



# PARLIAMENTARY DEBATES

DEWAN RA'AYAT  
(HOUSE OF REPRESENTATIVES)

OFFICIAL REPORT

## CONTENTS

**ADJOURNMENT OF THE HOUSE UNDER STAND-  
ING ORDER 18 (Application for Leave) [Col. 883]**

**ADJOURNMENT *SINE DIE* (Motion) [Col. 885]**

### **MOTIONS:**

**The Development Estimates, 1961—**

**Heads 145 to 149 [Col. 886]**

**Head 152 [Col. 889]**

**Report of Committee of Privileges [Col. 891]**

**Revision and Modification of the Trade Union Ordinance  
of 1959 to permit the ratification of I.L.O. Convention  
No. 87 [Col. 911]**

**Employment of Non-Federal Citizens [Col. 926]**

**DEFERMENT OF BUSINESS AND ADJOURNMENT  
[Col. 928]**

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

*Official Report*

---

Third Session of the First Dewan Ra'ayat

---

*Saturday, 29th April, 1961*

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

PRESENT:

- The Honourable Mr. Speaker, DATO' HAJI MOHAMED NOAH BIN OMAR,**  
S.P.M.J., D.P.M.B., P.I.S., J.P.
- „ **the Prime Minister and Minister of External Affairs,**  
**Y.T.M. TUNKU ABDUL RAHMAN PUTRA AL-HAJ, K.O.M.**  
**(Kuala Kedah).**
- „ **the Deputy Prime Minister, Minister of Defence and**  
**Minister of Rural Development, TUN ABDUL RAZAK BIN**  
**DATO' HUSSAIN, S.M.N. (Pekan).**
- „ **the Minister of Internal Security and Minister of the**  
**Interior, DATO' DR. ISMAIL BIN DATO' HAJI ABDUL**  
**RAHMAN, P.M.N. (Johor 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 Agriculture and Co-operatives, ENCHE'**  
**ABDUL AZIZ BIN ISHAK (Kuala Langat).**
- „ **the Minister of Transport, ENCHE' SARDON BIN HAJI JUBIR**  
**(Pontian Utara).**
- „ **the Minister of Health and Social Welfare, DATO' ONG**  
**YOKE LIN, P.M.N. (Ulu Selangor).**
- „ **the Minister of Commerce and Industry, ENCHE' MOHAMED**  
**KHIR BIN JOHARI (Kedah Tengah).**
- „ **the Minister of Labour, ENCHE' BAHAMAN BIN SAMSUDIN**  
**(Kuala Pilah).**
- „ **the Assistant Minister of Education, ENCHE' ABDUL HAMID**  
**KHAN BIN HAJI SAKHAWAT ALI KHAN, J.M.N., J.P.**  
**(Batang Padang).**
- „ **the Assistant Minister of Rural Development, TUAN HAJI**  
**ABDUL KHLID BIN AWANG OSMAN (Kota Star Utara).**
- „ **the Assistant Minister of Commerce and Industry, ENCHE'**  
**CHEAH THEAM SWEE (Bukit Bintang).**
- „ **the Assistant Minister of Labour, ENCHE' V. MANICKA-**  
**VASAGAM, J.M.N., P.J.K. (Klang).**
- „ **the Assistant Minister of the Interior, ENCHE' MOHAMED**  
**ISMAIL BIN MOHAMED YUSOF (Jerai).**

- The Honourable 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 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 SIANG SUN (Bentong).
- .. ENCHE' CHAN YOON ONN (Kampar).
- .. 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 HUSSIN RAHIMI BIN HAJI SAMAN (Kota Bharu Hulu).
- .. ENCHE' IBRAHIM BIN ABDUL RAHMAN (Seberang Tengah).
- .. ENCHE' ISMAIL BIN IDRIS (Penang Selatan).
- .. ENCHE' KAN KOCK SENG (Batu Pahat).
- .. ENCHE' K. KARAM SINGH (Damansara).
- .. ENCHE' LEE SAN CHOON (Kluang Utara).
- .. ENCHE' LEE SIOK YEW (Sepang).
- .. ENCHE' LIM JOO KONG (Alor Star).
- .. ENCHE' LIM KEAN SIEW (Dato Kramat).
- .. DR. LIM SWEE AUN, J.P. (Larut Selatan).
- .. ENCHE' LIU YOONG PENG (Rawang).
- .. ENCHE' T. MAHIMA SINGH, J.P. (Port Dickson).
- .. ENCHE' MOHAMED ABBAS BIN AHMAD (Hilir Perak).
- .. ENCHE' MOHAMED ASRI BIN HAJI MUDA (Pasir Puteh).

The Honourable 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).
- .. 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).
- .. TUAN HAJI REDZA BIN HAJI MOHD. SAID (Rembau-Tampin).
- .. ENCHE' SEAH TENG NGIAB (Muar Pantai).
- .. TUAN SYED ESA BIN ALWEE, J.M.N., S.M.J., P.I.S. (Batu Pahat Dalam).
- .. TUAN SYED HASHIM BIN SYED AJAM, A.M.N., P.J.K. (Sabak Bernam).
- .. ENCHE' TAN CHENG BEE, J.P. (Bagan).
- .. ENCHE' TAN PHOCK KIN (Tanjong).
- .. ENCHE' TAN TYE CHEK (Kulim-Bandar Bahru).
- .. WAN SULAIMAN BIN WAN TAM, P.J.K. (Kota Star Selatan).
- .. WAN YAHYA BIN HAJI WAN MOHAMED (Kemaman).
- .. 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 DATO' SULEIMAN BIN DATO' HAJI ABDUL RAHMAN, P.M.N. (Minister without Portfolio) (Muar Selatan) (*on leave*).
- .. the Minister of Education, ENCHE' ABDUL RAHMAN BIN HAJI TALIB (Kuantan).
- .. the Assistant Minister of Information and Broadcasting, TUAN SYED JA'AFAR BIN HASAN ALBAR, J.M.N. (Johore Tenggara).
- .. TUAN HAJI ABDULLAH BIN HAJI MOHD. SALLEH, A.M.N., P.I.S. (Segamat Utara).
- .. ENCHE' CHAN CHONG WEN (Kluang Selatan).
- .. ENCHE' CHAN SWEE HOE (Ulu Kinta).
- .. ENCHE' CHIN SEE YIN (Seremban Timor).
- .. ENCHE' HUSSEIN BIN MOHD. NOORDIN, A.M.N., P.J.K. (Parit).
- .. CHE' KHADIJAH BINTI MOHD. SIDEK (Dungun).
- .. ENCHE' KHONG KOK YAT (Batu Gajah).

- The Honourable ENCHE' LEE SECK FUN (Tanjong Malim).  
 „ ENCHE' MOHAMED BIN UJANG (Jelebu-Jempol).  
 „ ENCHE' NG ANN TECK (Batu).  
 „ ENCHE' QUEK KAI DONG, J.P. (Seremban Barat).  
 „ ENCHE' D. R. SEENIVASAGAM (Ipoh).  
 „ ENCHE' S. P. SEENIVASAGAM (Menglembu).  
 „ ENCHE' TAJUDIN BIN ALI, P.I.K. (Larut Utara).  
 „ ENCHE' TAN KEE GAK (Bandar Malacca).  
 „ TENGKU INDRRA PETRA IBNI SULTAN IBRAHIM, P.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).

## PRAYERS

(Mr. Speaker *in the Chair*)

### ADJOURNMENT OF THE HOUSE UNDER STANDING ORDER 18

(Application for Leave)

**Dato' Onn bin Ja'afar (Kuala Trengganu Selatan):** Mr. Speaker, Sir, I rise under Standing Order 14 (1) (*h*) and beg leave to move a motion under Standing Order 18 (1) for the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, to wit, the appointment of the Honourable Member for Ulu Kelantan, Tengku Indra Petra, as Acting Governor of Penang. The urgency of the matter is that, I believe, the appointment is for a very limited period—during the leave of the present Governor. The importance of the matter is that a person, who has been deposed as Tengku Mahkota of the State of Kelantan is now appointed the acting Head of the State of Penang. The post of Governor is equivalent to the post of a Ruler of a State and, therefore, it is incompatible that he should be appointed acting Governor where in his own State he has been overlooked, deposed and not appointed as the present Sultan of Kelantan.

**Mr. Speaker:** The Honourable Member for Kuala Trengganu Selatan is now seeking the leave of the House under Standing Order 18 (1) to move the adjournment of the House for the purpose of discussing a

definite matter of urgent public importance, to wit, the appointment of the Honourable Member for Ulu Kelantan, Tengku Indra Petra, as Acting Governor of Penang.

The Honourable Member was kind enough to let me have notice in advance of his intention to bring this matter up this morning, and I am much obliged to him for his forethought. I may say that I have given it very careful study and much thought since yesterday evening.

Under paragraph (2) of Standing Order 18, it is provided that Mr. Speaker must be satisfied that the matter is definite, urgent and of public importance before he may allow a claim to move the adjournment of the House. I must say that I am quite satisfied that the Honourable Member's claim fulfils all these three criteria. Nevertheless, I must still decline to place the matter before the House for it to decide whether it is prepared, pursuant to paragraph (3) of Standing Order 18, to grant the Honourable Member leave to proceed with his motion, for reasons which I shall now endeavour to make clear.

In the first place, the making of the appointment of Officer Administering the Government of the State of Penang is one which, under the Constitution of the State of Penang (Article 1), is a matter for His Majesty the Yang di-Pertuan Agong acting in his discretion after consultation with the Chief Minister of the State. Accordingly, it

is a matter which should be raised in the Legislative Assembly of that State. It is not on this ground, however, that the present motion is not in order. It is not admissible because it raises a matter which under the Standing Orders of the House—Standing Order 36 (8)—can only be raised by a substantive motion moved for such a purpose, that is, the conduct of His Majesty the Yang di-Pertuan Agong; and following Commons practice such motions cannot be raised on an Adjournment under Standing Order 18.

Secondly, insofar as in the discussion of the motion the private and personal conduct and character of the Honourable Member for Ulu Kelantan will inevitably be brought up, I am not prepared to admit it for debate, as, indeed, I am required so to do under Standing Order 36 (9) which reads:

“No reference shall be made in any debate to the conduct or character of any Member of Parliament . . . other than conduct in the capacity of Member of Parliament . . .”

To sum up, I would add that the power to appoint an Officer to Administer the Government of Penang is, by the Constitution of the State and by a State enactment, vested in His Majesty, acting after consultation with the Chief Minister of the State. This question relates, therefore, to the exercise of powers conferred on the State Legislature, and I consider that the proper place to question their exercise is the Legislative Assembly of the State of Penang and not this House.

**Dato' Onn bin Ja'afar:** Sir, subsequent to your ruling, I would like to give notice of a motion under Standing Order 36 (8) to impeach the character of the Acting Governor, Penang, not the Honourable Member for Ulu Kelantan.

## ADJOURNMENT *SINE DIE*

### (Motion)

**The Deputy Prime Minister (Tun Abdul Razak):** Mr. Speaker, Sir, I beg to move:

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

**The Minister of Internal Security (Dato' Dr. Ismail):** Sir, I beg to second.

Question put, and agreed.

Resolved,

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

## MOTIONS

### THE DEVELOPMENT ESTIMATES, 1961

Order read for resumption of consideration of the Development Estimates, 1961 (Command 18 of 1961) in Committee of the whole House (28th April, 1961).

House immediately resolved itself into Committee.

(Mr. Speaker *in the Chair*)

Debate resumed on Question:

“That the sum of \$8,365,944 for Heads 145 to 149 inclusive stand part of the Development Estimates.”

Question again proposed.

*Heads 145 to 149 inclusive—*

**Enche' K. Karam Singh (Daman-sara):** Mr. Speaker, Sir, last night I was saying that it was indeed a most embarrassing statement that was made by the Honourable the Minister of Transport in that the iron railings on the top of third class seats are meant for people to hold on to and not to be used as head-rests. But, Sir, in actual practice these iron bars are used as head-rests, and the people rest their heads on these iron bars on long journeys, particularly at night, and this sort of practice is quite an experience. Mr. Speaker, Sir, we know that probably the Honourable Minister does not know that the people actually rest their heads on these iron bars, and I appeal to the Government that by the time this House meets again in June to see to it that the Honourable Minister will have the honour of informing us that those iron bars have been replaced by suitable cushions.

Now, I would come to the question of the New International Airport,

which is going to be built very soon along Klang Road. Mr. Speaker, Sir, a number of estates in Batu Tiga are going to be taken over for conversion into an airport and among those estates are the Razak Estate and the Pilmoor Estate, but the estate that will be most affected would be the Razak Estate; a great portion of the Razak Estate will be taken over and the result will be that the labourers on that estate will be rendered jobless.

**Mr. Speaker:** What has that got to do with the Minister?

**Enche' K. Karam Singh:** I am asking the Government that in planning the airport, arrangements be made to see that these people who are displaced will be adequately looked after, so that the construction of the new airport will not inconvenience them.

**Mr. Speaker:** I think that concerns the Minister of Labour.

**Enche' K. Karam Singh:** But, Sir, the question arises from the construction of the new airport. I would urge the Government, and this Ministry in particular, to see to it that in making arrangements or plans for the setting up of the airport it will make certain allowances for replacement jobs for these people who will be displaced. Mr. Speaker, Sir, I do not like the setting up of the new airport at Batu Tiga to prejudice the rights of the long service employees of Razak Estate in getting their bonuses and gratuities. Therefore, I would appeal to the Government and urge it to enter into suitable arrangements with the management of the estates so that these long service employees of the estates concerned would get something for their services. Another arrangement that can be made by the Honourable Minister is that a certain amount of priority could be given to these labourers, who are displaced from Razak Estate, for jobs on the new airport, so that these people who have been staying there for years will be able to continue staying at Batu Tiga.

**Enche' V. David (Bungsar):** Mr. Speaker, Sir, I have nothing much to say except on Head 146, sub-head 3,

Port Swettenham—Housing. I would like to touch on housing, especially the Class 11 quarters—provided by the Railways. After repeated requests in this House, early last year the Honourable Minister undertook to renovate the Class 11 quarters. The renovation, as we see it today, is that a door has been constructed which provides access at the rear of these houses, but no additional room has been provided in each of these Class 11 quarters and, unfortunately, these houses in spite of the renovation still do not have each a kitchen. What I would like the Honourable Minister to know is that it is no point spending money on housing until and unless those houses are looked after properly, maintained properly and designed properly; further the Maintenance Clerks of Works, especially of the Railways, do not pay any attention to maintenance despite requests having been made by the occupants of these houses to the Railway Administration repeatedly.

I hope, Sir, that for Class 11 quarters, kitchens will be provided so that this would at least provide the minimum comfort to workers occupying Class 11 quarters. Further, I would request the Honourable Minister to see that the Maintenance Clerks of Works really keep up with their job of maintaining these quarters in a decent manner.

**The Minister of Transport (Enche' Sardon bin Haji Jubir):** Tuan Yang di-Pertua, bagi menjawab wakil Yang Berhormat dari Damansara lagi bertanyakan berkenaan dengan besi yang di-belakang tempat passenger kelas tiga. Saya sudah terangkan hari itu pehak keretapi akan menyiasat hendak membaiki keadaan<sup>2</sup> gerabak keretapi kelas tiga, tetapi tujuan besi itu bukanlah hendak bersandarkan kepala untuk hendak buat pegang oleh penumpang<sup>2</sup> semasa keretapi itu hendak dan sedang berjalan. Saya fikir tentu Ahli itu faham dan pengakuan saya perkara ini akan di-siasat, di-selidek serta akan di-baiki keadaan<sup>2</sup> itu sa-kira-nya keadaan kewanang keretapi itu akan membenarkan.

Kedua berkenaan dengan airport. Tuan Yang di-Pertua sendiri telah

menerangkan tadi berkenaan dengan buroh itu. Saya harap rakan saya Yang Berhormat Menteri Buroh dan bagitu juga Menteri Kerja Raya yang barangkali akan menjalankan kerja<sup>2</sup> di-kawasan itu serta akan menimbangkan perkara orang<sup>2</sup> yang ta' bekerja dalam estate, dan saya tentu-lah akan memberi kerjasama dengan seberapa yang boleh hendak menolong orang<sup>2</sup> saperti itu.

Bagi pehak Ahli Yang Berhormat dari Bungsar, patut ia berterima kasih dengan perkhidmatan keretapi kerana \$150,000 sudah di-belanjakan kerana membuat pintu belakang dan kerja<sup>2</sup> lain—ini yang hendak kita beri. Tempat memasak yang sa-benar-nya sudah ada, barangkali kurang baik kerana benda itu sudah lama 30 tahun, kalau hendak kita robohkan semua sekali, tetapi ta' ada duit perkhidmatan keretapi hendak buat segala-nya baharu. Sabar-lah dahulu, saya akan siasat dan akan berunding lagi berkenaan dengan kemajuan kewangan keretapi.

Question put, and agreed to.

The sum of \$8,365,944 for Heads 145 to 149 inclusive agreed to stand part of the Development Estimates, 1961.

*Head 152—*

**The Prime Minister:** Mr. Speaker, Sir, I beg to move that Head 152, Sub-head 1, Offices and Building Overseas, totalling \$3,687,927, be approved. This amount includes the amount already approved of \$654,000. This expenditure is in respect of the houses for our missions overseas. In respect of the Australian High Commissioner's house, it is found too small to accommodate the office as well as the High Commissioner and it is intended to buy a new house. The other one is in respect of the Embassy in Tokyo. This is for the purchase of a piece of land in Tokyo in order to house our staff. Another item is in respect of the Embassy in Paris, to renovate and redecorate and also furnish the Embassy in Paris, which was purchased a long time ago. The Ambassador is not at present staying at the Embassy,

but he is staying somewhere else in a flat. Again the expenditure for the Embassy in Bangkok is to renovate the Embassy; so is also the case with the Embassy in Washington. For political reasons, it is not possible for me to mention the amount involved in respect of the purchase of the house or the nature of the renovations. So, I would ask the House to approve the sum of \$3,687,927.

**Mr. Speaker:** It is open to debate. If nobody wishes to speak, I shall put the question.

Question put, and agreed to.

The sum of \$3,687,927 for Head 152 agreed to stand part of the Development Estimates, 1961.

Resolutions of the Committee to be reported.

*House resumed.*

Development Estimates, 1961, reported, with amendment.

**The Minister of Finance (Enche' Tan Siew Sin):** Mr. Speaker, Sir, I beg to move,

That this House doth agree with the Committee in its Resolutions, namely, that the expenditure of \$455,283,020 proposed in the Statement laid on the Table as Command Paper No. 18 of 1961, less the amount of \$9 million provided for Head 109, subhead 5, be approved by this House, and accordingly resolves that a sum not exceeding \$446,283,020 be expended out of the Development Fund in the financial year 1961, and that to meet the Heads and subheads of expenditure set out in the Second Column of the Statement aforesaid, with the exception of Head 109, subhead 5, there shall be appropriated the sums specified in respect thereof in the Fifth and Sixth Columns, and that the Resolutions passed by this House on 22nd December, 1960, in respect of expenditure to be made out of the Development Fund for the financial year 1961 be rescinded.

**Tun Abdul Razak:** Sir, I beg to second the motion.

Question put, and agreed to.

Resolved,

That this House doth agree with the Committee in its Resolutions, namely, that the expenditure of \$455,283,020 proposed in the Statement laid on the Table as Command Paper No. 18 of 1961, subject to the deletion of the sum of \$9,000,000 in respect of Sub-

head 5 of Head 109, be approved by this House; and accordingly resolves that a sum not exceeding \$446,283,020 be expended out of the Development Fund in the financial year 1961; and that to meet the Heads and Subheads of Expenditure set out in the second column of the Statement aforesaid with the exception of the said Sub-head 5 of Head 109 there shall be appropriated the sums specified in respect thereof in the fifth and sixth columns; and that the Resolution passed by this House on 22nd December, 1960, in respect of expenditure to be met out of the Development Fund for the financial year 1961 be rescinded.

### REPORT OF COMMITTEE OF PRIVILEGES

**Dato' Dr. Ismail:** Mr. Speaker, Sir, I beg to move—

That the First Report of the Committee of Privileges (Second Session), which has been presented to the House as Paper No. D.R. 2 of 1961, be adopted.

Sir, the circumstances leading to this motion are set out in the Report itself, and I do not propose to elaborate upon them here. In brief, it was alleged that the Honourable Member for Tanjong had made a statement to this House concerning the scale of furniture for Ministers' houses which was based upon evidence given to the Public Accounts Committee, and that this statement was made before that Committee had presented its Report to the House. Such action would constitute a contempt of the House under section 10 (*m*) of the Houses of Parliament (Privileges and Powers) Ordinance, 1952: and this prohibition is in fact considered important enough to be repeated in Standing Order 85 of the Standing Orders of this House.

The Committee of Privileges considered the matter, and came to the view that the Honourable Member concerned could not have made the statement referred to had he not been a member of the Public Accounts Committee, and decided that he had been guilty of a contempt of the House. These findings are set out in the Report of the Committee, and by this motion the House is asked to adopt the Report: that is to say, this House is asked to confirm the findings of the Committee that the Honourable Member concerned has in fact been guilty of a breach of

privilege: for it is up to this House alone, and not any Committee of this House, to make such a finding.

Well, Sir, this is, I suggest, a simple and straightforward case of breach of privilege. It has probably arisen from an excess of zeal on the part of the Honourable Member concerned. However, if we expect—as we do—that persons who are not members of this House shall not publish, anywhere, evidence given before a Select Committee, before that Committee has reported to the House, still more do we expect a similar courtesy to be observed by our own Members. To that extent, to the extent of the principle involved, this matter is important: although it may be that insofar as the subject matter of this particular case is concerned, the matter is comparatively trivial—for which reason, Sir, the Committee recommended the mildest form of punishment possible.

But punishment follows a finding of guilt, and this motion, Sir, is concerned only with such a finding. What the punishment ought to be—or, for that matter, whether any punishment is necessary—is another question altogether. We are at this stage concerned only with the question of whether or not a contempt has been committed. Well, Sir, the Committee of Privileges heard the member concerned, considered all the evidence, and reached the findings set out in the Report now before the House. The Report sets out all the relevant material and, if it is adopted, the question of what further action should be taken can then be considered. Accordingly, Sir, I beg to move.

**The Minister of Works, Posts and Telecommunications (Dato' V. T. Sambanthan):** Sir, I beg to second the motion.

**Enche' Lim Kean Siew (Dato Kramat):** Mr. Speaker, Sir, I was wondering whether you might consider, in the interest of justice, to vacate your chair and appoint a temporary Speaker, because I understand that you were also the Chairman in the Committee of Privileges, and it is a well-known fact

that this is the supreme court of the land or the highest court of the land, and that not only must justice be done but seen to be done. If you continue to sit in the chair, it might later on be alleged that the Chairman was already prejudiced since under his chairmanship this Report was made and has been tabled in this House. Mr. Speaker, Sir, this is a matter for your discretion and under section 7 (3) it is stated that—

“Mr. Speaker may at any time during a sitting ask a member to take the Chair temporarily, without formal communication to the House, and such member shall be invested with all the powers of Mr. Speaker, until Mr. Speaker returns.”

So, power is already given to you, Sir, under our Standing Orders to appoint somebody else, and you might think, Sir, that in the interest of justice in this case, it might be wise to do so.

**Mr. Speaker:** Honourable Members, the question whether I should preside over this has been raised by the Honourable Member for Dato Kramat and I must say that I am the Chairman of the Committee *ex officio* under Standing Order 80 of the House. In accordance with the practice of the United Kingdom Commons House of Parliament, the Speaker always presides over debates on matters concerning privileges and I intend to follow that practice (*Applause*).

If no Honourable Member wishes to speak, I shall . . . . .

**Enche' Tan Phock Kin (Tanjong):** Mr. Speaker Sir, I rise to speak on this particular subject, because I feel that the House must be informed of all the facts.

From the Report of the Committee of Privileges I cannot find out the date of this particular Report, because the Report is undated; and looking at the Report itself, it has also departed from the usual practice of embodying the names of members of the Committee, because we have Standing Reports of the various Committees and they usually contain the names of the members of the Committee. Another departure from usual practice so far as the Report is concerned is that the

minutes of the meeting are rather vague and short, in that the views of other members of the Committee are not embodied in the minutes at all. I do not know the reason for this, but it seems to me strange that the views of the other members of the Committee are not recorded, and in view of that, Sir, I propose to convince this House against accepting this Report.

As you will see, the Committee met once and a Report was put forward before this House. I cannot discover from the minutes of the Committee whether this Report was ever discussed by the Committee itself, because, as far as the minutes are concerned, there is no mention whatsoever that the Committee has discussed this Report. However, since the Report has been published, I take it that the Report has been published after the meeting of the Committee. In the meanwhile, certain things have happened, in that the Chairman of the Committee has also made decisions on certain other matters which to my mind are relevant to this particular matter under discussion. I refer here, Sir, to a complaint lodged by me against the Honourable the Minister of Finance with regard to the disclosure of false information to this House. Honourable Members will recollect, and, as far as this Committee is concerned, I think this Committee is aware of the fact, that what prompted me to make the statement which I did was due to a Treasury Memorandum which, to my mind, contained a misstatement of fact. I said so at the meeting, and what is more important is this: I made an allegation that the Minister misrepresented facts to this House. The Minister made no denial whatsoever, and in view of that, I stated what I said at that particular meeting. But the Chairman of the Public Accounts Committee is of the view that I have committed a breach, and this is a very important point. As a representative of the people in this House, I feel that it is my duty to expose any misrepresentation or any misstatement of fact in this Council, and I feel that I will not be doing my duty if I do not do so. As a result of that, when I discovered that the

Minister of Finance had made a false statement, had misrepresented facts, I accordingly said so in this House, and no denial came from him. As a result of that, I lodged a complaint to the Speaker on the 23rd October, 1960, and it was not until the 23rd January, 1961, that I received a letter from Mr. Speaker informing me that in his opinion there is no *prima facie* case against the Honourable the Minister of Finance. It might be interesting for this House to note that on the complaint lodged against me dated 13th August, 1960, by the Chairman of the Public Accounts Committee, action was taken barely 10 days later—on the 23rd August, I was informed by the Chairman of the Privileges Committee that in his opinion I had committed a breach of privilege and that I would have to appear before the Committee of Privileges. It took just 10 days to decide that I had committed a breach, but when I wrote to the Speaker in his capacity as the Chairman of the Committee of Privileges on the 23rd October, it took three months for me to receive a reply saying that there is no *prima facie* case.

So, my submission is this, Sir: that since the Chairman of the Committee of Privileges is of the view—in spite of the evidence produced by me, in spite of the fact that there was no denial whatsoever by the Minister when I challenged him as to the misrepresentation of fact in this particular House, in spite of the fact that the misstatement of the Minister actually misled me into believing and making that statement—that there is no *prima facie* case against the Honourable the Minister of Finance, then I put it to this House that, using the same standard of judgment, using the same standard of discretion, how then can this House be of the view that I have committed a breach, because my statement was prompted by misrepresentation—by a breach of the privileges? I would, therefore, ask this House to consider this particular point most carefully, because I notice, from the report of the Committee of Privileges, that it is stated in paragraph 6 as follows:

“While the subject of what further action should be taken in the matter is one for

the House itself to consider, the Committee would observe that the origin of the contempt would appear to lie in the mistake made by the Honourable Member concerned, in confusing the scale of financial provision already made for the furnishing of Ministers' residences with the scale of furniture for the residences.”

So, even the Committee is in agreement that it is due to a mistake on my part. However, I would like to point out that the mistake is not due to an error of judgment on my part but due to misrepresentation of the Minister of Finance—that is a very important point. If the circumstances are extenuating in the light of what the Committee views, then it would even be more extenuating in the light of my explanation.

Coming back to the other point, which I think the House is concerned with, and that is the question as to whether I made the statement deliberately—did I deliberately make a statement from knowledge acquired in the Committee—even if the Committee is of the view that the information derived was made intentionally or with malice, I would submit that even the Committee is in agreement, and that even the Honourable the Minister of Internal Security is of the view that it is due to over-zealousness on my part. The alleged breach is a result of my feeling that it is my duty, whenever any misstatement is being made in this House, to expose it, and I also pointed out to the Committee that this question of scale for Ministers' residences is not only the subject of discussion at this particular meeting in which the Report was not published, but it was also the subject of discussion at a previous meeting of the Public Accounts Committee which at the time when I made the statement had already been published, and any reasonable man would have come to the same conclusion, irrespective of whether he had been a member of the P.A.C. or not.

So, in view of all these, Sir, I feel that this House should reconsider the whole issue in the light of my explanation, because I submit, Sir, that the White Paper—the report of the Committee—does not contain all the facts; and in view of my explanation, I feel sure that all reasonable men will agree

that there is no case at all for me to answer.

**Dato' Onn bin Ja'afar:** Mr. Speaker, Sir, in the opening address, the Minister of Internal Security said that this matter was in reality a quibble. I entirely disagree with him. My feeling is that the Committee of Privileges is trying to make a mountain out of a molehill. I am, as you know, a person who is very jealous in upholding the powers, rights, privileges and prerogatives of this House. I do feel in this case that the Committee of Privileges has gone too far in recommending to this House punishment for this very trivial matter alleged against the Honourable Member for Tanjong.

On page 8 of the Report, there is mention of the cost of providing for the Minister of Justice the additional furniture and fittings to the scale approved for the official residences of Ministers of Federal Government. Any intelligent member of this House or any intelligent member of the public can deduce that the scale had been approved by someone—either by the Cabinet or by the Prime Minister himself or any Minister or a body of persons. Those words in the Treasury Memorandum are an actual interpretation of what happened: that the scale had been approved. There may, however, have been misrepresentation of facts. That I do not know. Assuming that the scale had been approved, the Honourable Member for Tanjong was quite in order, in my view, to deduce that someone had approved it. Therefore, the matter is no secret and whatever we discuss in the Public Accounts Committee is therefore very irrelevant to come to that deduction. If there had been any disclosure of the action already taken and that disclosure was made inadvertently by the Honourable the Minister of Finance, it would therefore be wrong in my view to take any disciplinary action against the Honourable Member for Tanjong for what he had said. His opinion, as expressed in his speech, was an honest deduction drawn from what was stated in the Treasury Memorandum. I do not consider the Honourable Member should be asked to apologise for

coming to this deduction. If an apology is needed, then that should come both from the Honourable the Minister of Finance and the Honourable Member for Tanjong. No damage has been done, no official secret of any serious consequence has been disclosed, and I therefore appeal that the only equitable course in this very regretful incident is for this House to give a warning to all Members—not only to the Honourable Member for Tanjong but to all Members—to be more careful and circumspect in future.

**Enche' Lim Kean Siew:** Mr. Speaker, Sir, it is most unfortunate that this House should now be forced to take upon itself a decision on a matter so petty, so trivial and so discriminatory as this action. This House is asked to admonish the Honourable Member for Tanjong as the mildest form of punishment that the House can take, and which is precedent in the Houses of Parliament. This Report itself, I think, is biased because it could have said that the Committee notes that there has been a genuine mistake made arising out of confusion by the Member for Tanjong, following upon what the Honourable Minister of Finance had said in this House. This Report is quite clear and on page 4 it is stated:

“While the subject of what further action should be taken in the matter is one for the House itself to consider, the Committee would observe that the origin of the contempt . . .”—I repeat

“the origin of the contempt”—“would appear to lie in the mistake made by the Honourable Member concerned in confusing the scale . . .”—I repeat again “in confusing the scale”—“of financial provision already made for the furnishing of Ministers' residences with the scale of furniture for the residences.”

Now, Sir, this Report admits two things: that the mistake arose from the Member for Tanjong confusing the scale of financial provision already made; and why did he make the confusion? We see that the Honourable the Minister of Finance says this:

“The cost of providing for the Minister of Justice the additional furniture and fittings to the scale approved for the official residences of Ministers of the Federal Government. The full amount has been advanced from the Contingencies Fund.”

The Minister of Finance has said that there was an approved scale. I know no doubt that the Honourable Minister of Finance did not say "scale approved by a high level select committee," but he did say that a scale has been approved. He gave the impression to the House that the scale had been approved; and I am sure the Honourable Minister of Finance knew that a committee was sitting to go into this scale and he could have gone on and stated that this approved scale, which probably was approved in 1947, was under review or would be revised, but he did not. The Honourable Minister of Finance did not make it clear to the House that he was referring to some other matter and, therefore, the Honourable Member for Tanjong made a mistake and in trying to clarify the mistake, it is alleged now that he has committed a breach of privilege.

Well, Sir, we know that under section 10 of the Houses of Parliament (Privileges and Powers) Ordinance, 1952, there are several offences, and the Honourable the Minister of the Interior has decided to quote one offence, which he says is so serious that it has to be repeated in the Standing Orders. But I say this—that it is repeated in the Standing Orders because it wanted to allow the House some other alternative. He did not read some other section which says this:

"presenting to the House or to any committee any false, untrue, fabricated or falsified document with intent to deceive the House or any committee;"

'a person may be committed to the custody of the keeper of any gaol or of any officer of the House in such place as it may direct until payment be made or until the House is dissolved or prorogued, whichever may be the earlier,' and

'it shall punish summarily for contempt by fine not exceeding one thousand dollars.'

Mr. Speaker, Sir, I say this—that *prima facie* the Honourable the Minister of Finance has committed an offence under the Houses of Parliament (Privileges and Powers) Ordinance, 1952. He made a statement that the scale was approved for the official residences of Ministers of the Federal Government. Now, it must be clear,

and it was indeed—I am certain I am not committing a breach of privilege because I was not in the committee—that he had committed an offence, though he had not committed an offence within the discretion of the committee sitting on this; but nevertheless, it is an offence—an offence under this Ordinance which comes under the ordinary law of the land and should be tried in Court. I am not saying that the Honourable the Minister of Finance deliberately and intentionally intended to deceive. It may be that he was not deliberate, it may be that it was unintentional, may be he did not wish to deceive and, therefore, he comes under the same category as my Honourable friend the Member for Tanjong. But the question is, why was he not asked to explain, even if he had no intention to deceive? He made a statement that a scale was approved. My Honourable friend said that a scale was not approved. Yet he was not asked to explain or to say that there was no intention, or if he did intend. We know that a person when charged, or accused for committing an offence, is given a chance to reply—but you cannot summarily dismiss what on the face of it is an offence by not asking for an explanation. If the Honourable Minister was asked to explain, he might have said, "I know a scale is going to be approved, but I do not want to tell the House." So the House does not know what the Honourable Minister had in his mind. Only the devil and the man himself knows what he thinks.

Now, therefore, if the Honourable Minister was not asked to explain, not even asked to apologise, was not asked to explain to the House whether he intended or did not intend to do a certain thing, why then should action be taken against the Honourable Member for Tanjong, especially as the Report has said that the Committee was quite satisfied that the Honourable Member made this mistake in confusion? He had no intention to do what he did. It was a straightforward confusion, because the statement made by the Honourable the Minister of Finance was vague—whether deliberately vague

or not we do not know, only he himself knows—and yet no action was taken against him. If the Honourable Member for Tanjong is to apologise then I say that the Honourable the Minister of Finance ought to apologise first; and if he apologises, perhaps, the Honourable Member for Tanjong may then apologise. Do you not think that is fair?

If I use a threatening gesture, and then you punch me on the nose should you be charged for assaulting me, and you be excused and can I say, “You can go home. I am quite satisfied that you kept your fist near and never intended to punch me.” It is a matter of degree, it is a matter of justice, it is a matter of gentlemanly courtesy.

The Honourable Member for Tanjong has said quite clearly that he was there to make certain that the public shall not be misled, and he ought to have said further: “As I have been misled, I do not want the public to be misled.” And, therefore, if that is his explanation to the Committee, should not the Honourable Minister of Finance say, “Well, I am sorry I have misled you. I never intended to do so”? But in this Report, in this White Paper, where can it be indicated at any place that the Honourable Minister of Finance was asked to appear before the Committee to explain and to show that he had no intention? The Ordinance is very clear, as it says, “anybody presents a false document which intend to deceive.” There is no doubt that he presented a misleading statement—there is no doubt that that statement is not quite true—and the question is whether it was intended; and it is upon him to explain what was his intention. Well, the Honourable Minister of Finance explained what was his intention when he said the cost was for providing the Minister of Justice the additional furniture—in this year, I believe—and the fittings to the scale approved for the official residences of the Ministers of the Federal Government. That was also a statement of fact. As far as I can see, it is not correct. Therefore, Mr. Speaker, Sir, I ask that this House do take upon itself as a matter of

conscience, as a matter of morality, and as a matter of natural justice either not to admonish the Member for Tanjong or, if it insists that the Honourable Member for Tanjong ought to apologise, then I think the Minister of Finance ought to be required to apologise first.

**Enche' Tan Siew Sin:** Mr. Speaker, Sir, as my name has been bandied about and at least two Honourable Members in this House have suggested, by implication or otherwise, that the Treasury has sought to deceive this House, perhaps an explanation is due from me.

**Enche' Lim Kean Siew:** Too late!

**Enche' Tan Siew Sin:** It is suggested, Sir, that there is something shady or mysterious in the word “scale” which occurs in the explanation given by the Treasury on this particular provision. The facts are roughly as follows:

The original procedure whereby financial provision was made for the furnishing of Ministers' houses was by means of a block vote. It was found in practice, however, that this did not work out very satisfactorily because the allocations were unequal in the monetary sense—in the sense that one Minister would probably get more in total value than another Minister, depending on who came first. It was then decided in the Treasury—subject of course to Cabinet approval or Cabinet review at a subsequent stage—that for the time being the fairest way of allocating this provision would be to give a fixed sum for every ministerial residence, and hence the provision of \$10,000 was decided in the Treasury itself.

**Dato' Onn:** On a point of explanation, if the Honourable Minister would give way. Which Honourable Member in this House insinuated that the words “approved scale” implied something shady?

**Enche' Tan Siew Sin:** Since then, it was felt that it would be fairer still if in addition to this fixed financial provision, a scale of furniture could also be drawn up in the sense that

every house would be given so many chairs, so many tables, so many cupboards, and so on. But it was also found on examination that this was not so easy, not only because different Ministers have different tastes, but we have different customs also arising from different religions; and this is not a far-fetched explanation as some Members of the Opposition may like to believe, because we have been trying to do so in the case of Assistant Ministers. In the case of Assistant Ministers the Treasury decided that they should be allocated \$7,500, and for the past two years, I recall, we have been desperately trying to fix a scale of furniture for Assistant Ministers. Even in that we have failed, because we have found that it is not so easy to say that each house should have so many chairs, so many tables and so on, because the sizes of the houses vary—some Assistant Ministers have larger houses than others. Therefore, it is not easy to fix a scale of furniture in the sense that there will be fixed pieces of each type of furniture for each house even for Assistant Ministers. I, therefore, personally feel that it is not so easy, but that does not mean that even the Ministers can do as they please with the \$10,000 provided. A list is drawn up and the Treasury works on the basis that the money, i.e. public funds, should only be spent on what was essential or basically essential for the furnishing of the house in question. If it is felt that a certain item of furnishing or equipment is not really necessary, and is in the form of a luxury, it could still be disallowed. So, it is not incorrect to say that there is an approved scale. It is not a rigid scale; it is a flexible scale and subject to change as circumstances may require. And if we had to do these things all over again, I have no doubt that the Treasury would still use this form of words, and I have no doubt that this form of words would still be basically the correct one.

**Dato' V. T. Sambanthan:** Mr. Speaker, Sir, the Honourable Member for Dato Kramat, I am afraid, in all that he said, confused himself even more (*Laughter*) and I am afraid he

did confuse the House also. First, we must realise how did this all come about. The Chairman of the Public Accounts Committee made a representation to the Speaker that a Member of the House, in his own opinion, committed a breach of privilege. The Speaker considered it and then brought it up to the Committee of Privileges, and it then had to go into this issue—had there been a breach of privilege? We considered it very carefully and ultimately we came to the conclusion that the Member had committed a breach of privilege; and then we said that there might have been extenuating circumstances, but that does not alter the fact that a breach had been committed. That, Sir, really is the important point in this issue. We felt that the Honourable Member had been in possession of facts, which he would not otherwise have had, if he had not been a member of the Public Accounts Committee. Having been a member of that Committee, he used the facts that he had, in throwing blame on the Minister of Finance, or on anybody for that matter. But that does not alter that particular fact, and we feel that as a Committee of Privileges, we have got to do our duty: we have been appointed by the House and we have got to report back to the House whether there is any breach of privilege. In this case, we clearly felt there had been a breach of privilege in that he had used the information that he came by because of his membership of that Committee. If the Honourable Member had not been a member of the Public Accounts Committee, he really could not have made that statement which he made. That really is the crux of the matter. If the House feels that members of certain Committees could use such information as they may have, when and if they please under whatever circumstances, then a dangerous precedent is created. I therefore feel that the House has got to bear this thing in its true light.

**Dato' Dr. Ismail:** Mr. Speaker, the Member for Kuala Johore Selatan . . .

**Dato' Onn bin Ja'afar:** . . . Trengganu Selatan.

**Dato' Dr. Ismail:** Oh! (*Laughter*). The Member for Kuala Trengganu Selatan pains me, and I have been pained. He reminded me of the expression—how the mighty has fallen. I have always respected the Honourable Member of having had wide experience in parliamentary practice in this country and yet today he considers a matter of a breach of privilege a trivial matter. Sir, that coming from a Member who has had wide experience reflects what Shakespeare says: "Senility that decays . . ."

**Dato' Onn bin Ja'afar:** On a point of explanation. I used the word "trivial" because the Honourable Minister himself used that.

**Dato' Dr. Ismail:** Yes, Sir, I used the word "trivial"—I said the subject matter was trivial, but the principle is paramount (*Applause*). For the Honourable Member's education, I will read again that part,

"To that extent, to the extent of the principle involved, this matter is important: although it may be that insofar as the subject matter of this particular case is concerned, the matter is comparatively trivial . . ."

So, Sir, to use the expression of Sherlock Holmes: "It is elementary, my dear Watson. You know the facts, but your deduction is completely wrong." (*Laughter*).

Now, Sir, as regards the Honourable Member for Dato Kramat, I thank God that by profession I am a doctor.

**Enche' Lim Kean Siew:** Thank God for that too.

**Dato' Dr. Ismail:** At least I, in common with any other doctor, we always have logic, or, otherwise, it is impossible for us to save human lives. So, in replying to him, although I am without his legal training, I will try to be logical. I think it was the unkindest cut of all when he accused that this Privileges Committee has been trivial and discriminatory. Now, Sir, this Privileges Committee is elected by this House, and you, Sir, as Speaker of this House, is the Chairman of this Privileges Committee, and on that Committee too is a member from the Socialist Front bench.

**Enche' Lim Kean Siew:** Mr. Speaker, Sir, on a point of order.

**Dato' Dr. Ismail:** I will not give way. I have listened to so much trivialities from him, Sir.

**Mr. Speaker:** He has risen on a point of order.

**Enche' Lim Kean Siew:** On a point of order. Mr. Speaker, Sir, he is imputing an improper motive to me. I have never accused the Committee of being trivial. I said the Report was trivial.

**Dato' Dr. Ismail:** His words were—trivial, discriminatory and biased.

**Enche' Lim Kean Siew:** The Report.

**Dato' Dr. Ismail:** Either you accept the words or you keep those words back. But I will not follow legal men and twist facts to suit their own case. But the fact remains, Sir, that for all his eloquence he has succeeded in . . . (*interruption*).

**Enche' Lim Kean Siew:** Mr. Speaker, Sir, on a point of order. Are you going to continue to allow him to attack my character?

**Dato' Dr. Ismail:** Mr. Speaker, Sir, what is the point of order first?

**Mr. Speaker:** Under the Standing Orders, you cannot use insulting words.

**Dato' Dr. Ismail:** I think what he has succeeded for all his eloquence is in putting forward to this House what I have said in favour of the accused, and that is, the extenuating circumstances in the case, and I think I did mention here the extenuating circumstances in the case, and my colleague the Minister of Finance has said what a complicated procedure it was. But, as my colleague the Minister of Works has said, that does not alter the fact that a breach of privileges has been committed. However, it is because of the extenuating circumstances that we, members of the Privileges Committee, recommended to this House that the mildest form of punishment be meted to the Honourable Member.

The Honourable Member concerned—the Honourable Member for Tanjong—would have done better had he apologised—an unqualified apology to the House—before he said that the subject matter is trivial. Anyone can be confused, but we cannot condone a breach of privileges—that, this House cannot do if it wants to upkeep the dignity of this House. So, Sir, I am indeed very sorry for the Honourable Member, because to be represented on the Privileges Committee we have been singled out by Members of this House to represent on that Committee to upkeep the privileges granted to Members of this House. You are in an honoured position and you are put there because the members have trust in you. So, your conduct must be above the other Members in this House to earn the confidence from the other Members. So, Sir, although the matter is trivial, the principle involved is of paramount importance and with that, Sir, I think we will take the vote of the House and mete the Honourable Member the punishment he rightly deserves. (*Applause*).

Question put, and agreed to.

Resolved,

That the First Report of the Committee of Privileges (Second Session), which has been presented to the House as Paper No. D.R. 2 of 1961, be adopted.

**Mr. Speaker:** The Honourable Mr. Tan Phock Kin, do you wish to make any statement before I ask you to leave the House in order that it may debate the motion for the punishment as recommended by the Committee of Privileges? I am prepared to give you permission to make a statement if you want to.

**Enche' Tan Phock Kin:** I have fully stated my case and so have the other Members on this side of the House. I have nothing more to add to that.

**Mr. Speaker:** In that case I must ask you to leave the House now. (*Enche' Tan Phock Kin retires*).

**Dato' Dr. Ismail:** Mr. Speaker, Sir, I beg to move—

That Enche' Tan Phock Kin do attend in his place forthwith and be admonished by Mr. Speaker.

**Dato' V. T. Sambanthan:** I beg to second the motion.

**Mr. Speaker:** Now we are considering the punishment. The Honourable Member for Tanjong has been found guilty now. The motion is open to debate.

**Enche' Lim Kean Siew:** Has the motion been seconded, Sir?

**Mr. Speaker:** Yes, it has been seconded.

**Enche' Lim Kean Siew:** Mr. Speaker, Sir, on a point of clarification, what form does admonition usually take: is it a warning?

**Mr. Speaker:** Well, I must not tell now what form it takes. The punishment is entirely left to the House to decide and not by me.

**Enche' Lim Kean Siew:** Mr. Speaker, Sir, the Honourable Mover of the motion has moved that the Honourable Member be admonished. But he has not stated the terms of the admonition. It is rather vague because we cannot discuss the terms of the punishment.

**Mr. Speaker:** (*To Dato' Dr. Ismail*) Could you clarify that?

**Dato' Dr. Ismail:** Well, Sir, if I were to introduce a motion putting forward the form of admonishment to be meted to the Member who had been guilty of this breach of privilege, the Honourable Member would just accuse me of trying to dictate to this House. Now, I have introduced this motion to this House so that each Member of this House who has passed judgment on the Member who has been accused, could give his opinion on what form of punishment he should get. In introducing this motion, I have suggested to the House the form of punishment that should be given to the Honourable Member, that is, that the Honourable Member, if he had been wise enough, or wise enough to have been advised by his counsel, would have apologised to this House and the matter would have been put right.

**Enche' Lim Kean Siew:** On a point of order, Sir. He is suggesting improper

motive. I have never advised the Honourable Member for Tanjong (Laughter).

**Mr. Speaker:** There is no imputing improper motive in this. Please proceed.

**Dato' Dr. Ismail:** Now, Sir, if the Honourable Member who had been guilty of the breach of privilege, had been advised by those who supported him just now to make an unqualified apology, the matter would have rested there, but the Honourable Member chose not to apologise. I am therefore giving this House full power to administer any form of admonishment it likes to him.

Now, Sir, as a member of the Privileges Committee, I do not go back on my words or what our recommendations have been. I feel there are still extenuating circumstances in each case. The fact that he has chosen to dispute the findings of the Privileges Committee is a discredit to him. In fact, by allowing the matter to be debated, he has shown to the House what type of person he is. I will not try to kick the man when he is down. So, Sir, I would still stick to the recommendation of the Committee that you—it is my suggestion—summon him here and you admonish him on behalf of the House.

**Mr. Speaker:** For the information of the Honourable Members, I would like to read the wording of the motion—

“That Enche' Tan Phock Kin do attend in his place forthwith and be admonished by Mr. Speaker.”

The motion has been seconded, and it is open to debate.

**Enche' Lim Kean Siew:** Mr. Speaker, Sir, I do not rise to speak in mitigation and I do not rise as counsel. I rise as a Member of the Opposition belonging to the same political organisation as my Honourable friend and as representative of the people who elected me to this House. I am very proud that I am a lawyer and not a doctor who is not practising his Medicine. The number of people who have been convicted because of mistakes I have

made will, at least, be known through the papers. But, of course, we all know that the mistakes the doctors make are buried six feet under the ground! (Laughter). Of course, the Honourable the Minister of the Interior . . . .

**Mr. Speaker:** Do you have to go into all that?

**Enche' Lim Kean Siew:** I am speaking, Sir, in reply to the prime accuser of the Honourable Member for Tanjong and all his irrelevancies may sound amusing. But, Mr. Speaker, Sir, it does not carry the case of the accuser one step further. One knows what it is to throw mud, one knows, of course, what the Member for Tanjong has stated in his stand in the Committee and here his position in the matter. He stated quite clearly that it was to remove a doubt in the minds of the people that he made this point. Perhaps, the House thinks that he should apologise; perhaps some people think that he should not apologise. But I say that that is irrelevant because he does stand to take his punishment and he is prepared and we must not forget, Sir, that although it has been said that this is a matter of paramount importance, it is at the same time admitted that the matter is a trivial one; and since it is a trivial one, Mr. Speaker, Sir, I ask that you use your discretion wisely by looking not only to the principles only in applying them to the practice—and in practice remember that this is a trivial matter.

Question put, and agreed to.

Resolved,

“That Enche' Tan Phock Kin do attend in his place forthwith and be admonished by Mr. Speaker.”

**Mr. Speaker:** (To Sergeant-at-Arms) Will you, Sergeant-at-Arms, ask Enche' Tan Phock Kin to come in, please?

(Enche' Tan Phock Kin, followed by Sergeant-at-Arms resumes his seat).

**Mr. Speaker:** (To Enche' Tan Phock Kin) Honourable Enche' Tan Phock Kin, the House has adjudged you guilty of a contempt of the House, to wit, that you had infringed the provisions of Standing Order 85 and

Section 10 of the Houses of Parliament (Privileges and Powers) Ordinance, 1952. In the name of the House, I accordingly admonish you for your offence.

The sitting is suspended for 15 minutes.

*Suspended at 11.40 a.m.*

*Sitting resumed at 12.05 p.m.*

(Mr. Speaker in the Chair)

**REVISION AND MODIFICATION OF THE TRADE UNION ORDINANCE OF 1959 TO PERMIT THE RATIFICATION OF I.L.O. CONVENTION No. 87**

**Enche' V. David:** Mr. Speaker, Sir, I beg to move the motion standing in my name,

That this House hereby resolves that in view of the repeal of the Emergency Regulations on 31st July, 1960, it is desirable that the Trade Union Ordinance of 1959 should be revised and modified to permit the ratification of I.L.O. Convention No. 87 of Association of the protection of the Right to Organise, 1948.

Sir, the trade union movement in Malaya is a complex one and there is no doubt that to understand it one needs to know something of its background and history as well as its present day status and component parts. Sir, unlike the British trade union movement, it lacks a common tradition. Though the early Trade Union Enactment was introduced in 1940, the Malayan people only felt the real need for organised labour after the Second World War. The authority for the appointment of a Registrar of Trade Unions for the Federation was set out in an enactment to provide for the registration and control of trade unions in September, 1940, which also defined his powers, duties and functions. This enactment covered the Federated Malay States only and did not apply to the Straits Settlements or to the Unfederated States which had legislations of their own. In 1946 the provisions of the Federated Malay States Enactment were applied throughout and under this law all unions in

existence on 1st July, 1946, were required to apply for registration within a period of three months and all other unions within one month of formation. By the end of 1946, 83 registered employees trade unions were on the register and by December, 1947, 270, with 101 outstanding applications.

Sir, in the middle of 1946, the Trade Union Adviser's Department was formed under the British Colonial Government to advise on the formation and the control of trade unions based upon the policy of colonial domination. Under this colonial domination slow progress had been made by the trade unions which became more and more conscious of the need to struggle for the better living conditions of the suppressed and subjugated.

Mr. Speaker, Sir, the Emergency Regulations introduced on June 2nd, 1948, practically wiped out all proper development of trade unions. Sir, as a result of the Emergency Regulations, many leaders of the trade union movement were either banished, sent to prison or detained. This undemocratic act of the Government created fear in the minds of the workers, and the unions became docile and began to outlive their intended purpose. The Malayan Trade Union Congress and other individuals had made representations to revise the Trade Union Enactment ever since 1954, but no result was achieved. Again in 1959 the new Trade Union Ordinance was introduced by the Alliance Government to further curtail and restrict the freedom of trade unions.

The Federation of Malaya became the 79th member of the International Labour Organisation in November, 1947, and by becoming a member, it is under obligation to formulate a trade union policy in this country which would not prejudice or undermine the outlook of this world organisation.

The working people of all countries are entitled to the basic trade union rights to organise freely into trade unions of their choice, to carry out their legitimate activities without interference by employers, Governments or other outside forces, to

bargain collectively the defence and for the betterment of their conditions and to use the weapons of industrial pressure most appropriately to the defence of those interests, including the right to strike.

Sir, the International Labour Organisation is an organisation of people, a human organisation working through and amongst people of certain goals, and Malaya should play its part towards this goal. It is neither the embodiment of a moral law revealed forty years ago and enshrined in the constitution nor is it a supra-national judicial authority empowered to enforce certain defined standards.

People in Malaya, as in other parts of the world, feel the need for individual liberty and understand the real meaning of it. The antiquity of our several civilisations did not know it. Men have first to break the cake of customs before they value their autonomy as individuals. The appreciation of individual liberty has been a late, and by no means a universal, product of civilisation. It is neither in man's nature nor is it the inevitable product of history. Its value is thus the more to be cherished.

Sir, the Trade Union Law in Malaya is hostile to individual liberty—we have no sure guarantee beyond ourselves of its survival. Future generations may, perhaps, no longer recognise the meanings we still attach to the ideal of freedom to live as one wishes. Yet the possibility that this ideal by the possession of but a passing phase of human history should not lessen the value we attach to it nor the passion with which we defend it.

The relationship of trade unionism with the State is one of the fundamental problems of modern society with far-reaching implications for constitutional law and for industrial law and relations.

Sir, the effectiveness of convention 87—the international guarantees of freedom of association—depends to a substantial extent on the degree of protection accorded to civil liberties in general and, in particular, on the

protection of human rights by the rule of law on the basis of fundamental liberties such as freedom of opinion and expression, freedom of peaceful assembly and association and freedom from arbitrary arrest, detention or exile.

Sir, in 1867, in England the Royal Commission was appointed to enquire into the whole question of the reform of the law. This commission issued clean reports in 1869: all favouring the legal recognition of trade unions and the conferring upon them of rights and powers. As a result of Trade Union Act, 1871, the Charter of Trade Unions was passed.

The policy of the U. K. Trade Union Act, 1871, was twofold: (i) it partially legalised trade unions; and (ii) it instituted a system of voluntary registration, conferring with its special legal status and powers and imposing certain obligations.

The Trade Union Act, 1913 in the U.K. enables a trade union to pursue objects and to exercise powers of any lawful kind, provided it remains a trade union, i.e., provided its principal objects are "statutory" objects as defined by the Act. Registration in the U.K. is conclusive evidence that a body is a trade union, and an unregistered trade union may obtain a certificate which is equally conclusive. This shows the freedom of Trade Unions in the United Kingdom.

Sir, the Trade Unions Ordinance No. 23 of 1959 was passed by the former Federal Legislative Council at its Session on 23rd April, 1959. It is correct that this piece of Labour Legislation was discussed in the National Joint Labour Advisory Council. But the Malayan Trade Union Congress did record its disapproval of the restrictive provisions in the Ordinance through the then Honourable Mr. K. V. Thaver, a Malayan Trade Union Congress representative in the former Federal Legislative Council, who commented thus:

"The Malayan Trade Union Congress has given very careful consideration to the provisions of the Trade Unions Ordinance,

1959, and while deploring the restrictions on freedom of association embodied in it, accepted them with certain reservations in order to ensure the protection of the workers' interests."

Sir, we regard certain Sections in the Ordinance as purely temporary measures, subject to revision as soon as more stable conditions prevail, and the repeal of the Emergency Regulations on 31st July, 1960, is one of the conditions which should draw the attention of the Government to the need for the revision of this Ordinance.

Sir, it must be noted that the provisions of the Trade Unions Ordinance, 1959, are contrary to the provisions of I.L.O. Convention No. 87—freedom of association and protection of the right to organise. In spite of it, the M.T.U.C. had found fit to give support to this measure as a temporary measure in 1959. I shall, for the information of the House, quote I.L.O. Convention No. 87: The provision in the law for compulsory registration is certainly contrary to Article 2, which require that workers and employers should be completely free to join organisations of their own choosing; to Article 3 which require that workers' and employers' organisations should be completely free to draw up their own constitutions and to run their affairs as they thought fit and without any intervention from the authorities; and to Article 4 which require that workers' and employers' organisations should not be liable to be dissolved or suspended by administrative authority.

Sir, the provisions of the Articles, which I read just now are completely contrary to the provisions in the Trade Unions Ordinance, 1959. The many new provisions in the Trade Unions Ordinance, 1959, affecting office bearers, accounting procedure, powers of the Registrar to summon persons to give evidence on the activities of any particular trade union, balloting procedure and inspection of ballots would not be tolerated in a progressive society. The M.T.U.C. is anxious to introduce efficiency in trade union administration and accounting procedure. A more satisfactory and

acceptable procedure for dealing with difficult unions would be suspension and not cancellation.

Sir, the limitation of "any particular trade, occupation or industry" is disrupting trade unions. This term is interpreted rigidly with the result that it is not found possible to organise workers into compact groups. There should be a relaxation of this provision. The trade union membership is now faced with the dismal prospect of a multiplicity of unions. Where there should be only a single union, we find plurality of unions being formed.

Mr. Speaker, Sir, today the registration of unions is merely based on reports produced by the Special Branch. The Special Branch is a secret police political organisation obtaining information from informers, who are supposed to be thieves and rogues, and most of them give information for profit; and it is a well-known fact that sometimes information is also given because of antagonism, jealousy and even spite. Therefore, police reports are usually biased. Trade unions have been refused registration, because the Special Branch did not provide a favourable report. The refusal for registration has been usually based on the assumption that a union is likely to be used for unlawful purposes. If trade unions are going to be left in the hands of the Special Branch, then I am afraid that the declared object to encourage trade unions will be defeated. When a trade union applies for registration, the registration cannot be proceeded with by the Registrar until the Special Branch has completed its investigation and submitted a report to the Registrar. So, therefore, in my humble opinion, a Registrar's decision will have to completely rely on the reports provided by the Special Branch.

Sir, for the information of the House, I would say that as a result of these restrictive measures contained in this Ordinance, the trade union membership has declined from the year 1957. I would like to read passages from reports indicating how the membership has decreased:

"During 1957 the paid-up membership of the trade unions declined by some 10,059

members. The paid-up membership of Trade Unions as at the 31st December, 1957, was 222,865 members.

The paid-up membership of employees' unions amounted to 222,073 members.

The 1958 report states that the paid-up membership of all registered trade unions at 31st December, 1958, showed a decrease of 11,237 members over the members as at 31st December, 1957.

The report for 1959 states that the paid-up membership of all trade unions as at 31st December, 1959, was 175,647 which is 35,981 less than the corresponding figure as at 31st December, 1958."

Sir, this proves beyond doubt that the membership of trade unions has been declining up to the end of 1959. I do not have the report for 1960 and, therefore, I am not in a position to dwell on the figures for 1960. Sir, the provision of the Trade Unions Ordinance, 1959, section 15, para. 4, which says that the certificate of registration of a trade union may be cancelled by the Registrar for the reason that the union has been, or is being, or is likely to be used for any unlawful purposes is contrary to its object. Sir, in regard to this provision, I would like to ask this House who is to determine that a union is being used for unlawful purposes. This is determined in the past and at present by the Special Branch, who by false reports can conclude that the union is being used for unlawful purposes; and basing on these reports by the Special Branch, the Registrar can proceed with the cancellation of any union.

Sir, by having an Ordinance of this nature, we are completely violating Convention No. 87 of the I.L.O. which Malaya has an obligation to ratify by the very fact that it is a full-fledged member of this world-wide organisation. Sir, as I said earlier, if the Special Branch has been allowed completely to decide on the registration of unions I am afraid that if this state of affairs continues, an increase in trade union membership cannot be expected. The Ordinance also brings difficulties on unions in maintaining and complying with the requirements of its provisions which, in my opinion, are a farce. As in the United Kingdom, any number of workers wishing to

join a trade union or to form a trade union should be given the right to do so. But at the same time I do not say that there should not be any provisions for the security and proper conduct of unions; but such legislation should not be restrictive in this manner. Sir, I hope the Government will give serious consideration to the declining membership of the unions and give thought to the revision of this Ordinance in line with I.L.O. Convention No. 87.

Sir, I beg to move.

**Enche' K. Karam Singh:** Mr. Speaker, Sir, I second the motion, and reserve my right to speak later.

**The Minister of Labour (Enche' Bahaman bin Samsudin):** Mr. Speaker, Sir, the Honourable Member in his motion asks that since the Emergency Regulations have been repealed it is desirable the Trade Unions Ordinance should be revised and modified to enable this country to ratify I.L.O. Convention No. 87.

Sir, I do not see how the repeal of the Emergency Regulations could be linked up with revisions and modifications of the Trade Unions Ordinance. The original Ordinance came into force in 1940 long before the outbreak of the Emergency. Experience both before the outbreak of the Emergency and after have made it necessary for a new Ordinance to be brought into force. This came up in April, 1959, almost towards the end of the Emergency.

A careful study of the 1959 Ordinance would show that it is more comprehensive than its predecessor and is aimed at protecting the workers from unscrupulous persons who, in the past, had misappropriated union funds and made use of unions for their own ends. (*Applause*). It is common knowledge that these undesirable elements are still to be found in the country though in a diminishing number.

It seems to me that the Honourable Member's object in asking for a revision of the Ordinance is to enable this country to ratify Convention No. 87. I should like to mention here that not all Members of the I.L.O.

have ratified this Convention. Ratification would result in unrestricted freedom of rights to organise. This unrestricted freedom may endanger the stability of unions some of which have been painstakingly built up over the years. Until the trade union movement is better understood by all workers it is not considered desirable for unrestricted freedom to be the rule in any country.

In this connection I would like to say that an I.L.O. Convention is aimed at setting a labour standard but it does not necessarily mean that comparable standard cannot be achieved in other ways. In fact, a Convention is a form of general guidance which should be interpreted in the context of conditions prevailing in each member country. A Convention acceptable in all countries would be an impossibility and any attempt to formulate such a Convention would result in a ponderous document leaving the members little room for adjustment to fit in with its national policy.

The Trade Union Ordinance of 1959 was drawn up in the light of the conditions obtaining in this country. Past experience has, to a great extent, determined the nature of some of the clauses contained therein. However, Government in fairness to both employers and employees gave them an opportunity to consider the proposed legislation and to make suggestions through the National Joint Labour Advisory Council. The Council unanimously agreed to the introduction of such a legislation. The Workers' Group in the Council supported it because they felt that the provisions of the Bill operated in their own true interests.

It is now two years since the Ordinance came into force. During this period there has not been a single complaint against its enforcement. Of the 223 unions which applied for re-registration 200 have already been re-registered under the provisions of this Ordinance. That is the reason why there has been a decline in the membership because of re-registration of the unions. The remaining unions have either been dissolved or are in

the process of being dissolved with a view to forming national unions.

It will therefore be seen that this Ordinance serves as a guide and protection for the legitimate rights of the workers. It makes it difficult for unscrupulous persons to use unions and union funds for their own political ends. It is an effective shield for the workers against the machinations of those subversive elements, whose blind subservience to the Communist ideology is well-known. (*Applause*).

Sir, the Honourable Member who moved this motion, is not only a politician but also an active trade unionist. If he feels that certain clauses in the Ordinance need revision there is no reason why the matter should not be brought by him through the Malayan Trades Union Congress, for the consideration of the National Joint Labour Advisory Council. Government is always open and prepared to listen to any proposals.

Sir, for the reasons I have given just now I oppose the motion (*Applause*).

**Enche' Hanafi bin Mohd. Yunus (Kulim Utara):** Tuan Yang di-Pertua, saya suka berchakap sedikit dalam perkara ini. Ada-lah usul yang dikemukakan oleh Ahli Yang Berhormat dari Bungsar itu ia-lah satu usul yang mengenai perjalanan kesatuan pekerja di-Tanah Melayu.

Tuan, kita telah mendengar bahawa kesatuan pekerja negeri ini ada-lah berjalan dengan baik-nya, dan perhitungannya pemogok<sup>2</sup> pada masa sekarang ini sangat-lah kurang ia-lah sebab ada Undang<sup>2</sup> Kesatuan Pekerja yang sesuai dengan keadaan di-negeri ini.

Tuan, Kerajaan baharu sahaja meminda dan membaiki Undang<sup>2</sup> Kesatuan Pekerja untuk menjaga hak, kepentingan dan kebajikan buruh di-negeri ini supaya jangan terjadi lagi perkara<sup>2</sup> yang tidak di-ingini di-dalam negeri ini seperti yang berlaku di-masa baharu sa-lepas perang dahulu. Kesatuan<sup>2</sup> telah berlawan di-antara satu dengan lain dan mogok menjadi<sup>2</sup> hingga huru-hara, perjalanan perusahaan negeri ini telah terbantut semua-

nya dan beberapa kerja yang menanggung kesusahan<sup>2</sup> bagi mereka itu sendiri.

Tuan Yang di-Pertua, saya berfikir tidak-lah ada manusia yang sempurna dan siuman akal-nya suka negeri kita yang dalam aman ini balek menjadi keadaan huru-hara seperti sa-lepas perang dahulu. Keadaan yang baik dalam perusahaan dan kedudukan buroh sekarang ini ia-lah kerana adanya Undang<sup>2</sup> Kesatuan Pekerja sekarang ini.

Tuan Yang di-Pertua, saya dapat tahu I.L.O. Convention No. 87 (Pertubohan Buroh sa-Dunia) membebaskan kesatuan pekerja atau majikan ditubuhkan dengan tidak payah di-daftar dan boleh juga bergabung dengan Badan Antara Bangsa bagi buroh atau majikan.

Tuan Yang di-Pertua, ini berma'analah Kesatuan itu tidak dapat di-sekat dan di-kawal oleh Kerajaan. Saya perchaya Ahli Yang Berhormat dalam Dewan ini bersetuju dengan chara<sup>2</sup> ini kerana Kerajaan Persekutuan bertanggung-jawab keselamatan sa-saorang penduduk dalam negeri ini.

Tuan Yang di-Pertua, undang<sup>2</sup> bekerja sekarang ini ia-lah untuk memelihara pekerja<sup>2</sup> itu supaya jangan mereka mempergunakan atau dapat memaksa orang<sup>2</sup> mereka untuk menchari atau menggunakan faedah<sup>2</sup> politik atau partai<sup>2</sup> politik itu sendiri maka dengan chara ini akan berbangkit-lah huru-hara yang akan merosakkan Kerajaan negeri ini.

Tuan Yang di-Pertua, sungguh pun dharurat telah tamat saya perchaya anasir<sup>2</sup> subversive maseh berjalan dengan giat-nya yang masuk melalui Peratuan<sup>2</sup> dan Pertubohan<sup>2</sup>. Tuan Yang di-Pertua, Kerajaan menjalankan berbagai<sup>2</sup> ranchangan yang akan membena kehidupan ra'ayat di-negeri ini. Tuan Yang di-Pertua, Kesatuan<sup>2</sup> ini berkehendakkan di-kawal dengan rapi melalui undang<sup>2</sup> yang ada sekarang ini. Oleh itu pada fikiran saya tidak-lah mustahak undang<sup>2</sup> itu di-semak samula dan saya bersetuju kapada bangkang<sup>2</sup>an yang di-bangkitkan oleh Menteri Yang Berhormat tadi supaya ditarek balek shor itu.

**Mr. Speaker:** I call upon the mover, if he wishes to exercise his right to reply.

**Enche' V. David:** Mr. Speaker, Sir, the previous speaker was moving in the dark without knowing what he was speaking. I did not mention anything about strikes here, but what I was trying to explain here is the freedom embodied in I.L.O. Convention No. 87 and how it would benefit the workers in this country if that Convention was ratified. But I do not blame him; as a result of his ignorance he was dwelling on strikes and subversive elements coming into trade unions.

Sir, the Honourable Minister has been dwelling on various items. First he made a remark that the Trade Union Ordinance came into force in 1940 and that there were no Emergency Regulations then. But the situation in Malaya is not the same as it was in 1940. In 1940 we had immigrant labour where the estate manager assumed the role of a dictator on certain particular estates. To-day every individual in this country lives in an independent country and he is entitled to certain liberties specified in the Constitution of this country. Therefore, things have changed, and according to the new developments and circumstances the laws of the country should be changed.

With regard to the 1959 Trade Union Ordinance, the Minister did say that it is more comprehensive than the former one, and that it also safeguarded all unions from unscrupulous elements. I do not know what he means by unscrupulous elements. But it may be that unions which support the Alliance and subscribe to the policies of the Alliance are regarded as good unions and good workers, and also unions which keep silent without indulging in trade union activities just listening to what the Alliance preaches. But other unions which are a bit vociferous and which demand higher wages and better conditions of employment are regarded as subversive elements. Sir, we are not against the Government safeguarding funds of unions. You can enact any legislations to protect the

funds of unions, but at the same time there should be other freedoms to organise the unions into effective organisations. As I have said, protecting the funds of the unions should not be an excuse for the Ordinance, as there are other provisions in the Ordinance which restrict the normal activities of trade unions. We are only trying to point out that the restrictions imposed on such aspects should be lifted, and we are not concerned over any restrictions imposed for safeguarding the funds, as it should be the responsibility of any Government to see that union funds are not used for any purposes other than the purposes which are laid down in the constitution of the unions concerned.

Sir, the Minister did say that if the Convention is ratified, then there will be unrestricted freedom to organise. He admits very frankly that there is no freedom of organisation at the moment by virtue of his statement. As a result of that only I moved this motion to give more freedom for the workers of this country. The Minister also stated that I.L.O. standards specified in conventions need not be ratified but that they are only for guidance. But usually in all countries I.L.O. Conventions are not only taken as a guidance but all their legislations are based on those conventions, and recently in Japan this I.L.O. Convention was ratified. It is true that they did introduce a supplementary legislation to safeguard certain interests in order to fit with the local circumstances, but as a whole the Convention was ratified.

**The Assistant Minister of Labour (Enche' V. Manickavasagam):** Mr. Speaker, Sir, on a point of information. I just wish to say that even a country like India has not ratified this particular convention.

**Enche' V. David:** Mr. Speaker, Sir, I do not know how far the Assistant Minister understands Indian trade unions. He must understand that any number of workers can form a trade union without applying for registration in India, but that is not the case in Malaya. Does he understand that? (*Laughter*). The Indian Constitution

and the trade union legislation in India are completely different from Malaya.

**Enche' V. Manickavasagam:** Again on a point of information, if the Honourable Member will give way.

**Enche' V. David:** Yes, go ahead!

**Enche' V. Manickavasagam:** Even with all that freedom, India has not ratified this Convention No. 87.

**Enche' V. David:** Their legislations are based on I.L.O. Convention No. 87, freedom of organisation, and the freedom of association is granted.

**Mr. Speaker:** I don't think the House should go into that.

**Enche' V. David:** Thank you. I was only trying to tell the Honourable Assistant Minister that the Indian Constitution and the legislation in India on trade unions are quite different from that in Malaya. Well, I do not know whether he had a look at it or not, but it is time that he had a look at it in order to enable workers in this country to have more freedom.

AN HONOURABLE MEMBER: Go back to India!

**Enche' V. David:** Shut up, I say! I am not going back anywhere; I was born in this country.

**Mr. Speaker:** Order! Order! I must keep the dignity of the House.

**Enche' V. David:** He is asking me to go back to India, Sir.

**Mr. Speaker:** I did not hear that. One minute—sit down, Mr. David. If I hear somebody challenging somebody to go back to India, I would ask him to withdraw it; but fortunately or unfortunately I did not hear that. But you have no right to say shut up. You can appeal to me on whatever you like. We have our Standing Orders, the provisions of which every Member of this House should observe. I am here to control it. You can always appeal to me.

**Enche' V. David:** Thank you, Sir.

**Mr. Speaker:** Please proceed!

**Enche' V. David:** Sir, for the information of the Minister, the M.T.U.C. in 1959, through its representative in the former Legislative Council, strongly opposed the 1959 Trade Union Ordinance. It has made representation to the Ministry, and it is also going to make representation to the National Joint Labour Advisory Board, for the revision of the Trade Union Ordinance.

Regarding the decline in the membership of trade unions, the Minister said that as a result of the re-registration of unions in 1959 the membership has declined. But the membership not only declined in 1959, it has been declining from the year 1957.

**Enche' V. Manickavasagam:** On a point of information, if the Honourable Member would give way. The present membership is 190,000—very much more than what it was last year.

**Enche' V. David:** I did not know whether he was listening or day dreaming when I was speaking just now. I did say that I did not possess the data for the 1960 membership. I had only Reports until 1959.

**Enche' V. Manickavasagam:** That is why I am giving him the information.

**Mr. Speaker:** I heard that very clearly. The speaker said he had no information about 1960. I think the speaker was quite right. He did not have any information about that data. Please proceed!

**Enche' V. David:** Thank you. Reference was made to subversive elements. Regarding subversive elements, Sir, the Minister of Internal Security is there and, as far as he is concerned, he can take care of this matter very easily. If people are involved in subversive activities, the law is there—the Internal Security Act—and the Minister in charge is there to take necessary action, but that does not mean that other workers who are trying to lead a normal life in this country should be penalised as a result of certain individuals involving in these activities.

**Mr. Speaker,** Sir, in my humble opinion, the entire Trade Union Ordinance should be revised in view of the growing consciousness of the workers in this country and in view of the new developments which have risen during the last few years.

Sir, finally, I would like to say that I did not hear anything from the Minister about my remarks on the Special Branch. I think he might have left it to the Minister of Internal Security or may be he might not be able to give an answer.

**Dato' Dr. Ismail:** May I give an explanation?

**Enche' V. David:** Yes.

**Dato' Dr. Ismail:** I will deal with that when the House comes to debate the Honourable Member's motion dealing with the Socialist Front leaders and trade union workers. I will give him the answer at that time.

**Enche' V. David:** Thank you very much. As I said, the entire trade union registration and cancellation depends on reports by the Special Branch. I hope that at the appropriate moment, the Minister concerned will reply.

Question put, and negatived.

#### EMPLOYMENT OF NON-FEDERAL CITIZENS

**Dato' Mohamed Hanifah bin Hj. Ab. Ghani (Pasir Mas Hulu):** Tuan Yang di-Pertua, saya bangun mengemukakan chadangan saperti berikut:

Ia-itu suatu Undang<sup>2</sup> hendaklah dikemukakan supaya orang<sup>2</sup> bukan warga negara Persekutuan Tanah Melayu tidak dibenarkan bekerja dalam Jabatan<sup>2</sup> Kerajaan dan dalam Gudang<sup>2</sup> Perniagaan dan Perusahaan<sup>2</sup> dalam Persekutuan Tanah Melayu, melainkan pekerja<sup>2</sup> yang berkemahiran sahaja yang bukan warga negara Persekutuan bolehlah bekerja dalam tempoh yang singkat.

Tuan Yang di-Pertua, saya mengemukakan chadangan ini dengan alasan bahawa dalam Tanah Melayu pada hari ini maseh kita dapati penganggor<sup>2</sup> yang berselirak dalam Tanah Melayu ini, maka patutlah ra'ayat asing yang bukan ra'ayat dudok dalam Tanah Melayu ini janganlah menyakit kita, kerana ada peluang<sup>2</sup> yang lain yang mereka boleh

hidup dengan senang. Peluang<sup>2</sup> bekerja sa-bagai technician yang berkemahiran tiada di-larang oleh usul ini, chuma kita hadkan perkhidmatan mereka supaya orang<sup>2</sup> ra'ayat yang lain dari negeri ini dapat belajar dan tidak tergalang oleh ra'ayat negeri daripada peluang bekerja daripada itu, sungguh pun pada hari ini ikhtiar<sup>2</sup> telah pun di-jalankan oleh Menteri Buroh bagi mengurangkan penganggor dalam Tanah Melayu ini dan mengikhtiarkan supaya ra'ayat yang tidak mempunyai kerja dapat mereka itu menchari kehidupan mereka, tetapi malang-nya maseh di-dapati penganggor<sup>2</sup> berselirak dalam Tanah Melayu ini. Dengan adanya Pejabat Labour Exchange di-adakan pada Negeri<sup>2</sup> yang mana orang<sup>2</sup> yang tidak mempunyai kerja mendaftarkan, numun penganggor<sup>2</sup> maseh ada dalam negeri ini, sungguh pun ada-nya gudang<sup>2</sup> perniagaan, kilang<sup>2</sup> seperti kilang<sup>2</sup> yang bertambah di-Persekutuan Tanah Melayu ini, tetapi kita dapati maseh ada banyak penganggor<sup>2</sup> dalam negeri ini. Tidak kurang daripada 30,000 orang ra'ayat dalam negeri ini yang tiada mempunyai kerja. Mendengarkan lebeh kurang 340,000 ra'ayat yang akan berkehendakkan pekerjaan mengikut tafsiran dalam Rancangan Lima Tahun Yang Kedua.

Kalau di-biarkan orang<sup>2</sup> yang bukan ra'ayat dalam negeri ini di-beri peluang bekerja baik dalam pejabat<sup>2</sup> Kerajaan mahu pun dalam kilang<sup>2</sup>, gudang<sup>2</sup> perniagaan dan perusahaan maka akhir-nya kema'moran yang di-tujukan kepada ra'ayat itu tidak akan dapat di-chapai, lebeh<sup>2</sup> lagi kepada orang<sup>2</sup> Melayu yang telah tertindas dan terdesak dengan beberapa keadaan masa ini. Maka oleh yang demikian itu satu undang<sup>2</sup> di-adakan dalam negeri ini supaya ra'ayat dalam Persekutuan Tanah Melayu hanya diterima di-pejabat<sup>2</sup> Kerajaan dalam kilang<sup>2</sup> dan gudang<sup>2</sup> perusahaan.

Tuan Yang di-Pertua, biar ke-untongan, kenekmatan dalam negeri ini di-rasa<sup>2</sup> benar<sup>2</sup> oleh ra'ayat dalam negeri ini, negeri yang kaya-raya supaya ra'ayat dalam negeri ini dapat nekmata-nya yang sa-benar-nya. Kalau-lah satu undang<sup>2</sup> tidak di-adakan maka akan menjadi-lah satu competi-

tion yang kuat bagi kehidupan ra'ayat dalam negeri ini. Kita tidak berkehendakkan dalam negeri ini sa-bagaimana kata orang<sup>2</sup> tua ia-itu "Itek mati kehausan dalam kolam—ayam mati di-pekok padi."

**Mr. Speaker:** Panjang lagi! Agak<sup>2</sup> berapa lama lagi.

**Dato' Mohamed Hanifah bin Hj. Ab. Ghani:** Dua minit lagi. Tuan Yang di-Pertua, sungguh pun harus pehak Kerajaan mengatakan ia-itu kalau di-adakan undang<sup>2</sup> pada masa sekarang akan di-takuti oleh saudagar<sup>2</sup> yang menjalankan perniagaan atau penanaman modal dalam negeri ini. Tetapi. Tuan Yang di-Pertua, oleh sebab negeri kita yang aman damai pada hari ini. saya ta' perchaya yang mereka itu terpengaruh dan bimbang, kalau kita buat undang<sup>2</sup> tersebut kerana undang<sup>2</sup> itu akan dapat menjamin kehidupan ra'ayat dalam negeri ini, kerana dengan ada-nya bangsa<sup>2</sup> yang bukan menjadi ra'ayat yang ramai dalam negeri ini harus akan terhimpit kedudukan dan ke-hidupan ra'ayat Tanah Melayu dalam negeri yang kaya-raya ini. Oleh itu, Tuan Yang di-Pertua, saya mohon mengemukakan chadangan ini, saya sebutkan sekali lagi—

Ia-itu suatu Undang<sup>2</sup> hendak-lah di-kemukakan supaya orang<sup>2</sup> bukan warga negara Persekutuan Tanah Melayu tidak di-benarkan bekerja dalam Jabatan<sup>2</sup> Kerajaan dan dalam Gudang<sup>2</sup> Perniagaan dan Perusahaan<sup>2</sup> dalam Persekutuan Tanah Melayu. melainkan pekerja<sup>2</sup> yang berkemahiran sahaja yang bukan warga negara Persekutuan boleh-lah bekerja dalam tempoh yang singkat.

**Enche' Zulkiflee bin Muhammad:** Tuan Yang di-Pertua, saya bangun menyokong usul ini dan saya akan berchakap di-kemudian nanti.

**Mr. Speaker:** The motion is open to debate. Order, Order!

Time is up now.

## DEFERMENT OF BUSINESS AND ADJOURNMENT

(Motion)

**The Prime Minister:** Mr. Speaker, Sir, as it is appreciated that the Government has completed its business

for this meeting, it is therefore entirely left to the Opposition to go on with this meeting until the time fixed for it to rise this evening. But, fortunately for the Government Bench, I have to rise at the request of the Opposition to move.

That further consideration of the business shown on the Order Paper be deferred to the next meeting of the House, and that the House do now adjourned.

**Tun Abdul Razak:** Sir, I beg to second the motion.

Question put, and agreed to.

Resolved,

That further consideration of the business shown on the Order Paper be deferred to the next meeting of the House, and that the House do now adjourned.

*Adjourned at 1.00 p.m.*