, and on the coming into force of this Bill, certain Associations will *ipso facto* become illegal organisations. Let us take a judo club: it trains its members, equips them, for a show of force when necessary, when they meet an adversary—it might be a club, it might be an organisation, training its members for a show of force in the event of necessity, but there is no exception—that is also included here in this Bill. Further, we have clubs, boxing clubs, physical culturists' associations; we have what is known as *kuntow* associations training their members in the Chinese art of self-defence. There are so many associations and groups of individuals training for the purpose of self-defence for peaceful purposes. Is it the intention of Government that these associations and organisations should become *ipso facto* illegal upon the coming into force of this Bill? I ask the Government to reflect on that.

Coming back to the question of preventive detention. Clause 9 is supposed to be one of the provisions for the benefit of the detainee and it provides:

"9. Whenever any person is detained under any order made under paragraph (a) of sub-section (1) of section 8 he shall, in accordance with Article 151 of the Constitution, as soon as may be—

- (a) be informed of the grounds of his detention;
- (b) subject to Clause (3) of the said Article (which provides that no authority may be required to disclose facts whose disclosure would

in its opinion be against the national interest) be informed of the allegations of fact on which the order is based; and

- (c) be given the opportunity of making representations against the order as soon as may be."

It stops there. What about the other fundamental right recognised in every civilised country—that a detainee has the right to get legal advice and to see his lawyer? Why is that not embodied here? The answer may be, "Well, that is an administrative matter; we are not so unkind, we will let him see a lawyer." But the question is, why not put it down here? We all know that discretion is exercised—some exercise it reasonably and some do not. In this country many of the populace are illiterate—when they come under orders of detention, or rather when a man comes under an order of detention, he is locked up and given a piece of paper by somebody saying, "Here are the grounds; you can object if you like." Should he not be allowed to see his lawyer immediately to instruct him to gather evidence which may assist him in making his defence? These are things which must be included in a Bill if it is intended to be exercised in a fair manner and not in an arbitrary manner.

Then we come to clause 12. Clause 12 reads:

"Report of
Advisory
Board.

12. (1) Whenever any person has made any representations under sub-section (1) of section 11 to an Advisory Board, the Advisory Board shall, within three months of the date on which such person was detained, consider such representations and make recommendations thereon to the Yang di-Pertuan Agong.

(2) Upon considering the recommendations of the Advisory Board under this section the Yang di-Pertuan Agong may give the Minister such directions, if any, as he shall think fit . . . "

The point here is: is the detainee or his legal adviser ever to know what was the recommendation of the Advisory Board, or is he to be kept in the dark? Why does the Bill not provide here that a copy of the recommendation shall be furnished to the detainee? How is he to know whether an Advisory Board has considered his detention—whether

it is justifiable or not. There is nothing here. The lawyer can go and talk to a detainee for hours—and as a rule lawyers do not get a chance to talk for more than a few minutes—without knowing much about the case as the material is so flimsy, but at least we must know what is the recommendation. According to this, it goes to somebody, it goes up to His Majesty the Yang di-Pertuan Agong, and the Minister obtains a decision as to whether a detainee is to be released or not—that is all; nobody knows whether this man has or has not been recommended for release. Then subsequently review reports are made—again, nobody knows what is the recommendation. Is that the way to do things, is that the way a man who has lost his liberty is to be treated in this country? He does not even know whether that somebody who was entrusted with the task of reviewing his case had recommended his release or not. Surely, I feel that had the Alliance Government given proper consideration to this Bill, it would have put some such provision in it. Again, the answer may be that there are rules for the Advisory Board and that there will be a provision for a copy to be given—but what we want to know is, why is it not put in here, in this Bill, which we are asked to pass.

Then we come to another aspect, and that is the attempt by this Government not only to assume arbitrary powers but also to prevent people from criticising the exercise of those arbitrary powers as would appear from Clause 29. Clause 29 is a long clause and I would refer only to Clause 29 (3), para. (d). It says that:

"In this section 'subversive document' means any document having in part or in whole a tendency—

(d) to bring into hatred, ridicule or contempt, or to excite disaffection against any public servant in the execution of his duties or any class of public servants or against any armed force lawfully in the Federation or any member of such force . . . "

What does that mean? A similar clause, I think, was introduced into the provisions of the Prevention of Crimes Ordinance, but it was restricted to the period when a danger area was proclaimed—while a danger area was

proclaimed, during that period no person may say or do anything which will bring into ridicule or contempt any public servant or servants. Now, the Government is not satisfied with restricting it to that period, but it says that from now, forever, no one should criticise public servants so as to bring them into ridicule or contempt. What is the necessity for that? If anybody brings a public officer into hatred, ridicule or contempt, there is the law of libel open to him, the law of defamation open to him. Why is it necessary for Parliament to protect a public officer whose conduct merits ridicule, hatred or contempt? If his conduct merits it, then it is for that officer to be exposed. If the Police has been, say, wrongly exposed there is the remedy of the law of defamation—we are not exempted from those proceedings.

We heard the other day in this House the Prime Minister making eloquent criticisms of the conduct of the South African Police. Surely, that was the right thing to do, and it was perfectly justified, because the Police in South Africa had behaved in a disgraceful manner—they shot down people indiscriminately. But suppose the Police in this country were to behave in a disgraceful manner, if they shot down people without sufficient cause, are we in this House not entitled within the walls of this House to say that the Police acted in a brutal and cruel manner—are we not entitled to say that? If we on behalf of the South African people could say so in respect of the South African Police, surely what we say and do for others we must have the right to say and do for ourselves? We must have the right to do so for ourselves, otherwise it will not be democracy—it will be hypocrisy.

I do not know what is the intention of this section. What is the Government afraid of? Do they expect the Police Force or somebody to behave so outrageously that there will be a cry against them. Let us look at the past record. The Government has asked us to look at its record, so let us look at the record of the Opposition. What has it done against the Police? Except on occasions, when we felt justified had we criticised them. Look at our past

record, look at the record of the people of this country. Have we sought to do any of the things which they contemplated, which they anticipated, we would do? Why then introduce this repulsive law in this country?

Then there is one other matter which was already referred to and which I think I must touch on briefly and that is in respect of Clause 66 on the question of inquiries into deaths. During the Emergency it was provided that in an Emergency area, magistrates may dispense with this inquiry. Here also, it seeks to do the same. I would like to know why. The Emergency is over. It is not anticipated that there will be a crisis as we had before—if there is, I am sure the old law could be brought in. Now, to say that if a citizen of this country is killed in a security area—it may be due to negligence, it may be murder, it may be without justification—there need not be an inquiry, I would like to know whether it is considered that the life of a citizen of this country is worth so little that he may be destroyed and no inquiry need be held. Why should any judicial officer have the power to dispense with an inquiry? I know that there is discretion, but that word “discretion” has been abused. It gives the power to a judicial officer—a magistrate—to dispense with an inquiry. Let us consider how does he exercise his discretion. He does not go to the spot, he does not examine the witnesses, a police officer, perhaps, submits a report to him or the D.P.P.—usually not the D.P.P.—saying, “Mr. So-and-so was killed in such-and-such circumstances and we recommend that an inquiry be dispensed with.” and that is countersigned. That is the end of the matter. But what about the poor relatives of the deceased person, if they believe that this man was murdered under the pretext of security operations? To whom are they to complain? The local police station? Certainly not! The only place where they can complain and have a proper inquiry held is in a court of law. An inquiry must be prescribed by law and those responsible must be compelled to hold an inquiry—not to give discretion.

The last clause which I want to refer to—I would describe it as an

outrage on justice in this country—is Clause 75. There is absolutely no justification for the introduction of this clause, and I am surprised that, in this country where we have an organisation known as the Bar Council, no representations appeared to have been made. Perhaps, the Bill had been submitted to them; perhaps, it had not been submitted. If it was submitted, then it is a matter of deep regret that this learned body had not submitted its representations.

It is a long clause, but the effect is this. Until the Emergency was declared, a statement made to the Police when they were investigating a crime was not admissible as evidence in a court of law. Then during the Emergency, it was modified to the effect that in any Emergency case only, if a statement was made to a Police officer, then it would be admissible and if it was made while he was in custody then it would be admissible only if a caution had been administered. Well, so far, that law was in accordance with the English law. Then the Government was not satisfied, because sometimes the Police officer used to ask questions and egged on the man to answer questions; but then the Judges of the Court ruled that such a procedure was not in accordance with the Judges' ruling in England and, therefore, the confession was thrown out. Then the Emergency Regulations were again amended with the words "in answer to a question or not" included. But again, another hitch came on, and that is an interpreter is often necessary in this country; so sometimes the Police made use of officers who went out on raids in the jungle. The officers knew what had happened and all the circumstances in which a man was captured; but they acted as interpreters and there was always the danger that in interpreting they would supplement it with their own knowledge; so, some Judges of the High Court ruled that confessions must not be interpreted by persons who had anything to do with raids. And promptly came an amendment to the

Emergency Regulations saying that whether concerned in it or not the interpreter could interpret. That was the Emergency period and we had to put up with it. But at least there was one thing. That clause applied only to Emergency offences and it did not interfere with the ordinary law of the land. What do we find now? We find Clause 75 enacted not only in the security areas but for the whole of the Federation of Malaya. Is there any reason for that, is there any justification for that? If they had the decency to say "in any security area, in respect of offences committed in a security area, Clause 75 shall apply", then at least there might be some justification for it.

What is the meaning of this? The Criminal Procedure Code is amended and nobody knows about it. A statement made to a Police officer is admissible as evidence in respect of any offence against this Ordinance and in respect of any offence in the Schedule—and the Schedule contains a number of offences under the Penal Code and the other laws of this country, and one of the offences included is the offence of murder. Has the Alliance Government paused to consider what is the difference between this law and the law prevailing in Russia or Communist China? There the Police can arrest anybody, lock him up for ten days, get a confession from him, and then say, "There you are, he has confessed and we were justified." Here the Police can catch a man, lock him up for 10 days, get his confession; and there you have a conviction. Behind the four walls of a prison, who knows what happens? The man comes to court; he says, "I was not allowed to see my relatives, I was not allowed to see my lawyer, I was questioned persistently, I could not sleep." What does the Prosecutor say to the Court? He says, "Do you believe this liar, or do you believe a Police officer?" What is the Judge to do? The man has no witnesses, the walls of the prison do not speak, the walls of the lock-up do not speak, and the confession is in many cases admitted,

and in many cases—if we are able to gather circumstances to show—it was probably induced. In a murder case, this sort of thing is allowed in this country—and not only in a security area.

Let us look at the last part. This goes one better than the Emergency Regulations. At least the Emergency Regulations insisted on a caution, but here it goes one better. It says—the middle part of it:

“Provided that no such statement shall be admissible or used as aforesaid—”

then a caution is required; then the last four lines—

“Provided that a statement made by any person before there is time to caution him shall not be rendered inadmissible in evidence merely by reason of no such caution having been given if it has been given as soon as possible.”

I fail to understand the language. What is the meaning of it? First it says that a caution shall be administered, if a man is in custody, and then it says that it shall not be inadmissible if a caution was not given because there was no time to give it and then it goes on to say, “if it has been given as soon as possible.” The point is that you have recorded the confession. What is the use to give a caution as soon as possible? Perhaps, somebody can explain this: You have recorded the confession; now you say that you did not give the caution in time but that does not matter because you did not have time to give it, but you should give it as soon as possible. Then it would be admissible. That is an obvious flaw there—something put in which has no meaning. How the Courts are supposed to interpret it, I do not know.

Mr. Speaker, Sir, I give it as my firm conviction that the conditions in this country have deteriorated to such an extent that the Police Force is likely to be turned into a terrorist organisation to terrorise the people of this country into submission to the will and pleasure of the Government. Once this Bill is passed, I do not see how in all honesty, or with any sense of dignity, our representatives in the United Nations can profess to criticise anything that happens in other parts

of the world, because we here have given to Government the power to do what any dictator in history had the power to do.

Enche' Mohamed bin Ujang (Jelebu-Jempol): Tuan Yang di-Pertua, dari sa-malam sampai-lah hari ini kita telah mendengar serangan² yang hebat dari pihak pembangkang dengan menghamborkan bermacam² dan tuduhan² ia-itu Kerajaan sekarang sa-mata² hendak mendaya dan sa-bagai-nya kepada ra'ayat. Tuan Yang di-Pertua, biar-lah saya berchakap sedikit berkenaan Emergency Regulation yang telah berjalan itu. Emergency Regulation yang telah berjalan ini telah di-gelarkan oleh pihak pembangkang satu undang² hendak mendaya dan menakut-nakutkan segala ra'ayat yang ta'at setia dalam negeri ini dan sa-bagai-nya. Saya berpendapat, Tuan Yang di-Pertua, Undang² Keselamatan itu telah memulehkan negeri kita kepada keadaan yang ada sekarang ini—ia-itu aman, di-mana kita dalam Dewan ini telah dapat berbahath dan ahli² yang membangkang sa-belah sana dapat pula mengeluarkan kata² menudoh pihak Kerajaan. Saya perchaya jika dengan tidak ada-nya Undang² Keselamatan yang dahulu, perkara ini tidak akan dapat di-buat dengan bebas kerana mereka² sa-belah sana akan di-ugut oleh pihak² yang berpangkat tinggi dalam Kominis.

Tuan Yang di-Pertua, saya nampak pihak yang membangkang di-sana sengaja hendak membesar-besarkan perkara ini. Saya beri-lah mithalan-nya ia-itu sa-malam Ahli daripada Dato' Kramat mengatakan undang² ini dikatakan-nya boleh memenjarakan orang sa-kira-nya dia, mithal-nya jadi ahli kumpulan memanjat pokok, atau menembak burung dan lagi di-tambah-nya pula sa-kira-nya sa-orang itu memberi hadiah kerana hari beranak-nya dengan satu “cake” mithal-nya, dia boleh di-hukum sa-umur hidup. Adakah perkara ini boleh di-perchayai ra'ayat? Saya perchaya, Tuan Yang di-Pertua, perkara ini memang di-besar-besarkan sahaja kerana hendak menakut-nakutkan ra'ayat di-negeri ini.

Sekarang, Tuan Yang di-Pertua, Dzarurat akan tamat pada 31 July dan

dengan itu Undang² Keselamatan yang di-kuat-kuasakan dalam Dharurat itu di-mansokhkan dan saya rasa patut-lah di-adakan satu undang² untuk menggantikan-nya. Dari pehak pembangkang saya nampak tujuan-nya tidak hendak langsung di-adakan undang² itu. Jadi apa-kah keadaan negeri ini sa-kira-nya undang² yang ada ini tidak di-ganti? Tujuan pehak pembangkang sa-belah sana saya nampak supaya semua orang² yang di-tahan itu di-lepaskan dan semua kuat-kuasa Undang² Keselamatan di-mansokhkan sahaja. Saya rasa ini tidak menasabah dan jika ini-lah dibuat dan di-jalankan, saya berpendapat sudah tentu Dzarurat akan jadi “perkara” sa-kali lagi. Saya nampak, Tuan Yang di-Pertua, perkara yang diperjuangkan oleh pehak sa-belah sana, terutama pehak Socialist, ia-lah tiap² orang mesti di-benarkan mengajar faham apa jua pun walau pun faham Kominis, ma’ana-nya parti Kominis pun hendak-lah di-akuī sa-chara rasmi oleh negeri ini. Lagi kata-nya ashkar² orang puteh yang ada di-sini dan lain² mesti-lah di-halau. Ini satu lagi, Tuan Yang di-Pertua, pada pendapat saya kalau-lah perkara ini di-jalankan, menurut kehendak yang di-tujukan oleh pehak sa-belah sana, saya rasa negeri ini akan huru-hara balek dan oleh itu saya mengatakan, Tuan Yang di-Pertua, memang-lah sudah tepat dan sesuai pada tempat-nya yang undang² ini di-adakan sekarang ini kerana ini-lah undang² yang akan menjamin keselamatan ra’ayat seluruh-nya dan jika sa-kira-nya undang² ini tidak diluluskan sa-bagaimana saya katakan tadi, kita akan berjumpa balek satu “perkara” yang kita telah rasa dalam masa pemerentahan 14 hari—di-antara pemerentahan Jepun dengan pemerentahan Kerajaan orang puteh dahulu. Terima kaseh.

Enche’ Chan Yoon Onn (Kampar):

Mr. Speaker, Sir, I rise to oppose the Internal Security Bill for a number of reasons. My Party has always maintained the right of citizens of this country that they should never be deprived of their liberty without fair trial in a court of law. This Bill provides for arrest and detention of persons for a period of two years without trial in the courts, merely upon the signature

of the Honourable the Deputy Prime Minister.

Mr. Speaker, Sir, recently, the people of this country were glad to hear that the Emergency was ending soon, and they honestly believed that the citizens of this country would not have to be afraid of arbitrary arrest. However, this Bill, if passed, will make the situation worse than the Emergency Regulations. The Government always speak of fair play and justice, and this law destroys fair play and justice. On behalf of the people and of the honest citizens, I strongly oppose that part of the Bill which provides arrest up to two years without court trial. I am sure that the Government will steamroll this Bill by all back benches voting for it, as they have done before, but we have to consider the people outside this House, who have been suffering during the Japanese occupation and then twelve years of Emergency Regulations. I hope the Government will consider changing some of the clauses in the Bill in order to get the privilege for the people in the name of freedom.

Enche’ Mohamed Sulong bin Mohd. Ali (Lipis):

Tuan Yang di-Pertua, Tuan, saya bagi pehak ra’ayat yang ta’at setia kapada negeri ini dengan tidak berbelah-bahagi ada-lah menyokong Undang² ini dengan sa-penoh-nya. Sa-bagaimana ucapan yang di-lafadzkan oleh rakan² saya yang menyokong Undang² ini maka saya pun berpendapat bahawa sa-kira-nya Undang² Dzarurat ini di-hapuskan tentu-lah huru hara akan berlaku, itu tidak boleh tidak. Kerana kita sekarang ada beberapa parti dalam negeri ini, walau pun begitu kita dapati baharu² ini dalam undi raya Kerajaan Tempatan berlaku beberapa kejadian yang tidak di-ingini oleh ra’ayat. Itu pun kita maseh ada lagi Undang² Dzarurat. Apatah lagi jikalau sa-kira-nya Kerajaan menghapuskan Undang² Dzarurat dengan tidak ada ganti-nya.

Saya memikirkan dengan pandangan yang telah lalu, keadaan dan ketenteraman negeri ini ia-lah bergantung kapada Undang² yang ada, sunggoh pun Undang² itu telah di-chabar dan disipatkan oleh sa-tengah² pehak, Undang² itu menindas ra’ayat tetapi pada fikiran saya, sedikit sangat ra’ayat yang seksa,

di-sebabkan ra'ayat itu tidak ta'at setia kepada Kerajaan dan kita menchuba hendak mengamankan negeri ini. Tetapi di-dalam Rumah yang mulia ini, kita tidak-lah berchakap kepada ra'ayat yang sedikit yang tidak ta'at setia kepada negeri ini. Jika sa-kira-nya kita, baik mana parti sa-kali pun, sa-suatu ra'ayat yang hendak menjamin keamanan dan kema'moran negeri ini, kita tentu-lah tidak takut kepada apa sahaja Undang² yang boleh menjamin keamanan dan kema'moran negeri ini. Tetapi bagaimana pula jika satu pehak sahaja yang tidak mahu Undang² keamanan yang di-hadapan kita ini. Sa-hingga hari ini surat khabar di-sini pun telah mendesak Kerajaan supaya mengambil satu langkah yang tepat bagi menchegehah pergadohan² di-dalam undi raya yang berlaku itu. Jadi, siapa yang mendesak Kerajaan sekarang untuk memikirkan bagitu? Itu, ada-lah dengan desakan dari orang ramai dengan wakil² mereka yang ada di-dalam Dewan ini. Ini-lah satu perkara yang patut kita kaji dan ini-lah satu Undang² yang membolehkan atau mempertahankan keamanan dan mempertahankan keamanan negeri ini.

Kita sentiasa berchakap ia-itu pemerentahan kita ada-lah berdemocracy tetapi ada-kah democracy ini memberi kebebasan dengan tidak ada berhad? Ada-kah tiap² Kerajaan yang berdemocracy itu tidak ada mengadakan satu Undang² bagi mempertahankan dan memelihara democracy dan memper-tahankan keamanan? Di-mana-kah satu² negara yang tidak ada Undang² untuk mempertahankan negeri dan ra'ayat-nya? Di-mana-kah satu² negeri yang tidak ada Undang² yang memper-tahankan democracy-nya yang sa-benar? Sekarang, sa-paroh daripada pehak pembangkang sa-lain daripada P.M.I.P. nampak-nya berchakap yang mereka itu memelihara democracy tetapi ada-kah mereka itu selok dengan sa-benar²-nya? Ada-kah mereka itu mengetahui dengan halus-nya? Ia-itu ra'ayat di-Persekutuan Tanah Melayu ini sa-umum-nya mengerti apa-kah itu democracy?

Itu-lah sebab-nya yang saya berkata bagitu, jika kita pergi ka-mana negeri pun ada banyak daripada ra'ayat-nya berkata, democracy itu ada-lah

kebebasan yang sa-benar-nya. Bukan chukup dengan kebebasan berchakap, bersharah atau pun berbathah tetapi kebebasan yang lain juga di-kehendaki oleh ra'ayat negeri ini. Jikalau sa-kira-nya fikiran ra'ayat itu belum lagi sampai kepada had democracy yang sa-benar; chuma dari pehak Ahli Yang Berhormat sahaja yang bijak berkenaan dengan democracy, maka tentu-lah kita tidak boleh membathahkan perkataan democracy itu dengan sa-luas²-nya, melainkan kita adakan satu Undang² untuk menchegehah perkara² yang tidak di-ingini oleh ra'ayat yang sempurna fikiran-nya dan ra'ayat yang ta'at setia kepada negeri ini. Sa-orang daripada pehak pembangkang memikirkan yang kita ini satu negeri yang mengambil chontoh democracy sa-belah barat tetapi tidak pula menyontohi betul² sa-bagaimana Undang² di-sebelah barat. Itu betul, sebab-nya kita ini belum lagi sampai had-nya dengan democracy Amerika dan democracy Inggeris. Saya minta ma'af; saya terpaksa menyebut-kan ucapan Paduka Baginda President Soekarno kata-nya: "democracy barat belum lagi sampai di-bawa dengan sa-penoh-nya di-sebelah timor". Oleh sebab itu, kita dapati banyak negeri yang baharu merdeka di-sebelah timor ini ada dzarurat, huru hara kerana tidak ada jaminan atau tidak ada sukatan dengan democracy yang baharu di-bawa di-sebelah timor ini. Oleh itu, patut-lah kita, satu negeri yang muda yang baharu merdeka walau pun kita meniru democracy barat tetapi kita juga hendak-lah memandang kepada keadaan tanah ayer kita sendiri dan keadaan ra'ayat kita sendiri di-dalam democracy yang kita bawa pada hari ini. Jika salah kita membawa democracy yang di-tuntut oleh pehak P.P.P. atau Socialist Front bukan sahaja pemerintah yang akan kechiwa tetapi ra'ayat juga akan kechiwa. Pemerentahan hari ini selalu di-sebutkan oleh pembangkang ia-itu bukan Perikatan kekal sampai hari kiamat tetapi Kerajaan Perikatan membuat Undang² itu pun bukan kerana Perikatan memerintah sa-hingga hari kiamat. Tidak ada siapa juga tahu siapa yang menjadi pemerintah pada masa akan datang. Saya hanya suka mereka itu menjamin keadaan ra'ayat dengan ada-nya Undang² yang

di-buat oleh Perikatan hari ini. Saya berchakap ini ada-lah menyokong Kerajaan Perikatan, dan saya tidak takut dengan Undang² ini kerana saya ikhlas dan redza ia-itu jika sa-kira-nya saya membuat salah, berma'ana meaniaya atau merosakkan keamanan negeri ini atau pun hendak menjatohkan Kerajaan Perikatan dan juga hendak merosakkan ra'ayat umumnya, saya redza di-hukum di-bawah Undang² ini.

Ada masa-nya, saya mendengar pehak Yang Berhormat daripada parti Progressive sa-belum ia menchercha Undang² ini dia membawa fikiran politik ia-itu bekenaan luar negeri—Kerajaan China Komunis, setelah Perdana Menteri balek daripada lawatan ka-Eropa membawa fikiran yang lain ia-itu menyokong kamassokkan

Mr. Speaker: Perkara itu saya sudah tahan, jangan di-bahathkan dalam Dewan ini lagi.

Enche' Mohamed Sulong bin Mohd.

Ali: Terima kaseh. Sebab saya dengar sa-malam dia membawakan. . . .

Mr. Speaker: Saya sudah tahan dia.

Enche' Mohamed Sulong bin Mohd.

Ali: Tuan Yang di-Pertua, pada penghabisan-nya, saya berchakap dengan ikhlas kapada Dewan yang mulia ini, sa-patut-nya Undang² yang sa-umpama ini di-atas dasar-nya tidak-lah patut di-chegah atau ditolak. Sa-kurang²-nya jika sa-kira-nya di-sebelah pehak pembangkang tidak bersetuju di-atas section² atau bab² maka patut-lah mereka itu membuat satu chadangan, satu² section pindaan di-atas satu² section yang membolehkan ka-hendak² mereka itu di-tunaikan. Ini, daripada sa-orang kapada sa-orang, membangkang tidak ada lain hanya menolak dengan sa-penoh²-nya. Undang² ini berma'ana bukan sahaja di-hapuskan pada pengawalan penjajah² di-dalam hutan hari ini tetapi di-dalam bandar, di-dalam parti pun ada juga. Maseh ada juga orang² dalam negeri ini yang tidak mahu lagi Undang² menchegegah perkara² yang sa-umpama ini.

Ini-kah satu puak pembangkang yang kita fikirkan pembangkang itu sehat?

Jika sa-kira-nya di-atas bab ini, barangkali ahli² penyokong Kerajaan Perikatan pun ada memikirkan bahwa jika sesuai patut-lah di-ubah dan kita pun dengan sukachita-nya menerima perubahan yang sehat itu. Ini nampak-nya chuma bila dharurat habis maka tak mahu mereka ulang lagi bagi menjamin keamanan negeri ini di-adakan oleh Kerajaan. Itu-lah sahaja, Tuan Yang di-Pertua, dan saya menyokong Undang² ini dengan sepenoh²-nya.

Enche' Tan Phock Kin (Tanjong):

Mr. Speaker, Sir, during the course of debate on this particular Bill, we have heard speeches from both sides—speakers from the Socialist Front and the People's Progressive Party have put forward very lucidly their arguments against the Bill. It has been pointed out that certain features of the Bill are undemocratic and infringe on personal liberties. On the other hand, from the Government side, we have heard no denials over these but, in fact, we have heard admissions that Government is compelled to use undemocratic features in the Bill in order to preserve democracy; that has been said not only by the Backbenchers but also by the Ministers. But let us be clear on this: Do we profess to believe in democracy or not; and if we do believe in democracy then is it right for us to use features or methods which we ourselves believe to be undemocratic? I must point out here the danger of departing from this particular ruling. The moment the Government is prepared to depart from the principle of using democratic means in doing things, there is no control whatsoever as to how far they will go. They may say: we will just go this far, but when they find that the method to be used is not adequate, they may proceed further and further. This is a feature of governments throughout the world; we have only to look at governments in the neighbouring areas. It is indeed a most dangerous and undesirable thing for any government to adopt, and I feel that the Honourable Member for Menglembu is quite correct when he says that our Government is utilising the same methods as the Government of Soviet Russia in that, it seems to me, that as far as the

objectives are concerned the Government will try to use any method to attain that objective: in other words, they agree with the Communists that the ends justify the means.

My submission is this: the Government in its analysis of the political situation in this country is wrong in adopting this tactic. I say that the Government is wrong in putting a great deal of emphasis, or in fact giving all credit, to the present success in fighting Communism to stringent emergency rules and use of the armed forces, because there was one very important factor that has, to my mind, played a very important part in eliminating Communist terrorism in this country, and that factor is our attainment of Merdeka. We must realise that armed terrorism was at its worst during the Colonial regime and with the attainment of Merdeka we find that Communist terrorism has decreased considerably. One of the most important factors in fighting Communist terrorism is—to quote somebody whom I think the Government has great faith in, and this person is none other than Sir Gerald Templer—to win the hearts and minds of the people. Now, it is a wellknown fact that Sir Gerald Templer utilised oppressive means to fight terrorism but he had this to say. He said that terrorism could only be eradicated by winning the hearts and minds of the people, and also with the promise that Malaya would be given freedom. So, you see, even a leading Colonial servant admits the fact that one of the most important factors is to win over the hearts and minds of the people. If we accept this fact that freedom with Merdeka is the most important factor in eradicating Communism, we must also realise that as far as the people are concerned with Merdeka they feel that the Government is their Government; they feel that whatever they want to achieve can be achieved by constitutional means by their representatives in Parliament. If the Government does not fulfil the aspirations and the desire of the people, they can change the Government in the next five years by voting another party into power. If we are going to have legislation that is going to cast doubts on

the minds of the people, that it is going to be very difficult for them to change things by legitimate means within the framework of the present Constitution, then they may be forced to do so outside the framework of the Constitution. We must appreciate that one of the crucial factors in fighting Communism is to appreciate what the Communists are preaching. The Communists have been preaching all along that parliamentary democracy is a sham in a capitalist society. The Government is merely an instrument of class oppression and that the capitalists will merely use the State to oppress the working class. They will tell the people that they have no means of getting control of the government because the government in a capitalist society will use every means in its power to prevent legitimate opposition from taking power. So, I submit that the proposed legislation, if it is intended to fight the Communists, will fail dismally in its purpose. If it is the intention to fight the Opposition Parties, like the Socialist Front, then it may succeed in its purpose, because it will prove to the people that a democratic organisation like the Socialist Front which professes to control the Government by democratic means, by persuasions, by telling the people that the Government is wrong here, that the Government is incompetent, and that the Government is corrupt, will have no opportunity of doing so under this Bill. Leaders who make any attempt to do so run the peril of being detained. So, under the circumstances, the Communist Party will gain strength and the Socialist Party may go into oblivion, because under the circumstances it is well-nigh impossible for a genuine socialist organisation that believes in the concept of democracy to exist in this country.

I am saying this not merely as an expression of opinion. I am saying this to prove—and if the Government cares to look around at neighbouring countries—that they will appreciate the truth of what I have said to-day. It will be seen that Communist Parties are the strongest in countries where freedoms are denied. In countries where

the people are allowed to enjoy all the freedoms of a democracy, the Communist Parties in those countries are the weakest; they cannot rally any support whatsoever from the people because, after all, why should the people support a party that professes to use force to overthrow the existing Government, when they can do so by democratic means? So, I would sincerely urge the Government to consider these facts and, if possible to reconsider its decision on this Bill.

We in this country have undergone many years of restrictions imposed under the Emergency Regulations, but the fact that very little opposition is being put forward, is not indicative of the fact that the people are going to tolerate this state of affairs—it is because of the confidence the people have in Merdeka, it is because of the promise given to the people that if the Alliance Government were to win the Elections, and to achieve Merdeka, they will repeal the Emergency Regulations; but never did the people expect that the Alliance Government is going to put forward a legislation in the form of this Bill.

So, in the light of what I have said, I sincerely hope that the Alliance Government will not use undemocratic means to preserve democracy, because, by doing so, they will create the impression that they are merely using such methods not so much to preserve democracy, but to preserve themselves.

Enche' Abdul Ghani bin Ishak (Malacca Utara): Tuan Yang di-Pertua, saya bangun berchakap pada kali ini ia-lah mengalu²kan ada-nya satu undang² yang menjaga keselamatan terutama sa-kali dalam negeri kita ini. Kita sama² ma'alum sa-sabuah tanah ayer atau negeri yang ingin mencapai kemajuan dalam dunia ini hendak-lah negeri itu berasaskan yang pertama sa-kali ketenteraman. Undang² Dharurat akan berakhir pada 31 haribulan July yang akan datang ini dan seluroh ra'ayat akan merasa gembira dan lapang hati untuk bergerak bagi memajukan negeri ini dan menayakan chita² kita, kerana kita hidup dalam dunia ini bersama² dengan negeri² lain. kalau kita pandang dan kaji dengan betul²

timbul dan terjadi-nya dharurat itu, saya rasa tentu-lah pihak pembangkang tidak akan mengeluarkan hujah² untuk menentang undang² yang akan kita adakan ini. Kerana sa-sabuah Kerajaan kalau tidak membuat satu atoran yang baik bagi menjaga ra'ayat, saya rasa mudah-lah negeri itu akan di-kachau atau akan timbul huru-hara dan berbagai² fikiran anasir² yang tidak baik, terutama sa-kali dalam tanah ayer kita ini sa-bagaimana yang kita tahu ra'ayat-nya terdiri daripada berbagai² kaum.

Jadi kebetulan bagi pihak kami ya'ani Perikatan, bukan-lah dengan sendiri sahaja untuk mengadakan undang² ini tetapi ia-lah membawa hasrat ra'ayat seperti yang kita janjikan dalam Pilehan Raya dahulu ia-itu untuk menjaga keselamatan, ketenteraman dan kema'amoran negeri ini. Kita mengawal negeri dan Perlembagaan itu kita telah mendapat undi dan kita menubuhkan Kerajaan, maka itu-lah sebab-nya kita menjalankan kehendak ra'ayat yang sa-benar²-nya.

Sa-tengah daripada pihak pembangkang mengatakan dengan ada-nya undang² ini, maka hak asasi manusia akan terlucut. Dalam perkara ini saya rasa tidak-lah payah saya berchakap atau tinjau jauh², tetapi mari kita tinjau dalam rumah-tangga kita sahaja, ta' usah dalam Tanah Melayu—ini besar sangat. Kalau rumah-tangga kita tidak ada mempunyai undang², saya rasa kepala bapa akan di-tampar atau di-pijak oleh anak, tetapi hal ini adakah berma'ana kita menarek hak asasi anak kita atau ada-kah kita akan membiarkan sahaja anak kita dan dalam rumah-tangga kita itu masuk perkara yang bukan² dan yang tidak menasabah? Maka dengan ini saya sekarang mengajak pihak pembangkang supaya meneliti perkara ini, perkara ini memang baik, kita mengadakan undang² ini untuk menyelamatkan tanah ayer; kalau kita benar² chintakan tanah ayer kita ini.

Sa-lain daripada itu, bila undang² ini di-jalankan, ini tidak-lah berma'ana ra'ayat tidak boleh bergerak. Tetapi yang saya nampak di-sini ia-lah kita tidak hendak orang yang bijak tetapi hati perut-nya hasat dan dengki, mereka

yang bijak itu akan mengambil kesempatan berhati busuk dalam tanah ayer kita atau menjadi agent negara lain menjalankan kemahuan-nya dan mencari fa'edah diri sendiri, maka mereka itu-lah yang akan terperangkap atau mereka itu kita tidak kehendaki. Kita memang berkehendakan orang² yang bijak dalam tanah ayer kita, kerana itu-lah kehendak ra'ayat yang belum maju supaya mendapat pimpinan, pertunjak yang baik kerana mencapai kemajuan. Saya rasa undang² yang akan kita jalankan ini patut-lah kita mengalu²kan. Dalam hal kita ingin bebas berchakap dan mengeluarkan fikiran, saya rasa tentu-lah tidak tersekat kalau kita bertujuan atau mengeluarkan perkataan² dan sharahan² kerana membimbing ra'ayat seluruh-nya mencapai kemajuan. Jadi patut-lah kita bersama² sekarang ini mencari jalan dan mengawal negara kita ini daripada terchebor ka-tempat yang bukan².

Pada akhir-nya, kerana saya mewakili kawasan Melaka Utara sunggoh pun kawasan kami yang mula² menjadi kawasan puteh, saya menerima kaseh kapada Kerajaan yang mengadakan undang² ini kerana kami dan semua ra'ayat yang ada dalam kawasan Melaka Utara khas-nya, inginkan kehidupan kami tenteram dan ingin mencari kemajuan kersama² dengan pimpinan yang betul dan baik dalam tanah ayer ini.

Dato' Suleiman: Mr. Speaker, Sir, I have sat in this House and listened to the debates on this Bill—the Internal Security Bill. I appreciate and understand the stand taken by the Pan-Malayan Islamic Party in supporting this Bill. I understand their attitude. I appreciate what one of the speakers of the P.M.I.P. has tried to explain—though they are opposed to the amendments to the Constitution but using their commonsense (which I now begin to appreciate is in abundance among the Members of the P.M.I.P.) they support this Bill; and they even resisted the very subtle appeal by the legal luminary of the Socialist Front to persuade them to change their attitude. While appreciating and admiring their support, Sir, I also say that I will be the last person to try to get the

P.M.I.P. to support everyone of the provisions of this Bill. But, Sir, at least they have come out openly and they have realised the intentions and aims of this Bill. Further, I would also like to congratulate the stormy petrel, the Honourable Dato' Onn bin Ja'afar, who is not present here now. He is the leader of the Party Negara and has had considerable experience in the administration of the Government; he was for a few years the Member for Home Affairs in the Government of the Federation of Malaya before independence. To him, Sir, at least Honourable Members of this House and people of this country could depend for his experience and his words of wisdom in supporting this Bill. Though he did also use superlative adjectives in attributing to the Alliance Government certain things, I know he himself does not believe in them. I do understand the position of the Opposition and I appreciate that he must colour his support with a little bit of opposition.

After having dealt with the two most constructive Parties in respect of their attitudes towards this Internal Security Bill, let me now, Sir, deal with the opposition, which comes from the People's Progressive Party of Malaya. I personally, Sir, have respect for their intelligence because, let us take for instance the Honourable Member for Ipoh, Mr. D. R. Seenivasagam, though he criticised the Bill, he did give us credit—and, if I may, I would like to quote from the *Straits Times* of to-day. Sir, the Honourable Member for Ipoh said that the Government might get the Bill passed, but the day might come to pass when another Government not so democratic would be in power, and they regretted its introduction. At least, he has said that we are a democratic Government. But, of course, this morning the Honourable Member for Menglembu, a relative of the Honourable Member for Ipoh, did say that we did want to adopt undemocratic methods. I will leave to the brothers to settle between themselves whether we are a democratic Government or not. I am sure with all that—I know them well—they believe that we are the most democratic Government in this country. When the

Honourable Member for Menglembu said that we might, that our Party might, govern this country until Doomsday, I hope these words will come true. To show that we are democratic and that we appreciate constructive criticisms, Sir, the Honourable the Deputy Prime Minister will move certain amendments in the Committee Stage of this Bill.

Now, Sir, I come to the Socialist Front. It is very difficult for me to say any good thing about the Socialist Front to-day, because I cannot understand the principle of their opposition and the attitude they have taken. They have been very vociferous and obnoxious in their language in opposing this Bill. The Members of that Party have adopted a different method from that of their legal luminary, the Honourable Member for Dato Kramat, who has tried to use all subtle means and legal skill in trying to interpret every section, almost, of this Bill to suit their Party's contention that we are introducing this Bill with a sinister motive. I quite categorically say, Sir, on behalf of the Alliance Government, that we do not have any sinister motive. Therefore, the Honourable Member for Dato Kramat is trying to prove a negative which, in his own words, is almost an impossible feat to achieve. Contradictions like this, Sir, make me very puzzled as to the trend of arguments put forward in opposition by the Honourable Members of the Socialist Front—they become unintelligible at times.

Now, Sir, since the Honourable Member for Dato Kramat, the legal luminary of the Socialist Front, is back in his seat, may I go back to him. As I said just now, Sir, he has performed in this House wonderful feats of legal acrobatics (*laughter*) in his attempt to interpret the sections of this Bill to show that it is ridiculous. By adopting ridiculous interpretation and using ridiculous examples in trying to ridicule the Alliance Government, I feel very sorry indeed for the Honourable Member, Sir, because he has only brought a ridicule upon himself.

Surely, Sir, that Honourable Member of the legal profession cannot believe—and I refuse to believe—that the

examples he had quoted in this House would be real examples that would be applicable by the law if this Bill was passed? To say that we would go for bird-watching associations is really too wild a flight of his legal fancy. While I could try to follow his legal argument, my imagination is not so extensive and not so sharp as the imagination of the Honourable Member for Dato Kramat. I admire his legal skill and his advocacy in this House, but I am afraid, Sir, I must admit that it is being wasted when he quotes the examples and tries to interpret it in a way that the section does not mean at all. The Honourable Member—that legal luminary—has attempted his best to show this Bill, if it becomes law, would create fear in the hearts and minds of the people. But while he was trying to do that, I was here in this House, and I was watching that he couldn't mean what he said, because I am sure he would be the last person to be afraid of the Alliance Government. We, the Ministers of the Alliance Government, know him very well indeed, and we don't understand why he should try to mislead the other Members of this House and the people of this country.

I would like to go on to answer him in detail, section by section, but I will not do so, Sir, because you, in the Chair, were not amused at the time the Honourable Member was speaking, and if I were to continue you would also not be amused. So let me leave the legal luminary from Dato Kramat and go on—let me now go on to the Honourable Member from Setapak.

Ahli Yang Berhormat daripada Setapak telah berchakap yang saya befahaman saperti dia, berchakap hendak menarek pengundi di-dalam Rumah ini tetapi yang saya susah hati, apabila dia mengambil fahaman daripada masa dia di-tahan dahulu, dia tidak mahu berchakap terus-menerus dengan sa-penoh-nya sakali. Dia berchakap menggunakan dia punya experience—fahaman sa-masa dia kena tahan. Chuma benda yang dia hendak menentang kita, benda itu di-pusingkan-nya menjadi menentang kita. Tetapi apabila dia menggunakan huruf "brain washing", dia tidak hendak berchakap pada masa dia

keluar daripada tahanan yang dia tidak kena "brain washing" sakali pun. Kemudian Ahli Yang Berhormat itu berchakap, apa fasal kata-nya, jangan takut sakira-nya satu dua orang ada senapang walhal kata-nya, Government ada polis dan ada dia punya senapang juga. Chukup pandai Ahli Yang Berhormat daripada Setapak itu, kerana jika sakira-nya Alliance Government bersetuju dengan mengadakan polis yang bersenapang ini ia-lah hendak menjahanamkan orang ramai. Pada masa ini di-katakan, kita jangan takut orang² yang ada senapang kerana di-belakang kita ada orang bersenapang. Walhal Ahli Yang Berhormat itu, saya chukup hormat dia punya akal fikiran. Jadi, dengan kehormatan akal fikiran-nya itu, saya tidak bolehlah terima dengan alasan-nya yang saperti ini. Kerana saya kenal baik, kalau saya ta' kenal baik barangkali saya terima. Tetapi jikalau Ahli Yang Berhormat itu berchakap sa-macham itu, saya tidak boleh terima kerana saya kenal baik dengan dia. Saya harap Ahli Yang Berhormat yang lain yang tidak kenal dengan dia, perchaya-lah chakap saya ini. (*Ketawa*).

Now, Sir, I would like to refer to my Honourable colleague the Member from Damansara. The Honourable Member was so spiteful in his criticism, so much so that he rendered himself unintelligible, using such venomous language or epithet against the Alliance Government that I wish I had a little cotton wool to put into my ears, because I would like to keep our friendship. He allowed his emotions to get the better of his—I admit it—legal ability. In his way, he tries to get work done, but emotion, Sir, if you allow it, will overrun your discretion of mind. The Honourable Member will find that out gradually. I will respect him as a speaker trying to get votes, but not in this House of Wisdom, where we want to deliberate on matters that will affect the country.

The Honourable Member has said that there has been no revolt against the Alliance Government. But what

has been happening from 1957 to 1959, when bombs and arms have been used against the lawfully constituted Government of this country elected by the people? I dread, Sir, to consider what sort of opposition against the Government that the Honourable Member will prefer to describe as undemocratic opposition. Throughout so far, the phrase of the Socialist Front Opposition has been to show that the Alliance Government is not democratic, that the Alliance Government is trying to instil fear into the peoples of this country. Sir, if we had been doing that, would the Honourable Members of the Socialist Front really believe that they would be sitting in this House, in front of us? No, Sir, we do not try to do that. Our record, if the Honourable Member from Ipoh will forgive me for saying it, our record will show that we have not tried to do that.

Now, Sir, I have left to the last the Honourable Member for Bungsar. Sir, with regard to the Honourable Member from Bungsar, I would not have attempted to even speak or reply because what he has done when he got up to speak against this Bill was to depend on his temper and the strength of his lung. Here, Sir, I am reminded of a picture called "Man and Mice" where the man was conscious of his strength; and so, Sir, you had to call him to task and advise him how to use the strength of his lung. Sir, he outdid the Member from Damansara in emotions and emotional outbursts yesterday afternoon. Well, Sir, be it as it may, I would not have got up to reply because there is nothing to reply, but the only thing is that he did ask me to say why his letter which he expected from a detainee Balan did not reach him. I do not understand how such a question could crop up during the debate on this Bill, but since you have allowed it, then I will reply.

Sir, it is in the interests of Balan—whom we like to release—that the Honourable Member from Bungsar should not visit him much too often. (*Laughter*) He asked why his letter from Balan did not reach him. May I

point out to this House, Sir, how did he know that a letter was coming to him from Balan? I did not know, Sir, until he asked me.

Enche' V. David (Bungsar): Mr. Speaker, Sir, I would just like to know from the Honourable Minister whether or not he accepts my charge that a letter was sent by Balan.

Mr. Speaker: When you stand up, you must say whether you are standing up on a point of information, clarification or explanation, or on a point of order.

Enche' V. David: On a point of clarification, Sir.

Mr. Speaker: Wait a minute. I have not finished yet. You can only rise in this House on two points—one is on a point of information, clarification or explanation and the other is on a point of order. If you rise on a point of order, you must quote under what Standing Order you are interrupting, in which case the Member who is speaking must sit down, and I think I need not have to explain this. But I have to explain in the case of an explanation. When you rise on a point of explanation, then it is up to the Member whether to give way or not. If he does not give way, you cannot force him to sit down. I think that is quite clear. This is the second time that I have to say this to you.

Dato' Suleiman: He is asking a question, Sir, so I am replying now.

Mr. Speaker: Do not make it too long.

Dato' Suleiman: If you ask me not to make a reply to him, Sir, I will withdraw.

Mr. Speaker: This has nothing to do with this Bill as far as I can see. Make your reply as short as possible.

Dato' Suleiman: It is not easy, Sir. *(Laughter)* Well, Sir, I will try to make it as short as possible, but it is very difficult to give a reply to the Honourable Member, who has spoken so long, if I have to make a short reply, and he may not be satisfied, Sir. Well, Sir, the Honourable Member expected a letter. First and

foremost, Sir, Balan is not a member of the Socialist Front, or is he?—I do not know. Secondly, it has come to my knowledge that visits by Members of the Socialist Front have been giving the detainees unhappy moments; and the only Party among the Opposition whose Members kept on going into the detention camps are Members of the Socialist Front. Sir, the permission I have given to them to visit the detainees had been taken advantage of, and the member of a profession had made use of it as a career. I cannot tolerate that. And when the Honourable Member from Bungsar was told to contact me when he was refused admission to see Balan, he did not contact me. May I ask, Sir, why he did not? Another Member of the Socialist Front subsequently wrote and asked for permission to see another detainee. Sir, I am not making any allegations against the Socialist Front, but I am stating facts of what has happened and why it has happened. As I said in my reply this morning, Sir, every application is considered on its merits and I assure this House that I have been, and I will try to be, as fair and just as possible. But liberty and freedom must have its limitations if the rule of law must be obtained, and if permission is given and it is abused and taken advantage of, then some steps must be taken.

Sir, I have, I think, given enough answers to the two Members of the Socialist Front who wanted to know why they cannot visit the detainees. As you said, Sir, I have been very short, I hope. Beyond that, Sir, I do not think I have anything else to reply except that I wish to reiterate here that it is in the interest of Balan that these steps were taken. That is all, Sir.

The Minister of External Affairs (Dato' Dr. Ismail): Mr. Speaker, Sir, I had intended to intervene in this debate by using the phrase "none so blind as those who would not see" to the members who sit on the Socialist Front and the Peoples Progressive Party benches. But, Sir, there is a very great exception, and that exception is the tribute which they have given to the Alliance

Government. From their speeches it can be deduced that the Alliance Government can be termed a dispenser of justice. That is the reason why, in the course of their speeches, they say they do not fear, so long as the Alliance Government is in power, that these powers will be abused. Now, what greater tribute can be given to the Alliance Government, I ask you? (*Applause*). Then, they fear what will happen if the other parties are in power. Who are the other parties that will be in power in future? What are the possibilities besides the Alliance? They are all here. So, Sir, I think they fear themselves! (*Laughter*).

Sir, in intervening in this debate I would not like to reply to the detailed arguments because they have partly been answered by some of my colleagues, in particular by the Minister of the Interior, and will be replied in greater detail by the mover of this motion, my colleague the Deputy Prime Minister in his capacity as the Minister of Defence. But I would like to reply to the general argument.

Now, the first argument put forward generally was that this Bill is a denial of freedom and, in particular, the freedom of speech. Sir, it must be conceded that there are no species of human beings as vociferous as politicians.

Enche' Lim Kean Siew (Dato Kramat): Including Ministers!

Dato' Dr. Ismail: Including Ministers. And they are all here, the Ministers and politicians of all parties, and I must say, Sir, that in this young parliament of ours we have established a precedent unique among parliaments that have been existing for a long time, i.e., Members speak not only to Members of Parliament but project their speeches to the public outside. So, Sir, even for argument's sake—I don't say that it is going to be done, but just for argument's sake—if there is no freedom of speech outside, but if members of the political parties speak in this House and they project their voices to the outside in this country, is that a complete denial of freedom?

Sir, it is admitted—I think even the Opposition Members will agree—that

we in this House represent the opinions of the people in this country. The Alliance happens to be the majority, so we speak for the majority of the people in this country. So, Sir, the powers that Parliament is being asked to pass cannot by any stretch of the imagination be likened to the powers existing in communist states, because to admit the arguments put forward by the Opposition is to admit that in this country there is no Parliament. You see, Sir, the Opposition says that we are like a communist state because some of the powers here are used by the communists. But, Sir, all arguments have two sides. Taken out of its context, any argument can be used to the detriment of any country. But I say, Sir, that this Bill must be taken in the context of parliamentary democracy in this country. The powers in this communist state, what do they represent? They represent the tyranny of the minority over the majority. In any communist country 2 per cent of the population impose their will by arms, by suppression, on the majority. In parliamentary democracy the powers given to the Government are the powers given by the majority of the people in the country, and no government worthy of its name in any democratic country will dare to abuse these powers so long as parliamentary democracy exists, because public opinion is the restraining influence behind any government in any democratic country. I say, let these powers be abused, and you will see how the people in the country will rise against it. The very fact that not a voice, except that of the Opposition, has opposed this—and I think they are doing their duty, Sir, because in parliamentary democracy the Opposition must voice their views—is proof that the majority of the people of this country support this Bill. Why? Because, in spite of what the Honourable Member for Damansara says, the people of this country know what militant communism in Malaya has done to the peoples of this country.

What are the other safeguards in parliamentary democracy? The Opposition makes much of the power of the

police that is envisaged in this Bill. Sir, the powers of the police can only be abused in communist countries where there is no opposition, where there is no public opinion, where the police is an instrument of the communist party to impose its tyranny over the people. But in any democratic country, the police, like the Government, is restrained by public opinion. Where democracy exists, you will see that when power is going to be abused the public voices its opinion in no uncertain terms. So, Sir, am I to deduce from the arguments put forward by the Opposition that they have no belief in the people of this country, that they do not believe that parliamentary democracy will succeed in this country, that the people in this country will just follow blindly what the Government is going to do to them? That is what it amounts to when they likened this Government to a communist Government.

Sir, I was going to use another phrase in regard to the members of the Socialist Front and the Peoples Progressive Party, and that is an orchestra playing the same note all the time. But then, on second thoughts, the note that they have been playing is a discordant one, because if we analyse speeches made by the members of the Opposition, some had given a bouquet to the Government as being a dispenser of justice, while others had likened the Government to a communist Government. But, Sir, that is the beauty of democracy. Even among the Opposition there is a division. So, Sir, let us not carry our argument to extreme absurdity. In any country that has any claim to democracy, there are definite safeguards against the Government from imposing tyrannical powers over the country. The Press is free, and nobody can deny that the Press in this country is not free; there is free election—in spite of some incidents that we had, it is a free election in this country—and the Opposition members cannot deny that we have not had free election in this country; and there is free public opinion in this country.

Now, Sir, the Honourable Member for Tanjong has profounded a very important thesis on how to combat Communism. To be fair to him and to be just to him, I must say that that is nothing original. This Government realises that we should not try to meet this Communist menace just by using force. The Government has taken very big steps in the setting up of rural development, because it knows that where there is hunger there lives Communism, but, Sir, he has forgotten that democracy can only thrive if it is prepared to defend itself. He has mentioned that in the surrounding countries democracy thrives where there is freedom. Sir, it is not for me to say, but Honourable Members will realise, that in neighbouring countries where democracy is just growing, and where it is not nurtured, and where it is not protected by the powers given to the Government, democracy has not only suffered a set-back but has been replaced by another form of Government, however temporary. I say, Sir, that it is the practice of democracy, when its security is threatened, to surrender some of its freedoms in the interests of security, and in order to preserve democracy in the country. (*Applause*).

The Minister of Works, Posts and Telecommunications (Dato' V. T. Sambanthan): Mr. Speaker, most of yesterday and part of this morning, we had the Opposition oppose the Internal Security Bill. That some of the Opposition should seek to oppose this Bill is certainly not surprising. However, that some of this opposition should be in a language, which is violent, immoderate and most irresponsible in character was certainly shocking. That one of them, in fact, should have considered it necessary for him to have charged this Cabinet of, among other things, that it is corrupt, was certainly most dishonourable, Sir, for any Member in this House to make against this Cabinet and against the Government. And yet, what have we done, that we should merit such a baseless and irresponsible charge? It is easy for anyone to speak with emotion. It is easy for anyone to permit the blood to flow into his head. And yet, is it

not a fact that emotion is not intelligence? Is it not a fact that Members of this House, whoever they may be, should keep guard over their tongue and see, even if they get emotional, that they should have control over what they say? Yet, I feel sorry that some of them should be moved to that extent, because as a representative in this House, each one represents a constituency, and to that extent is extremely responsible in his own sphere. I do hope that in the future, if they should seek to oppose us in anything, there should be propriety and there should be some moderation in language. However, Sir, I would wish to deal, not at any length, but in fairly general terms with some of the complexion of this Opposition.

We had the Honourable Member from Ipoh who said that there was going to be a complete loss of liberty and a lot of other things. I am afraid he was indulging in a pastime called "ghost-hunting". He was hunting ghosts, I am afraid, which came into his own fantasy. One of these ghosts, for instance, was that, in seeking to revise the method of the appointment of Judges, when this country agreed to follow the practice adopted in very democratic countries like India and others, we had given up liberty. That, I submit, Sir, is certainly a fantasy, and that it is indeed a ghost, which exists nowhere, except in the Honourable Member's fantasy. He mentioned, as a consequence of the existence of that non-existing ghost, that this was a blow at democracy. However, we all know that, in following the practice in the appointment of Judges, we are not overthrowing democracy, but following a well-tried practice in democratic countries. Then, he went on to charge that we had political motives and all sorts of other things; and ultimately he came to the central point of his argument, and that was when he came down to the amendment that we made in this House recently to the Standing Orders, wherein we said that "words which are likely to promote feelings of ill-will or hostility between different communities in the Federation" should not be used. That, I feel, was the central point of the

whole charge against us. Why, indeed? Is it wrong for us to say that it is wrong for anybody to use words likely to create communal hatred, communal ill-will and communal passion? He said that this control, in fact, amounted to our bridling the Press. To what extent, indeed, would we be bridling the Press if we did not permit them, just for argument's sake, to rouse communal hatred among the various communities? Now, are we living in a vacuum? Is each community living in a vacuum? Are we living in a country in which there is only one race, or are we living in a multi-racial country where we have had off and on some trouble? That, I believe, is the moot point and, yet, why should anybody or any Party in the country really want to have a right to rouse, to speak in a manner likely to rouse, communal hatred? Is it because they themselves are communally biased, or because they want to utilise the opportunity given in this House to rouse communal hatred and thus rise to power? However, these are questions which I am sure Members would like to ponder over. But I certainly feel that, in all that he said, in all the charges that he made, and that this was a deprivation of liberty, he was running against the current of facts.

Even so the Honourable Member for Dato Kramat, in all his irrelevancies, was running against the current of facts. I could find no logic at all in all the illogicality that he showered upon this House yesterday: for instance, when he said that people who climbed trees, people who wanted to go to bath-rooms, people who wanted to do a thousand and one things, would be prevented by the Alliance Government. That certainly was irrelevant and most illogical, and I am very sorry to say that he is either trying to diddle the public or the House, or, possibly, he is suffering from a spate of illogicality himself.

I wonder if he had read Clause 8 of this Bill? Clause 8 reads:

"If the Yang di-Pertuan Agong is satisfied with respect to any person that, with a view to preventing that person from acting in any manner prejudicial to the security of Malaya or any part thereof, it is necessary so to do . . ."

Now, if anybody goes bird-watching and that constitutes a danger to the security of Malaya, or if he wants to go to his bathroom and that also constitutes a danger to the security of Malaya, I am afraid the Honourable Member for Dato Kramat has been very, very, badly misinformed or, alternatively, he is suffering from some delusion of some sort (*Laughter*). However, Sir, I do not wish to deal at length with him because, I believe, he has sabotaged his own arguments because they are highly illogical.

Coming to the Honourable Member for Damansara, I am afraid, he has filled his speech with catchwords—words like fascist, this, that and the other. I do not know where he got these catchwords or how he learnt them. He said time and time again that this was a Police State, and yet only yesterday I was rather surprised to hear him say that this will be a Police State in future—so obviously, we do not have a Police State now. He has mentioned cave-dwellers; desecrators of freedom; that we are blind to reality; and all sorts of hardly rational things. However, if he desires to live in his own fantasy, he can do so; but I am afraid that we in this country, we as the Government, have got a duty to perform. We have got a sacred task—that task is to see that this country is well administered and the people in this country can live in safety and in peace. We do not live in a vacuum, I said. Even in terms of the context of world history, we are living in an extremely difficult period. If you look at it from the context of world history, you will realise that, where nations are concerned, we are, in fact, what I would like to call, at a twilight—whether it would be darkness on the morrow or sunlight depends upon the turn which history will take. But we certainly are in the twilight in history. Now, at this twilight there is no doubt that there will be attempts at espionage, attempts at subversion, subverting various Governments. Subversion to-day happens to be a common form, a systematic form, of under-mining various Governments. That this has been the form for the past thirty to forty years, it is now well-known.

Having known it for thirty to forty years, are we going to be so blind to reality that we will not take any steps against it? If we heed what the Honourable Members for Damansara and Bungsar and other Members say, then we should do nothing. Their concept of liberty, of freedom, is no concept at all, because, even within their Party, they will realise that there are certain checks to liberty. The members cannot speak what they want; they have a certain line of approach. Does that mean that they have no liberty at all? What we want is discipline in a country; and liberal democracy to-day recognises that for the existence, for the continuation, of that liberal democracy, there must be certain checks on liberty. There is no such thing as complete liberty—there has never been. Whether it had been in the time of the cave-dwellers, for instance, when you take a club and possibly carry off a wife—but to that extent, you controlled the liberty of the woman. From the time of the cave-dwellers right up to now, where has there been unbridled liberty, particularly to-day, when we realise that there is this mounting fear of subversion all over the world—subversion from the left, subversion from the right? The desire to see that we have a Government, the desire to see that we have a democracy, the desire to see that we have a liberal democracy, the desire to see that we hasten this democracy, the desire to see that we give the people of this country a fair means of living, free from fear. Fear from what? Fear from thugs; fear from subversionists; fear from terrorists. And the ability to live each one his life. That we are desirous of ensuring, and with God's help, I am sure we can ensure it. But, we can only ensure it if we realise, if we understand, the dangers in our way. If we realise that we have got to have a weapon to see that we are there always in position, to see that we are prepared to prevent any trouble occurring. That, in fact, is the crux of the whole problem. You had, for instance, in world history two important periods: some Members on the left here would say that in June, 1940, when

Germany attacked Russia, a page was turned; now modern historians will say again that in early 1960, another page was turned when Communist China, for instance, attacked India after 12 years of support, each for the other.

Now, if India did not have any of her rules relating to Internal Security, what would happen to that country? I ask that question. Yet, Nehru, as everybody knows, is a liberal of liberals. Why do they have such rules; why do other countries have such rules? It is simply because of the very simple fact that there is danger lurking at every corner. And every Government worthy of its name, worthy of that task, that sacred task that has been empowered to it, that has been given to it, by the very democratic method of an electorate, must save the houses of the people, the families of the people, the livelihood of the people—the nation in fact—of that very country which had given them that sacred task (*Applause*). That I submit, Sir, is our duty. And so, I would appeal to the Opposition, “Please recognise this fact.” We are a nation, we have got to go together, we have got to recognise these dangers in front of us, we have got to work and see that this country is able to exist, placed as we are, in an extremely difficult position in Asia, at the crossroads of various countries. Therefore, I would appeal to them to join with us and let us work this out. Let us work this well, and let us see that in the future, whatever danger there is, be it subversion from elsewhere, we are prepared to face it—even from the jungle. And so, gentlemen, to some of those who have not thought of it in this way, I would like to say this—and some of them speak only of rights and liberties—that each of us has a duty, and that duty is to see that we make this nation and that we keep this nation a democracy such as it is; that we see that it has enough weapons in the armoury to be prepared for any difficulty, for any trouble. And so, perhaps, in my effort at pointing out to them the importance of duty, I would wish, Sir, to have your permission to read from a book which, fortunately, this morning my Honourable friend, the Member for Seremban Barat, showed to me; I have borrowed it from

him, and he has told me that he would inform the Librarian that the book has been taken by me: I would like to read this quotation from one, who, in human history, has carved a place for himself and who, after the world's great religious leaders, has been the greatest man who has lived. I refer to Mahatma Gandhi, and I would read a passage from him—this is what he says regarding human rights:

“I learnt from my illiterate but wise mother that all rights to be deserved and preserved came from duty well done. Thus the very right to live accrues to us only when we do the duty of citizenship of the world. From this one fundamental statement perhaps it is easy enough to define the duties of men and women and correlate every right to some corresponding duty to be first performed. Every other right can be shown to be a usurpation hardly worth fighting for.”

Thank you. (*Applause*).

The Minister of Finance (Enche' Tan Siew Sin): Mr. Speaker, Sir, we have been treated during the last one and a half days to a remarkable orgy of denunciation and righteous indignation on the part of Honourable Members of the Socialist Front and the People's Progressive Party. That indignation would have been commendable if it had been lavished on a cause more worthy than the cause which they chose to espouse during this period. It is no use denying that this Bill is in some ways a denial of democracy. At the same time, it is no use denying either that we are not living in conditions of ideal democracy, and it is probably safe to say that it will be a long time more before we live in such conditions. It is not my intention at this hour of the day to reply in detail to all the arguments which have been advanced by those who have chosen to oppose this Bill. They have been dealt with suitably by previous speakers, and I see no point in going over the same ground again. But I cannot honestly believe that the picture which has been painted by those who oppose this Bill is seriously believed even by them. Some of them went so far as to say that if this Bill is passed, the Government would be arresting bird-watchers, sportsmen, members of sporting associations and the like, but I cannot believe that even

though they made these charges they sincerely believed what they said.

Now, to put it very briefly, there are two main reasons why this Bill is necessary. Let us look at the position of Malaya in the context of world politics. I think every sensible and responsible person will agree that international Communism is to-day on the offensive, and that Malaya occupies a vital position in that pattern. Malaya, being the beacon of democracy and prosperity in South-East Asia, must, by any standards, be an important target for international Communism in this part of the world. That being so, it stands to reason that international Communism must try to subvert Malaya. And we all know that when the forces of evil cannot achieve what they want to achieve by force of arms, they can and have in the past and will continue in the future to resort to subtler means of penetration and subversion. The second reason, of course, lies in Malaya itself. For the past 12 years, we have been waging a bitter, long, costly and bloody struggle against militant Communism and terrorism. Those wasted years, those wasted dollars, could have been better spent if we had not had to go through what we had to go through. Can anybody therefore seriously believe that this danger is now past? Even now it is not completely over, because, as you all heard yesterday morning from my Honourable colleague the Deputy Prime Minister, even now there is a small band operating on the Thai-Malayan border. It is therefore crystal clear that the danger is by no means over, and hence it is vital that this Bill must become law if we are to preserve our democracy. A lot of talk has been lavished on human rights, on democracy, liberty and all the well-worn clichés which we so often hear from Members of the Socialist Front, but, as has been pointed out, real democracy is not a thing which can flourish by itself. You need eternal vigilance to preserve democracy, and recent history has proved only too well that the forces of evil fighting against democracy, very often in the very name of democracy, use the processes of democracy in order to kill democracy itself.

I therefore hope that for the sake of they themselves, for the sake of our

country, for the sake of everybody, the Socialist Front will one day be able to lavish the same kind, and the same measure, of righteous indignation and denunciation on a more worthy cause than they have found possible to do so so far. (*Applause*).

Enche' Liu Yoong Peng (Rawang):

Mr. Speaker, Sir, I stand up to oppose this Bill and, in particular, I take the opportunity to reply to some of the attacks made by Members on the Government side, and especially from the Ministers.

The Minister of Finance, I am glad to hear, admits that there is no true democracy yet in Malaya; but what we should ask is the question: Why? Why is there no true democracy? My contention is that Malaya was a colonial country, and ever since we obtained our so-called independence, we have not got rid of those forces that are suppressing the people in this country. But our Honourable Minister of Finance said that the reason why he wants this Bill is because he is afraid of international Communism. Of course this is always the reason the Government use for advocating the preservation of laws of this nature. But let us hope that this shall not be used as a pretext for curbing those who are genuinely and loyally doing their best for the good of this country.

The second reason given by the Minister of Finance is that this Bill is also to curb militant Communism in Malaya. But as we know in the past and as we can see from this Bill that it shall be in the future, that the Police shall continue to hold such great arbitrary powers. We can believe that these powers in the hands of the Police as well as in the Military may be used in such a way that people, especially people in the remote country areas may be threatened, may be ill-treated, so that instead of winning them over to the side of democracy, they may instead turn towards Communism. So they may indeed defeat the purpose for which the Bill is intended.

Again we heard a remarkable speech given by the Minister of Works. I am very much enlightened by what he has said about democracy and so forth, but I am afraid that he

has been so used to living in a much sheltered and protected life—may be ever since he became a Minister—that he has forgotten the fears and apprehensions of the common people in this country; that there is a force always hanging over the heads of the people; that if this Bill goes through, these forces will prevail and enlarge and that they will always be kept in fear and apprehension, instead of feeling that they are being protected, as said by the Minister of Works.

We also heard an eloquent speech given by our Minister of External Affairs. He says that perhaps it is not the Alliance that we fear when this Bill is put into practice. But I can assure him that it is not ourselves that we fear, but we certainly have great ground for apprehension when the Alliance has such a power in their hands. He said first of all that the Press in this country is free, the election is free and the public opinion is free. I wish to tell him that the Press in our country is not free.

Tuan Haji Azahari bin Haji Ibrahim (Kubang Pasu Barat): On a point of order. He is reading his speech.

Mr. Speaker: What is the point of order?

Tuan Haji Azahari: I know according to one of the Standing Orders he cannot read his speech.

Mr. Speaker: He is not reading. Please proceed.

Enche' Liu Yoong Peng: It is only notes, Sir.

Mr. Speaker: You can glance at your notes, but don't lift up your notes, so long as it is on the table it is all right.

Enche' Liu Yoong Peng: Yes, Sir. First of all I would like to stress that the Press in this country is not so free, the election is becoming not so free and the public opinion, as a result, is also not so free, and I can give my reasons for this, Sir. I have heard from newspaper quarters that they are often told by a certain Assistant Minister that they are not supposed to publish certain type of statements

in the Press or certain Opposition Parties are not supposed to be given headlines or sufficient prominence in the newspapers and so forth. I certainly think that this is an indication that the Press is not so free now in Malaya.

As to the elections, they are also not so free. Over the last few months we have heard and seen in the elections—so far, of course, in the local elections only, but if this state of affairs is to go on I will not be surprised if in future it will be even more terrible in the general election to come, if there is one to come (*Laughter*)—that fights have occurred and this I maintain, Sir, is the result of organised methods used by the Alliance Party (*Interruption*). I have reason to believe that the usual method adopted is that when the M.C.A. finds that in certain wards they are going to lose, they employ thugs. These thugs are paid. They will go into those wards and create trouble and start a fight. And when the fighting takes place instead of the police coming over and making a proper search and investigation, the police would always come to the victims—that is our party people (*Laughter*)—and arrest some of our men. I say, Sir, this is really very undemocratic. We know that the Alliance M.P.s or Ministers have been able to influence the police to such an extent that they can get the police even to take sides, to be partial. Therefore, the result of this is that the public is in a state of fear, and therefore public opinion is not as free as it would be if there had been no such intimidation on the part of the police.

Now, lastly, I would refer to the speech made by the Minister of the Interior. I should say he has given a very detailed speech, but most of it was so very frivolous. So, in comparison, I do not think I have been more frivolous than he was.

The Assistant Minister of Commerce and Industry (Enche' Cheah Theam Swee): Mr. Speaker, Sir, I had no intention to indulge in this debate because I felt that the arguments that

have been raised were not worthy of comment, or not worthy of getting into serious argument with. Questions such as tree climbing and things like that were raised. i.e., if it was a matter of climbing trees, and if it was a matter of using force to climb a tree, a person would be caught under this Bill. But, Mr. Speaker, Sir, my humble conception of the Bill is that if the Honourable Member wishes to climb a tree, and if he wishes to climb all the trees or jump from tree to tree (*Laughter*), still he will not be caught under the Bill. But, however, those are not the points which I wish to indulge in.

The Honourable Member from Rawang very tactically took this opportunity to make emphasis on election incidents. If I may, Sir, I would like to reply, and I would like also to take this opportunity to give my comment on this question of free elections and the election incidents that had taken place. He has mentioned the election incident in Ampang.

Enche' D. R. Seenivasagam (Ipoh): Mr. Speaker, Sir, on a point of order. The Ampang election incident is now *sub judice* in a Court in Kuala Lumpur and under the Standing Orders what is *sub judice* cannot be discussed in this House. I ask you, Sir, to rule any reference to the Ampang election incident out of order.

Mr. Speaker: I rule that this matter is *sub judice* and cannot be discussed here.

Enche' Cheah Theam Swee: Mr. Speaker, Sir, if I may, I would like to comment on what the Honourable Member from Rawang remarked.

Mr. Speaker: You must obey my ruling; you cannot argue with my ruling. Do not touch on this matter in this House.

Enche' Cheah Theam Swee: Yes, Mr. Speaker, then I will not touch on this specific matter but on elections in general. In elections in general, Mr. Speaker, in recent elections in Local Councils we have read reports and we have made our own inquiries.

Enche' Tan Siew Sin: Sir, I rise on a point of order. If we are not allowed to refer to the election incident in Ampang, could the comments made on it by the Honourable Member from Rawang be similarly deleted.

Mr. Speaker: I did not know at that time that this matter was *sub judice*.

Enche' Lim Kean Siew: On a point of clarification, Sir, I do not think the Honourable Member from Rawang mentioned any specific names; he just mentioned recent local elections.

Enche' Tan Siew Sin: He did mention Ampang.

Mr. Speaker: Well, if he has mentioned Ampang, that will be deleted from the records. Please proceed.

Enche' Cheah Theam Swee: Well, Sir, then in these cases he said that there were pre-arranged plans to create incidents, but I must say, Mr. Speaker, that the pre-arranged plans were plans from the Socialist Front to attack the Alliance supporters in the elections. This is in cases where we had lost and where they see we are winning back, and indeed we did win back. Our supporters were assaulted with sugar canes and whatnot—and with changkols too. In a recent case, Mr. Speaker, changkols were used on an M.P. of the Alliance for visiting the polling station; and there were cases in Village Council elections

Enche' K. Karam Singh (Daman-sara): On a point of order, Sir, I think the Honourable Assistant Minister is coming back by the back door to the Ampang incident which is *sub judice*.

Mr. Speaker: He did not mention that.

Enche' Cheah Theam Swee: I made no mention of Ampang, Sir.

Mr. Speaker: But make it as short as possible on those incidents. We are dealing with the second reading of the Bill and I want Honourable Members to confine themselves to this Bill as much as possible.

Enche' Cheah Theam Swee: Yes, Sir. But the issue of that was based on free elections and I was commenting . .

Mr. Speaker: Yes, make it as short as possible.

Enche' Cheah Theam Swee: Well, if you please, Sir, I will make just one more comment and sit down. As I was saying, in places where we were winning back, Sir, we saw incidents blazing out; in places where we had been defeated there had been peace and quiet. So, Mr. Speaker, you can see that the allegation of the Honourable Member from Rawang is not a case of genuine representation to this House.

The Deputy Prime Minister (Tun Abdul Razak): Sir, I will take about an hour or so to reply.

Mr. Speaker: You can start now until one o'clock. I can then suspend the meeting and you can continue at half past two; otherwise, if I stop now, other Members will have a chance to speak and that will prolong the debate.

Tun Abdul Razak: Mr. Speaker, Sir, we have had a very long debate on this Bill, but I must admit that this is a very important legislation and in exercising my right of reply I should like to say that I am grateful to the many Honourable Members who spoke on this Bill, the great majority of whom supported this Bill. I am also grateful to my colleagues from the Government bench who have replied to a number of points raised by the members of the Opposition. Sir, I am also pleased to see that the representatives of the Pan-Malayan Islamic Party have now changed their stand and have decided to support the Government on this legislation and we hope they do fully realise that this important legislation is in the true interests of our country. (*Applause*).

Sir, a few members of the Opposition—members from the Peoples Progressive Party and the Socialist Front—have, as expected, made impassioned pleas about freedom, liberty and fundamental human rights, alleging that this Bill takes away such freedom and liberty. As was explained by my colleague the Minister of External Affairs, this is the same old orchestra, the same old song, which we have heard on many occasions, both in this House and outside. It seems to me that the whole outlook of those who oppose

this Bill from the Socialist Front and from the Peoples Progressive Party has been conditioned by the way and by the manner in which they would use this Bill if they were ever in power. They have interpreted this Bill in such a way and have shown in no uncertain terms to the House, and I am sure to the people of this country, as to how they would use the powers provided in this Bill if they were able to administer this Bill. However, Sir, it is pleasing to note that they have at least the grace to admit that the present Government, the Alliance Government would not do so (*Applause*).

Now, Sir, the Honourable Member for Damansara went so far as to suggest that I had my facts wrong when I said that the communist terrorists intended to overthrow the democratic government of this country by force. He asserted that there was no such revolt and that the communist terrorists only revolted against the British Government and not against the elected Government in this country. Now, Sir, if this assertion is true, why did not the communist terrorists lay down their arms when this country became independent in 1957 (*Applause*). Now we have a fully elected Government and a fully elected Parliament. But the communist terrorists still continue with their fight against the people of this country. Now, are they not fighting against the democratic Government of this country? The Honourable Member for Damansara spoke in very strong terms against the Government, but he also spoke in equally strong terms for those communist terrorists in the jungle (*Applause*). His speech clearly demonstrated to this House, Sir, not only exactly with whom his loyalty lies but he has also shown that he himself has not the courage and conviction to join his friends and his comrades in the jungle (*Applause*).

The Honourable Member for Ipoh asked, who are the substantial body of persons who have caused organised violence as mentioned in the preamble to this Bill. Well, Sir, the answer to that is pretty clear and obvious. I said when I moved the second reading of this Bill that there are still about

580 armed terrorists on the border. Are they not a threat to the security of our country?

The Honourable Member for Ipoh and also several other Honourable Members of the Opposition alleged that too much power is being given to the executive, to the Minister, in the case of detention and that there was no safeguard. As I have explained when introducing this Bill, there is adequate safeguard in the law. It is true that under the Emergency Regulations there is of course the Review Commission presided over by a judge which decides these cases of detention and under the present Internal Security Bill it is the Government who is the final authority. But as subversion is a political matter, the responsibility on this matter should be with the Government. It is in my view, Sir, unfair, and it would be an unfair burden on the judge to adjudicate on such a matter.

Mr. Speaker: Order, order, the time is up. The meeting is suspended to 2.30 p.m.

Sitting suspended at 1.00 p.m.

Sitting resumed at 2.30 p.m.

(Mr. Speaker in the Chair)

THE INTERNAL SECURITY BILL

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

Question again proposed.

Tun Abdul Razak: Mr. Speaker, Sir, as I have said before we adjourned for lunch, subversion is a political matter and, therefore, the responsibility for such a matter should rest with the Government. It is considered unfair to burden the Judges by asking them to adjudicate on this matter. The same procedure is followed in Singapore. We feel that the Government should take full responsibility for this and Government is answerable to Parliament and the Government's action on this matter can be questioned in Parliament.

Now, Sir, a few Honourable Members have raised the question of the admissibility in evidence of statements made to the Police under this Bill, under

Clause 75. This, Sir, is not a novel provision. Singapore has recently, in February this year, amended their Criminal Procedure Code to admit all such statements in relation to all offences. I think, we here should be surprised at our own moderation, for we seek such provision only in relation to offences set out in the Bill in the Second Schedule, that is to say for offences affecting the security of our country.

I must thank the Honourable Member for Menglembu for drawing attention to a small defect in the Bill arising out of Clause 75 with reference to the Second Schedule. It is not the intention of the Government to amend the law relating to criminal procedure and certainly not the law of evidence relating to murder. In consequence, I intend to propose at the Committee Stage that paragraph 1 of the Second Schedule should be deleted to make it quite clear that we do not intend to amend the Criminal Procedure Code, nor the law relating to evidence.

Sir, the Honourable Member for Bungsar, who is not in his seat at present, has blatantly suggested that statements admitted in evidence are often obtained by threats. Now, Sir, no one in the police force, anywhere in the world, would deny that such a case has not occurred; and where this had happened in Malaya such officers had been convicted and many of them dismissed. Even the Honourable Member for Ipoh admits that the Judiciary had not necessarily accepted such statements. The Honourable Member for Bungsar has gone further and has alleged that persons were being threatened and beaten by the hundreds. That is an absolutely false and mischievous allegation which, fortunately, neither this House, nor the people of this country, will be fooled by. I would like to challenge the Honourable Member to produce evidence for his allegation. Was he beaten up when he was detained? I suggest that he comes out with his evidence. The truth of the matter, Sir, is that he is merely copying his friends, the communist terrorists, who said the same thing with regard to those who surrendered—an allegation that eventually exploded in their

own face when it became known that surrendered terrorists received more than fair treatment. Now, I am sure the House can recognise the irresponsible statement and will also, I am sure, fully understand how the Honourable Member came to be released from the detention camp—not because he is regarded as a loyal citizen of this country—(HONOURABLE MEMBERS: *Hear, hear!*) and I am sure that any person who runs down the magnificent work of the Police over the last twelve years cannot be regarded as such—but because he is assessed merely as a nuisance and not a security risk to this country. (*Applause*).

Sir, a number of Honourable Members on the opposite Bench have also made allegations against the Police. I would like to say in this House quite categorically that our Police have done splendid work both throughout the years of the Emergency and through the transitional years of independence. The Police officers have been doing extremely good work in maintaining law and order, and I think we can be proud of the fact that we have a Police Force second to none in Asia to-day. (*Applause*).

Sir, coming to the speech made by my Honourable friend the Member for Dato Kramat, I must admit, Sir, that he has made one of the most pleasant speeches that I have ever heard in this House. However, as usual, he was full of inaccuracies and mis-quotations. The Honourable Member has stated in regard to Clause 31 of the Bill that the power of the Court has been taken away by the executive, that is the Police. It does seem that the Honourable Member has not read the Bill very carefully. Clause 31 says that on the final determination of the proceedings the documents and materials shall be released to the Police. There is no interference with the power of the Court to decide on proceedings. Obviously as the documents or materials are subversive, they should be given to the Police.

In regard to Clause 21, the Honourable Member alleged that a person could be punished twice for the same offence. It shows quite clearly that the

Honourable Member has not read the whole Bill. Under Clause 82 of the Bill it is clearly stated that “no person shall be punished twice for the same offence.” Also, under Article 7 of the Constitution, it is stated that no person shall be tried twice for the same offence.

Further the Honourable Member also made an inaccurate statement over habeas corpus. Proceedings under habeas corpus are available in this country. The Court can always summon a detainee to determine the legality of the order made against him. The Honourable Member has also stated that the Government could prevent an inquest being held in a security area—this is obviously not accurate, because under Clause 66, it is the Magistrate not the Coroner who may dispense with the holding of an inquest; this question rests with the Magistrate, in other words with the Court.

The Honourable Member made another inaccurate statement regarding the security areas under Clause 47 and danger areas under Clause 48. If I remember correctly, he stated that a man could be shot if he entered a security area. Obviously, Sir, that man must be in a danger area.

Now, Sir, a number of Honourable Members spoke about Clause 28. This Clause is necessary as a deterrent against irresponsible and false statements that might create or aggravate a situation which might lead to racial trouble or racial hostility in this country. However, there are safeguards against this. The matter is for the Court to decide—whether a report is false or likely to cause public alarm or despondency. This provision has been in existence in the Emergency Regulations in 1951, and I would like to inform the House that at no instance has it ever been used or abused. Now, Sir, a similar provision exists in the permanent law under section 505 of the Penal Code which relates to statements conducive to public mischief.

A number of Honourable Members seem to have not understood clearly the provisions of Clause 8 (1) (b) and Clause 10 regarding the order for

imposing conditions on persons considered as security risks. The intention is that such an order should remain in force for not longer than two years. Clause 10 is, perhaps, quite clear on this point, but Clause 8 (1) (b) may not be so. I propose therefore to suggest a small amendment to this sub-clause to make it quite clear that any order made under this sub-clause will not last longer than two years.

Sir, the Honourable Member for Kuala Trengganu Selatan made a number wise and useful suggestions. One of the things he suggested was that a citizen and a non-citizen should have the same right and fundamental remedies under our law. I propose to accept his suggestion and will move an amendment to Clause 13 to delete the words "in respect of a citizen of the Federation" in line 2 of that clause, so that a citizen or non-citizen will have the same right.

The Honourable Member for Kuala Trengganu Selatan suggested that Government committed a breach of trust by withdrawing Clause 8 from the amendment to the Constitution and putting it into this Bill. It is true that Clause 30 of the draft amendment Bill to the Constitution which contained similar provisions as those found in Clause 8 was withdrawn, but it was never suggested at any time that it would not be put into the permanent law. Indeed, it was the intention that that provision should be in this internal security law. Also, on the subject of Clause 22 (1) (c)—as suggested by the Honourable Member and, I think, the Honourable Member for Bachok, that the word "illwill" might be difficult to define—I propose to delete this word from this clause.

Sir, the Honourable Member for Setapak referred to Clauses 3 to 6 of the Bill on the subject of uniforms. These provisions are taken from the Public Order Ordinance, 1947—so, there is nothing new—and this Ordinance follows closely the English Public Order of 1936.

Ahli Yang Berhormat dari Bachok dan juga dari Tanah Merah ada mendatangkan pandangan berkenaan

dengan Rang Undang² ini dan meminta akuan daripada pihak Kerajaan supaya Rang Undang² ini akan di-tadbirkan dengan 'adil dan saksama. Saya suka menegaskan di-sini bahawa Ahli² Yang Berhormat boleh memandang chara-nya Kerajaan Perikatan yang sedang mentadbirkan Undang² Dharurat pada beberapa tahun yang lalu dan bolehlah menerima akuan bahawa Kerajaan Perikatan akan mentadbirkan undang² ini dengan chermat dan 'adil, kerana saya membentangkan undang² ini yang tujuan-nya hendak mengadakan Undang² Dharurat ini ia-lah kerana hendak menchegeh musuh negeri dan musuh demokrasi.

Jadi, kalau orang yang tidak ada berniat hendak membuat perbuatan merosakan keamanan negeri dan menjatuhkan Kerajaan negeri dengan chara yang tidak berperlembagaan, tentu tidak ada menaruh ketakutan di atas perkara ini. Oleh itu, tak payahlah Ahli² Yang Berhormat berasa khuatir di atas hal ini, kerana Kerajaan Perikatan akan mentadbirkan undang² ini dengan sa-bberapa chermat-nya. Dan juga Ahli Yang Berhormat dari Bachok ada memberikan pandangan berkenaan dengan Fasal 29 (3) (d) & (e). Saya suka menerangkan di-sini bahawa saya akan menchadangkan pindaan supaya Fasal 29 (3) (d) & (e) itu pun bolehlah di-mansokhkan.

Sir, a number of Honourable Members raised the question of Clause 29 (3), paragraphs (d) and (e), I propose to move in the Committee Stage the deletion of the two paragraphs or sub-clauses, and I think that this would meet the objection of certain Honourable Members.

Sir, the Honourable Member for Kuala Trengganu Selatan has informed the House that he intended to suggest that the Bill should go to a Select Committee. I would like to tell him that we have had a long debate on this Bill and have thoroughly covered the ground—we have discussed many parts of the Bill pretty thoroughly. The Opposition has been given full and ample opportunity to express its views and a fair hearing has been given. Indeed, most of the points raised by the Honourable Member himself have

been accepted, and I do hope that he will agree not to press for this Bill to go to a Select Committee. I think he himself has agreed that it is necessary to have this Bill enacted before the 31st July, 1960, when the Emergency Regulations come to an end. From the practical point of view, it will not be possible to have a Select Committee, because it will mean having a meeting of this House again, and also having a meeting of the Senate after that. So, I do hope that the Honourable Member will agree to allow this Bill to be passed to-day.

Sir, there is one further point I would like to mention—that is the Honourable Member for Menglembu did make an allegation that this Bill was drafted by someone who is not a citizen of this country. I would like to make it quite clear that this Government takes full responsibility for this Bill. (*Applause*). It is a Government legislation and I think no responsibility should be placed on anyone else but on this Government fairly and squarely.

Now, Sir, as I have said, the Government considers it very necessary that we should in the present circumstances of the country have this Bill. Government accepts the principle of preventive detention as a matter of necessity, because we must prevent subversive element from jeopardising the welfare of our young and independent country. The Honourable Member for Tanjong suggests that this is not the way to fight communism, but I say that we have ways to fight communism; but we must at the same time prevent those elements, those agents of communism, who try to subvert our Government and our people, from doing so.

The law of preventive detention exists in many other countries which have just attained independence—in India, in Ghana and also in Singapore; in all these territories, as I said yesterday, the grounds for detention are wider than those proposed in the present Bill, for our powers of detention are related only to the security of Malaya and subject to Article 151 of the Constitution. It must be accepted that we have only just won our independence and democracy is a new

plant in this country which has to be guarded—it has to be nurtured and to be watched carefully and has to be protected against those who intend to destroy this young plant of ours. I suggest that until we reach our maturity, until all the communities in this country are dedicated to the spirit of responsible democracy, we have to have laws such as they have in India and Ghana. We have to have the power to prevent people, who have no loyalty to the country at heart but who merely want to destroy the independence we have just gained, from carrying out their intention.

We have, Sir, as has been said, to defend our independence and to defend democracy which we intend to establish. The Honourable Member for Ipoh suggests that if we pass this Bill to-day, our children will have cause to regret for what we have done. Sir, no one can predict the future, history alone can tell; but I am of the firm conviction that if we pass this Bill to-day our children and grand-children will be very thankful for our foresight, our forethought (*Applause*), for taking measures to protect our young nation and our new State, and for taking measures to make democracy safe in this country, and for taking measures to make this country a healthy place for them to live in the years to come. I do hope in that spirit Honourable Members of this House will now give this Bill a second reading. (*Applause*).

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. Speaker in the Chair)

Clauses 1 to 5—

Enche' Lim Kean Siew: Mr. Speaker, Sir, I have three amendments to make but, with your permission, I would like to deal with section 2 first on the definition of "fire-arm".

Enche' K. Karam Singh: Sir, on a point of order. I think the Preamble has not been called yet.

Mr. Speaker: The Preamble will be called after we have finished with all the clauses.

Enche' K. Karam Singh: Thank you.

Enche' Lim Kean Siew: The definition of "fire-arm" reads:

" "fire-arm" means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged or which can be adapted for the discharge of any such shot, bullet or other missile and any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing, and includes any component part of any such weapon as aforesaid."

Mr. Speaker, Sir, in the penultimate line, after the words "or other thing" I propose that the words "which is dangerous to life" be included, i.e., between the words "other thing" and the word "and" in the second last line. So, the definition will now read: "... for the discharge of any noxious liquid, gas or other thing which is dangerous to life," because, as it stands, it would appear that a stink gun—a gun that gives out a noxious liquid—would become a fire-arm under this Bill. If we add these words "which is dangerous to life," we would exclude toy guns and toy stink guns.

Tun Abdul Razak: I am afraid the Government cannot accept this amendment. I do not consider it necessary at all because the definition of "fire-arm" here is clear. I think to add those words are quite unnecessary.

Enche' Lim Kean Siew: The word "lethal" refers to "barrelled weapon". It says: "any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged or which can be adapted for the discharge of any such shot, bullet or other missile". Then we come to "and any weapon of whatever description designed or adapted for the discharge of any noxious liquid". It would therefore appear that the second part of the definition is not covered by the first part which refers to lethal weapon, because the word "and" is there. It says "and any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing". It

would appear that that would include "any weapon other than a lethal barrelled weapon". Perhaps there may have been an oversight in the definition.

Tun Abdul Razak: Sir, I do not think that the suggested amendment is necessary at all, because we have the word "noxious" here—"noxious liquid, gas or other thing"—which has the same meaning as "harmful"; and this definition is the same as the definition in the Arms Bill.

Amendment put, and negatived.

Enche' Lim Kean Siew: Sir, section 5 (1) (b), on page 6, reads as follows:

"organised or trained or equipped either for the purpose of enabling them to be employed for the use or display of physical force in promoting any political or other object, or in such a manner as to arouse reasonable apprehension that they are organised or trained or equipped for that purpose."

Sir, I propose that the words "or other" between "political" and "object" in the fourth line be deleted. So, the section will now read:

"organised or trained or equipped either for the purpose of enabling them to be employed for the use or display of physical force in promoting any political object, or in such a manner as to arouse reasonable apprehension that they are organised or trained or equipped for that purpose."

If you do not like to delete the words "or other", we can put in "or other subversive object". But I think "or other" makes it too wide. If we put it down as "or other object" it can include, I submit, the question of tree climbing. If we remove "or other object" then the Assistant Minister of Commerce may, if he so wishes, swing from tree to tree in complete peace (*Laughter*) not in my company, of course, because I am sure he does not like me, but in the company of members of his kind. If we could delete the words "or other" and have "political object", then I think we would limit it to "political object" which would include, I suppose, any subversive object; or if the Honourable the Deputy Prime Minister would prefer it, the words "or other subversive object" could be put in. But I think we should limit the objective to

some more definite matter. So, Mr. Speaker, Sir, unless I stand corrected or amended again, I propose the words "or other" be deleted.

Tun Abdul Razak: Sir, I cannot accept this amendment also because it makes the definition of the object too narrow. As I have stated, sections 3 to 6 are taken from the existing law, the Public Order Ordinance, 1947, which has been in force since 1947. Since the law has been working well, I do not see any reason why we should amend it. I think "political object" will be too narrow. Indeed, there are other objects which might be included and I think it is difficult here to enumerate all the objects, and the use of the words "or other object" would be all right. This, I understand, is in the law in use in England.

Enche' Cheah Theam Swee: Mr. Speaker, Sir, as I have said earlier, my humble conception of this Bill is that in the case of people climbing trees or swinging from tree to tree they would not be caught under this clause, but my natural instinct does not give me such a strong urge to climb trees as the Honourable Member from Dato Kramat. (*Laughter*).

Amendment put, and negatived.

Enche' Lim Kean Siew: Mr. Speaker, Sir, Section 5 (4) reads:

"In any criminal or civil proceeding under this section proof of things done or of words written, spoken or published (whether or not in the presence of any party to the proceedings)".

Sir, I would propose that the words within the brackets "whether or not in the presence of any party to the proceedings" be deleted, because to-day we have heard of certain incidents that took place in a certain election area where a fire-arm was used. Under this clause as it stands—I am not saying that it will happen, but it can happen and some of us here might be prosecuted—evidence of a gun being used in that area can be used as evidence against any person during his trial even if it is used on his absence. If we delete that phrase it would not preclude—I emphasise it would not preclude—evidence being adduced of statements or things done in the absence of any party, if it is relevant under our

Evidence Ordinance. If we delete this paragraph, Sir, then it would not create an exception to the provisions of the Evidence Ordinance.

Tun Abdul Razak: Sir, I cannot accept this amendment for the same reasons as I have said before. This clause was taken directly from the existing law, and it worked well in practice. It is an established law, too, in the United Kingdom.

Amendment put, and negatived.

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

Clauses 6 to 7 inclusive ordered to stand part of the Bill.

Clause 8—

Tun Abdul Razak: Under clause 8, Sir, I propose a small amendment at the end of sub-section (1) (b)—to add the following words after the words "this sub-section"—

"shall be for such period, not exceeding two years, as may be specified therein, and".

I must apologise, Sir, for not circulating the amendment slip because this amendment was thought of as a result of the debate in this House. As I have explained, Sir, the order of detention under clause 8 (1) cannot exceed two years, and also the conditional suspension of the order under clause 10 is also for a period not exceeding two years. Therefore, it is important to make it quite clear here too that the order under clause 8 (1) (b) should also be for a period not longer than two years.

Enche' Lim Kean Siew: I am so glad that the Honourable the Deputy Prime Minister has accepted what the Minister of Works, Posts and Telecommunications said was my illogical and illusionary speech—it was so illogical that I am surprised that the Minister has become as illogical as myself. However, I would suggest that instead of having the amendment in that way, we could have it in a far simpler way—this may be another illogical suggestion—by lifting the words "for any period not exceeding two years" in sub-section (1) (a) and bringing them up and putting them after the word "order" so that the clause will read:

"If the Yang di-Pertuan Agong is satisfied with respect to any person that, with a view to preventing that person from acting in

any manner prejudicial to the security of Malaya or any part thereof, it is necessary so to do, the Minister shall make an order for any period not exceeding two years—

(a) directing that such person be detained; or

(b) for all or any of the following purposes" and so on.

In other words the words "for any period not exceeding two years" will be brought up to cover both sub-clauses (a) and (b). Sir, perhaps the Deputy Prime Minister may find my proposal more suitable.

Mr. Speaker: I want to know whether this is an amendment to the amendment or not, because we already have an amendment to sub-clause (b) introduced by the mover of this Bill.

Enche' Lim Kean Siew: I am proposing to him that he should put the clause on top to cover both (a) and (b), and if he would put his amendment in that way then we could support it.

Tun Abdul Razak: This is purely a matter of drafting. I think in the matter of drafting lawyers do differ very often, and I suggest that my method of amendment is better than the one suggested by the Honourable Member (*Laughter*), and it is more logical because there are two separate orders and I think it is important to state the purpose in both orders.

Enche' Lim Kean Siew: I have another amendment on the same section.

Mr. Speaker: I will put this amendment first.

Amendment put, and agreed to.

Enche' Lim Kean Siew: The words "on reasonable grounds" should be added after the word "satisfied" on line 1 of sub-section (1), so that it would read: "If the Yang di-Pertuan Agong is satisfied on reasonable grounds with respect to any person" and so on. Since the Honourable Minister has been so interested in telling us that the Ministers have acted reasonably, I can't see any objection to the addition of that phrase.

Tun Abdul Razak: With respect, I do not think that amendment is necessary at all, because if a person is satisfied in law he must have reasonable grounds to be satisfied himself.

So, I do not think it is necessary to put in the words "on reasonable grounds".

Amendment put, and negatived.

Clause 8, as amended, ordered to stand part of the Bill.

Clauses 9 to 12—

Enche' D. R. Seenivasagam: Sir, I propose an amendment to clause 12. My amendment is to delete the fullstop after the word "Agong" and to add the following words "as to whether there are reasonable grounds for his detention. A copy of such recommendations shall be served on the detainee forthwith."

With regard to sub-clause (2) of clause 12, I would also like to move an amendment. May I make both amendments at the same time, Sir, because they are under the same clause?

Mr. Speaker: I think you can make both amendments at the same time, but it will be confusing when they come to voting. So, you better make one first.

Enche' D. R. Seenivasagam: Mr. Speaker, Sir, I move this amendment because just now we heard a lot of talk from the ministerial side regarding the rule of law. Some Ministers who could not even respect the rule of law had the courage to stand up and speak on the rule of law. I was frankly surprised, and I make this proposal mainly because the Deputy Prime Minister said that a *habeas corpus* can be taken out here. The *habeas corpus* cannot be taken out here. That is a misleading statement to this House. You can on a piece of paper say: "I want a *habeas corpus* and go to the court." All that the Government side has to do is to produce an order from the Minister and that is the complete answer to any application for the *habeas corpus*. Therefore, let us not mix up our minds. In India, you can take out a *habeas corpus* in actual practice, because in any detention order—the law giving power to detain—there is a provision that there must be reasonable grounds before detention can be made. If the Government side is trying to impress this country that the Government is going to act reasonably, then you must

also give the citizen the right to challenge the reasonableness of the Minister in the courts, and if this amendment is agreed to it would be the *bona fide* of the Government that they are moving this Bill, that they are proposing this law, not to victimise or intimidate the people of this country but to see that the bad people of this country are punished and caught. But if you are not going to give that citizen the right to challenge the reasonableness of your action, then your *bona fide* for ever will remain suspect, and I ask the Government to accept this. It does not take away your powers; it only gives powers to the court to see your *bona fide*, to see that you have reasonable grounds when you do this.

Mr. Speaker: This amendment is to delete the fullstop after the word "Agong" at the end of sub-clause (1) of clause 12 and to add the following words "as to whether there are reasonable grounds for his detention. A copy of such recommendations shall be served on the detainee forthwith."

Enche' Lim Kean Siew: Mr. Speaker, Sir, I would not like to use such strong language as my Honourable friend from Ipoh, but I certainly agree with him and disagree with the Honourable the Deputy Prime Minister when he stated that what I said was illogical and irrelevant. The writ of *habeas corpus* is used in a Court as a prerogative right of a person who can appeal direct to the Yang di-Pertuan Agong to test the lawfulness or the unlawfulness, or the fairness or the unfairness, of a person's punishment—in this case his detention. If the words "on reasonable grounds" are left out of any decision, what will happen is that the writ will be taken out in the name of His Majesty the Yang di-Pertuan Agong, calling upon the Government official concerned to produce the body of the detained person in Court. When the person is produced in Court, the Judge, whose duty it is to see that whether or not the official concerned has abused his powers, will find it difficult to act unless the words "reasonable grounds" are put in. Unless it is, the Court cannot decide or is not allowed to decide whether or not the Detention

Order is reasonable or otherwise, not merely lawful or not. All the Court can do is to ask where is the Detention Order, and if the Detention Order is produced and is in order, the Court will have to say, "Well, I am sorry the Order is here and I am not allowed to challenge it since it is in order, because the Order which is made need not be made on any ground at all." So long as the Minister is satisfied, and the Minister certifies that he is satisfied, in effect no *habeas corpus* can be applied in such an instance unless the words "on reasonable grounds" are added.

Tun Abdul Razak: Sir, I am afraid that the Government cannot accept the amendment. As I have explained, the Court can challenge the legality of the Order. Obviously the Court cannot inquire into the truth of the matters brought before it under this, but the Court can challenge the legality. The procedure laid down under Clause 12 is that a detainee can make representation to an Advisory Board and it will be a matter for the Advisory Board to make recommendations to the Government, and I think it will not be right for the recommendation by the Advisory Board to be placed or to be given to the detainee, because the ultimate authority is the Government. The Government will advise the Yang di-Pertuan Agong who makes the final decision. The decision of the Government can be challenged in Court. I think it is not right for the recommendation of the Advisory Board to be challenged in Court or to give to the detainee.

Amendment put, and negatived.

Enche' D. R. Seenivasagam: Mr. Speaker, Sir, with reference to Clause 12 (2), I propose the following amendment:

After the word "fit" in line 4 of that paragraph delete the rest of the paragraph and substitute therefor the following words:

"in accordance with the recommendations of the Advisory Board".

I propose this amendment because if you have an Advisory Board in a matter of this nature, you expect that Board to do its duty properly; and if the Board does so, the purpose of having the Board is that its recommendations should be acted upon. If

we are going to have an Advisory Board where its decisions are not going to be acted upon, or may not be acted upon, then the purpose of having a High Court Judge sitting on that Board becomes a mere farce. We have just heard the Government side reject an attempt by the Opposition to get for the people of this country knowledge of what the Board has said in each particular case. Nobody in the world is to know what the Board said except perhaps the Minister, who made the Order, and the Yang di-Pertuan Agong. Are we going to be satisfied that His Majesty is properly advised by, possibly, the very man who made the Order in the first instance? Therefore, is it not fair protection that there should be in this Clause words to say that His Majesty the Yang di-Pertuan Agong should act or give orders in accordance with the recommendations of the Advisory Board? As I have said earlier in this debate, we cannot white-wash this Bill. Either you want to give a man a fair chance, after an Order has been made against him, of getting out, or you do not want to give him a fair chance. If the Government is honest, give him the chance. If you know what is justice, accept this amendment. If you do not care about justice, then don't speak of the rule of law, and we will be satisfied. If you are going to speak on the rule of law, then I cannot see how anybody can object to this amendment. The only ground for objection to this amendment will be that we cannot bully, we cannot intimidate the people any more. That can be the only ground of objection to my amendment.

Enche' Lim Kean Siew: Mr. Speaker, Sir, if the amendment is not acceptable because there may be good reasons for the Minister not to accept the views of the Advisory Board, or if the Honourable the Deputy Prime Minister will insist that this is after all only an Advisory Board and he need not take its advice if he does not wish to, then I would suggest that the Honourable the Deputy Prime Minister put in a further proposal by adding the words, after the amendment of the Honourable Member for Ipoh, "unless there is good reason not to do so"; this will

then allow the Minister some discretion and if he thinks that there is good reason not to follow the advice of the Advisory Board he need not take the recommendation of the Advisory Board.

Tun Abdul Razak: Mr. Speaker, Sir, I am really surprised at the amendment of the Honourable Member for Ipoh. When we say "Advisory Board", it means that the Board gives advice, and in effect, the proposed amendment will make it mandatory for the Government to accept the advice of the Board, which is not quite right. The word "Advisory" means, during the colonial days, that when the British talked of advice they expected that the advice must be accepted; but here in an independent country, when we talk of advice, it is a matter for the Government whether to accept or not that advice.

Enche' D. R. Seenivasagam: We are concerned with the written letter of the law, and what I say is that under the written letter of the law—there is authority for this and if the Honourable the Deputy Prime Minister although a lawyer does not know, I will send him a list in due course—in the case of a clause worded such as this, no Court can interfere. Nobody can interfere if His Majesty the Yang di-Pertuan Agong, on the advice of the Minister, were to say, "I am not going to follow that recommendation". Nobody can do anything, as that is the law. What we want is a clarification of the law, that His Majesty should accept the recommendation. Then, if such a clause is there, a decision can be challenged in a Court. That is why we ask for it, not because we just like to see those words here. We do not trust this question of custom and honesty and the saying that "We are going to be very good". We do not trust that at all!

Tun Abdul Razak: I think the position is quite clear. The Government is responsible for this, and the decision of the Government is not to be questioned, and that is the intention. I think it is clear. The wording means that the decision of the Yang di-Pertuan Agong shall not be called into question in any Court. This is not the

judicial decision; it is the executive function of the Government and the matter should not be questioned in Court. That is the intention of this section.

Amendment put, and negatived.

Clauses 9 to 12 ordered to stand part of the Bill.

Clause 13—

Tun Abdul Razak: Mr. Speaker, Sir, I propose an amendment to Clause 13 (1). As I explained just now, the words in the second line, "in respect of a citizen of the Federation" should be deleted, so that a non-citizen will have the same right as a citizen.

Enche' Lim Kean Siew: Mr. Speaker, Sir, I have an amendment to sub-section (2) of Clause 13.

Mr. Speaker: I better put the amendment by the Deputy Prime Minister first.

Amendment put, and agreed to.

Enche' Lim Kean Siew: Mr. Speaker, Sir, Clause 13 (2) reads as follows:

"The Advisory Board shall on completing every review under sub-section (1) forthwith submit to the Minister a written report of every such review, and may make therein such recommendations as it shall think fit."

I would like to move the following amendment:

Delete the full-stop at the end of sub-clause (2) of Clause 13 and add the following words:

"and the Minister shall act upon such recommendations unless there is good reason not to do so."

As I have understood the argument of the Honourable the Deputy Prime Minister just now, his argument is that the Board is an Advisory Board, and that if the Government is compelled to listen to the Advisory Board, it would no longer be an Advisory Board. So, since it is an Advisory Board, the Government should not be compelled to take its advice if the Government thinks it should not do so where there is a good reason. I agree with him entirely, but if there is a reason why we should listen to advice, then we ought to listen to that advice. For this very reason I say that my amendment ought to be accepted. Now, there is the other argument which has been used

very frequently in this House by the Government backbenchers; and the argument, which I cannot understand, goes on in this wise: "we cannot understand what the Opposition is grumbling about; there is always an Advisory Board; we do not interfere with the working of the Advisory Board, and there is no political pressure being brought to bear upon the Advisory Board." But everytime a High Court Judge goes to the Advisory Board and makes a recommendation after sitting down for hours patiently listening to the evidence brought before him, and after using his legal training and education, his recommendation is overruled by the Minister. Under such a state of affairs he is bound to get fed up sooner or later and he will not bother to make any recommendation unless the Honourable the Deputy Prime Minister can assure him that when he makes a recommendation which is reasonable the Government will accept it in any event, hence my proposed amendment. Under section 13 there would be an appeal to the Advisory Board three months after a person has been detained—three months after the Order of Detention has been made out and a representation has been turned down—and this puts a person detained under section 13 in a different position to that of a person penalised under section 12 because, under section 12, a person who is arrested has a right of appeal. Under section 13, it is only after appealing and after his representation has been turned down and after he has been detained in a prison for a number of months that he may have the right of appeal to the Advisory Board, which may then recommend his release. But this means that the person has already been detained for a number of months. It will of course mean that it will be at least a second time that the Board is recommending his release. In such an instance, why do we not reverse the position and make it law that the Minister will listen to the recommendations of the Advisory Board unless there is good reason not to do so?

Tun Abdul Razak: Sir, I am afraid the Government cannot accept the amendment for the reason I have stated. Under this procedure, the

Government is responsible for the power of detention. It is different from the previous practice, that is to say, that there was an independent Committee of Review. In this case, the Government takes full responsibility and the Advisory Board is to advise Government, and the Government must be given full discretion as to whether or not to accept the advice, and that is the position and the discretion of the Government should not be fettered in any way.

Enche' D. R. Seenivasagam: Mr. Speaker, Sir, just now we were told that the reason why this Order was not left to the Court was because we did not want to place an unfair burden on the Judges. But under the Constitution, Article 151, the Chairman of every such Advisory Board will have to be a High Court Judge; therefore, whether we would like it or not that burden goes to them; and if that burden goes to them, then I cannot see why they should not have an assurance that their learned opinions will be considered and will be accepted in the normal course of events. I strongly support the Honourable Member for Dato Kramat that an assurance should be written into this law. The reasons given by the Honourable the Deputy Prime Minister are, as usual, most unconvincing.

Tun Abdul Razak: Sir, when I said that the burden should not be given to the Judges, I meant the burden of responsibility. Under this Internal Security Bill, the Judge would be the Chairman of the Advisory Board and will have no responsibility. His responsibility is to advise the Government, and the Government is responsible for the decision. Under the existing practice, the Review Commission is responsible for the continued detention of a detainee. Therefore, the Chairman and the Members of the Commission have that burden of responsibility. In this case the burden of responsibility would be placed solely on the Government. The Chairman of an Advisory Board is merely to make recommendations.

Enche' Lim Kean Siew: Mr. Speaker, Sir, if I understand the Honourable the Deputy Prime Minister correctly, what

he is saying in fact is that "we will have an Advisory Board, but we are not going to listen to it. The burden of the responsibility is upon Government". If he does not mean that, then he must mean, that "we will have the Advisory Board and if it makes any recommendation we will consider it, and if we find the recommendations reasonable we will act according to the recommendation." Well, if the Deputy Prime Minister means the second statement, we ought to put that down as a clause and make an amendment to the amendment and state that "the Board may make such recommendation as it thinks fit and the Minister shall follow the recommendations of the Board if he thinks fit." In that case, we will have to define what "thinks fit" means. I think, Sir, that in this case the Honourable the Deputy Prime Minister is perhaps a bit stubborn and it is merely because the proposal has come from us that he is asking for its rejection. It would appear that certain suggestions we made in our speeches earlier, when dealing with the Bill in general terms, have been found acceptable, but they were rejected only to be accepted afterwards, couched in other terms as phrased by the Deputy Prime Minister himself. But surely we are now in the Committee Stage, and we are making recommendations in the hope of making this Bill more reasonable, so why then should amendments be rejected merely because they are suggested by the Opposition?

Dato' Dr. Ismail: Sir, may I make it clear to the Honourable Member? Suppose he has an adviser, and if he decides to climb a tree or not, after listening to the adviser, it is up to him. It is up to him whether he wants to climb a tree or not.

Enche' Lim Kean Siew: Sir, as usual it is open to the Minister to show the example and we follow; and if it pleases the Honourable the Minister of External Affairs to climb the tree, I might be induced to follow his good example.

Enche' K. Karam Singh (Damansara): Mr. Speaker, Sir, this amendment is very appropriate, because we remember the dreadful words this morning from

the mouth of the Honourable the Deputy Prime Minister when he said, "If we had any power over the Review Committee, the Honourable Member for Bungsar would not be sitting here." This shows that had they had the power, if an instance were to arise, they will do everything in their power to prevent the release of any political opponents whom they may have laid their hands on. This statement comes from no less a person than the Honourable the Deputy Prime Minister and the Deputy Prime Minister's own speech reveals to the country the terror which this provision will bring in his hands . . .

Mr. Speaker: How is that relevant to this debate?

Enche' K. Karam Singh: I am supporting the amendment, Sir. I think it is relevant.

Mr. Speaker: I do not see any relevancy at all. The amendment we are now debating is an amendment moved by the Honourable Member for Dato Kramat.

Enche' K. Karam Singh: Now, for these reasons, I urge this House to accept the amendment.

Enche' V. David: Sir, under the Emergency Regulations here as a practice we have seen that the powers have been abused; for instance, decisions made by the Review Commission or Review Committees have not been accepted by the Government. I have got cases to quote if necessary. If the Honourable the Deputy Prime Minister would like to hear the number of cases and dates of such Review Committees where decisions were made and not accepted, I could let him have them—but I do not think it is necessary. I feel, as a citizen of this country, that we need a certain amount of guarantee in respect of this terrifying Bill which is going to come into effect.

Amendment put, and negatived.

Clause 13, as amended, ordered to stand part of the Bill.

Clauses 14 to 21—

Enche' Lim Kean Siew: Sir, I propose the deletion of the whole of

section 21, and that the other paragraphs subsequent thereto be re-numbered accordingly.

Sir, I was accused this morning by the Honourable the Deputy Prime Minister of not having read the Bill properly, and that, if I had read the Bill, I would have seen section 82, which says "no person shall be punished twice for the same offence". Very well, for the sake of his argument, Sir, I stand corrected. For argument's sake, I agree I haven't read the Bill properly. I agree that section 82 prevents a twofold punishment. So, since no person can be punished twice for the same offence, why have section 21? Take it out, because section 21 says:

"The detention of any person under this Chapter shall be without prejudice to the taking of any criminal proceeding against such person, whether during or after the period of his detention."

If it is the Honourable the Deputy Prime Minister's argument that once a person is detained he cannot be tried, why, then, have this clause? Because it is obvious that section 82 does not refer to section 21, and section 21 is excluded from the provisions of section 82, so that in fact a person can be punished twice for the same offence. In fact section 21 allows for punishment without trial, and is a complete violation of our criminal law. It is obvious that detention is not punishment as defined under section 82, and section 82 does not protect anyone from section 21. Since it was the intention of the Honourable the Deputy Prime Minister, as he said this morning, not to punish a man twice, I appeal to him to remove that clause. He said that section 82 precludes punishment twice, therefore section 21 cannot be used to allow punishment twice. If that is so, then remove it. Again, I repeat, it is unnecessary.

Mr. Speaker: Under Standing Order 57 (7), if you are to delete any clause, you have to propose "That this House doth disagree with this clause".

Enche' Lim Kean Siew: I am sorry, Sir.

Mr. Speaker: Although the meaning of your proposal is the same, i.e. the

deletion of the clause, it is better to use this term.

Enche' Lim Kean Siew: I haven't got it in my section here, Sir. (*Laughter*).

Mr. Speaker: You simply say "That this House doth disagree with clause 21". Then I can open your amendment for debate.

Enche' Lim Kean Siew: Yes, Sir. I propose that this House doth disagree with clause 21.

Tun Abdul Razak: It is the Honourable Member from Dato Kramat who is contradicting himself on the principle that a person will not be tried twice or punished twice for the same offence; but, as he said, detention is not punishment, and therefore it is necessary to have this section 21 in order that if it is considered necessary in the name of the law of the country that a person should be tried for any offence and punished, then he can be tried. Then, as I have explained, a person is detained not because of an offence he has committed, but because he is detained only to prevent him from carrying out any intention that he has of subverting or committing any offence. So, he has not really committed an offence when he is detained. That is why I say it is necessary, Sir, to have section 21. But the principle, as stated in section 82, is that no person should be punished twice for the same offence or should be tried twice for the same offence.

Enche' Lim Kean Siew: Sir, so it is now clear to the House who is being illogical, because I said yesterday that in fact section 21 goes round the cardinal rule of law that no man shall be punished twice for the same offence, and it goes round it in a very clever way, because it allows a man to be detained and then afterwards to be tried and punished. Then, the House heard this morning that had I read section 82 carefully, I would have seen that a man could not be punished twice. Now, there is a statement that detention is not punishment, and if a man commits a criminal offence, he also can be punished. Therefore, we come back to the same principle, that in fact and in effect, although not quite

in the same language, a person is punished twice. We have this example, and on this I quote a case in which I myself was involved—so, at least, it cannot be said that it is hearsay evidence—a person was charged with consorting with terrorists. He was acquitted. He was re-arrested and detained for consorting with terrorists. So there is that one instance of a person being acquitted in a court of law and being detained for the same, or, shall we say, a similar offence. So, it is quite possible, as long as we have section 21, that a person can be detained, and then, for a similar offence after detention he can be tried and put into jail again, so that, in effect, the person is punished twice for the same offence.

Amendment put, and negatived.

Question put, and agreed to.

Clauses 14 to 21 ordered to stand part of the Bill.

Clause 22—

Tun Abdul Razak: Sir, Under Clause 22, I propose a small amendment to Clause 22 (1) (c), that is, the word "ill-will or" in the second line, should be deleted. The paragraph will now read:

"(c) is calculated or likely to lead to a breach of the peace, or to promote feeling of hostility between different races or classes of the population; or"

Enche' Lim Kean Siew: I rise to entirely support this amendment, and I hope he will follow our example later on.

Amendment put, and agreed to.

Clause 22, as amended, ordered to stand part of the Bill.

Clauses 23 to 28—

Enche' Lim Kean Siew: Section 28—here, Sir, I propose that the words "or despondency" be deleted, because although an old Act of England has the word "despondency", it has never been used in England, and despondency in those old days had a different meaning to despondency to-day and, as I am sure the Honourable the Deputy Prime Minister will understand this kind of argument, circumstances are different in this country to that prevailing in England. I think that so long as we have it that any person who spreads

false reports or makes false statements likely to cause public alarm shall be guilty of an offence under this part, it would be sufficient because unless despondency reaches the level of alarm or public fear, there is no need for us to take any action. Any psychologist will tell us that practically every person suffers from despondency at some time or other whether or not there has been sufficient cause for it. Even if the word is deleted, I think the objects of the Bill will not be stultified.

Tun Abdul Razak: Sir, I am always reasonable with the Opposition, and I think that since it is a very small amendment, I think I can accept it. (*Applause*).

Enche' Lim Kean Siew: Thank you! Amendment put, and agreed to.
Clause 28, as amended, agreed to.

Clauses 23 to 28 inclusive ordered to stand part of the Bill.

Clause 29—

Tun Abdul Razak: Again, Sir, I am trying to be very, very reasonable with the Honourable Member for Dato Kramat. I now propose an amendment to Clause 29 (3) (d) and (e): that sub-clauses (d) and (e) should be deleted. It is considered that the definition of subversive document will be adequate and sufficient. And also to leave out the semi-colon and the word "or" at the end of paragraph (c) and inserting a full-stop at the end of that paragraph.

Enche' Lim Kean Siew: Mr. Speaker, the reasonableness of the Government appals me. I am entirely gratified to think that after all the arguments on bird-watching and so on, they have decided to allow people to watch birds and beasts.

Amendment put, and agreed to.

Clause 29, as amended, ordered to stand part of the Bill.

Clauses 30 to 35 ordered to stand part of the Bill.

Clauses 36 to 40.

Enche' Lim Kean Siew: I rise to propose an amendment to section 40. The first part of section 40 reads:

"For the purposes of this Chapter and any orders made thereunder every person shall be liable for every act, omission, neglect or default of any agent or servant

employed by him, as fully and effectually as if such act, omission, neglect or default were done or committed by such person;"

Now, this clause means that if I employ a driver to drive my car for 8 hours a day, I would be liable for any act committed by him outside those 8 hours a day, in other words, at any time. I propose that we put in the phrase "acting within the scope of his duty" at the end of the sentence, so that the section will read: "For the purposes . . . committed by such person acting within the scope of his duty." An agent may be a limited agent. My agent may be to sell my car, but he may not be my agent for all purposes. So, if we add the phrase "acting within the scope of his duty" then we will limit our liability to the times and such persons as would have been acting as our servants or as our agents and we would not be liable if he acted outside the scope of his duty.

Tun Abdul Razak: Sir, I am afraid I cannot accept the amendment and I do not think it is necessary because a person is liable for any act of his servants.

Amendment put, and negatived.

Clauses 36 to 40 inclusive ordered to stand part of the Bill.

Clauses 41 to 45 inclusive ordered to stand part of the Bill.

Clauses 46 to 50 inclusive ordered to stand part of the Bill.

Clauses 51 to 55 inclusive ordered to stand part of the Bill.

Clauses 56 to 60.

Enche' Lim Kean Siew: Sir, I rise to propose an amendment to section 59, sub-sections (1), (2) and (3). It is a very small amendment, but I think it would make all the difference in the world if we limited the control to within a security area. The first line of these sub-sections reads: "Any person who whether within or outside a security area" It would appear that if we have the words "within or outside", the word "outside" would cover the whole of Malaya. My intention here is to remove the words "or outside" because once we put in the words "within or outside a security area" then there would be no difference between

a security area and a non-security area, and I think the whole Bill is to make a distinction between offences committed within security areas and areas outside security areas. But if we leave in the words "or outside" then we defeat the whole object of having a distinction between a security area and a non-security area. So, I propose the words "whether" and "or outside" be removed so that the sentence will read "Any person who within a security area . . ."

Mr. Speaker: I am not quite sure whether you want to amend also sub-sections (2) and (3). I think you have to.

Enche' Lim Kean Siew: Yes, Sir, the amendment would equally apply to sub-sections (2) and (3).

Tun Abdul Razak: Sir, I am afraid the Government cannot accept this amendment. Although it is true that we have a number of offences committed inside and outside the security areas, we have cases especially with regard to supplies where people are assisting the terrorists, people who live outside security areas who collect money, food, etc., to send to the terrorists in the security areas and it is to cover these cases that we have to put in the words "or outside a security area". So, Sir, I can't accept the amendment.

Amendment put, and negatived.

Clauses 56 to 60 inclusive ordered to stand part of the Bill.

Clauses 61 to 65 inclusive ordered to stand part of the Bill.

Clauses 66 to 70 inclusive ordered to stand part of the Bill.

Clauses 71 to 75—

Enche' Lim Kean Siew: Sir, I rise to propose an amendment to Clause 73 (1) and (2). Sub-clause (1) reads:

"(1) Any police officer may without warrant arrest and detain pending enquiries any person in respect of whom he has reason to believe—

(a)
(b)"; and

Sub-clause (2) reads:

"(2) Any police officer may without warrant arrest and detain pending enquiries any person, who upon being questioned by such officer fails to satisfy such officer as to his identity"

I propose that after the words "Any police officer" we include the words "not below the rank of an Inspector of Police" thus limiting the power to police officers of the rank of Inspector and upwards.

Mr. Speaker: Why do you want the words "of police"?

Enche' Lim Kean Siew: Otherwise the word "inspector" may be mistaken for an Inspector of Vehicles.

Mr. Speaker: But you already have the words "police officer".

Enche' Lim Kean Siew: I propose that we include the words "not below the rank of Inspector".

Mr. Speaker: That is better.

Tun Abdul Razak: Mr. Speaker, Sir, I am sorry, I cannot accept the amendment, because we may not have a Police Inspector all the time to make an arrest. This is only in respect of arrests. There are safeguards in that no person arrested can be detained for over 24 hours except with the authority of a police officer of or above the rank of Assistant Superintendent; and if a police officer of or above the rank of Superintendent is satisfied that enquiries cannot be completed within 48 hours he may authorise further detention. In the security area you may not have a Police Inspector and this refers only to a security area, and I think it is necessary to retain these words "any police officer" so that a police officer in the jungle may be able to arrest any person in respect of whom he has reasonable grounds has committed an offence. It is not possible to accept the amendment.

Amendment put, and negatived.

Clauses 71 to 75 inclusive ordered to stand part of the Bill.

Clauses 76 to 80 inclusive ordered to stand part of the Bill.

Clauses 81 to 84 inclusive ordered to stand part of the Bill.

First Schedule ordered to stand part of the Bill.

Second Schedule—

Tun Abdul Razak: Mr. Speaker, Sir, I propose that paragraph 1 of the Second Schedule be deleted. This is

in order to make it clear that we only refer to offences committed within a security area. This matter was raised by the Honourable Member for Menglembu and I think that it is clear that it is not our intention to amend the law relating to criminal procedure.

Mr. Speaker: The question before the House is that the House doth disagree with Clause 1 of the Second Schedule.

Amendment put, and agreed to.

Second Schedule as amended ordered to stand part of the Bill.

Preamble—

Enche' K. Karam Singh: Mr. Speaker, Sir, referring to my comments and criticisms on the Preamble, the Honourable the Deputy Prime Minister has offered rather gratuitous and unsolicited advice to me to run off to the jungle; and his Ministerial colleagues were so happy at the suggestion that they started laughing and clapping. However, I would like to remind the Honourable Ministers and the Deputy Prime Minister that I will stay here in this Chamber as long as I can to do my duty to the people of this country. I shall not in any way oblige them by scuttling my duty here and running off. That assurance I give to the Ministers, who at first were so happy that probably they thought I would take that suggestion very seriously. (*Laughter*).

Mr. Speaker: I must remind the Honourable Member that under Standing Order 57, no amendment can be moved to the preamble of the Bill before the House.

Preamble ordered to stand part of the Bill.

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

Question put, and agreed to.

House resumed.

Tun Abdul Razak: Sir, I beg to report that the Bill has been considered in Committee and agreed to with amendments.

Third Reading

Tun Abdul Razak: Sir, I accordingly move that the Bill be read a third time and passed.

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

Question put, and agreed to.

Bill, as amended, accordingly read a third time and passed.

THE RUBBER INDUSTRY (REPLANTING) FUND BILL

Enche' Cheah Theam Swee: Mr. Speaker, Sir, I beg to move that the order in respect of the Rubber Industry (Replanting) Fund Bill be discharged and the Bill withdrawn.

Enche' V. Manickavasagam: I beg to second the motion.

Question put, and agreed to.

Bill accordingly withdrawn.

THE INTERNATIONAL DEVELOPMENT ASSOCIATION BILL

Second Reading

Mr. Speaker: (*To the Minister of Finance*): How long would you take to introduce this Bill?

Enche' Tan Siew Sin: About one hour.

Mr. Speaker: We have only ten minutes before we adjourn at 4.30 p.m. If you take more than ten minutes, I will postpone the Bill to to-morrow morning.

Enche' Lim Kean Siew: Mr. Speaker, Sir, I propose that we adjourn until 10 o'clock to-morrow morning.

Enche' V. David: I beg to second it.

Mr. Speaker: I have the power to adjourn at any time. The House is adjourned till ten o'clock to-morrow morning.

Adjourned at 4.25 p.m.

WRITTEN ANSWERS TO QUESTIONS

MINISTRY OF HEALTH AND SOCIAL WELFARE

Medical attention of Government Servants at their homes

1. Enche' V. David asks the Minister of Health and Social Welfare whether it is the policy to allow Division I officers to call Government doctors to their houses and whether such privilege will also be extended to all other Government servants.

Dato' Ong Yoke Lin: Any Government servant may call a Government doctor to his house in accordance with General Orders 10 (a) Chapter "F".

Children's Orthopaedic Home, Malacca

2. Enche' V. David asks the Minister of Health and Social Welfare to state the reasons why the Government has not taken over the Children's Orthopaedic Home built in Malacca through public sponsorship, in view of the appeals to him to take over the Home.

Dato' Ong Yoke Lin: It has been agreed between my Ministry and the Malacca State Welfare Committee that the Children's Orthopaedic Home will be taken over and run by my Ministry as soon as the formality of the sub-lease and agreement in respect of land and building are completed.

Rural Clinics

3. Enche' V. David asks the Minister of Health and Social Welfare how many rural clinics are to be opened during the next five-year plan.

Dato' Ong Yoke Lin: Proposals for setting up a large number of rural health clinics in accordance with the Government's declared policy of expanding the medical and health services to the rural areas have been submitted for consideration in the next Five-Year Development Plan. It is therefore not possible to say at this moment exactly how many rural health clinics will be opened during the next five years.

Cost of Renovation of Hospitals in Kuala Lumpur

4. Enche' V. David asks the Minister of Health and Social Welfare the total amount of money spent on renovating the Kuala Lumpur General Hospital in 1957, 1958, 1959 and how much of the money spent was on just painting the hospital.

Dato' Ong Yoke Lin:

Kuala Lumpur General Hospital

Year	Renovation	Painting
1957 ...	\$19,000	\$ 5,100
1958 ...	45,400	20,300
1959 ...	51,100	15,000

5. Enche' V. David asks the Minister of Health and Social Welfare the total amount of money spent on renovating the Bungsar Hospital in 1957, 1958 and 1959.

Dato' Ong Yoke Lin:

Bungsar Hospital

Year	Renovation
1957 ...	\$ 8,000
1958 ...	12,700
1959 ...	21,300

RURAL AREAS AND NEW VILLAGES

Medical and Dental Facilities

6. Enche' V. David asks the Minister of Health and Social Welfare what steps will he take and what steps has he taken to bring great medical attention to the rural folks and the part his Ministry will play in the attempt to improve rural conditions.

Dato' Ong Yoke Lin: The declared policy of the Alliance Government and the action taken for the improvement of the standard of living in the rural areas are well known. My Ministry has embarked on a programme for the establishment of more rural health centres and midwives clinics, the increase of medical and health personnel to serve in rural areas, the improvement to district hospitals and the establishment of air-lift service for those seriously ill in the remote areas.

Estate Hospitals

7. Enche' V. David asks the Minister of Health and Social Welfare

whether he is satisfied with the general conditions in estate hospitals and whether officers of his Ministry keep a check on estate hospital conditions.

Dato' Ong Yoke Lin: I am generally satisfied with the general conditions in estate hospitals. Officers of my Ministry and the Ministry of Labour do keep a check on the conditions in estate hospitals from time to time, and they also carry out investigations of specific complaints of unsatisfactory conditions.

Medical and Dental Clinics

8. Enche' V. David asks the Minister of Health and Social Welfare how many new villages have clinics established by his Ministry and how many are visited by travelling dispensaries.

Dato' Ong Yoke Lin: There are 186 clinics established in new villages either by my Ministry or by voluntary organisations assisted by my Ministry. In addition, 131 new villages are being visited by Maternity and Child Health teams and 309 are being visited by travelling dispensaries.

9. Enche' V. David asks the Minister of Health and Social Welfare whether travelling dental clinics visit new villages, how many travelling dental clinics are operating, what percentage of the population are they serving and where is the biggest concentration of such dental clinics.

Dato' Ong Yoke Lin: With the limited number of Dental Travelling Clinics available, priority is given to the treatment of school children, pregnant women and nursing mothers. Travelling Dental Clinics do visit some new villages. There are 11 Dental Travelling Clinics in the country. The State with the largest number of such type of clinics is Perak with three units. The percentage of population treated by the Government Dental Service varies from place to place between 1% and 10%.

Anti-TB X-Ray Services

10. Enche' V. David asks the Minister of Health and Social Welfare the

total mileage done by the mobile anti-TB X-ray clinic given as a Merdeka present by the Government of West Germany, the number of new villages and kampongs it has visited and the number of rural folks it has X-rayed.

Dato' Ong Yoke Lin: Pending the proposed national campaign for the elimination of Tuberculosis, this particular unit is being put to what is at the moment considered its best possible use and it fills a most urgent need. The unit is being used at the General Hospital, Kuala Lumpur, in connection with anti-TB work.

11. Enche' V. David asks the Minister of Health and Social Welfare what his policy regarding providing anti-TB services to rural folks, how many rural X-ray plants are there in the Federation and what percentage of the rural folks are suspected to have TB.

Dato' Ong Yoke Lin: A national programme for the elimination of Tuberculosis as a Public Health problem will be included for consideration in the next Five Year Development Plan based on the recommendations of Sir Harry Wunderley, World Health Organisation Consultant on Tuberculosis.

There are 26 X-ray plants installed in District Hospitals.

No survey has been undertaken to ascertain the incidence of tuberculosis among rural people, but this will be a part of the proposed national programme.

Bilut Valley

12. Enche' V. David asks the Minister of Health and Social Welfare what form of medical facilities are being provided to settlers of Bilut Valley.

Dato' Ong Yoke Lin: A resident Government midwife has been posted in the Bilut Valley since 16th December, 1959. Bi-monthly visits are also made to the area by the Maternal and Child Health unit and a travelling dispensary from Bentong. In addition, certain anti-malarial measures such as residual house spraying and prophylactic treatment using paludrine are being provided.