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PARLIAMENTARY DEBATES

DEWAN RA'AYAT
(HOUSE OF REPRESENTATIVES)

OFFICIAL REPORT

SECOND SESSION OF THE SECOND PARLIAMENT
OF MALAYSIA

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MALAYSIA
DEWAN RA'AYAT
(HOUSE OF REPRESENTATIVES)

Official Report

Second Session of the Second Dewan Ra'ayat

Tuesday, 22nd March, 1966

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

PRESENT:

- The Honourable Mr Speaker, DATO' CHIK MOHAMED YUSUF BIN SHEIKH ABDUL RAHMAN, S.P.M.P., J.P., Dato' Bendahara, Perak.
- „ the Prime Minister, Minister of External Affairs and Minister of Culture, Youth and Sports, Y.T.M. TUNKU ABDUL RAHMAN PUTRA AL-HAJ, K.O.M. (Kuala Kedah).
- „ the Deputy Prime Minister, Minister of Defence and Minister of National and Rural Development, TUN HAJI ABDUL RAZAK BIN DATO' HUSSAIN, S.M.N. (Pekan).
- „ the Minister of Home Affairs and Minister of Justice, DATO' DR ISMAIL BIN DATO' HAJI ABDUL RAHMAN, P.M.N. (Johor Timor).
- „ the Minister of Finance, ENCHE' TAN SIEW SIN, J.P. (Melaka Tengah).
- „ the Minister of Works, Posts and Telecommunications, DATO' V. T. SAMBANTHAN, P.M.N. (Sungei Siput).
- „ the Minister of Transport, DATO' HAJI SARDON BIN HAJI JUBIR, P.M.N. (Pontian Utara).
- „ the Minister of Education, ENCHE' MOHAMED KHIR JOHARI (Kedah Tengah).
- „ the Minister of Health, ENCHE' BAHAMAN BIN SAMSUDIN (Kuala Pilah).
- „ the Minister of Welfare Services, TUAN HAJI ABDUL HAMID KHAN BIN HAJI SAKHAWAT ALI KHAN, J.M.N., J.P. (Batang Padang).
- „ the Minister for Local Government and Housing, ENCHE' KHAW KAI-BOH, P.J.K. (Ulu Selangor).
- „ the Minister for Sarawak Affairs, DATO' TEMENGGONG JUGAH ANAK BARIENG, P.M.N., P.D.K. (Sarawak).
- „ the Minister of Labour, ENCHE' V. MANICKAVASAGAM, J.M.N., P.J.K. (Klang).
- „ the Minister of Information and Broadcasting, ENCHE' SENU BIN ABDUL RAHMAN (Kubang Pasu Barat).
- „ the Minister of Agriculture and Co-operatives, TUAN HAJI MOHAMED GHAZALI BIN HAJI JAWI (Ulu Perak).

- The Honourable the Minister of Lands and Mines, ENCHE' ABDUL-RAHMAN BIN YA'KUB (Sarawak).
- „ the Assistant Minister of National and Rural Development, ENCHE' SULAIMAN BIN BULON (Bagan Datoh).
- „ the Assistant Minister of Culture, Youth and Sports, ENSKU MUHSEIN BIN ABDUL KADIR, P.M.N., S.M.T., P.J.K. (Trengganu Tengah).
- „ the Assistant Minister of Education, ENCHE' LEE SIOK YEW, A.M.N., P.J.K. (Sepang).
- „ the Assistant Minister of Finance, DR NG KAM POH, J.P. (Teluk Anson).
- „ the Parliamentary Secretary to the Minister of Health, ENCHE' IBRAHIM BIN ABDUL RAHMAN (Seberang Tengah).
- „ the Parliamentary Secretary to the Minister of Labour, ENCHE' LEE SAN CHOON, K.M.N. (Segamat Selatan).
- „ the Parliamentary Secretary to the Minister of Finance, ENCHE' ALI BIN HAJI AHMAD (Pontian Selatan).
- „ the Parliamentary Secretary to the Deputy Prime Minister, ENCHE' CHEN WING SUM (Damansara).
- „ ENCHE' ABDUL GHANI BIN ISHAK, A.M.N. (Melaka Utara).
- „ ENCHE' ABDUL KARIM BIN ABU, A.M.N. (Melaka Selatan).
- „ WAN ABDUL KADIR BIN ISMAIL, P.P.T. (Kuala Trengganu Utara).
- „ TUAN HAJI ABDUL RASHID BIN HAJI JAIS (Sabah).
- „ ENCHE' ABDUL SAMAD BIN GUL AHMAD MIANJI (Pasir Mas Hulu).
- „ DATO' ABDULLAH BIN ABDULRAHMAN, Dato' Bijaya di-Raja (Kuala Trengganu Selatan).
- „ TUAN HAJI ABDULLAH BIN HAJI MOHD. SALLEH, A.M.N., S.M.J., P.I.S. (Segamat Utara).
- „ TUAN HAJI AHMAD BIN ABDULLAH (Kelantan Hilir).
- „ ENCHE' AHMAD BIN ARSHAD, A.M.N. (Muar Utara).
- „ TUAN HAJI AHMAD BIN SAAID, J.P. (Seberang Utara).
- „ CHE' AJIBAH BINTI ABOL (Sarawak).
- „ DR AWANG BIN HASSAN, S.M.J. (Muar Selatan).
- „ ENCHE' AZIZ BIN ISHAK (Muar Dalam).
- „ ENCHE' JONATHAN BANGAU ANAK RENANG, A.B.S. (Sarawak).
- „ PENGARAH BANYANG ANAK JANTING, P.B.S. (Sarawak).
- „ ENCHE' CHAN CHONG WEN, A.M.N. (Kluang Selatan).
- „ ENCHE' CHAN SIANG SUN (Bentong).
- „ ENCHE' CHIA CHIN SHIN, A.B.S. (Sarawak).
- „ ENCHE' FRANCIS CHIA NYUK TONG (Sabah).
- „ ENCHE' CHIN FOON (Ulu Kinta).
- „ ENCHE' D. A. DAGO ANAK RANDAN *alias* DAGOK ANAK RANDEN (Sarawak).
- „ ENCHE' C. V. DEVAN NAIR (Bungsar).
- „ ENCHE' EDWIN ANAK TANGKUN (Sarawak).
- „ TUAN SYED ESA BIN ALWEE, J.M.N., S.M.J., P.I.S. (Batu Pahat Dalam).

- The Honourable DATIN FATIMAH BINTI HAJI ABDUL MAJID
(Johor Bahru Timor).
- „ DATIN FATIMAH BINTI HAJI HASHIM, P.M.N.
(Jitra-Padang Terap).
- „ ENCHE' S. FAZUL RAHMAN, A.D.K. (Sabah).
- „ DATU GANIE GILONG, P.D.K., J.P. (Sabah).
- „ ENCHE' GANING BIN JANGKAT (Sabah).
- „ ENCHE' GEH CHONG KEAT, K.M.N. (Penang Utara).
- „ ENCHE' HANAFI BIN MOHD. YUNUS, A.M.N., J.P. (Kulim Utara).
- „ ENCHE' HANAFIAH BIN HUSSAIN, J.M.N. (Jerai).
- „ ENCHE' HARUN BIN ABDULLAH, A.M.N. (Baling).
- „ WAN HASSAN BIN WAN DAUD (Tumpat).
- „ ENCHE' STANLEY HO NGUN KHIU, A.D.K. (Sabah).
- „ ENCHE' HUSSEIN BIN TO' MUDA HASSAN, A.M.N. (Raub).
- „ DATO' HUSSEIN BIN MOHD. NOORDIN, D.P.M.P., A.M.N., P.J.K.
(Parit).
- „ ENCHE' HUSSEIN BIN SULAIMAN (Ulu Kelantan).
- „ TUAN HAJI HUSSAIN RAHIMI BIN HAJI SAMAN
(Kota Bharu Hulu).
- „ ENCHE' IKHWAN ZAINI (Sarawak).
- „ ENCHE' ISMAIL BIN IDRIS (Penang Selatan).
- „ DATO' SYED JA'AFAR BIN HASAN ALBAR, P.M.N.
(Johor Tenggara).
- „ PENGHULU JINGGUT ANAK ATTAN, Q.M.C., A.B.S. (Sarawak).
- „ ENCHE' THOMAS KANA (Sarawak).
- „ ENCHE' KHOO PENG LOONG (Sarawak).
- „ ENCHE' EDMUND LANGGU ANAK SAGA (Sarawak).
- „ ENCHE' AMADEUS MATHEW LEONG, A.D.K., J.P. (Sabah).
- „ DATO' LING BENG SIEW, P.N.B.S. (Sarawak).
- „ DR LIM CHONG EU (Tanjong).
- „ ENCHE' LIM KEAN SIEW (Dato Kramat).
- „ ENCHE' LIM PEE HUNG, P.J.K (Alor Star).
- „ DR MAHATHIR BIN MOHAMAD (Kota Star Selatan).
- „ ENCHE' T. MAHIMA SINGH, J.P. (Port Dickson).
- „ ENCHE' C. JOHN ONDU MAJAKIL (Sabah).
- „ ENCHE' JOSEPH DAVID MANJAJI (Sabah).
- „ DATO' DR HAJI MEGAT KHAS, D.P.M.P., J.P., P.J.K.
(Kuala Kangsar).
- „ ENCHE' MOHD. ARIF SALLEH, A.D.K. (Sabah).
- „ ORANG TUA MOHAMMAD DARA BIN LANGPAD (Sabah).
- „ ENCHE' MOHD. DAUD BIN ABDUL SAMAD (Besut).
- „ ENCHE' MOHAMED IDRIS BIN MATSIL, J.M.N., P.J.K., J.P.
(Jelebu-Jempol).
- „ ENCHE' MOHD. TAHIR BIN ABDUL MAJID, S.M.S., P.J.K.
(Kuala Langat).
- „ WAN MOKHTAR BIN AHMAD (Kemaman).
- „ TUAN HAJI MOKHTAR BIN HAJI ISMAIL (Perlis Selatan).

- The Honourable ENCHE' MUHAMMAD FAKHRUDDIN BIN HAJI ABDULLAH
(Pasir Mas Hilir).
- „ TUAN HAJI MUHAMMAD SU'AUT BIN HAJI MUHD. TAHIR, A.B.S.
(Sarawak).
- „ DATO' HAJI MUSTAPHA BIN HAJI ABDUL JABAR,
D.P.M.S., A.M.N., J.P. (Sabak Bernam).
- „ ENCHE' MUSTAPHA BIN AHMAD (Tanah Merah).
- „ DATO' NIK AHMAD KAMIL, D.K., S.P.M.K., S.J.M.K., P.M.N.,
P.Y.G.P., Dato' Sri Setia Raja (Kota Bharu Hilir).
- „ ENCHE' NG FAH YAM (Batu Gajah).
- „ ENCHE' ONG KEE HUI (Sarawak).
- „ TUAN HAJI OTHMAN BIN ABDULLAH (Hilir Perak).
- „ ENCHE' OTHMAN BIN ABDULLAH, A.M.N. (Perlis Utara).
- „ TUAN HAJI RAHMAT BIN HAJI DAUD, A.M.N.
(Johor Bahru Barat).
- „ TUAN HAJI REDZA BIN HAJI MOHD. SAID, P.J.K., J.P.
(Rembau-Tampin).
- „ RAJA ROME BIN RAJA MA'AMOR, P.J.K., J.P. (Kuala Selangor).
- „ ENCHE' SANDOM ANAK NYUAK (Sarawak).
- „ ENCHE' SEAH TENG NGIAB, P.I.S. (Muar Pantai).
- „ ENCHE' D. R. SEENIVASAGAM (Ipoh).
- „ DATO' S. P. SEENIVASAGAM, D.P.M.P., P.M.P., J.P. (Menglembu).
- „ ENCHE' SIM BOON LIANG (Sarawak).
- „ ENCHE' SIOW LOONG HIN, P.J.K. (Seremban Barat).
- „ ENCHE' SENAWI BIN ISMAIL, P.J.K. (Seberang Selatan).
- „ ENCHE' SNG CHIN JOO (Sarawak).
- „ ENCHE' SULAIMAN BIN ALI (Dungun).
- „ PENGIRAN TAHIR PETRA (Sabah).
- „ ENCHE' TAJUDDIN BIN ALI, P.J.K. (Larut Utra).
- „ ENCHE' TAI KUAN YANG (Kulim Bandar Bharu).
- „ ENCHE' TAMA WENG TINGGANG WAN (Sarawak).
- „ DR TAN CHEE KHOON (Batu).
- „ ENCHE' TAN CHENG BEE, J.P. (Bagan).
- „ ENCHE' TAN TOH HONG (Bukit Bintang).
- „ ENCHE' TAN TSAK YU (Sarawak).
- „ ENCHE' TIAH ENG BEE (Kluang Utara).
- „ ENCHE' TOH THEAM HOCK (Kampar).
- „ ENCHE' YEH PAO TZE (Sabah).
- „ ENCHE' YEOH TAT BENG (Bruas).
- „ ENCHE' STEPHEN YONG KUET TZE (Sarawak).
- „ TUAN HAJI ZAKARIA BIN HAJI MOHD. TAIB, P.J.K. (Langat).

ABSENT:

- The Honourable the Minister of Commerce and Industry, DR LIM SWEE AUN,
J.P. (Larut Selatan).
- „ the Assistant Minister without Portfolio,
TUAN HAJI ABDUL KHALID BIN AWANG OSMAN,
(Kota Star Utara).

- The Honourable ENCHE' ABDUL RAHMAN BIN HAJI TALIB, P.J.K. (Kuantan).
 „ WAN ABDUL RAHMAN BIN DATU TUANKU BUJANG (Sarawak).
 „ ENCHE' ABDUL RAZAK BIN HAJI HUSSIN (Lipis).
 „ Y.A.M. TUNKU ABDULLAH IBNI AL-MARHUM TUANKU ABDUL RAHMAN, P.P.T. (Rawang).
 „ ENCHE' ABU BAKAR BIN HAMZAH (Bachok).
 „ O.K.K. DATU ALIUDDIN BIN DATU HARUN, P.D.K. (Sabah).
 „ ENCHE' CHAN SEONG YOON (Setapak).
 „ TUAN HAJI HAMZAH BIN ALANG, A.M.N., P.J.K (Kapar).
 „ ENCHE' KADAM ANAK KIAI (Sarawak).
 „ ENCHE' KAM WOON WAH, J.P. (Sitiawan).
 „ DATO' KHOO SIAK CHIEW, P.D.K. (Sabah).
 „ ENCHE' LEE SECK FUN (Tanjong Malim).
 „ ENCHE' PETER LO SU YIN (Sabah).
 „ DATO' MOHAMED ASRI BIN HAJI MUDA, P.M.K. (Pasir Puteh).
 „ ENCHE' MOHAMED YUSOF BIN MAHMUD, A.M.N. (Temerloh).
 „ ENCHE' MOHD. ZAHIR BIN HAJI ISMAIL, J.M.N. (Sungai Patani).
 „ ENCHE' QUEK KAI DONG, J.P. (Seremban Timor).
 „ ENCHE' RAMLI BIN OMAR (Krian Darat).
 „ ENCHE' SOH AH TECK (Batu Pahat).
 „ ENCHE' TAN KEE GAK (Bandar Melaka).

PRAYERS

(Mr Speaker *in the Chair*)

EARLIER ADJOURNMENT

(Motion)

The Deputy Prime Minister and Minister of Defence (Tun Haji Abdul Razak): Mr Speaker, Sir, I beg to move:

That notwithstanding the provisions of Standing Order 12 (1) the House shall adjourn this evening at 6.30 p.m. instead of 8.00 p.m.

Tuan Yang di-Pertua, saya di-beritahu Ahli² Yang Berhormat ada-lah suka yang Dewan ini di-tanggohkan pada pukul 6.30 petang daripada persidangan ini, sebab di-fikirkan yang persidangan ini tidak bagitu ada banyak perkara² yang hendak di-binchangkan. Jadi, itu-lah saya men-chadangkan supaya pada petang ini Dewan ini di-tanggohkan pada pukul 6.30 dan tidak pada pukul 8.00 malam.

The Minister of Home Affairs (Dato' Dr Ismail): Tuan Yang di-Pertua, saya sokong.

Question put, and agreed to.

Resolved,

That notwithstanding the provisions of Standing Order 12 (1) the House shall adjourn this evening at 6.30 p.m. instead of 8.00 p.m.

ORAL ANSWERS TO QUESTIONS

TINDAKAN BALAS TERHADAP PERBUATAN KERAJAAN SINGAPURA

1. Dato' Haji Mustapha bin Haji Abdul Jabar (Sabak Bernam) bertanya kepada Perdana Menteri, oleh kerana Kerajaan Singapura membangkitkan soal Perjanjian Pertahanan, mengenakan bayaran yuran sekolah kepada murid² yang bukan warga negara Singapura, menjalankan pendaftaran terhadap ra'ayat Malaysia yang tinggal di-Singapura, mengapa Kerajaan terus menerus sabar membiarkan tindakan² Kerajaan Singapura itu akan tetapi tidak mengambil tindakan yang patut terhadap Singapura.

The Prime Minister: Tuan Yang di-Pertua, Kerajaan kita sedar di-atas

segala tindakan² yang di-ambil oleh Kerajaan Singapura terhadap ra'ayat dan Kerajaan Malaysia dan juga kita memandang tindakan² itu satu perbuatan yang tidak bijak. Jadi dengan kerana memandang perbuatan itu tidak bijak nampak-nya tidak harus hendak di-ambil tindakan balas. Jadi kalau memandang kepada perbuatan yang sa-umpama itu kita balas, nampak sangat sa-bagaimana perbuatan kita ini, budak² pula. Jadi dengan kerana itu, jikalau kita hendak ambil apa² tindakan balas, biarkan-lah di-atas apa² perkara yang besar. Perkara yang sa-umpama ini tidak membangkitkan keuntongan pun atau faedah atau kebajikan kepada ra'ayat Singapura. Semua-nya kerugian yang kita rasa sangat-lah sadikit. Jadi dengan kerana itu kita menjalankan satu perbuatan yang sabar, dan dengan kesabaran itu kita harap-lah Singapura ini barangkali boleh memikirkan di-atas perbuatan² mereka sakalian dan berasa kesal di-atas perbuatan sa-umpama itu. Jadi ini-lah sebab-nya yang kita tidak ambil tindakan balas di-atas perbuatan Singapura.

Berkenaan dengan soal Perjanjian Pertahanan, ini tidak ada apa² kesulitan kerana soalan itu berbangkit sahaja dan dengan sendiri-nya terpadam.

ARMS AND EQUIPMENT CONSIGNED TO PRIVATE INDIVIDUAL THROUGH PORT SWETTENHAM

2. Enche' Lim Kean Siew (Dato Kramat) asks the Minister of Defence whether he is aware that recently a crate which burst open at Port Swettenham was found to contain arms, the presence of which has not been disclosed either in the manifest or on the crate itself, addressed to a certain private individual and that this led to considerable confusion in the dock area and two days later, the Government allegedly issued a statement claiming that the arms and equipment belonged to the Government; if so, whether he would inform the House why these arms were not shipped in the proper manner and if it was part of the military stores and equipment

why there was this misunderstanding and why was the crate addressed to a private individual.

Tun Haji Abdul Razak: Mr Speaker, Sir, I am aware of the incident referred to. The crates containing the stores in question were addressed to a military officer of the Logistics Division of the Ministry of Defence by name so as to facilitate the delivery, but I can assure the Honourable Member that the stores in question were intended for the Malaysian Armed Forces. Unfortunately, the crates in question did not bear any label or manifest to indicate that they contained arms and ammunition. The misunderstanding relating to them arose simply from the fact that the Police and other Malaysian authorities involved in their handling were not kept informed of the facts about the consignment in these crates.

Enche' Lim Kean Siew: Mr Speaker, Sir, will the Honourable Minister assure us that these arms are really intended for the use of our Malaysian Armed Forces and not elsewhere, because you must have heard that these arms were intended to be consigned elsewhere?

Tun Haji Abdul Razak: Sir, I have given that assurance and I can give the assurance again that these arms were intended for our Malaysian Armed Forces.

Enche' Stephen Yong Kuet Tse (Sarawak): Would the Honourable Minister inform this House whether that would be the practice for the future—that is arms consigned to the Armed Forces to be addressed to private individuals?

Tun Haji Abdul Razak: Mr Speaker, Sir, in this particular instance, in order to facilitate delivery, the consignment was addressed to a military officer of the Logistics Division of the Ministry of Defence.

Enche' Lim Kean Siew: Sir, is the Honourable Deputy Prime Minister informing this House that, if arms are consigned to private individuals and

private addresses, the deliveries of the arms will be facilitated?

Tun Haji Abdul Razak: Mr Speaker, Sir, I do not wish to say very much more on this, because this is a matter concerning security. I have given the facts required by the Honourable Member.

INCIDENT BETWEEN CIVILIANS AND MILITARY PERSONNEL IN KUCHING ON 24th JANUARY, 1966

3. Dr Tan Chee Khoon (Batu) asks the Minister of Defence the cause or causes of riots between civilians and military personnel in Kuching on the night of 24th January, 1966, whether he is aware that such riots will have serious repercussions in Sarawak, and if so, what steps have been taken to prevent a recurrence of such riots.

Tun Haji Abdul Razak: Mr Speaker, Sir, what took place in Kuching on the night of the 24th January, 1966, could hardly be called a riot. It started with an argument over food between a member of the Armed Forces and a local mee seller in the Kuching open air market. This took place on the 21st of January, 1966, but it was most unfortunate that this incident built up tension which later that day, and on the 24th January, resulted in a number of assault cases, involving a section of the civilian population and the military. It is, of course, realised that such an incident will have serious repercussions in Sarawak. A senior military officer has now been appointed as Commander of the Malaysian military troops in Sarawak, and one of his responsibilities is to establish close liaison with the civilian authorities with a view to fostering close relationship and to create goodwill between the civilian population and members of the Armed Forces.

RANCHANGAN TANAH DI-SUNGAI PANJANG, SABAK BERNAM

4. Dato' Haji Mustapha bin Haji Abdul Jabar bertanya kepada Menteri Pembangunan Negara dan Luar Bandar ada-kah benar bahawa Kerajaan Per-

sekutuan sedang mengambil langkah bagi memajukan tanah Sungai Panjang, Sabak Bernam, dalam Rancangan Lembaga Kemajuan Tanah Persekutuan dengan menanam kelapa sawit, dan jika benar, bila-kah rancangan ini akan di-mulakan dan berapa ekar tanah akan di-majukan.

The Assistant Minister of National and Rural Development (Enche' Sulaiman bin Bulon): Tuan Yang di-Pertua, penyelidekan sedang di-jalankan di atas tanah ini. Sama ada tanah ini dapat di-buka atau tidak, atau berapa luas tanah ini akan di-buka, dan bila masa-nya akan di-buka, maka bergantung kepada hasil penyiasatan yang di-jalankan itu.

SEIZURE OF THE "VANGUARD", SARAWAK

5. Dr Tan Chee Khoon asks the Minister of Home Affairs the reasons for the seizure of the *Vanguard* which gave a factual account of the riots in Kuching on 24th January, 1966, and whether he is not aware that this high handed action of the police has given rise to grave concern regarding the freedom of the press.

Dato' Dr Ismail: Sir, the seizure was effected as a result of the order of prohibition against a particular issue, i.e., the publication on 25th January, 1966. This order was issued by the Commissioner of Police, Sarawak Constabulary, on the direction of myself under Regulation 17 of the Preservation of Public Security Regulations, 1963, after due consideration had been given to the article appearing on the front page of this particular edition. In general, the article was considered to contain material calculated to promote feelings of ill-will and hostility between different classes of the population, to wit to exacerbate and resuscitate the extremely high feeling existing between the Kuching Malay Community and members of the Malaysian Armed Forces. Inaccurate and alarmist portions of the article were as follows:

(i) The explosions were not hand-grenades and no statement that

they were handgrenades was made by the Police.

- (ii) The Honourable Dato' Jugah's address to the crowd was not drowned by shouts of "send the Malays back". His address was received with acclaim and the crowd cheered him and dispersed.
- (iii) The account of the crowd not heeding the advice of Malay leaders is wildly exaggerated. Majority of persons did so heed, although some hot-heads interrupted by shouting. In general, the article was a lurid and rabble-rousing exaggerated account, which was calculated to inflame an already tense situation and revive acts of violence. To say the least, it was a highly irresponsible and dangerous piece of journalism. This view was put to the editor by the State Information Officer prior to going to press.

For reasons only known to the editor, he chose to ignore this advice.

Enche' Stephen Yong Kuet Tze: Is the Honourable Minister aware that in spite of this order of seizure, quite a considerable number of copies had, in fact, been distributed before the order became effective that morning; and since the Minister has stated several instances of inaccuracies, would it not be better for the Minister, in fact, to publish all these inaccuracies so as to clear the air, and similarly to allow the editor, or the journalist, responsible to put his facts right?

Dato' Dr Ismail: Sir, I said in my reply to the original question that this view was put to the editor by the State Information Officer prior to going to press. For reasons only known to the editor, he chose to ignore this advice.

Dr Tan Chee Khoon: I have here a copy of the offending issue of the *Vanguard* containing the article concerned. On reading through this, I, myself feel that there is nothing inflammatory. I wish to ask the Honourable Minister whether he is aware that a report of the same incident

appeared in the *Sabah Times* of the 28th January, which contained these words "Go home, Malayan Soldiers, we want peace"—That is much the same factual report. Why, then, is this discrimination?

Dato' Dr Ismail: Sir, luckily for the press of this country, the Honourable Member for Batu is not the Minister of Home Affairs; otherwise, he would start to censor all newspapers by taking only small extracts of any article written in any newspaper. Now, this article by the *Vanguard* must be taken as a whole, and the editor was advised that, if that article was published, it might inflame the already high feeling between the Malay community and the Armed Forces there.

COLLECTION OF TURNOVER TAX

6. Enche' Chia Chin Shin (Sarawak) asks the Minister of Finance to state—

- (a) the total figure of Turnover Tax collected for 1965;
- (b) the total figure of Turnover Tax which remained outstanding in 1965;
- (c) the steps being taken to investigate the causes of such outstanding unpaid Turnover Tax.

The Minister of Finance (Enche' Tan Siew Sin): Mr Speaker, Sir, as the question is divided into three parts, I shall reply accordingly:

- (a) The total amount of turnover tax collected to date on account of 1965 is \$20,781,326.
- (b) The amount of tax outstanding for 1965 is about \$13 million. It should be recognised that as the Turnover Tax Act did not become law until the end of June, 1965, it was not possible to start assessing the tax until September. The total tax for 1965 has not yet been finally assessed and the latest figure comes to about \$33.7 million.
- (c) Every case of unpaid tax is investigated, and where the Comptroller is satisfied that that

there is no good and sufficient reason for failure to make payment, the necessary action is taken in accordance with the provisions of the Turnover Tax Act.

SUBMISSION OF TURNOVER TAX AT SOURCES RETURNS

7. Enche' Chia Chin Shin asks the Minister of Finance whether he realises the hardship endured by Traders owing to the volume of work involved in accounting in order to submit the Turnover Tax at Source Returns, especially for Retail Traders, who would have to summarise the Sales obtained from Local Purchase, from Malaysian Products and Foreign Imported Goods, and if so, whether he will consider to amend the method of payment for Turnover Tax at Source from yearly to quarterly or monthly in view of the strong opinions expressed by the Chambers of Commerce throughout Malaysia.

Enche' Tan Siew Sin: Mr Speaker, Sir, to begin with, I must admit that I am rather disturbed by the implications of the question which indicate that those liable to tax find it difficult to keep even the simple accounts required for Turnover Tax. If such is the case, one is driven to the conclusion that the persons for whom the Honourable Member pleads keep no accounts at all for income tax purposes, even though they might be liable for it. I say this because the accounts required for income tax purposes will be much more complicated than those required for Turnover Tax purposes. I certainly am surprised that such an admission should have been made, but perhaps the Honourable Member himself did not realise the income tax implications of his question.

Coming to the question itself, I have asked those concerned to contact the Comptroller-General of Inland Revenue or the Controller concerned, if they in fact have any problem of the nature mentioned by the Honourable Member. It is not, however, proposed to amend the basis period of the tax, or to collect tax on a quarterly, or

monthly basis, but I have instructed the Comptroller-General to see to it that any case of genuine hardship is dealt with as leniently as possible and every assistance is given to taxpayers to enable them to meet their tax liability. The Comptroller-General has also been authorised in genuine cases of hardship to use the current year basis to compute the tax liability and to allow payment to be made on an instalment basis.

CHANGE OF TURNOVER TAX AT SOURCE TO IMPORT TAX

8. Enche' Chia Chin Shin asks the Minister of Finance to state whether he considers essential to change the system of Turnover Tax at Source to Import Tax instead and, if so, when.

Enche' Tan Siew Sin: There is no intention at present to change the existing system.

NATIONAL ELECTRICITY BOARD—NUMBER OF EXPATRIATE OFFICERS EMPLOYED

9. Enche' C. V. Devan Nair (Bungsar) asks the Minister of Commerce and Industry to state the number of expatriate officers employed in the National Electricity Board:

- (a) on a permanent basis, and
- (b) on short-term contracts.

The Minister of Local Government and Housing (Enche' Khaw Kai-Boh): Mr Speaker, Sir, the answer is in two parts: (a) on permanent basis—nil; (b) 12 entitled contract officers, 5 non-entitled contract officers, and 11 short-term contract officers, totalling 28.

Dr Tan Chee Khoon: Mr Speaker, Sir, will the Honourable Minister clarify what he means by "entitled contract officers" and "non-entitled contract officers"?

Enche' Khaw Kai-Boh: "Entitled contract officers" mean these are the officers placed on the pensionable establishment, or have expectations of being placed on the pensionable establishment. "Non-entitled contract

officers" are those who are not on the pensionable basis.

Dr Tan Chee Khoon: Mr Speaker, Sir, is it not a fact of the entitled contract officers, practically all of them already have received, or have been promised, the Malaysian Malayani-sation bounty? If so, how does one reconcile giving away this Malayani-sation bounty and permanency of service?

Enche' Khaw Kai-Boh: Mr Speaker, Sir, that is a separate question on which I require notice.

MALAYSIANS UNDERGOING TRAINING IN OVERSEAS UNIVERSITIES FOR SERVICE IN THE NATIONAL ELECTRICITY BOARD

10. **Enche' C. V. Devan Nair** asks the Minister of Commerce and Industry whether he can give particulars relating to Malaysians undergoing higher training in universities overseas with a view to qualifying themselves for fulfilling higher responsibilities in the National Electricity Board, under the following headings:

- (a) number of persons undergoing such higher training abroad;
- (b) branches of studies; and
- (c) duration of courses.

Enche' Khaw Kai-Boh: Mr Speaker, Sir, the N.E.B. Malayani-sation date is 31st December, 1967. However, four contract officers will still be in service after that date. These officers are attached to the Generation Department by virtue of their wide experience and will be replaced only when local officers have gained the necessary experience in the particular field. Now 24 officers will

Mr Speaker: That is in reply to which question?

Enche' Khaw Kai-Boh: I am answering Question No. 10. 24 Officers will leave the service by 31st of December, 1967, one short term contract officer will finish his contract at the end of May, 1968, two short term contract

officers by end of April, 1969, and one non-entitled contract officer by the end of February, 1970.

Enche' C. V. Devan Nair: Mr Speaker, Sir, I think there has been some mistake. I believe the Honourable Minister has been answering Question No. 11.

Enche' Khaw Kai-Boh: Mr Speaker, Sir, I got the wrong Order Paper as in the order of the previous Order Paper. The answer is:

Electrical Engineering	...	61
Mechanical Engineering	...	5
		—
Total	...	66
		—

All these students are studying in the United Kingdom and the period of duration of the course is three to four years excluding two years pupillage training in the industry. From the total figure, the Honourable Member would see that the number being trained is approximately twice the number of expatriate officers.

Dr Tan Chee Khoon: Mr Speaker, Sir, if I heard the Honourable Minister correctly, he said that all the 60 odd students are all studying in the United Kingdom. Now, is the Honourable Minister aware that facilities for electrical engineering and for mechanical engineering are available at the University of Malaya at considerable expense to the taxpayers of this country? If so, Mr Speaker, Sir, will the Honourable Minister give us an assurance that no students will be sent abroad by the N.E.B. in future, unless they cannot find places in the Faculty of Engineering, University of Malaya. This, Sir, not only gives them a local background to the training but also saves foreign exchange. If I heard the Honourable the Assistant Minister for Finance correctly yesterday, he was very concerned over the saving of foreign exchange—perhaps that is not shared by the N.E.B.?

Enche' Khaw Kai-Boh: Mr Speaker, Sir, I have little doubt that these points raised by the Honourable Member have been considered very carefully by the substantive Minister,

Dr Lim Swee Aun. Nevertheless, this will be passed on to Dr Lim for his further consideration.

11. Enche' C. V. Devan Nair asks the Minister of Commerce and Industry to state the probable date by which he expects to have the National Electricity Board organisation completely Malay-anised, and adds that if the Honourable Minister has not finished answering it, he would like to hear the rest of the Minister's reply. (*Laughter*).

COMPLETE MALAYANISATION OF THE NATIONAL ELECTRICITY BOARD—DATE

Enche' Khaw Kai-Boh: I am afraid I have just finished the whole answer, when I was interrupted.

LOW-COST HOUSING AT JALAN PEKELILING, KUALA LUMPUR—COMPLETION OF WORK BY THE CABINET COMMITTEE

12. Dr Tan Chee Khoon asks the Minister of Local Government and Housing to state if the Cabinet Committee, consisting of the Ministers for Finance, Works, Posts and Telecommunications, and Local Government and Housing, to consider the tender for the Low-Cost Housing at Jalan Pekeliling has completed its work, whether any other contractor has put in a new bid for the work, and when will the work on the project be started.

Enche' Khaw Kai-Boh: Mr Speaker, Sir, the Cabinet Committee has still not completed its work, although it has met on two occasions. The negotiating committee consisting of officials has, however, just completed its work on the 15th March, 1966, and is in the process of drawing up its final report for submission to the Cabinet Committee. No other contractor has put in a new bid for the Jalan Pekeliling project. As to when the project will be started, this depends entirely on the decision by the Cabinet Committee on the final report.

Dr Tan Chee Khoon: Mr Speaker, Sir, if no other persons have dared to put in a bid, and if no contract has

been awarded, I take it that no work should start on the site. Is the Honourable Minister aware that piling has practically started on the site? If so, on whose authority?

Enche' Khaw Kai-Boh: Mr Speaker, Sir, I have answered that question previously. No work has yet been started on the site on the building project itself. There has been boring tests for the purpose of piling estimates, but no actual work on the building has been started, and I can assure this House that, quite unlike what the Opposition has presumed, the contract is still very much in the process of being negotiated, and I have said that the Committee of Officials has just completed its work and will be submitting its final report to the Cabinet Committee, and it is premature for me to say anything further on this matter.

Enche' Lim Kean Siew: Mr Speaker, Sir, perhaps, the Honourable Minister is not aware of a signboard on the site which says "Piling by Gammons" and so on. I mean, it does not say "boring test". If anybody is being misled, then he is being misled by the contractor's signboard on the site.

Enche' Khaw Kai-Boh: Mr Speaker, Sir, I am afraid that is a very old story. We have gone through this signboard affair many, many, times in the last meeting of Parliament; all I can say in this House is that no contract has been awarded, and this House will know the final result after the Cabinet Committee has made its decision. It is too premature at this stage for me to say anything in that direction.

Dr Tan Chee Khoon: While we are glad of this assurance that no contract has been started, and the Minister himself has stated that no work has started, is the Minister aware that I have consulted expert opinion, and they tell me that the gadgets that are on the site are certainly not for boring test but for piling. If so, will he not consult his experts to find out the actual facts of the case? It is not we

who are misled, possibly the Minister is being led up the garden path.

Enche' Khaw Kai-Boh: Mr Speaker, Sir, I cannot stop the people, who are negotiating in finding out for themselves, for the purpose of estimates, the amount of work involved. If they are prepared to involve themselves in unnecessary costs in putting anything on the site for the purpose of their estimates, I cannot stop them. They do it at their own risk.

PORT WORKERS EMPLOYED BY THE PENANG PORT LABOUR BOARD

13. Dr Lim Chong Eu (Tanjong) asks the Minister of Labour to state:

- (a) what are the conditions for selection of port workers by the Penang Port Labour Board;
- (b) whether he is aware of the grave anxiety among the port workers caused by the decision of the Port Labour Board to curtail the number of registered port workers and to restrict the number of stevedoring employers;
- (c) what was the number of registered port workers who have hitherto been getting employment in the Penang Port Area and how many will be absorbed by the Penang Port Labour Board; and
- (d) what plans he has to alleviate the potential unemployment of nearly 1,500 previously registered port workers and whether he will assure this House that the implementation of the policy of the Port Labour Board will not cause undue hardship to those whose livelihood has been taken away from them.

The Minister of Labour (Enche' V. Manickavasagam): Mr Speaker, Sir, I must first point out, that the Penang Port Labour Board is an independent body created under an Act of Parliament. The question largely concerns the activities of this Board, and much of the information I can give this House is obtained from the Board itself. I will answer the question in the

order asked by the Honourable Member:

- (a) The conditions for the selection of stevedores as laid down by the Penang Port Labour Board are:
 - (1) Physical fitness;
 - (2) Ages between 20 to 25;
 - (3) Number of years employed as stevedores.
- (b) The Board and I are aware of the anxiety amongst some workers, as a result of the restrictions in the number of stevedores to be registered. When the Port Workers (Regulation of Employment) Bill was introduced in this House last year, it was stated that there was a multiplicity of employers and workers in the port, most of them working in a casual basis, and that this was the cause for the depressed conditions of employment in the Port. It follows from this that the registration scheme to provide for greater regularity of employment of port workers under improved conditions would necessarily result in a reduction in the number of people employable under the scheme. The employing organisation to be registered under the scheme would also have to be re-organised with a view to ensuring reasonable security of employment and terms and conditions of employment to the workers.
- (c) The present registration scheme will apply initially to stevedores and later to other categories of port workers. The exact number of stevedores in Penang is not known, but I am informed that a total of 2,325 applications for registration as stevedores were received by the Board.
- (d) As I have stated, Sir, the Board has not yet decided as to how many stevedores will be registered. I can assure this House that all possible steps will be taken to ensure that workers who have been dependent on port work for their livelihood are not adversely affected. Those, whose primary employment is not in the

port, will probably not be registered and will have to cease port work.

Dr Lim Chong Eu: Sir, in the very long reply, which the Honourable Minister gave, I noted, in particular, that in his reply to part (b), he said that the anxiety would only involve some port workers,—he said that the number of registered port workers will be many and that those who will not be registered will be some. Sir, later on in his reply to part (d), I think, he tacitly accepted the unofficial figure, or the estimated figure, of 2,300 over potential stevedores, being at present involved in the port work—and 1,500 of them is not some, but the majority of them. Under the circumstances, Sir, does not the Honourable Minister feel that this is a matter of considerable importance involving the machinery of Government with regard to labour and, therefore, his Ministry should supervise the activities and the plans of the Port Labour Board on behalf of the interest of the workers on the Port?

Enche' V. Manickavasagam: Sir, as I have stated here just now, the Ministry places great importance in the working of this Port, but I have also stated that it is an independent Board, where we have workers' representatives, employers' representatives, and members of the independent panel. Sir, I can assure this House that Government is as anxious, or even more anxious than the Honourable Member himself, to see that workers, who have been depending on port work, are given work and that their livelihood is not adversely affected.

Dr Lim Chong Eu: I am happy to hear the reply of the Minister. However, Sir, will the Honourable Minister also assure us that he will take into consideration that those numbers of port workers, who will be put out by this de-casualisation scheme, will be put on a priority basis with regard to future employment, when the port is extended over to Butterworth?

Enche' V. Manickavasagam: Sir, as I have stated many times here, and I am

sure the Honourable Member is aware, there are people in the port who do not depend solely on port work but do work as casuals—people who work elsewhere. In order to see that people, who are solely employed in port work, get a fair deal, we will have to de-casualise those who are just doing work on a casual basis. This was explained fully in this House, and I think people are aware that the introduction of this port scheme will de-casualise certain workers. But I can assure this House that those who find themselves short of jobs, or who want to get extra income, we would do what we can for them.

Dr Lim Chong Eu: Sir, arising from the reply of the Honourable Minister, is the Minister aware that in actual fact there is trouble brewing from the actual workers, not the casual workers—the actual workers of the Port Commission—and that the casual workers are anxious? So, the position is not as rosy as was presented by him in his reply.

Enche' V. Manickavasagam: If I get him correctly, Sir, I thought he says that some trouble is brewing in the Port Commission, which is a separate issue, Sir.

Enche' Lim Kean Siew: Can the Honourable Minister inform this House as to how the Board came to this scheme for the employment of employees and the number of employers that will be used by the Board?

Enche' V. Manickavasagam: The Board has not come to any definite conclusion as to the number of employers or workers. They have received applications from workers and that is the figure I gave just now—i.e. 2,325 applications.

Enche' C. V. Devan Nair: The Honourable Minister mentioned the necessity to de-casualise the casual workers. Would it not be possible, Sir, that a large number of these casual workers may, in fact, have been casual for a very long time, and in such cases de-casualisation should mean that they are placed on the permanent basis: would the Minister consider that?

Enche' V. Manickavasagam: It will be looked into by the Board, Sir.

Enche' Lim Kean Siew: What I asked was, how did the Board come to any scheme even though it might be a tentative scheme, was there a proper enquiry held, and whose views were taken into consideration, and whether or not any person appeared before the Board before the Board came to any tentative scheme?

Enche' V. Manickavasagam: The Board, as I said earlier, came into being after an Act of Parliament, and the people in Penang were given every opportunity to appear before the Board or to give their views to the Board and the Board, I can assure this House, is still prepared to hear views from interested persons.

Enche' Lim Kean Siew: Is the Honourable Minister aware that in fact the Board held only two meetings? At the first meeting a Mr Freathy freely gave his advice, and the only person who spoke at that meeting was Mr Freathy who was the adviser of the Board. At the second meeting of the Board, the Board came to certain decision, which were published in the newspapers of Penang—and the decisions published were as follows:

- (1) that there will be only five employers of stevedores;
- (2) that there would be 1,144 stevedores to be employed;
- (3) that employers, who would qualify, would be those who could give a guarantee that they could employ at least 17 gangs of stevedores; and finally
- (4) that the workers employed would be given a guarantee of 22½ days a month—and it is understood, apparently, that Legal Notification No. 7 of 1964 would apply with regard to the wages and conditions of work of the stevedores and that this publication was what caused a furore in Penang.

Enche' V. Manickavasagam: Mr Speaker, Sir, I had been to Penang

three days ago. I met the members of the Board and I can assure this House, Sir, that nothing definite has been arrived at by the Board.

LABOUR EXCHANGES— REGISTRATION OF LABOUR

14. Dr Lim Chong Eu asks the Minister of Labour to state:

- (a) what is the system employed by the Labour Exchanges for finding employment for (i) skilled labour and (ii) unskilled labour; and
- (b) whether he is aware of the fact that some persons are registered for as long as two or more years with the Labour Exchanges and still have not been able to find employment; and that the present system used of rotation of first registered first served virtually means that any new registration may have to wait for at least two years in the case of unskilled labour before a person can reasonably hope to secure employment through the Labour Exchange, and if so, what plans Government has to alleviate hardship and to give unemployment benefits to those who are registered with the Labour Exchange but who have not been able to secure employment.

Enche' V. Manickavasagam: Mr Speaker, Sir, the Employment Exchanges can only assist employers in finding the type of workers they need and job seekers in finding work suited to their qualifications and desires. The Exchange merely matches a request for workers with the job seekers registered with it. The actual system used is that persons who are registered first, where they meet the employers requirements, are referred to the employers for interview first. This principle of "first come first served" does not mean, however, that the next senior registrant is only sent for interview when the first has found employment. Once the first man has been sent for interview, the next registrant gains seniority for the next interview. This is the system used for both skilled and unskilled workers. I

am aware that some job seekers have to wait for long periods before finding employment suitable to them. This is primarily because the number of job seekers far exceeds the demand for them in the exchanges, especially in the unskilled occupations. I am not aware of a system more equitable than that I have described earlier, that of "first come first served". In some cases, the waiting period is long because of lapses on the part of the registrants themselves. They fail to keep their registration with the exchanges alive by renewing them every three months. Once this lapse occurs they inevitably lose their seniority of registration.

The fact remains, Sir, that persons with no skills, or qualifications, will not be absorbed into employment as quickly as the skilled job seekers. The skilled ones experience little delay in finding employment. A look at the registers at the Employment Exchanges clearly shows that more than 60 per cent of the job seekers possess no skills at all, and it will be impossible to find them employment within a short period. Officers of my Ministry and the various Employment Exchange advisory committees widely publicise the service provided by the exchanges, but notifications of vacancies from employers still fall far short of the number of job seekers on the registers of our exchanges. Even then registrants, including the unskilled ones appear, to be very choosy about jobs. In 1959 a scheme to employ these unemployed workers on a road building project in Genting Simpah, only twenty miles from here, was introduced, but the work finally had to be completed with contract labour, as the registrants of the Exchange were unwilling to accept such employment.

The Government is aware of these difficulties. The Development Plans so far and the First Malaysia Plan are bold attempts to meet these problems, but their solution cannot be found overnight. The target of the First Malaysia Plan to reduce the rate of unemployment from 6 per cent of the labour force to 5.2 per cent is as realistic as one can get. The various training schemes and indeed the educational

system itself are geared to making the labour force generally more employable.

An unemployment insurance scheme, if it is studied carefully, cannot be the answer to the unemployment situation in this country. The characteristic nature of our unemployment, as in all developing countries, is that unemployment is highest among youths, who are new to the labour market. The payment of unemployment benefits requires that the unemployed persons have worked for some time to build up qualifying contributions. But this standard rule alone, the vast majority of the youths will not qualify for such benefits. The answer, the Government believes, lies in the positive fields of development and the expansion of employment opportunities. This is precisely what we are doing.

Dr Lim Chong Eu: Sir, I have several points to ask arising out of his lengthy reply, but I will take the last one first. Is not the Honourable Minister expressing rather a sanguine point of view about the positive policy of Government in view of the fact that the number of workers, who are registered with Employment Exchanges have been steadily increasing with the increasing period of Alliance policy-making in this country?

Enche' V. Manickavasagam: Sir, as more pupils leave schools every year, they are in the labour market looking for jobs and so the number increases. That shows that there is growth in this country, Sir, even though we have family planning.

Dr Lim Chong Eu: It does appear, Sir, that the answer is not only in positive planning but in family planning, about which I had thought about a great deal previously, i.e., to say that the best prospect for the future of this country is not to be born at all. However, Sir, there is one other supplementary question which I would like to ask arising out of the reply given by the Honourable Minister—and that is, what provision of review of the existing system employed by the Labour

Exchange is maintained by the Ministry, that is to say, is the Ministry constantly reviewing new methods, or better methods, of seeking employment for the labourers registered with the Employment Exchanges; and, secondly, Sir, in so doing, will the Honourable Minister assure us that he will try and solve the problem which he himself has indicated, namely "first come first served"? In this system of "first come first served", what happens is that, if a person is on the top of the list and there is a two-year waiting list behind him, and his name is submitted for an employment, but he is turned down, he goes right down to the bottom of the list. Now, if he happens to have been at the bottom of the first list, that is, he had been already two years on the Employment Exchange, he tries to get a job and he fails to get a job on the recommendations, or through the help of the Employment Exchange, he then has to wait another two years, so that makes him four years, and if at the end of the second period he again misses it, he goes to six years. So, the number of these type of chronic members registered on the Employment Exchanges is increasing. Will the Honourable Minister assure us that he will look into this problem of these chronic unemployable labourers and try and solve their particular problem?

Enche' V. Manickavasagam: Sir, I would like to reply to the second part of the question first. I said earlier in my reply, a number of our workers, or youths, who look for jobs are choosy about employment. That gives us lots of difficulties and creates problems. However, Sir, in answer to both his questions posed just now, I can assure this House, Sir, that the Employment Exchange procedures are being reviewed as a whole, and we are getting ILO assistance to see how we can improve the system.

Tuan Haji Ahmad bin Abdullah (Kelantan Hilir): Tuan Yang di-Pertua, soal tambahan. Ada-kah Yang Berhormat Menteri yang berkenaan sedar dan ketahui bahawa orang² Melayu yang telah mendaftarkan diri mereka itu sebagai "unskilled labour" di-Pejabat²

Buruh di-merata² cheroK rantau di-dalam Tanah Melayu ini semenjak tahun 1960-61 tidak di-panggil temu-duga wal hal orang yang bukan Melayu yang mendaftarkan diri mereka itu selama 2-3 bulan telah di-panggil temu-duga dan di-beri kerja kapada mereka itu, dan ini ada-kah sa-bagai satu *industrial calibre to which Malays, our unskilled Malay labourers, are subjected to? For his information, saya suka-lah hendak refer Yang Berhormat Menteri kapada Utusan Melayu, 3 hari-bulan Mach. Bunyi-nya bagini:*

"HAPUSKAN SAHAJA PEJABAT PEKERJAAN

Bukit Mertajam 2 Mach. Kerajaan akan di-desak supaya menutup sahaja Pejabat Menchari Kerja di-Butterworth, kerana perjalanan-nya di-katakan tidak memuaskan hati orang ramai. Keputusan ini telah diambil di-dalam Meshuarat Agung UMNO, Chawangan Simpang Empat, Seberang Prai, Kedah, yang berlangsung baharu² ini. Meshuarat Agung yang telah di-hadhiri oleh lebeh 200 orang itu telah di-beri tahu bahawa ada-nya Pejabat Buruh di-Butterworth itu telah tidak memberi untong kapada penganggor², sebab-nya ia-lah sa-tengah² penganggor yang telah mendaftarkan diri untuk menchari kerja di-situ semenjak 5 tahun yang lalu, tidak pernah di-panggil untuk temu-duga bagi mendapat pekerjaan, sa-balek-nya ada pula yang baharu sahaja mendaftarkan nama sudah di-panggil."

Oleh sebab yang demikian, saya suka-lah hendak mengetahui ada-kah Menteri Yang Berhormat sedar dan apa-kah kedudukan-nya?

Enche' V. Manickavasagam: Tuan Speaker, saya pun tidak tahu macham mana, bila PAS dapat satu cheroK yang dia boleh guna, dia gunakan resolution UMNO, bila masa lain, dia bangkang itu. Saya beri nasihat kapada Parti PAS bila² pun boleh dengar nasihat daripada UMNO, tidak susah.

Permintaan daripada Ahli dari Kelantan Hilir itu, saya tidak tahu satu tempat pun mana ada pusat tidak mengambil pekerja² daripada kaum Melayu. Yang saya tahu, Tuan Speaker, mana² kilang atau pun tempat industry, majikan ada ambil pekerja² Kerajaan² orang Melayu, orang China, orang India dan orang² lain. Jadi itu-lah tujuan Kerajaan lebeh² lagi mahu mem-beri peluang kapada youth daripada orang Melayu dan juga lain² kaum.

Tuan Haji Ahmad bin Abdullah: Tuan Yang di-Pertua, sa-kira-nya Menteri Yang Berhormat tidak tahu di-mana-kah tempat kejadian ini telah berlaku, saya khabarkan kepada-nya, di-Butterworth telah berlaku perkara ini. Saya minta dia selideki di-atas perkara ini; jangan-lah dia berkata ini timbul-nya daripada PAS—ini timbul daripada UMNO sendiri.

Enche' V. Manickavasagam: Tuan Yang di-Pertua, saya baharu pergi Butterworth Labour Exchange, dan saya tahu, Tuan Yang di-Pertua, che-rita itu tidak betul.

OPERATION OF UNLICENSED TRAWLERS ALONG SELANGOR COAST

15. Dato' Haji Mustapha bin Haji Abdul Jabar bertanya kepada Menteri Pertanian dan Sharikat Kerjasama adakah Kerajaan sedar bahawa beratus-ratus buah pukot harimau maseh menangkap ikan di-Pantai Selangor, terutama-nya di-Sabak Bernam, di-kawasan ayer sa-dalam enam depa, serta merosakkan jaring² nelayan kecil, dan jika sedar, apa-kah tindakan Kerajaan berhadang hendak ambil untuk menjamin mata pencharian nelayan² itu.

The Minister of Agriculture and Co-operatives (Tuan Haji Mohamed Ghazali bin Haji Jawi): Tuan Yang di-Pertua, Kerajaan sedar tentang perkara penggunaan pukot tunda sa-chara haram oleh nelayan² di-pantai negeri Selangor. Dari penghujung tahun 1963 hingga ka-akhir tahun 1965 sa-ramai 109 orang tuan² punya pukot tunda telah di-tangkap kerana memukat dengan pukot tunda di-perayeran negeri Selangor dengan tiada mempunyai kebenaran. Sa-ramai 80 orang dari jumlah 109 orang itu telah di-bawa ka-Mahkamah.

Tindakan yang sa-umpama ini akan di-teruskan.

BILL PRESENTED

THE FAMILY PLANNING

Bill to establish and to incorporate the National Family Planning Board

and to provide for matters incidental thereto; presented by the Assistant Minister of Culture, Youth and Sports; read the first time; to be read a second time at a subsequent sitting of this House.

BILLS

THE PRESERVATION OF BOOKS BILL

Second Reading

Menteri Muda Kebudayaan, Belia dan Sokan (Engku Muhsein bin Abdul Kadir): Dato' Yang di-Pertua, saya memohon untuk membawa Undang² "The Preservation of Books Bill, 1966", untuk di-bacha bagi kali yang kedua.

Undang² Preservation of Books yang ada sekarang yang telah di-perundang-kan sa-belum merdeka ia-itu dalam tahun 1950, hanya meliputi negeri² dalam Tanah Melayu sahaja dan telah membuktikan, terkebelakang, dalam beberapa perkara. Sa-bagai chontohnya walau pun Undang² itu mensharatkan tiga salinan daripada tiap² buku yang di-chetak dalam Tanah Melayu hendak-lah di-hantar kepada Jabatan Arkib Negara, Undang² ini menghendaki yang buku² ini sa-telah di-senarai-kan, hendak-lah pula di-bahagikan kepada dua foreign institutions, ia-itu Perpustakaan Universiti Singapura dan Trustee of the British Museum, sementara salinan yang ketiga-nya di-hantar kepada Perpustakaan Universiti of Malaya dengan tidak pula menentukan syarat² supaya di-simpan buku² itu. Dengan sebab itu walau pun ada senarai buku² yang di-terbitkan di-Tanah Melayu, tidak-lah pula ada chukup kumpulan simpanan yang lengkap bagi penerbitan² kebangsaan dalam jurusan kesuasasteraan, sains dan kesenian dan lain² lagi. Kejadian ini sangat-lah ganjil dan sangat² mustahak di-betulkan. Rang Undang² ini mengandongi dua tujuan.

Pertama untuk menjamin bahawa dua salinan tiap² buku yang di-terbitkan dalam Malaysia, kena-lah di-simpan di-dalam tempat simpanan negara yang akan menjadi teras kepada Perpustakaan Kebangsaan di-Ibu Kota

pada masa akan datang. Satu jawatan-kuasa untuk Perpustakaan Kebangsaan itu telah pun di-lantek.

Yang kedua, walau pun Rang Undang² ini mengandongi chara² penerimaan dan penyimpanan buku² dan penerbitan² tingkatan Persekutuan, dia tidak-lah melanggar hak² negeri dalam Malaysia untuk membuat undang² negeri masing² seperti, mithal-nya, negeri Sarawak yang sudah pun ada undang² negeri-nya yang di-kenali sebagai Sarawak Museum Deposit Library Ordinance, 1961. Syarat² baharu Undang² ini apabila di-bandingkan dengan Undang² yang telah ada ia-lah :

- (a) Dua salinan sa-bagai menggantikan tiga salinan yang ada sekarang daripada semua penerbitan² yang di-terbitkan dalam Malaysia hendak-lah di-serahkan kepada Jabatan Akib Negara untuk simpanan tetap. Penerbitan ini tidak akan di-bahagikan pula kepada lain² institution bagaimana yang telah terjadi sekarang.
- (b) Denda kerana tidak menurut Undang² ini di-naikkan kepada \$1,000 di-champor dengan harga buku yang tidak di-serahkan itu.
- (c) Perchetakan Kerajaan yang pada masa sekarang ini tidak di-kehendaki menyerahkan penerbitan² Kerajaan kepada Jabatan Akib Negara ada-lah di-kehendaki membuat demikian.
- (d) Akan ada empat institution ia-itu Perpustakaan Universiti Malaya, Sarawak Musium, Perpustakaan Pusat Negeri Sabah dan Dewan Bahasa dan Pustaka yang boleh memohon untuk salinan² mana² penerbit dalam tempoh 12 bulan daripada tarikh penerbitan. Rengkas-nya Rang Undang² ini bertujuan untuk meluaskan lagi syarat² Undang² Simpanan Buku²—Preservation of Books Ordinance—untuk meliputi seluruh Malaysia dan juga untuk memperbaiki beberapa kekurangan² untuk kepentingan kebangsaan.

Dr Tan Chee Khoon: Mr Speaker, Sir, I think all of us must support this

Bill, but I am a little perturbed that this Bill has taken such a long time in coming. The old Act states that the books in the past should have been deposited, amongst other places, in the British Museum and delivered to the trustees of the British Museum. I am really at a loss as to why nine long years after independence the Alliance Government has now found out this relic of colonialism and chosen to remove this vestige of colonialism. Mr Speaker, Sir, there is no doubt that there are many more vestigial remnants of colonialism and the sooner the Alliance Government excise them from the body politic the better it is for the Alliance Government and for this country in general. There is no rhyme or reason why any book printed in Malaysia should be deposited far away across the seas to the trustees of the British Museum.

Mr Speaker, Sir, I just want to touch on one other point. I notice that in the Schedule, four bodies are mentioned—the University of Malaya, Kuala Lumpur, the Dewan Bahasa dan Pustaka, the Sabah Central Library, and the Sarawak Museum. I do not know whether the Assistant Minister in introducing this Bill knows that there is in the offing—and I hope in the not too distant future—that we should have a National Library, and in all parts of the world, books that are printed are always deposited in the National Library. I, for one, will be very happy if the Minister will add in addition to the four bodies, “5—any such under institutions as the Government may so desire, in particular the National Library”, which I hope the Government will establish in the immediate future.

Engku Muhsein bin Abdul Kadir: Tuan Yang di-Pertua, dalam perkara National Library memang dalam ucapan saya dalam bahasa kebangsaan yang telah saya sebutkan ia-itu daripada dua buku yang di-hantar kepada Akib Negara itu ada-lah ditujukan untuk menjadi teras kepada satu Perpustakaan Kebangsaan yang akan di-buat tidak beberapa lama lagi dan satu jawatan-kuasa untuk perpustakaan itu telah pun di-lantek. Ini telah

saya ucap dalam ucapan saya yang pertama tadi.

Dr Tan Chee Khoon: Saya tidak dengar ucapan itu.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker *in the Chair*)

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

Schedule—

Dr Tan Chee Khoon: Mr Speaker, Sir, I have just now mentioned, and although the Assistant Minister has clarified, that to the Schedule, I would be very happy, if the Government will add after "4", "5—The National Library and any other institutions as the Government may so desire". As it stands, according to the Schedule, all these books are only consigned to the four bodies listed in the Schedule.

Engku Muhsein bin Abdul Kadir: Tuan Yang di-Pertua, dua daripada buku ini di-minta di-hantarkan kepada National Archives dan daripada dua buku itu-lah boleh di-tentukan untuk di-gunakan oleh Perpustakaan Negara apabila di-tubuhkan kelak.

Mr Chairman: I believe the Honourable Member for Batu suggested an amendment to the Schedule, but there was no formal amendment moved.

Dr Tan Chee Khoon: Mr Chairman, Sir, I beg to move that "after "4", add "5—the National Library if and when it is established".

Amendment put, and negatived.

Schedule ordered to stand part of the Bill.

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

THE DIPLOMATIC PRIVILEGES (VIENNA CONVENTION) BILL

Second Reading

Engku Muhsein bin Abdul Kadir: Tuan Yang di-Pertua, saya memohon untuk membawa Rang Undang² "The Diplomatic Privileges (Vienna Convention) Bill" di-bachakan kali yang kedua.

Perhimpunan Agong Bangsa² Bersatu, melalui Ketetapan 1,450 Butir (14) yang bertarikh pada 7hb Disember, 1959, telah memutuskan untuk mengadakan suatu persidangan antara bangsa yang terdiri daripada wakil² Kerajaan di-luar negeri untuk memper-timbangkan soal perhubungan² dan kebebasan² diplomatik dan memasokkan hasil persidangan itu ka-dalam satu Perjanjian Antara Bangsa bersama dengan perkara² yang berkaitan yang di-rasa² perlu. Persidangan Bangsa² Bersatu berkenaan dengan Perhu-bongan dan Kebebasan Diplomatik telah di-adakan di-Vienna mulai 2hb Mach, hingga 14hb April 1961. Kajian² daripada 81 buah negeri telah di-rundingkan termasuk yang pada masa itu Persekutuan Tanah Melayu, yang telah di-wakili di-Persidangan itu. Atas dasar pertimbangan² yang di-ambil yang mengakibatkan beberapa pindaan pada perjanjian itu, Persi-dangan itu telah menggunakan pada 14 April, 1965, apa yang di-namakan Perjanjian Vienna berkenaan dengan Perhubungan Diplomatik dan Protokol mengenai pendapatan kewarga nega-raan dan penyelesaian pertikaian² yang di-mestikan.

Perjanjian dan protokol yang di-terima oleh persidangan yang bertarikh pada 14hb April, 1961, telah di-buka-kan untuk di-tanda tangani pada 18hb April, 1961, menurut syarat² hingga 31hb Oktober, 1961, di-Kementerian Persekutuan bagi Hal-Ehwal Luar Negeri Australia sa-terus-nya sa-hingga 31hb Mach, 1962, di-Ibu Pejabat Bangsa² Bersatu di-New York. Perjan-jian dan protokol yang sama juga di-buka untuk pemereksaan mengikut syarat² yang akan di-simpan oleh Setia-usaha Agong Bangsa² Bersatu. Persekutuan Tanah Melayu tidak men-anda tangani perjanjian itu. Perjanjian itu telah di-kuat kuasakan pada 24hb

April, 1964. Dalam tahun 1965 Jema'ah Menteri telah memutuskan untuk ikut bersama Perjanjian Vienna dengan perhubungan Diplomatik Protokol² yang bersangkutan.

Pada 9hb November, 1965, Malaysia telah menyampaikan persetujuan-nya untuk mengikut sama perjanjian itu ka-Bangsa² Bersatu dan dengan perjanjian itu di-kuat kuasakan bagi Malaysia pada 9hb Disember, 1965, ia-itu sa-bulan sa-lepas daripada perjanjian itu di-persetujui oleh Malaysia. Rang Undang² ini bertujuan menguat kuasakan beberapa fasal daripada Perjanjian² Vienna berkenaan perhubungan diplomatik supaya membolehkan Malaysia mematohi perjanjian itu. Telah di-perhatikan bahawa beberapa syarat² tertentu dari Perjanjian Vienna sahaja yang telah di-masokkan bagi tujuan memberikan kesan Unlang² di-Malaysia. Syarat² yang lain dari Perjanjian Vienna itu yang tidak di-masokkan dalam jadual boleh di-jalankan oleh Malaysia tanpa membuat tambahan dan pindaan kepada Undang² kita. Oleh yang demikian tidak-lah mustahak memasokkan syarat² itu dalam jadual Rang Undang² ini.

Tuan Yang di-Pertua, saya mencha-dangkan supaya di-bachakan bagi kali yang kedua.

The Parliamentary Secretary to the Minister of Health (Enche' Ibrahim bin Abdul Rahman): Tuan Yang di-Pertua, saya menyokong.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker *in the Chair*).

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

Schedule ordered to stand part of the Bill.

Preamble ordered to stand part of the Bill.

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

THE INTERNAL SECURITY (AMENDMENT) BILL

Second Reading

The Minister of Home Affairs and Minister of Justice (Dato' Dr Ismail): Mr Speaker, Sir, I beg to move that a Bill entitled "an Act to Amend the Internal Security Act, 1960" be now read a second time.

Sir, this Bill seeks to amend the provisions of Sections 41c, 59 and 60 of the Internal Security Act, 1960. The Internal Security (Amendment) Act, 1964, which provides for the control of admission of students into specified institutions of higher education in Malaysia, requires any student seeking admission to any of the specified institutions of higher education to apply for a certificate of suitability before he can be considered for admission. This Act is so drafted that there is no provision to exempt members of the teaching staff of an institution of higher learning, who intends to do post-graduate work, and persons, who propose to attend extra-mural classes organised by such institutions, or such persons as may be exempted by the Minister from obtaining a certificate of suitability as required by this Section. At present, therefore, members of the teaching staff, who intend to do post-graduate studies, and students proposing to attend extra-mural classes organised by the institutions of higher learning have to obtain a certificate of suitability, if the regulations of the institutions provide that they have to be registered or enrolled to attend the post-graduate course, or any course of study at a specified institution. It is considered desirable that members of the teaching staff proposing to do post-graduate studies in specified institutions of higher learning and students proposing to attend extra-mural classes, which do not lead to qualifications of any kind but which are normally held outside the normal teaching hours of that institution for the benefit of the general public should be exempted from the provisions of this Act.

The Amendment to Section 41c seeks to exempt members of the teaching staff of the institutions of a higher

learning, who intend to do post-graduate work, and persons, who intend to attend extra-mural classes organised by such institutions, or such other persons as may be exempted by the Minister from obtaining a certificate of suitability as required by Section 41C of the Act. A new Sub-Section (6) is added to Section 41C in order to make it clear that a student whose studies had been interrupted for a year must obtain a certificate of suitability before he can resume his studies.

Amendments to Section 59 are required in order to restrict the punishment of life imprisonment for conviction under the Section to cases where the supplies in respect of which a person is convicted does not consist of fire arms, ammunitions and explosives, so that if it does consist of any of these, the punishment should be death. The proviso to Section 59 (3) and 60 also require amendments so that immunity from convictions under these two sections should be restricted only to cases where a person has made a voluntary statement to the police prior to his arrest. Thus immunity from convictions will not be available if the statement was made after his arrest though it was made prior to his being charged or accused of an offences.

Amendments to Sections 59 and 60 of the Internal Security Act, 1960 arose from two appeals decided by the Federal Court. In these two appeals two persons were convicted of having fire arms, ammunitions and explosives under their control contrary to Section 57 (1) (A) and (B) of the Internal Security Act and as such were sentenced to death by the trial court sitting at Johore Bahru. Accepting the contention of the counsel for the appellants, the Federal Court substituted these convictions with convictions under Section 59 (1) of the Act for "Receiving Supplies" which expression according to the definition contained in Section 2 includes ammunitions, explosives, fire arms and other articles. As a result, both the appellants escaped death penalty and were, therefore, sentenced to life imprisonment in accordance with Section 59 (1).

It is, therefore, considered desirable that punishment for persons convicted under Section 59 should be the death penalty in cases where the supplies in respect of which he is convicted consist of fire arms, ammunitions or explosives, so that life imprisonment should only be restricted to cases where the supplies concerned are not fire arms, ammunitions or explosives. The proviso to Section 59 (3) and 60 as they stand now have also given rise to some difficulties, because as the law stands at the moment, a person who has given voluntary statement to the police before he is charged with or accused of offences under Sections 59 and 60 cannot be convicted. Thus, if a person makes a statement after his arrest, since it is made prior to his being charged, he cannot be convicted of the offence. In order to avoid this difficulty, it is desirable that the provisos to Section 59 (3) and 60 should be amended so that the person can escape conviction only if he gives a statement before his arrest, so that if a statement is made after his arrest though before he was charged, he can still be convicted.

Sir, I beg to move that the Bill be now read a second time.

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

Enche' Lim Kean Siew: Mr Speaker, Sir, I think that perhaps this is one of the times when those who talk of democracy and of freedom of the mind and of thought should rise to call for, not the amendment as proposed by this Bill, but the removal of the whole of Section 41C of the Internal Security Act, 1960.

Mr Speaker, Sir, if a person has reached that stage of education and the maturity of mind that future University training or further University training would be beneficial to him, surely he would have developed the independence of mind and the ability to analyse, which should enable him, or should allow him, the freedom of deciding what is best for himself. As Section 41 (c) stands today, as my Honourable Colleague from Batu has said, even he, if he wishes to go for a further course of studies, would have

to apply to the Honourable Minister of Home Affairs for a certificate of suitability. The very fact that there has been need for this amendment is a very clear admission of failure by the Government, and its unduly harsh stand on this issue.

Mr Speaker, Sir, Section 2 (c) which says "such other persons as the Minister may, at his discretion exempt from the provisions of this section gives to the Minister an absolute discretion, and therefore gives him absolute power, and therefore makes this essentially an arbitrary provision. How can we talk of democracy and democratic freedom, if a person who is going to University has to provide himself with a certificate of suitability. We are not even told what are the requirements of a certificate of suitability, but merely that a certificate of suitability is necessary before a person can go on to University. We may be assured in this House that the discretion will be exercised with the greatest caution and with the greatest regard to individual freedom, we may even be assured in this House that the Minister himself will personally look into every case where a person has not been granted a certificate of suitability who wishes to go on to University or wishes to change from discipline to discipline—but that is not the point. The point is the principle of it all. Should, for example a person, who has obtained the Higher School Certificate obtain a certificate of suitability, or should a person, who is doing a course for his doctorate whose studies have been interrupted for one year, re-apply for a certificate of suitability? Under Section 2 (b) the Government intends to insert a new sub-section which says "Nothing in this section shall exempt from the provisions of this section any student whose studies have been interrupted for a period of one year on disciplinary or other grounds, notwithstanding that such student has previously been admitted or that his name still remains in the register of such institution". In other words if a student whose studies have been interrupted on any ground whatsoever, even apart from disciplinary ground, will have to apply for a certificate of suitability.

Yesterday, this House heard that when the Honourable the Minister of Education went to England and spoke to the Malaysian students, the Malaysian student leaders gave him the impression that they were in support of the Government's move to separate Singapore students from Malayan students in England. My Honourable Colleague from Batu produced the organ of the Forum of Malaysian and Singapore students, published in London, called *Suara Merdeka*. There it was stated quite clearly that the Forum and its organ was against this separation. The Honourable Minister of Education himself, however, assured the House that the organ was under Singapore domination and therefore, did not rightly express the views of the Malaysian students in London whom he met. Mr Speaker, Sir, something else may be true, because these students have had for years realised that they have to have a certificate of suitability, they may have developed a certain kind of psychology which is that "if any Honourable Minister should come to us, we should not show that we are persons to whom certificates of suitability should never have been issued." And this accounts, perhaps, for the timidity that I sometimes find in young people, who are otherwise endowed with great intelligence and independence of mind—students who speak most sensibly and intelligently on Economics, on History, Geography, Science, languages, Literature—who suddenly become dumb and confounded when it comes to matters of politics—political theory and political conscience. This, Mr Speaker, Sir, is indeed a cancer which does stultify growth of independence of mind of our young Malaysian people. Perhaps, this is why some teachers from foreign institutions have expressed surprise that Malaysian students sometimes seem so willing to accept authority even though the authority may be wrong.

As I have said, Mr Speaker, Sir, this amendment is not sufficient but should have sought to repeal the whole of Section 41 (c) of the Internal Security Act. I understand—I may be wrong—that no other country claiming to be a democracy has this kind of provision,

except for Malaysia and Singapore, whose Government recently deprived a person of his scholarship purely because he went to Africa and toured Africa under the auspices of the Malaysian Government. This is a student from the University of Singapore.

Mr Speaker, Sir, with regard to the other sections of the Internal Security Act, I should just like to state that the Government should consider that in the Penal Code there are provisions for arrest and punishment for acts against the State, for acts against the Agong and for treason. There seems to be very little difference between the provisions under the Internal Security Act and the provisions under the Penal Code, except that in the Penal Code a person must be tried by jury and the ordinary laws of confession apply. The provisions of the Internal Security Acts has, to a very, very large extent, replaced certain sections of our Penal Code, and it has replaced it in a very unfortunate manner, in that it allows for trials without jury in such instances. We all know that a crime against the State carries with it the threat of arrest and punishment, sometimes even extreme penalty is asked for. The only thing I would like to point out here is that under the Internal Security Act a person can be tried by a judge sitting alone and this, we feel, is something which we must abhor.

Dr Tan Chee Khoon: Mr Speaker, Sir, I rise to declare that we in the Labour Party are categorically against the Internal Security Act. This infernal and heinous instrument has been enacted by the Alliance Government at a time when the Emergency was supposed to be over. In 1960, after twelve years of Emergency, the Alliance Government declared to the whole world that the Emergency was all over that there was *damai dan aman* in this country. Then it promptly proceeds to embody all the provisions of the Emergency Regulations which, during the Emergency had to be enacted every year, but now it is written into the Statute Book *ad infinitum* and then more so all the loopholes

Dato' Dr Ismail: Sir, on a point of order—S.O. 36 (1) (*Pause*).

Dr Tan Chee Khoon: I would like to say to the Minister, Mr Speaker, Sir, that I am not going to go on a long harangue on the Internal Security Act.

Dato' Dr Ismail: I thought I was quite generous, I was looking at my time, because I thought he was making a preface!

Dr Tan Chee Khoon I was just making a preface. (*Laughter*).

Dato' Dr Ismail: Don't make too long a preface!

Dr Tan Chee Khoon: Sir, before the Honourable Minister interrupted me, I was saying that all the loopholes had been plugged up and now today we see many more loopholes, and I think I am entitled to speak on the Internal Security Act, 1960, because this Bill seeks to plug more of the loopholes embodied in the Internal Security Act, sections 59 and 60—if the Minister wants to quote Standing Orders forbidding me to speak on the Internal Security Act, I do not see why. He himself has talked about sections 59 and 60, but I do not wish to burden this House with the stand of my Party on this matter.

Mr Speaker, Sir, I come specifically to section 41c of the Internal Security Act, the amendment of which was passed by this House last year. Perhaps, like my colleague, the Member for Dato' Kramat, may I present a slightly academic angle. As I see it, there are lots of students in the gallery and they are the persons, Mr Speaker, Sir, who will have to get this certificate of suitability from the C.E.O. Now, Mr Speaker, Sir, when this amendment was brought before the House last year, there was no doubt that students all over the country, whether they were in Singapore or in Kuala Lumpur—and I talk of University students—protested in no uncertain terms against the enactment of the Bill before the House then, and this House was flooded with telegrams from the students not only from Singapore but

also from the University of Malaya. Since the passage of that Bill, the Honourable Minister of Education will bear me out, time and again the students have protested to him regarding this certificate of suitability, and not only to him but to many other Ministers who were brave enough to venture to address University students either in the University of Malaya or in the University of Singapore. Mr Speaker, Sir, as I have stated before, this certificate of suitability seeks to produce in our higher institutions of learning a second class university, a second class academic staff producing third class students. Is this the situation that we want? Do we want to enchain not only the present generation of students, sitting in the gallery, but also generations of students yet unborn with this certificate of suitability?

Mr Speaker, Sir, in the few contacts that I have had with people from abroad, both locally and abroad, and I have just been abroad recently, they were all appalled by this letter of suitability, this infernal and heinous Internal Security Act, and they held up their hands in horror and said, "How on earth can any Government that professes to practice democracy can ever think of such a heinous Act to enchain the minds of the students?" Now, Mr Speaker, Sir, on the surface of it, this amendment that the Minister has brought before this House, perhaps, he can claim that it is a move liberalising section 41C of the Internal Security Act. Now, let us see. He talks of members of the teaching staff and he says, "Well, you know, if he has a B.Sc. (Hons) and now he wants to come to M.Sc., and he is on the teaching staff, well, he need not get this letter of suitability from either the C.E.O. or from me as Minister of Home Affairs".

I fail to see the subtle difference between people working in a teaching institution and those outside. Let me give an example. Let us say, this year two people have graduated with a First Class B.A. Honours. One chooses to be a tutor in the University of Malaya going on to an M.A. in the University

of Malaya. The other, for reasons of his own perhaps, he cannot afford to work as a tutor—has to go out into this cruel world and earn a living, but yet by the nature of his work has registered himself for an M.A. The former, in an institution of higher learning, is exempted from getting a certificate of suitability, the latter not being in an institution of higher learning, but having been accepted and registered for a higher degree, has either to get a letter of suitability or go hat in hand to the Minister of Home Affairs and say "Tolong-lah, beri saya surat itu". Where is the logic of this section 41C (a) that says that only people teaching in an institution of higher learning should be exempted. I say that all those, who are deemed fit by the institutions I listed under 41C, should be exempted.

Proviso (b) here says: "persons not being students already admitted, who propose to attend extra-mural classes organised by such institution". Now I do not see how this clause (b) can help. Personally, as we know that in Section 41C amongst the institutions listed is the University of Malaya, and it is true to say that of all the other institutions, the Nanyang University, University of Singapore, Ngee Yang University, the College of Agriculture, all these do not run, except for the University of Singapore, extra-mural classes. Why then this one? Even, if it does, as I hope the University of Malaya does, run extra-mural classes leading to an external degree of the University of Malaya, why should such people be exempted and not the people, who have graduated and who have worked outside the University leading to a higher degree should not be exempted?

Proviso (c), Mr Speaker, Sir, as my colleague, the Member for Dato Kramat has pointed out, supposing I want to do an M.D.—and it is not beyond my capacity to do an M.D.—I have to do two things: either I go and see the Chief Education Officer and get a letter of suitability from him, although I graduated from the University long ago before he did, or I have to go cap in hand, put on a broad smile like a Cheshire cat and ask the Tuan Menteri,

"Can I have your permission to exempt me from this letter of suitability?" Mr Speaker, Sir, you can see what an absurd position anyone who seeks to improve himself academically is placed in? The institutions which I have just now mentioned, three of them are now in a foreign country—namely Nanyang University, University of Singapore, and Ngee Yang College. If you want to carry this to its logical conclusion, surely this amendment to the Internal Security Act, 1960, should seek to exclude these three institutions of higher learning from the provisions of the Internal Security Act, or is it that the Minister of Home Affairs wants to spread his tentacles across the Causeway and, perhaps, cause a greater friction, or may be these two Governments are birds of a feather flocking together on the matter of Internal Security and on the question of fundamental liberties.

Mr Speaker, Sir, as to the new subsection (6) here it states:

"Nothing in this section shall exempt from the provisions of this section any student whose studies have been interrupted for a period of one year on disciplinary or other grounds, notwithstanding that such student has previously been admitted or that his name still remains in the register of such institution."

Now, Mr Speaker, Sir, this is such an all-embracing clause that I shudder to think of the students in the University for one reason or the other, not for disciplinary—if you say for disciplinary cause, there may be some justice in it; but it says for any other grounds. Supposing a person falls sick for one year, and is out of circulation in the University for one year, and now he wants to go back; he has already been cleared by the Chief Education Officer and the Special Branch with a letter of suitability; and because he has fallen sick and has been unable to attend the University courses for one year, he has got to go back and, perhaps, cap in hand asks for another letter of suitability. I fail to see the logic of this discrimination and this further hardship imposed on the younger generation of this country seeking, thirsting, for higher education.

As regards Clause 3, it seems to me that the Government is seeking to demand its pound of flesh; because of two adverse high court decisions, the Government now seeks to plug all the loopholes. I think it is an accepted axiom in law far better for 99 people to go free than for one innocent person to be convicted. This axiom probably is unknown to the Alliance Government. It wants to demand its pound of flesh; perhaps its pint of blood from the perhaps misguided persons, who are alleged to have committed acts of treason against the State.

Then, there is this Clause 4 which says that persons who confess to the authorities before their arrest perhaps may be given privileged treatment. I do not know whether the Government is trying to encourage people who, perhaps, may have a brush with the law now falsely confesses or perhaps implicate lots of other people. It seems to me that the Government is seeking to encourage such persons to exculpate themselves by making false confessions and implicating perhaps innocent people and then perhaps these innocent people, may well swing as a result of such people making false confessions.

In conclusion, Mr Speaker, Sir, my Party, the Labour Party of Malaya, is unilaterally against this amendment, and I call upon all those who sit on this side of the Opposition benches to say (*Interruption*). My party is totally against and unanimously against this amendment now before the House. I call upon all those on this side of the Opposition benches, if they cherish what little fundamental liberties that the Government has left for us, then they should all oppose this amendment to the Internal Security Act, 1960. In particular I ask the D.A.P. to state clearly its stand on this matter. I, for one, will be very grateful if it states very clearly as to whether it opposes this infernal and heinous Internal Security Act, or it supports the Internal Security Act like its forbears, the P.A.P.

Sitting suspended at 12.00 p.m.

Sitting resumed at 12.20 p.m.

(Mr Speaker *in the Chair*)

**THE INTERNAL SECURITY
(AMENDMENT) BILL**

Second Reading

Debate resumed.

Enche' D. R. Seenivasagam (Ipoh):

Mr Speaker, Sir, the Peoples' Progressive Party of Malaya is categorically against the Internal Security Act as it stands now. (*Dr Tan Chee Khoon: Hear. Hear.*) We realise that in many parts of the world there are laws similar in nature to the Internal Security Act, but we also realise and appreciate that in those democratic countries there are provisions in their Security Acts—I use the phrase “Internal Security Act” for convenience—for the protection of the fundamental rights and liberties of the subjects of the States of those countries.

In the Internal Security Act of Malaysia, there is no such protection for the individual rights and liberties of the subjects; and it is for that purpose that we state categorically that we are against the Internal Security Act as it now stands. We have said that, perhaps, at every session of Parliament where the opportunity to speak on the Internal Security Act has arisen; and at every session of this House we of the P.P.P. have asked for the inclusion of those safeguards in the Internal Security Act.

Now, an Internal Security Act, and amendment to the Internal Security Act, must only exist in a country if such an Act is, in fact, necessary for a country.

Now, having made those comments clear, and our stand clear, on the Internal Security Act as it now stands, I will go further and speak on the proposed amendments to this Bill. We support in full and *in toto* all that has been said by the Honourable Member for Dato Kramat and the Honourable Member for Batu with regard to these certificates of fitness or certificates of suitability required; and I think it will

not be wrong for me to ask the Honourable Minister, if possible, to tell us in which other part of the democratic world does any provisions exist similar to the provisions in this Bill, requiring these certificates of suitability for educational purposes for the students of a nation. I am of course aware that it exists in Singapore, and leaving Singapore aside my question is confined to the Honourable Minister to the other parts of the world.

Mr Speaker, Sir, students are no fools—some of them, many of them, a large number of them, are perhaps wiser than many of us, who sit in this House—and provisions of this nature, when they grow up, will remain in their minds, will play on their minds, and the day will come when the students of Malaysia will have their revenge for these very abhorrent provisions, which are in the Internal Security Act to the detriment of their future. Beyond that I do not wish to say anything, because much has already been said by the two Honourable Members who spoke previously.

Now, with regard to the proposed amendments on what I call confessions or statements to the Police, one thing is clear: laws are made in countries, not to plug or not to defeat the ends of justice, but amendments are made in laws where amendments are just and proper and in the interest of the people and in keeping with the fundamental liberties and rights of the subjects. Just because in two decisions the Internal Security Act, particularly the section mentioned, Section 59, was interpreted by the court—perhaps by the highest court in the land—in a certain manner where death penalty could not be imposed does not mean that this House should amend it for death penalty to be imposed: nor should it mean that this House should introduce amendments to induce persons to make statement or confession to the Police before their arrest merely to escape the death penalty, because the danger—and the greatest danger—in such an amendment is the possibility of a false statement being made, as mentioned by my Honourable friend from Batu, a false statement being made implicating

innocent persons merely to escape the lawful punishment which the maker of that statement or confession should suffer.

Mr Speaker, Sir, it is common knowledge—I say that it is so common knowledge that all Members of this House should know it—that there are cases where the Police have interrogated men throughout the night, or throughout the larger portion of the night, and throughout the early hours of the morning without interval, without a break. Sometimes they have been offered inducements in the form of exceptionally good food, or exceptional chances to visit relatives, or allow relatives to visit them in prison, all for the purpose of getting confessions and statements. If this amendment comes through, there is no doubt whatsoever that Police officers—and here I make it clear that I do not accuse all Police officers, but there are large numbers of them—who will abuse the provisions of the amendments proposed in the Internal Security Act for purposes which, I say, would not be lawful, or proper, or just in the interest of this nation.

Sir, it is, I think, wrong on principle to introduce these amendments, just because, when the Internal Security Act was passed, the courts have construed it in a way and in a proper way and in an accepted way. It is wrong of any elected body, our House of Representatives, to try to defeat the ends of justice by amendments of plugging up holes here and plugging up holes there. Then, it no longer becomes a democracy; then it no longer exists a democratic form of Government, but it becomes a dictatorial form of Government; and whilst I am not accusing this Government of being hundred per cent dictatorial, I do say that the amendments of this nature give an indication to the nation as a whole that this Parliament, or this House of Representatives, is prepared to go to the extent of being dictatorial merely to see that what they want done will be done, whether it is an accepted practice in democratic countries in other parts of the world, in the legal world of other parts of

the free world. For those reasons I and my Party must strongly associate ourselves with members from the Labour Party and condemn the amendments put forward before this House.

Enche' C. V. Devan Nair: Mr Speaker, Sir, I think it was Lenin who once described George Bernard Shaw as a good man fallen among Fabians and I, Sir, would like to take up Lenin's description of George Bernard Shaw for the Honourable Member for Batu. He is a good man fallen in the wrong company. Sir, I think the whole of Malaysia knows, the whole of Malaysia including the Honourable Minister for Home Affairs knows, that my colleagues and I in the D.A.P. are no lovers of the Alliance Party and Government. But I think, Sir, at the same time, the whole of Malaysia knows that my colleagues and I in the D.A.P. are no lovers either of the enemies of Malaysia. Sir, once that is appreciated, our stand on all matters can be seen in their logical context and frame-work as ensuing from a consistent and logical position.

Sir, the Honourable Member for Batu for whom, personally, I have a high regard has invited me to state my stand on the Internal Security Act. I would like to say, Sir, that my stand on the Internal Security Act is what it has always been. But to throw the ball into the other court, I would like to ask not he himself but I would like to ask

Dr Tan Chee Khoon: Mr Speaker, Sir, may I ask the Honourable Member for Bungsar being a very simple minded person, if he can explain very briefly whether he does support the amendments before the House, or he does not support the amendments.

Mr Speaker: He is coming to that.

Enche' C. V. Devan Nair: Mr Speaker, Sir, with his usual aptitude, he would like to make my speech for me but with his permission I would like to make my speech myself. I say that I am throwing the ball into his court and to ask "What is the stand of the Labour Party?" I know what its

stand is with regard to the Internal Security Act, but what is their stand in regard to the people who come into this country, cross over the borders of Sarawak and Sabah, and explode bombs in our country? What is the stand of the Labour Party towards the enemies of Malaysia, to the external and the internal enemies of Malaysia? My stand, Sir, and that of my colleagues, has been stated time and again in this House. I need only go to the 13th July, 1964, when the amendment to the Internal Security Act, introducing the suitability certificate was first introduced. I said then that no one will quarrel with the proposition that the preservation of national security is of paramount concern—inevitably the paramount concern of any Government whether democratic or totalitarian and it so happens that in the process of protecting national security several Governments have to resort to obnoxious measures.

Sir, let us look at this matter in perspective. Malaysia and Singapore for that matter in this region, and I am not an apologist for the Alliance Government and its policy, Sir, but as a lover of the Malaysian people and nation, and as somebody who would like to see this nation retain its integrity, its territorial integrity, I would say that the paramount concern of this country must be to guard its security. The manner in which the measures, the Internal Security measures are implemented may of course be defective as has been suggested by the Honourable Member for Ipoh—that adequate safeguards might not exist and so on. Sir, a number of things have been said. Let us talk about freedom,—academic freedom and so forth. Sir, I remember, I said last year that those who prate about academic freedom do not know what they are talking about. I said that I would be grievously disturbed if, for instance, it was held that the only text book on the authoritative interpretation of Shakespeare was a text book written, say, by the Honourable Member for Johore Tenggara, or if the only text book on Economics permitted to be read in the University

of Malaya was a text book, say, prepared by the Honourable Assistant Minister for Finance, Dr Ng Kam Poh. If that happens we really would be in a sad situation, but not so as long as in our University there is the freedom to instruct and to teach, without a Stalin sitting at your back, telling you how to interpret Shakespeare, how to interpret economic theory, how to interpret educational theory. I disagree very much with the Honourable the Minister for Education, but so far he has not been found telling the professor of education in the University that the only authoritative dissertation on the theory and practice of education would be one written by him. If that ever happens, Sir, then I would say all liberals and all democratic minded persons have the right to stand up and shout, and shout with a view to bringing the whole structure down—but that, Sir, has not happened.

Coming, in particular, to the suitability certificate, Sir, I described it last year as an obnoxious necessity—and it is so, and I also pointed out, Sir, that criticism of the Bill covered a wide spectrum of opinions, ranging from the arguments of those who would oppose anything which was done to safeguard internal security—the friends of the external enemies of this nation; nothing would be right by them, but I concentrated on, Sir, and I quote:

“responsible Members of the Opposition must feel obliged to bring to the attention of leaders of Government the genuine fears, real, honest and sincere fears, that exist among large sections of the people, that the Bill if passed into law may conceivably lend itself to abuse. I might enumerate some of the genuine fears which have been expressed to me personally by several responsible and patriotic citizens of Malaysia. Parents, especially, are genuinely concerned as to what it would mean in terms of the educational future of their children. I am stating their fears . . . and I hope that the Government will take into serious consideration this general background of opinion against which this Bill will be enacted.”

“Sir, the fear exists that in the name of national security, the law may be used against patriotic citizens of the State, for no other reason than that they may have, for a variety of reasons, incurred the displeasure of the powers-that-be. And the

argument goes, Sir, that it would be the simplest thing in the world for the Government to disallow, by the stroke of a pen, educational opportunities in our universities on grounds of narrow, petty, non-security considerations. In that event, which I hope is extremely unlikely, democratic liberties would suffer serious harm in the name of national security. The paradoxical consequence, Sir, would be that in seeking to protect our national security and democratic way of life, we would have succeeded in shaping ourselves in the image of our totalitarian enemies. One question may be as to how far it is really possible to fight the enemies of democracy by using indiscriminately weapons from the totalitarian armoury. These are the arguments which exist in the minds of several decent, honest citizens of this country which will have to be met by this Government."

Sir, I commend to the Government the same considerations which I advanced last year—considerations of anxiety which genuinely exists in the minds of numerous parents ever since Sir, this Bill was enacted. I would want the Honourable Minister to satisfy me on this score, how many students have been denied suitability certificates and on what grounds; who took the decision; have those who, considered the suitability or otherwise of a student who applied for a certificate have they adopted a flexible and intelligent attitude? Sir, we are all aware of the fact that the young people in the University are enthusiastic and radical; and I believe several Honourable Members sitting on the Government benches have probably gone through that phase themselves. If I am not mistaken the Honourable Minister for Home Affairs himself had radical enthusiasms, when he went to college and university; and on this basis are we to place a premium and penalise people, young students, simply because they have the natural exuberance, glandular exuberance of youth. I would like to know how this has been implemented. If the Government can assure us that in the implementation of the provisions of this Enactment it has been flexible, intelligent, then the Government would go a very long way towards satisfying, not possibly the criticisms of people who are not interested in Malaysian security in any case, but to satisfy the genuine fears of large numbers of parents in this country. If I may repeat the questions,

Sir. How many students have so far been denied suitability certificates? Who took the decision and on what grounds were these certificates denied? And I hope that the Minister when justifying the necessity for this amendment will be able to assure the country at large that the powers, which the Government have vested in themselves, are being exercised with intelligence, and with a very high degree of public responsibility. And if that can be done, Sir, I say the Government can go a very long way indeed towards satisfying the people of this country. That, Sir, in a nutshell is the attitude of the D.A.P. to the Internal Security Act. I must express my very real gratitude to the Honourable Member for Batu for asking me that question and I repeat that my answer essentially is: We are lovers of the Malaysian nation. Nobody will take us as lovers of the Alliance Government; and nobody will take us as lovers of the enemies of the Malaysian nation. And, Sir, he will have an opportunity, not merely himself but, all the Members of his Party, who go about painting glory slogans like "blood-for-blood" and so forth, to assure this House and this country that they take as categorical a stand against the internal and external enemies of Malaysia as they take against the Internal Security Act. Then I would respect their intellectual honesty. Otherwise stop talking rubbish!

Dr Tan Chee Khoon: On a point of clarification, Mr Speaker Sir. Not being trained in communism, or not being an ex-communist, I naturally am at a disadvantage in dialectics of this nature. I have asked him a very simple question. Is the D.A.P. against the Internal Security Act in its present form or not? I regret that despite all the verbiage and verbal diarrhoea, I have not got an answer. All that we have got is that those who are for the State, state their stand. On behalf of the Labour Party of Malaya, I wish to state our stand. We are against any enemy of Malaya. (*Interruption*).

Mr Speaker: I would point out to the Honourable Member that he is not allowed to make a second speech.

Enche' Lim Kean Siew: Mr Speaker, Sir, I do not think it was a speech. It was just a clarification. I thought the language from the back was rather abusive when he was trying to explain it. As far as I am concerned it was just verbosity.

Enche' Stephen Yong Kuet Tze (Sarawak): Mr Speaker, Sir, this amendment to the Internal Security Act is to us, in the S.U.P.P., as yet a further bureaucratic tentacle. These tentacles that are already there, we feel, are interfering and destroying what we all have set out to achieve a democratic society for this nation. While saying so, Mr Speaker, Sir, we, in the S.U.P.P., also realise that there is a need for preservation of national security and integrity, but what we feel is that although all these must be done in the context of democracy, we fear that with the overwhelming majority of the Alliance, they have in fact lost sight of this very important aspect, and that is they feel that they should be given all powers. Thereby in my submission, Sir, in some way destroying the very institution that we all hope to establish. Sir, we have criticised the Certificate of Suitability and I think this criticism has been borne out by events that it is an obnoxious thing to have. We were told the necessity for such a Certificate of Suitability, but what results has it achieved? To us, the result that has been achieved is no more than preventing very good material in the persons of young, enthusiastic, and radical type of students, from having the opportunity of going to the seats of higher learning or institutions, colleges, universities, and the like.

Sir, we know that in this country we are sadly lacking in professional people, people with special training, and we have been told that we have to enlist the help of a lot of expatriate officers to man our services in all fields. This requirement for Certificate of Suitability, to my mind, would in some way deny our future leaders the opportunity of being trained, or having the opportunity of being trained, in higher institution. We know, Sir, the purpose of having an institution of

higher learning, and that is the very place where we hope to cultivate liberal thoughts. So, if we should assume the attitude that students have radical views, or liberal views, which seem not to coincide with the views held by the Government of the day, and that they should be deprived of such an opportunity, then I think we are creating quite a number of frustrated people not only of these particular persons, or students, who have been denied this opportunity, but also the parents and others connected with them.

I refer particularly, Sir, to subsection (6) and that is in regard to students, who have been interrupted for a period of one year on disciplinary or other grounds. Surely, we can say that students interrupting their studies on disciplinary grounds or grounds connected with discipline should be considered whether they should be allowed to continue their studies—but why “other grounds”? Here, Sir, again, I think, is an illustration of the bureaucratic attitude, because we know all bureaucrats like to have things tidy, and to have as much power as they could. That is the very point which has been made earlier on—that such power is open to abuses. If any criticism were made about certain actions, they say, “Well, the Parliament has passed the law”. “Any other grounds” includes any other ground, which may not in any way be connected with discipline at all. Sir, I hope very much that the intention of this amendment is not to create a robot or simply create one obedient lot of our students, because, Sir, I do not think it is possible, because the more one does that, reaction might set in and the more violent this lot will become. Although, as the Honourable Member for Bungsar has said, no apparent steps have been taken to interfere with the administration of the University in the country, how can a first class institution, the University of Malaya, or any institution of higher learning, train or give ideas and knowledge to people, to the students who are not of its first grade? I am not saying, Sir, that the students, who

cannot obtain Certificates of Suitability are first class—it does not follow. However, it is likely that students in the secondary schools, who are active in extra-mural activities and, perhaps, very interested in politics, could be in the eyes of the Police and the Special Branch undesirable persons, though these are the people, Sir, who could have been the best materials that this country needs—people who are interested in politics and people who are interested in civic responsibilities—while those who are not interested naturally would be able to get their Certificates of Suitability without any question. Therefore, I think the Honourable Member for Bungsar has a valid point, that is to say, how was the machinery administered about this granting or denying of the Certificates of Suitability? So far, we do not know.

Now, Sir, we come to clause (3), and that is the question of punishment in connection with a person convicted for having supplies of firearms, ammunition or explosives. That seems to be making a punishment more severe when a person is found or convicted of having been in possession of firearms, ammunition or explosives. Sir, a matter of punishment ought in all events be left to the good sense of the judge of a court, who is trying the case; and if we make it mandatory for the judge to pass a certain sentence, in my view, Sir, it can be most damaging also, in my submission, to the democratic principles. There are cases, Mr Speaker, Sir, which we have come across of someone being arrested because he was found to have one bullet or two bullets in the boot of his car, or in some places of his vehicle, and he was charged in Court. In one case, a man got off because the witness for the prosecution gave contradictory statements, and the advocate was able to expose the witness as being unreliable. But if the accused's story was proved, that the accused had a bullet in his car, and if for some reason the witnesses for the prosecution have made up the story so well as not to be shaken by the cross-examination of the advocates of the accused, well, that man will have

to face the supreme penalty, i.e. death. Of course, if one man is dead, he could never be brought back to life again even though in actual fact he was innocent. Therefore, Sir, there are degrees of gravity, even though it is a very grave crime to be found in possession of firearms and explosives without lawful excuse. It is so different between a man who is found with one bullet and a man found with two sub-machine guns with all the ammunition in the world. That, of course, is a matter of degree, punishment for which should be left to the Court, which will be the best judge in my view to pass the proper sentence.

Now, Sir, this Bill seeks to amend the Internal Security Act. In principle, our Party is opposed to this Internal Security Act because, as I have already stated, so much in the Internal Security Act has already been taken care of by other laws of the land. The more that we try to make laws, the more they can be abused. This would in my view be not conducive to the good government of this country.

Mr Speaker: The sitting is suspended till 4.00 p.m. today.

Sitting suspended at 1.05 p.m.

Sitting resumed at 4.00 p.m.

(Mr Speaker *in the Chair*)

THE INTERNAL SECURITY (AMENDMENT) BILL

Second Reading

Debate resumed.

Dr Mahathir bin Mohamad (Kota Star Selatan): Mr Speaker, Sir, I would like firstly to say that no one in his right senses likes the Internal Security Act. It is, in fact, a negation of all the principles of democracy. But I think the members of the Opposition who spoke against the Internal Security Act are forgetting that we are not living in normal times. They have, it seems to me, forgotten that we are in fact still at war; that there are people who are being shot at and killed in Sarawak and in other parts of Malaysia. There are

still bombs which have been thrown and detonated in various parts of Malaysia. Because of this situation, surely it is right for any country that wishes to preserve its security to have an Act such as this so that in the long run democracy itself will be preserved.

As to the matter of amending the Internal Security Act, the Member for Ipoh is concerned that this amendment seems to have cropped up because certain judges have made certain decisions in courts, and it seems to me he is suggesting that if a law is ineffective, we should do nothing about amending it. To me, a law is promulgated in order to attain a certain end; and if, having made the law, we find that it is ineffective, I think the best thing we could do about it is to amend the law to make it effective. To castigate the Government simply because it has suggested amendments to the Internal Security Act in order to make it effective is, I think, somewhat unusual for a man, who is a lawyer. The laws of any country have always been amended in order to make them more effective, and these amendments are not carried out once or twice, but many times. As soon as we find that a situation may arise where the law becomes ineffective, it is the duty of the Government to introduce Acts, or Amendments, to make the law effective, and I can see no reason why anybody should oppose an amendment such as proposed here, which is intended merely to make the Internal Security Act an effective instrument. In view of this, Sir, I would certainly support the Government's introduction of the Amendment to the Internal Security Act. Thank you.

Dato' Dr Ismail: Sir, the belief of the Alliance Party in freedom and in parliamentary democracy in this country is second to none. This is so, because, unlike the Opposition members, who only profess in words, we have shown in deeds and in action that we believe in freedom and in parliamentary democracy. This dated back to the days when we fought for our independence. We fought not only against British colonialism but also against Communists who, in the guise of fighting for the freedom

of the country, were trying to subjugate this country. We knew that at that time, because we believe that when we have our freedom we want this country to have a parliamentary system of democracy. We knew that, if we had our independence aided by the Communists, in the end the Communists would swallow us, and the independence that we had gained would be handed over to the Communists; and because we have won the hearts and minds of the people, we got that independence, without the assistance of the Communists. When the country gained independence, we scrupulously observed the practice of parliamentary democracy. We scrupulously practise to guarantee the independence of the judiciary. At every election that was held after independence we guaranteed, and it is borne out and tested and testified by the people of the country, that the elections that were held were not rigged, and that they were genuine parliamentary elections. That, Sir, is our record of our belief in parliamentary democracy. During the time that we had been in power, we had to face first Communist subversion and then later on we had to face this confrontation from Indonesia. Because we had to face this Communist subversion, we had to pass the Internal Security Act in Parliament.

The Internal Security Act was opposed by the Opposition Parties. Well, they had the right in Parliament, as Opposition, to oppose any legislation by the Government which they consider is not acceptable to their party. In order to avoid the charge that we passed the Internal Security Act because of the sheer majority of the Alliance in Parliament, I accepted the challenge of one member from the Socialist Front that we made it a party platform. During the last election, the Internal Security Act was part of the Alliance platform. I went to the people to explain to them clearly the necessity of having the Internal Security Act. I told the country that the Internal Security Act was and is necessary, if we want to fight against this Communist subversion. I told them that it was not enough, if we believe in parliamentary democracy, that we

if he is not acting prejudicial to the interest of the country, then he would be automatically granted a Certificate of Suitability. It is only against those who purposely terminate their period of academic study to undergo a doctrination—a course of subversion—and then to enter the university to subvert our students, that this proviso is intended. Of course, Honourable Members from the Socialist Front—if the Socialist Front is now dead, the Members of the Labour Party—they can see nothing good that we do against the Communists, because they have all the time to court the Communists, because without the Communist support they are leaders without followers. I have been trying to warn the Honourable Members all the time that they will never succeed in this country, if they want to base their political future on the support of the Communists and the pro-Communists. I shall not hesitate to take action against them. But if they decide to form a genuine Labour Party in Malaya, we are willing to help them—we are willing to help them to get rid of these Communists and pro-Communists from their midst, because we want a truly democratic Opposition party in this country.

Then Sir, the Honourable Member for Batu queried the provision which exempts members of the teaching staff of universities, or other higher seats of learning, from getting Certificates of Suitability, if they want to pursue a post-graduate course. He gave an example, that if he and another doctor, who is in the staff of the University, want to do post-graduate work, he will have to ask for a Certificate of Suitability, whereas the other man has not got to do so. Now, Sir, in this particular case, for example, at this period, at this moment, when I know that the Honourable Member for Batu is not a subversive, I can exempt him under Section 2 (c) where I am given the power, which says, "Such other persons as the Minister may at his discretion exempt from the provisions of this section". Of course, if later on he keeps on flirting with the Communists and the pro-Communists and is converted

to Communism and tries to get into our University on the pretext of doing post-graduate work, whereas in reality he is trying to subvert the country, then, naturally, instead of exempting him, he will be put in detention.

I think, Sir, the reason why we want to exempt members of the teaching staff from having to apply for the Certificate of Suitability is because there is a clamour from the University that this class of people should be exempted. Now, we have thought carefully over this matter, and we feel that the teaching staff of the University, being surrounded by an academic atmosphere, is less liable to be contaminated by subversion than those who are outside. Now, we take, for example, the case of the Honourable Member for Batu. He is a practising doctor; he is a politician and a leader of the Socialist Front, or Labour Party.

Dr Tan Chee Khoon: Labour Party!

Dato' Dr Ismail: Oh! the Labour Party (*Laughter*), the deceased Socialist Front. Now, he is a practising doctor; he is a politician; and his contemporary, who graduated at the same time as he, is probably working as a research worker in the University. Now that friend of his being, of course, all the time in the University, interested in research, away from politics, away from meeting patients every day, always engrossed in academic work well, he is less liable or the chances of him being contaminated are less than the Honourable Member. I do not say that the Honourable Member is a Communist, but he must admit that his chances, unless he is strong-willed, unless he is a laypreacher, for example, he might well have been a Communist by now. (*Laughter*).

Dr Tan Chee Khoon: For the information of the Honourable Minister, I am a prominent leader of my own church, Mr Speaker, Sir. (*Laughter*).

Dato' Dr Ismail: I think that probably saved him, Sir. (*Laughter*). I think that is a better analogy than the one that he posed. Then, he says that it is better to let 99 guilty persons to

be free than to let one innocent person to be convicted. Now, Sir, he is again using the argument against the ordinary law-breaker of this country, against the ordinary laws of this country. I would not like to have 99 Indonesians with guns and grenades running about in this country, trying to assassinate probably the Honourable Member (*Laughter*) or Ministers. I would rather like to have them inside the detention camps. I would rather have them shot, rather than they be allowed to be free in this country. This is the argument of people who believe about freedom and democracy in the vacuum, people who are oblivious to the threat to this country. I know and I can excuse, for example, the University students, who can argue this from the academic angle, who can only see from the principles of freedom; but what I cannot see why Honourable Members themselves, who are practising politicians, who see that this country is being subverted, still arguing in favour of these Communists and these Indonesian saboteurs being let free in this country. They have not said anything against the Indonesian saboteurs, against the Communists, in this country. (AN HONOURABLE MEMBER: *Hear, hear*). All that they do is to ask for freedom for these people, freedom for these people to subvert this country.

Dr Tan Chee Khoon: On a point of clarification, Mr Speaker, Sir, this Bill does not deal with the Indonesians, and if I had spoken about the Indonesians, the first chap to jump up and ask you to rule me out of order would be the Honourable Minister.

Mr Speaker, Sir, for the benefit of the Minister concerned, since he has talked about students and the like, I think all Members of Parliament have received an Express Letter from the National Union of Malaysian Students—*Persatuan Kebangsaan Pelajar² Malaysia*—and this is the voice of the students which, I think, is placed on the table of all of us.

Dato' Dr Ismail: Sir, I did not say that the students have no right to oppose this Bill, but it is one thing to oppose and another thing to decide.

Now, the Honourable Member was not here, and I am sorry that he objected to my indulging in this debate on the broad spectrum of the Internal Security Act, but I am only following his practice. If he had stuck to the amendment to the Bill, I would have answered him in three minutes, but he chose to go and debate the wider aspect of the Internal Security Act; and if his speech is going to be recorded in the *Hansard* of this Parliament, then the Government has every right to answer every argument that the Honourable Member put forward in this House; otherwise, the Government will be accused of losing by default. Now, Sir, for the benefit of the Honourable Member for Batu, I have said that it is no use to believe in freedom, in parliamentary democracy, if you are not prepared to fight for that freedom, and prepared to defend that parliamentary democracy.

Now, Sir, the Honourable Member for Ipoh—he is not here also—said that he opposed this Internal Security Act. That is his right as an Opposition leader—and of course, nobody takes any notice of him, because after every election the representatives of the P.P.P. are getting smaller and smaller in this House. So, if it gives him satisfaction to voice his dissenting voice as an Opposition leader, he is entitled to it. Now, he admitted that there are similar laws but, he said, that there are safeguards. Now, Sir, it is no use comparing the laws of this country with the laws of another country, if the conditions are dissimilar. The fact that other countries have similar laws to fight against subversion is a principle—the others are matters of detail. Now, subversion in this country may be different from the subversion in India and we have to have provisions in our Internal Security Act different from the ones in India. The very fact is that if he would admit that he accepted the principle, that the Internal Security Act is necessary, then we do not differ very much, but the fact remains that he said that he opposed the principle of the Internal Security Act. Then why bother about drawing the similarity of the two countries—of this country and another country?

Then, Sir, he asks which part of the democratic world has an identical legislation to that we have here. Why is it necessary to have identical legislation if the principle is the same? Because subversion varies from country to country—that much you can give to the Communists, and that is why the Communist is a worthy adversary because he is very resilient.

Sir, I cannot let this debate pass without answering one important observation that he made in respect of the amendment to Section 59 of the Principal Act—i.e., the punishment is death in cases where the supplies in respect of which he is convicted consists of fire-arms, ammunition or explosives, or life imprisonment in other cases. Now, Sir, he says that we brought this amendment to this House to defeat justice. Sir, an Honourable Member on this side of the House, the Member for Kota Star, has said that there is nothing wrong in bringing amendments to Parliament for any law in the country, if we find that that law is defective. Now, Sir, the fact remains that when we saw—the two cases I have quoted—that the present law would defeat the purpose which the Government intended—that is, for these people who carried supplies consisting of firearms, ammunitions or explosives, in respect of which they were convicted, and we wanted the punishment for such crimes to be death but in fact this was not so—we wanted this amendment, and that is why we brought this amendment to this House. It is not a question of trying to defeat justice. In fact, by bringing this amendment to this House, we are really bringing justice to this country. I do not see why these people, who carried supplies, which consist of arms, ammunitions or explosives should not be punished with a death sentence and be allowed to escape only with a life sentence, because they are a real menace to this country, and they deserve the death sentence. It was because of a defect in the former drafting that we could not mete out justice to these people. In fact, these people were very lucky to escape the death sentence. By bringing this

amendment to this House, we are going to do justice to the people of this country against these people who are acting against the security of this country.

I have answered the Honourable Member for Bungsar about how many people have been refused the Certificate of Suitability, and the only other answer that I have to give him is in respect of, who decides these refusals and on what ground. Now, Sir, I think he will remember that when I introduced the Internal Security Act, 1964, I assured this House that the Chief Education Officer, or the Director of Education, as the case may be, to whom a student applies for a Certificate of Suitability shall issue the required Certificate, unless, after making the necessary enquiries from the security authorities, he has reasonable grounds to believe that the applicant, if admitted to the said institution, would promote, or is likely to promote, or otherwise participate in actions prejudicial to the interest or the security of the country.

The Honourable Member, Enche' Stephen Yong, from Sarawak made the highly exaggerated accusation that this Certificate of Suitability would prevent students from joining the University. As I told this House, I think, before he came in, that as far as the University of Malaya is concerned no one has been refused a Certificate of Suitability. So, it cannot be said that this Certificate of Suitability prevents students from joining the University. It may be that those people, maybe his friends, are not allowed to enter the University because they have not got the necessary qualifications.

Enche' Stephen Yong Kuet Tze: On a point of personal clarification, Sir, I have no friends among those people.

Dato' Dr Ismail: Sir, I am glad that he made that statement. I wish he would match those words with deeds. He mentioned that we should encourage people to enter University so that we have more qualified people in the country. Sir, I would rather not have

qualified people in this country whose aim is to subvert this country. I would rather do without that type of qualified people. We do not want qualified people in this country to just wreck our belief in parliamentary democracy; we do not want the Communists in this country, who try to destroy our parliamentary democracy; we would rather not have that kind of qualified people. What we want is genuine democratic qualified people in this country. We want many of that kind of people in this country. Then, he said that this Certificate of Suitability would deny this country of its future leaders. I am glad, Sir, if that is true, because this Certificate of Suitability would deny this country the future communist leaders, and if this Certificate would achieve that object, then, I am indeed a very happy man.

Enche' Stephen Yong Kuet Tze: Is the Minister suggesting that Communism can be kept out only by this Certificate of Suitability?

Dr Tan Chee Khoon: On a point of clarification, is the Minister aware that most Communist leaders the world over are not university trained? They are trained in the hard school of life outside the university.

Dato' Dr Ismail: Sir, the Honourable Member for Batu had better argue with Enche' Stephen Yong with regard to this. (*Laughter*). What I am doing, Sir, is replying to Mr Stephen Yong's observation, in which he said that because of the Certificate of Suitability this country is denied of its future leaders—meaning that these people because of the Certificate of Suitability are not allowed to enter the university, and so they cannot be leaders in this country. Sir, let me repeat it very slowly now. If these Certificates of Suitability succeed in preventing the subversive elements from going to the university, subverting the university, and later becoming future leaders, then I am indeed a very happy man.

Sir, I do not wish to waste much more time of the Honourable Members, but he asked about the new sub-

section (6)—this is from the Honourable Enche' Stephen Yong—about the reason that these people, who have to interrupt their study for one year, having to ask for a new Certificate of Suitability. I think he was not in this House when I made my answer. I said that this is necessary, because it may be that during that period of one year, while the student is away from the university, he may go out specially to be indoctrinated, or to take a course in subversion; or he may for that one year period join the Labour Party and given the opportunity to associate with the Communists and the pro-Communists in that party, and if that is so, it is quite dangerous to allow him to go back and to propagate the Communist doctrine, or trying to subvert the other students in the university.

Sir, finally, I would like to wind up by quoting the very sentence with which I began my reply, i.e., our belief in freedom and parliamentary democracy is second to none and this has been borne out by our record, not just by a profession of words but by our action—in words and deeds. We have believed and we have practised the independence of the judiciary in this country; we have not rigged the elections, and every political party is given every chance to win the hearts and minds of the people of this country. (*Applause*).

Enche' C. V. Devan Nair: On a point of clarification, Sir, the Minister informed the House in answer to a question I put that, since the passage of this law, no student entering the University of Malaya has in fact been denied a Suitability Certificate. So, Sir, we have a law which the Government has not found it necessary to enforce. Could we have an assurance from the Honourable Minister that if within the next few months, or years, no valid reason is discovered to deny any student a Certificate of Suitability, then this law might as well be repealed?

Dato' Dr Ismail: Sir, I say that the Internal Security Act is a preventive measure.

Enche' C. V. Devan Nair: I am not referring to the Internal Security Act but this specific provision relating to Suitability Certificates.

Dato' Dr Ismail: I am coming to it. It is a preventive measure, one of the preventive measures, against any subversive elements going into our University. For example, if there are no subversive elements going there, the law is there, it will not offend anybody, any law-abiding citizen, who wants to go to the University; in fact, it gives added confidence to our students, who are going to the University, that they will be free to study without any molestation from any subversive elements. That is my justification for leaving this Internal Security Act in respect of Certificate of Suitability to be on the Statute Book.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker *in the Chair*)

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

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

THE REGISTRATION OF GUESTS (AMENDMENT) BILL

Second Reading

Dato' Dr Ismail: Mr Speaker, Sir, I beg to move that a Bill entitled "The Registration of Guests (Amendment) Bill of 1966" be read a second time.

Sir, the object of this Bill is to amend Sections 3 (3) and 4 of the Registration of Guests Act, 1965, which became law on 1st October, 1965. Since the passing of the Registration of Guests Act, it has been found that Section 3 (3) thereof is of a restrictive measure and is not conducive to speedy Police investigations. It imposes a condition that a register kept by a hotel or lodging

house owner may be examined by such an officer only at reasonable hours of the day. This, it is considered, might give rise to arguments when speed may be the decisive factor in obtaining the information that is being sought. With a view to overcoming this difficulty, so that the aims of justice are not frustrated, it is felt that a Police Officer in the performance of his duties under this Act should be empowered to have access to such a register at all times and Clause 2 (a), therefore, seeks to remedy this defect. Honourable Members will note that apart from a Police Officer, a Registration Officer, or a person duly authorised by the latter, does not enjoy this right, and he continues to exercise his function for the examination for hotel or lodging house register as provided in the old legislation.

The Explanatory Statement also gives detailed explanations as to the necessity of having Clause 2 (b), (c) and (d) to the main Act and I therefore, do not propose to enlarge upon what has already been said therein.

Sir, I beg to move.

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

Enche' Stephen Yong Kuet Tze: Mr Speaker, Sir, speaking on the amendment sought, I would refer particularly to the deletion of the words "at all reasonable hours". The original intention, as I said, was that the register of a hotel, one would imagine, would be kept by a responsible person, who would make it available to the Police, if the Police should call for it. Now, it seems that at any time the Police can call and ask the register to be made available for inspection. Sir, the explanation given by the Honourable Minister did not specifically say that the original provision was inadequate, and if there were no instances which really hampered the Police in its work in the inspection of the register, then why should we give this extra power to the Police? Then, there is a danger, Sir, of the keeper being put in a very invidious position

of having to make available for inspection by the Police of the register at any time; it may be two or three o'clock in the morning that a Police Officer might want to have a look at the register. Surely, a register is not as important as the inspection of rooms, if there were any suspicion about the inmates of any room. Therefore, in my view, this deletion of the words "at all reasonable hours" is unnecessary, because this provision of "at all reasonable hours" is a sensible and workable one in all cases, and unless the Minister can say in fact there have been instances which make the Police work difficult, then I think there should not be any amendment to the original Act.

Dato' Dr Ismail: Mr Speaker, Sir, I think it is a matter of opinion. I say that it is inconvenient and unreasonable and he says that there have been no instances that this thing does not work well. But the very fact that I have asked for this Bill shows that the present Act is not as suitable as it should be, in that it places an unnecessary restriction and makes it difficult to conduct a proper Police investigation.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker *in the Chair*).

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

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

THE MINOR OFFENCES (AMENDMENT) BILL

Second Reading

Dato' Dr Ismail: Mr Speaker, Sir, I beg to move that a Bill intituled "an Act to amend the Minor Offences Ordinance, 1955" be now read a second time.

Sir, the object of this Bill is to amend the Minor Offences Ordinance, 1955, by inserting immediately after section 15 of the Ordinance a new sub-section 15A. The whole intention of the amendment by the insertion of the new sub-section is for the purposes of controlling unauthorised persons from interfering with members of the public in their dealings with Government Departments by making it an offence for anyone, who loiters for the purpose of offering, or offers, or solicits to offer his services for profit or reward. The Explanatory Statement in the Bill itself gives further explanation as to why these unauthorised persons should be controlled and I, therefore, do not propose to take time of the House by enlarging upon what has already been stated therein.

Dato' Haji Sardon: Sir, I beg to second.

Enche' Stephen Yong Kuet Tze: Mr Speaker, Sir, I notice that this Minor Offences (Amendment) Bill, 1966, would only affect the Minor Offences Ordinance, 1955, which is only applicable to the States of Malaya—the Peninsular States. We have in Sarawak also a similar Minor Offences Ordinance which may have contained quite a number of matters similar to the Minor Offences Ordinance here, and I would like to suggest to the Honourable Minister that this Ministry should look into the question of consolidating this Ordinance—I believe a similar Ordinance also exists in Sabah—so that provisions of this Bill might be incorporated in the Ordinance that are now extant in the Borneo States. The question of touting and the other matters mentioned in this Bill also are prevalent in the Borneo States and if this Bill is aimed at the mischief of touting and the like as explained in the Explanatory note, I think the Honourable Minister might look into the desirability of extending these provisions to the Borneo States.

Tuan Haji Ahmad bin Abdullah: Tuan Yang di-Pertuan, saya hendak mengambil bahagian sedikit berchakap berkenaan Bill ini.

Sa-betul-nya ada-lah tujuan Bill ini sangat²-lah baik untuk memelihara orang² yang pergi ka-pejabat² Kerajaan kerana apa² juga pekerjaan yang bersangkutan-paut dengan pejabat² Kerajaan.

Mengikut pendapat dan pengalaman kita, bahawa selalu-lah orang² ini dikerumuni oleh orang² yang tidak mempunyai sedikit pun perhubungan dan sangkut-paut dengan Jabatan yang tersebut dengan tujuan hendak menolong orang² kampung ini untuk melichinkan atau pun menolong pekerjaan mereka.

Tetapi di-sini suka-lah saya hendak menarek perhatian Yang Berhormat Menteri ia-itu oleh kerana banyak daripada orang² kampung kita yang tidak tahu atoran² yang bersangkutan-paut di atas satu² pekerjaan, oleh kerana mereka itu tidak mempunyai pelajaran, maka sangat-lah susah bagi mereka itu menjalankan kewajipan mereka itu yang telah di-tetapkan oleh Kerajaan tentang mengisi borang² bahkan ada kejadian² ia-itu apabila mereka masuk ka-satu pejabat Kerajaan, katakan-lah Pejabat Pendaftaran, untuk mendapatkan borang, sangat-lah susah bagi mereka untuk mendapatkan borang. Kerana, sa-bagaimana yang kita dengar rayuan atau aduan daripada mereka itu, bahawa ada sa-tengah daripada pegawai² di-dalam pejabat² yang tersebut mempunyai perhubungan dengan orang yang di-luar ini yang konon hendak memberi pertolongan kepada orang kampung kita. Jadi selalu-nya orang² yang hendak menchuba menolong orang² kampung kita di-dalam segi pendaftaran dan lain² lagi, selalu orang² ini mempunyai borang² di-dalam tangan mereka itu, jadi terpaksa-lah orang² kampung pergi kepada orang² itu, maka orang² ini-lah akan meminta atau meletakkan bayaran—katakan-lah \$5 atau \$10—ada bermacam².

Oleh sebab yang demikian untuk mengatasi perkara ini, saya sa-bagaimana permulaan perbicharaan saya tadi, saya telah kata bahawa tujuan Rang Undang² ini sangat baik untuk menyekat orang² ini daripada menghisap darah atau pun menchari nafkah di-atas orang² kampung, tetapi saya

pinta-lah kepada pehak Kerajaan sendiri membuat keterangan yang chukup tentang bayaran, tentang jalan² mengisi borang dan lain² lagi. Ma'alum-lah orang² kampung kita tidak mempunyai pelajaran yang chukup, maka saya takut kalau sa-kira-nya apabila tidak Kerajaan memberi keterangan² yang chukup dan borang² itu susah pula hendak di-dapati, maka perkara ini akan menjadi lebeh lagi susah ka-atas orang² kampung.

Dato' Haji Sardon: Tuan Yang di-Pertua, Ahli Yang Berhormat dari Kelantan Hilir—apa yang di-chakapkan-nya itu memang betul terutama sa-kali dalam Pejabat Kenderaan saya di-Batu Road, kalau tidak ada undang² ini tidak boleh hendak buat apa² kerana benda itu public. Jadi, kita harap dengan ada-nya undang² ini dan kita akan tengok lagi keadaan² menjual borang ini. Saya, Kementerian di-pejabat² saya, sa-berapa boleh-lah, akan menyekat perkara ini dan akan menolong orang ramai hendak menyenangkan mereka. Terutama sa-kali pehak Pendaftar² di-seluruh negeri memang telah di-beri waktu khas daripada pukul 3.00-4.30. Sa-siapa yang berkenaan berkehendakkan borang yang tidak tahu mengisi borang, hendak bagitu bagini, memang di-benarkan berjumpa dengan Registrar dan kita juga dapat peruntukan sa-orang kerani boleh menolong orang yang tidak tahu menulis bagitu bagini kerana hendak mengelakkan daripada apa yang disebut oleh Ahli Yang Berhormat daripada Hilir Perak, memang kita tidak bersetuju dan ini-lah chara hendak menghapuskan. Terima kaseh.

Enche' Hussein bin To' Muda Hassan (Raub): Tuan Yang di-Pertua, saya suka hendak bertanya kepada Yang Berhormat Menteri, ada-kah termasuk, jika sa-saorang yang kita kata tadi dia suka pergi kepada tiap² pejabat mengambil segala ma'lumat² berkenaan dengan kelemahan sa-sabua pejabat dan di-beri-nya ma'lumat itu kepada Parti Pembangkang dan di-kemukakan-nya ka-dalam Dewan ini, ada-kah itu menjadi kesalahan juga?

Dato' Dr Ismail: First of all I would like to thank Mr Stephen Yong from

Sarawak for his constructive suggestion, which I will willingly explore and, if possible, I will try to do as he wishes.

Berkenaan dengan tegoran daripada Ahli Yang Berhormat dari Kelantan Hilir, nampak-nya perkara yang berlaku ini di-Kelantan sahaja, sebab apa Ahli² Yang lain tidak ada. Barangkali, boleh jadi, Ahli² Yang Berhormat di-Kelantan tidak menjalankan kerja.

Tuan Haji Ahmad bin Abdullah: Tuan Yang di-Pertua, untuk penerangan, tadi ini baharu sahaja Yang Berhormat Menteri Pengangkutan sendiri telah mengaku di-Ibu Kota Kuala Lumpur ini pun telah berlaku buat pengetahuan-nya.

Dato' Dr Ismail: Ya-lah dia mengaku, tetapi orang² di-sini nampak-nya, Ahli² Yang Berhormat di-Kuala Lumpur menolong orang di-sini mendapatkan borang semua itu. Jadi, saya mula² sa-kali hendak-lah bagi ingat kepada Ahli Yang Berhormat, tolong-lah orang² yang di-kawasan dia itu, itu satu kewajipan-nya-lah dan orang² PAS lain pun buat kerja dahulu, kalau tidak buat kerja nanti susah pula.

Tuan Haji Ahmad bin Abdullah: Kami minta terangkan apa-kah kewajipan kami itu?

Dato' Dr Ismail: Kewajipan itu sepatut-nya perkara yang tuan siarkan tadi itu patut di-adukan kepada Polis. Sebab itu satu perkara yang melanggar undang² dan Polis akan mengambil tindakan atas perkara itu. Jadi, kalau Ahli Yang Berhormat itu tidak mengerti undang² pun boleh-lah belajar sedikit².

Berkenaan dengan soal Ahli Yang Berhormat daripada Raub saya pun tidak tahu apa hendak jawab, apa ma'ana-nya, kalau pergi ka-satu Pejabat untuk mendapat information

Enche' Hussein bin To' Muda Hassan: Tuan Yang di-Pertua, ada orang yang suka perkara yang tidak ada kena-mengena dengan diri-nya, dia pergi ka-

tiap² pejabat di-ambil-lah ma'lumat—tanah lambat—di-benarkan atau pun hal perkara yang lain—di-beri kepada Parti Pembangkang. Dalam Parlimen, Ahli itu pun kemukakan-lah dalam Dewan ini dan menudoh-lah pejabat itu, pejabat ini. Jadi, orang yang samacham itu apa hendak kita hukumkan? Orang yang suka menchari salah untuk bahan Parti Pembangkang menentang, menegor, di-dalam Dewan ini.

Dato' Dr Ismail: Tuan Yang di-Pertua, itu ta' payah saya jawab-lah.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker *in the Chair*)

Clauses 1 to 3 inclusive ordered to stand part of the Bill.

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

Sitting suspended at 5.20 p.m.

Sitting resumed at 5.40 p.m.

(Mr Deputy Speaker *in the Chair*)

THE CINEMATOGRAPH FILMS (AMENDMENT) BILL

Second Reading

Dato' Dr Ismail: Mr Speaker, Sir, I beg to move that a Bill entitled "the Cinematograph Films (Amendment) Bill, 1966", be now read a second time.

Mr Speaker, Sir, the object of the Bill is to amend Section 25 of the Cinematograph Films Ordinance, 1952, so that the exhibition of films given by a foreign country in pursuance to an agreement entered into between that Government and the Government of the Federation of Malaya will not be subject to censorship. As the law now stands, there is no provision to grant such an exemption. Sir, I beg to move that the Bill be now read a second time.

Dato' Haji Sardon: Tuan Yang di-Pertua, saya menyokong.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Deputy Speaker *in the Chair*)

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

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

THE COMMON GAMING HOUSES (AMENDMENT) ACT, 1966

Second Reading

Dato' Dr Ismail: Mr Speaker, Sir, I beg to move that a Bill intituled "the Common Gaming Houses (Amendment) Act, 1966" be now read a second time.

The presence of gaming in public under the guise of playing for pastime and activities of illegal lotteries in the various States of Malaysia have become a matter of concern to the Government.

The respective Common Gaming Houses Ordinances that exist in the States of Malaya, Sabah and Sarawak which are used against these illegal operations have been found to be deficient, and to enable the Government to overcome this difficulty formal approval of this House is, therefore, sought to amend the legislation of each of the States concerned.

Paragraphs 2, 3 and 4 of the Explanatory Statement give details of how each legislation of the State is to be amended and I, therefore, do not propose to explain what is already stated therein.

Sir, I beg to move.

Dato' Haji Sardon: Sir, I beg to second the motion.

Enche' Ong Kee Hui (Sarawak): Mr Speaker, Sir, I am sure Members of this House will happily support the

Minister in his attempt to tighten up all gaming activities—gambling, generally, but this amendment, I think also extends to Sabah and Sarawak. From his short explanation, Sir, I am not clear how it affects the present law of Sarawak relating to gambling as a whole. If I remember rightly, in the Sarawak Ordinance relating to gambling there are certain Schedules which lay down that certain types of gambling are not permitted at all. From the Explanatory Note it would appear this has not been stated. Perhaps, the Minister would explain, if I am wrong, that it would be competent for—I am referring to the Third Schedule—a Police officer not below the rank of Sergeant to decide whether anything is gambling or not, or whether an apparatus being used is for gambling or not.

With regard to gambling generally and the control of gambling it would appear that it is often small children, boys, and women who fell foul of the law and are caught by the Police and it is very seldom that the big operators are caught at all. For that reason, Sir, I will recall that when an application is made for certain types of fun fair, for instance, run by a charitable institution, arguments always arose as to what constitutes gambling, what is a game of chance, and what is in fact gambling. I do not know whether this amendment which is put forward now would clarify this, or would only lead to further argument, as the decision of a Police officer not below the rank of Sergeant might well be questioned.

As far as gambling by children is concerned, I think the basic cause, or the basic remedy rather, is in education. I do not think suppressive measures would really solve the problem. It might only well lead to friction between the Police and those concerned and considerable argument would ensue as to what constitutes gambling, or whether persons are in fact indulging in, what may be called, an innocent pastime. Perhaps the Minister might clarify this in the interest of public harmony.

Dr Tan Chee Khoon: Mr Speaker, Sir, I rise to speak on this Bill that has been introduced by the Honourable

Minister of Justice. I am a little alarmed that the Government, as has been shown in the past in passing the Turf Club Act, the Lotteries Board and others, is actively conniving at the spirit of gambling in this country, and all the more so, when I see amongst the Bills to be debated in this House is one for the extension of Social Welfare lotteries to the States of Sabah and Sarawak, although, as we are told, negotiations are still being carried out with Sarawak.

Mr Speaker, Sir, one can go on talking for hours on end on the evils of gambling. I, myself, have in this House spoken on the evils of organised gambling: for example, in respect of the lotteries of Turf Clubs, where before one could only have a little flutter, if one were a member of the Turf Clubs, now without being a member of the Turf Clubs one can have a flutter. And, of course, there are the Social Welfare lotteries that are sold now, I believe, twice a month, where before they were sold once a month. Pardon my ignorance on this, Mr Speaker, Sir, because I do not have the money to have a little flutter either on the Social Welfare lotteries or on the Turf Clubs. However, what I am alarmed at is, Mr Speaker, Sir, that on my way home, either on a Sunday afternoon after work, or on a Wednesday afternoon during the lunch break, I see that when the horses are running at Ampang Road the whole place is packed with cars, and on Sunday also if the horses are running the whole place is again packed with cars and sometimes there is a little traffic jam. On other days when horses are running, let us say, in Singapore, or in Penang, or in Ipoh, the cars are there but they are a little less. Now, what perturbs me is the ordinary man without a coat, without a tie, going there hoping against hope that out of his \$5.00 he may well get \$50.00 out of the common tote, or may be out of his \$5.00 he hopes to make a few hundred dollars. I am not accusing anybody, but I think if the Government were to look a little more carefully, not only at the car numbers of the people going there but also at the people going there, one might find a few civil servants. This is

the thing I hope the Government may well inquire.

I remember very well that when the P.A.P. came into power they issued an imperial edict that any one, any civil servant, found in the race course on a working day faces disciplinary action. Mr Speaker, Sir, I am not saying that our civil servants are doing that, but it could happen and by opening the doors wide for gambling to take place, one naturally tempts people to have a little flutter.

Now, if I remember rightly, this question of gambling has many side effects. I think at the Budget session the Honourable Member for Pasir Puteh was talking about playing cards with nude pictures on the back. Now, this is one form of gambling and if you do not prohibit gambling this goes on multiplying, and I think I am right in saying that the Government has not prohibited playing cards of this nature. I stand corrected on this. I would welcome a statement by the Honourable Minister that he will prohibit the importation of playing cards which show nude pictures of women. If I remember rightly the Member for Pasir Puteh used the word *galakkan*, which he said has a different connotation in Kelantan as it is commonly made known elsewhere. These are the evils among some of the evils of gambling, and I would hope that the Government would take vigorous measures to stamp out gambling.

One form of gambling that is at least in Kuala Lumpur that I know is this game of "tikam". That is very common at the door steps of schools—and here I hope that the Minister not only in his capacity as the Minister for Justice, but in his capacity as the Minister for Home Affairs will look into this. This has been reported to me by several headmasters. You go to the M.B.S.; at the foot of the hill, going up there, these hawkers with the "tikam", they waylay the children going to school, and you turn around and there goes your five cents down the drain, and no pocket money for the rest of the day—or at the other end of the M.B.S.—and I have no doubt in St. Johns where the Honourable Minister is the Chairman

of the Board of Governors this also happens. This game of *tikam* is so prevalent in almost all these schools in Kuala Lumpur and I do hope that the Minister for Home Affairs will order the Police in Kuala Lumpur to take more vigorous steps to stamp out this game of *tikam* in the schools in Kuala Lumpur. It has two side effects, Mr Speaker, Sir, apart from the children losing their money. One is that it leads to some of these children extorting money from their fellow students. I remember about two weeks ago I had the unfortunate and unpleasant duty sitting at the Board of Governors of the school, where pleading for the fate of two boys who have been sacked from the school, because the headmaster found them guilty of extorting money. I saw one small boy extorting money from a hefty chap and I asked the boy, "*Apa macham*", would you allow this small boy to take money from you?"—and I have no doubt that it stems out of this evil influence of gambling. Another side effect, of course, is well known to most people, who have anything to do with schools; it is that the tuck shop people inside say, "We are losing money, we tender for this contract." In the school where I am the Chairman of Board of Managers the tender price is \$800 over per month, every month of the year, and the caterer there is grumbling, he says, "I have no business; there you look at it; the chaps with the *tikam* boards all are outside and the children before they come to the school, all their money goes there, and they have no money to buy the things that we are serving." These are some of the evils of gambling and I bring them to the attention of the Minister with the hope that, if he has the welfare of the rising generation in this country, he should take active steps to vigorously stamp out this practice of *tikam* outside schools. This is the plea of all the headmasters that I have come in contact with; and of course I need not mention, Mr Speaker, Sir, the other evils of gambling, where families have been broken up, where people have taken to drinking to drown their sorrows, having lost a tidy pack at the race course, of people committing suicide, as a result of gambling. Mr Speaker, Sir, I hope

the Honourable Minister will take into account all these evils of gambling that I have enumerated to you.

Tuan Haji Ahmad bin Abdullah:

Tuan Yang di-Pertua, saya mengambil bahagian sedikit di-dalam perkara ini. Gambling atau pun berjudi, penyakit judi ini, sa-sungguh-nya telah merebak dengan merbahaya-nya di-dalam tanah ayer kita, bukan sahaja di-antara golongan orang² tua bahkan masuk penyakit ini ka-dalam golongan budak². Penyakit ini, sa-bagaimana yang kita telah dengar daripada Ahli² Yang Berhormat yang telah berchapak sebelum saya, telah membawa kepada satu penyakit lain di-dalam masyarakat kita, ia-itu apabila merebak-nya judi ini ka-dalam sa-kalian golongan, baik tua, mahu pun muda, maka timbul-lah pula penyakit² yang lain sa-umpama menchuri, bercherai berai dan lain² lagi.

Penyakit judi ini ia-lah satu penyakit yang membawa kepada kepapaan, kesengsaraan dan pergaduhan boleh berlaku di-dalam satu rumah. Sa-bagaimana yang telah kita dengar tadi, penyakit *tikam* ekor sedang merebak di-sekolah². Ini penyakit akan mendidek budak² sekolah dan menggalakkan budak² bermain judi, walhal mereka itu maseh di-dalam umur yang sangat muda dan kechil lagi. Saya fikir kalau di-biarkan penyakit ini merebak dan berjalan terus, tidak berapa lama di-masa yang akan datang, maka semua pemuda² kita akan mendapat penyakit suka bermain judi, dan ini tidak-lah akan menguntongkan negara kita bahkan akan membawa kepada penyakit² yang lain² lagi sa-bagaimana yang saya telah terangkan tadi.

Penyakit² ini telah merebak masuk ka-kampong², bukan sahaja merebak di-bandar², juga masuk ka-kampong², saperti mana yang kita tahu judi yang di-namakan *tikam* ekor. Penyakit judi *tikam* ekor ini telah merebak daripada bandar masuk ka-kampong² dan telah menyebabkan beberapa perkara yang tidak baik ia-itu banyak-lah orang² kita yang berharap bahawa jika mereka itu *tikam* ekor mereka itu akan untong beribu² ringgit; telah menjual kerbau mereka itu, telah menjual barang² mereka dan wang yang ada di-kantong

(di-pocket) mereka itu pun habis dibelanjakan untuk menikam ekor ini dengan harapan yang mereka itu akan menang beribu² ringgit.

Dalam lima enam bulan yang lalu, kalau tidak silap saya, ada juga satu langkah yang telah dijalankan oleh Polis untuk menchegeh merebak-nya penyakit ini di-negeri Kelantan. Tetapi kita dengar bahawa langkah² yang telah di-ambil untuk menchegeh penyakit ini chuma buat sementara sahaja. Kemudian daripada tidak berapa hari lama-nya, maka penyakit itu di-biarkan berjalan terus-menerus, bahkan ada kita dengar aduan² yang bahawa ada sa-tengah daripada pehak Polis yang tidak mengambil berat walau pun mereka itu tahu sarang tikam ekor ini bertempat pada satu tempat, tetapi mereka itu tidak mengambil berat.

Oleh sebab yang demikian, saya pinta-lah kepada Yang Berhormat Menteri, kalau boleh, biar-lah di-hapuskan penyakit ini sama sa-kali atau pun penyakit judi, kerana perkara ini mendatangkan kepapaan dan per-kara yang tidak baik kepada bangsa kita.

Dato' Dr Ismail: Mr Speaker, Sir, in reply to the Honourable Member for Sarawak, Mr Ong Kee Hui, I would like to say that it is the object of this Bill to allow the Minister, from time to time, by notification in the *Gazette* to declare any game, method, device, or competition specified or described in such notification to be a lottery. The idea is to make it easier for the prosecution to obtain conviction in cases where a person is charged with an offence under the Common Gambling Houses Ordinance. If we do not have this declaration, people can defeat the object of the prosecution. So, if I can declare that that particular game is a lottery, then we can get easier conviction.

Now, with regard to the Honourable Member for Batu, I cannot agree more with him about the evils of gambling, but as regards the adults, I think, of course, he knows more than myself, and being a lay preacher he knows that it is an evil thing that every man should avoid, but most men do not. All that

we can do as a Government is to try to minimise the thing and to get as much prosecution as we can, and it is with this object that I ask for the amendment of this Ordinance in this House.

I agree with him with regard to juvenile offenders, and I think we should take more vigorous steps: I also agree with him that we should try to make better measures. But, as he knows, this game that he has described about the spinning wheel also existed in his and my time, and I also indulged in it. Now that it has become more and more common, I think we must not encourage the thing, and we will do our best to suppress this sort of gambling. With regard to juvenile offenders, it is not only the law that must do its work, but also the parents, the schools, the lay preachers, and everybody must help fully to try and combat this evil thing.

Berkenaan dengan Ahli Yang Berhormat daripada Kelantan Hilir, memang-lah kita pun sudah tahu akibat² daripada berjudi ini. Jadi bila kita dengar sharahan tadi, sharahan itu kita sendiri pun sudah tahu, chuma bagi Kerajaan kita mahu chuba-lah dengan sa-berapa daya upaya dan kita harap juga-lah daripada PAS Kelantan di-sana, berdo'a-lah lebeh² lagi, bacha-lah Quran 10 kali, supaya kita boleh-lah bersama² dapat menghapuskan judi yang di-haramkan oleh agama ini.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Deputy Speaker *in the Chair*)

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

First schedule ordered to stand part of the Bill.

Second schedule ordered to stand part of the Bill.

Third schedule ordered to stand part of the Bill.

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

THE CIVIL LAW (AMENDMENT) BILL

Second Reading

Dato' Dr Ismail: Mr Speaker, Sir, I beg to move that a Bill intitled "An Act to amend the Civil Law Ordinance, 1956, and to repeal certain written laws relating to apportionment and assignment", be read a second time.

This Bill, Sir, seeks to do three quite separate things. Clause 2 seeks to amend Section 7 of the Civil Law Ordinance, 1956. Clause 3 inserts a new part in that Ordinance, and Clause 4 repeals an Ordinance and an Enactment.

The main purpose of this Bill is the amendment of Section 7 of the Civil Law Ordinance. The opportunity has been taken to deal with other matters at the same time. Section 7 of the Civil Law Ordinance provides for the award of damages in civil proceedings to the family of a deceased person whose death has been caused by negligence or some other wrongful act. This is, of course, a most important section. The common law originally did not provide any such remedy, when a person was killed by negligence. If a person was injured but not killed he could sue; but if he was killed there was no one who could bring an action. Now, this state of affairs was put right by legislation in Great Britain in 1846, and Section 7 of the Civil Law Ordinance makes corresponding provisions here. As Honourable Members will appreciate, a great deal depends in many cases of this kind, on what lawyers called the measure of damages. By that I mean the method by which the amount of damages is calculated, when a person has succeeded in winning his case. The general principle in fatal accident cases is that the amount of damages is arrived at by calculating the amount that the widow and other surviving members of the family have lost by the death. If a deceased person was a wage-earner, the widow will have lost an amount equal

to a certain part of his wages for the rest of his working life. That is of course only the rough general principle. There are a great many refinements which I need not go into. It will be clear that if a widow has gained by her husband's death, as might be the case, for example, if she has inherited a large sum of money from him, that gain will have to be deducted from the damages. Many years ago, it was held in the courts that this applied when the deceased had been insured. Insurance payments had to be deducted like any other gains. This was thought to be unfair, because it benefited no one, except the defendant in the case, who had to pay less damages, because the man he killed had been prudent enough to insure himself. Therefore, legislation was enacted to provide that insurance payments were not to be deducted from the damages in fatal accident cases.

In a case in Johore in 1962, it was held that the payment to a widow from the Employees Provident Fund was not an insurance payment. It followed that the amount of damages had to be reduced by the amount of the payment from the Fund. The Government takes the view that payments from the Employees Provident Fund ought to be put on the same basis as insurance payments. Accordingly we propose to amend the Civil Law Ordinance to provide that payment from the Fund shall not be taken into account in assessing damages and we seek to achieve that object by Clause 2 of the Bill now before the House. Clause 2 does not, in fact, limit itself to payments from the Employees Provident Fund. It brings in other payments, by way of pensions or gratuities. It appears logical that all payments of this kind should be treated on the same basis. I am sure that Honourable Members in all parts of the House will agree with me that this is an amendment to the law which is both fair and eminently desirable. I suppose it might be described as something of a lawyer's amendment, but it is by no means purely technical in its effect. On the contrary, it will be of great benefit to those who, through no fault of their

own, lose the head of their family in an accident.

I turn now, Mr Speaker, Sir, to the other Clauses in the Bill. Unlike Clause 2, these remaining Clauses are purely technical. Honourable Members will see that Clause 3 seeks to insert in the Civil Law Ordinance a new part headed "Apportionment". This branch of the law deals with the question when a periodical payment such as rent actually becomes payable: for example, if a house is let at a quarterly rent of \$500 and the tenancy comes to an end for some reason half-way through a quarter, can the landlord recover part of the rent, or is it the case that he can recover no rent, because the period was never completed? In Penang and Malacca when they were part of the Straits Settlements, an Ordinance called "the Apportionment Ordinance" was passed to make it clear that in a case of the kind I have just quoted, the rent would be deemed to accrue from day-to-day and the landlord would, therefore, be able to recover a proportionate amount of the rent for that quarter. That Ordinance is still in force in Penang and Malacca, but there is no corresponding legislation in the other States of Malaya. To ensure uniformity, we in the Government take the view that the provisions of the existing Apportionment Ordinance should be extended throughout the States of Malaya. To avoid multiplicity of legislation, it appears that amendment of the Civil Law Ordinance, rather than an extension of the Apportionment Ordinance, would be the best way of achieving this object. The Bill, therefore, provides by Clause 3 and the Schedule for the insertion of the Civil Law Ordinance of the new part headed "Apportionment" to which I have just referred. The only difference of substance between the new part and the Apportionment Ordinance is that the definition of "rents" in the proposed new section 16A excludes rents payable for State land. The reason for the exclusion is that rents for State land are now dealt with in the National Land Code. As a consequence of the insertion of the new part in the Civil

Law Ordinance, it will, of course, be necessary to repeal the Apportionment Ordinance and that is done by Clause 4. Honourable Members will see that Clause 4 also repeals the Assignments Enactment, 1936, of the former Federated Malay States. The reason for that is simply that the matters provided for by the Enactment are now dealt by sub-section 3 of section 4 of the Civil Law Ordinance. The Enactment is, therefore, redundant and can be repealed.

I should also make one final point clear to the House. The Civil Law Ordinance extends only to the States of Malaya, and the Borneo States will not be affected by this Bill. The matters dealt with by the Civil Law Ordinance are far-reaching and of great importance. It is to be hoped that in due course it will be possible to have unified legislation throughout Malaysia on these matters, but it is not possible as yet since many difficult legal affairs are involved. We do not think it right to hold up the amendment of section 7 of the Civil Law Ordinance pending the settlement of this question, and we have thought it best to proceed with amendments here and now.

Sir, I am afraid, that I had to go into a good deal of detail. I am sure, however, that the House will agree with me that the amendment to section 7 is both necessary and important and that the other amendments, although perhaps they would not justify an amending Bill by themselves, are desirable and rightly included in the Bill. I think I can say that this is a non-controversial and thoroughly useful Bill, and I commend it to the Honourable Members accordingly.

Sir, I beg to move.

Dato' Haji Sardon: Sir, I beg to second the motion.

Dr Tan Chee Khoon: Mr Speaker, Sir, as the Honourable Minister of Justice has rightly put it, this Bill, particularly section 7 of the Civil Law Ordinance, 1956, must have the support of all the Members of this House, and

I for one heartily endorse all the grounds that he has postulated for the amendment of this section. It seems to me an act of gross injustice, if prudence on the part of the deceased should penalise his dependants should he have an insurance policy, and more so if in any court award the E.P.F. is deducted from the damages.

Mr Speaker, Sir, I wish to draw the attention of the Honourable Minister of Justice to a recent case in the High Court where, although the Lord President agreed that the defendant was guilty of killing the deceased, he could not award any damages, because the clever lawyer of the insurance company examined the licence, I believe, of the car very carefully and found that although it had been supposed to be transferred the transfer had not actually taken place and, therefore, the defendant was not culpable and, consequently, the Lord President could not award any damages to the dependants of the deceased. The Lord President then went on to say that in a civilised society like ours, it is appalling that the insurance companies which make bags of money should try and escape their liability through a technicality. Now, Mr Speaker, Sir, I believe this thing was aired in the press about a few months before the case in question was heard by the Lord President and, if I am correct, after the case was heard before the Lord President, the Minister of Transport did issue a statement that he would bring legislation to see that the insurance companies should form a pool to cater for cases of this nature where through a technicality the insurance companies can escape liability. Mr Speaker, Sir, I wish to commend this as an urgent necessity for the Government to bring forth a legislation to prevent insurance companies who, I repeat again, are making, I would not say fabulous sums of money, but making a fair amount of money and then escaping liability through a technicality that has been overlooked. I commend this suggestion to the Ministers both of Transport and of Justice and hope, between both of them in the next session of this House, they will bring the necessary legislation to

have the insurance companies to have a pool of money to cater for cases of this nature.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Deputy Speaker *in the Chair*)

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

Schedule ordered to stand part of the Bill.

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

THE SUPPLEMENTARY SUPPLY (1965) (No. 3) BILL

Second Reading

The Assistant Minister of Finance (Dr Ng Kam Poh): Mr Speaker, Sir, I beg to move that a Bill intituled, "an Act to apply sums out of the Consolidated Fund for additional expenditure for the service of the year 1965, and to appropriate such sums for certain purposes" be read a second time.

Honourable Members will recall that when the Third Supplementary Estimates, 1964, were presented in this House in early March, 1965, the Minister of Finance pointed out that it was a normal procedure and in accordance with the Constitution that the Supplementary Estimates in respect of expenditure for the past year could be presented for the approval of the House in the following year. The Bill now presented to the House seeks authority for additional expenditure in 1965. The Minister of Finance also pointed out that under the Financial Procedure Ordinance, 1957, the Treasury is empowered to issue money from the Contingencies Fund, pending the approval of Supplementary Estimates, to meet urgent and unforeseen expenditure for which no provision or insufficient provision had been entered in the approved Estimates. Some of the

supplements now sought refer to such expenditure which has been authorised via the Contingencies Fund; and in accordance with the Financial Procedure Ordinance any sum authorised by the Treasury in such a manner must be reported to Parliament irrespective of whether the full amount has actually been spent or not.

Honourable Members will observe that there are a number of token votes of \$10 sought in the Supplementary Estimates. Under the Financial Procedure Ordinance, the Treasury has the power to transfer a provision appearing under one sub-head of the Estimates to another, or create a new sub-head without reference to Parliament as long as the total for the whole Head of Expenditure is not exceeded. Legally, therefore, there is no necessity for the Government to present such token votes to Parliament at all. However, the Treasury feels that in certain cases of such transfers of funds by means of token votes, particularly for the purpose of a new service, they should be reported to Parliament.

The total supplement now sought is \$51,930,248 of which a sum of \$24,820,195 is charged on the Consolidated Fund by authority of the relevant laws and therefore needs no further approval of the House. The amount required to be appropriated by this Supplementary Bill is \$27,110,053 and this is mentioned in Clause 2 of the Bill. The original estimates approved for 1965 amounted to \$1,598.9 million, and taking into account the two supplements approved in May and November, 1965, and the present supplement, the total estimates for 1965 amount to \$1,735.8 million, of which a sum of \$338.4 million is charged on the Consolidated Fund.

The need for these supplements is already explained in the Treasury Memorandum accompanying the Third Supplementary Estimates of Expenditure for 1965, tabled as Command Paper No. 7 of 1966. I will, therefore, confine myself to those items which are quite substantial and are of general interest to Honourable Members.

The largest supplement of Supply expenditure is in respect of Head S. 25, Contribution to Statutory Funds, with a sum of \$9.6 million, of which \$5 million is required for increasing the amount in the Supplies Trading Department Account to \$73 million, \$4 million for increasing the amount in the Inter-administration Account to \$10 million, so as to cover the needs of all the States of Malaysia, and \$0.6 million is for augmenting the State Reserve Fund and the Personal Advances (Public Officers) Fund. The next biggest item is in respect of Head S. 19, Education Grants and Subventions, where an additional sum of \$7.2 million is required to meet the payments of statutory grants in respect of Primary and Secondary Schools in 1965. Head S. 24, Treasury General Services, requires an additional sum of \$2.36 million, of which \$2 million represents an advance towards the \$5 million equity investment in Bank Bumiputra already provided for in the Development Estimates and the balance of \$0.36 million is required for supplementing the provision for Road Grants to Municipalities. Head S. 32, Ministry of Health, requires a supplement of \$1.2 million, of which \$0.9 million is for meeting the cost of extra provisions needed for hospitals and \$0.3 million is in respect of anti-malarial services, i.e., for settling arrears of housing allowances and wages of anti-malarial labourers and the cost of drugs for the treatment of aborigines. Head S. 33, Ministry of Home Affairs, requires a sum of \$1.06 million to meet, among other things, the personal emoluments and other charges due to the increase in the strength of the Senoi Pra'ak, the expenditure on the protection of key points and the cost of emergency roads and airfields in Sabah, and the expenditure in providing financial assistance to fishermen affected by curfew orders. Head S. 21, Ministry of External Affairs, requires a sum of \$0.95 million for supplementing the various sub-heads of the Ministry and for the payment for four years' advance on rented accommodation for the Malaysian High Commission and Staff in Lagos, Nigeria. Head S. 12, Overseas

Service Aid Scheme, requires a sum of \$0.8 million since the original provision in the Estimates has proved to be under-estimated, as it was difficult at the time of framing the Estimates to forecast the likely expenditure. Head S. 34, Royal Malaysia Police, requires a sum of \$0.84 million to meet the personal emoluments and other charges for the Malaysian component of Combined Intelligence Headquarters in Songkhla, Thailand, and the cost of radio sets and equipment for the Police Force and its non-regular units in Sarawak and Sabah.

As the Ministers concerned will be explaining to the House in detail during the committee stage the purposes of the additional sums sought by their Ministries, I need not therefore go into them in detail at this point.

Sir, I beg to move.

Enche' Ibrahim bin Abdul Rahman: Sir, I beg to second the motion.

Mr (Deputy) Speaker: The time is up. I shall call upon a Member of the Government to move the adjournment of this House.

ADJOURNMENT

(Motion)

Dato' Haji Sardon: Mr Speaker, Sir, I beg to move that the House do now adjourn.

Tuan Haji Mohamed Ghazali bin Haji Jawi: Sir, I beg to second the motion.

ADJOURNMENT SPEECH

EAST COAST STATES OF MALAYA—FLOODS

Dr Tan Chee Khoon: Mr Speaker, Sir, it is the avowed purpose of the Alliance Government to raise the standard of living of the *bumiputras*. That being so, we find it difficult to understand the almost callous and casual attitude of the Central Government to the annually recurrent floods on the East Coast States of Malaya. Now, the people living in these States are mainly *bumiputras*. Why then has

the Central Government done almost nothing towards prevention of floods which come with every North East Monsoon towards the end of each year? Is it because that one of these States happens to be Kelantan, which is P.M.I.P. controlled but which is also the worst affected of the East Coast States? I hope this is not so, for, in the matter of prevention of floods, it is the duty of the Central Government, with all the resources of the Drainage and Irrigation Department and of the Agriculture Department as well, to do its best to prevent floods there, irrespective of the political identity of the States Governments concerned.

Mr Speaker, Sir, with the advent of every North East Monsoon, the poor people in the low-lying areas of the East Coast States of Malaya find themselves flooded out of their homes. When they come back, it is often to find their crops ruined, their livestock destroyed, and much of their belongings swept away, or ruined by the floods.

During the recent floods, which occurred during the Budget Session last year, more than a hundred thousand acres of padi land in Kelantan alone were under four to eleven feet of water. The damage done not only to the padi crops but also to livestock and other properties is enormous. The floods last year brought memories to the old timers of the great floods that occurred in Kelantan at the end of 1926.

Tuan Yang di-Pertua, sa-malam kita di-Rumah Yang Berhormat ini telah mendengar Menteri Pertanian dan Sharikat Kerjasama, berchakap mengatakan Jabatan Parit dan Tali Ayer hendak membaiki kerosakan di-Pantai Timor. Saya hendak bertanya, mengapa Jabatan tersebut tidak mengambil tindakan untok mengurangkan banjir² di-Pantai Timor dahulu?

Mr Speaker, Sir, it is tragic that the Central Government has almost taken a fatalistic attitude towards these floods and have come to regard them as an act of God, brought by Allah to punish the recalcitrant P.M.I.P.

Government of Kelantan—but Trengganu has been affected too. The problem is an agricultural and engineering one, and by these means it is possible to alleviate the effects of these floods and not regard them as an act of God. So far as one can see, no measures to lessen their severity have been undertaken by the Central Government. On the other hand, we see the Social Welfare Department going there, and we have now the promise of the Minister of Agriculture and Co-operatives saying we want to *membbaiki kerosakan di-sana*—why not prevent or alleviate the floods?

Sir, the obvious measures are to keep steep land as far as possible under its natural jungle cover and to ensure that the rivers function as they should. A river is merely a natural drain on a large scale and a drain must be kept clean and open. Thus houses, huts and the growing of crops should not be permitted on the river banks which should have a reserve on both sides of about two chains wide. If there is human habitation by the river banks, then rubbish will fall into the river and erosion will take place. Silt will collect in the river bed of the muddy dirty river which will meander about and be unable to generate a current swift and strong enough to scour away the silt and keep a straight channel. It is obvious that where erosion has taken place, the river banks must be renewed and strengthened. If there are large bends that impede the rapid flood of water, then these should be straightened. The silt at the mouth of the rivers must be removed, and, in order to ensure rapid exit of water to the sea, the rivers at this point must be canalized.

All these engineering problems are, I am sure, within the capability of the officers of the Drainage and Irrigation Department, and given the tools and money, I am sure they will make a good job of it.

In conclusion, Mr Speaker, Sir, on behalf of the flood victims of the East Coast States, may I make a plea to the Central Government not to ignore the floods in that region but to tackle the problem with vigour so as to mini-

mize the havoc that follows in the trail of the floods annually. Thank you.

Tuan Haji Mohamed Ghazali bin Haji Jawi: Tuan Yang di-Pertua, sebagaimana yang dinyatakan oleh Ahli Yang Berhormat dari Batu ia-itu ada-lah menjadi dasar, chita² dan hasrat Kerajaan Perikatan bagi meninggalkan taraf kehidupan bumiputra dan ra'ayat negeri ini seluruh-nya. Dasar dan hasrat ini belum berubah dan tidak akan berubah sa-lagi Perikatan berkuasa di-dalam negeri ini.

Di-dalam melaksanakan chita² ini, Kerajaan tidak memilih kaseh dan memberi layanan yang berlainan, dengan syarat ra'ayat, khas-nya Kerajaan Negeri, sanggup bekerjasama dan mahu menerima ranchangan² yang di-susun dan di-lancharkan oleh Kerajaan. Sa-bagaimana Ahli Yang Berhormat itu sendiri ma'alum, urusan menjaga dan membersehai sungai dan kerja² kechil ada-lah di-bawah kuasaan dan urusan Kerajaan Negeri. Walau demikian Kerajaan Pusat telah memberi bantuan berkenaan Kemajuan Ranchangan² Parit dan Tali Ayer di-dalam Negeri, termasuk negeri Kelantan ia-itu Ranchangan Lemal dan Ranchangan Kemubu.

Banjir atau pun bah yang berlaku di-Pantai Timor di-akhir tahun sudah bukan sahaja di-Kelantan, bahkan di-Trengganu dan di-Pahang jua. Mengikut keterangan yang di-ambil dan di-sampan, sungai² di-Kelantan dan di-negeri yang dua lagi ada-lah chukup besar untuk mengelakkan banjir yang datang 10 tahun sa-kali. Tetapi, sungai yang ada itu tidak dapat mengelakkan merbahaya banjir yang datang dalam masa 30 tahun sa-kali. Kalau sa-kiranya kita hendak mengelakkan banjir yang datang 30 tahun sa-kali itu terpaksa-lah di-besarkan;

Dr Tan Chee Khoon: Untuk penjelasan, Tuan Yang di-Pertua, ada-kah di-Pantai Timor banjir 30 tahun sa-kali, atau tiap² tahun ada banjir atau ayer bah di-Pantai Timor yang terutama di-negeri Kelantan tiap² tahun, bukan 30 tahun sa-kali.

Tuan Haji Mohamed Ghazali bin Haji Jawi: Tuan Yang di-Pertua, banjir

datang ka-negeri Kelantan dan Pantai Timor pada tiap² tahun, tetapi chuma—degree—besar banjir itu dan dalam 10 tahun sa-kali banjir yang besar akan datang dan pada 30 tahun sa-kali banjir yang lebeh besar akan datang.

Jadi, saya akan mengemukakan, atau mencheritakan keadaan² sukatan ayer hujan di-dalam jawapan saya kelak. Ini kalau sa-kira-nya hendak di-besarkan sungai di-dalam negeri Kelantan, Pahang dan Trengganu, dua kali daripada keadaan sekarang ini, akan memakan belanja yang besar, kerana terpaksa mengambil tanah² orang, mengubah rumah² dan bermacam² perkara terpaksa di-jalankan.

Ranchangan menchegehah banjir juga di-dapati sangat besar belanja-nya dan tidak akan memberi kesan, oleh sebab hujan telah turun mengejut dan lebat di-dalam masa yang singkat. Untuk ma'aluman Dewan ini mengikut keterangan yang di-simpan, hujan yang turun pada waktu yang sama pada tiap² tahun ada-lah saperti berikut:

Dalam tahun 1961 di-Kota Baharu bulan November, hujan turun sa-banyak	...	...	42.1	inchi
Dalam tahun 1962	...	...	13.64	"
" " 1963	...	...	21.6	"
" " 1964	...	...	11.9	"
" " 1965	...	...	35.53	"
Dalam bulan December tahun 1961	...	...	36.51	"
Dalam tahun 1962	...	...	23.37	"
" " 1963	...	...	13.72	"
" " 1964	...	...	13.55	"
" " 1965	...	...	40.79	"

Hujan bagi tiap² satu hari yang di-dapati di-dalam masa yang lebat dalam tahun 1965 pada bulan November, pada satu hari 24 jam 12.22 inchi dan pada bulan December 5.91 inchi. Dalam masa 10 hari daripada 27 hari-bulan November sampai 6 hari-bulan December, dalam masa 10 hari hujan turun 43 inchi.

Bagi negeri Trengganu dalam bulan November, tahun 1961	...	...	37.01	inchi
Tahun 1962	...	...	13.42	"
" 1963	...	...	23.97	"
" 1964	...	...	18.02	"
" 1965	...	...	32.77	"
Dalam bulan December, tahun 1961	...	...	31.74	"

Tahun 1962	...	...	...	21.82	inchi
" 1963	...	...	...	18.93	"
" 1964	...	...	...	12.8	"
" 1965	...	...	...	54.2	"

Hujan yang lebat sa-kali dalam satu hari dalam bulan itu—dalam bulan November ia-lah 14.67 inchi, dan bulan December 8.12 inchi. Dalam masa 13 hari daripada 27 hari-bulan November sampai 9 hari-bulan December hujan turun sa-banyak 54 inchi.

Itu-lah keterangan hujan yang turun dalam masa bulan November, bulan December bagi lima tahun yang sudah, dan nampak-lah di-sini ia-itu dalam tahun yang sudah hujan turun lebat sa-kali sa-hingga dalam satu hari, bulan November, hujan turun sampai 14.67 inchi.

Dengan hujan turun lebat pada minggu akhir bulan November dan minggu pertama bulan December dan ayer mengalir dan berkumpul di-tanah rendah, maka bah dan banjir, sa-bagaimana berlaku itu, tidak dapat di-elakkan. Walau bagaimana pun, Jabatan Parit dan Taliayer telah pun menyediakan satu ranchangan bagi menyusun dan membetulkan sadikit sa-banyak sungai² yang ada di-dalam negeri itu, tetapi pehak Jabatan Parit dan Taliayer juga terpaksa menjalankan satu kajian yang lain. Kalau sa-kira-nya sungai² itu di-betulkan, boleh jadi manakala hujan datang lebat, ayer daripada ulu akan turun lebeh deras ka-tanah² yang pamah, atau pun rendah dan itu akan menyebabkan bah yang lebeh besar lagi bagi kawasan² yang rendah. Jadi, perkara² ini akan di-kaji dan sa-telah di-adakan kajian ini, akan di-jalankan perusahaan berkenaan dengan membaiki-nya

Tuan Haji Ahmad bin Abdullah: Untuk pertanyaan, tidak-kah boleh di-adakan canal yang sekarang ini untuk irrigation, untuk memberi ayer kapada sawah² padi? Canal itu juga di-gunakan untuk mengambil ayer yang lebeh untuk di-buang ka-laut. Sa-bagaimana yang kita tahu sekarang ini, parit² yang di-korek di-Lemal dan akan di-korek pula di-Kemubu, maka parit² ini semua-nya dapat menjalankan satu kerja sahaja, ia-itu untuk memberi ayer sahaja kapada sawah²

padi. Tidak-kah boleh di-fikirkan supaya di-jadikan parit ini pada masa orang² sawah berhajat kepada ayer, parit ini dapat memberi ayer, tetapi di-masa hujan, parit ini dapat pula mengeluarkan ayer ka-laut? Jadi, dengan satu perbelanjaan sahaja dapat di-gunakan untuk dua kerja yang dapat menghendarkan dan menyelamatkan ra'ayat daripada bah.

Tuan Haji Mohamed Ghazali bin Haji Jawi: Tuan Yang di-Pertua, saya rasa Ahli dari Kota Bharu Hilir ini berchakap dengan tidak mengetahui keadaan² ranchangan parit-memarit dan sa-bagai-nya, kerana di-dalam ranchangan mana juga pun bila di-sebutkan ranchangan sawah, mesti ada parit masok dan ada parit buang—tidak ada satu ranchangan di-dalam Malaya ini yang mempunyai chuma parit masok dengan tidak mempunyai parit buang.

Jadi, saya harap Ahli itu sendiri pergi tengok bendang. Jangan-lah chuma berchakap di-sini, kemudian tambahan yang kedua

Tuan Haji Ahmad bin Abdullah: Untuk keterangan, di-ranchangan parit yang telah di-buat di-Lemal itu, saya tengok tidak ada parit yang mengeluarkan ayer, chuma mengambil ayer sahaja daripada sawah² padi. Itu sebab yang menjadi pertanyaan saya.

Tuan Haji Mohamed Ghazali bin Haji Jawi: Tuan Yang di-Pertua, saya telah menerangkan di-mana ada ranchangan irrigation mesti ada ranchangan drainage atau pun di-mana parit masok mesti ada parit keluar, kalau masok sahaja tidak buang boleh jadi kembong perut, hanchor habis ranchangan itu (*Ketawa*).

Yang kedua, sa-masa berlaku bah di-negeri Kelantan baharu² ini di-akhir tahun 1965, saya rasa Ahli Yang Berhormat itu sendiri tidak melihat sa-masa ayer bah itu berlaku dengan sa-benar-nya, kerana pada masa ayer bah berlaku di-Kelantan hujan turun lebat di-Ulu Kelantan, Machang dan lain²-nya. Ayer itu semua turun mari ka-Kota Baharu, Pasir Mas. Pada masa itu ranchangan taliayer tidak

ada guna-nya lagi dengan sebab pada masa itu di-dalam kawasan bendang, ayer telah pun naik sa-hingga empat lima kaki dan ada sa-tengah-nya sampai bumbong rumah orang. Jadi berma'ana-lah ranchangan parit dan taliayer itu tidak memberi faedah lagi pada masa itu kerana ayer lebeh tinggi daripada parit yang ada atau pun batas yang ada. Jadi ini-lah saya sebutkan kalau sa-kira-nya di-betulan sungai² yang ada boleh jadi lebeh deras ayer yang datang daripada ulu menimpa ka-kawasan rendah dan boleh jadi kalau sa-kira-nya hujan datang lebat ayer laut pasang, maka ayer tidak dapat mengalir ka-laut dan akan berkumpul di-dalam kawasan rendah.

Walau bagaimana pun, sa-bagaimana yang saya nyatakan, pehak Pejabat Parit dan Taliayer sedang menjalankan siasatan dan kajian bagaimana dapat menchegehakan sadikit sa-banyak berkenaan dengan banjir bagi masa yang akan datang ini, tetapi bagaimana yang di-katakan kalau sa-kira-nya banjir datang sa-bagaimana yang tahun sudah, walau pun macham mana baik sa-kali pun ranchangan parit di-taliayer, tidak dapat di-elakkan banjir dan bah itu.

Dr Tan Chee Khoon: On a point of information, Mr Speaker, Sir, the Honourable Minister has stated just now that the Department of Drainage and Irrigation is investigating ways and means of trying to alleviate floods, but the whole burden of his speech is that, if there are floods of the nature of last year when these waters come from the *hulu* with such swiftness, nothing that the Drainage and Irrigation Department can do will be of any use. That, to me, is a very fatalistic attitude to take. We all know that the Yellow River of China has been called "The Sorrow of China", but since the advent of the Communists, the Communists have taken active steps to see that the floods are even prevented. I am merely asking for an alleviation of the floods. The floods in China have now all been prevented, and this I commend to the Drainage and Irrigation Department, in particular to the Minister concerned, to prevent floods and not to take a

fatalistic attitude—"Nothing that we can do will prevent this huge volume of water coming to the lowlands of Kelantan, Trengganu and Pahang".

Tuan Haji Mohamed Ghazali bin Haji Jawi: Tuan Yang di-Pertua, saya telah nyatakan pehak Jabatan Parit dan Taliayer sedang mengkaji untuk membaiki keadaan² tempat itu dan

ikhtiar untuk mengelakkan kerosakan berlaku manakala bah datang dan sa-bagai-nya.

Question put, and agreed to.

Mr (Deputy) Speaker: Majlis ini ditanggohkan sa-hingga pukul 10 pagi esok.

Adjourned at 6.50 p.m.