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Monday  
19th September, 1966

# PARLIAMENTARY DEBATES

DEWAN NEGARA (SENATE)

OFFICIAL REPORT

THIRD SESSION OF THE SECOND PARLIAMENT  
OF MALAYSIA

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DI-CHEKAT DI-JABATAN CHETAK KERAJAAN  
OLEH OOI THEAM HOCK, PENGUASA, IPOH  
1963

*Harga: S1*

MALAYSIA  
**DEWAN NEGARA (SENATE)**  
*Official Report*

Vol. III

Third Session of the Second Dewan Negara

No. 6

*Monday, 19th September, 1966*

*The Senate met at Two-thirty o'clock p.m.*

PRESENT :

- The Honourable Mr President, DATO' HAJI ABDUL RAHMAN BIN MOHAMED YASIN, S.P.M.J., P.I.S., J.P. (Johor).
- .. TUAN A. ARUNASALAM, A.M.N. (Appointed).
- .. TUAN ABDUL RAHMAN BIN AHMAD (Perlis).
- .. TUAN ABDUL SAMAD BIN OSMAN, P.J.K. (Appointed).
- .. TUAN HAJI AHMAD BIN HAJI ABDULLAH, A.M.N. (Penang).
- .. TUAN HAJI AHMAD BIN HAJI ABDUL MANAP, P.P.N. (Melaka).
- .. PUAN AISHAH BINTI HAJI ABDUL GHANI (Appointed).
- .. PUAN BIBI AISHA BINTI HAMID DON, A.M.N. (Appointed).
- .. TUAN AMALUDDIN BIN DARUS (Kelantan).
- .. DATO' JOSEPH AUGUSTINE ANGIAN ANDULAG, P.D.K. (Sabah).
- .. TUAN AWANG DAUD MATUSIN (Appointed).
- .. DATU TUANKU BUJANG BIN TUANKU HAJI OTHMAN (Sarawak).
- .. TUAN CHAN KEONG HON (Appointed).
- .. TUAN CHAN KWONG-HON, J.M.N., S.M.S, J.P. (Selangor).
- .. DATO' DR CHEAH TOON LOK, D.P.M.K., D.M.K., J.M.N., J.P. (Appointed).
- .. DATO' J. E. S. CRAWFORD, D.P.M.P., J.M.N., J.P., Dato' Kurnia Indera (Appointed).
- .. TUAN D. S. DORAI RAJ, A.M.N., P.J.K. (Appointed).
- .. DATO' FOO SEE MOI, D.P.M.K., J.P. (Appointed).
- .. TUAN GAN TECK YEOW, J.M.N. (Appointed).
- .. TUAN GOH CHEK KIN, P.J.K. (Trengganu).
- .. TUAN HOH CHEE CHEONG, A.M.N., J.P. (Pahang).
- .. TUAN HONG KIM SUI (Appointed).
- .. TUAN C. D. ISMAIL, J.M.N., J.P. (Appointed).
- .. TUAN ANDREW JIKA LANDAU (Appointed).
- .. TUAN KOH KIM LENG (Melaka).
- .. DATO' LEE FOONG YEE, J.M.N., P.P.T., J.P. (Negri Sembilan).
- .. DATO' Y. T. LEE, D.P.M.S., J.M.N., P.J.K., J.P. (Appointed).
- .. TUAN LIM HEE HONG, J.M.N., J.P. (Appointed).
- .. TUAN LIM JOOK KONG, J.P. (Kedah).
- .. TUAN MOHAMAD ADIB BIN OMAR, P.J.K. (Trengganu).
- .. DATU PENGIRAN MOHAMED DIGADONG GALPAM, P.D.K. (Sabah).

- The Honourable TAN SRI HAJI MOHAMED NOAH BIN OMAR, P.M.N., S.P.M.J., D.P.M.B., P.I.S., J.P. (Appointed).
- .. TUAN HAJI MOHAMED SAAID BIN HAJI ABU BAKAR (Appointed).
- .. DATO' ATHI NAHAPPAN, D.P.M.S. (Appointed).
- .. TUAN S. P. S. NATHAN (Appointed).
- .. NIK HASSAN BIN HAJI NIK YAHYA J.M.N. (Appointed).
- .. TOK PANGKU PANDAK HAMID BIN PUTEH JALI, P.J.K. (Appointed).
- .. TUAN SAIDON BIN KECHUT, A.M.N. (Appointed).
- .. DATO' SHEIKH ABU BAKAR BIN YAHYA, AL-HAJ, D.P.M.J., P.I.S., J.P. (Johor).
- .. TAN SRI G. SHELLEY, P.M.N., J.P. (Appointed).
- .. TUAN SYED AHMAD BIN SYED MAHMUD SHAHABUDIN, J.M.N., S.M.K., J.P. (Kedah).
- .. TUAN SYED DARUS BIN SYED HASHIM (Perlis).
- .. TUAN WILLIAM TAN (Appointed).
- .. TAN SRI T. H. TAN, P.M.N. (Appointed).
- .. DATO' E. E. C. THURASINGHAM, D.P.M.J., J.P. (Appointed).
- .. TUAN S. O. K. UBAIDULLA, J.M.N. (Appointed).
- .. DATO' WAN IBRAHIM BIN WAN TANJONG, J.M.N., P.J.K., Orang Kaya Indera Maharaja Purba Jelai (Pahang).
- .. WAN MUSTAPHA BIN HAJI WAN ALI, S.M.K. (Kelantan).
- .. WAN SULAIMAN BIN WAN TAM, P.J.K. (Appointed).
- .. TUAN YAHYA BIN AHMAD, P.J.K. (Negri Sembilan).
- .. TUAN YAHYA BIN HAJI AHMAD (Perak).
- .. TUAN YEOH KIAN TEIK (Perak).

ABSENT :

- The Honourable the Minister without Portfolio, TAN SRI ONG YOKE LIN, P.M.N. (Appointed).
- .. TUAN CHEAH SENG KHIM, J.P. (Penang).
- .. TEMENGGONG OYONG LAWAI JAU (Sarawak).
- .. RAJA RASTAM SHAHROME BIN RAJA SAID TAUPHY (Selangor).

IN ATTENDANCE :

- The Honourable 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, TUN DR ISMAIL BIN DATO' HAJI ABDUL RAHMAN, S.S.M., P.M.N. (Johor Timor).
- .. the Minister of Works, Posts and Telecommunications, TAN SRI V. T. SAMBANTHAN, P.M.N. (Sungei Siput).
- .. the Minister of Education, TUAN MOHAMED KHIR JOHARI (Kedah Tengah).
- .. the Minister for Welfare Services, TUAN HAJI ABDUL HAMID KHAN BIN HAJI SAKHAWAT ALI KHAN, J.M.N., J.P. (Batang Padang).
- .. the Minister of Lands and Mines, TUAN ABDUL-RAHMAN BIN YA'KUB (Sarawak).

## PRAYERS

(Mr President *in the Chair*)

## ANNOUNCEMENTS BY MR PRESIDENT

### PROCLAMATION OF EMERGENCY IN SARAWAK

**Mr President:** Ahli<sup>2</sup> Yang Berhormat, Dewan Negara mengadakan meshuarat-nya pada kali ini kerana menurut Perishtiwaran yang telah di-buat oleh Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong. Sekarang saya minta Setia-usaha Dewan Negara membachakan Perishtiwaran itu.

(*Whereupon the Clerk of the Senate reads the Proclamation*)

### “PROCLAMATION OF EMERGENCY

#### *The Federal Constitution*

By His Majesty the Yang di-Pertuan Agong, by the Grace of God of the States and Territories of Malaysia, Supreme Head.

(Public Seal)

TUANKU ISMAIL NASIRUDDIN SHAH,  
*Yang di-Pertuan Agong*

Whereas we are satisfied that a grave Emergency exists whereby the security of a part of the Federation, to wit the State of Sarawak, is threatened:

AND WHEREAS Article 150 of the Constitution provides that in the said circumstances We may issue a Proclamation of Emergency:

NOW, THEREFORE, We, Tuanku Ismail Nasiruddin Shah ibni Al-Marhum Al-Sultan Zainal Abidin, by the Grace of God of the States and territories of Malaysia Yang di-Pertuan Agong in exercise of the powers aforesaid do hereby proclaim that a State of Emergency exists, and that this Proclamation shall extend throughout the territories of the State of Sarawak.

Given at Kuala Trengganu, this fourteenth day of September, one thousand nine hundred and sixty-six.

By His Majesty's Command,

TUN HAJI ABDUL RAZAK  
BIN DATO' HUSSAIN,  
*Deputy Prime Minister*

## LEAVE OF ABSENCE—Tan Sri Ong Yoke Lin, P.M.N.

**Mr President:** Ahli<sup>2</sup> Yang Berhormat, saya suka hendak mema'alumkan kepada Majlis Dewan Negara ia-itu menurut kuasa yang terserah kepada saya, saya telah membenarkan Yang Berhormat Tan Sri Ong Yoke Lin, atas permintaan-nya sendiri, berchuti dengan rasmi-nya daripada menghadhiri meshuarat<sup>2</sup> Dewan Negara daripada 8hb Oktober, 1966 hingga 8hb April, 1967.

## ADJOURNMENT SINE DIE

(MOTION)

**Tan Sri T. H. Tan:** Mr President, Sir, I beg to move,

That at its rising today the Senate shall stand adjourned *sine die*.

**Dato' Y. T. Lee:** Sir, I beg to second the motion.

Question put, and agreed to.  
Resolved,

That at its rising today the Senate shall stand adjourned *sine die*.

## EXEMPTED BUSINESS

(MOTION)

**Tan Sri T. H. Tan:** Mr President, Sir, I beg to move,

That, notwithstanding the provisions of Standing Order 11, the Senate shall not adjourn today until consideration of all Government business set out on the Order Paper for today has been completed.

**Dato' Y. T. Lee:** Sir, I beg to second the motion.

Question put, and agreed to.  
Resolved,

That, notwithstanding the provisions of Standing Order 11, the Senate shall not adjourn today until consideration of all Government business set out on the Order Paper for today has been completed.

## SUSPENSION OF SITTING

(MOTION)

**Tan Sri T. H. Tan:** Mr President, Sir, I beg to move,

That, notwithstanding the provisions of Standing Order 11(1), this sitting of the Senate shall now be suspended until 6 p.m. today.

Sir, I would like to explain that the purpose of the special meeting of the Senate today is to consider the Emergency (Federal Constitution and Constitution of Sarawak) Bill, 1966. However, this Bill has not yet been transmitted to the Senate by the House of Representatives. Hence the need to suspend the sitting until 6 p.m. today by which time it is hoped that the Bill concerned would have been passed by the House of Representatives.

**Dato' Y. T. Lee:** Sir, I beg to second the motion.

Question put, and agreed to.

Resolved,

That, notwithstanding the provisions of Standing Order 11 (1), this sitting of the Senate shall now be suspended until 6 p.m. today.

*Sitting suspended at 2.45 p.m.*

*Sitting resumed at 6.00 p.m.*

(Mr President in the Chair)

**Mr President:** Ahli<sup>2</sup> Yang Berhormat, ada-lah saya nyatakan Rang Undang<sup>2</sup> "the Emergency (Federal Constitution and Constitution of Sarawak) Bill, 1966" belum lagi di-luluskan oleh Dewan Ra'ayat. Dengan demikian saya tangguhkan meshuarat ini hingga pukul 7.00 petang hari ini.

*Sitting suspended at 6.05 p.m.*

*Sitting resumed at 7.00 p.m.*

(Mr President in the Chair)

**Mr President:** Ahli<sup>2</sup> Yang Berhormat, sa-kali lagi ada-lah saya nyatakan bahawa hingga masa ini, Rang Undang<sup>2</sup> "the Emergency (Federal Constitution and Constitution of Sarawak) Bill, 1966" belum lagi di-luluskan oleh Dewan Ra'ayat. Dengan demikian saya tangguhkan meshuarat ini hingga pukul 9.15 malam ini.

*Sitting suspended at 7.05 p.m.*

*Sitting resumed at 9.15 p.m.*

(Mr President in the Chair)

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES TO THE SENATE

**Mr President:** Ahli<sup>2</sup> Yang Berhormat telah di-ma'alumkan ia-itu saya telah

menerima satu perutusan daripada Dewan Ra'ayat. Sekarang saya jemput-lah Setia-usaha Dewan Negara membacakan perutusan itu.

*(The Clerk reads the Message)*

"Mr President,

The House of Representatives has passed the Bill to amend the Federal Constitution and to make provision with respect to certain constitutional matters in the State of Sarawak, consequent upon a Proclamation of Emergency having been issued and being in force in that State, and transmits it to the Senate for its concurrence.

*(Sgd.) DATO' C. M. YUSOF,  
Speaker."*

### BILLS

#### THE EMERGENCY (FEDERAL CONSTITUTION AND CONSTITU- TION OF SARAWAK) BILL

**Tan Sri T. H. Tan:** Mr President, Sir, I beg to move that the Emergency Federal Constitution and Constitution of Sarawak) Bill be read a second time.

**Dato' Y. T. Lee:** Mr President, Sir, I beg to second.

**The Minister of Land and Mines (Tuan Abdul Rahman bin Ya'kub):** Tuan Yang di-Pertua, Kerajaan telah meminta supaya di-adakan emergency meeting—persidangan tergepar Parlimen, Dewan Ra'ayat dan Dewan Negara, pada hari ini ia-lah supaya mengikut kemahuan Perlembagaan kita Fasal 150. Sa-bagaimana Yang Berhormat Senator<sup>2</sup> sakalian sedia ma'alum, beberapa hari yang lalu Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong telah mengishtiharkan keadaan dharurat atau emergency yang baru di-Sarawak, timbul daripada political crisis yang telah berlaku di-sana.

Tuan Yang di-Pertua, keadaan di-Sarawak dalam beberapa hari yang lalu, di-anggap oleh Kerajaan mengancam keselamatan dan keamanan di-dalam negeri itu. Oleh kerana itu Kerjaan Pusat, yang bertanggung jawab dalam masaalah keselamatan negara, akan chuai dalam tugas-nya, jika tidak mengambil langkah<sup>2</sup> yang segera untuk menjaga keselamatan dalam negeri itu.

Maka ini-lah sebab-nya Rang Undang<sup>2</sup> ini di-bentangkan untuk di-bahath di-dalam Dewan Negara pada hari ini.

Tuan Yang di-Pertua, crisis politik di-Sarawak berlaku mulai dari pertengahan bulan enam tahun ini. Pada masa itu 21 orang Ahli<sup>2</sup> Majlis Negeri Sarawak, atau pun Council Negri, telah meminta Ketua Menteri Sarawak meletakkan jawatan-nya sa-bagai Ketua Menteri Sarawak dan apabila beliau tidak mahu berbuat demikian maka sakalian ahli<sup>2</sup> ini telah menulis surat kepada Tuan Yang Terutama Governor Sarawak menerangkan bahawa semua 21 Ahli Council Negeri itu tidak lagi mempunyai kepercayaan kepada ketua Menteri ia-itu Dato' Stephen Kalong Ningkan. Bukan dengan chara surat sahaja, bahkan kesemua 21 orang itu sendiri telah pergi ka-Istana Kuching berjumpa Tuan Governor sendiri. Dengan ada-nya bukti bahawa Dato' Stephen Ningkan tidak lagi diperchayai oleh sa-golongan yang besar daripada Ahli<sup>2</sup> Council Negri di-Sarawak, maka Tuan Governor telah meminta Dato' Stephen Ningkan meletakkan jawatan-nya mengikut kehendak Perlembagaan Sarawak, Fasal 7, tetapi Ketua Menteri Sarawak enggan berbuat demikian dan oleh sebab itu Tuan Governor Sarawak telah memechat beliau daripada jawatan-nya.

Akhir-nya, Ketua Menteri Sarawak telah mengambil satu tindakan dan mengambil satu saman di-Mahkamah dan Mahkamah telah memberi keputusan pada 7hb September ini ia-itu Tuan Governor tidak mempunyai kuasa dibawah Perlembagaan Sarawak untuk memechat Ketua Menteri, dan Mahkamah juga memberi keputusan ia-itu chuma satu chara sahaja bagi Ahli<sup>2</sup> Council Negri Sarawak menentukan kehilangan kepercayaan mereka terhadap Dato' Stephen Kalong Ningkan ia-itu menerusi undi tidak perchaya di-dalam Council Negri.

Dari segi undang<sup>2</sup>, maka nyata-lah bahawa Dato' Stephen Nigkan ada-lah maseh lagi menjadi Ketua Menteri Sarawak, tetapi daripada kenyataan dari segi politik-nya tidak dapat dipaparkan bahawa 25 orang Ahli Council Negri Sarawak yang telah mengangkat sumpah, yang telah memberi tahu

Dato' Stephen Ningkan, yang telah memberitahu Tuan Yang Terutama Governor Sarawak yang mereka tidak lagi mempunyai kepercayaan kepada Dato' Stephen Kalong Ningkan, mereka ini telah juga meminta beberapa kali kepada Speaker dan Council Negri Sarawak dan kepada Ketua Menteri Sarawak, Dato' Stephen Kalong Ningkan sendiri, supaya di-adakan persidangan Council Negri Sarawak untuk menyelesaikan crisis politik yang telah berlaku, tetapi permohonan daripada wakil<sup>2</sup> ra'ayat ini telah ditolak oleh Dato' Stephen Kalong Ningkan dan Dato' Stephen Kalong Ningkan terus menjalankan tugas-nya sa-bagai Ketua Menteri Sarawak sunggoh pun sokong kepada beliau dalam Council Negri Chuma ada 7 orang sahaja, 6 daripada Sarawak National Party dan 1 daripada Parti Negara Sarawak.

Dengan hal yang demikian bererti-lah bahawa Dato' Stephen Kalong Ningkan tidak mengikut perinsip<sup>2</sup> demokrasi dan tidak patoh kepada kemahuan Perlembagaan. Jadi perasaan marah dan perasaan tidak puas hati di-kalangan wakil<sup>2</sup> ra'ayat yang mewakili sa-golongan besar ra'ayat<sup>2</sup> Sarawak berasa keadaan yang bagini tidak boleh terus lagi berjalan. Keadaan yang tegang telah timbul dan kita telah dengar dalam akhbar dan juga telah menerima report<sup>2</sup> daripada pehak yang berkenaan dari Kuching bahawa jika kita tidak mengambil tindakan segera untuk menjaga keselamatan dalam negeri Sarawak, harus keadaan negeri Sarawak itu yang ada tawarikh<sup>2</sup> yang begitu burok beberapa tahun dahulu, akan meletup dan perkara yang tidak kita ingini harus sa-kali lagi berlaku dalam negeri Sarawak.

Tujuan Rang Undang<sup>2</sup> yang di-hadapan Dewan Negara ini ia-lah untuk menentukan bahawa perinsip<sup>2</sup> demokrasi itu di-ikuti dan juga semangat Perlembagaan kita di-ikuti supaya Council Negri itu boleh bermeshuarat untuk menyelesaikan sengketa atau pun kerisis politik di-Sarawak. Terpulang kepada Council Negeri, mengikut Perlembagaan dan juga mengikut hujjah<sup>2</sup> loyar Dato' Ningkan

sendiri, menentukan siapa-kah yang patut menjadi Ketua Menteri di-Sarawak.

Di-dalam perbahathan dalam Dewan Ra'ayat pada hari ini tadi, Yang Berhormat Senator<sup>2</sup> sakalian telah hadir mendengar bahathan itu, telah mendengar hujjah<sup>2</sup> daripada pehak Pembangkang—SUPP, PPP, DAP dan lain<sup>2</sup> yang berkata bahawa tindakan Kerajaan Pusat ada-lah bertentangan dengan perinsip<sup>2</sup> demokrasi, ada-lah bertentangan dengan semangat pementahan demokrasi sa-chara Parlimen, tetapi kita mempunyai satu keadaan di-Sarawak di-mana sa-orang Ketua Menteri yang tahu diri-nya tidak lagi diperchayai oleh sa-golongan besar daripada Ahli<sup>2</sup> Council Negeri yang tidak mahu menyelesaikan sengketa itu menerusi Council Negeri, yang tidak pula menasihatkan Tuan Governor supaya membubarkan Council Negeri mengikut Fasal 7 dalam Perlembagaan Sarawak, yang terus mahu memerintah dalam Negeri Sarawak dengan tidak mengindahkan kemahuan wakil<sup>2</sup> ra'ayat daripada Sarawak. Ini-lah yang menyebabkan pertengahan politik berlaku di-Sarawak.

Sa-bagaimana yang di-nyatakan dengan jelas-nya di-dalam Explanatory Statement pada hujung Rang Undang<sup>2</sup> ini, langkah<sup>2</sup> yang di-ambil ini ia-lah sa-masa dharurat ini sahaja untuk menjaga keselamatan negeri Sarawak. Yang Berhormat Menteri Hal Ehwal Dalam Negeri telah menerangkan dengan jelas-nya dalam Dewan Ra'ayat tadi ia-itu untuk membolehkan pegawai<sup>2</sup> keselamatan kita di-Sarawak menjalankan tugas mereka dengan sempurna membersekan negeri itu daripada ancha-man<sup>2</sup> kominis di-Sarawak, mustahak sa-kali kita di-Sarawak mempunyai satu political stability, jika tidak maka susahlah mereka itu akan menjalankan tugas<sup>2</sup> mereka dengan sempurna. Political instability akan memberi kesempatan yang elok sa-kali bagi pehak<sup>2</sup> kominis—yang berazam hendak menghancurkan negeri Sarawak—menjalankan gerakan<sup>2</sup> subversive. Jadi untuk mengadakan political stability tidak lain, tidak ada jalan yang lain sa-lain daripada menyerahkan kepada Council Negeri Sarawak menentukan

dengan sa-berapa segera-nya siapa yang di-perchayai oleh golongan yang besar di-dalam Council Negeri Sarawak.

Rang Undang<sup>2</sup> ini menerangkan dengan jelas-nya ia-itu ini ada-lah satu langkah di-bawah Fasal 150 dalam Perlembagaan kita mengenai keadaan dharurat di-Sarawak. Kerajaan Pusat tidak berchadang, menerusi Rang Undang<sup>2</sup> ini, akan menggantung Perlembagaan Sarawak saperti yang telah ditudoh oleh beberapa orang dari kalangan pehak Pembangkang. Kerajaan Pusat juga tidak berniat, pada masa ini sa-kurang<sup>2</sup>-nya, hendak menggunakan kuat-kuasa di-bawah Article 150, Cheraian 4, yang mana memberi kuasa penoh ia-itu kuasa executive kepada Kerajaan Pusat untuk mentadbirkan negeri Sarawak dengan sa-chara "decree." Kerajaan Pusat chuma berchadang supaya wakil<sup>2</sup> ra'ayat Sarawak sendiri menyelesaikan kerisis itu. Ini-lah chadangan yang terkandung dalam Rang Undang<sup>2</sup> ini. Oleh kerana, sa-bagaimana yang saya telah katakan tadi, hampir<sup>2</sup> sakalian Yang Berhormat Senator<sup>2</sup> telah mendengar hujah<sup>2</sup> dalam Dewan Ra'ayat tadi daripada kenyataan Yang Amat Berhormat Timbalan Perdana Menteri dan Yang Berhormat Menteri Hal Ehwal Dalam Negeri, maka saya rasa tidak perlu lagi bagi saya memberi penjelasan yang lain daripada apa yang baharu saya katakan itu tadi. (*Tepok*).

**Wan Mustapha bin Haji Wan Ali:**

Mr President, Sir, I think the House will understand that we have been summoned to debate on a matter, which is a grave and serious one, and I wish I could hope that what I must say on the subject would be welcome to my Honourable friends in this House—at least, I am consoled at the start that my Honourable colleague on my right would support me.

Sir, I ask for your forbearance, and I make no claim on your patience, but there are things, which it is my duty to say tonight. Of course, at this juncture, I would like to make a slight observation: after having waited from 2.30 this afternoon, having come here again two or three times and after a good feed, my Honourable friend Tan

Sri Tan will not expect us to talk too much. But, as I say, we have to do our duty.

Sir, I have listened with utmost care to all that had been said in the Lower House this morning. I have gone through very carefully what had been reported in the papers, not only the Malaysian papers but also the East Asian papers as well as the United Kingdom papers.

I recollect having seen briefly the report of the *Manchester Guardian*, which is quite a respectable paper in the United Kingdom, and in its editorial it did comment about the crisis or the deadlock in Sarawak. Mr President, Sir, I am sure you are aware, and my Honourable friends are also aware, that we fight for justice, and we safeguard freedom. Whether we like the British or not, whether we like colonialism or not, we must admit that in the United Kingdom they always open their eyes, when there is a conflict between just and unjust. In that paper, because of the crisis in Sarawak, it is stated that if this is the case then that paper would welcome that Soekarno might as well walk in again.

We have also read the papers from Sabah. The *Sabah Tribune* stated, "This is a hot-bed"—*tempat tidor panas, sungguh pun dalam bahasa Melayu tidak ada tempat tidor panas, tetapi berma'ana* "This is a hot-bed."

Sir, I am sure my Honourable friends will agree that this is a very very serious Bill to be passed tonight. If it is not serious, why then should the Central Government, or the Federal Government, or the Alliance Government, take the trouble of calling back the five Ministers? They called back five Ministers, including the Assistant Minister, and even the acting Prime Minister, Tun Razak had to postpone his visit to the United Nations which was scheduled for to-day. From that, we can judge that this is a serious Bill.

The Central Government has to call all the Ministers back, because it expects that this Bill will be debated. In fact, the Central Government expects

a lot of pounding from the Opposition, and I am glad to hear from my colleague on my right that when the Dewan Ra'ayat concluded its Session this evening,—if I am wrong, then I must be forgiven—all the Opposition Members walked out when there was a division on this Bill. Here, Sir, I do not mind telling you a secret of the PMIP. We did have a secret meeting last night and we passed a resolution stating that this was an insult to democracy and that when a division should come, when the time arrived, then we would not only have to oppose but we would have to walk out. In fact, our leader would say, "Right turn, quick march out of the House." But, unfortunately, there were one or two members in the PMIP who would not go to that extreme, probably in respect to the Central Government.

Sir, I am sure everyone of my colleagues did receive a last minute telegram and when I first received the telegram in my office, it never struck me as important. In fact, with due respect, Dato' President, I thought it was not very important. It was only after 1.30 p.m. when I was coming down that I heard on the Radio that the reason why the telegram was sent was because Parliament had to have this emergency session to discuss the Sarawak crisis. Now, it may be asked, how is it that when I first received the telegram it never struck me in the least that we are going to discuss that—that we have been called here to discuss this crisis? The reason why it never struck me was because, I did not realise, and it was beyond my imagination, that Government was going to pass such a Bill which is to give absolute discretion to the Governor to dismiss the Chief Minister, or even to sack the Speaker if he would not obey his orders, and I am sure everyone, not only a lawyer but even a layman will understand how dangerous it is to give discretion to anybody. Even to give discretion to anyone is dangerous, what else to give *absolute discretion*? When we are giving absolute discretion, we are giving everything into his hand.

I would touch later on on what personality the Governor of Sarawak has, and I think I am proper to discuss his personality because he is our Governor, and I have met him and it was an honour to meet him. Where? In the court of justice in Kuching, where I had the honour of seeing our Governor in the court of Kuching. I would of course relate to this Honourable House what happened in that court and I am sure Nik Hassan will not object, he might not jump up to say that I am not relevant, because when we are discussing this Bill, we can discuss personalities, we can attack any personalities, including the Prime Minister down to the bottom—and here I do not mind saying that I am wondering why our Prime Minister has not come back.

Sir, I am sure this Bill is quite serious. We have listened to the Honourable Acting Prime Minister, when he introduced the Bill in the Lower House; we have listened to the replies; and we have also listened to my learned friend the Honourable Enche' Abdul-Rahman bin Ya'kub; and what is the pattern? All they say is that we have to pass this Bill, because there is an emergency in Sarawak and that if we do not pass this Bill, then the communists will run in—that is what the Governor is also saying. We have to pass this Bill; we have to forget democracy; and I am saying in this House that we have to discard democracy, just because we fear the communists might come in. However, I say, we do not fear the communists. If the Malaysians fear the communists, we might as well dig our own graves tonight. The Government has never feared the communists. It only says so on the pretext that this Bill should be passed, in order to give power to the Governor, so that he might sack Dato' Ningkan. Dato' Ningkan is not my brother, he is not even in my Party; but when a question of principle is at stake, then it is my duty to speak.

Mr President, Sir, we have heard what the Honourable Tun Razak has stated this morning, though I was not a Member of the Lower House; and it was rather regretful, if I may say so,

that I was not able to join in the debate in the lower House. I went there as a visitor and I expected the Government to inform the Lower House, and I expected the Government or Tun Razak to be himself here.

AN HONOURABLE MEMBER: He is here!

**Wan Mustapha bin Haji Wan Ali:**

Mr President, Sir, with due respect, I must really apologise, and I must apologise to Tun himself, but probably I just did not notice (*Interruption*). Since he is here, then, I would say that we, from the Opposition, expected that at least the Government should have explained the reason why this Bill had to be passed, should explain whether it would be legal, should explain that by the passing of this Bill we would not break the Constitution, we would not break the convention. All that was stated was, "We have to pass this Bill because of the crisis in Sarawak", and the crisis was emphasised in fact on security—not political crisis, and I did not know whether it was deliberate but in any case the Honourable Acting Prime Minister just took a matter of half an hour to open the case for the Government; and within that half an hour all the emphasis was "This is an emergency; the Agong has passed a Proclamation; therefore, they have acted under Article 150 of the Constitution."

Mr President, Sir, the Bill which is before us, if I may be allowed to read the Bill, says:

"Whereas a Proclamation of Emergency has on the fourteenth day of September, 1966 been issued by the Yang di-Pertuan Agong in respect of a grave emergency which the Yang di-Pertuan Agong is satisfied exists in the State of Sarawak."

I would emphasise on two words there. In fact I have underlined in red these two words, and one of them is "grave". Are we going to believe that there is a *grave* emergency in Sarawak now? Article 150 can only allow the Government to pass this Proclamation of emergency when there is a *grave* emergency. If there is an emergency, without the word "grave", then the Government is not empowered to pass it, but are we going to believe that at this moment, at this hour, at this

second, at this minute, there is a *grave* emergency in Sarawak? I would definitely say that there is no grave emergency, because when the case of Dato' Kalong Ningkan was tried, when Dato' Kalong Ningkan sued our Governor—we do not mind; from the P.M.I.P. we might accept him as our Governor—when Dato' Kalong Ningkan took the case to the Court against the Governor of Sarawak and the Chief Minister, Tawi Sli, I happened to be in Kuching. I hope Tun (Dr) Ismail—he is not here. . . . .

HONOURABLE SENATORS: He is here!

**Wan Mustapha bin Haji Wan Ali:** Well, I see that he is here. (*Laughter*). I hope my Honourable friend—I might call him as my friend though he is a Minister, of course—will not become suspicious, when I say that I was in Kuching when Dato' Ningkan's case was tried, because I did not go there just for the sake of hearing the case—and I hope the Government will not accuse me of going to Kuching probably to make love to the communists. I happened to be in Kuching two days before the trial to see a certain Queen's Counsel, and I think that it is not necessary for me to disclose why. . . . .

AN HONOURABLE SENATOR: Guilty conscience!

**Wan Mustapha bin Haji Wan Ali:** It is not guilty conscience. In fact, I went there as a lawyer, not as a politician. So, Tun (Dr) Ismail can rest assured, can sleep peacefully, that Wan Mustapha did not go there to create havoc. I happened to be there and I took the opportunity of hearing this case—and it was rather regretful that the Governor was not there. I am not going to describe what happened during that trial, but before the trial I could predict that the Government was going to lose the case. It was rather unfortunate that the Central Government had not engaged me. (*Laughter*). I mean, even if the Central Government had wanted to engage me for the Governor, I would have refused, because I know that it was going to lose the case, because everything contravened the Constitution. It is quite

clear in the Sarawak Constitution that the Governor cannot dismiss the Chief Minister—he could dismiss the other Ministers or the other Members of the Supreme Council at pleasure but not the Chief Minister.

In this particular case, Mr President, Sir, I thought that it was rather a bad move on the part of the Central Government to advise the Governor—pity that old man—to dismiss Dato' Kalong Ningkan. If you play chess, you can know which way you are going to move. Probably, it might be some bright-eyed boy who advised the Cabinet. During the reply by the Acting Prime Minister, he did admit that he had consulted somebody. I heard him say, during his reply in the Lower House. "As far as I know, I have been advised that Article 150 could override the general provisions of the Law". I do not know whether the Attorney-General had advised the Cabinet or whether the Cabinet had been advised by some other third parties; I can say categorically that—Article 150, under which the Government thought that it has got the power to pass this Bill—it would be illegal. Of course, in the Lower House there was an assumption that it might be challengeable. Somebody stated in the Lower House that probably this Bill might not be valid, but I say now that this Bill, if it were to be passed now, might not be legal.

Let us see. A few days before we meet today, Dato' Kalong Ningkan did officially went to see the Governor to ask for a general election—and we knew before that he did ask the Governor to hold an election. We started thinking why was it that a few days before he did go to see the Governor to ask for a general election? There is a reason behind it which I do not know. He might have a very good Queen's Counsel advising him, but the fact is that he did ask for a general election which he is entitled to. I am going to quote authorities for that after this.

I have authorities before me which say that the Chief Minister—the position of the Chief Minister is equivalent to that of the Prime Minister—

has got the right to ask the Governor for a general election. It was argued by the Government that if the Chief Minister had lost the confidence of the Council Negri, then he got to resign. Even then, that is misleading. I am going to say, supported by authorities, that even if the Chief Minister has lost the confidence of the Council Negri, it is not a "must" for him to resign, because he is entitled to ask for a dissolution and he is entitled to ask for a general election. It is customary for every Chief Minister to ask for a general election, and it is customary for the Head of the State to grant it. I think before I stray from my argument, I might as well quote the authorities on which I say why it is possible.

I would quote from "Our Parliament", which is written by Mr Gordon and on page 26 it says:

"The second prime function of the sovereign is to grant or refuse the Prime Minister's requests for a dissolution of the Parliament. There is latent prerogative power in the Crown to insist upon a dissolution if it appeared, for instance, that the Ministry or House of Commons no longer represented the wishes of the people; but in almost every conceivable case she ought as usual to act upon the advice of her Ministers—here of the Chief Minister. It has been stated that it has become customary for the Sovereign to grant one dissolution to every Prime Minister. If thereafter, however, it seemed that the request was being improperly made as, for instance, if the Prime Minister had differed from the majority of the Cabinet, then she might refuse".

The only occasion where a sovereign can refuse a dissolution is, to quote a very easy example, the position in Malaysia now. We know, with regret, that the Government has got a very vast majority in both Houses of Parliament. We admit that the Alliance is very strong. It has got a two-third majority. Assuming that now the Members in both Houses dislike our Tunku they prefer Tun Abdul Razak, and every time the Prime Minister comes to the House of Parliament to pass a certain resolution he is defeated—whereas in actual fact the Alliance Government has got more than two-third majority. The result would be that no business can be done, and so the Prime Minister, our Tunku

Abdul Rahman—the beloved Tunku Abdul Rahman—you might insist me to say that—goes to the Yang di-Pertuan Agong and says, "Your Majesty, I would request for a dissolution." Then, that is the only occasion, where the Yang di-Pertuan Agong can say, "This is a party squabble. I know very well that your Party.....".

**Tuan Yeoh Kian Teik:** Mr President, Sir, is it not the case of Sarawak where the Chief Minister has lost the confidence of the people?

**Wan Mustapha bin Haji Wan Ali:** Mr President, Sir, I do not think I need reply to that, and I do not know under what Standing Order my Honourable colleague is asking that.

**Tuan Yeoh Kian Teik:** On a point of clarification.

**Wan Mustapha bin Haji Wan Ali:** Is it not a point of interruption? Mr President, Sir, if my Honourable friend had listened to my argument minutely—if not minutely, at least casually—he would have seen what I was driving at, because my argument was about the Chief Minister. Probably, my Honourable friend asked me to clarify, why we are referring to the Prime Minister, whereas the Bill is connected with the Chief Minister. Earlier I have stated that the position of the Chief Minister or status is equivalent to the dignity of the Menteri Besar or the Prime Minister. It is a question of division. If you look up the Constitution—the wording of the Constitution about dissolution regarding the request for dissolution and dismissal of the Prime Minister—every word fits in with the State Constitution. In fact, at this juncture, I might as well refer to the section regarding dismissal. Under Article 43 of the Malaysian Constitution, it says here:

"If the Prime Minister ceases to command the confidence of the majority of the Members of the House of Representatives, then, unless at his request the Yang di-Pertuan Agong dissolves Parliament, the Prime Minister shall tender the resignation of the Cabinet".

and every word is the same with the State Constitution, for instance of Kelantan, Trengganu, or Sarawak. For

instance, in the Kelantan State Constitution, which is found under Article 16 (6), every word is the same, except for the words, "if the Prime Minister" we have the words "if the Menteri Besar", and then we have the other words "ceases to command the confidence of the majority of the Members of the House of Assembly, then, unless at his request....."—for instance, if it is the State Constitution—"then, unless at his request the Sultan dissolves Assembly". And in the case of Sarawak, "then, unless at the Chief Minister's request then the Governor shall dissolve Assembly". So, in this case, if the ruling party has got a very big majority, has the confidence of the electorate, then if the Members in the House themselves would not agree and they would prefer to have another leader, for instance—with due respect to our Prime Minister, I am just quoting an example so that we could understand it easily—if our Tunku asks the Agong to dissolve Parliament because he finds that he has no confidence in the Members here—the Alliance Party, which has got the majority—then the Agong is entitled to refuse and that is where this question lies, because Article 43 is subjected to Article 40, regarding discretion—Article 40 (2) says:

"The Yang di-Pertuan Agong may act in his discretion in the performance of the following functions, that is to say—the withholding of consent to a request for the dissolution of Parliament".

That discretion, Sir, must be judicially exercised. Just because it is written in the Constitution, "The Yang di-Pertuan Agong may act in his discretion", or if it is written in the Sarawak Constitution, "The Governor may act in his discretion", it does not mean that the Governor can do whatever he likes, forgetting any convention, whether it would contravene any written law, any rule of law. I am saying that when discretion is given to the monarch then he or she must exercise it properly. For instance, when Tunku Abdul Rahman, if he is not popular in the House, asks for a dissolution, then the Agong might have cause to refuse, but not in any

other instance, because it says here, "Similarly, she might refuse to give a contingent assurance to create the necessary Peers....." in the United Kingdom in those days, the Queen was entitled to create Peers just to get the vote through. "But it must be emphasised that the Sovereign ....."—in this case if it happens to Malaysia, the Agong, and if it happens to Sarawak, the Governor—"could only take these steps in the most exceptional circumstances, since an alternative Prime Minister must be at hand.....". In other words, in this case, the Agong can exercise discretion in the most exceptional circumstances. For instance, if the Agong thinks that our Tun Razak is quite a capable man and he would command the majority in the House, but not in this case.

**Dato' Dr Cheah Toon Lok:** Mr President, Sir, on a point of clarification of the law. Article 43, section (2) (a) says, "in his judgment"; in the judgment of the Agong, not in his discretion. He must judge the thing properly. It is different from the English law.

**Wan Mustapha bin Haji Wan Ali:** Can I know which Article you are referring to?

**Dato' Dr Cheah Toon Lok:** Article 43, section (2) (a).

**Wan Mustapha bin Haji Wan Ali:** Well, I think I better read the whole sentence in context so that you know what it is all about. It says "The Yang di-Pertuan Agong shall appoint a Juma'ah Menteri to advise him in the exercise of his functions. The Cabinet shall be appointed as follows—that is to say (43) (2) (a), which you are referring to—

"the Yang di-Pertuan Agong shall first appoint as Perdana Menteri to preside over the Cabinet a member of the House of Representatives who in his judgment is likely to command the confidence of the majority ....."

That, Sir, says that after the election then the Yang di-Pertuan Agong will appoint Mr A—anybody that he thinks will command the majority. But once he is appointed then he has no right to dismiss him. There is the difference.

The one that I was arguing was different. Sub-section (4) says "If the Prime Minister....." in other words, this is the man that the Yang di-Pertuan Agong thinks would command the confidence of the majority, then he appoints Mr A—that is under Article 43 (2) (a). Now he is Prime Minister, then Article 43, sub-section (4) comes in—"If the Prime Minister ceases to command the confidence of the majority.....".

**Dato' Dr Cheah Toon Lok:** Another point of clarification, Sir, he does not command. He is no longer in command of the confidence. That is why he is no longer appointed a Prime Minister. (*Laughter*)

**Wan Mutapha bin Haji Wan Ali:** Even if it is stated, "ceases to command" under subsection (4). Here you say, "If the Prime Minister ceases to command the confidence of the majority of the members of the House of Representatives," then there is a word there—"then, unless at his request....." in other words, then, unless at his request—"his request" means the Prime Minister's. If the Prime Minister does not care less, he won't ask for a dissolution, then, of course, he must resign. But if he insists on a dissolution, because it says here, "then if the Prime Minister ceases to command"; now he ceases to command the confidence of the majority of the Members in both Houses, then, unless at his request—the Prime Minister's request—the Yang di-Pertuan Agong dissolves Parliament. If he does not make that request, then the Prime Minister shall tender the resignation. If he makes a request for a dissolution, then the monarch must grant the dissolution, and I quoted this authority which stated, "that it has been stated that it has become customary for the Sovereign to grant one dissolution to every Prime Minister"—it means to grant the request of the Prime Minister. So, in this case in respect of Dato' Ningkan, it would be customary for the Governor to grant that request to the Chief Minister, Dato' Ningkan. The question as to whether we like Dato'

Ningkan or not is immaterial. I mean, if we start thinking that Dato' Ningkan is not in our Party, he is an enemy of the State.

**Dato' Foo See Moi:** Sir, I rise on a point of clarification. I think that question does not arise, because this procedure has never been taken, because a vote of no confidence has got to be held in the State Assembly. This has not been done, and this amendment will enable that to be done. I think the speaker is putting the cart before the horse.

**Wan Mustapha bin Haji Wan Ali:** Well, first I must say that what I have been saying is most relevant, and if my Honourable friend Dato' Foo See Moi thinks that it does not arise, of course.....

**Dato' Foo See Moi:** Well, I said, "not at this moment." It does not arise at this moment. We discuss that after the vote of no confidence or confidence.

**Wan Mustapha bin Haji Wan Ali:** Well, I know. But I am attacking this Bill now. (*Laughter*). I am giving my argument why this Bill should not be accepted, and I would be the last to approve this Bill. The reason why this Bill should not be approved is because Dato' Kalong Ningkan had requested the Governor to have a general election which had been refused.

**Dato' Foo See Moi:** On a point of order, Sir, I said it was still not up to the time, because Dato' Kalong Ningkan had not been voted out of the Assembly and then he made a request. He made a request before he was voted out—and he refused to call a meeting of the State Assembly to do that.

**Wan Mustapha bin Haji Wan Ali:** But he has not been voted out, Mr President.

**Dato' Foo See Moi:** This amendment is just to enable them to call an Assembly meeting.....

**Wan Mustapha bin Haji Wan Ali:** But the Central Government wanted him to call the Assembly.

**Dato' Foo See Moi:** . . . to ascertain the vote of confidence. There is nothing to say to vote him out or not—he may be voted in.

**Wan Mustapha bin Haji Wan Ali:** Mr President, if we are going to talk about “time has not arisen”, and if the time has not arisen, then why pass this Bill? As it is, at this very particular moment, constitutionally, legally and everything, Dato' Ningkan is still the Chief Minister, because under the provision of the Sarawak Constitution it was even stated—it must be admitted by the Government too—that the Chief Minister must hold a meeting within six months. That must be admitted by the Government side; even it is written in our Malaysian Constitution, and even in the State Constitution. In other words, I mean, the Chief Minister, or the Speaker, is not entitled to go to sleep without calling any meeting for more than six months. In this case, then, if the last Council Negri meeting in Sarawak was held three months ago, then within the next three months he must hold another meeting. If he failed to convene this meeting within the next three months and the six-month period lapses, then he would be going against the Constitution. You are arguing that the time has not come yet. Well, if I am going to defend Dato' Ningkan, then I say the time has not come yet, because he has got three months more under the Constitution to be the Chief Minister, and I would go so far as to say, because of the convention, that it is customary for the Sovereign to grant to the Prime Minister at least one dissolution, that even if you call a meeting of the Council Negri now and Ningkan is defeated, he is still entitled to ask for a general election. That is why I say, “It has been stated that it has become customary for the Sovereign to grant one dissolution to every Prime Minister.” The fact that you are defeated in the House does not mean you are no more the Prime Minister. Assuming Tunku Abdul Rahman is defeated tonight, if he were to be here, it does not mean that tomorrow morning he is no more the Prime Minister.

He is still the Prime Minister and he is entitled to go and see the Agong and demand that right to have a general election. For that I would quote another authority, on page (*Pause*) Mr President, Sir, that is the trouble with these interruption (*Laughter*). I think they are doing it deliberately.

Mr President, Sir, the reason given by the Government, and I do remember it as it has been emphasised, is that at this present moment Dato' Ningkan has lost the confidence of the Council Negri, because they have an affidavit to this effect—it is immaterial whether 23 or 25 people have signed it. There are 42 members in the Council Negri, and I think they say that 25 people, which number is more than half, have signed the affidavit to say that they have lost confidence in Kalong Ningkan. Sir, an affidavit is a sworn document. So, it must be accepted as true. But we have heard the very issue debated in the law courts in Kuching. Chief Justice Harley has stated that it must be decided in the House itself. Even the letter which was sent before Ningkan was sacked, the letter which was sent by the Governor to Ningkan to resign, even if it had been signed by the 25 members, it was no good. Probably, the Government might say, “Well, before the case it was just a piece of paper with signatures. Now, we have 25 signatures sworn before a magistrate.” My submission is that whether it was in the form of a letter, whether it was in the form of a list, whether it was in the form of an affidavit, or whether it was sworn in the temple or in the mosque, it is immaterial—it must be in the Dewan itself. There is an authority to say that you must vote against the Chief Minister in the Assembly itself. Just imagine what would happen, if you are going to accept the argument by the Government side that 25 persons, more than half the members, have signed an affidavit. What happens tomorrow, if I manage by unscrupulous means to have more than half the Members of this House, or the Dewan Ra'ayat, to vote against the Prime Minister? Where do I go? Can I go to the Agong and say, “My dear

Agong. (*Laughter*) I have a list here, a sworn affidavit, to say that more than half of the Members of Dewan Ra'ayat, or the Senate, have no confidence in our Prime Minister, Tunku Abdul Rahman"? Will the Agong pass a Bill of this kind? I would like to know. Can, for that matter, in Trengganu, which was once controlled by the Pan-Malayan Islamic Party and in which the PMIP at present is quite strong, the PMIP people bring an affidavit to go and see the Sultan of Trengganu and say, "Here is an affidavit to say that the present Menteri Besar of Trengganu has lost the confidence of the Dewan Negri? Will the Trengganu Sultan ask the present Menteri Besar of Trengganu, who is an Alliance man, to resign? Certainly not. If you are going to create this precedent, then we can amend the Constitution. Well, we can argue on that.

The reason why I stress that it is impossible is because I have got an authority, i.e. *Halsbury Laws of England*, which says that it must be debated in the House itself. That is *Halsbury Laws of England* on Constitutional Law, Third Edition, Volume 7, on page 362. I mention, again, page 362, because no one has mentioned in the Lower House what the position is. Here it says, "Under the modern usage, the exercise of the power of dismissal is unlikely to be required." This is under the subhead of "Dismissal of Ministers, Dissolution of the Ministry" in *Halsbury Laws of England*. It says here, "An adverse vote in the House of Commons on a question of confidence would be followed by resignation." It says, "An adverse vote in the House of Commons. . . ."; it does not mean if the Prime Minister has lost the confidence of the House. It says, "An adverse vote." First you must vote, and you cannot vote in the market, you cannot vote inside the lounge, but you must vote in the House itself—"An adverse vote in the House of Commons on a question of confidence would be followed by resignation of the Ministry, or an appeal to the electorate by dissolution." That is the right of the Prime Minister, whoever it is, to ask the monarch to grant a dissolution.

This is an authority who says it must be voted on here (in the Dewan), and that was ruled by the High Court in Kuching, which is our Judge and which is our Court also; that is to say that he must be destroyed, or you might kill Ningkan, but he must be killed in the Chambers and not on the streets or in the market (*Laughter*).

I say the reason why the Government is taking this action is that, perhaps, our Ministers have been prejudiced: they have been prejudiced by the Governor himself; they have been prejudiced by Penghulu Tawi Sli. I would say that, because both of them have an interest in the matter, as both of them have lost their case against Dato' Ningkan. I would say that the Governor has great prejudice—I mean, if I were the Governor, I would do everything to influence Tun Razak, to influence the Prime Minister, and to influence everybody to "fire" Dato' Ningkan, because I know I have lost the case against him and under the Constitution I know that if Dato' Ningkan is in power and if he obtains a two-thirds majority, he can sack me. Under the Sarawak Constitution, if Dato' Ningkan manages to get two-thirds majority in the Dewan Negri, then he can "fire" the Governor. With that in mind, of course, he will say that there is a crisis, there is political deadlock, there is emergency, there are Communists, and there are disturbances in Kuching. I was in Kuching recently. There was nothing there. In fact, if there had been tension, we would expect it during the trial of Dato' Ningkan's suit against the Governor. We could have felt the tension in the court. As it is, there was no tension at all. There was not a single policeman outside the court house, and I was able to walk the whole of Kuching town without any guide—alone.

It is fortunate, Mr President, that I have here with me a text book on the Indian Constitutional law by Tharافت Jaya, and we know very well that our Constitution is mostly based on the Indian Constitution. On this the very question that we have been asking, on that topic of dissolution—here it is the Lokh Sabah which is the House of

Representatives, and as we are discussing about Sarawak, just omit Lokh Sabah and replace it with Council Negeri—it says here,

“When, on what consideration and under what circumstances can the Lokh Sabah be dissolved, that Constitution is silent on this point and lays down no rules pertaining to this matter. It appears that the framers of the Constitution thought it better to leave the matters open without laying down any rigid rule, so that as and when the question arises it might be decided in accordance with the Constitutional convention prevailing in countries with a parliamentary form of Government and the necessities of the situation. In the United States, the House of Representatives is not subject to dissolution. Guidance may, however, be sought on this point from England where also the Crown can dissolve the House of Commons. The position in England in this respect is not entirely free from doubt but nevertheless, on the basis of the Constitutional precedent there some general proposition may be stated which may be expected to be followed in India. The President will not dissolve the House on his own initiative.”

The President here is equivalent to the Governor or the Agong. I emphasise, “The President will not dissolve the House on his own initiative unless advised to do so by the Prime Minister”—if it is in Sarawak then by the Chief Minister, if it is Trengganu or any Malay State, then by the Menteri Besar.

“This is in accordance with the general principle of responsible government according to which the presidents function on the advice of the Prime Minister. It is to be noted that in England the decision to dissolve the House is taken by the Prime Minister himself and not by the Cabinet. In England, the question of dissolution is taken by the Prime Minister himself and not by the Cabinet.”

Perhaps, the same convention will be followed in India and perhaps, and I think, the same convention should be followed here in Malaysia, if we are going to practise democracy.

“If the Prime Minister and his Council of Ministers enjoy the confidence of the House, the President will be bound to dissolve the House, when so advised by the Prime Minister. This may be done to afford the ruling party an opportunity to seek a mandate from the electorate on some important matter of policy on which it proposes to embark or to afford the party an opportunity to go to the electorate at a time most suitable to them politically and when it stopped with the Electorate is high without waiting for the afflux of the normal period of five years.”

And that was the reason why the Labour Party recently, we have heard, well, asked for a general election, because they have a small margin and the Queen was bound to grant that.

“That happens in England usually. The House of Commons is dissolved some time in the fifth year. A Prime Minister will necessarily choose the moment.”

It says here that the Prime Minister, for that matter the Chief Minister, for that matter the Menteri Besar:

“A Prime Minister will necessarily choose the moment for dissolution most favourable to his own party.”

And can we blame Dato' Ningkan if he thinks that this is not the right time for him to have an election? He has got every right to say, “make hay while the sun shines” and wait for the next two or three months, because that was within his legal limit.

“A dissolution may also be resorted to when the party position in the House is rather balanced, and the ruling party has a very slender majority in the House, which makes it difficult for it to have the legislation if it thinks it important.”

Now, this is the argument, if you argue that he has lost confidence and he should resign. How is it that here it is stated “A dissolution may also be resorted to when the party position in the House is rather balanced, and the ruling party has a very slender majority in the House which makes it difficult for it to have the legislation.”? In other words, even if it is difficult for the ruling party, for instance in Sarawak, now to make legislation, still the Government is entitled to ask for that.

“If defeated in the House, the Ministry may legitimately appeal to the electorate”—and I would repeat again, if defeated in the House, if defeated in the Council Negeri, the Ministry, that is the Supreme Council, may legitimately appeal to the electorate to seek an endorsement for its policies. In other words, the ruling party, even though defeated, can still appeal to the electorate. This means that there must be an election, because you cannot appeal to the electorate, if we do not grant an election. It is written here, “To achieve this end the defeated Prime Minister may advise the President to dissolve

the House." I know you are going to pass this Bill whatever the Opposition say, but even if you pass it and later on, probably in the next seven days, according to Temenggong Jugah, Ningkan is defeated, then you have this: "To achieve this end the defeated Prime Minister may advise the President to dissolve the House"—and that is the reason why I say he must be so advised. I am sure Ningkan must have something behind him—even now when he is not yet defeated he has seen the Governor formally to ask for a dissolution, and we cannot deny that because he has got all the evidence. It has been transmitted over the radio; it has been shown on the T.V. that he has seen the Governor; and it has been reported. The Central Government cannot deny that. He has got ample evidence to say that he did ask for a dissolution and I am not surprised that after this Ningkan might start a case against the Central Government—and I am not surprised if he wins again. If we lose this time, I do not know what is going to happen. If I had been on your side, I would resign as a member. Fortunately, of course, I am on this side, and I would emphasise, Mr President, Sir, this point, "To achieve this end the defeated Prime Minister may advise the President to dissolve the House, "and it will not only be constitutional but rather *obligatory* on the President to dissolve. It says here, "it is not only constitutional but it is most *obligatory* on the part of the President"—in this case, on the part of the Governor to dissolve; and this morning we have been hearing that we are acting constitutionally, but I am afraid that whatever it is in respect of this Bill we have wrongly been advised. I do not know whether the Attorney-General advised the Cabinet so, because we have got all the authorities which are against us.

I am not speaking here as a member of the PMIP but as a member of this Honourable House. I am not fighting for Ningkan, I am fighting for democratic rights. It was argued this morning that Ningkan's party is very small, and since Ningkan has no major-

ity in the House, even though Council Negri has not met and he has not been defeated in the House itself—we know, all the world and his wife know that his party is very small—then he should resign. That was the argument, but nevertheless, he is still the Chief Minister, and there is a parallel case here—it is the case of Kerala.

Mr President, Sir, it says here—*(Interruption)*.

"Under the Indian Constitution, Article 356 has been invoked by the Central Government five times—that was in Punjab. In the first four cases, the Central intervention took place because of the Ministerial crisis in the State. The existing Ministry had either resigned or was defeated in the Legislature and that was the occasion where the Central Government stepped in what we are doing now, but in that case they had been defeated in the Legislature—"and the Ministry voluntarily resigned" and the circumstances were such that an alternative Ministry was not in sight. The Central Government therefore took over the State, the State Administration, carried it through the Governor, dissolved the State Legislature and had fresh election leading to an entirely different administration. In Kerala, the situation was entirely different. There was a communist Ministry in office commanding a small majority in the State Assembly. There was a widespread discontent throughout the State against the policies of the Ministry being communist."

But in this case, Ningkan was not a communist. I remember that his brother was shot by the communists. Even a public agitation was set afoot against it—

"Law and order situation in the State practically broke down and there was every indication that the agitation might take a violent turn. In the circumstances, on the receipt of Governor's report, the Central Government invoked Section 356, dismissed the State Ministry, dissolved the State Legislature and proceeded to make arrangements to hold fresh elections to the State Legislature."

Nevertheless, they held fresh elections, and they just did not dismiss. But, here, we are dismissing the Chief Minister. In that case, there were about 80 members who were members of the communist party and it was a coalition Government.

The reason, Mr President, why I am going to oppose this Bill is this. We realise that the Government derives

the power to pass this Bill under Article 150 of the Constitution which reads:

"If the Yang di-Pertuan Agong is satisfied that a grave emergency exists whereby the security of the economic life of the Federation or any part thereof is threatened....."

I am not satisfied from what has been stated that there is a grave security risk at the present time. According to this Article, the Agong must be satisfied, and the Agong could not have been satisfied, because, from what I learnt from the Acting Prime Minister himself, this declaration was signed in Trengganu and it was signed probably on Thursday. Whatever it is, it seems that the Central Government has thought that by Article 150 it has got the power to pass this Bill, in order to dismiss the Chief Minister and also if the Speaker will not carry out the instruction from the Governor, then, of course, another Speaker can be appointed—that, of course, contravenes the whole concept of democracy, and it contravenes the whole of Sarawak Constitution. Section (4) of Article 150 reads:

"While a Proclamation of Emergency is in force the executive authority of the Federation shall, notwithstanding anything in this Constitution, extend to any matter within the legislative authority of a State and to the giving of directions to the Government of a State or to any officer or authority thereof."

Even in section (4) of Article 150, there are phrases, there are wordings, to say that the executive authority of the Central Government shall, because of the emergency, notwithstanding anything in this Constitution, extend to any matter within the legislative authority of a State and to giving directions to the Government. I mean that the words "giving directions to the Government" mean that if there is an emergency, then under this Article the Central Government can come in and give directions to the Government notwithstanding that it contravenes the Constitution. The fact that it is stated "giving of directions to the Government", means that you are not entitled to dismiss the Government because, if you dismiss the Government, then to

whom are you going to give the directions? In my argument, I feel that this Article 150, when there is an emergency, only gives power to the Central Government to give directions for the purpose of emergency in order to safeguard the security. For instance, the Central Government can say, "Because we have got to send soldiers to Kuching, it will not be necessary for them to have any lodging and boarding because there is an emergency and the purpose is to safeguard the security." In this section (4) it is stated "..... any matter within the legislative authority of a State and to the giving of directions to the Government.....", but it does not mean that you can give whatever direction you like. It might be argued so in that case.

Under Article 150, if it is going to be argued that just all the Central Government has got to do is to pass a proclamation of emergency and after that then it can give directions to the Government, even if it conflicts with the State Constitution, I would like to say that it does not mean that just because of that emergency you can even sack the Chief Minister. If you can sack the Chief Minister, and if you have got all the powers under Article 150 to do so, then you might as well say that you can amend the Malay States Constitution, for example, the Constitution of Selangor. The Central Government might as well say, "Because of this emergency, we are going to amend the Constitution of the State of Selangor; we are going to replace the Sultan; and we are going to replace the Menteri Besar."

Sir, there is a rule, which I am sure the Acting Prime Minister, who is also a lawyer, knows, and that is the "rule of construction". In other words, you have got to read the intention of the Legislature—as to what is the intention—when they say that when there is an emergency the Central Government can give certain powers. It says here, and this is called the "rule of construction", meaning of the same kind: "This rule of construction applies where there is a particular description of properties, sufficient to

identify what was intended followed by some general or omnibus description." In other words, we have got to interpret which is the intention of Article 150 to give power to the Central Government to interfere in the State Constitution. Article 150 (1) says under "Proclamation of Emergency," "If the Yang di-Pertuan Agong is satisfied that a grave emergency exists whereby the security or economic life of the Federation or of any part thereof is threatened," then the Central Government can step in. Even then, her power is limited. Her power will not go to the extent of sacking the Chief Minister. Her power will not go to the extent of giving discretionary power, absolute discretion, to the Governor. Her power is only limited to do whatever is fit in order to have a peaceful state. That is why we have the rule of construction, meaning of the same kind. It must be of the same kind and applies where there is a particular description of properties sufficient to identify what was intended. In other words, it must be confined to the same class. Here, the same class means that it must be something to do with security, it being assumed that the general words were only intended to guard against some accidental omission. It is a general rule of construction that where a particular class is spoken of and general words follow, the class first mentioned is to be taken as the most comprehensive, and the general words treated as referring to the matters used generally with such class. There are, said Lord Elsie, two rules of construction now firmly established as part of our law. One is that words however general may be limited in respect to the subject matter in relation to which.....

**Dato' Foo See Moi:** Mr President, Sir, I would like to know whether the point raised by our speaker just now is relevant to the debate on the Bill. I think that time is getting short and some other Member should be allowed a chance to speak.

**Wan Mus'apha bin Haji Wan Ali:** Sir, I say that it is most relevant, because my argument is that this Bill cannot be passed even if there is an

emergency, even if there is a slight security risk in Sarawak at this minute. You cannot pass a Bill to dismiss a Chief Minister because this is.....

**Dato' Foo See Moi:** Sir, I think this Bill is not designed to dismiss the Chief Minister. It is just to empower the Governor to call a meeting because there is no provision in the Sarawak Constitution.

**Wan Mustapha bin Haji Wan Ali:** You have been complaining about time factor and I have to cut short my speech. When I say that it is intended to dismiss the Chief Minister it is because we know, we are quite aware, that the intention of this Bill is to give power to the Governor to dismiss the Chief Minister.

**Dato' Foo See Moi:** I am sorry, Sir, I think that is not the intention of the Bill. The Bill is to empower the Governor to summon a meeting of the State Assembly to ascertain whether the Minister is still enjoying the confidence or not of the majority.

**Wan Mustapha bin Haji Wan Ali:** We all know very well, of course, that—I don't know by calculation or by what—that you probably have 25 members, and that is tantamount to dismissing the Chief Minister.

**Dato' Foo See Moi:** No. That is not until the State Assembly meets.

**Wan Mustapha bin Haji Wan Ali:** Yes, I know, but I can presume that.....

**Dato' Foo See Moi:** You cannot go on presumption.

**Wan Mustapha bin Haji Wan Ali:** Mr President, Sir, I propose not to take much of the House's time. However, I would continue on this point, and I still say it again that we have not got the power under Article 150 to pass this kind of Bill, because the Bill that we are passing now has nothing to do with the protection of life; it has nothing to do with security; it is just a question of a political move, because Article 150 clearly states that this proclamation is made when there is any emergency. Assuming that there is any emergency, but still we have not got the power.....

**Dato' Athi Nahappan:** Mr President, Sir, the Honourable Member is indulging in tedious repetition. I refer to Standing Order 43, which says, "The Chair, after having called the attention of the Senate, or of the Committee, to the conduct of the Senator who persists in irrelevance, or in tedious repetition"—and just a moment ago, the Honourable Member said, "I say it again" and then he referred to the Article 150 of the Constitution. I think I have heard and Honourable Members here have heard not less than about half a dozen times "Article 150", and this tedious repetition does not help the House since, I think, he has already made the point he wants to make. Therefore, I should seek a ruling from the Chair under Order 43, Sir.

**Wan Mustapha bin Haji Wan Ali:** Sir, before you give a ruling, may I be allowed or permitted to reply? It was not my intention to repeat but, Mr President, Sir, I was interrupted; and in respect of what I have stated, for instance, my Honourable friend had been asking whether it was relevant or not. As a result, I have got to repeat it again, to emphasise it, to make it clear.

**Mr President:** But you have been repeating several times, not once.

**Wan Mustapha bin Haji Wan Ali:** May I ask at this juncture, with your indulgence, Mr President, Sir, what time do we adjourn? Shall we continue until tomorrow morning, because if I know.....

**Mr President:** Please make your arguments as concise as possible.

**Wan Mustapha bin Haji Ali:** Yes, I will try to shorten my speech. I will sum it up briefly.

Mr President, Sir while waiting for the session to start, I remember hearing the reply given by the Minister for Local Government: he stated why this Bill does not apply to all the States. In fact, he was replying to the question raised in the Lower House on why this Bill should only apply to Sarawak, and the Minister for Local Government stated the

reason why it does not apply to other States. We are afraid, Mr President, Sir, that if the Central Government can suspend the Constitution, though it has not been suspended yet, if it can resort to this tactic, then we can never know whether or not in the near future the Central Government might use the same tactic on any State, which is controlled by the Opposition—like the P.M.I.P. in Kelantan. I was quite surprised to have heard the Acting Prime Minister—of course, jokingly—state that this might apply to Kelantan and that we have to ask our Tun Dr Ismail. This is quite a serious matter and it might be a good tactic to laugh your way out of the House when you cannot convince the public.

I say, and I know, that the Government realise that this is an important Bill and the Government knows that she has abused her power and for that reason the Minister, who spoke this morning, just laughed it off, and I would say again that I would definitely oppose this Bill. Before I sit down, I would challenge the Government saying that even if this Bill is passed, it will not be legal, it will be null and void. Thank you.

**Dato' Sheikh Abu Bakar:** Honourable Dato' President, Sir, I rise to give my support to the Bill which has been submitted by the Honourable Minister a few minutes ago. First of all, Sir, I had no desire to make any speech at all, seeing that the Bill placed before us is not only fair, reasonable, and democratic but also legally justifiable. But having heard my learned and Honourable friend on my right, I feel, as a staunch Member of this Honourable House, that I should say something *in contra* to what is said. I shall be very brief in my submission, Sir, having regard to the very late hour, and I shall say something very concise and to the point, and not beating about the bush and wasting the time of the House.

With your permission, Sir, I would like to read the caption of the Bill—I quote: "An Act to amend the Federal Constitution and to make provision

with respect to certain constitutional matters in the State of Sarawak, consequent upon a Proclamation of Emergency having been issued and being in force in that State". It follows, therefore, in my humble opinion, Sir, that in amending the Federal Constitution, and by virtue of Article 150, Clauses 5 and 6, I am of the opinion that Sarawak State is now affected by our Constitution. It follows, therefore, again, Sir, that this Bill, as I said above, is not only fair, legal but absolutely necessary, in view of the prevailing circumstances now existing in Sarawak. Quite simple, Sir, as easy as A, B, C, and not so serious as imagined by my learned friend on my right. He said something about walking out of the Chamber, Sir. Walking out of the Chambers is a formula of the Opposition parties, whenever they cannot get what they wanted from the House (*Applause*).

Briefly, Sir, the facts are as adduced by the Minister a few minutes ago. The situation in Sarawak now is not only intolerable to the society but also highly dangerous to the national security, and if we allow it to go on, it will cause chaos, civil disturbances and instability, which may give rise to communistic riots. I may add, Sir, if the Central Government does not take the necessary steps now, it will be found lacking in its duties—that is if this Bill is not brought before us and if this House does not give the green light to its passage.

Sir, Dato' Ningkan, the Chief Minister of Sarawak, having lost the support and confidence of the majority of the Members of the Legislature or the Council Negri, should, in my opinion, convene the Council Negri to find out and see what the people wish to have, or he should step down from his throne or both. He did neither, Sir, as we all know. Instead of that he juggled—I repeat, Sir, he juggled—the situation by exploiting all sorts of tricks which prevented the Council Negri from being convened. There was nothing, Sir, the Central Government could do but to place before us now a Bill which would clear not only the dangerous instability now prevailing in Sarawak but also

would clear the uncertainty in the minds of the people of Sarawak in a fair, justifiable, and legal method. I support the Bill, Sir.

**Dato' Foo See Moi:** Mr President, Sir, as I have just now interrupted my learned and Honourable friend, I feel that it is my duty to express my opinion regarding this Bill. I rise to support whole-heartedly the Bill before the House. I think the Opposition Member and also the Opposition Members of the Lower House have confused the issue which, I think, is a very straightforward one. Why I say this is, because the situation of Sarawak is so simple that I, as a layman, am fully appreciative of the position, because it started admittedly as a domestic affair of the Grand Alliance.

As you all know, even Dato' Kalong Ningkan's Government, before he chose himself to become the Opposition, was an Alliance Government and the members were all elected under Alliance tickets; and I say that this is an Alliance domestic affair which has gone out of hand because one of the members who happened to be the Chief Minister has refused to obey the discipline of the Party and thereby causing constitutional problems leading to a political crisis; and it might lead—of course, it is likely to lead—to a grave security situation. Well, as I said, the matter has gone out of hand, and it is definitely a deadlock in the Sarawak Government, because in our Alliance level we have found out that the ex-Chief Minister, Dato' Stephen Kalong Ningkan, has lost the confidence in our Alliance itself. We are sure of this because there is the demonstration of the signing of an affidavit by members before a Magistrate declaring that they have no confidence in Dato' Ningkan. Therefore, we consider that—this is my opinion—Dato' Ningkan has become the minority in our Party itself, and it is impossible for a party to allow a member of the minority, to be the Chief Minister. The court has ruled that the method of change is wrong. Of course, we accepted that, as already stated by the Ministers or Members of the Cabinet of our Government. Such being the case, there

is definitely a deadlock in the administration of the Government of Sarawak. Therefore, we have to solve this deadlock. As there is no other way, because there is no provision in the Sarawak Constitution, to convene a meeting of the State Assembly unless with the request of the Supreme Council, we consider that this gap must be remedied in order to provide a way to determine, or to demonstrate, whether the present Chief Minister—we may call him a rebel of our party—still enjoys the confidence of the majority or not. So, Sir, it is imperative that we must find a way to solve this dead-lock, and the only way is for our Government to introduce an amendment in order to enable someone—in this case it happens to be the Governor—to summon a meeting of the State Assembly, in order to determine whether the Chief Minister still has the confidence of that Assembly, but it does not mean that this will give full authority or full power to the Governor to dismiss a Chief Minister, though, of course, it does give the Governor the power to dismiss him, after a vote of no confidence has been carried in the State Assembly, in the event the Chief Minister refuses to resign. I consider this to be a fair one against the Opposition party, because we are having party politics in our Constitution, and because one way or the other, we are, as an Alliance Party, still enjoying the confidence of the people, because the party has been elected and the Member concerned now is not a member of the Opposition Party. I think that is what we have to make clear, because this is a domestic problem which has gone out of hand, and nothing can solve this problem unless we have some one to summon the State Assembly to determine the issue. Thank you, Sir.

**Tan Sri T. H. Tan:** Mr President, Sir, it speaks volumes for the Dewan Negara in that we were able to listen to two hours to a painful legal rigmarole such as was submitted by the Honourable Wan Mustapha of the Opposition. Here, Mr President, Sir, is a *bumiputra*, who wants me, or who wants this House, to understand that

the laws and conventions of other lands would take precedence over the Constitution of Malaysia. This Constitution, I submit, Sir, is a sacred Bible or, if you would like to call it, the sacred Koran by which this sovereign nation of ours, shall survive and continue to live as a sovereign independent nation.

Sir, I am not impressed by the so-called legal submissions of my friend. In fact, after listening to him for hours, I was in full sympathy with him for the confusion in which he found himself.

Mr President, Sir, I am struck, most emphatically struck, by the fact that my learned friend, Senator Wan Mustapha, took greatest trouble not to refer to the existence of this White Paper, which has been laid before the House—this White Paper, Sir, is entitled “The Communist Threat” to Sarawak. Here is a telling indictment of the communists in Sarawak and of their Peking masters, and here is the learned barrister who wants us to believe that a state of emergency does not exist in Sarawak, just because the Alliance Government has been able to give protection, while he was sojourning for a few days in the township of Kuching.

Mr President, Sir, it is clear that we Malaysians, that we loyal Malaysians, must abide by the Constitution of the country. Why should we look to the Constitution of other countries, to the so-called conventions created by those Constitutions when we have here a Constitution subscribed to by all the Governments within the State of Malaysia?

Sir, I like to refer at some length to the communist threat in Sarawak. It is clear from page 1 of this White Paper right up to the last page, that is to say page 10, of this White Paper that the communist threat to Sarawak and, I submit, Sir, the communist threat to our Malaysian nation, is both real and forboding. If the Central Government were to close its eyes as the Honourable Senator Wan Mustapha did, I do not think we shall survive

for very much longer. It is clear here, Sir, that the Sarawak Communist Organisation has penetrated into all strata of society in Sarawak and the situation that has been created is so great that there is no alternative but for the Alliance Government to advise His Majesty to declare a State of Emergency.

This question of Dato' Stephen Kalong Ningkan is, to my mind, at the moment extraneous to the issue. We shall deal with that in due course of time. What we must deal now is the communist threat because, unless we face up to it, we shall find that one day we shall never wake up—and that applies to me as much as it does to my friend, Senator Wan Mustapha.

Sir, I would like to stress—and I do not want to waste the Dewan's time too much—that the main purpose of this piece of Emergency Legislation is to ensure that parliamentary democracy works in Sarawak and works effectively. We have on our hand a Chief Minister, who will not observe parliamentary democracy. There is no way for us to see that parliamentary democracy works except by this piece of legislation.

I agree with my Honourable friend, Dato' Sheikh Abu Bakar, that the Federal Government would be failing in its duty to this nation, if it did not bring this piece of legislation into Parliament.

Sir, allow me to go back to the question of the communist menace. Throughout this White Paper, there is reference to the fact that communist activities in Sarawak are Peking inspired. Sir, I hope Dewan Negara and Parliament as a whole, and the people of Malaysia, will take note of this very important statement—I say that docility towards the Peking regime is not going to save us from communism. That is why I oppose and I shall continue to oppose any measure that Malaysia takes to support any move to get Communist China into the United Nations. They do not deserve a place there, a place among the decent nations of the world.

Mr President, Sir, I would like also to draw attention to the reference in this White Paper to the fact that the S.U.P.P. or, in other words, the Sarawak United Peoples' Party, has been infiltrated to a great extent. I urge, Sir, the Federal Government to outlaw this Party as soon as possible and not to allow them to be made use of by the communist enemies of our State.

Mr President, Sir, we have a duty in this House, not merely a duty to support the Party to which we belong—and we are very proud to belong to that Party, namely, the Alliance Party of Tunku Abdul Rahman—but it is our duty to the nation, to help the Government of the day, to face the communist menace or for that matter any menace that threatens the livelihood of our nation. In that spirit, Sir, I welcome this Bill and support it fully. (*Applause*).

**Dato' Athi Nahappan:** Mr President, Sir, I am rather surprised that the Honourable Member, Wan Mustapha, took a long time to inflict upon us a constitutional, legal argument in respect of this Bill that is before us.

Sir, the Bill very obviously is within the four corners of our Constitution, namely Article 150. No one can effectively argue that in bringing this Bill the Government has sacrificed the principle of constitutionalism. One may say whether it is a correct assessment of the situation in Sarawak as to the existence or otherwise of an emergency, but on that we have already the Government Paper and we have already before us this evening the speech rendered by the Honourable Deputy Prime Minister in the Lower House.

Constitutional practices over the years have been followed in different countries in different styles with emphases and differences in degrees. It is a growing field of science and it is not a fixed rule as yet. In so far as the emerging nations are concerned, it has been increasingly recognised that what is fundamental is the question of stability. Especially in the early nation stage of the growth of the nation, a country such as ours cannot afford the luxury of instability and that is well put in

the speech of the Honourable Deputy Prime Minister in focussing the cardinal purpose of this Bill. He had said, Sir, and I quote:

"The measures now proposed are designed merely to maintain political stability during the interim period until the general elections so that Sarawak will have a stable Government to enable us to face the serious communist threat to the security of the State."

That in crux conveys the purpose of this Bill.

Much has been said as to whether or not a grave emergency exists. We all know that an emergency has been existing in Sarawak for some time now, that efforts have been made to bring down the communist menace there, and we have not made much headway. Even now it is a serious menace, and every one knows that we have to challenge that whatever the consequences are.

While we have been having this menace, we have suddenly found ourselves in a situation politically unstable, capable of creating explosive situations releasing ugly racial emotions which might be even far worse than the very known style of communist terrorism. We have had the experience of dealing with communism in this country and we have the confidence of dealing with it in Sarawak. Fortunately, despite the existence in this country of a number of races, plurality of cultures and other factors, we have not up till now, due to the wise leadership that we have had in this country, suffered any racial strife of any alarming proportion, though in Singapore it tried to rise its ugly head but was effectively put down. But, Sir, the political instability that came within the context of the already existing emergency in Sarawak was capable of producing a rather unpredictable kind of emergency, explosive situation, and if allowed to go by default might very well become unmanageable. Any Central Government that considers responsibility as its main function cannot merely watch the situation as a passive spectator. If the Central Government had watched the situation as no more than a passive spectator and allowed the situation to degenerate, then it

would have been too late. It is easier to be wise after the event; it is not very clever trying to block the flood, when it has broken in. We have had experiences ourselves. We have seen the experiences of other countries. What was visible clearly and in no shadow of doubt was the kind of danger that we had prevented before it exploded and, therefore, this Bill has been brought about not with a view to undermine democracy, or to destroy the concepts of constitutional parliamentary practice, as it has been said, but merely to strengthen the very foundation of it.

Any one who is fair in the analysis of constitutional practice would immediately accept this. If only Dato' Ningkan had a majority, clear majority, this situation would not have arisen—the fact would have been recognised as it has been recognised all along in Kelantan State, where the Opposition has been there in power over the years and nothing has been done to undermine that existence. If Dato' Ningkan had sufficient majority and had proved the existence of that majority, this Bill would not have been here before us, but the fact was otherwise. The fact was that a vast majority of the Members of the Council Negri had clearly indicated that they have no confidence in Dato' Stephen Kalong Ningkan. In this situation, as provided correspondingly under Article 43 of the Constitution, *vis a vis* the Prime Minister, if Dato' Ningkan had resigned, the situation would not have arisen—i.e. after having taken note of the fact that he had lost the confidence of Council Negri and resigned. But he did not want to resign; he wanted to remain; he wanted to create a stalemate, an impasse; and he did not want to call the Council Negri, but he merely made a promise that he might go to the electorate—but when and how long it would take all these factors were not gone into.

Now, in this situation, political instability would come into being, all kinds of rivalries would emerge, and it would be impossible to maintain peace and calm, having known especially the multi-racial character of the society and

that politics in our country is not merely conditioned by ideological concepts. There are other factors that come into politics and they are likely to create an uncontrollable situation. That is why the Central Government, in its wisdom, thought that before things got out of hand it had to do something. It could not just sit quiet and watch the situation, and then try to control it after it had shown its ugly head.

Now, Sir, as regards the powers of the Governor that are only temporarily given in this Bill, much has been said that the Governor is being made as a sort of a proconsul of the Federal Government—that has been said by another politician—that the Governor is armed to the teeth, so as to bring about suppression of democracy and constitutional practice. Now, nothing is further from the truth. In fact, any constitutional student, if only he would just try to compare one or two other emerging countries' constitutions, would know that even the new powers that are being given under this Bill are very moderate powers. In fact, the Honourable Member from Kelantan was trying to cite labouriously various provisions of the Indian Constitution. As a student of Constitution myself, I have been referring to the various provisions of the Indian Constitution and I might say, Sir, that under Article 356 of the Indian Constitution the Governor is given so much of powers which our Governors here do not enjoy. They are already in this book and they have been there all these years, and under Article 356—I would just read, if I may, Sir, with your leave—it says:

“If the President on receipt of a report from the Governor or Rajpramukh”—he is equivalent to our Ruler in Council here—“of a State or otherwise, is satisfied that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of this Constitution, the President may by proclamation—assume to himself all or any of the functions of the Government of the State and all or any of the powers vested in or exercisable by the Governor or Rajpramukh, as the case may be, or any body or authority in the State other than the Legislature of the State”.

**Wan Mustapha bin Haji Wan Ali:**

On a point of clarification—I quite admit that the Governor has got the

powers, but that is when there is habitual disregard; that will be under Article 43, Powers under the Constitution—I cannot elaborate offhand—but surely not under the Emergency Regulation.

**Dato' Athi Nahappan:** What I say is that even in the normal course, even without an emergency, the Governor in India is given a great deal of power—that is, if he is satisfied that the State Government cannot be carried on in accordance with the provisions of the Constitution, all that he has got to do is to report to the President, and the President can take over the State—it is so simple as that—and it has been taken over in India. Now, we do not have corresponding provisions in our Constitution. That is what I am trying to say, because it has been pointed out, both in this House and elsewhere, that these powers that are being given in our Bill are very oppressive and contrary to the concepts of parliamentary democracy. What I am trying to say, Sir, is that in the body of the Constitution of India, if a Governor is satisfied, he can report to the President and the President can take over the State so easily and simply. Now, in practice if we have similar provisions here, all that is needed is, if the Ruler-in-Council, or the Governor of Penang or Malacca, says that he is satisfied that his State should be taken over by the Yang di-Pertuan Agong and ruled by the Yang di-Pertuan Agong directly, it can be done so simply. We do not have corresponding provisions in our Constitution, despite the fact that we had borrowed quite a lot of provisions from the Indian Constitution.

Now, all that this Bill envisages is to break the present *impasse* by empowering the Governor to call for the Council Negri to meet and then to test whether the person who claims himself to be the Chief Minister *de jure* enjoys majority support or not. If he enjoys majority support—good luck to him—he would rule the State. If he does not enjoy majority support then, in the normal parliamentary practice, he should bow down and resign, and that is all there is to it

and that is all that is intended by this legislation, and I do not see why heaven and earth must be moved to create a picture in this Parliament that this country is going down the drain of destruction of democracy, which is utter nonsense and rubbish—this is not merely mentioned here but also mentioned elsewhere. After all, if a country has to be ruled, it must be ruled and especially during, as I said, the earlier stage of our growth, we could not take what the political pundits have stated as mere theories, which might be suitable to developed countries like the United States or the United Kingdom, where democracy has thrived over the years and nothing would upset their system—the people there are basically appreciative of the values of democracy. But in a country such as ours, where the people are still not conscious of the basic values, and they are likely to run amok over easy, simple matters, we have to see to it that we have a stable government, and that is fundamental and that must get priority and precedence.

Therefore, Sir, without wasting more time on this Bill, which is a very necessary Bill, and which is only a transitory Bill, I hope the provisions of this Bill, would be incorporated in the Constitution permanently, so that hereafter such a kind of undesirable situation would not arise. I hope the Ministers would give us an assurance that these temporary provisions will be incorporated in the Constitution of Malaysia so as to be applicable to all the States of Malaysia, so that if a situation arises where a Chief Minister, or a Menteri Besar, tries to hang on to a seat, then we have provisions whereby we bring a quick solution to it and see that we not merely pay lips service to democracy, but really practise it. Thank you very much, Sir.

**Tuan Amaluddin bin Darus:** Tuan Yang di-Pertua, pada hari ini, dari pagi lagi kita sudah mengikuti perkembangan yang sangat besar dalam sejarah politik tanah ayer kita dan pada malam ini kita Ahli<sup>2</sup> Dewan Negara dapat bersidang dalam Dewan ini bagi membahathkan apa yang telah di-putuskan

dalam Dewan Ra'ayat pada siang tadi. Bill yang di-hadapan kita, ia-lah satu Bill yang menggemparkan oleh kerana dia merupakan satu pindaan kepada Perlembagaan negara kita dan lebeh lagi menggemparkan kerana dia bukan sahaja pindaan kepada Perlembagaan negara kita, tetapi dia juga merupakan pindaan kepada Constitution of Sarawak, erti-nya, dia pergi dengan sa-kali dayong dua pulau sampai.

Bill yang bagini penting, Tuan Yang di-Pertua, baru hari ini dapat kita terima ia-itu di-atas meja di-tempat kita bersidang ini, tentu-lah satu perkara yang sangat tidak patut untuk di-teruskan amalan seperti ini—satu Bill yang bagini penting, bukan sahaja Bill pindaan Perlembagaan, bahkan Bill<sup>2</sup> yang lain juga yang mengenai nasib ra'ayat, mengenai politik, yang mengenai hal<sup>2</sup> luar negeri dan ra'ayat tidak patut sama sa-kali di-lakukan seperti ini. Tetapi, pehak Kerajaan Perikatan merasa ini satu perkara yang mesti oleh kerana ada-nya grave emergency yang di-tafsirkan sa-bagai bahaya dharurat yang besar. Ini boleh di-tafsirkan oleh masing<sup>2</sup> seperti yang dapat saya ikuti sa-panjang sidang Dewan Ra'ayat pada siang tadi dan juga dalam Dewan kita yang mulia ini.

Tuan Yang di-Pertua, Bill ini di-kemukakan atas alasan ada-nya emergency, dan memang-lah kita ketahui kalau tidak kerana di-ishtiharkan emergency, maka Parlimen tidak dapat di-panggil bersidang tergepar seperti ini dan kerana itu-lah sa-kali pun kita telah mempunyai emergency yang belum pernah di-tarek balek bagi seluroh negara, ia-itu bagi Negeri<sup>2</sup> Tanah Melayu dan juga Sarawak dan Sabah, tetapi bagi maksud untuk memanggil sidang tergepar Parlimen ini, satu emergency lagi di-ishtiharkan di-dalam emergency dan bagi seluroh negara kita yang sudah ada emergency tetapi di-tambah lagi bagi Sarawak—sa-kali lagi emergency. Tidak ada satu sebab yang lain, bagi Kerajaan meng-ishtiharkan emergency sa-kali lagi, tidak lain sa-mata<sup>2</sup> dengan kerana menghendaki Dewan Ra'ayat dan Dewan Negara bersidang bagi meluluskan Bill yang di-maksudkan oleh pehak

Kerajaan Perikatan, untuk mengekal kuasa gulungan Perikatan di-Negeri Sarawak itu sendiri.

Bersamaan dengan pengishtiharan keadaan dzarurat yang saya perchaya belum dapat di-katakan dzarurat seperti yang telah di-bayangkan, atau seperti yang telah di-sebutkan oleh Ahli<sup>2</sup> Dewan Ra'ayat dan juga seperti yang telah di-tegaskan oleh sahabat saya, Yang Berhormat Wan Mustapha kerana beliau beberapa hari yang lalu berada di-Sarawak kebetulan dapat mengikuti perbicharaan perkara perselisihan Perlembagaan. Kata saya perselisihan, tetapi yang sa-benar-nya pelanggaran Perlembagaan yang di-buat oleh orang<sup>2</sup> Perikatan di-Sarawak, dan even single Policeman, kata beliau, sedangkan sa-orang Polis pun tidak ada mengawal Mahkamah. Yang demikian sama sa-kali tidak ada tanda<sup>2</sup> mengapa dapat di-katakan ada-nya emergency, ada-nya keadaan grave emergency yang menyebabkan di-ishtiharkan emergency di-Sarawak itu.

Dan sampai hari ini pun, Tuan Yang di-Pertua, belum kita terbacha berita<sup>2</sup> mengatakan sudah ada rusohan, dan ra'ayat 20-30 orang mati, belum ada, hanya kalau ada beberapa orang melontar batu, melontar batu ini dapat kita mengerti kerana kita menghadapi pilehanraya pernah di-lontar<sup>2</sup> batu atau pun di-lontar telur dan sa-bagai-nya, dan ini terang<sup>2</sup> lebeh jelas dapat di-mengerti oleh sa-siapa juga pun, ini ada-lah di-buat oleh pengikut<sup>2</sup> Parti Perikatan, sa-kali pun tidak mahu di-aku<sup>2</sup> dengan anjoran Parti Perikatan tetapi dia ada-lah di-buat oleh pengikut<sup>2</sup> Parti Perikatan.

Saya faham mereka tidak berapa berani seperti berani-nya pemuda<sup>2</sup> Nazi di-Jerman yang telah membakar bangunan Parlimen Jerman, bagi maksud supaya Kerajaan Nazi Hitler dapat menghalau Yahudi dan membunuh Yahudi di-dalam Negeri Jerman.

Tuan Yang di-Pertua, ini ada-lah politik—politics is a dirty game—kita, tahu hal<sup>2</sup> politik kerana kita telah lama semenjak sekolah berfikir hal<sup>2</sup> politik. Tuan Yang di-Pertua, berbetulan dengan maksud<sup>2</sup> ini, keluar-lah Kertas

Puteh ini, Kertas Puteh yang di-keluar-kan bertanda tangan pada 17 haribulan September, 1966, di-keluarkan bukan kerana keadaan kominis, anchaman kominis, bukan kerana memang kita seluruh-nya telah di-ancham dan sedang di-ancham oleh kominis, tetapi di-keluar-kan bagi maksud menghahalkan atau melakukan sa-suatu bagi kepentingan Parti Perikatan.

Tuan Yang di-Pertua, saya berani bertaruh, kalau berchakap tentang anti kominis, sa-orang Muslim lebeh anti kominis dan saya sa-orang pejuang untuk menegakkan chita<sup>2</sup> Islam lebeh anti kominis bukan dari segi materialistic kerana kominis dan liberalism sama<sup>2</sup> materialistic dan materisism dan kami ada-lah spiritual dan bukan kerana materialistic atau benda<sup>2</sup> yang akan di-kalahkan.

Tuan Yang di-Pertua, kita semua sedar apabila kita mengishtiharkan di-bawah Fasal 150 Perlembagaan kita, cheraian 1 pada tahun 1964 yang lalu apabila Parlimen telah meluluskan, telah mengiakan wujud-nya dharurat di-negara kita ia-lah kerana ada anchaman pencherobohan dari luar, konfrantation yang di-lancharkan oleh Indonesia dan ada-nya anchaman dari dalam—memang telah kita sedar dan di-antara anchaman dari dalam itu kita sedar sejak tahun 1948 kita telah terang<sup>2</sup> di-tentang oleh kominis dengan bersenjata. Kita tahu hingga tidak perlu hendak di-perkatakan apa-tah lagi untuk di-siarkan Kertas Puteh kebetulan pada 17 haribulan September, 1966 bagi maksud untuk meluluskan Bill ini.

Tuan Yang di-Pertua, saya rasa tidak patut ada Ahli<sup>2</sup> dalam Dewan ini yang bangun untuk menyatakan dengan *serious* betapa Ahli<sup>2</sup> Pembangkang berchakap soal Perlembagaan dengan tidak menghiraukan sama sa-kali kepada Kertas Puteh ini.

Jadi, Tuan Yang di-Pertua, saya rasa tidak patut sebab kita ahli<sup>2</sup> politik, bukan anak<sup>2</sup> dalam Dewan ini.

Tuan Yang di-Pertua, keadaan yang berlaku di-Sarawak yang menyebabkan terjadi seperti apa yang sedang

terjadi sekarang ini, hendak saya katakan dia ada-lah satu krisis Perlembagaan, saya fikir sa-sudah melihat, mengkaji, mengikuti, bahawa di-sana memang ada krisis Perlembagaan yang di-chetuskan oleh Perikatan sendiri. Tetapi ini telah dapat di-selesaikan melalui proses demokrasi, itu proses demokrasi chara politic, kita telah menjalankan ini sesuai dengan konsep<sup>2</sup> demokrasi. Kita ada Legislative, kita ada Executive dan kita ada Judicial. Kita telah menyelesaikan masalah ini mengikut saluran yang betul. Bila ada-nya krisis Perlembagaan, krisis itu bukan di-chetuskan oleh Kalong Ningkan atau Yang Berhormat Tuan Kalong Ningkan, Ketua Menteri Sarawak, tetapi di-chetuskan oleh Ahli Perikatan sendiri. Saya tidak peduli soal pertentangan, atau perbalahan, atau perkelahian antara anggota Perikatan dan Anggota Perikatan seperti Kalong Ningkan—memang anggota Perikatan asal-nya. Itu soal rumah tangga, tetapi saya katakan soal kalau ada yang di-katakan krisis Perlembagaan di-chetuskan oleh orang<sup>2</sup> Perikatan sendiri.

Jadi, Tuan Yang di-Pertua, sekarang ini kalau kita telah dapat mengikut dan memahamkan apa yang di-katakan perselisihan atau krisis mengenai Perlembagaan telah pun di-selesaikan melalui sistem demokrasi di-dalam Mahkamah, dan Yang Amat Berhormat Tunku Perdana Menteri di-England pun telah berchakap menerusi B.B.C. bahawa itu-lah dia demokrasi yang berjalan di-Malaysia, ia-itu keputusan Mahkamah dapat di-terima. Jadi malang-nya Tunku Perdana Menteri tidak berada di-tanah ayer kita pada hari ini, dan kerana itu apa yang sedang berlaku di-tanah ayer kita berlawanan dengan kenyataan yang beliau sebutkan untuk menjaga image negara kita dan bangsa kita di-luar negeri.

Tuan Yang di-Pertua, apa yang ada sekarang ini political crisis, krisis politik, krisis politik itu apa-kah dia benar<sup>2</sup> krisis<sup>2</sup> politik negeri, negara atau krisis politik sa-sama anggota Perikatan. Apa-kah krisis politik ini krisis politik negeri, krisis politik negara, atau krisis politik sa-sama anggota Perikatan, atau

janda Perikatan. Ini yang perlu di-jawab. Ini yang perlu di-fahami. Saya faham krisis ini tidak lain daripada krisis perebutan kuasa—ingin berkuasa. Jadi keinginan berkuasa ini, mabok berkuasa ini, membuat orang sanggup melakukan sa-suatu yang tidak sanggup di-lakukan orang kapada-nya.

Jadi, Tuan Yang di-Pertua, dalam Dewan Ra'ayat sa-panjang siang tadi beberapa orang Ahli Pembangkang telah berchakap, di-antara-nya ia-lah Ahli Yang Berhormat anggota dari Ipoh, Tuan D. R. Seenivasagam. Beliau telah menyebut betapa di-gembor-nya berita kidnap, kidnapping—cholek, chuba mencholek dan macham<sup>2</sup> lagi, tetapi berita yang sa-benar-nya kechil, kalau ribut, ribut-nya storm in the cup—ribut di-dalam chawan sahaja. Jadi, beliau telah membangkitkan kerana tidak ada pencholekan<sup>2</sup> yang benar<sup>2</sup> telah berlaku, tetapi apa yang betul<sup>2</sup> telah berlaku ia-lah sa-bahagian anggota<sup>2</sup> Dewan Negeri Sarawak mendiami rumah Governor—di-rumah Governor kalau saya tidak silap—atau pun saya mungkin silap, rumah Yang Berhormat Temenggong Jugah, sa-bahagian lagi mendiami di-rumah yang di-sewa oleh Penghulu Tawi Sli di-Kuching sa-hingga mereka itu tidak dibenarkan keluar, takut kena cholek dan ini telah di-nyatakan oleh Yang Berhormat wakil dari Ipoh yang menyatakan siapa-kah mencholek siapa, apa-kah orang<sup>2</sup> Perikatan takut di-cholek oleh orang lain, oleh SNAP, o'eh Snake, atau entah apa-kah, ular-kah, SNAP-kah, apa-kah, atau sa-benar-nya Tawi Sli yang telah mencholek dan mengurong mereka dalam dua rumah di-Kuching sa-hingga, Tuan Yang di-Pertua, pada malam yang kita bersidang, perkara yang bagini penting—sa-orang anggota Dewan Negara telah tidak ada di-dalam Dewan ini, ia-itu ahli politik, sa-orang Temenggong yang menurut berita akhbar sa-malam—kata orang Selangor ini kelmarin—kata orang Melayu 100 juta—orang Kedah, Kelantan dan sa-bagai-nya—terpaksa pulang ka-kampung-nya, kerana isteri-nya sakit kuat. Itu soal lain, tetapi dia telah meninggalkan rumah Penghulu Tawi Sli tanpa memberi tahu, tanpa mendapat izin,

erti-nya dia telah melepaskan diri agaknya dari pencholekan.

Jadi, Tuan Yang di-Pertua, dia tidak ikut hadir dalam persidangan pada malam ini. Jadi, saya tidak hendak ulangi terlalu banyak apa yang telah di-sebutkan kerana tidak berguna bagi kita mengulang<sup>2</sup> apa yang telah di-binchangkan di-Dewan Ra'ayat, tetapi kerana kita ini Dewan berasingan sedikit, boleh juga untuk memperkuatkan alasan bagi sa-orang yang berchakap.

Tuan Yang di-Pertua, soal yang kita hadapi sekarang ini, Kerajaan menghendaki kita meluluskan Bill ini yang akan memberi kuasa kepada Governor Sarawak bagi memanggil sidang Dewan Negeri Sarawak dan kalau Speaker-nya tidak endahkan kepada apa yang dimintakan oleh Yang Terutama Tuan Governor, maka di-adakan sidang dengan di-pilih sa-orang daripada Ahli<sup>2</sup> dari Dewan untuk menjadi Pengerusi dan perkara ini mesti berlangsung juga. Kita semua faham maksud politik ini ia-lah bagi menyampaikan, bagi menyempurnakan hasrat Perikatan untuk menyapu arang di-muka Perikatan yang telah kehilangan moral oleh kerana tindakan yang telah mereka lakukan memechat Tuan Stephen Kalong Ningkan yang telah di-putuskan oleh Mahkamah tidak sah! Why? Dan, Tuan Yang di-Pertua, ini di-lakukan dalam beberapa hari sa-telah keputusan Mahkamah, sa-sudah Yang Teramat Mulia Tunku Abdul Rahman, untuk menjaga image negara kita, menyatakan di-London bahawa itu-lah demokrasi yang berjalan di-Malaysia dan tindakan tidak betul yang di-ambil oleh Kerajaan pun boleh di-putuskan oleh Mahkamah dan itu sedikit sa-banyak menolong kita, sedikit sa-banyak menolong kita dari segi image, tetapi apa yang telah di-lakukan dengan mengemukakan Bill ini menimbulkan teka-teki—menimbulkan teka-teki kepada kita mengapa ini di-kemukakan sa-mata<sup>2</sup> kerana hendak meluluskan pemechatan terhadap Tuan Stephen Kalong Ningkan.

Tuan Yang di-Pertua, sampai bagitu sa-kali saya berdiri dan Yang Berhormat sahabat saya telah berchakap

tadi mempertahankan, menentang Bill ini untuk di-luluskan, membela dan mempertahankan Tuan Stephen Kalong Ningkan, apa-kah ada hubungan saya dengan dia? Tidak ada! Jangan untuk berhubung, belum pernah berjabat salam dengan Tuan Stephen Kalong Ningkan. Jadi soal yang kita perkatakan ia-lah soal demokrasi, soal yang kami pertahankan soal principle yang patut di-pertahankan.

Jadi, Tuan Yang di-Pertua, sudah di-jelaskan dari segi legal, dari segi Perlembagaan, ia-itu menjadi hak kepada sa-barang Perdana Menteri, Ketua Menteri, atau pun Menteri<sup>2</sup> Besar bagi menasihatkan kepada Governor di-Sawarak, mithal-nya, yang sedang kita hadapi sekarang ini supaya di-adakan satu pilihan raya. Bagi Ketua Menteri itu dia mempunyai hak dari segi Perlembagaan untuk meminta supaya di-adakan satu pilihan raya dan apa-kah alasan bagi Tuan Yang Terutama Governor tidak hendak menerima nasihat itu, tidak hendak melaksanakan ia-itu membubarkan, mengishtiharkan pembubaran Dewan Negri dan mengadakan pilihan raya, apa-kah alasan pula hendak memaksa Ketua Menteri mengadakan sidang Dewan Negri.

Perlembagaan telah ada chukup, Perlembagaan telah menetapkan mesti di-adakan sidang Dewan Negri dalam tempoh tidak lewat daripada enam bulan daripada Sidang Dewan Negri itu yang akhir. Jadi, bagi Dewan Negri Sarawak, sama ada Stephen Kalong Ningkan suka atau tidak suka, hendak dan mesti di-adakan juga bila sampai ketika-nya, ia-itu hanya beberapa bulan—lebeh kurang tiga bulan daripada sekarang ini, dia mesti mengadakan dan apa yang telah beliau lakukan mengikut Perlembagaan beliau telah meminta dengan rasmi kepada Tuan Yang Terutama Governor bagi mengadakan satu pilihan raya di-negeri Sarawak dengan serta-merta dalam tempoh yang sa-chepat<sup>2</sup>-nya dan ini telah di-lakukan mengikut Perlembagaan dan hak beliau telah di-lakukan-nya. Apa-kah hak Tuan Yang Terutama Governor itu pula? Ini yang kita bertanya. Hak<sup>2</sup> dia ia-lah melak-

sanakan tuntutan sesuai dengan kehendak<sup>2</sup> Perlembagaan.

Tuan Yang di-Pertua, kembali kepada ra'ayat itu-lah dia kedaulatan ra'ayat dan itu-lah dia tuntutan ra'ayat, itu-lah dia perjuangan ra'ayat, itu-lah dia menyebabkan yang manusia dari zaman berzaman telah berkorban menuntut hak kedaulatan ra'ayat. Itu-lah sebab kita sa-bagai satu nation berjuang untuk mendapatkan hak kedaulatan ra'ayat dalam tanah ayer kita ini daripada penjajahan British. Dan itu-lah pula hak yang telah di-perjuangkan oleh ra'ayat British sa-bagai manusia yang pertama memperjuangkan hak<sup>2</sup> berparliman di-dalam dunia ini yang telah sanggup mengkorbankan dengan mengkapak kepala Raja mereka sendiri bagi mewujudkan kebenaran hakikat kedaulatan ra'ayat di-dalam negara Britain.

Jadi, Tuan Yang di-Pertua, hak ra'ayat, suara ra'ayat sangat besar dalam erti-kata demokrasi sa-hingga dalam perkataan Latin, atau Greek, sebab demokrasi pun ada juga berasal daripada Latin dan daripada Greek, ada yang mengatakan kita bukan orang yang tahu bahasa itu—*Vox populi, Vox Dei* kata-nya suara ra'ayat, suara Tuhan—itu demokrasi dan kami dari PAS tidak-lah mahu demokrasi bagitu yang mahu ia-lah theo-democracy, bukan theo-cracy, tetapi theo-democracy. Tetapi apa yang kita bicharakan sekarang ini democracy. Itu sebab saya kemukakan "*Vox populi, Vox Dei*" atau suara ra'ayat, suara Tuhan.

Tuan Yang di-Pertua, apa-kah yang lebih baik bagi kita yang mendekong demokrasi untuk kembali kepada ra'ayat di-dalam menentukan sa-suatu. Sekarang ini apa yang di-tuntut oleh Stephen Kalong Ningkan ada-lah hak beliau mengikut Perlembagaan—kembali kepada suara ra'ayat. Ya, Kerajaan mengikut keterangan yang jelas daripada Tuan Pengerusi Surohanjaya Pilihan Raya dalam sa-hari dua yang lalu menyebutkan paling chepat sa-kali persediaan muktamad untuk mengadakan satu pilihan raya sa-chara langsung di-Sarawak hanya dapat di-adakan di-dalam bulan Julai tahun 1967. Itu kalau ta' salah ingatan saya.

Sekarang ini, Sarawak itu ada Perlembagaan dan soal pilihan raya hendak-lah di-jalankan mengikut Perlembagaan. Di-sana ada satu system pilihan raya tiga peringkat dan atas satu system itu-lah Ketua Menteri yang sah, yang di-akuhi sah oleh Mahkamah Federal—menuntut supaya ia-nya di-laksanakan di-dalam negeri Sarawak.

Tuan Yang di-Pertua, pilihan raya tiga peringkat ini tentu-lah tidak kita gemar, sebab kita mahu pilihan raya lansong dan saperti yang telah diterangkan oleh Kerajaan bahkan dengan berapi<sup>2</sup> di-terangkan oleh sa-orang anggota Perikatan dari Sarawak siang tadi dalam Dewan Ra'ayat—kita tidak mahu orang yang bukan warga negara mengundi. Jadi, nampak-nya ada orang yang bukan warga negara yang mengundi dan ini satu keadaan yang sa-benar yang telah berlaku dalam Sarawak dalam Election Register—Buku Daftar Mengundi—ada orang yang bukan warga negara dan itu mungkin silap, mungkin sengaja, mungkin disengaja untuk orang<sup>2</sup> bagi beberapa tahun telah tinggal di-sana boleh mengundi, tetapi kita di-Malaya ini pernah sampai pilihan raya yang akhir ini ada orang yang memakai Kad Pengenalan Merah boleh mengundi—beberapa kali kami protest perkara ini.

Jadi, Tuan Yang di-Pertua, lupakan hal itu. Soal-nya sekarang ini soal pilihan raya tiga peringkat di-Sarawak. Kerajaan kalau mahu mengadakan pilihan raya sesuai dengan kehendak Perlembagaan, Ketua Menteri-nya telah meminta, Kerajaan-nya telah meminta, kita kembali kepada ra'ayat, adakan pilihan raya tiga peringkat sa-hingga dapat di-selesaikan dengan chepat, dan tentu-lah dapat di-lakukan, kerana kita mempunyai Kad Pengenalan, sa-tiap orang yang tidak menjadi warga negara, dia tidak di-bolehkan menjadi pengundi dan tidak di-benarkan mengundi pada hari mengundi, mungkin barangkali berlawanan dengan undang<sup>2</sup> yang telah ada, tetapi kalau undang<sup>2</sup> ini boleh kita kemukakan kepada Dewan ini, mengapa satu undang<sup>2</sup> bagi membatalkan hak orang bukan ra'ayat daripada boleh mengundi dalam pilihan raya Sarawak ta' boleh di-buat dalam masa

dua tiga hari, di-panggil lagi Dewan Ra'ayat dan Dewan Negara bersidang tiga hari lagi. Jadi, Tuan Yang di-Pertua, pilihan raya dapat di-lakukan dan demokrasi berjalan dengan baik di-negeri kita ini.

Jadi, Tuan Yang di-Pertua, kita berchakap tentang demokrasi. Kadang<sup>2</sup> Kerajaan berchakap bagi melawan hujah, atau menekan hujah pehak Pembangkang dengan mengatakan; kami tahu tuan<sup>2</sup> menggunakan taktik, menggunakan dan membela demokrasi bagi menghancurkan demokrasi. Ini pernah berlaku dalam Parlimen dan sekarang saya bertanya, siapa-kah yang menggunakan demokrasi itu untuk menghancurkan demokrasi? Siapa-kah yang menggunakan demokrasi sekarang ini? Kita tahu pehak Kerajaan mempunyai two third, bahkan lebeh suara—ya, demokrasi; Tuan<sup>2</sup> mahu menggunakan demokrasi itu untuk membunuh demokrasi sa-hingga orang<sup>2</sup> Sarawak boleh mengatakan di-zaman Colony, di-zaman Colonial, di-zaman penjajahan British memerintah mereka, belum ada sa-bagitu kuat-kuasa Governor, daripada Governor yang di-tunjuk dan dilantik oleh British sendiri. Jadi, saya khuatir, Tuan Yang di-Pertua, bagi kepentingan wujud-nya perdamaian dan perpaduan antara kita sa-sama kita, barangkali apa yang di-harapkan kebaikan dari Parti Perikatan, mungkin ka-balekan, keburokan-nya akan datang.

Tuan Yang di-Pertua, saya berchakap—ya, benar saya sendiri sa-bagai sa-orang Pembangkang dan membangkang Bill ini, tetapi hendak-lah kita faham bersama—saya ada-lah sa-orang ra'ayat negara ini yang bertanggung jawab terhadap negara ini, bukan-lah kerana Pembangkang ingin membangkang dan membangkang melulu, tetapi berfikir bagi kepentingan negara kita ini di-dalam istilah demokrasi hendak-nya suara ra'ayat itu, saya juga mewakili ra'ayat, walau pun anggota Senate, walau pun indirect, di-pilih daripada State Assembly, tetapi saya juga mewakili ra'ayat—ada ra'ayat di-belakang saya, suara ra'ayat itu hendak-lah di-hormati, dan fikiran ra'ayat itu, suara ra'ayat itu, hendak-lah di-dengar, dan fikiran ra'ayat itu

hendak-lah di-hormati. Jangan-lah kerana Pembangkang asal Pembangkang, semua sampai ka-bakul sampah, atau condemn dengan sa-suka hati sahaja, kerana mahu menang. Ada pun yang sa-benar-nya kita mahu menchari kebenaran dan kebaikan bagi kepentingan kita semua, bagi kepentingan generation kita yang akan datang dalam negara kita.

Jadi, Tuan Yang di-Pertua, mari-lah kita berfikir berhati<sup>2</sup> di-dalam perkara ini.

Tuan Yang di-Pertua, tadi telah saya sebutkan dan memang telah di-sebutkan oleh pehak Kerajaan dan penyokong<sup>2</sup>-nya tentang bahaya kominis. Ini ta' perlu saya ulas, sebab saya kata, saya lebeh anti-Communist, kerana saya menentang kominis dari segi spiritual, bukan daripada segi materialism, di-antara dua faham materialism—communist dan liberalism, kedua<sup>2</sup>-nya sama sahaja.

Jadi, Tuan Yang di-Pertua, senjata kominis ini-lah yang telah di-peralatkan oleh keadaan negara kita semenjak tahun 1948 sa-hingga activity politik, sa-hingga gerakan politik, bagi pehak kami dari Opposition ta' boleh berjalan kuat. Rapat Umum kami ta' boleh buat. Gulongan lain boleh buat Rapat Umum besar<sup>2</sup>an—gulongan pemerintah. Jadi, ini-lah yang di-gunakan berlarut<sup>2</sup>—demokrasi apa-kah ini! Jadi, mungkin pula akan menjadi korban-lah Stephen Kalong Ningkan yang beliau terang<sup>2</sup> bukan sa-orang kominis, yang beliau terang<sup>2</sup> sa-orang anggota Perikatan, tetapi kerana pertentangan ini, mungkin beliau kemudian akan di-chap kominis, kerana tiap<sup>2</sup> yang menentang dasar Kerajaan itu semua-nya kominis. Ini mungkin, sebab PAS juga pernah di-katakan kominis. A'u zu billah. Pernah di-katakan PAS ini kominis, apa-tah lagi Stephen Kalong Ningkan. Kami dari pejuang<sup>2</sup> Islam pun di-tuduh kominis. Lidah orang<sup>2</sup> Perikatan memang telah kita kenal boleh mengatakan. Jadi, apa-kah akan di-korbankan sa-orang sa-mata<sup>2</sup> dengan kerana kepentingan politik satu gulongan. Kalau korban kerana kepentingan kebenaran—itu memang hak, tetapi bukan kerana kepentingan gulongan demi gulongan.

Negara kepunyaan bersama, bukan kepunyaan gulungan demi gulungan. Kembali-lah kepada ra'ayat dan marilah kita berlaku adil supaya kita dapat keadilan pula daripada yang maha besar dan maha agong yang menguasai seluruh alam ini, ia-itu Tuhan.

Tuan Yang di-Pertua, saya dengan tegas-nya menyatakan dengan amat dukachita tidak dapat menyokong Bill ini, oleh kerana kepentingan negara kita dan sangat dukachita yang pehak Kerajaan dengan terburu<sup>2</sup> telah mengemukakan Bill ini yang pada saya, barangkali akan menchuringkan lagi arang di-muka kita dan merosakkan image kita di-luar negeri. Sekian terima kasih.

**Dato' Dr Cheah Toon Lok:** Mr President, Sir, the whole day I sat at the Dewan Ra'ayat hearing with rapt attention the Speeches by the Alliance Members and speeches by the Opposition Members—speeches embellished with democratic principles, intelligence and warnings of disaster to come, if the advice of the Opposition was not followed. This is not the first time that the Opposition Members have become prophets of doom—they had been prophets of doom many times in the Dewan Ra'ayat, but nothing happened after their prophesy.

Just, now, I heard the learned legal Member from Kelantan saying that a grave emergency does not exist. According to the definitions in the dictionary that I have here, the word "grave" is defined as "serious, 'weighty', 'solemn', 'momentous'." He stated that when he was in the Courts he saw nothing there and there was all calmness, that there was a sort of no insurrection and no rioting. But may I ask him, "Must grave situation be an overt act or open or seen?" It need not be that in a situation of grave emergency, there need be an overt act. It does not say "grave" must be "overt". It is only "momentous", "serious", and therefore we have a right to call it a "grave emergency" because of the infiltration. Why should we not say it?

Now, we come to one very serious point that has arisen from what I have heard in the Dewan Ra'ayat. This point

has arisen because of the decision made in the Courts in Kuching. The decision was a legal decision, but with a political rider saying that the Council Negri must be dissolved or advising the Council Negri to be dissolved and to hold an election.

Now, it is very well for a legal adviser or a judge to tell us to have an election. But what are the processes of an election? Who are our voters? Who have the right to elect? It must naturally be those who are citizens of the country. How can you, overnight, ask anybody to vote for a Government in a country of which he is not a citizen? It is just impossible. The rider is impossible of fulfilment and that is why we have trouble today. If there is no political rider attached to a legal judgment, we may not have such, let us say, enlightening speeches in the Lower House and in the Upper House on democracy. We have been told that we must practice democracy, democracy and democracy. What is it? What do you want to practise? Is it not right for us to see that the Chief Minister, who is appointed by legal judgment but not according to political practice, is restrained from misusing his power? We have got every right to do so because, if he does it, there will be a danger to democracy in Kuching. That is why we have stepped in to prevent a grave emergency arising, and I think it is right that our Government should step in and take some steps to assure that this country is saved for democracy. However, I am only sorry that we were not gracious enough in the Lower House to allow one or two speakers of the Opposition a few moments to voice their opinions. It would have been very gracious of us to have given them five minutes to voice their opinions in the Lower House, so that they could be satisfied that they were expressing the views of the political party or of the views of their supporters. But here, I think, the Government is quite correct that a grave emergency does exist—from all I have read, and it is right that we should step in to rectify the mistake in the Constitution—not rectify, in fact, but to fill in the gap—so that the

Governor has got the right to see that the Chief Minister does his work properly and also the Speaker. I think that gap should be filled as was seen in the case of the Constitution of India, and I hope that the Opposition would put up better arguments for the sake of peace and prosperity of the people of Sarawak and of the whole of Malaysia. Thank you.

**Nik Hassan bin Haji Nik Yahya:** Dato' Yang di-Pertua, saya menyokong Bill ini dan saya suka hendak berchakap atas beberapa perkara sa-beberapa rengkas kerana sudah jauh malam. Pada mula-nya saya tidak sangka Ahli<sup>2</sup> Pembangkang daripada PAS begitu sa-kali membangkang Bill ini sa-hingga di-Dewan Ra'ayat mereka itu keluar dan di-sini mereka memberi berbagai perkataan yang menunjukkan mereka itu benar<sup>2</sup> membangkang Bill ini. Mereka ini membangkang sa-hingga di-Dewan Ra'ayat tadi saya tengok sendiri dengan mata kepala saya, mereka rela dudok di-bawah perintah DAP dan juga PPP. Saya tengok sendiri Ahli DAP Devan Nair, keluar Dewan itu bersekali dengan Seenivasagam, panggilkan Ahli PAS itu keluar sama. Sa-tengah keluar, sa-tengah tidak keluar, kemudian masok balek, jadi sa-olah<sup>2</sup> mereka ini rela merosakkan maruah mereka sa-bagai Parti Islam yang di-katakan itu.

**Wan Mustapha bin Haji Wan Ali:** Mr President. . . . .

**Nik Hassan bin Haji Nik Yahya:** Saya tidak beri jalan, saya hendak berchakap, masa sudah lewat.

Mereka ini rela merosakkan maruah mereka sa-bagai Parti Islam sa-Tanah Melayu dudok di-bawah arahan Parti yang lain. Apabila saya halusi di-atas sebab<sup>2</sup> mereka ini membangkang begitu kuat, nyata sa-kali-lah apa yang di-katakan tidak benar. Sa-orang daripada Ahli Pembangkang berkata, mereka ini membangkang atas asas demokrasi, atas asas hendak memelihara Perlembagaan dan sa-bagai-nya. Ini semua-nya karut belaka. Yang saya tahu mereka membangkang ini, Tuan Yang di-Pertua, kerana mereka takut yang mereka ada bersalah yang

sama besar salah-nya dengan apa yang berlaku di-negeri Sarawak.

Saya berkata begitu kerana saya tahu di-Kelantan, Kerajaan PAS di-Kelantan, sedang menganiayakan ra'ayat Kelantan. Pada masa ini, Tuan Yang di-Pertua, tidak kurang daripada 20,000 orang tidak ada pekerjaan di-Kelantan, tidak kurang daripada 50,000 orang yang laparkan tanah menunggu mahukan tanah di-Kelantan, dan pegawai<sup>2</sup> Kerajaan, sa-hingga Ahli Dewan Undangan Negeri, tidak dapat menerima elaun yang patut mereka terima.

Pada bulan ini, Tuan Yang di-Pertua, enam haribulan baharu Ahli Dewan Negeri, yang mewakili Perikatan, menerima cek bayaran elaun, tetapi bagi Ahli<sup>2</sup> yang mewakili Parti PAS cek itu di-terima pada enam haribulan, tetapi tidak di-benarkan memasokkan ka-bank pada enam haribulan kerana wang tidak ada di-bank. Sampai begitu sa-kali keadaan yang berlaku dalam negeri Kelantan. Ra'ayat tidak dapat layanan, kehidupan ra'ayat telah menjadi begitu rumit sa-bagaimana apa yang ada dalam Perlembagaan ini. Itu-lah saya katakan, kita ini lembut, chukup baik, dengan PAS ini pun kita buat baik.

Saya tahu mereka ini datang menyembah Yang Amat Berhormat Tun Haji Abdul Razak meminta pinjaman wang lagi, hendak membayar gaji pun tidak dapat, tetapi di-sini mereka hentam kita, mereka keluar daripada Dewan menunjukkan bermuka<sup>2</sup> kapada ra'ayat kita, mereka keluar daripada Dewan menunjukkan bermuka<sup>2</sup> kapada ra'ayat konon mereka ini memperjuangkan demokrasi. Bukan memperjuangkan demokrasi, mereka menutupkan keburokan yang ada di-negeri sana takut yang Kerajaan ini boleh mengambil tindakan kerana kehidupan ra'ayat Kelantan telah menjadi begitu menderita sa-hingga mesti, sudah menjadi mesti, bagi Kerajaan Pusat ini mengambil tindakan yang wajar bagi menyelamatkan kehidupan ra'ayat di-sana.

Kalau pegawai<sup>2</sup> Kerajaan tidak dapat menerima gaji, kalau Ahli<sup>2</sup> Dewan Negeri tidak dapat menerima elaun,

kalau orang kampung berpuluh ribu tidak dapat memileki tanah, kalau beribu anak muda kita tidak dapat pekerjaan, apa akan jadi kepada Kelantan, Tuan Yang di-Pertua? Yang mereka ini bangkang, mereka takut Kerajaan Pusat tahu semua-nya ini dan akan bertindak untuk menyelamatkan ra'ayat di-Kelantan di-bawah Fasal 150 itu juga yang mana di-katakan bagi menjaga kehidupan ra'ayat Kerajaan berhak mengambil tindakan.

Sudah memang apabila Bill ini datang ka-Parlimen ini, saya rasa Sarawak dan Kelantan patut menjadi dua buah negeri, patut Kerajaan bertindak memperbaiki. Kita bertindak mengadakan Undang<sup>2</sup> ini kerana hendak membetulkan demokrasi di-Sarawak. Pehak Pembangkang, Wan Mustapha, memusingkan Undang<sup>2</sup> itu macham dia itu Legal Adviser. Dato' kata Legal Adviser, bukan Legal Adviser, dia itu loyar. Tadi dia pun berkata, dia pergi ka-Sarawak sa-bagai loyar bukan sa-bagai ahli politik, kerana hendak menchari wang sa-bagai loyar—itu dia!

Sekarang Kerajaan Kelantan berhutang dengan local bank \$3 juta bunga pun tidak dapat bayar, jangan-kan hendak membayar gaji, bunga pun tidak dapat bayar. Apa akan terjadi kepada negeri Kelantan, saya pun tidak tahu! Beratus ribu sa-bulan Kerajaan kena membayar bunga kepada bank, tidak dapat bayar. Apa akan terjadi kepada ra'ayat Kelantan? Jadi ini-lah saya katakan, kita sudah terlampau baik, tangan yang kita hulorkan mereka gigit, tetapi Tun kita dengan Tunku chukup demokrasi, chukup lembut, tetapi mereka memaki lagi, mereka keluar daripada Dewan, mereka mengikut Parti<sup>2</sup> Pembangkang SUPP dan lain<sup>2</sup>, Parti Buroh dan sa-bagai-nya. Mereka tidak mengenangkan budi yang mereka sekarang menyembah.

Jadi ini-lah, Dato' Yang di-Pertua, saya nampak sudah sampai-lah masa-nya kita membetulkan, kita mesti berani membetulkan untuk menyelamatkan demokrasi. Bill ini kita mesti luluskan dengan sa-berapa segera-nya, kita tunggu di-sini. Sekarang sa-berapa

cepat kita luluskan. Pembangkang sudah dua orang berchakap dan dia sudah keluar, saya rasa tidak hendak berchakap dan dia sudah keluar, saya rasa tidak hendak berchakap kerana masa sudah tengah malam, saya rasa chukup-lah. Sekian sahaja, terima kaseh.

**The Minister of Home Affairs and Minister of Justice (Tun Dr Ismail):** Mr President, Sir, the two Honourable Senators, who form the Opposition in the Senate have based their opposition on the principles of democracy. However, we cannot overlook the fact that the Honourable Senator Wan Mustapha in his opening remark said that he would not vote when the time comes, that he would not register the vote of his party. Now, Sir, this comes from two Honourable Senators, who are trying to preach democracy to us, and yet they both gladly said in this House that they would not even practice the very fundamental parliamentary democracy. It is the duty of the Opposition to oppose the Government. It is the duty of the Opposition to be in the House and register their votes and oppose. It is not enough for Honourable Members of the Opposition just to abuse this Chamber of ours, to give lectures, and not perform their duties by not registering their votes.

Sir, let us take the argument put forward by the Honourable Senator Wan Mustapha. He based his argument that this political crisis in Sarawak could be easily solved if the Governor would grant the Chief Minister *de jure* what he asked—the dissolution of Council Negri. He quote at great length all the authorities. Now, what do those quotations amount to? Firstly, he said that the Chief Minister or the Prime Minister and that is the Head of a Government, has the right to ask the Sovereign or the Head of a State at least one dissolution, and then he quoted the conditions which must be fulfilled before the Sovereign or the Governor would allow the dissolution. In the first place, he quoted that where a Prime Minister, or a Chief Minister, commands the majority in the House and asks the Sovereign or the Governor for a dissolution, then, he

said, that the Sovereign, or the Governor, according to parliamentary practice, must accede to the dissolution of Parliament. That is true, because it is the prerogative of the Government in power, who controls the majority, to decide when elections should be held. Then, he said that, where a Government is a minority government, before the Sovereign or the Governor can agree to dissolution, the Sovereign or the Governor must satisfy himself that there is no alternative government. That is quite correct. Thirdly, he says that where there is a deadlock, there is no majority in the House either by the Chief Minister or the Opposition leaders, then the Sovereign or the Governor must grant a dissolution.

Now, let us relate the three conditions to the prevailing conditions in Sarawak now. Dato' Stephen Kalong Ningkan is the Chief Minister *de jure*. If he goes to the Council Negeri, and if what is registered outside the Council Negeri is repeated in the Council Negeri, it is obvious that Dato' Stephen Kalong Ningkan will not get majority support and it is quite obvious that another leader of the Alliance in the Council Negeri will command not only a majority but a substantial majority to form the Government. According to parliamentary practice, the Governor has the right not to grant Dato' Stephen Kalong Ningkan a dissolution of Council Negeri, but the Governor not only can base his judgement on the parliamentary practice, but it is also enshrined in the Sarawak Constitution that the dissolution of Council Negeri is at the discretion of the Governor. It is quite right that the Chief Minister can ask but also it is quite right for the Governor to use his discretion whether to agree to the dissolution or not. That is all that was contained in Honourable Wan Mustapha's two-hour long speech. I summarised it within ten minutes.

Sekarang saya hendak menjawab sedikit tegoran yang di-datangkan oleh Yang Berhormat Senator Amaluddin Darus. Tuduhan yang saya mengambil berat ia-itu dia mengatakan, ia-itu di-Sarawak sana tidak ada communist

threat yang boleh menyebabkan di-ishtiharkan keadaan dharurat. Kata-nya Kertas Puteh yang di-keluarkan oleh Kerajaan ini ia-lah sa-mata<sup>2</sup> hendak memperkuatkan alasan kita hendak menjatuhkan Dato' Kalong Ningkan, dan dia kata ia-itu Kertas Puteh itu bertarikh 17 September, ia-lah bukti-nya menunjukkan yang Kertas Puteh ini di-keluarkan sa-mata<sup>2</sup> dengan tujuan hendak menjatuhkan Dato' Kalong Ningkan. Jadi berma'ana-lah apa yang di-tulis dalam Kertas Puteh ini semua-nya bohong.

**Tuan Amaluddin bin Darus:** Penjelasan, Tuan Yang di-Pertua, Saya tidak mengatakan tidak ada communist threat atau keadaan kekacauan kominis di-Sarawak, bahkan ada di-Sarawak dan ada di-seluruh negara kita semenjak tahun 1948 bagi Malaya ini sendiri. Tetapi yang saya katakan tidak ada keadaan grave emergency yang membolehkan di-ishtiharkan keadaan emergency yang di-panggil sidang ini ia-lah kerana di-ishtiharkan emergency, keadaan seperti yang diberitakan di-surat khabar tidak ada kekacauan di-Kuching, tidak ada kematian dan sa-bagai-nya. Soal kominis itu memang ada tahun 1948 lagi.

**Tun Dr Ismail:** Baik-lah, Tuan President, saya mengucapkan terima kaseh kepada Ahli Yang Berhormat atas kenyataan-nya itu. Katakan dia tidak menafikan yang ada communist threat ini di-Sarawak, tetapi kata dia oleh sebab Kertas Puteh ini di-chetak-kan dan bertarikh pada 17hb September, ini menunjukkan satu bukti yang Kertas Puteh ini di-keluarkan sa-mata<sup>2</sup> kerana kita hendak membuat alasan menjatuhkan Dato' Kalong Ningkan.

Yang Pertama, Tuan President, siapa yang telah membaca Kertas Puteh ini tentu-lah akan mengambil kesimpulan ia-itu benda ini tidak boleh di-karang dengan satu hari sahaja. Sungguh pun kandungan ini memakan tidak kurang daripada sembilan muka tetapi kandong-nya terlampau-lah penoh dan inilah hasil daripada siasat yang diperbuat oleh Chawangan Penyelidikan di-dalam Polis. Dan atas alasan dia ia-itu communist threat, sungguh pun ada di-Sarawak, tetapi tidak-lah begitu

Tuan Haji Ahmad bin Abdul Manap  
 Puan Aishah binti Haji Abdul Ghani  
 Puan Bibi Aisha binti Hamid Don  
 Dato' Joseph Augustine Angian Andulag  
 Tuan Awang Daud Matusin  
 Datu Tuanku Bujang  
 Tuan Chan Keong Hon  
 Tuan Chan Kwong-Hon  
 Dato' Dr Cheah Toon Lok  
 Dato' J. E. S. Crawford  
 Tuan D. S. Dorairaj  
 Dato' Foo See Moi  
 Tuan Gan Teck Yeow  
 Tuan Goh Chek Kin  
 Tuan Hoh Chee Cheong  
 Tuan Hong Kim Sui  
 Tuan C. D. Ismail  
 Tuan Andrew Jika Landau  
 Tuan Koh Kim Leng  
 Dato' Lee Foong Yee  
 Dato' Y. T. Lee  
 Tuan Lim Hee Hong  
 Tuan Lim Joo Kong  
 Tuan Mohamed Adib  
 Datu Pengiran Mohamed Digadong  
 Galpam  
 Tan Sri Haji Mohamed Noah  
 Tuan Haji Muhamad Saaid  
 Dato' Athi Nahappan  
 Tuan S. P. S. Nathan  
 Nik Hassan bin Haji Nik Yahya  
 Tok Pangku Pandak Hamid  
 Tuan Saidon bin Kechut  
 Dato' Sheikh Abu Bakar  
 Tan Sri G. Shelley  
 Tuan Syed Ahmad  
 Tuan Syed Darus  
 Tuan William Tan  
 Tan Sri T. H. Tan  
 Dato' E. E. C. Thuraingham  
 Tuan S. O. K. Ubaidulla  
 Dato' Wan Ibrahim  
 Wan Sulaiman  
 Tuan Yahya bin Ahmad  
 Tuan Yahya bin Haji Ahmad  
 Tuan Yeoh Kian Teik.

#### NOES

Tuan Amaluddin bin Darus  
 Wan Mustapha bin Haji Ali.

#### ABSTENTIONS—Nil

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

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

Bill considered in Committee.

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

*Preamble* ordered to stand part of the Bill.

**Tan Sri T. H. Tan:** Mr Chairman, Sir, I beg to move that the Bill be now reported back to the House.

**Dato' Y. T. Lee:** I beg to second the motion.

Question put, and agreed to.

*House resumes.*

(Mr President in the Chair)

#### Third Reading

**Tan Sri T. H. Tan:** Mr President, Sir, I beg to report that the Bill has been considered in Committee and agreed to without amendment. I accordingly move that it be read the third time and passed.

**Dato' Y. T. Lee:** Sir, I beg to second the motion.

Question put.

House divided: *Ayes*—49; *Noes*—2;

*Abstention*—Nil.

#### AYES

Tuan A. Arunasalam  
 Tuan Abdul Rahman bin Ahmad  
 Tuan Abdul Samad bin Osman  
 Tuan Haji Ahmad bin Haji Abdullah  
 Tuan Haji Ahmad bin Abdul Manap  
 Puan Aishah binti Haji Abdul Ghani  
 Puan Bibi Aisha binti Hamid Don  
 Dato' Joseph Augustine Angian Andulag  
 Tuan Awang Daud Matusin  
 Datu Tuanku Bujang  
 Tuan Chan Keong Hon  
 Tuan Chan Kwong-Hon  
 Dato' Dr Cheah Toon Lok  
 Dato' J. E. S. Crawford  
 Tuan D. S. Dorairaj  
 Dato' Foo See Moi  
 Tuan Gan Teck Yeow  
 Tuan Goh Chek Kin  
 Tuan Hoh Chee Cheong  
 Tuan Hong Kim Sui  
 Tuan C. D. Ismail  
 Tuan Andrew Jika Landau  
 Tuan Koh Kim Leng  
 Dato' Lee Foong Yee  
 Dato' Y. T. Lee

Tuan Lim Hee Hong  
 Tuan Lim Joo Kong  
 Tuan Mohamed Adib  
 Datu Pengiran Mohamed Digadong  
 Galpam  
 Tan Sri Haji Mohamed Noah  
 Tuan Haji Muhamad Saaid  
 Dato' Athi Nahappan  
 Tuan S. P. S. Nathan  
 Nik Hassan bin Haji Nik Yahya  
 Tok Pangku Pandak Hamid  
 Tuan Saidon bin Kechut  
 Dato' Sheikh Abu Bakar  
 Tan Sri G. Shelley  
 Tuan Syed Ahmad  
 Tuan Syed Darus  
 Tuan William Tan  
 Tan Sri T. H. Tan

Dato' E. E. C. Thuraisingham  
 Tuan S. O. K. Ubaidulla  
 Dato' Wan Ibrahim  
 Wan Sulaiman  
 Tuan Yahya bin Ahmad  
 Tuan Yahya bin Haji Ahmad  
 Tuan Yeoh Kian Teik.

NOES

Tuan Amaluddin bin Darus  
 Wan Mustapha bin Haji Ali.

ABSTENTIONS—Nil

Bill accordingly read the third time and passed.

**Mr President:** The House is adjourned *sine die*.

*Adjourned at 12.50 a.m.*