

SPEECH BY
THE DEPUTY PRIME MINISTER
AT THE DEBATE RESUMED
ON THE SECOND READING
OF THE EMERGENCY FEDERAL CONSTITUTION
AND CONSTITUTION OF SARAWAK BILL
AT DEWAN RAKYAT
ON 19TH SEPTEMBER, 1966.

Tuan Yang di-Pertua¹, bagi menggulung perbahasan dalam Rang Undang-Undang ini, saya suka terutama sekali mengucapkan setinggi-tinggi terima kasih kepada Ahli-Ahli Yang Berhormat, terutama sekali Ahli-Ahli Yang Berhormat dari Sarawak yang telah memberi sokongan kepada Rang Undang-Undang ini dan kepada langkah-langkah yang Kerajaan Pusat bercadang hendak ambil untuk hendak menyelamatkan negeri Sarawak.

Jadi, Tuan Yang di-Pertua, seperti saya telah terangkan pada pagi tadi bahawa langkah-langkah yang kita ambil itu adalah semata-mata hendak membolehkan demokrasi, aturan dan peraturan demokrasi yang sebenarnya, berjalan di Sarawak itu. Jadi, dengan sebab itulah kita bercadang hendak memberi kuasa kepada Gabenor, terutama sekali untuk memanggil Mesyuarat Council Negeri dan kemudian daripada itu memecat, atau memberhentikan Kerajaan yang telah mendapat undi tak percaya daripada pihak Council Negeri. Jadi, langkah-langkah ini, seperti saya kata pagi tadi ialah langkah yang sederhana semata-mata untuk hendak menjaminkan yang dasar demokrasi itu berjalan mengikut aturan dan peraturan yang tertentu.

Mr. Speaker, Sir, my Honourable colleague, the Minister for Housing and Local Government², has already replied on the constitutional and legal points raised by Honourable Members in this House, and my Honourable colleague, the Minister for Homes Affairs³, has also replied on the security issue. I only wish to reply to a few other points, which have not been covered by my two colleagues.

Sir, the Honourable Member for Bungsar⁴ has alleged that the Alliance Government has always broken the rules, whenever they find the situation is to its disadvantage - he alleges that we have always broken the rules. Well, Sir, Honourable Members of this House could see just not as to who really did break the rules. The rule of our democracy, and the rule of this House is that on any issue we debate in this House, fully and frankly, and at the end of the debate in this House, fully and frankly, and at the end of the debate the decision is taken by vote. The Honourable Member for Bungsar, after he made a serious and very vehement allegation against the Government, did not have the decency, or the courtesy, to remain in this House to listen to the reply given by the Government, but instead of that he chose to leave this House. Well, Sir, this is the way in which people, who talk so much about democracy, behave in this Honourable House, and, as I said, these are the people who allege that we have broken the rules, when they themselves have broken the fundamental rule of democracy. Sir, the Honourable Member also has alleged that in the political field too in Sarawak we have broken the rules. What we have done, Sir, or have decided to do, is merely to see that the democratic rules are adhered to. As I explained this morning, the Chief Minister, who knows that he no longer enjoys the confidence of the majority of the members of the Council Negeri, does not wish to resign. The fundamental rule in democracy, the accepted practice in democracy, is that when a Head of Government does not enjoy the confidence of the majority of Parliament, or legislative body, or Legislative Assembly, he must resign. So, when you have a situation where the political players or actors, whatever you may call them, do not follow the rules, obviously we must make measures to see that the rules are properly followed, and that is why we have decided to give these very limited powers to the Governor as the Head of the State of Sarawak to see that the rules of democracy are followed.

Mr. Speaker, Sir, I have listened very carefully to the speeches of the Honourable Members of the Opposition, but in all their speeches I have failed to find any valid argument against the measures we propose to take in this Bill. Indeed, the Honourable Member for Ipoh⁵ made one very important admission. The Honourable Member for Ipoh said that, if the Government could give an assurance that these measures would only last for one week, he would support this Bill. Well, Sir, obviously, if he thought that these

measures would be all right for one week, they should be all right for one month, two months, or seven months. Obviously, to him there is nothing wrong with the principles in the Bill, as he said that if we could give an assurance that they could be terminated after one week, he would support this Bill. Sir, as I have explained, and as my Colleagues also have explained, these measures that we have proposed are temporary, in order to bring to an end the present constitutional and political crisis, that the Bill is linked to the effect on the security of Sarawak by the present constitutional crisis, and that when the Government is satisfied that the security of Sarawak is no longer impaired by this present absence of a stable government, then the Government will advise His Majesty that the Proclamation of Emergency should end. When the Proclamation of Emergency ends, then the provisions under this Bill will lapse after six months.

Sir, the Honourable Member for Ipoh and, I think, one or two other Honourable Members in the Opposition, asked why was it necessary for the Government to proclaim a new State of Emergency when we have already a state of Emergency. I would like to explain to Honourable Members of the Opposition that the Emergency that we proclaimed because of confrontation, external threat from Indonesia, and also threat from the Communists, is different and was declared under different circumstances from the present Emergency that we have just proclaimed. I feel that unless we make this quite clear, the Members of the Opposition will themselves be the first to complain that we are misusing the provisions of the present Emergency Regulations. That is why we decided, because circumstances are different, the present state of Emergency was brought about by constitutional and political crisis to make it quite clear that we are not using or misusing the present Emergency Regulations. That is why we have decided that we should declare a separate state of Emergency and there is nothing wrong under the Constitution for us to have two types of Emergency at the same time, because the two Proclamations of Emergency deal with different circumstances.

Now, Sir, the Honourable Member for Ipoh also asked how could Ministers work in peace in Sarawak in peace in Sarawak, or have confidence in the Governor, when the Governor can sack them at any time. I am sure, Sir, the Honourable Member is under a misapprehension, because under the present Constitution of Sarawak

the Governor has the power to dismiss all the Ministers - Members of the Supreme Council - other than the Chief Minister, and he can only dismiss the Chief Minister under this Bill, if the Chief Minister has lost the confidence of the House as demonstrated by a vote in the Council Negeri. So, there is no question that the Governor can dismiss the Chief Minister any time he likes. He can only dismiss the Chief Minister when the Chief Minister has lost the confidence of the Council Negeri.

Sir, the Honourable Member for Ipoh also said that the Bill, introduced in this House, will prejudice the position of the Courts and will impair the confidence the Judges have in the Government, because we have always believed in the independence of the judiciary. Sir, here again I think the Honourable Member for Ipoh, and I think one or two Honourable Members of the Opposition, are under a misapprehension. It is the duty of the Courts to interpret the Constitution and the laws, but if the Parliament finds, the Legislature finds, that there are defects in the law, or that the law does not give effect to the real intention of Parliament, then it is the duty of Parliament to amend the law. This has happened on a number of occasions in democratic countries. When Parliament finds that the Judiciary has pointed out that there are defects in the law, the logical step for the Parliament would be to amend the law, so that the law will give the true intention of Parliament. So, this is not in any way interfering with the independence of the Judiciary or of the Courts. As my colleagues have stated, we respect the decisions of the Court, out by this Bill it is only intended to give effect to the intention of the Constitution.

Sir, the Honourable Member for Batu⁶ said that this Bill, when passed, would be ultra vires. I was not quite sure what he meant by this and he suggested that the Government.....

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⁵ Tuan D.R. Seenivasagam

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