



PARLIAMMENTARY DEBATES

DEWAN NEGARA (SENATE)

OFFICIAL REPORT

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FEDERATION OF MALAYA
DEWAN NEGARA (SENATE)
Official Report

Vol. III

Third Session of the First Dewan Negara

No. 3

Monday, 26th June, 1961

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

PRESENT:

- The Honourable Mr. President (DATO' HAJI ABDUL RAHMAN BIN MOHAMED YASIN, S.P.M.J., P.I.S., J.P. (Johore).
- „ the Minister of Justice (TUN LEONG YEW KOH, S.M.N.) (Appointed).
- „ TUAN HAJI ABBAS BIN HAJI MOHAMED (Trengganu).
- „ ENCHE' ABDUL HAMID BIN MAHMUD, J.M.N. (Appointed).
- „ ENCHE' AHMAD BIN SAID, A.M.N. (Perak).
- „ ENCHE' A. M. ABU BAKAR, J.M.N. (Appointed).
- „ ENCHE' ABDULLAH BIN ISHAK (Perlis).
- „ ENCHE' ABDUL WAHAB BIN IDUS, P.J.K. (Negri Sembilan).
- „ ENCHE' AMALUDDIN BIN DARUS (Kelantan).
- „ ENCHE' CHEAH SENG KHIM, J.P. (Penang).
- „ DATO' DR. CHEAH TOON LOK, J.M.N., J.P., Dato' Maha Kurnia (Appointed).
- „ ENCHE' CHOO KOK LEONG (Appointed).
- „ ENCHE' J. E. S. CRAWFORD, J.M.N., J.P. (Appointed).
- „ ENCHE' DA ABDUL JALIL BIN HAJI AWANG (Trengganu).
- „ ENCHE' HASHIM BIN AWANG, J.P. (Penang).
- „ ENCHE' KOH KIM LENG (Malacca).
- „ DATO' LEE FOONG YEE, J.M.N., P.P.T., J.P. (Negri Sembilan).
- „ ENCHE' LIM HEE HONG, A.M.N. (Appointed).
- „ ENCHE' MOHD. SALLEH BIN MOHAMED ARIFF (Malacca).
- „ ENCHE' MOHD. ZAHIR BIN HAJI ISMAIL (Kedah).
- „ ENKUN MUHSEIN BIN ABDUL KADIR, J.M.N., P.J.K. (Appointed).
- „ ENCHE' ATHI NAHAPPAN (Appointed).
- „ ENCHE' S. P. S. NATHAN (Appointed).
- „ TUAN HAJI NIK MOHD. ADEEB BIN HAJI NIK MOHAMED (Kelantan).
- „ TOK PANGKU PANDAK HAMID BIN PUTEH JALI, P.J.K. (Appointed).
- „ RAJA RASTAM SHAHROME BIN RAJA SAID TAUPHY (Selangor).
- „ DATO' SHEIKH ABU BAKAR BIN YAHYA, D.P.M.J., P.I.S., J.P. (Johore).

The Honourable DATO' G. SHELLEY, P.M.N., J.P. (Appointed).

- „ TUAN SYED AHMAD BIN SYED MAHMUD SHAHABUDIN, J.M.N.
(Kedah).
- „ DATO' E. E. C. THURAISSINGHAM, D.P.M.J., J.P. (Appointed).
- „ ENCHE' S. O. K. UBAIDULLA (Appointed).
- „ ENCHE' WAN AHMAD BIN WAN DAUD, P.J.K., J.P. (Perlis).
- „ DATO' WAN IBRAHIM BIN WAN TANJONG, J.M.N., P.J.K., Orang
Kaya Indera Maharaja Purba Jelai (Pahang).
- „ ENCHE' YAP KHEN VAN, A.M.N., J.P. (Pahang).

ABSENT:

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

- „ ENCHE' NIK HASSAN BIN HAJI NIK YAHYA, J.M.N.
(Nominated).
- „ ENCHE' T. H. TAN, J.M.N. (Nominated).
- „ ENCHE' YEOH KIAN TEIK (Perak).

IN ATTENDANCE:

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

- „ the Minister of Finance, ENCHE' TAN SIEW SIN, J.P.
(Malacca Tengah).
- „ the Minister of Transport, DATO' SARDON BIN HAJI JUBIR,
P.M.N. (Pontian Utara).
- „ the Minister of Commerce and Industry, ENCHE' MOHAMED
KHIR BIN JOHARI (Kedah Tengah).
- „ the Assistant Minister of Rural Development, TUAN HAJI
ABDUL KHALID BIN AWANG OSMAN (Kota Star Utara).
- „ the Assistant Minister of Labour, ENCHE' V. MANICKA-
VASAGAM, J.M.N., P.J.K. (Klang).

PRAYERS

(Mr. President *in the Chair*)

ANNOUNCEMENT

REPLY FROM HIS MAJESTY THE
YANG DI-PERTUAN AGONG TO
ADDRESS OF THANKS

Mr. President: Ahli² Yang Berhormat, dalam persidangan yang lalu Majlis ini telah memutuskan dengan sa-bulat suara ia-itu satu ucapan hendak-lah di-sampaikan kepada Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong memohon ampun mempersembahkan kepada ka-bawah Duli satu ucapan tahniah dari Dewan Negara mengucapkan berbanyak shukur dan

terima kaseh kepada ka-bawah Duli yang telah membuka persidangan Parlimen.

Perutusan ini telah di-persembahkan kepada ka-bawah Duli dan sekarang saya akan bachakan kepada Majlis ini jawapan daripada ka-bawah Duli Yang Maha Mulia itu.

“QAULUHUL-HAK.

Warkatul-ikhlas wal-muhibbah ia-itu daripada beta, Syed Putra ibni Al-Marhum Syed Hasan Jamalul-lail, Yang di-Pertuan Agong Persekutuan Tanah Melayu.

Mudah-mudahan barang di-wasalkan oleh Rabbil-'A-lamin ka-majlis Yang Berhormat Dato' Haji Abdul Rahman bin Mohamed Yasin, S.P.M.J., P.I.S., J.P., Yang di-Pertua Dewan Negara Persekutuan Tanah

Melayu, yang ada beristerihat al-khair pada masa ini di-bandar Kuala Lumpur, dengan beberapa selamat dan kesejahteraan-nya.

Wa ba'adah ehwal beta ma'alumkan bahawa warkah Dato' yang bertarikh 5 haribulan June, 1961 menyembahkan ucapan terima kaseh Dewan Negara kepada beta itu telah selamat-lah beta terima dengan sukachita-nya. Beta menguchapkan terima kaseh berbanyak-banyak kepada Dato' dan sakalian Ahli Dewan Negara atas ingatan muhibbah dan ikhlas yang telah disembahkan itu.

Demikian-lah sahaja beta ma'alumkan di-sudahi dengan salam ta'dzim jua, ada-nya."

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

Mr. President: Ahli² Yang Berhormat, saya suka hendak mema'alumkan kepada Majlis ini ia-itu saya telah menerima satu perutusan daripada Dewan Ra'ayat. Sekarang saya minta Setia-Usaha Majlis membachakan-nya.

Whereupon the Clerk read the following message dated 21st June, 1961:

"Mr. President,

The House of Representatives has passed the following Bills—

- (1) Bill to amend the Federation Light Dues Ordinance, 1953,
- (2) Bill to amend the Rubber Industry (Replanting) Fund Ordinance, 1952,
- (3) Bill to amend the Treasury Bills (Local) Ordinance, 1946, and the Treasury Deposit Receipts Ordinance, 1952,
- (4) Bill to amend and consolidate the law providing for the remuneration of the Judges of the Supreme Court,
- (5) Bill to amend the Licensed Land Surveyors Ordinance, 1958,

(6) Bill to repeal the Treasury Bills (London) Ordinance, 1949,

(7) Bill to amend the Town Boards Enactment of the Federated Malay States and of the State of Johor,

(8) Bill to apply sums out of the Consolidated Fund for additional expenditure for the service of the years 1960 and 1961, to appropriate such sums for certain purposes and to provide for the replacement of amounts advanced from the Contingencies Fund,

and transmit them to the Senate for its concurrence.

(Signed) DATO' HAJI MOHAMED NOAH
BIN OMAR,
Speaker."

Mr. President: Ahli² Yang Berhormat, dalam perutusan Dewan Ra'ayat pada Dewan Negara ada lapan Rang Undang² yang di-bachakan oleh Setia-Usaha tadi. Empat Undang² berkaitan dengan wang dan empat Rang Undang² lagi tidak berkaitan dengan wang. Peratoran Meshuarat 66 (2) mensharatkan ia-itu satu Rang Undang² yang tidak berkaitan dengan wang hanya boleh di-bachakan kali yang kedua sa-lepas lima hari penoh sa-lepas daripada tarikh di-keluarkan pemberitahu hendak di-bachakan kali yang kedua. Syarat Peratoran ini juga ada mengatakannya ia-itu Yang di-Pertua jika puas hati atas permintaan sa-orang Menteri menyatakan oleh sebab kepentingan awam berkehendakkan sa-suatu undang² di-bachakan kali yang kedua dengan serta-merta, maka boleh-lah Yang di-Pertua membenarkan sa-barang jenis Rang Undang² di-bachakan kali yang kedua dengan tidak berkehendakkan tempoh lima hari penoh saperti yang di-kehendaki itu.

Yang Berhormat Menteri Ke'adilan telah meminta kebenaran saya menurut syarat² ini supaya membolehkan keempat² Rang Undang² yang tidak berkaitan dengan wang yang di-nyatakan

dalam perutusan yang di-bachakan kali yang kedua dengan tidak berkehendakkan tempoh lima hari. Saya telah menimbangkan dan membenarkan permintaan Menteri Ke'adilan itu.

BUSINESS OF THE SENATE (Notice)

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

- (1) The Federation Light Dues (Amendment) Bill, 1961,
- (2) The Rubber Industry (Replanting) Fund (Amendment) Bill, 1961,
- (3) The Treasury Bills and Deposit Receipts (Amendment) Bill, 1961,
- (4) The Remuneration of Judges Bill, 1961,
- (5) The Licensed Land Surveyors (Amendment) Bill, 1961,
- (6) The Treasury Bills (London) (Repeal) Bill, 1961,
- (7) The Town Boards (Amendment) Bill, 1961,
- (8) The Supplementary Supply Bill, 1961.

ATTACK ON THE HONOURABLE ENCHE' LIM HEE HONG, A.M.N.

Tun Leong Yew Koh: Mr. President, Sir, I trust that you will not rule me out of order if I say, on behalf of the Honourable Senators of the House, how glad we are to see in his place the Honourable Mr. Lim Hee Hong after the murderous attack on his person last Wednesday. We are glad that he escaped with comparatively minor injuries. However, we are also sorry that his son, who came to the defence of his father, had suffered serious but not dangerous injuries. May I express the hope that this brave young man will soon be restored to his health and his family. (*Applause*).

BILLS PRESENTED

THE STATE LEGISLATURES (INCORPORATION) BILL

Bill "to prescribe the powers of State Legislatures to make laws with respect to the incorporation of certain persons and bodies within a State"—presented by the Minister of Justice; read the first time, to be read a second time at the next meeting.

THE REDEMPTORIST FATHERS (INCORPORATION) BILL

Bill "to incorporate the Titular Superior of the Redemptorist Fathers in the Federation of Malaya"—presented by the Minister of Justice; read the first time, to be read a second time at the next meeting.

THE COURTS (AMENDMENT) BILL

Bill "to amend the Courts Ordinance, 1948"—presented by the Minister of Justice; read the first time, to be read a second time at the next meeting.

BILL

THE KIDNAPPING BILL

Second Reading

The Minister of Justice (Tun Leong Yew Koh): Mr. President, Sir, I beg to move that a Bill intituled "An Act to provide for the detection and punishment of the offences of abduction, wrongful restraint and wrongful confinement for ransom and other related offences and for matters incidental thereto" be read a second time.

Honourable Senators will have had time to read, and carefully digest, the contents of this Bill. The Government has no hesitation in admitting that it is a highly controversial one, and one which is likely to raise considerable comment. We seek to make kidnapping for ransom—I stress the words for ransom—an offence punishable at worst with death, or at best with mandatory imprisonment for life with liability for whipping. We seek to punish the agents of kidnappers with ten years imprisonment, likewise with liability to whipping. We seek to

punish those who pay up ransom money with up to seven years imprisonment, with liability to a fine as well. We seek to give the Public Prosecutor power to freeze banking accounts, to intercept mail and telecommunications; to require a Magistrate to remand an accused person into police custody. Finally, we propose that the trial of kidnappers should be brought before a Judge with two assessors, and not before a Jury. I think it is only right that I should be brutally frank with this House and concealing nothing. We are dealing with a situation which, if it deteriorates further, will strike at the very sinews of our form of democratic government. Honourable Members will also be aware that the Government of Singapore has introduced parallel legislation, and for the same reason.

I do not think there is any question but that kidnapping for ransom is on the increase, both here and in the State of Singapore. In the last few years, the average kidnappings known to the Police in Kuala Lumpur alone is two a year, and this is rising. In the last week alone, two persons were kidnapped, one being a young schoolboy. Hundreds of thousands of dollars have been paid out in ransom money. It is only very seldom that a report is made to the Police; and when it is, it is accompanied with marked reticence. Kidnapping involves a widespread intimidation of all persons connected with the unfortunate victim, and the Police accordingly find their investigation to secure the release of the victim obstructed at every turning.

Who are these kidnappers? Who are the victims? It hurts me to say this, but kidnapping seems to be the monopoly of a small, but very vicious, element in the Malayan Chinese Community. The victims are almost invariably Chinese. Furthermore, police records make it clear that the great majority of kidnappings are organised and carried out by the secret societies. These are almost exclusively Chinese in membership, although there is reason to suppose that a few—a very few—non-Chinese henchmen are employed as decoys of hatchet-men.

The power of these secret societies is such, and so thorough is their planning and organisation, that everybody connected with the victim is himself the subject of criminal intimidation to a terrifying extent.

As a Malayan Chinese, I feel ashamed. It seems that we are more susceptible than other races to intimidation. I do not pretend to explain why. Perhaps it is due to our atavistic background of centuries of banditry and war-lordism. I do not know. But I think I am justified in believing that only an infinitesimal proportion of our race indulges in this brutal and cowardly crime. What is really frightening is the steel grip they have on the vast bulk of the Malayan Chinese Community.

And so we have an extraordinary situation which calls for extraordinary measures. Force must be met with force, and because the Alliance Government is convinced that this is necessary, force for our own entertainment—indeed, we arrived at it with reluctance, and only after several weeks of searching our consciences. For that reason, we seek the extreme penalty for kidnappers with a less drastic alternative, as to which penalty will apply, we must leave that to our learned and humane Judges. They will decide how to deal with those who kidnap children for ransom.

I have already referred to the far-reaching tentacles of the secret societies, and the quite terrifying grip they exercise over the community. This brings me to the question of substituting assessors for jurors. Honourable Senators will remember that trial by jury was one of the first measures introduced by the Alliance Government after Merdeka. We believe that, in 99 cases out of the 100, it is the best system and is suited to trying most types of crime. Comparatively few capital offences are committed by a large-scale criminal body. In most cases, the crime is one of passion or lust, or for the personal gain of one, two or three individuals. Here, kidnapping is organised by large gangs of thugs who can intimidate the relations of victims into silence. Is there

any reason to prevent them from intimidating the families of jurors whilst the trial is in progress? They know the list of jurors, which is published in the *Gazette*. The moment a jury is empanelled, their machinery will go to work on the families—on the wife, on the children (probably in several schools), on granny, aunts and uncle; is it reasonable to expect the jurors not to have this danger at the back of their minds? Is it reasonable to expect the police to keep an eye, for several weeks during and after the trial, on anything up to a hundred individuals both young and old? It is manifestly impossible. But the Police can reasonably keep their eye on the families of two assessors and can guarantee their safety. It is for this cardinal reason that we seek to remove this offence from the Jury system.

I know the Alliance Government will be attacked for changing its ground; for reaction; for weak-mindedness; for causing oppression, and so on. We accept that. It would have been easy for us to take the soft line to avoid criticism. But even if we are wrong, at least nobody can say that we have lacked courage. We are here as representatives of the people, as leaders of the people. We are not here as delegates to be swayed by emotionalism. We have been elected to lead and govern; if we fail to govern, then we might as well get out.

I have referred to the question of police custody of the accused on the motion of the Public Prosecutor. There is nothing sinister about this. The first duty of the Police in a kidnapping case is to secure the safety and release of the victim. There is no police officer in Malaya today who would sacrifice the life of the victim in order to secure the arrest of the kidnapper. The safety of the victim comes first; a successful prosecution of the kidnapper is relatively of minor importance. Information as to kidnappings comes in dribs and drabs and as it arrives piecemeal, it is always necessary to interrogate persons held in the light of the new information. If the accused is held in a prison—which might be anything up to a hundred miles away, this interro-

gation becomes all but impossible. In any case there is the time factor for all we know the victim is being beaten up or about to be murdered. Time, and the victim's safety, are the real factors.

I do not propose to say more at this stage. I shall welcome a frank debate on this very controversial measure. I shall be able to reply to criticism at a later stage, and there are other Cabinet Colleagues here today who will be able to assist Honourable Members in their legitimate right and duty to scrutinise this Bill with a powerful microscope. All I ask is that Members of this House should approach the problem completely objectively and to put to one side any preconceptions they may have. We in the Government thoroughly dislike the measures we now propose: we find ourselves in the same position as legislators in the United States some two generations ago, when kidnapping was so rife as to demand the death penalty. In America today, kidnapping is almost unknown in relation to what it was, although this crime is occasionally still committed. If, by adopting the same harsh but necessary measures in Malaya as our American friends so courageously adopted, we shall be justified. Our justification will be the eventual eradication of kidnapping for ransom—a crime only a degree less morally nauseating than blackmail.

I have one last comment to make. As I said earlier, the last week has seen two cases of kidnapping. Honourable Members will have heard with pleasure that the small boy was traced and recovered without injury to his person. I think we would all wish to record our appreciation at the prompt and intelligent action of the Police in this matter, which reflects the greatest credit on all concerned. Even more, perhaps, we should express our admiration at the manner in which members of the public co-operated in providing early and accurate information to the police. If all members of the public had co-operated in this fashion in the past, this harsh but necessary Bill would never have been

brought before Parliament. I leave it to society to draw its own conclusions and to enable us to repeal this law—if it is passed—at an early date as having become unnecessary.

Enche' Lim Hee Hong: Sir, I beg to second the motion.

Dato' E. E. C. Thuraisingham: Mr. President, Sir, I wish to congratulate the Honourable Leader of this House for his very candid presentation of this Bill. I agree on principle that this dastardly kidnapping for ransom should be abolished from this country. I have slight doubts, nevertheless, about the assessors. We have had assessors before—we had assessors during the British Military Administration—nevertheless we thought that we must move on to a jury system. A very thorough debate was held on this matter in the Legislature and now we have on our Statute Book the jury system. I am not convinced that the explanation given by the Honourable Leader is sufficient to change from the jury system again to the assessor system. If I understood the Honourable Leader correctly, he said that it is easy to guard and protect two assessors and their families and, therefore, it is necessary to have the assessor system. In matters of such fundamental importance, in the administration of justice, such as the jury system, I think the guarding of eight jury men is not perhaps so insurmountable a difficulty when we are prepared to guard two. Apart from this small comment on this part of the Bill, I wholly support the entire Bill.

Enche' Athi Nahappan: Mr. President, Sir, I wish to associate myself with the opinion expressed by my Honourable and learned friend Senator Thuraisingham. We have been proud that we have been able to introduce the jury system into this country for capital offences which carry capital punishment. The offence as provided in this Bill allows capital punishment and it also provides alternative punishment, but the object is to eradicate kidnapping in this country. Since it carries capital punishment, most of us would prefer to

see the jury system introduced in regard to the hearing of such an offence, particularly so when there are provisions concerning the question of evidence, as provided under clause 15 of this Bill, which are contrary to the Criminal Procedure Code that is in force now. Under the Criminal Procedure Code any statement made in the course of police investigation is not admissible, but here provision is made for such evidence to be admitted after due caution, and without any inducement or promise of any sort.

Further, under clause 11 there is provision for a person to be detained by the Police for investigation, and under clause 12 there is provision with regard to the evidence given by accomplices. Under the normal system of our procedure, an accomplice's evidence need to be corroborated, but here that is not so. Then we have new provisions with regard to bankers: they are required to give statements of accounts of people, who are suspected and brought under this Ordinance. And again, the duty to give information is also provided for.

When this Bill is armed with such provisions empowering the Police and the Public Prosecutor, we would like to see the jury coming in at the last stage of the hearing. It would probably temper the powerful procedures given to the Police with respect to the question of considering the various facts, as jurors are judges of facts. We have had the jury system working very well in the case of capital offences in this country, and I would not say that it would not work in this case.

Of course, we are all very happy that this Bill has been introduced. In fact, it should have been introduced a long time ago. We thought that we could put down this offence with the procedure provided in the Penal Code, but we found that the procedure given under the normal Criminal Procedure Code was not sufficient to curb this offence and, therefore, we are now introducing this Bill. Apart from this question of jury, I am wholly in support of this Bill, since we have had a number of cases recently in this country, more

particularly in Singapore, and the time has come for us to cross the bridge.

As the Honourable the Minister of Justice said, there is no sentimentality about this and we have to put it down—and put it down quickly and ruthlessly. But all of us, the admirers of the administration of justice in this country, as adopted from the United Kingdom, would like to see that one aspect, or one limb, of the machinery of justice, i.e., the jury system, introduced in this case as well, because it carries the capital punishment. In the case of a capital offence, where a murder has been committed, a life has been already taken, and therefore the jury come in to consider the question of facts. Here, when a person is kidnapped, he may not necessarily be killed—he may be restrained, he may be concealed forcibly, but he may come out alive after some time—and, therefore, perhaps it might be said that the offence in all cases may not turn out to be capital. There may be no question of death, and the juror system in this country is now confined to capital offences after the completion of the offence and, therefore, the jury system may not be required here—I mean, it might be argued that way. But since the power is given, and the fact that we are getting worried because of the fact that the number of kidnapping cases has abnormally increased—in fact it is smearing our country's good name with notorious cases—we have to be effective and ruthless and sweeping in our action. Other than that particular provision, as I have said, Sir, I am fully in support of this Bill, though it contains a number of sweeping procedures to be adopted, procedures which are distinct from the Criminal Procedure Code as adopted in other cases.

Dato' J. E. S. Crawford: Mr. President, Sir, I rise to support the Bill strongly. I am afraid, Sir, I am just a simple planter but I have to disagree with the two men learned in the law, because I consider kidnapping is almost like the Emergency; and if I recollect rightly, during the Emergency, capital offences were not tried by a

jury, Sir, but by a judge or judge and assessors. So I say, in this case, I think a judge and two assessors are sufficient for this type of crime and we don't need a jury, Sir.

Enche' Amaluddin bin Darus: Tuan Yang di-Pertua, saya bangun menyokong dengan kuat-nya Rang Undang² yang di-hadapan kita ini, akan tetapi satu perkara yang saya suka menarek perhatian Dewan kita ini ia-lah berkenaan dengan pencholekan yang boleh di-katakan dalam Tanah Melayu ini telah berlaku dengan sangat giat-nya sa-belum pemberontakan kominis pada tahun 1948 dahulu, dan kemudian kedudukan-nya sudah boleh di-katakan ta' ada dalam Persekutuan, chuma berlaku dengan hebat-nya di-Singapura dan hanya pada akhir² ini mulai berlaku, dan menular atau berjangkit kepada Persekutuan Tanah Melayu. Dalam undang² yang bakal di-adakan untok memberi kuasa yang lebeh besar yang boleh menghukumkan kepada pencholekan yang berkenaan sa-bagaimana yang telah saya katakan ia-itu saya menyokong, akan tetapi satu perkara yang patut di-sedari sa-suatu yang timbul mungkin di-belakang-nya ada anasir² yang lain. Saperti yang telah saya sebutkan tadi, Tuan Yang di-Pertua, hampir² pemberontakan kominis dalam tahun 1948 dalam Persekutuan Tanah Melayu telah menjadi² benar pencholekan ini sa-hingga dapat kita meletakkan satu keyakinan sa-olah² usaha pencholekan itu tidaklah dengan tujuan untok mendapatkan wang tebusan sahaja yang di-lakukan oleh suatu kumpulan atau beberapa orang yang bertujuan untok menchari kekayaan dengan mudah tetapi mungkin di-belakang-nya ada badan² yang bertujuan untok menchari wang kerana perbelanjaan gerakan² untok mengachau atau sa-bagai-nya dan ini ada-lah satu perkara yang patut di-ambil berat oleh Kerajaan sa-hingga dapat menchari dan membongkar satu pertalian sa-kira-nya ada anasir² yang berupa pertubohan atau badan² yang mengambil kesempatan daripada ini untok kepentingan gerakan bagi pertubohan² mereka.

Sa-lain daripada itu bagaimana sa-kali pun undang² yang kita adakan

untuk di-jalankan di-Mahkamah, akan tetapi kira-nya orang² yang melakukan kejahatan ini tidak dapat di-paksa dan tidak dapat di-bawa ka-muka Mahkamah pengadilan maka kejahatan-nya itu akan berlaku terus-menerus dengan pehak kita yang hanya mengharapkan supaya dapat di-basmikan. Soal ini ia-lah bergantung kepada masyarakat seluruh-nya di-mana ra'ayat sa-sabuah negara yang merdeka hendak-nya harus ikut bertanggung jawab memelihara wujud-nya keamanan dan ketenteraman dalam negara Persekutuan Tanah Melayu ini. Saperti yang kita ketahui dari berita² akhbar beberapa kejadian pencholekan dalam tanah ayer kita ini ia-itu orang² yang melihat kejadian itu di-depan mata mereka telah mengambil sikap tidak tahu dengan mendiamkan diri dan ini menjadikan satu sikap yang bererti tidak membantu pulis dalam menjaga keamanan atau lebeh tepat boleh di-katakan tidak bertanggung jawab sa-bagai warga negara yang patut tampil ka-hadapan memberi diri-nya untuk ketenteraman, dan keamanan negara ini. Saya perchaya sa-kira-nya Kerajaan berusaha dengan satu chara yang lebeh menasabah untuk mendapatkan kesedaran ra'ayat dalam Persekutuan Tanah Melayu ini supaya menjadi ra'ayat yang bertanggung jawab bukan hanya dengan sa-mata² memberi hadiah untuk mendapatkan rahsia, tetapi dengan satu chara lain dari segi psychology supaya menyimpulkan kesedaran ra'ayat yang benar² bertanggung jawab terhadap negara, maka saya perchaya sadikit sa-banyak akan berlaku perubahan dan kita akan dapati kejadian saperti ini akan berkurangan.

Dan lagi kerja² yang di-tunjukkan oleh pulis pada masa ini sa-kali pun dapat kita hargakan dengan ada-nya keamanan, akan tetapi dengan ada-nya amalan yang sedang berlaku ia-itu apa yang saya ketahui pulis² yang di-beri tugas meronda atau beat di-sepanjang jalan di-kenakan sadikit peratoran pada sekian² jam berada di-sini, pada sakian² jam berada di-sini dan kira-nya sa-orang pegawai tinggi yang melawat pada sekian² jam tidak ada di-situ, maka orang ini akan di-da'awa kerana telah meninggalkan tempat-nya atau

kerana tidak menjalankan tugas-nya dengan betul di-tempat itu.

Saya perchaya mungkin tujuan di-adakan peratoran saperti ini supaya pulis yang bertugas tidak akan chuai dan tidak akan melarikan diri-nya dari tanggung jawab-nya itu, akan tetapi dari sudut yang lain, saya kkuatir oleh kerana ketentuan waktu mungkin ada anasir² yang tidak bertanggung jawab boleh berpakat mithal-nya mengatakan pada sekian² jam saya ada di-sini, pada sekian² jam saya ada di-sini, jika-lau terjadi sa-suatu kejadian saya tidak bertanggung jawab dan saya tidak akan di-tuntut oleh kerana pada waktu sekian saya berada di-sini. Pada mula-nya saya fikir pehak atas atau pehak pulis memikirkan takut pegawai²-nya berlaku churang, tetapi bagaimana sakali pun saya rasa keperchayaan kepada pegawai pulis itu lebeh layak kita letakkan daripada kita meletakkan kechurigaan sa-hingga kita menetapkan waktu yang saperti itu sa-hingga apa yang berlaku di-Persekutuan pada hari ini pehak pulis yang meronda akan kelihatan di-jalan² raya atau di-bawah lampu untuk memudahkan ketua-nya menemui mereka pada waktu² yang tertentu supaya kerja² mereka terjamin. Jadi pada hakikat-nya sa-olah² pehak pulis lebeh bekerja untuk menjaga diri-nya dengan ketua-nya daripada menjaga keamanan dan ketenteraman dalam negeri, kerana di-sebabkan oleh peratoran yang di-adakan oleh pehak atasan daripada Jabatan Pulis, dan saya fikir kalau sa-kira-nya dapat di-ubah satu chara yang lebeh bijak kembali kepada chara dahulu dan di-beri rasa tanggung jawab juga kepada pehak pulis yang memang telah mempunyai kesedaran dan tanggung jawab untuk menjaga keamanan akan bekerja dengan lebeh giat dengan tidak terkongkong pada waktu² yang tertentu—terbatas pada sekian² jam, maka di-sini saya rasa mereka boleh memberi khidmat dengan chemerlang pada pehak Kerajaan untuk menjaga keamanan dan ketenteraman dan di-antara-nya ia-lah untuk mengelakkan atau untuk menangkap gulongan² yang melakukan pencholekan itu.

Dato' Dr. Cheah Toon Lok: Mr. President, Sir, I wish to associate

myself with the opinions of my colleagues in supporting the Government very strongly on the passing of this Bill on kidnapping. There has been a debate on the assessor system and the jury system. I remember once having had a talk with a learned Judge who had told me that he felt sometimes reluctant to pass sentence of death under the assessor system on a person, because there was repugnance on his conscience. I believe that the assessor system is only advisory in nature, and the Judge need not accept the advice of the assessors. But under the jury system, the Judge is bound to accept the decision of the jurors, and I believe that it will be far better to have the jury system to take the trial of the accused. As far as the Bill is concerned, there is no definition about an accused person, because the accused might be minors who are urged to do the kidnapping, and I note, under the provisions of this Bill, under Clause 3, that minors under the general law can only be punished by probation and remand homes or approved schools, and I believe the intention here for minors is imprisonment for life. However, I do not think that the provision is good enough to deter kidnapers from using minors to do the kidnapping, and I think there should be a change in the Bill to provide for minors.

From the point of view of the kidnapping, it is very repugnant to the general life of the Chinese in this country, but they cannot help it because of intimidation to the whole family and it is, of course, repugnant to our way of life. Therefore, I hope that the Chinese will come forward to give evidence or to help the Government to eradicate this form of crime. I, for myself, strongly support the passing of this Bill, and I hope the Government will clarify the meaning of the "accused person" in this Bill.

Dato' Sheikh Abu Bakar: Dato' President, Sir, I would also like to associate myself with the comments made by various Honourable Senators in this House, but at the same time I would like to ask for a clarification regarding Clause 10 of the Bill. With

your permission, Sir, I quote the relevant section:

"Notwithstanding the provisions of any other written law, the Public Prosecutor, if he considers that it is likely to contain any information relating to the payment of any ransom for the release of a person who has been wrongfully confined or wrongfully restrained, may authorise any police officer. . ."

The phrase "police officer" is not defined under the Bill. Therefore, Sir, I take it that "police officer" means police constable upwards. But Clause 15 of the same Bill which, with your permission, I would also like to quote, reads as follows:

"Where any person is charged with an offence under this Act any statement, whether such statement amounts to a confession or not or is oral or in writing, made at any time, whether before or after such person is charged and whether in the course of a police investigation or not and whether or not wholly or partly in answer to questions, by such person to or in the hearing of any police officer not below the rank of Inspector . . ."

Therefore, Sir, in respect of these two Clauses, Clause 10 says "any police officer" whilst Clause 15 says "any police officer not below the rank of Inspector". In my opinion Clause 10 is as equally important as Clause 15. I do not say that police constable is not dependable, but if and when the case comes up before the Court, the lawyer for the accused will make much of the words in Clause 10, and the result is that the case may be thrown out on account of this lack of proper wording. Therefore, I would like a clarification from the Honourable Minister concerned as regards the probability of the missing words "not below the rank of Inspector".

Enche' S. O. K. Ubaidulla: Mr. President, Sir, before the war, we rarely used to hear about kidnapping, but now kidnapping is on the increase. If we allow this menace to grow, not only our social security would be lost but also our economic stability.

Sir, it is time now to find out what are the causes for the increase of kidnapping. Between 1940 and 1950 many boys who belonged to the school-going age have grown up without going to school. The boys of this nature, who

are illiterate and unemployed, easily become perverted. Further, we have the great influx of youths to towns from rural areas. It should be noted that most of the housebreakers, robbers and thugs who have been caught are under the age of 25 years. While we deal about kidnapping our attention must necessarily also be diverted to housebreakers, robbers and thugs. No one becomes a kidnapper overnight. First he tries his hand in pickpocketing; encouraged by success he becomes a robber and housebreaker; having become an expert in such crimes, he enters the big time business of kidnapping. While, Sir, we fight against kidnappers, we should also close down their breeding grounds by wiping out robbery, thuggery and housebreaking. I can say beyond any shadow of doubt that kidnappers are the graduates of the school of small crimes. Sir, are we in a position to eradicate robbers, housebreakers and kidnappers as far as possible; do we have a complete machinery to divert the minds of the young criminals to healthy pastimes? These are the social aspects of the question. Apart from this, Police is the potential force who can successfully wipe out crimes of this nature.

Sir, in my opinion, our Police force, as it is today, is inadequate to cope up with the mounting crimes. The number in the rank and file has not proportionately increased with the growth of the population. In April this year 326 cases were reported to the Police in the State of Selangor. This number was 37 more than in March. Sir, therefore, you can imagine the increase of crimes month after month. The population of big towns like Kuala Lumpur has tremendously increased and, as a result, the Police force has been called upon to man extraneous duties. They are also called upon to perform new duties after Merdeka. Due to inadequacy of personnel, the Police force is unable to increase patrols and beats in the robber-infested areas. As a result, the menace of robbery and house-breaking in large towns like Kuala Lumpur has become daily occurrences. In these areas people are spending sleepless nights in the

horror of being robbed during the night or day. Some houses have been robbed many times. Sir, your house was robbed in your absence (*Laughter*); my house was robbed right under my nose; and many more of us would have a similar experience. The robbers and house-breakers, like the kidnappers, are bold and organised. The robbers break into houses of even high Police officials, and use their cars for robbery. When a robber was questioned by an officer whose house was robbed, the robber said that he knew that the house belonged

Enche' A. M. Abu Bakar: Is it relevant to the question, Sir?

Enche' S. O. K. Ubaidulla: I am talking about the breeding ground of kidnappers, which is equally important. Sir, when the robber was questioned by an officer whose house was robbed, the robber said that he knew that the house belonged to the officer and he added jokingly, "Sir, your photo was in the House; I saluted to your photo first and then started robbing." (*Laughter*).

Sir, our law is also very lenient. One can rob for 15 times and every time he is sentenced to imprisonment for a period according to the crime. After all, if one robs thirty times he is only likely to be caught fifteen to twenty times. Even such seasoned criminals are not isolated from the society. I am glad that our law is severe in regard to the punishment for kidnappers. The natural way by which we can reduce kidnapping is by severe punishment for robbery, thuggery and house-breaking. Then these criminals would never be encouraged to become kidnappers. (*Applause*).

The Minister of the Interior and Internal Security (Dato' Dr. Ismail bin Dato' Haji Abdul Rahman): Tuan Yang di-Pertua, saya bangun mengambil bahagian dalam perbahathan ini. Yang pertama ia-lah hendak menjawab tuduhan yang di-datangkan oleh Yang Berhormat Enche' Amaluddin bin Darus kepada pulis, ia-itu berkenaan dengan mata² yang bekerja beat atau pun perkataan yang biasa di-gunakan

mata² yang selalu patrol. Dalam tegoran dia saya fikir ia sa-chara jenaka memainkan pulis kata-nya, mata² ini dalam menjalankan kewajipan patrol itu kerja-nya ia-lah sa-mata² dudok di-bawah lampu menunggu Inspector atau pun anggota pulis yang berpangkat tinggi supaya ia tahu yang mata² menjalankan kewajipan-nya.

Sa-bagai Menteri yang bertanggung jawab, tegoran kepada pulis itu saya menerima, tetapi hendak-lah tegoran itu yang pertama alasan-nya betul. Saya fikir Yang Berhormat itu kurang faham sedikit atas chara beat atau pun patrol ini. Yang pertama kata-nya, oleh sebab masa beat ini di-tetapkan, jadi bagi orang yang hendak mencholek itu boleh-lah mengambil masa yang mana pada masa itu mata² tidak ada di-situ. Yang sa-benar-nya, masa di-adakan beat atau patrol ini di-tukar dari sa-masa ka-samasa dan yang kedua mata² yang menjalankan beat atau patrol ini bukan sa-orang mata² sahaja tetapi ia di-tukar dari sa-masa ka-samasa. Jadi tidak-lah betul yang mengatakan ahli pulis itu sa-mata² dudok di-bawah lampu letrik menunggu kedatangan ketua-nya dan menunjokkan yang ia menjalankan kewajipan-nya.

Saya fikir tegoran yang sa-macam ini menjatuhkan maruah pulis, dan tidak patut di-datangkan dalam Dewan yang besar sa-macam ini. Dan saya perchaya kita semua sangat menghargai dan berasa sangat bangga ia-itu pulis kita di-sini ada-lah satu Pasokan Pulis yang terkemuka, dan yang dikenali oleh dunia, dan yang telah mengambil bahagian yang tepat dalam menghanchorkan "emergency" dalam negeri ini. (*Tepok*).

Enche' Amaluddin bin Darus: Tuan Yang di-Pertua, untok penjelasan. Saya tidak berniat untok menjatuhkan kehormatan pulis, tetapi apa yang nyata yang datang dari sumber yang berkenaan, pulis bertanggung jawab memadamkan sa-suatu kekachauan, akan tetapi dengan chara dan susunan yang di-ator, yang ia mesti ada sakan² jam di-sini, menyebabkan ia tidak berani meninggalkan tempat itu dengan lebeh jauh, melainkan mengikut

perintah. Jadi dengan kerana itu saya memberi tegoran untok di-timbangkan, bukan untok menjatuhkan kehormatan mata².

Dato' Dr. Ismail: Tuan Yang di-Pertua, terima kaseh atas alasan yang di-beri itu, tetapi mengatakan mata² dudok di-bawah lampu letrik menunggu kedatangan ketua-nya, saya fikir ini ada-lah satu tegoran yang akan menjatoh, yang akan melemahkan semangat mata² dalam masa ia menjalankan kewajipan-nya.

Sir, I now come to the observation made by the Honourable Enche' Ubaidulla in which he says that his house and yours too, Sir, have been robbed—for that matter even one Police Inspector's house was also robbed. He has said that the punishment for seasoned criminals is paltry and that there are no other ways of dealing adequately with habitual criminals. I would like to remind him that, in fact, this is a task which is engaging my attention since I assumed responsibility for the Ministry of the Interior, and it has taken a lot of my time signing orders under the Prevention of Crimes Ordinance, putting regular criminals under the supervision of the Police and under restricted residence. Though his observation is well meant, strictly speaking, it is not accurate.

Tun Leong Yew Koh: Mr. President, Sir, some Honourable Members criticised the Government's adoption of the assessor system instead of the jury system to deal with crimes of kidnapping. Sir, kidnapping is an extraordinary crime; so it needs extraordinary provisions. It is a matter of expediency to adopt the assessor system, because, as I have already said, it is easier to protect the families of two assessors than to protect the families of many jurors. It is a matter of opinion when one Honourable Member says that it is just as easy to protect the families of the jurors numbering about one hundred people as to protect the families of two assessors.

Dato' E. E. C. Thuraisingham: Mr. President, Sir, I said eight, not hundred.

Tun Leong Yew Koh: Another Honourable Member pointed out the extraordinary provisions adopted in this Bill. As I have said, this is an extraordinary crime and needs extraordinary provisions to deal with it.

The Honourable Dato' Sheikh Abu Bakar asked why the police officer under section 10 is not defined, whereas under section 15 he is defined. Under section 10, it can be any police officer because he will be under the direction of the Public Prosecutor. He gives direction to the police officer to intercept or listen to any conversation by telecommunication and things like that. So, anybody can be the officer. Whereas in section 15 the police officer is defined not below the rank of Inspector, because he has direct responsibility to take down statements, and we do not want any officer below the rank of Inspector to take down statements. That is all I have to say, and I thank all Honourable Members for supporting this Bill.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. President *in the Chair*)

Clauses 1 to 9 inclusive ordered to stand part of the Bill.

Clause 10:

Dato' J. E. S. Crawford: Mr. President, Sir, with reference to clause 10, would the Minister give us an assurance—as it gives such important powers—that the Public Prosecutor will not authorise any police officer below the rank of Inspector to exercise those powers. The powers given under clause 10 are very sweeping, Sir.

Tun Leong Yew Koh: As I have said just now, the Public Prosecutor may authorise any police officer to listen to telephone communication, intercept, detain and open any postal article in course of transmission by post, etc.

Mr. President: The Dato' asks for an assurance that the police officer concerned should not be below the rank of Inspector.

Tun Leong Yew Koh: I think this section gives him power to direct anybody.

Dato' J. E. S. Crawford: The point is that it is a very important power. In the case of income tax, they only authorise certain officers of high rank, but here it is any one. Should we allow any police constable to intercept messages and things like that, as already asked by an Honourable Member? Should we not get an assurance that the officer concerned will not be below the rank of Inspector, or sub-inspector, or some responsible person, Sir?

Dato' Sheikh Abu Bakar: Mr. President, Sir, in his reply just now the Honourable Minister of Justice said that it is up to the Public Prosecutor, after due investigation, to authorise any police officer he thinks fit. The Public Prosecutor will not give any instruction without making a proper investigation first of all.

Clause 10 ordered to stand part of the Bill.

Clauses 11 to 16 inclusive ordered to stand part of the Bill.

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

Sitting suspended at 11.15 a.m.

Sitting resumed at 2.30 p.m.

(Mr. President *in the Chair*)

ADJOURNMENT *SINE DIE*

(Motion)

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

That at its rising this day the House do stand adjourned *sine die*.

Engku Muhsein: Sir, I beg to second the motion.

Question put, and agreed to.

Resolved,

That at its rising this day the House do stand adjourned *sine die*.

BILLS

THE SUPPLEMENTARY SUPPLY BILL, 1961

Second Reading

Tun Leong Yew Koh: Mr. President, Sir, I beg to move that a Bill intituled "an Act to apply sums out of the Consolidated Fund for additional expenditure for the service of the years 1960 and 1961, to appropriate such sums for certain purposes and to provide for the replacement of amounts advanced from the Contingencies Fund" be read a second time.

Engku Muhsein: Sir, I beg to second the motion.

The Minister of Finance (Enche' Tan Siew Sin): Mr. President, Sir, this Bill seeks authority for expenditure in regard to two separate sets of Supplementary Estimates, one for the year 1960 and the other for the year 1961. The previous practice has been to move separate Bills for each set of Estimates, but it is felt that the new method is preferable in that it simplifies Parliamentary procedure by enabling all Supplementary Estimates for which approval is required to be dealt with in one debate.

Clause 2 of the Bill provides authority for additional expenditure of \$4,246,095 on the various services itemised in the Third Supplementary Estimates of Expenditure for 1960, while Clause 3 is concerned with the sum of \$6,415,157 included in the Supplementary Estimates for 1961. These totals, of course, do not take into account the Charged Expenditure which is also shown for the information of the House in the Supplementary Estimates but which does not require approval in the Supply Act because it is already authorised by existing laws.

Detailed information is given in the Treasury Memorandum concerning all the items for which additional provision is required, and I do not think it is necessary for me to take up the time of the House by elaborating upon them.

Question put, and agreed.

Bill accordingly read a second time.

Bill read the third time forthwith and passed pursuant to Standing Order 53 (2).

THE TREASURY BILLS AND DEPOSIT RECEIPTS (AMEND- MENT) BILL

Second Reading

Tun Leong Yew Koh: Sir, I beg to move that a Bill intituled "an Act to amend the Treasury Bills (Local) Ordinance, 1946, and the Treasury Deposit Receipts Ordinance, 1952" be read a second time.

Engku Muhsein: Sir, I beg to second the motion.

Enche' Tan Siew Sin: Mr. President, Sir, as stated in the Explanatory Statement, the Bill is of a formal nature and its primary purpose is to bring the provisions of the Treasury Bills (Local) Ordinance, 1946 and the Treasury Deposit Receipts Ordinance, 1952, into accord with the provisions of the Constitution.

Maturing Treasury Bills and Deposit Receipts have always been repaid from the proceeds received from the issue of these securities, but in 1958, Article 98 (1) of the Constitution and Section 13 (2) of the Financial Procedure Ordinance, 1957, rendered this practice unlawful as all repayments in respect of sums charged on the Consolidated Fund had to be brought to account in the Consolidated Revenue Account. It is undesirable that the repayment of short term securities such as Treasury Bills and Deposit Receipts should be charged to the Consolidated Revenue Account and therefore the amendments at item 1 (a) paragraph (a) and item 2 (a) paragraph (a) of the Schedule to the Bill provide that the proceeds of the issue of Treasury Bills and Treasury Deposit Receipts may be used to redeem maturing Treasury Bills and Deposit Receipts respectively, thus enabling long standing practice to be continued, and validating the method of accounting for such repayments since 1958.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. President *in the Chair*)

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

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

THE REMUNERATION OF JUDGES BILL

Second Reading

Tan Leong Yew Koh: Sir, I beg to move that a Bill intituled "an Act to amend and consolidate the law providing for the remuneration of the Judges of the Supreme Court" be read a second time.

Honourable Members will have read that this Bill, insofar as it affects the Judges of Appeal and the Puisne Judges, received a sympathetic hearing in another place, and so I need not detain this House for long over its contents.

As I have said elsewhere, this Bill is not necessarily the last word on the remuneration of Judges of the Supreme Court. Indeed, the increase in pensionable emoluments is only \$150 a month in respect of Judges of Appeal and \$130 a month in respect of the Puisne Judges. This is but a modest advance, but it will nevertheless give the Judges a status—if measured in financial terms—a little higher than that of Heads of the larger Government Departments. Of the permanent Crown Servants, only three—the Permanent Secretary, Prime Minister's Department, the Secretary to the Treasury and the Attorney-General now receive a higher pensionable salary.

Where the Judges will fare better is in their perquisites of office. In the past they receive a syce allowance of \$60 a month, and there was no provision for entertainment. Now, they will receive a full syce allowance of

\$150 a month together with an entertainment allowance of \$250 a month. Puisne Judges will therefore be better off to a tune of some \$470 a month. I need not stress the fact that, whether they wish it or not, Judges are inevitably offered hospitality which they feel they must accept: having accepted it, they feel they must return it, even though the hospitality is a semi-official recognition of their status as Judges rather than a purely personal matter as between man and man.

I should like to clear up a misunderstanding which occurred in another place and which has had wide publicity in the press. We had proposed a modest increase in the salary of the Chief Justice, but His Lordship personally asked that this should not be done at the present juncture. The point is that the Chief Justice, as is proper to his status, already has the highest salary of any permanent servant of the Crown: whilst his salary is only \$2,570 per mensem, his total remuneration is much more. In the Constitution, "remuneration" is described as anything capable of being valued in terms of money. The free house and furnishings, the car (together with all maintenance and depreciation), the salaries of the servants and the other perquisites of office bring the Chief Justice's total remuneration up to over the equivalent of \$4,000 a month, not including of course the variable allowances of COLA and Expatriation Pay. On a similar computation, the Judges of Appeal and the Puisne Judges will now receive \$2,620 and \$2,500 a month respectively. It cannot therefore be said that the post of Chief Justice is being down-graded even relatively; rather, the posts of the other Judges are being up-graded in relation to Heads of Federal Departments and with regard to the inevitable overheads which Their Lordships have to accept.

May I correct another slightly erroneous impression which has gone abroad, probably because I did not express myself clearly in another place? The examination of salary *structure*—I repeat *structure*—does not necessarily mean that all *salaries* are to be raised

or varied; it only means that the Cabinet Committee under the chairmanship of my Honourable friend the Minister of Finance is re-examining the *grading* of various posts in relation to other posts, and in relation to responsibility, status and relative importance. I am in no position to anticipate the findings of the Cabinet Committee, but would merely say that the Committee was satisfied that the grading of the posts of Judges of Appeal and Puisne Judges merited an immediate improvement in view of their undoubted status; and this up-grading was done in advance of considering the other posts held by Government servants.

Sir, I beg to move.

Engku Muhsein: Sir, I beg to second the motion.

Dato' Dr. Cheah Toon Lok: Mr. President, Sir, I think the House is very grateful to the Government for giving recognition to the prestige of our Judges by increasing for the time being their allowances so that their salary scheme would be in keeping with their dignity. But I am unhappy owing to the fact that the Honourable Minister of Justice has used the words "Puisne Judges" because in our Constitution the word "Puisne" is not included, and even in our Bill here it is stated "the Chief Justice, the Judges of Appeal and the other Judges of the Supreme Court shall receive". I do not know how the designation "Puisne Judge" came to be in operation, but I think it is a general colonial expression to designate a junior Judge. I think it is high time that we should not have the word "Puisne" attached to the names of Judges. I think it is enough if we have (i) Chief Justice, (ii) Judges of Appeal, and (iii) Judges. I believe that would be in keeping with the dignity of our Government.

Dato' Sheikh Abu Bakar: Sir, I would like, with your permission to speak on the Remuneration of Judges Bill in English.

Honourable Dato' President, Sir, I am very happy to support this Bill,

which is before the House, regarding the increased emoluments to the Judges of the Supreme Court. I agree, Sir, that it is high time that this should be done, in view of the fact that the cost of living is now higher in our country. The Honourable Minister of Justice said a few days back in the Lower House, when he moved this Bill, that the Judges often receive hospitality from foreign V.I.Ps. and that it would not be very well for them to refuse so often. But then, Sir, they are also bound by rules of etiquette to return the hospitality and, in doing so, they must do it in a manner befitting their position as senior members of the Bench of the High Court. This of course requires extra expenses in the commission of their entertainment.

I am also glad to hear the Minister of Justice when he said that the Cabinet has formed a committee to look into the gradings and emoluments of certain public services in the country and I hope, Sir, when that happens, the junior members of the Bench would not be forgotten—I mean the Magistrates.

With your permission, Sir, I would like to say a few words about these officers in our country. So far as my knowledge goes, and according to the Estimates, the salary of a Magistrate, State Civil Service, is, to be exact, \$478 per mensem—minimum of the basic salary. Therefore, Sir, our Magistrates will have to perform their duties on these emoluments plus, of course, the usual C.O.L.A. which, I humbly submit, are not at all sufficient at present. A Magistrate will have to keep up his dignity as a Member of the Bench, but I am not so sure that he will maintain his dignity on such an emolument.

Over and above this, in most of the Magistrate Courts there is a set of interpreters and other officials of the Court—and there may be in the Court as well one or two senior interpreters. According to the Estimates, again, Sir, the salary of a senior interpreter is \$556 per mensem, basic, or \$78 more than the Magistrate or, may I say Sir, the Boss. In regard to this, Sir, I dare say that the boss

will feel very small when he looks upon his senior interpreter, his subordinate and yet drawing more salary than he does. In addition, Sir, his position will be precarious and unhealthy, because, despite the fact that he has to maintain his dignity and prestige as a Member of the Bench, he will always be open to temptation from certain class of the public. It follows, therefore, in my opinion, if our Magistrates are not well paid or not sufficiently paid, then we will have an inefficient Bench. No doubt, Sir, some Magistrates are unqualified. But then the work which has to be executed by the unqualified Magistrates while on the Bench is virtually the same as that performed by the qualified Magistrates. Therefore, in my respectful opinion their emoluments should not be vastly differentiated.

I would respectfully ask therefore Sir, the Committee, which has been formed, will not fail also to explore all the possibilities of giving the junior Members of the Bench proper dues for their performance of the duties entrusted upon them by the Government.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. President *in the Chair*)

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

Schedule ordered to stand part of the Bill.

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

THE TREASURY BILLS (LONDON) (REPEAL) BILL

Second Reading

Tun Leong Yew Koh: Mr. President, Sir, I beg to move that a Bill intituled "an Act to repeal the Treasury Bills (London) Ordinance, 1949," be read a second time.

Enche' Lim Hee Hong: Sir, I beg to second the motion.

Enche' Tan Siew Sin: Mr. President, Sir, the purpose of the Bill is fully explained in the Explanatory Statement attached to the Bill, and I do not consider it necessary to take up the time of the Honourable Members with further explanation.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. President *in the Chair*)

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

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

THE FEDERATION LIGHT DUES (AMENDMENT) BILL

Second Reading

Tun Leong Yew Koh: Mr. President, Sir, I beg to move that a Bill intituled "an Act to amend the Federation Light Dues Ordinance, 1953" be read a second time.

Enche' Lim Hee Hong: Sir, I beg to second the motion.

The Minister of Transport (Dato' Sardon bin Haji Jubir): Tuan Yang di-Pertua, ta' payah-lah saya terangkan dengan panjang lebar tujuan pindaan undang² ini, kerana di-akhir Rang Undang² ini telah pun di-terangkan tujuan pindaan ini supaya menyesuaikan dengan perjanjian yang kita telah persetujukan dan telah pun di-hantar ka-Bangsa² Bersatu berkenaan dengan Pindaan Atoran Pembayaran Federation Light Dues Bill itu.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. President *in the Chair*)

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

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

THE RUBBER INDUSTRY (RE-PLANTING) FUND (AMENDMENT) BILL

Second Reading

Tun Leong Yew Koh: Mr. President, Sir, I beg to move that a Bill intituled "An Act to amend the Rubber Industry (Replanting) Fund Ordinance, 1952" be read a second time.

Enche' Lim Hee Hong: Sir, I beg to second the motion.

The Minister of Commerce and Industry (Enche' Mohamed Khir Johari): Mr. President, Sir, the Bill provides for a number of amendments to the Rubber Industry (Replanting) Fund Ordinance, 1952, which in the light of experience, are found to be necessary. The objects and reasons for these amendments are set out in the Explanatory Statement, but I will explain them in greater detail here.

The purpose of the amendment in clause 2 is to enable the Minister to appoint the five smallholders' representatives on the Rubber Industry (Replanting) Board. At present these appointments are made by the Rubber Producers' Council, on the nomination of the Council of Malayan Smallholders Association, but it is generally known that the Council of Malayan Smallholders Association is not fully representative of all the smallholders in the country. Moreover, recent events have shown that the Council of Malayan Smallholders Association has not been very effective and until such time as this Council can show that it could represent all or at least an overwhelming majority of the rubber smallholders in the country, it is necessary for the Minister responsible for the rubber industry in the interests of the smallholders as a whole to make the appointments. The various bodies representing smallholders' interests in the country will no doubt be consulted

before the appointments are made, but the final decision on the choice will have to rest with the Minister.

Sir, the proposed amendment in clause 3 is to enable the Minister to give the final decision on any matter concerning the administration of Fund B. At present the Minister has the authority to decide on any matter concerning any scheme approved under Part III of the Ordinance, i.e. schemes financed from the \$280 million provided by the Government for the benefit of the rubber industry. The authority, however, does not extend to schemes effecting Fund B, i.e. schemes financed from the replanting cess. It is considered essential that the Minister responsible for the industry should also be given the authority to have the final say on any matter concerning Fund B.

The proposed amendment in clause 4 is to require the Rubber Industry (Replanting) Fund Board to invest the monies of the Fund, other than working balances, in securities issued by the Government, or in such other securities as may be approved by the Minister of Finance. At present the monies in the Rubber Industry (Replanting) Fund are invested at the sole discretion of the Rubber Industry (Replanting) Fund Board which is legally entitled to invest the monies of the Fund wherever it likes; the position at present is that out of a total of about \$180 million in the Fund, except for about \$8 million, the bulk of the monies is at present invested in 3-5 year Treasury deposit receipts and short term Treasury bills. This amendment seeks to legalise the present position with regard to these funds. Moreover, Government considers that it is in the national interest that all monies in the Fund surplus to the immediate requirements of the Board should be invested in Federation Government securities, or in any such other securities as may be approved by the Minister of Finance. Provision, however, has been made to enable the Board to invest sums not exceeding \$8 million at any one time on fixed deposits in commercial banks to meet the short-term commitments of the Board.

The proposed amendment in clause 5 of the Bill is necessitated by the fact that replanting is normally carried out during the last quarter of the calendar year. The Third Schedule to the Ordinance provides that in order for estates to qualify for financial assistance under the Government Rubber Replanting Schemes, the last date for replanting or new planting is the 30th day of June, 1962. As the main planting season is normally during the last quarter of the calendar year, the effect of providing for the 30th June, 1962 as the last date for replanting or new planting is virtually to make 1961 the last year for estates to replant or new plant in order to qualify for the financial assistance. This, however, was not the intention as any rubber replanted or new planted during the calendar year 1962 can qualify for financial assistance as it does not take more than five years for payments of grants to be completed. It is also laid down in the Ordinance that the last date for payment of any grants is the 31st December, 1967. In order to enable estates to replant or new plant at any time in 1962 and still be eligible for financial assistance, it is necessary for the last date, by which estates should replant or new plant, to be changed from the 30th June, 1962 to the 31st day of December, 1962.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. President *in the Chair*)

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

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

THE LICENSED LAND SURVEYORS (AMENDMENT) BILL

Second Reading

Tun Leong Yew Koh: Mr. President, Sir, I beg to move that a Bill intituled

“an Act to amend the Licensed Land Surveyors Ordinance, 1958” be read a second time.

Enche' Lim Hee Hong: Sir, I beg to second the motion.

Tuan Haji Khalid bin Awang Osman: Tuan Yang di-Pertua, pindaan² ini hanya sa-mata² untok melichinkan perjalanan Land Surveyors Board. Keterangan² yang lanjut di-atas pindaan² ini ada di-dalam Explanatory Statement di-hujung Rang Undang² itu dan saya ingat tidak payah-lah lagi saya bacha dengan panjang lebar.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. President *in the Chair*)

Clauses 1 to 4 inclusive ordered to stand part of the Bill.

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

THE TOWN BOARDS (AMENDMENT) BILL

Second Reading

Tun Leong Yew Koh: Mr. President, Sir, I beg to move that a Bill intituled “an Act to amend the Town Boards Enactment of the Federated Malay States and of the State of Johore” be now read a second time.

Enche' Lim Hee Hong: Sir, I beg to second the motion.

The Minister of the Interior (Dato' Dr. Ismail): Mr. President, Sir, the need for a comprehensive Town and Country Planning Act has been felt for a long time, but this will take some time to consider and prepare; nevertheless there are certain urgent and pressing aspects of the problem, particularly in Kuala Lumpur, and as an interim measure this Bill has been brought before this House. High buildings in the central areas of towns, when not wholly office blocks, usually

comprise commercial premises on the lower floors with flats above. The commercial accommodation creates traffic and parking problems, which arise from the cars of workers and visitors, whilst the residential element also burdens the local authority with the provision of schools, open spaces and domestic garaging, although to some extent this latter need can be dovetailed with day time commercial requirements. Control is thus needed over the total permissible floor space, housing and population densities and the extent to which lots shall be built upon. Section 136 of the Enactment already provides for control of the intensity of development by reference to the number of houses per acre of land, and the amendment proposed by clause 2 (a) will extend this power to include control of the total area to be built upon and the total floor space of buildings.

It is proposed by clause 2 (b) to amend section 146 of the Enactment, in order to create a penalty in respect of any change of use of buildings after a draft town plan has been formally approved, and this repairs an omission in the Enactment.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. President *in the Chair*)

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

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

Adjourned sine die at 3.20 p.m.