



PARLIAMENTARY DEBATES

DEWAN RA'AYAT (HOUSE OF REPRESENTATIVES)

OFFICIAL REPORT

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

Official Report

Third Session of the First Dewan Ra'ayat

Tuesday, 8th August, 1961

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

PRESENT:

- The Honourable Mr. Speaker, DATO' HAJI MOHAMED NOAH BIN OMAR,
S.P.M.J., D.P.M.B., P.I.S., J.P.
- „ the Prime Minister and Minister of External Affairs,
Y.T.M. TUNKU ABDUL RAHMAN PUTRA AL-HAJ, K.O.M.
(Kuala Kedah).
- „ the Deputy Prime Minister, Minister of Defence and
Minister of Rural Development, TUN HAJI ABDUL
RAZAK BIN DATO' HUSSAIN, S.M.N. (Pekan).
- „ the Minister of Internal Security and Minister of the Interior,
DATO' DR. ISMAIL BIN DATO' HAJI ABDUL RAHMAN,
P.M.N. (Johor Timor).
- „ the Minister of Finance, ENCHE' TAN SIEW SIN, J.P. (Melaka
Tengah).
- „ the Minister of Works, Posts and Telecommunications,
DATO' V. T. SAMBANTHAN, P.M.N. (Sungai Siput).
- „ the Minister of Agriculture and Co-operatives, ENCHE'
ABDUL AZIZ BIN ISHAK (Kuala Langat).
- „ the Minister of Transport, DATO' SARDON BIN HAJI JUBIR,
P.M.N. (Pontian Utara).
- „ the Minister of Health and Social Welfare, DATO' ONG
YOKE LIN, P.M.N. (Ulu Selangor).
- „ the Minister of Commerce and Industry, ENCHE' MOHAMED
KHIR BIN JOHARI (Kedah Tengah).
- „ the Minister of Education, ENCHE' ABDUL RAHMAN BIN
HAJI TALIB (Kuantan).
- „ the Assistant Minister of Education, ENCHE' ABDUL HAMID
KHAN BIN HAJI SAKHAWAT ALI KHAN, J.M.N., J.P. (Batang
Padang).
- „ the Assistant Minister of Rural Development, TUAN HAJI
ABDUL KHALID BIN AWANG OSMAN (Kota Star Utara).
- „ the Assistant Minister of Labour, ENCHE' V. MANICKA-
VASAGAM, J.M.N., P.J.K. (Klang).
- „ the Assistant Minister of the Interior, ENCHE' MOHAMED
ISMAIL BIN MOHAMED YUSOF (Jerai).
- „ ENCHE' ABDUL RAUF BIN A. RAHMAN (Krian Laut).

The Honourable TUAN HAJI ABDULLAH BIN HAJI ABDUL RAOF (Kuala Kangsar).

- „ TUAN HAJI ABDULLAH BIN HAJI MOHD. SALLEH, A.M.N.,
P.I.S. (Segamat Utara).
- „ TUAN HAJI AHMAD BIN ABDULLAH (Kota Bharu Hilir).
- „ ENCHE' AHMAD BIN ARSHAD, A.M.N. (Muar Utara).
- „ ENCHE' AHMAD BOESTAMAM (Setapak).
- „ ENCHE' AHMAD BIN HAJI YUSOF, P.J.K. (Krian Darat).
- „ TUAN HAJI AZAHARI BIN HAJI IBRAHIM (Kubang Pasu Barat).
- „ ENCHE' AZIZ BIN ISHAK (Muar Dalam).
- „ DR. BURHANUDDIN BIN MOHD. NOOR (Besut).
- „ ENCHE' CHAN CHONG WEN, A.M.N. (Kluang Selatan).
- „ ENCHE' CHAN SIANG SUN (Bentong).
- „ ENCHE' CHAN SWEE HO (Ulu Kinta).
- „ ENCHE' CHAN YOON ONN (Kampar).
- „ ENCHE' CHIN SEE YIN (Seremban Timor).
- „ ENCHE' V. DAVID (Bungsar).
- „ DATIN FATIMAH BINTI HAJI HASHIM, P.M.N. (Jitra-Padang
Terap).
- „ ENCHE' GEH CHONG KEAT (Penang Utara).
- „ ENCHE' HAMZAH BIN ALANG, A.M.N. (Kapar).
- „ ENCHE' HANAFI BIN MOHD. YUNUS, A.M.N. (Kulim Utara).
- „ ENCHE' HARUN BIN ABDULLAH, A.M.N. (Baling).
- „ ENCHE' HARUN BIN PILUS (Trengganu Tengah).
- „ TUAN HAJI HASSAN BIN HAJI AHMAD (Tumpat).
- „ ENCHE' HASSAN BIN MANSOR (Melaka Selatan).
- „ ENCHE' HUSSEIN BIN TO' MUDA HASSAN (Raub).
- „ ENCHE' HUSSEIN BIN MOHD. NOORDIN, A.M.N., P.J.K. (Parit).
- „ TUAN HAJI HUSSAIN RAHIMI BIN HAJI SAMAN (Kota Bharu
Hulu).
- „ ENCHE' IBRAHIM BIN ABDUL RAHMAN (Seberang Tengah).
- „ ENCHE' ISMAIL BIN IDRIS (Penang Selatan).
- „ ENCHE' KANG KOCK SENG (Batu Pahat).
- „ ENCHE' K. KARAM SINGH (Damansara).
- „ CHE' KHADIJAH BINTI MOHD. SIDEK (Dungun).
- „ ENCHE' KHONG KOK YAT (Batu Gajah).
- „ ENCHE' LEE SAN CHOON (Kluang Utara).
- „ ENCHE' LEE SECK FUN (Tanjong Malim).
- „ ENCHE' LEE SIOK YEW, A.M.N. (Sepang).
- „ ENCHE' LIM JOO KONG (Alor Star).
- „ DR. LIM SWEE AUN, J.P. (Larut Selatan).
- „ ENCHE' LIU YOONG PENG (Rawang).
- „ ENCHE' T. MAHIMA SINGH, J.P. (Port Dickson).
- „ ENCHE' MOHAMED BIN UJANG (Jejebu-Jempol).
- „ ENCHE' MOHAMED ABBAS BIN AHMAD (Hilir Perak).

- The Honourable ENCHE' MOHAMED ASRI BIN HAJI MUDA (Pasir Puteh).
- „ ENCHE' MOHAMED DAHARI BIN HAJI MOHD. ALI (Kuala Selangor).
- „ ENCHE' MOHAMED NOR BIN MOHD. DAHAN (Ulu Perak).
- „ DATO' MOHAMED HANIFAH BIN HAJI ABDUL GHANI, P.J.K. (Pasir Mas Hulu).
- „ ENCHE' MOHAMED SULONG BIN MOHD. ALI, J.M.N. (Lipis).
- „ ENCHE' MOHAMED YUSOF BIN MAHMUD, A.M.N. (Temerloh).
- „ TUAN HAJI MOKHTAR BIN HAJI ISMAIL (Perlis Selatan).
- „ NIK MAN BIN NIK MOHAMED (Pasir Mas Hilir).
- „ ENCHE' NG ANN TECK (Batu).
- „ ENCHE' OTHMAN BIN ABDULLAH (Tanah Merah).
- „ ENCHE' OTHMAN BIN ABDULLAH, A.M.N. (Perlis Utara).
- „ TUAN HAJI REDZA BIN HAJI MOHD. SAID (Rembau-Tampin).
- „ ENCHE' SEAH TENG NGIAB (Muar Pantai).
- „ ENCHE' D. R. SEENIVASAGAM (Ipoh).
- „ ENCHE' S. P. SEENIVASAGAM (Menglembu).
- „ TUAN SYED ESA BIN ALWEE, J.M.N., S.M.J., P.I.S. (Batu Pahat Dalam).
- „ TUAN SYED HASHIM BIN SYED AJAM, A.M.N., P.J.K. (Sabak Bernam).
- „ ENCHE' TAN CHENG BEE, J.P. (Bagan).
- „ ENCHE' TAN PHOCK KIN (Tanjong).
- „ ENCHE' TAN TYE CHEK (Kulim-Bandar Bharu).
- „ TENGKU BESAR INDERA RAJA IBNI AL-MARHUM SULTAN IBRAHIM, D.K., P.M.N. (Ulu Kelantan).
- „ DATO' TEOH CHZE CHONG, D.P.M.J., J.P. (Segamat Selatan).
- „ ENCHE' TOO JOON HING (Telok Anson).
- „ ENCHE' V. VEERAPPEN (Seberang Selatan).
- „ WAN SULAIMAN BIN WAN TAM, P.J.K. (Kota Star Selatan).
- „ WAN YAHYA BIN HAJI WAN MOHAMED (Kemaman).
- „ ENCHE' YAHYA BIN HAJI AHMAD (Bagan Datoh).
- „ ENCHE' YEOH TAT BENG (Bruas).
- „ ENCHE' YONG WOO MING (Sitiawan).
- „ PUAN HJIAH ZAIN BINTI SULAIMAN, J.M.N., P.I.S. (Pontian Selatan).
- „ ENCHE' ZULKIFLEE BIN MUHAMMAD (Bachok).

ABSENT:

- The Honourable DATO' SULEIMAN BIN DATO' HAJI ABDUL RAHMAN, P.M.N. (Minister without Portfolio) (Muar Selatan) (*on leave*).
- „ the Minister of Labour, ENCHE' BAHAMAN BIN SAMSUDIN (Kuala Pilah).
- „ the Assistant Minister of Information and Broadcasting, TUAN SYED JA'AFAR ALBAR BIN HASAN ALBAR, J.M.N. (Johor Tenggara).

The Honourable the Assistant Minister of Commerce and Industry, ENCHE' CHEAH THEAM SWEE (Bukit Bintang).

- „ ENCHE' ABDUL GHANI BIN ISHAK, A.M.N. (Melaka Utara).
- „ ENCHE' ABDUL SAMAD BIN OSMAN (Sungei Patani).
- „ ENCHE' AHMAD BIN MOHAMED SHAH, S.M.J. (Johor Bahru Barat).
- „ TUAN HAJI AHMAD BIN SAAID (Seberang Utara).
- „ TUAN HAJI HASAN ADLI BIN HAJI ARSHAD (Kuala Trengganu Utara).
- „ ENCHE' LIM KEAN SIEW (Dato Kramat).
- „ DATO' ONN BIN JA'AFAR, D.K., D.P.M.J. (Kuala Trengganu Selatan).
- „ ENCHE' QUEK KAI DONG, J.P. (Seremban Barat).
- „ ENCHE' TAJUDIN BIN ALI, P.J.K. (Larut Utara).
- „ ENCHE' TAN KEE GAK (Bandar Melaka).
- „ WAN MUSTAPHA BIN HAJI ALI (Kelantan Hilir).
- „ TUAN HAJI ZAKARIA BIN HAJI MOHD. TAIB (Langat).

IN ATTENDANCE:

The Honourable the Minister of Justice, TUN LEONG YEW KOH, S.M.N.

PRAYERS

(Mr. Speaker *in the Chair*)

ORAL ANSWERS TO QUESTIONS

General Hospital, Kuala Lumpur

1. Enche' V. David asks the Minister of Health and Social Welfare if he is aware that Ward 16 of the General Hospital, Kuala Lumpur, is full of flies and that a sticker is being hung over every bed to trap the flies, and if so, why no positive steps are taken to prevent the breeding of flies in the grounds of the hospital.

The Minister of Health and Social Welfare (Dato' Ong Yoke Lin): Mr. Speaker, Sir, I am sure the House appreciates that the Honourable Member is again guilty of gross exaggeration. Occasionally there have been some flies, and a few strips of fly paste paper has been placed in strategic points in the ward in question. Positive measures have been taken to rid the hospital of fly nuisance. For example, for the past two years a team consisting of a Public Health Overseer and three labourers have been employed full time on anti-fly measures in the hospital. As far as

the hospital is concerned, there is definitely no breeding place for flies.

Some of the causes of the fly nuisance can be attributed to cattle straying into the hospital grounds, rearing of cattle and poultry and vegetable gardening in the vicinity of the hospital. During the first four months of this year, 13 heads of cattle straying into the hospital compound have been impounded by the police. More stringent measures are being taken jointly by the hospital and municipal authorities to abate the fly nuisance.

Enche' V. David: The Minister has misled the House. Well, I want him to admit that there were stickers hung to detract flies, and that those measures have been taken only after my question was submitted.

Dato' Ong Yoke Lin: I think I have already answered the question.

Bungsar Hospital, Kuala Lumpur

2. Enche' V. David asks the Minister of Health and Social Welfare whether the P.W.D. Technical Officers condemned the Bungsar Hospital Building or it is the sole decision of the Minister himself.

Dato' Ong Yoke Lin: Mr. Speaker, Sir, the decision to evacuate the Bungsar Hospital was taken by me in February, 1961, after consultation with the Technical Officers of the Public Works Department and Senior Officers of the Ministry of Health and the Ministry of Works.

Enche' V. David: What was the report of the Technical Officers?

Dato' Ong Yoke Lin: I said I consulted the Technical Officers.

Enche' V. David: I want to know what was the report? Did they condemn the building? Sir, I just want a reply—Yes or No.

Dato' Ong Yoke Lin: I said that I had consulted the Technical Officers and they agreed that my decision was in order.

Enche' V. David: That means the decision was made by the Minister and not by the Technical Officers.

Dato' Ong Yoke Lin: Yes, Sir.

Fragmentation of Rubber Estates—Statistics

3. Enche' V. David asks the Minister of Labour to state the acreage of rubber estates which have been fragmented up till 31st March, 1961, giving the number of persons who lost their employment thereby.

The Assistant Minister of Labour (Enche' V. Manickavasagam): Mr. Speaker, Sir, since it is not obligatory on the part of the owner or anyone to report on the fragmentation of any estate, it is not possible to give an accurate figure concerning acreage or the number of persons displaced following fragmentation. The Labour Department, however, enforces various legislations on estates of 25 acres and over and a rough estimate of the problems caused by fragmentation is known.

The extent of fragmentation of estates of 25 acres and over for the period 1957-1959, can be found in paragraph 9 of the Interim Report of the Sub-division of Estates Committee which was tabled as Command Paper No. 15 of 1961 in this House in April

this year. The number of persons displaced is also given in the Report which says that only 250 were unable to find alternative employment within a reasonable period of time.

From 1st January, 1960 to 31st March, 1961, 47,204½ acres more were fragmented. During this 15-month period only 125 of the workers concerned could not find employment within a reasonable length of time. These 125 did not register themselves at our Exchanges and since there is always a shortage of skilled workers in this field it can be assumed that they have found employment after a time.

Sir, however, in accordance with the recommendation made by the Sub-division of Estates Committee in its Interim Report, a detailed survey of the extent and effects of sub-division is being done by the Economics Department of the University of Malaya. The Government expects the report of the results of the survey to be submitted some time in November this year.

Enche' V. Veerappen: The Assistant Minister said that it is not obligatory on the part of the owners who fragment to give the figures. Would the Assistant Minister say whether his Ministry would see to it that it is obligatory for the owners to give the figures?

Enche' V. Manickavasagam: I have just said that we are waiting for the Report and we will consider that.

Enche' V. Veerappen: Would you agree that certain of the figures that are quoted in the Interim Report submitted by the Committee are themselves not very accurate.

Enche' V. Manickavasagam: It is a Report made by a Committee and I can't comment on that.

Teachers—Medical Attention

4. Enche' V. Veerappen asks the Minister of Education to state why medical attention which is available to other Government employees is not given to teachers under the Unified Service Scheme.

The Assistant Minister of Education (Enche' Abdul Hamid Khan bin Haji Sakhawat Ali Khan): Sir, this is because they are not Government employees.

Secondary Education in Malay

5. Enche' V. Veerappen asks the Minister of Education to state:

- (a) the steps being taken to train Malay School Teachers to teach in Malay Secondary Schools,
- (b) the progress with regard to the use of Malay Text Books in Malay Secondary Schools, and
- (c) when does he expect to have at least one model Malay Secondary School teaching entirely in Malay.

Enche' Abdul Hamid Khan: Mr. Speaker, Sir, the reply to (a) is as follows:

Malay School Teachers are academically suited and professionally trained for teaching in primary schools. Every encouragement, however, is given to these teachers to improve their qualifications and those subsequently found suitable academically and professionally are given the opportunity to teach in Malay secondary schools.

In reply to (b), I am glad to be able to state that the production of Malay text books for use in the Malay secondary schools has been substantial.

For the Lower Secondary Classes, except for History, text books for all subjects have been made available.

For the Upper Secondary Classes text books for the following subjects, Science, Mathematics, Geography and History, to complete the existing series will be ready for use by the pupils in time for the Malay medium F.M.C.E. examination in 1962.

In regard to (c), it is not fully understood as to what is meant by the word "model". However, if by "model" is meant schools accommodated in separate buildings, then it is thought that by the end of 1962 or early in 1963 there will be several Malay medium secondary schools in the Federation

operating on their own in buildings separate from other schools.

Enche' V. Veerappen: Mr. Speaker, Sir, what I mean by "model" is that a secondary school teaching entirely in the Malay medium. Would there be such a school and when would such a school be established?

Enche' Abdul Hamid Khan: Sir, I have mentioned that it is expected by the end of 1962 or early 1963, when there will be several Malay medium schools.

Enche' V. Veerappen: How many Malay school teachers have acquired extra qualifications to enable them to teach in secondary schools with Malay medium?

Enche' Abdul Hamid Khan: Sir, I need notice of that question.

Detentions under the Internal Security Act

6. Enche' Too Joon Hing asks the Minister of Internal Security to state:

- (a) the number of persons who have been detained by Government under the Internal Security Act, and
- (b) the number of such detainees who have been released by Government.

The Minister of Internal Security (Dato' Dr. Ismail bin Dato' Haji Abdul Rahman): Sir, the total number of persons including surrendered enemy personnel who have been detained under the Internal Security Act, 1960, is 108, of which 67 have previously been detained under the Emergency Regulations.

The answer to (b): the number of such detainees who have been released is 42.

Merger

7. Enche' V. Veerappen (under Standing Order 24 (2)) asks the Prime Minister to state whether he has received details concerning the merger of Singapore and the Federation from either the Singapore Government or the British Government; if so, what are these details, and if not, whether he will

explain what is meant by "merger with Singapore".

The Prime Minister: Mr. Speaker, Sir, in fact, no details of the merger have been worked out at the moment. The only thing that has emerged from this is only an informal proposal, but if this proposal is agreed to by the Singapore Government, or this Government, then we could sit together and work out the details. I can't at this stage give any more information than that.

8. Enche' V. Veerappen (under Standing Order 24 (2)) asks the Prime Minister to state whether he has any arrangements with the Brunei Government or the Sultan of Brunei regarding the "Malaysian Merger" and, if so, what are the details of the merger proposals, tentative or otherwise.

The Prime Minister: Mr. Speaker, Sir, there are no arrangements with the Brunei Government. I only sounded His Highness the Sultan whether he would agree to form a merger with the Federation Government, and I can say at this moment that the idea appears to be acceptable to His Highness.

Enche' Ahmad Boestamam: Adakah Kerajaan Persekutuan bermaksud hendak mengadakan perundingan berkenaan dengan ini dengan Kerajaan Brunei.

The Prime Minister: Tuan Yang di-Pertua, tetap.

9. Enche' V. Veerappen (under Standing Order 24 (2)) asks the Prime Minister to state whether he has had talks with the British Government regarding the "Malaysian Merger" proposals, and if so, what is the outcome of the talks and the details, tentative or otherwise.

The Prime Minister: Mr. Speaker, Sir, as I said just now with regard to all this question of merger, I only had an exploratory talk with representatives of Her Majesty's Government of the United Kingdom. Consequently, the outcome of the conversation, which is purely of an informal and exploratory nature, cannot yet be revealed to this

House: it is still more difficult to consider the details of talks that might be held later, tentative or otherwise.

Enche' Ahmad Boestamam: Manakah yang lebih dahulu Perdana Menteri berunding dengan wakil Kerajaan British atau mengumumkan fasal Malaysia kepada wartawan².

The Prime Minister: Tuan Yang di-Pertua, yang sa-benar-nya apa yang saya sebutkan kepada wartawan² lebih daripada itu-lah yang pehak Kerajaan British telah pun setuju hendak chakap perkara ta' resmi di-atas hal itu.

10. Enche' S. P. Seenivasagam asks the Prime Minister to state whether Government intends to enter into negotiations with the Government of Singapore or the British Government for the merger of the State of Singapore with the Federation of Malaya, if so, when; if not, to state the reasons.

The Prime Minister: Mr. Speaker, Sir, I have already expressed the Federation's willingness to a form of closer co-operation with Singapore, and if this is acceptable to them, the only possible thing to do is to arrange for a meeting between the Government of Singapore and the British Government. The British Government has not given any formal indication of their willingness to talk at this moment. I am sure, on the other hand, that the Singapore Government is ready to hold a talk at any time with the Federation Government. When I have a clearer indication on what is going to happen, I will be very glad to report back to this House.

11. Enche' S. P. Seenivasagam asks the Prime Minister to state whether it is the intention of Government to negotiate with the British Government for the merger of the Sarawak, Brunei and Borneo territories with the Federation of Malaya before these territories attain independence and are in a position to exercise their right of self-determination.

The Prime Minister: Mr. Speaker, Sir, the same applies to the question of merger with Sarawak and Borneo and if it is necessary, of course—where all

parties have expressed their willingness—to hold a talk, we will be only too glad to have such a talk. I cannot at this moment see how these territories of Sarawak, Borneo and Brunei can be given independence, before the merger because these territories are not yet ready. It is hoped that independence will come with the merger. They will be given the same status in the Federation as the other States.

Enche' S. P. Seenivasagam: Sir, does that mean that the Government of the Federation intends to decide whether Borneo and Sarawak and the other territories should form part of this country before the inhabitants there are able to express their views at the polls?

The Prime Minister: Mr. Speaker, Sir, there is no intention on the part of this Government to colonise those territories at all. We can only accept them from the desire and of their own freewill to join us.

Enche' S. P. Seenivasagam: Sir, would that mean then that this Government will not take over those territories as a result any deal with the British Government?

The Prime Minister: Well, Mr. Speaker, Sir, we will only be happy to take over these territories with whoever we deal. At the moment the U.K. Government is in control of these territories and if by an Order-in-Council, I presume, it decides to do so, and if the people of these territories are willing to join us, we will only be too happy to welcome them.

Enche' S. P. Seenivasagam: How does the Federation Government intend to find out whether the people of those territories, as distinct from the British Government, would like to join the Federation?

The Prime Minister: Yes, Mr. Speaker, Sir, it is for them to say. If the Honourable Member would like to tour the territories to find out that for himself, I will be glad to make the necessary arrangement for him to go (*Laughter*).

Wang Pembangunan Luar Bandar untuk Ranchangan Dalam Negeri²

12. Enche' Zulkiflee bin Muhammad bertanya kepada Timbalan Perdana Menteri:

- (a) bagaimana-kah chara pemberian wang bagi Kemajuan Luar Bandar kepada ranchangan² sa-sabuah negeri? Ada-kah dengan chara terus kepada Jawatan-Kuasa Daerah Kemajuan Luar Bandar atau pun menerusi Jawatan-Kuasa Kemajuan Luar Bandar Negeri;
- (b) berapa banyak-kah permintaan yang telah di-beri kepada tiap² negeri bagi tahun ini dan berapa banyak-kah yang telah di-berikan;
- (c) menurut dasar apa-kah Menteri Kemajuan Luar Bandar memberi peruntukan Kemajuan Luar Bandar dalam menyusun keutamaan di-antara ranchangan² itu?

The Deputy Prime Minister (Tun Hj. Abdul Razak bin Dato' Hussain):

Tuan Yang di-Pertua, wang Pembangunan Luar Bandar biasa-nya di-untokan kepada Kerajaan Negeri bagi ranchangan² yang di-persetujukan oleh Kerajaan Persekutuan. Wang itu di-dahulukan oleh Kerajaan Negeri kemudian di-bayar balek oleh Kerajaan Persekutuan. Bagi sa-tengah² ranchangan bantuan ada-lah di-bagi terus kepada Jajahan², biasa-nya di-perbuat pada masa lawatan saya sendiri bila di-dapati ranchangan itu mustahak dan patut di-jalankan dengan segera dan wang-nya akan di-sediakan.

Berkenaan dengan soal bahagian kedua, tidak dapat hendak di-beri keterangan pada masa ini kerana membelanjakan wang di-atas ranchangan² ini, Kerajaan negeri ada-lah di-minta membelanjakan dahulu dan lepas daripada itu boleh-lah di-minta bayar balek daripada Kerajaan Persekutuan. Terutama sa-kali ranchangan² saperti Group Settlement dan juga jalan² raya, tanaman, hutan dan haiwan atau veterinary semua-nya Kerajaan Negeri membelanjakan dahulu. Apabila telah

selesai baharu-lah di-minta bayar balek kapada Kerajaan Persekutuan. Dasar bahagian wang itu ada-lah menurut ranchangan² yang di-kehendaki dan bagaimana mustahak-nya ranchangan itu dan kebolehan negeri melaksanakan ranchangan itu, umpama-nya peruntukan wang tidak-lah di-beri kapada Kerajaan Negeri Kelantan dan Trengganu bagi ranchangan tanah. Kerajaan dua buah negeri itu tidak menerima Ranchangan² Tanah Kebangsaan Kerajaan Persekutuan.

BILLS

THE ELECTION OFFENCES (AMENDMENT) BILL

Second Reading

The Prime Minister: Mr. Speaker, Sir, I beg to move that a Bill intituled "an Act to amend the Election Offences Ordinance, 1954" be read a second time.

The Bill seeks to bring about two changes. The first is to raise the maximum expenses which can be incurred by candidates as election expenses. This increase is recommended, in the light of experience, by the Election Commission. It has been found that the present maximum expenses are too small and that a more realistic figure should be reached. Therefore, it is proposed to increase the maxima in respect of elections to the Dewan Ra'ayat and Legislative Assemblies, and also to Local Authorities and Local Councils.

The other change which the Bill seeks to bring about is to abolish the alternative maximum expenses based on per capita amount in respect of each elector. It has been found that the total arrived at by this alternative method never amount to even half of the maximum sum permitted in respect of various kinds of elections. It is, therefore, considered that this alternative maximum expenses should be abolished.

Further, there is another small amendment to the definition of the word "constituency" in section 2 of the Ordinance. The original one is consi-

dered as a drafting error and it is intended to put it right.

Sir, I beg to move.

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

Enche' Zulkiflee bin Muhammad (Bachok): Tuan Yang di-Pertua, saya bangun membangkang Undang² ini. Sebab Undang² ini bertujuan hendak menaikkan perbelanjaan yang boleh di-belanjakan bagi sa-saorang chalon di-dalam pilihan raya hingga tidak lebeh daripada \$10,000 bagi pilihan raya Dewan Ra'ayat dan \$7,500 bagi pilihan raya Dewan Negeri dan \$5,000 bagi pilihan raya tempatan dan sa-terus-nya \$1,500 bagi pilihan raya Majlis Tempatan. Tuan Yang di-Pertua, di-dalam satu pilihan raya tujuan yang besar daripada mengadakan-nya ada-lah untuk mengetahui fikiran dan pendapat ra'ayat tentang siapa-kah yang di-fikirkan-nya patut di-pilih-nya di-dalam mewakili ra'ayat di-tempat itu.

Tuan Yang di-Pertua, kita hendak mengamalkan demokrasi, hendak mengamalkan supaya ra'ayat itu bebas berfikir dan juga fikiran-nya itu-lah menentukan chorak sa-saatu pentadbiran sama ada di-peringkat negara atau peringkat negeri atau pun di-peringkat tempatan. Tetapi, Tuan Yang di-Pertua, dengan mengizinkan perbelanjaan bertambah banyak bagi di-belanja oleh sa-saorang chalon di-dalam peringkat yang tertentu maka wang-lah akan menjadi faktor yang besar bagi menentukan fikiran dan pendapat ra'ayat itu sendiri. Dan kita tahu di-dalam politik bukan-lah wang yang menjadi soal tetapi pendapat ra'ayat. Tuan Yang di-Pertua, kita telah melalui dua kali pilihan raya bagi Dewan ini yang dahulu sa-bagai Majlis Undangan Persekutuan Tanah Melayu. Di-dalam dua kali itu, kali yang pertama kawasan pilihan raya sa-banyak 50 buah kawasan Persekutuan Tanah Melayu ini telah di-dapati chalon² itu menjalankan kempin, menjalankan rayuan undi dan menjalankan usaha bagi membolehkan dia memasoki Majlis Undangan Persekutuan Tanah Melayu dahulu dan perbelanjaan-nya hanya di-bawah \$5,000 sahaja.

Tuan Yang di-Pertua, apabila Dewan Ra'ayat ini dan kawasan yang dahulu 52 buah telah di-besarkan menjadi 104 kawasan dan bererti telah kechil kawasan itu dengan sendiri-nya. Di-dalam mengechilkan-nya yang lebeh penting-nya kita tidak pun menukarkan daripada \$5,000 dan alham dullillah nampak-nya perjalanan pilehan raya itu siapa pehak yang menang, menang-lah dan siapa yang kalah, kalah-lah dia. Dengan asas ini nampak-lah kapada kita bahawa tiada-lah satu yang mesti dan memustahakkan bahawa Undang² ini hendak di-pinda dan hendak di-tinggikan perbelanjaan-nya. Boleh jadi, Tuan Yang di-Pertua, Kerajaan mendapati bahawa dengan menambahkan wang sa-banyak \$10,000 bagi perbelanjaan pilehan raya untok Dewan Ra'ayat ini Kerajaan memandang akan melebehkan kuat-kuasa atau melebehkan usaha bagi sa-orang chalon bagi mendapatkan undi. Ini dapat kita tengok dengan \$5,000 pun nesbah pengundi yang mengundi dalam pilehan raya ini tidak-lah kurang dan saya tidak fikir dengan menambahkan ia-itu bertambah \$10,000 sebab yang mengurangkan dalam pilehan raya ini tidak sama sa-kali kekurangan wang, tetapi ia tidak memuaskan atau sa-bagai-nya.

Jadi, Tuan Yang di-Pertua, tinggal satu bujah yang hendak di-pakai oleh Kerajaan ia-itu oleh kerana pada hakikat-nya bahawa perbelanjaan yang di-belanjakan dalam pilehan raya ini lebeh daripada 10,000 ringgit sebab itu apa-lah guna-nya kita gunakan \$5,000. Tuan Yang di-Pertua, pilehan raya sama-lah saperti manusia, kalau makan sedikit pun kenyang, makan banyak pun kenyang. Apabila di-ajar makan banyak, perut-nya itu expend. Dan kalau hari ini kita bebaskan pilehan raya membolehkan sa-saorang itu dalam pilehan raya kapada \$10,000 maka besok ia hendak \$20,000 tetapi, Tuan Yang di-Pertua, ini akan menukarkan democracy kapada pentadbiran dan pertimbangan kapada satu chara ia-itu kewangan menjadikan factor bagi menentukan kedudokkan pilehan raya dalam sa-sabuah negeri itu. Berdasarkan ini supaya jangan meng-hanyutkan negeri ini kapada democracy

dengan wang dan wang yang menentukan kapada semua hal, maka saya membantah Rang Undang² yang di-kemukakan ini.

Enche' D. R. Seenivasagam (Ipoh):

Mr. Speaker, Sir, the present Bill before us is for the purpose of increasing the sum of money which a candidate or his agent will be allowed to spend at elections in this country, right from this House to the lowest administrative levels of Local Councils. Sir, I would agree that the former maxima allowed were insufficient. But we must bear in mind that during the days of the former maxima, canvassing was allowed wholesale—canvassing was allowed throughout the period from nomination to polling and on polling day itself. Mr. Speaker, Sir, has the Government considered the effect of the no-canvassing ban which was recently enforced by the Elections Commission at the Local Council polls? All of us have participated in one way or another at these polls, and I do not think it can be disputed that the new regulations passed by the Elections Commission reduce the expenses by a candidate or his agent by a very large sum of money, because canvassing was not allowed on the polling day. If you follow these regulations, then it is obvious that you do not have to spend so much money as in the past, and it is fact also that a considerable sum of money is saved in respect of information centres which political organisations have to put up for the assistance of electors who come to vote; and again you are restricted to a limited number of information centres with a limited number of helpers sitting in those areas; again your expenses are cut down by the fact that these same regulations will enlarge the distance from polling stations within which supporters can, if I may use the word, hang around.

Mr. Speaker, Sir, these regulations, of course, have been applied only at Local Council level. But is the Government aware that the Elections Commission is considering, I say is considering whether these regulations should or should not be extended to meet Parliamentary, State and all elections in

this country, and that towards that end the Elections Commission has sent out circular letters to all political organisations and other bodies asking for comments to be sent in, so that it may make appropriate recommendations after consultation with the Government of the land?

Mr. Speaker, Sir, I would confess here that when the ban came out, I myself was bit apprehensive, and I thought the poll might be low, I thought it would not work; I did express my fears, but having seen it work and having seen that there was a polling average of 70 per cent, I think it will work very satisfactorily and it will save a lot of hard feelings between party supporters of whom naturally there will be large numbers hanging around. I, for myself, would support that these regulations be extended to all elections in this country, and if that is done, I am sure the Honourable mover of this motion will agree that, perhaps, this Bill should be referred to a Select Committee and for consideration at the proper stage with the Elections Commission. However, if those regulations are not extended to meet Parliamentary and State Elections, then of course, I will support this Bill; but if they are extended, I say, it will be too conflicting. Subject to that I do not oppose or support the Bill at the moment.

Enche' Othman bin Abdullah (Tanah Merah): Tuan Yang di-Pertua, tadi sahabat saya Yang Berhormat dari Bachok telah membangkang usul yang di-kemukakan oleh Yang Berhormat Perdana Menteri dengan beberapa alasan yang telah pun di-kemukakan-nya. Di-sini saya bangun turut juga membangkang Rang Undang² Pindaan ini, oleh kerana saya memandang bahawa democracy yang akan kita laksanakan pada masa akan datang akan dapat di-jual dan akan dapat di-beli. Sa-barang democracy yang boleh di-jual dan boleh di-beli akibat-nya bukan sahaja mengenai pada ra'ayat negeri ini, tetapi juga akibat-nya akan merendahkan dan menjatuhkan keadaan dasar negeri ini sendiri daripada mata dunia, dan menaikkan perbelanjaan yang di-bolehdan pada sa-orang chalon dalam

pilehan raya ini bererti bahawa sa-orang chalon yang datang daripada satu² parti itu akan mengira ia-itu kalau sa-kira-nya chalon yang ada 100 orang pada masa akan datang dan tiap² sa-orang itu boleh berbelanja \$10,000 maka jumlah-nya akan berpuluh² ratus ribu ringgit. Kalau parti itu parti yang hidup-nya sa-mata² daripada yuran saperti mana parti yang di-dukkong oleh ra'ayat, maka saya rasa tidak-lah ada satu parti yang boleh bertanding dalam pilehan raya kalau sa-mata² parti itu di-biyai daripada yuran atau pun daripada derma yang tertentu, maka oleh kerana ia hendak menang dalam pilehan raya dan oleh kerana ia hendak mendapat sokongan dalam pilehan raya maka parti ini boleh jadi pada masa akan datang di-kehendaki juga bertanding dalam pilehan raya dan akan jadi-lah parti itu bernama "Sayap Kelima" daripada kuasa luar—kuasa dunia. Saya maksudkan ini "Sayap Kelima" ia-itu parti itu akan menjadi alat kepada kaum capitalist luar negeri. Kalau Amerika hendak menguasai negeri ini, maka akan ada-lah kaum capitalist dari Amerika Sharikat untuk membelanjai parti itu, kalau parti itu sanggup memberi jaminan kalau ia menang dalam pilehan raya nanti, maka Kerajaan luar tidak segan² memberi bantuan kepada parti itu sendiri. Bagitu juga boleh jadi parti itu berfaham Communist. Ya, sekarang kita tidak tahu mana-kah parti yang berfaham Communist, tetapi telah ada tuduhan² kalau ia hendak menang ia akan chuba menchari jalan dari luar supaya negara Communist memberi bantuan ikut pintu belakang parti itu.

Sebab itu-lah keadaan dunia di-zaman demokrasi ini orang berperang bukan hanya dengan atomic bomb tetapi juga orang berperang dengan modal yang ada pada negara itu sendiri. Jadi dengan naik-nya belanja pilehan raya dengan bagini tinggi, saya minta yang Teramat Mulia Perdana Menteri supaya memikirkan perkara ini dua kali—memikirkan perkara ini dua kali bukan-lah oleh kerana kami daripada PAS tidak ada berduit—takut masok pilehan raya—tidak, Tuan Yang di-Pertua—kami pernah masok pilehan

raya hanya dengan belanja tidak lebeh daripada \$2,000 sa-orang, dan ada di-antara-nya menang dan ada yang kalah, itu terserah kepada kebijaksanaan chalun daripada parti itu sendiri. Tetapi kalau masa yang akan datang—kalau masa yang akan datang ini duit-lah yang menjadi faktor yang besar untuk menarek pengundi², saya rasa akan ber-laga-lah di-antara kuasa barat dengan kuasa timor menurut perbalahan dunia sekarang ini, di-mana mereka sedang berebut kuasa, berebut pengaruh di-sa-belah timor ini.

Tuan Yang di-Pertua, Parti Perikatan tidak akan takut menghadapi pilihan raya dengan menaikkan perbelanjaan yang bagini besar kerana boleh jadi di-belakang-nya ada “taukeh² besar”, tetapi Parti Perikatan hendak-lah ingat bahawa bukan ia sa-orang sahaja yang boleh berbuat begitu, parti² politik yang lain akan berbuat saperti itu juga berlumba² menchari modal daripada kapitalis², di-mana parti² politik itu nanti akan menjual hak ra'ayat negeri ini serta negeri ini sendiri kepada kaum kapitalis yang telah menanamkan modal-nya sa-kian² banyak kepada parti² politik itu sendiri. Jadi yang kita sayangkan sekarang ia-lah supaya perjalanan politik dan demokrasi dalam negeri ini sihat—sihat dengan erti kata pemikiran ra'ayat—ini-lah yang penting supaya ra'ayat tahu dan memilih manakah yang patut dan mana yang tidak patut, mana-kah yang elok dan manakah yang tidak elok. Maka dengan chara pemikiran ra'ayat dalam pilihan raya itu akan lahir satu dasar negara yang berchorak demokrasi yang tulen dan berfaedah kepada ra'ayat. Tetapi kalau sa-kira-nya dengan wang—kita telah pernah melalui pengalaman—ia-itu ada orang yang datang mengadakan bisek² dalam pilihan raya ini bukan sahaja mereka membawa duit tetapi membawa kain, membawa beras, membawa gula² dan membawa bermacam² ka-rumah pengundi² itu. Dan sa-telah orang itu menerima pemberian daripada parti politik itu ia berkata: Kalau awak tidak mengundi kami maka awak akan di-bawa ka-Mahkamah. Tuan Yang di-Pertua, penipuan dalam pilihan raya dengan sebab wang yang banyak ini akan

lebeh besar lagi bahaya-nya kepada demokrasi kita dan kepada pilihan raya kita yang akan datang. Alhamdulillah, Tuan Yang di-Pertua, pada masa² yang telah sudah tidak-lah pernah terjadi kekacauan yang menimbulkan kematian daripada kempen² pilihan raya, sebab hanya berapi² mulut-nya sahaja, berapi² penumbok di-tangan-nya sahaja. Tetapi kalau sa-kira-nya parti politik itu sudah boleh membelanjakan wang yang di-benarkan oleh Undang² ini sa-kian² banyak ia-itu \$10,000 mereka boleh menyuap kepada pasokan yang sekarang ini kita katakan gangster—yang banyak dalam negeri ini—gangster dalam negeri ini tidak ada duit. Dan oleh kerana parti politik itu hendak menang, di-berikan-nya-lah kepada gangster itu duit beberapa ribu ringgit supaya mereka melakukan kejahatan kepada chalun yang melawan parti politik-nya itu. Jadi dengan wang yang saperti itu boleh menimbulkan huru-hara. Saya kkuatir, Tuan Yang di-Pertua, dengan chara yang saperti ini akan melibatkan negeri ini dalam keadaan yang tidak sihat pada masa yang akan datang.

Oleh itu, saya minta Yang Teramat Mulia Perdana Menteri, kalau boleh, ia berfikir dua kali dalam soal ini. Oleh kerana kalau kita sudah terlanjur dalam perkara ini—saya sendiri telah mendengar keterangan yang diberi oleh Ahli Yang Berhormat dari Ipoh tadi yang mengatakan ia tidak menyokong dan tidak pula membantah, sebab ia ada banyak modal, ia boleh “challenge” Kerajaan Perikatan bila² masa dengan wang dan dengan apa juga. Tetapi, Tuan Yang di-Pertua, ra'ayat negeri ini akan menderita dengan chara yang saperti itu. Itu sebab-nya mereka akan melawan—kalau mulut dengan mulut dan kalau duit dengan duit. Tetapi apa akan jadi kepada ra'ayat yang tidak tahu demokrasi—yang sekarang kita baharu hendak mengajar mereka itu belajar “Alif Ba Ta—A B C.

Maka dengan chara yang demikian ini patut-lah Yang Teramat Mulia Perdana Menteri memikirkan dua kali dalam perkara ini supaya jangan ter-jadi sa-suatu yang mengechiwakan kita pada masa yang akan datang.

Tuan Yang di-Pertua, saya rasa ini-lah sahaja bangkangan saya. Mudah²han Yang Teramat Mulia Perdana Menteri kita dapat memikirkan dua kali, terima kaseh.

Enche' Mohamed Yusof bin Mahmud (Temerloh): Tuan Yang di-Pertua, saya menyokong usul ini dengan alasan ia-itu pada masa pilihan raya yang sudah bagi kawasan saya perbelanjaan wang yang di-untukkan ia-lah sa-banyak \$5,000. Peruntukan ini sangat sedikit, sebab kawasan saya itu besar, dan di-satu² tempat itu saya terpaksa berbelanja \$170.00 tiap² sa-kali datang. Di-dalam pilihan raya ra'ayat hendak-lah di-beri penerangan yang penoh tentang dasar tiap² parti yang bertanding itu. Oleh itu bagaimana-kah ra'ayat hendak memilih mana-kah satu parti yang di-fikirkan baik dan tidak baik jika tidak di-beri penerangan? Kawasan saya pada masa yang akan datang akan dua kali lipat ganda besar-nya daripada yang ada pada masa ini. Oleh itu pada fikiran saya perbelanjaan yang di-chadangkan oleh Kerajaan ini patut-lah di-timbang-kan, kerana pada masa yang lalu perbelanjaan-nya tidak cukup, dan pada masa ini kawasan itu telah dua kali lipat ganda besar-nya.

Yang kedua, Tuan Yang di-Pertua, faktor untuk sa-sabua parti itu menentukan dasar-nya tidak-lah terpulang kepada Kerajaan, ia terpulang kepada ra'ayat, tetapi ra'ayat hendak-lah mendapat penerangan yang penoh daripada segala faktor, daripada segala chara yang boleh di-beri oleh parti itu kepada mereka.

Berkenaan dengan tuduhan Ahli Yang Berhormat yang baharu berchakap tadi yang mengatakan Undang² ini membolehkan parti politik menggunakan gangster dan sa-bagai-nya. Tetapi, jika parti politik itu hendak menggunakan gangster pun boleh dengan tidak payah menggunakan wang ini ia-itu dengan tidak payah menunjukkan perbelanjaan-nya, mereka boleh mendapat wang untuk menggunakan gangster. Oleh itu alasan² yang parti politik boleh menggunakan gangster dengan wang ini tidak-lah menasabah.

Jadi atas dasar pengalaman saya yang telah sudah, saya menyokong usul ini ia-itu perbelanjaan patut-lah di-lipat gandakan sa-bagaimana yang telah di-benarkan di-masa yang lampau. Kerana dalam memberi penerangan di-kawasan² yang mempunyai jalan yang susah seperti kawasan negeri Pahang yang jalan-nya sangat susah melalui jeram dan terpaksa jalan kaki dan sa-bagai-nya, maka ini berkehendakkan wang yang banyak untuk menemui segala pengundi² untuk memberi penerangan yang penoh. Sa-telah itu terpulang-lah kepada ra'ayat itu untuk memilih mana satu Kerajaan yang di-suka²nya atau mana pati yang mereka hendak pilih. Dengan sebab itu sa-wajib-nya-lah perbelanjaan itu di-lipat gandakan.

Enche' Mohamed bin Ujang (Jelebu-Jempol): Tuan Yang di-Pertua, di-hadapan kita ini ia-lah satu chadangan hendak menghadkan wang bagi digunakan dalam pilihan raya. Sa-benar-nya Rang Undang² itu tidak-lah boleh memaksa sa-saorang itu berbelanja lebih kalau sa-kira-nya pati-nya telah menyediakan dan pati-nya memikirkan boleh dapat kejayaan dengan tidak perlu menggunakan wang yang banyak ia-itu chuma memadai dengan wang yang sedikit sahaja. Ini semua-nya boleh di-buat oleh pati itu, akan tetapi ada satu² tempat seperti di-kawasan² yang besar maka berkehendakkan wang yang banyak daripada yang telah di-tentukan kerana hendak menerangkan kepada ra'ayat dasar² pati-nya. Jadi soal hendak menghadkan wang itu saya fikir, tidak payah-lah di-heboh²kan di-sini dan terpulang-lah kepada kebijaksanaan pati itu sendiri mengendalikan kerja²-nya.

Sa-lain daripada itu, Tuan Yang di-Pertua, ada sa-tengah pehak mengatakan kalau pati itu hendak berkuasa bahawa pati itu boleh dapat sokongan daripada luar negeri kerana negeri luar itu akan membelanjakan kepada pati itu. Saya fikir, Tuan Yang di-Pertua, perkara itu tidak akan terjadi dalam negeri kita ini kerana orang² di-Malaya ini sunggoh pun baharu berdemokrasi, tetapi mereka sudah tahu benar² erti demokrasi. Chuma

yang kita mesti amati² sekarang ia-lah supaya kejayaan itu jangan dapat di-pengaruhi oleh orang luar negeri ini. Dan lagi kalau hendak menggunakan wang untuk gangster atau sa-bagai-nya perkara ini boleh di-jalankan kita tidak akan dapat tahu, sedangkan pulis pun tidak dapat tahu. Pati PPR mengatakan dengan ada-nya undang² yang baharu kelak maka perbelanjaan Pilehan Raya tidak akan berlebeh ia-itu tidak berkehendakkan wang yang banyak. Akan tetapi saya suka menyatakan bahawa kalau keadaan ra'ayat sekarang ini sudah tahu betul² dasar pati itu tentu-lah tidak susah. Sekarang pati² itu hendak-lah memberi penerangan² kepada ra'ayat dasar pati-nya dan dengan ini terpaksa-lah menggunakan perbelanjaan yang lebeh sa-belum hari penghabisan manakala kita tidak boleh lagi berkempen atau pun memberi penerangan. Walau pun kita tidak boleh membelanjakan wang pada masa itu, tetapi sa-belum itu, kita berkehendakkan wang yang lebeh banyak daripada telah kita tentukan.

Sakian-lah, Tuan Yang di-Pertua.

Che' Khadijah binti Md. Sidek (Dungun): Tuan Yang di-Pertua, saya bangun membangkang sa-bagaimana yang di-terangkan oleh sa-orang wakil dari Temerloh ia-itu dahulu pengalaman beliau dalam kawasan-nya ia-itu ada melalui jeram dan lain². Akan tetapi mengikut pengalaman saya pula di-dalam kawasan saya, Tuan Yang di-Pertua, saya rasa kawasan saya juga besar yang mana kawasan saya itu ada dua district officer, sedangkan di-kawasan² yang lain hanya satu sahaja district officer-nya. Kalau sa-kira-nya \$5,000 perbelanjaan yang telah di-tetapkan itu hendak di-tambah lagi, bagi saya pada masa yang silam saya belanja tidak lebeh daripada \$1,000, Tuan Yang di-Pertua, kerana saya tidak chukup wang dan kalau sa-kira-nya pada hari mengundi dari pehak pati Perikatan ada 80 buah kereta, maka saya ada beberapa buah kereta sahaja, Tuan Yang di-Pertua, untuk mengangkat pengundi². Bagitu juga kalau tempat² yang jauh itu ada juga menggunakan motorbot, itu bergantung kepada keaktifan kita memberikan penerangan atau

mengatorkan tenaga² daripada pehak pati kita. Kalau sa-kira-nya pada masa yang akan datang ini perbelanjaan untuk Pilehan Raya itu di-tambah sedangkan maksud kita hendak memilih satu pemimpin ra'ayat. Ada chalun² itu tidak ada wang yang chukup, akan tetapi ia mempunyai kebolehan untuk menjadi sa-orang chalun, oleh itu boleh mengendalikan untuk menjadi chalun itu kerana tidak chukup wang. Dan ada pula chalun yang tidak mempunyai kebolehan, akan tetapi ia mempunyai wang yang banyak, dan tentu-lah chalun yang tidak berkebolehan ini terpilih. Perkara ini akan terjadi di-mana² pati, walau pun dalam pati Perikatan juga, Tuan Yang di-Pertua.

Di-sini, Tuan Yang di-Pertua, kerana mereka itu ada wang maka dapat dimasukkan menjadi chalun, dan kalau mereka itu tidak berwang maka di-kebelakangan, walau pun mereka itu mempunyai kebolehan menjadi sa-orang pemimpin. Ini terjadi dalam pati UMNO sendiri, saya mengetahui-nya. Jadi supaya perkara ini tidak berlaku, Tuan Yang di-Pertua, saya minta-lah kepada Yang Amat Berhormat Perdana Menteri supaya memikirkan perkara ini supaya chalun² itu walau pun mereka itu tidak mempunyai wang, tetapi ada kebolehan untuk menjadi chalun maka hendak-lah di-ambil mereka dan jangan-lah di-ketepikan dan ini-lah sebab-nya boleh menjadi huruhara dalam pati yang menjadikan pati itu kerisis di-antara satu sama lain. (*Di-sampok*) Diam! (*Ketawa*). Saya selalu di-ganggu, Tuan Yang di-Pertua.

Mr. Speaker: Dengar dahulu, saya kata, kalau hendak berchakap hendak-lah di-alamatkan kepada saya, saya sudah banyak kali memberi amaran ini.

Che' Khadijah binti Md. Sidek: Tuan Yang di-Pertua, saya berkata yang betul, tetapi mereka ini selalu mengachau saya.

Mr. Speaker: Itu boleh, tetapi hendak-lah alamatkan kepada saya, saya boleh buat kerana saya ada kuasa.

Che' Khadijah binti Md. Sidek: Kadang² kesabaran itu tidak dapat ditahan lagi.

Mr. Speaker: Teruskan-lah.

Che' Khadijah binti Md. Sidek: Jadi untuk mengatasi terjadi-nya kerisis² dalam satu² pati, kerana ini bukan-nya berlaku pada pehak pati pembangkang sahaja bahkan ada juga dalam pehak pati Kerajaan. Jadi dapat-lah kita memoleh betul² dengan suara ra'ayat dengan chara demokrasi ia-itu chalun² yang ada kebolehan walau pun ia tidak berwang; dapat di-ambil mereka.

Sa-takat ini-lah sahaja, sa-moga Yang Amat Berhormat Perdana Menteri dapat memikirkan perkara ini untuk keselamatan kita bersama.

Enche' Liu Yoong Peng (Rawang): Mr. Speaker, Sir, I do not intend to oppose or agree to this Bill, because I think this Bill is a farce. We know that many candidates from the Alliance . . .

Enche' Zulkiflee bin Muhammad: Mr. Speaker, Sir, on a point of order, is the word "farce" parliamentary?

Enche' Liu Yoong Peng: I think "farce" is parliamentary.

Mr. Speaker: You must be careful in choosing your words.

Enche' Liu Yoong Peng: As I was saying, Sir, many of the Alliance candidates do spend much more than this amount, and in the past it has been difficult for the Election Commission, even after they have the accounts, to ascertain whether the candidates have spent more than that amount. Now, even if we increase the sum from \$5,000 to \$10,000 and so forth for the other candidates, it would still be very difficult for the Election Commission to trace the real amounts spent during elections. Therefore, to have a Bill like this, in practice it will not serve any purpose whatsoever—this is because whatever the amount that is allowed by law, if the candidates want to spend more, they will do so knowing full well that it is very difficult for the Election Commission to find out the truth. It is no use having a Bill which cannot be observed properly.

Enche' Mohamed Asri bin Haji Muda (Pasir Puteh): Tuan Yang di-Pertua

Mr. Speaker: Jangan di-ulang²kan hujah² itu.

Enche' Mohamed Asri bin Haji Muda: Tidak, Tuan Yang di-Pertua. Saya berdiri membangkang chadangan yang di-kemukakan oleh Yang Amat Berhormat Perdana Menteri ini. Sebab saya tidak nampak apa-kah satu tujuan asasi yang menyebabkan pehak pemerintah—pehak Kerajaan, dapat mengemukakan satu chadangan yang seperti ini. Kalau kita dengar hujah² yang di-keluarkan oleh sahabat saya Yang Berhormat dari Temerloh dan kawan²-nya yang lain nampak-nya, hanya meletakkan hujah-nya itu kepada soal kawasan-nya bertambah luas sa-hingga Ahli Yang Berhormat wakil dari Temerloh mengatakan dua kali lipat-ganda kawasan-nya bertambah pada masa yang akan datang ini yang menyebabkan tentu-lah perbelanjaan-nya bertambah besar. Tetapi, Tuan Yang di-Pertua, kalau ini-lah yang merupakan alasan yang kuat bagi pehak parti pemerintah ini saya rasa, alasan ini tidak dapat di-kemukakan dan tidak dapat di-pegang dengan begitu kemas. Sebab bila satu² kawasan itu menjadi luas, oleh kerana sa-suatu hal yang menyebabkan Surohanjaya Pilehan Raya itu mengubahkan kawasan-nya, neschaya terlibat-lah pula kawasan lain menjadi sempit. Seperti mithal-nya, Tuan Yang di-Pertua, dalam kawasan pilehan raya Hulu Kelantan di-negeri Kelantan, dalam pilehan raya tahun 1959 kawasan Ulu Kelantan Timur dan Hulu Kelantan Barat; kawasan pilehan raya negeri, Tuan Yang di-Pertua, hampir sama² luas-nya. Tetapi didalam kawasan baharu yang di-kemukakan oleh Surohanjaya Pilehan Raya yang akan di-lakukan dalam tahun 1964 nanti, kawasan pilehan raya Hulu Kelantan Barat bertambah sa-kali ganda luas-nya dan kawasan pilehan raya Hulu Kelantan Timur akan menjadi sempit sa-semipit²-nya. Dan saya rasa, kawasan pilehan raya negeri Hulu Kelantan Barat pada masa yang akan datang ini harus lebeh luas daripada kawasan pilehan raya Parli-men Temerloh sendiri. Jadi, Tuan Yang di-Pertua, kalau di-asaskan keluasan kawasan itu yang menjadi

ukuran untuk di-tambah perbelanjaan wang pilihan raya, bagaimana pula kawasan yang telah menjadi begitu sempit sa-sempit²-nya sampai sa-kali ganda sempit daripada mula² dahulu, boleh-kah itu kita sipatkan sa-bagai satu kawasan yang tidak memerlukan penambahan wang atau pun memerlukan kepada pemotongan lagi daripada peruntukan wang yang di-benarkan sa-banyak \$5,000 di-masa yang lalu. Jadi, saya rasa, kalau hendak di-asaskan kepada penambahan membenarkan sa-saorang chalon itu membelanjakan wang seperti yang dimaksudkan dalam Bill ini di-asaskan kepada luas-nya kawasan itu, saya rasa terpaksa-lah Bill ini di-pinda supaya di-perbeza²kan-lah kawasan yang sempit yang ukuran sekian, sekian pula kewangan-nya. Itu-lah saya rasa alasan ini tidak dapat diterima, dengan kerana luas dan sempit kawasan sa-saorang itu tidak berbangkit, umpama-nya saya sendiri tidak berubah sedikit pun tentu-lah tidak terikat dengan hujah Ahli Yang Berhormat dari Temerloh tadi.

Boleh jadi, Tuan Yang di-Pertua, pehak pemerintah yang menhadangkan ini memandangkan kerana selama ini chalon² tidak chukup belanja. Dalam masa pilihan raya tahun yang lalu wang yang sa-banyak di-tentukan peruntukan membenarkan sa-saorang itu di-belanjakan kerana pilihan raya itu tidak chukup. Tetapi saya, seperti kata sahabat saya mula² tadi selama ini tidak terhalang dalam soal kewangan. Dan saya sendiri pernah menjadi chalon untuk duduk dalam Dewan ini, perbelanjaan-nya ta' sampai sa-paroh daripada yang di-tentukan oleh Undang² Pilihan Raya pada masa yang lalu. Atau pun, Tuan Yang di-Pertua, ini boleh jadi, pehak pemerintah ini merasa dan memikirkan bahawa parti-nya sekarang ini sudah begitu utuh, sudah begitu kuat dalam soal kewangan. Dengan yang demikian dia berfikir barangkali dengan menaikkan wang erti-nya memberi kesempatan kepada parti-nya yang kuat kewangan dapat berbelanja sa-mahu²-nya sa-hingga sampai kepada had \$10,000 itu dan dapat menekan kepada parti yang lemah dalam soal kewangan.

Tetapi, Tuan Yang di-Pertua, chara yang seperti ini tentu-lah chara yang tidak sehat; kalau benar begitu dan saya berharap tidak benar begitu. Jadi, Tuan Yang di-Pertua, saya memandang dengan di-naikkan atau di-besarkan kebenaran bagi sa-orang chalon menggunakan wang dalam pilihan raya seperti yang di-nyatakan dalam Bill ini, saya rasa, boleh jadi menarek negeri ini kepada satu kemlot demokrasi. Demokrasi dalam negeri ini akan jadi sa-suatu yang tidak di-pandang tinggi lagi di-masa yang akan datang. Sebab kalau soal wang-lah yang menjadi asas dalam soal pilihan raya ini sudah tentu-lah nilai demokrasi akan jatuh, sebab demokrasi dalam negeri ini akan bergantung atas kebolehan wang ringgit sa-saorang. Tuan Yang di-Pertua, bagi pehak saya dan parti saya, soal perbelanjaan bagaimana banyak sa-kali pun orang itu berbelanja pehak kami tidak takut menghadapi pilihan raya ini walau pun kami tahu bahawa parti kami ini tidak-lah kuat dalam soal kewangan-nya. Bahkan dalam pilihan² raya tahun lalu pun kami boleh menang, melawan parti² yang menggunakan wang yang berlipat kali ganda daripada kami dalam pilihan raya itu. Apa yang kami bimbangkan bukan-lah soal itu, akan tetapi yang kami bimbangkan itu ia-lah nilai demokrasi negeri ini akan merosot di-masa yang akan datang.

The Prime Minister: Tuan Yang di-Pertua, barangkali saya telah tidak menerangkan dengan sa-chukup² akan sebab²-nya mengapa Kerajaan mengeluarkan chadangan hendak menambah perbelanjaan di-dalam pilihan raya. Kerana itu berbagai² fikiran dan berbagai² tuduhan oleh parti saya sendiri. Apa yang sa-benar-nya ia-lah chadangan ini bukan-lah di-keluarkan daripada saya sendiri tetapi nasib saya yang tidak baik jadi Perdana Menteri, saya kena-lah ikut nasihat yang diberikan oleh Election Commission. Jadi, Election Commission-lah yang memeriksa hal perbelanjaan dan membuat chadangan ini. Sa-lepas pilihan raya di-dapati perbelanjaan di-sa-tengah² tempat patut lebih dari yang telah di-tentukan dan kena-lah di-

tambah. Dan kebanyakan chalun² salepas pilehan raya menghantarkan apa² perbelanjaan itu maka dapati oleh Jawatan-Kuasa Pilehan Raya tidak menasabah dengan perbelanjaan yang telah di-hantarkan itu. Jadi, sa-lepas daripada pilehan raya, Election Commission telah bekerja dan memereksa dan dengan timbangan yang teliti-nya di-dapati jika kita hadkan sa-bagaimana dahulu jadi sa-olah²-nya kita ini tolong atau kita membenarkan dengan sengaja bagi chalun² kita dalam Parlimen ini buat kerja yang tidak baik—membuat kerja yang burok. Jadi, oleh kerana itu-lah seperti yang di-katakan oleh Ahli Yang Berhormat tadi, jadi di-tambah sedikit. Dengan tambahan ini pun boleh di-belanjakan kurang daripada wang sa-banyak itu.

Bagi pehak parti saya pula, ini boleh di-katakan satu parti yang besar yang mengambil bahagian dalam tiap² pilehan raya, baik di-luar bandar, dalam bandar, City Council mahu pun dalam Federal Council. Jadi memang-lah parti yang besar itu tentu-lah lebeh² lagi tidak berkehendakkan di-belanjakan wang kalau sa-boleh²-nya, kerana wang bukan senang di-dapati—bukan kita ini buat duit. Jadi kita kena-lah sedikit menchari ikhtiar dalam perkara ini. Itu pun tuan² tahu sendiri apabila dekat pilehan raya dahulu, saya minta pertolongan dengan sa-chara resmi daripada siapa² yang menaruh kasehan kepada parti yang ikhlas dan parti yang mereka perchaya itu supaya boleh kita dapat wang untuk perbelanjaan dalam pilehan raya ini. Dengan kerana itu ta' saya nampak baik keluar tudoh-menudoh terhadap Kerajaan—terhadap parti kita ini. Apa yang sa-benar-nya ia-lah chadangan² ini di-terbitkan daripada Jawatan-Kuasa Pilehan Raya yang kita sendiri lantek sa-bagai satu Jawatan-Kuasa yang bebas yang pehak Kerajaan tidak ada champor pada masa mengator, menyusun atau pun menasihatkan kepada mereka itu. Apa yang di-chadangkan itu semua-nya pehak Kerajaan sa-bagaimana yang saya katakan kemukakan kepada Majlis ini sa-lepas di-pereksa dan di-timbangkan serta di-tilek dan di-dapati apa yang di-chadangkan ia-lah yang sa-benar-nya. Jadi saya ta' hendak

sebutkan hal² democracy, kerana tuan² pun tahu. Sekarang ini bukan-lah dapat kita hendak beli dengan duit, kerana sa-saorang itu jikalau ia hendak vote kita beli undi dia, tetapi apabila ia pergi mengundi antara dia dengan Tuhan sahaja-lah kepada siapa yang ia hendak mengundi, kerana dalam pilehan² raya sahaja kita sudah tengok berapa banyak orang² tompang naik kereta itu, tompang naik kereta ini, parti itu, parti ini tetapi apabila ia pergi mengundi ia pilih siapa yang ia suka. Jadi ini ia-lah secret ballot yang di-katakan ini satu perkara yang kita timbangkan dengan chukup hormati, dan kata orang siapa yang mengundi dia sahaja-lah yang tahu. Dengan kerana itu bukan-lah boleh kita beli vote dia. Kalau boleh beli, maka ta' payah-lah kita adakan kempen, ta' payah susah hendak pergi ka-kampong² berhujan, berpanas, menjeret² di-padang² (*Ketawa*) kena maki dan macham² lagi (*Ketawa*). Undi ia-lah satu benda yang ta' boleh beli itu yang saya katakan ini terpaksa-lah kita ini mengenalkan diri kita kepada ra'ayat atau pun kepada pengundi² sakalian. Kalau ia hendak timbang, hendak ambil, kita ucapkan terima kasih banyak². Kalau ia ta' mahu apa boleh buat, ta' upaya-lah kita seperti apa yang terjadi di-pantai timor itu, kita rioh, kita menjeret—kita kalah (*Ketawa*).

Jadi itu-lah yang saya katakan minta-lah tuan² terima apa yang saya katakan tadi. Chadangan ini di-keluarkan bukan-lah dengan kerana kita ini ada duit—ta' ada. Saya sendiri dalam kawasan saya dan banyak kawan² yang berbelanja kurang banyak daripada apa yang di-tetapkan. Bukan berma'ana apabila di-naikkan perbelanjaan itu kita kena-lah belanja banyak—itu tidak, kalau boleh di-kurangkan lebeh baik.

Sir, in reply to the Honourable Member for Ipoh, I am happy to say that the Honourable Member appreciates the fact that the canvassing ban only applies to the Local Council but it does not apply to Parliamentary or State elections. The Elections Commission cannot itself make any regulations to apply to any elections to the State or Parliament. That can only be done

by this House. At the moment I do not think there is any intention of applying this ban to either State or Parliamentary elections. I think that is about all I have to reply in regard to the remarks made by the Honourable Members in this House.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. Speaker *in the Chair*)

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

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

THE EXCISE BILL

Second Reading

The Minister of Finance (Enche' Tan Siew Sin): Mr. Speaker, Sir, I beg to move that a Bill intituled "An Act to amend and consolidate the law relating to Excise" be read a second time.

This Bill which is now before the House is essentially a piece of consolidating legislation which, together with the regulations, will in future constitute an Excise Code which will have effect throughout the Federation. The provisions of this Bill will replace those of the various Excise Enactments now in force in several States. The Bill will also repeal the Tobacco (Licensing and Excise Duty) Ordinance, 1954, which provides only for the licensing and collection of excise on manufactured tobacco although it has the force of law throughout the Federation.

Sir, such consolidation is now long overdue because not only has experience shown that the various Excise Enactments are difficult to administer but their provisions have proved ineffective owing to their very lack of uniformity. It is also desirable, indeed essential, that the provisions of the various Enactments should be unified

at this particular juncture, especially when the Federal Government is embarking on a policy of encouraging the growth of industries through private investment. Honourable Members will probably agree with me that laws with such diverse provisions will only tend to be discriminatory and would, in the end, deter private capital from participating in industrial investment.

Before I go into the provisions of the Bill, I would like to make the point that the pattern of the Bill follows, as far as practicable, the Customs Ordinance, 1952, particularly as regards the manner of granting exemption from the payment of excise duty and as regards the provisions relating to trials, proceedings, offences and penalties. The major amendments to the existing laws are proposed in Parts VII and VIII of the Bill, and I shall deal with the relevant Clauses as I proceed to deal with the provisions Part by Part. The Bill, Sir, is a straightforward one, and in explaining the provisions, I do not propose to take too much of Honourable Members' time.

Part I deals with the required definitions and for the interest of Honourable Members, I might perhaps draw their attention to the definition of words such as "alcohol", "dutiable", "Excise Officer", "owner", "tobacco", "toddy", "uncured tobacco" which have been incorporated in Clause 2 of this Part. These definitions are necessary with a view to avoiding doubt and ambiguity when disagreement occurs.

Part II provides for the appointment of officers to be charged with the duty of collecting, accounting for and managing the revenues from excise. There are no amendments to the existing laws in this Part of the Bill.

Part III deals with the question of levying of excise duty. As provided in the Customs Ordinance, 1952, the Minister is empowered to fix the excise duty from time to time by order in the *Gazette*. Clause 10 provides that the Minister may, by order, exempt, subject to any conditions that he may deem fit to impose, any class of goods or persons from the payment of the whole or any part of excise duty which may

be payable. This provision is similar to Clause 13 of the Customs Ordinance, 1952.

Part IV of the Bill sets out the provisions for the manufacture of dutiable goods and in this Part I wish to elaborate first on Clause 16 (2). This Clause empowers the Minister to exempt any class of persons from the requirements of licensing, under sub-clause 1 of the Clause. It is proposed, in exercise of this power, to provide exemption from duty for those who manufacture tobacco by manual means for their own consumption. Under the present statutory concession, those manufacturing tobacco for sale and employing not more than 3 persons may be liable to duty, and consequently should be dealt with by an order of the Minister. Clause 18 would enable registered medical practitioners, pharmacists and qualified chemists to carry out their normal business by exempting them from the provision of Clause 16 (1) which requires them to obtain licences for distilling dutiable goods. Clause 19 (2) has been incorporated to prevent loss of revenue through carelessness or a possible attempt to evade payment of duty.

Part V makes provision for the storage of dutiable goods and as they are straightforward, I do not propose to say anything more on these provisions. Similarly, with Part VI of the Bill, which controls movement and storage of tobacco which do not depart from the provisions of the Tobacco (Licensing and Excise Duty) Ordinance, 1954.

Sir, I now come to Part VII of the Bill which contains the more important amendments which, as I mentioned earlier, I would deal with under the appropriate Part. It will be observed that Clause 32 (1) empowers the Minister, instead of the Ruler in Council of a State, to establish Licensing Boards. This amendment is a departure from the normal tradition, but it has been introduced in order to increase Federal control and to save embarrassment to certain State Governments arising from the exercise of executive functions in relation to intoxicating

liquors. It is intended, however, that State Governments should be consulted every time before members of the Licensing Boards are actually appointed. Special provision is included under Clause 86 of the Bill for the Minister to delegate the power to appoint such members should this be desirable for practical reasons. Clause 32 (2) of Part VII of the Bill provides that public servants, who, in their official capacity, have any dealings or are in any way concerned with the sale or purchase of intoxicating liquors or with premises in which such sale or purchase is carried on shall be excluded from membership of the Licensing Boards in order to avoid allegations that such officers may try to exert undue influence on the other members of the Board. This is an important amendment and Honourable Members will agree with me that such officers should not be placed in a position where this can be said of them. However, such officers will be allowed to attend meetings of and address the Licensing Boards.

Clause 34 in this Part of the Bill provides that a person to whom a licence has been issued under Clause 16 for the manufacture of intoxicating liquor may sell such liquor by wholesale at his licensed place of manufacture but if the liquor is removed to another place, a separate licence must be obtained. This provision has been included because it is necessary to exempt the distiller from having to obtain a wholesale licence if the sale of liquor is made at the place of manufacture. This provision thus avoids the ambiguity in the existing Excise Enactment Cap. 133.

Part VIII also contains an important amendment and makes special provision for the extraction and sale of toddy. Government toddy shops are not at present licensed, and provision is made for the issue by the Minister of permits to tap palm trees for toddy to persons to whom contracts have been awarded for the supply of toddy to Government shops. It is not, however, proposed to bring the provisions of this Part together with those of Clause 36 (1) (e) 76 and 77 into

operation at the present time until future policy in relation to toddy has been decided and the State Governments fully consulted on this matter.

Part IX sets out miscellaneous provisions to regulate the manner of giving information and evidence and the manner regarding service of notice. Clause 51 in this Part allows an appeal to be made to the Minister when any person is aggrieved by the decision of the Comptroller of Customs on any provision under this Part of the Bill.

Parts X and XI are important Parts and the provisions follow very closely those of the Customs Ordinance, 1952. The following Clauses of the Bill relating to trials and proceedings, similar to existing provisions in the Customs Ordinance, 1952, have been introduced, for example,

Clause 60 of the Bill is similar to section 115 of the Customs Ordinance.

Clause 61 of the Bill is similar to section 116 of the Customs Ordinance.

Clause 63 of the Bill is similar to section 121 of the Customs Ordinance.

Clause 64 of the Bill is similar to section 122 of the Customs Ordinance.

This observation applies to several other Clauses, too. If Honourable Members will refer to the comparative table on page 42 of the Bill, they will see that Clauses 65, 66, 67, 68, 69, 70, 71 and 72 are comparable to various sections in the Customs Ordinance, 1952.

Part XII provides for the manner in which the offences are to be dealt with and the penalties to be imposed. This, together with the provisions of Part XIII, follow strictly existing provisions in the various Excise Enactments, and there is, therefore, no necessity for me to draw the attention of Honourable Members to any of the Clauses in these Parts, except to refer to Clause 86 where the Minister may, by notification in the *Gazette* and subject to such conditions and restrictions as may be necessary, delegate the exercise of the

powers or the performance of the duties conferred or imposed on him by this Act to any person described by name or office. This is an important provision and, in my reference to Clause 32 earlier on, I have mentioned that for practical reasons, it is intended to use this Clause generously. I might also mention that Clauses 44 and 87 provide for existing subsidiary legislation, insofar as it is not inconsistent with the provisions of the Bill, to remain in force until other provision is made therefor.

While, Sir, I do not propose to take the House through the Bill in detail, there are three points which I understand have given rise to some anxiety on the part of Honourable Members and I will try to dispose of them.

Firstly, does the man who grows tobacco require a licence under the Bill to do so? The answer is "No". The person who grows tobacco is lawfully in possession of that tobacco and therefore may sell it without a licence to a licensed tobacco dealer by virtue of Clause 26 of the Bill. A grower's right to possess such tobacco without licence is safeguarded by Clause 30 of the Bill.

The second question is: "Does a person engaged in distributing beer, that is to say taking it to a shop to be sold or delivering from a shop to a customer require a licence?" The answer, so far as delivery by sale on retail is concerned, is again "No". Clause 35 (1) expressly provides for this. On the other hand, sale by wholesale of intoxicating liquor is restricted to holders of wholesale dealers' licences. The position with respect to this under the Bill is, therefore, exactly the same as it is under existing legislation.

The third question is: "Does a person who sells beer by retail, for instance a coffee shop proprietor, require a licence?" Once again the position under the Bill is exactly the same as it is under existing legislation.

It is no offence to sell beer by retail for consumption on or off the premises of the vendor in unopened bottles. As to sale by retail of beer, no licence

is required if the beer is sold in unopened bottles. On the other hand, provision has been made for the issue of beer house licences which will enable the holder to sell beer in opened bottles for consumption on his premises. In the present Ordinance that sort of licence is restricted to draught, not bottled beer—a needless restriction. Beer by definition includes stout. Sir, these are the main provisions of the Bill which I now commend to this House.

Sir, I beg to move.

Dato' Dr. Ismail: Sir, I beg to second the motion.

Enche' D. R. Seenivasagam: Mr. Speaker, Sir, I am much obliged to the Honourable Minister who moved this Bill for clarifying those three points—in fact they were in my mind. It is always nice to have a Bill which unifies the law because it makes it easier all round.

But I rise today just to make a curious enquiry, that is whether this Bill comes with the unanimous support of the Alliance Party or whether it comes here with the dissenting voice of the Minister of Works and Telecommunications, because, as I see it, his party and he himself are very strong champions of “no toddy” and this particular act, as I see it, makes provision not only for toddy to be sold but also for the Government and the Minister in charge of this Department to establish toddy shops in this country. This is an interesting point—perhaps we may hear it at a later stage.

Enche' K. Karam Singh: Mr. Speaker, Sir, I do not know whether the Honourable Member from Ipoh read my mind or I read his mind, but when I was going through this Bill, witness my shock when I came to Part VIII and I found the heading “toddy”. Mr. Speaker, Sir, I was wondering whether the M.I.C. had left the Alliance, but after having checked up the papers and not finding anything about it, I knew that nothing of the sort had happened and I had to reconcile myself with the fact that M.I.C. Ministers were still in the Cabinet and this provision on toddy

was being brought into this House. Mr. Speaker, Sir, I am sure the Prime Minister would exclude responsibility of M.I.C. on the ground of collective responsibility of the Cabinet, so on that ground we can be sure that M.I.C. Ministers are equally responsible for this work on toddy.

Mr. Speaker, Sir, we have been told constantly in the papers that some M.I.C. leaders have been condemning toddy even to the extent of saying that it is that evil spirit that makes some workers misbehave. Now, Mr. Speaker, Sir, there is this contradiction that, outside this House, there is vociferous condemnation of toddy, and in this House there is tacit blessing of this provision. What we would like to know is, are these evangelists in the M.I.C. going to carry on their campaign inside this House or not? Mr. Speaker, Sir, one very strange provision on this question of toddy and although, Mr. Speaker, Sir, it applies to all liquor shops, strangely it has been put under toddy, and it reads:

“No person under 16 years of age shall be permitted to enter a toddy shop or a shop licensed under paragraph E of subsection 1 of section 36.”

Mr. Speaker, Sir, all these refer to various liquor shops, but the age that is mentioned—no person under 16 years of age shall be permitted to enter a toddy or other licensed liquor shop—as we know in Malaya to-day there are many school children who are above the age of 16—between 16 and 20. Mr. Speaker, Sir, is it not advisable to have some sort of a provision to discourage our school children who are above 16 from going to toddy shops and other kindred shops? Mr. Speaker, Sir, even if a person above 16 is not a school boy, he may be an unemployed, and should he not also be discouraged from going into these liquor shops; and even if after the age of 16 he is a worker, he is getting a wage, is it not advisable in the interest of our nation to discourage drinking at the early age of 17? Mr. Speaker, Sir, I bring this to the notice of the Government not through any over-zealous attitude on toddy but as regards the sober interest of our people.

Mr. Speaker, Sir, another thing that I might point out to the Government is the question of illicit liquor shops, and there may be a query as to what is wrong with illicit liquor shops apart from the fact that they do not have a licence—they sell the same liquor. But Mr. Speaker, Sir, illicit liquor shops sell liquor at very cheap rates and the result is that people consume more of it and the effects are worse.

Mr. Speaker, Sir, in Sentul we know—I myself have gone on a personal investigation—that there are a lot of illicit liquor shops, and, regarding this, I would call upon the Minister to alert the Police to check on illicit liquor shops. Further, I would add a warning note that when the Minister alerts the Police and the Customs Officers regarding illicit shops, he also checks that the Police and the Customs Officers have not become too friendly with those illicit shop-keepers, because that might defeat the purpose that we have in view.

Dr. Burhanuddin bin Mohd. Noor (Besut): Tuan Yang di-Pertua, Rang Undang² yang di-bentangkan ini adalah mengandongi dengan perkara² arak dan walau pun ada terkandung di-dalam-nya berkenaan dengan tembakau dan drug tetapi benda ini telah di-champor-adokkan di-dalam perkara arak. Kerana arak ini ada-lah perkara haram, saya dan Persatuan Islam sa-Tanah Melayu mengingatkan dan menghormati Islam sa-bagai ugama resmi negeri ini dan ada-lah mengharamkan arak ini, maka saya membangkang Undang² ini. Dan kerana perkara arak ini bertentangan dengan Islam maka saya tidak menyertai perbahathan berkenaan dengan Rang Undang² ini.

The Minister of Works, Posts and Telecommunications (Dato' V. T. Sambanthan): Mr. Speaker, Sir, I am afraid that the minds of the Honourable Member for Ipoh as well as the Honourable Member for Damansara went wool gathering when the Honourable the Minister of Finance was speaking. If I may be permitted, I would like to read an extract from his speech, and I

hope they will not still be wool gathering. I quote:

"It is not however, proposed to bring the provisions of this Part together with those . . ."—the part relating to toddy—

"of Clauses 36 (1) (e), 76 and 77 into operation at the present time until future policy in relation to toddy has been decided and the State Governments fully consulted on this matter."

In addition to that—if both these Honourable Members had only controlled their glee at the first sight of the word "toddy" and had they gone through the rest of this particular Bill—they would have observed on page 35, Clause 87, under "Repeal and saving" the following:

"The written laws specified in the Schedule hereto are hereby repealed except in so far as they relate to toddy."

Both the Honourable Members for Ipoh and Damansara, I find, from the tenor of their speeches, support toddy. If they do so, why then do they come up here and question the policy of the Malayan Indian Congress? The Malayan Indian Congress has for the past so many years stood four-square on the policy that this toddy drinking by plantation workers is harmful and, therefore, for the past many years it has campaigned almost incessantly against this particular drink. As a result, it has achieved the formulation of public opinion against toddy drinking and toddy shops in the State of Pahang have been closed—and after that toddy shops in the State of Kelantan have also been closed. Now there are only two more toddy shops in the State of Trengganu, and I am sure that the President of the P.M.I.P. would help my Party in seeing that those two shops are closed without any delay.

Sir, during the past five years of the Alliance Government, a very large number of toddy shops have been closed—and this has been possible because of the formulation of public opinion. We believe that we have got to draw the people from their environment by a steady process of propaganda and publicity and educate them to recognise the evils of this drink. During the past four or five years of Alliance rule, we have closed almost 100 toddy shops—this, again, is the result of the

campaign of the M.I.C., and that too, despite the fact that certain political opportunists have never cared for the welfare of the people. During election periods, and earlier and later, parties like the Peoples' Progressive Party or the Socialist Front have gone to the people and said, "Look, the Congress is against drinks. You support us, we open toddy shops for you." That, Mr. Speaker, Sir, is the basis of the ethics and morals behind their stand. (Applause).

Enche' V. Manickavasagam: Mr. Speaker, Sir, I must thank the Honourable Member for Ipoh and the Honourable Member for Damansara for giving us the opportunity in this House to state the policy of the Malayan Indian Congress as regards toddy. We have not only been saying what our policy is, outside this House but we say it also in this House.

Sir, as has just been said by my Honourable colleague, the Minister of Finance, the policy regarding toddy has not yet been decided. Since the Alliance Government came to power—the Alliance Government has the Malayan Indian Congress in it—it has closed a number of toddy shops. In 1955 there were 274 shops and today we have only 191 (Applause); in 1958 the number of gallons of toddy consumed was 1,399,658 and today it is just 1,190,000 gallons—a reduction of almost 200,000 gallons.

Sir, my Ministry has given instructions; and the Commissioner for Labour does not consent to the renewal of toddy shop licences on estates unless they are more than 75 adults and if he finds that anyone is given more than one pint, the licence is cancelled. Further, the Commissioner for Labour has also instructed that no more toddy shops will be opened on estates. All these go to show that whatever the Malayan Indian Congress has been saying to the public has had effect, and the people are gradually realising the evils of toddy and closing down toddy shops.

Sir, the Honourable Member for Ipoh, I suppose, wants people to drink toddy so that in their daze they could

be appealed to by his speeches to vote for him.

Enche' S. P. Seenivasagam (Menglembu): Mr. Speaker, Sir, we have been accused of wool-gathering (Laughter) but the two previous Honourable speakers have been trying to pull wool over other people's eyes. We only ask for the stand of these two Honourable Members on the question of toddy and why is it that they should support a Bill which says in Section 40 (1) as follows:

"The Minister may establish and operate shops, to be known as Government Toddy Shops, for the sale of toddy by retail for consumption on the premises."

This is a golden opportunity for anybody with a backbone to say to the Government, "We are not going to support the Bill which authorises you to create toddy shops:" That is what this Bill does; it does not close down, but it says "to establish and operate". In other words, this Bill gives a free hand to the Government of this country to "establish"—a simple English word the meaning of which should be obvious to anybody. Why then does one Member of the ruling party today support a measure authorising the Government to establish toddy shops in this country when the declared policy of that party has been to oppose the establishment of toddy shops in this country?

Now, credit has been claimed by the M.I.C. for closing down toddy shops. I think it is a very bad thing for people to claim credit for what they did not do. Toddy shops have been reduced in number because estates have been fragmented; toddy shops have ceased to exist, not because of the influence or philosophy of certain Members, but because of the practical necessity—the toddy shops there had no business and had therefore been closed down. It has been said, "We closed down toddy shops." Who closed them down? Was it by order of Government? Let us have one example where Government has ordered a toddy shop to close down. The Honourable Member has said, "We closed down . . ."

Enche' V. Manickavasagam: Sir, on a point of information, the Commissioner for Labour has closed down a number of toddy shops.

Enche' S. P. Seenivasagam: If I am given details as to which estate toddy shops the Commissioner for Labour has directed to be closed down, I would be much obliged.

Enche' V. Manickavasagam: I will send you a list! (*Laughter*).

Enche' S. P. Seenivasagam: Thank you very much! Now, in attempting to pull wool over others' eyes, reference was made to the Explanatory Note No. 5. But the Explanatory Note No. 5 does not say that the policy on toddy shops will be considered at a later stage . . . What it says is this:

"It is not, however, proposed to bring the provisions of this Part, together with those of Clauses 36 (1) (e), 76 and 77, into operation until action has been taken under Article 110 of the Constitution to replace revenue from toddy shops as a source of State revenue."

That means that the toddy will continue to be licensed even at a later stage but the revenue will go to the Federal Government and not to the State Government and, until State revenue is replaced, these special provisions will not be implemented. It has nothing to do with toddy policy in general.

Mr. Speaker, Sir, as regards the policy of our Party on toddy, we take a practical view of things. We appreciate, we understand, human weakness. If you do not allow a man to drink toddy, he will drink beer. If you do not allow a labourer to spend 50 cents on toddy he will spend \$2 on beer. So, understanding human weakness and being human, we say that if a man wants to drink liquor let him drink the cheapest liquor, do not force him to enrich the capitalists' bank account by forcing him to drink beer. What the M.I.C. could have done, if they genuinely believe that toddy should be banned, and that it can be banned, would have been to take a firm stand in this House as men of honour instead of trying to cover their shame by putting up false excuses here.

Mr. Speaker: I think we have had enough on the policy of M.I.C. on the question of toddy.

Enche' Tan Siew Sin: Mr. Speaker, Sir, to begin with, I shall take your advice and not say anything more on the question of toddy vis-a-vis the M.I.C. I think my Honourable friends the Minister of Works, Posts and Telecommunications and the Assistant Minister of Labour have said enough on this subject.

The Honourable Member for Daman-sara has asked the Government to enact legislation, if I understood him correctly, to prevent youngsters from being admitted into toddy shops. If he had taken the trouble to read this Bill carefully, he would have noted the following words in Clause 40 (6):

"No person under sixteen years of age shall be permitted to enter a Government Toddy Shop or a shop licensed under paragraph (e) of sub-section (1) of section 36."

This provision is, in fact, identical to a similar provision in the Excise Enactment.

The Honourable Member also felt that the Government should go further and try to prevent unemployed adults—I think that was what he was referring to—from consuming liquor in licensed premises. That, I think, is a rather difficult thing to do. It can be a delicate operation sometimes if, for example, the Government officer concerned were to prevent the Honourable Member himself from buying a drink in case he should desire one. After all, who is to decide who is fit and who is not fit to consume a particular drink at a particular time at a particular place?

He also stated that there were a number of illicit liquor shops in town. If that is the case, I think it is his duty as a law giver of this country to supply this information to the relevant authorities, i.e., either a senior Customs officer or the Police, and I hope he will have no hesitation in complying with my advice at the soonest practicable time.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. Speaker in the Chair)

Clauses 1 to 15 inclusive ordered to stand part of the Bill.

Clauses 16 to 19—

Enche' Tan Phock Kin (Tanjong):

Mr. Speaker, Sir, I rise to seek a clarification from the Honourable the Minister of Finance on Clause 16 (2). In the course of his speech, the Honourable the Minister has explained to this House that in regard to Clause 16 (2) it is a general provision giving the Minister the power to exempt, subject to such conditions as he may deem fit to impose, any class of persons from the provisions of sub-section (1). In the course of his explanation he mentioned that the intention of this particular clause is to grant exemption to manufacturers of tobacco by manual means who employ not more than three persons. If we compare this particular Clause with Clause 18 which makes similar exemption to registered medical practitioner, registered pharmacist and qualified chemist, we find that Clause 18 is specific: it mentions these three classes of people specifically, whereas Clause 16 (2) gives the Minister general powers. I shall therefore be grateful if the Minister can clarify as to the reasons why Clause 16 (2) is set out in general terms as compared with Clause 18 which is set out in particular terms.

Enche' Tan Siew Sin: Mr. Speaker, Sir, it is true that I stated in my speech that it is the intention of the Government to exempt this particular class of tobacco manufacturers, but the Honourable Member would probably appreciate that it is necessary in this sort of legislation to give the Minister a general power of exemption. The class to which I referred to in my speech is only one of the classes which I may have to exempt in due course, but it does not necessarily follow that it is meant for that class and that class only.

Enche' Tan Phock Kin: That is exactly the fear I had when I looked at this particular clause. In every Bill, as far as this House is concerned we must be clear as to what power the Minister is seeking. I personally feel that it is wrong for the Minister to give an impression to this House that this particular clause is going to be utilised for purposes of assisting this particular class of manufacturers of tobacco by manual means, whereas his intention was to apply this power, if given to him, to other classes. What constitute the other classes, we in this House are in no position to know now, and even the Minister is in no position to tell us what his intention is. So, as far as this exemption is concerned, it is my contention that this House should not give far reaching powers to Ministers, because if the Minister is going to ask us to grant him powers to grant exemption without even telling us to what class or purpose such powers will be used, then I am afraid the provisions of this Bill will be a bit far-fetched because in asking us to approve this Bill we are not being told how such powers are going to be utilised. So, in the light of the explanation, and unless the Minister can give me clarification as to his intention, I personally oppose this, and I propose to move an amendment to this particular sub-clause by deleting the words "any class of persons" and substituting therefor the following words,

"manufacturers of tobacco by manual means who employ not more than three persons"

So, the amended sub-clause will read as follows—

"The Minister may by order exempt, subject to such conditions as he may deem fit to impose, manufacturers of tobacco by manual means who employ not more than three persons from the provisions of sub-section (1)."

If the Minister is of the view that he would like to include other classes, then it is for him to suggest to this House and I am quite prepared to incorporate whatever specific suggestions he may have into my amendment.

Mr. Speaker: I must draw the attention of the Honourable Member to Standing Order 57 which has been

amended at the last meeting. The amendment to S.O. 57 (2) says—

“At least one day’s notice of any proposed amendments shall wherever practicable be given.”

Although the words “wherever practicable” leaves it to my discretion, I would like every Honourable Member to remember this amendment and give one day’s notice of any proposed amendment in order to enable the Minister to study the proposed amendment. That is the idea, and not because I won’t accept it or not—I can always give my ruling then and there. In future it will, therefore, be better to comply with the provisions of Standing Order 57.

I can allow you this time, but I hope next time you will remember the amendment to this Standing Order.

Enche’ Tan Phock Kin: Mr. Speaker, Sir, may I rise on a point of clarification on this particular point. Adherence to this particular Standing Order is impossible because of the fact that the Bill was only circularised yesterday. So it is well-nigh impossible for me to give notice in accordance with the Standing Order.

Mr. Speaker: Well, in future I hope Bills will be circularised more than one day earlier and I hope Honourable Members will comply with this Standing Order, that at least one day’s notice should be given of any proposed amendments.

Now I have accepted this amendment, and the amendment is to delete the words “any class of persons” in sub-clause (2) of Clause 16 and to substitute therefor the words “manufacturers of tobacco by manual means who employ not more than three persons”. And then the other words in the sub-clause are the same. I would put this amendment to debate now.

Enche’ Tan Siew Sin: Mr. Speaker, Sir, I think the Honourable Member refuses to understand. There is nothing unusual about this sort of general power of exemption, because cases will occur in the future when it will be necessary for the Minister to exempt certain classes of persons in order to avoid hardship. The Customs Ordinance, for example, contains a similar section, Section 13, which reads as follows:

“The Minister of Finance may by order exempt, subject to such conditions as he may deem fit to impose, any class of goods or persons from the payment of the whole or any part of any customs duty which may be payable.”

Honourable Members will note that this section is so widely worded that in theory I could tomorrow, for example, say that there will be no more import duty payable on tobacco, which yields about \$100 million a year, without reference even to the Cabinet. But, of course, in practice it does not work out that way. This sort of power is necessary, because from time to time you get cases where it is necessary, in order to avoid hardship, for this power to be used, and so it is with this particular clause. If this clause is amended in the manner suggested by the Honourable Member, it will mean that in future it will not be possible for the Government to exempt any other class of persons even though there is hardship without coming to this House again, and therefore the amendment suggested will in fact restrict the power of the Government to ease hardship where it is necessary to do so. In the circumstances, I am afraid the Government is unable to accept the amendment.

Dr. Lim Swee Aun (Larut Selatan): Mr. Speaker, Sir, the Honourable Minister has explained why, from his point of view, it is necessary to have this power of exemption, but the Honourable Member from Tanjong has objected to these wide powers and has now made an amendment to limit this exemption to the manufacturer of tobacco for consumption.

Sir, I would refer the House to Clause 16 (1) which says, “Subject to the provision of this section, no person shall distill, ferment or otherwise manufacture dutiable goods. Now distillation is one of the important parts in the training of students of Science and distillation of alcohol is being taught in Form Six Science and also in the University, so all these students would, if the Minister of Finance does not have the powers of exemption, each have to

get a licence to distill alcohol otherwise they would not learn Chemistry, because Clause 18 only says that "nothing in this Act shall apply to any distillation of dutiable goods by a registered medical practitioner, by a registered pharmacist, or, made with the approval of the Comptroller, by a qualified chemist". So students are not qualified chemists. This is an example where it is necessary for the Minister to have such wide powers, and I am sure there are other instances in research, take for example the Institute of Medical Research may want to distill or ferment something and so if happens there is no qualified chemist there at that time, surely the work would be held up, in which case then the Minister would have the power to exempt. I am sure the Minister will not abuse the power as the Honourable Member from Tanjong is so frightened that he will.

Enche' Tan Phock Kin: Sir, I am afraid both the Honourable Minister and the Honourable Member for Larut Selatan have deliberately evaded the whole issue. I merely put forward my amendment solely in the light of explanation given by the Honourable Minister of Finance, and I have gone to the extent of telling him that I am quite prepared to accept any amendment or any further proposals to widen the class of persons concerned and not merely manufacturers of tobacco as the Honourable Minister of Finance says so; and if it is the intention of the Honourable Member for Larut Selatan to include other people, we can even include the words "for scientific purposes", that will embrace all the students who are experimenting. If the Minister of Finance feels that it should be extended further, I can even agree, if he will only take the trouble to move an amendment to such suggestion, with "any cases of hardship"; but, as it stands, no mention whatsoever is made that this particular clause is going to be utilised to assist people who are in hardship, who are suffering hardship as a result of the fact that exemption is not granted. So I am afraid the Honourable Minister of Finance is merely evading the issue. He merely wants

unqualified powers, so much so that we, or I particularly, are fearful of the fact that it may not be utilised towards assisting people who are suffering from hardship etc., but it may be utilised to assist people who do not deserve exemption and that is a very important matter if we give the Minister such powers. The question of hardship is quite arbitrary, and we, on this side, may think that cases of such nature do not deserve exemption, whereas the Minister may have an entirely different yardstick. So I personally feel that in cases like this, it should be brought before this House if something to that effect is to be done on the question of hardship. The Minister will then be restricted somewhat in making his decision to exempt and if he is to be guided, in that case, by general opinion or, perhaps, a court of law, as to determine what constitutes hardship and to what extent.

In the light of my explanation, I personally feel that the whole onus of this particular amendment lies in the Minister. I am merely putting forward my proposals as a basis, and if he feels that he requires a wider field, it is up to him to put forward his suggestions.

Mr. Speaker: I shall now put the amendment to the House.

The amendment reads:

Delete the words "any class of persons" in sub-clause (2) of Clause 16 and to substitute therefor the words "manufacturers of tobacco by manual means who employ not more than three persons"

Question put, amendment negatived.

Clauses 16 to 19 ordered to stand part of the Bill.

Clauses 20 to 87 inclusive ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill.

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

THE ADVOCATES AND SOLICITORS (AMENDMENT) BILL

Second Reading

Dato' Dr. Ismail: Mr. Speaker, Sir, I beg to move that a Bill intituled "an Act to amend the Advocates and

Solicitors Ordinance, 1947," be read a second time.

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

The Minister of Justice (Tun Leong Yew Koh): Mr. Speaker, Sir, I do not propose to detain the House for long over this small but very important amendment.

Sir, the Government is studying a report prepared by a Committee under the chairmanship of a Judge regarding the structure of and qualifications of entry to the legal profession in Malaya. A number of long term arrangements will be necessary, including the setting up of a Council of Legal Education. In this, we must obviously run *pari passu* with the Government of Singapore, and we shall shortly be entering into consultation with that Government.

In the meantime, the first batch of law graduates from the University of Malaya have received their degrees, and have been reading in Chambers for the last eight months. They have all successfully undergone a post-graduate course in practical law procedure at the University of Malaya, and are just about ready to enter the profession as fully-fledged advocates and solicitors.

The purpose of this Bill, therefore, is to extend full recognition to the University L.I.B. The Government of Singapore has already done that. I am sure this will commend itself to all sides of this House as proof that we do not intend indefinitely to rely on foreign degrees, excellent though these latter are.

At a later meeting during this session, the Government will introduce another amending Bill to incorporate and establish a Council of Legal Education. We shall also take the opportunity to make other changes, mostly at the behest of the Bar Council. This Bill is, therefore, an interim one so that the young men from the University will be able to embark without delay on their lucrative careers, and I am sure that members of the learned profession will welcome them in their midst.

Enche' K. Karam Singh: Mr. Speaker, Sir, there is not much for me to say on this Bill. But being a practising advocate and solicitor myself, I would like to say that it is very good indeed for our country that locally trained people will now be entering the legal profession. The time when we had to go far away, to England, to get our qualifications with a view to admission to the Malayan Bar is now left behind, and it is indeed a glorious day for our aspiring lawyers when our own University will produce them and enable them to practise in our courts.

Mr. Speaker, Sir, I hope that, when our University turn out enough graduates, adequate provision will be made by the Government to utilise their legal abilities to the best welfare of our Nation.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. Speaker *in the Chair*)

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

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

THE FINANCIAL PROCEDURE (AMENDMENT) BILL

Second Reading

Enche' Tan Siew Sin: Mr. Speaker, Sir, I beg to move that a Bill intituled "an Act to amend the Financial Procedure Ordinance, 1957" be read a second time.

As Honourable Members are aware, the financial provisions of the Constitution introduced radical changes in the financial structure of the Federation and these were brought into force together with the provisions of the Financial Procedure Ordinance, 1957, with effect from 1st January, 1958.

The new financial system has now been in operation for just over three and a half years, and it is natural that, as a result of experience of its working, it should appear desirable to introduce a number of changes and improvements. The Bill which is before the House has been prepared after very careful consideration and discussion with the State Governments and with the Auditor-General as well as with the various authorities of the Federal Government. In accordance with paragraph (f) of Clause (4) of Article 108 of the Constitution, consultation has been carried out with the National Finance Council, which consists of representatives of all the State Governments as well as those of the Federal Government, and the agreement of that Council to the terms of the draft Bill was obtained on 9th June last.

The Bill contains a number of minor changes which are sufficiently explained in the explanatory statement attached to it, and I will deal now only with the more substantial amendments which are being introduced.

In my Budget speech last December, I explained the system of Controlling Officers which was being introduced in connection with the 1961 Estimates. It is now proposed to give this system statutory backing and for this purpose new Sections numbered 15A in respect of the Federal provisions and 29A in respect of the State provisions are included in Clauses 6 and 15 of the Bill. These Sections set out the responsibilities of the officers who are designated Controlling Officers in respect of each Head of the Estimates and make it clear that these responsibilities extend not only to controlling the expenditure under that Head but also to all aspect of the financial supervision relating to the department or service for which the Head provides.

I wish to stress that within the Government machine, this responsibility for financial management is exercisable by the Controlling Officer separately from the policy responsibility which resides in the Minister under whom the department or service

falls. It is, of course, the responsibility of the Minister, within the approved policy of the Government, to say what shall be done by the department concerned.

It is, on the other hand, the responsibility of the Controlling Officer to ensure that all necessary financial steps have been taken to enable that policy to be carried out as economically and efficiently as possible and, in the event such steps not having already being taken, to advise the Minister as to what is necessary to be done before the policy can be carried out. Every Controlling Officer is directly answerable to the Treasury and to the Public Accounts Committee of this House for the proper carrying out of these duties.

He may, of course, delegate some of his duties to the officers under his control, but the Bill provides that the extent of any such delegation shall be properly prescribed so that the chain and sphere of responsibility are clear. I would add that these new Clauses do not introduce any new financial principle into the administration of the Government nor do they affect in any way the responsibility of Ministers to Parliament, but merely clarify the existing principles of administration. I feel that they will be of value in inculcating a deeper sense of financial responsibility throughout the Public Service.

Clause 10 of the Bill introduces an amendment to Section 24 of the Ordinance which seeks to ensure that, as far as possible, any surplus monies held by the State Government should be invested locally. It requires that the authority of the Treasury be obtained before such monies are invested otherwise than on deposit in licensed banks in the Federation or in securities issued by the Government of the Federation. The purpose of the provision is to enable the Minister of Finance to ensure that the Federation has the first opportunity of putting to good use any surplus funds which may be available to the States. This provision has been accepted by the State Governments and I am sure Honourable Members will agree that in view of the

large sums of money which the Five-Year Development Plan requires the Federal Government to spend in the States, such a provision is eminently justifiable. I should perhaps make brief mention of the amended definitions which will result from the proposals in Clause 2 of the Bill. Of these, items (a) and (c) are sufficiently explained in the Explanatory Statement. Item (b) alters the definition of term "State financial authority", which at present reads "the principle officer or person in charge of the financial affairs of a State". There is a State Financial Officer in every State who exercises the functions of the State financial authority under the Ordinance, and the purpose of the deletion of the words "or person" as now proposed in the Bill is to put it beyond doubt that this officer is the authority referred to.

In conclusion, I would say that the fact that so few amendments of any substance need to be introduced in the Financial Procedure Ordinance after more than three years' experience is a tribute to the skill and foresight of those who drafted the original Ordinance. In general our financial administration is, I feel, one of which we can be proud. It is natural that from time to time matters should be brought to the notice of the Public Accounts Committee by the Auditor-General which indicate that improvements are necessary, and in such cases action is speedily taken to put matters right. There is no lack of financial awareness amongst the Public Service as a whole, and, I am happy to say, a steady improvement is taking place in the quality of the Government's financial control.

As the development of the country progresses, which under our present development plans it is doing by leaps and bounds, it is natural that more revenue is collected and more money spent. The problems of financial administration grow more and more complex. It is therefore essential that we have a sound and workable financial procedure, and that our financial laws are regularly kept up to date.

Sir, I beg to move.

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

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. Speaker in the Chair)

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

Clauses 6 to 10—

Enche' Tan Phock Kin: Mr. Speaker, Sir, I rise to seek an explanation from the Honourable the Minister of Finance with reference to Clause 9. Clause 9 seeks an amendment to Section 22, and it is on the question of the definition of the word "bank" that I would like an explanation. The word "bank" according to this Amendment Bill means "any office or branch in the Federation of a bank licensed under the provisions of the Banking Ordinance, 1958". The explanation which I require in this connection is with regard to the position of Bank Negara Tanah Melayu. If one looks up at the Constitution of the Bank Negara Tanah Melayu, one will realise that one of the objects of the Bank Negara is to be a banker to the Government. Under the circumstances, one would expect that all Government funds should be banked in Bank Negara Tanah Melayu. However, I regret to note here that there is no specific provision in this Bill to make Bank Negara a banker not only for the Malayan Government but also for the State Governments, and I would think that a more logical provision in this particular section would be to define "bank" as "Bank Negara Tanah Melayu or any of its branches where such branches exist in the various States". The Minister may argue that in respect of Bank Negara there may be no branches in some States like Perlis and, perhaps, in some small States. So

in that case provision should be made to the effect that any office or branch of the Federation bank licensed under the provisions of the Banking Ordinance, 1958, shall apply. So my contention is—and I am surprised too—that the Minister of Finance did not see to it that as far as Government funds are concerned—not only Government funds but also, I should say, funds of all Local Authorities or statutory bodies—the funds should be banked with Bank Negara Tanah Melayu, and it is only under circumstances of inconvenience or impossibility and when branches of Bank Negara do not exist in small towns and villages, that provision should be made for it to be banked in other banks licensed under the Banking Ordinance. However, I regret to note that nothing of this sort is being provided here, and I shall be very grateful if the Honourable the Minister of Finance can enlighten this House on this matter.

Enche' Tan Siew Sin: Mr. Speaker, Sir, I am afraid, that the Honourable Member as usual has not bothered to study this Bill properly. If he will look at Section 22 of the Financial Procedure Ordinance, he will find that in Part IV of that Ordinance which relates to State financial and accounting procedures. This Bill does not prevent the State Governments, who will be affected by this clause, from banking with Bank Negara, but it does enable them to deposit their surplus in commercial banks licensed in the Federation. It must be appreciated that Bank Negara has got only one office and that is in Kuala Lumpur and it is rather difficult for the other States to bank with Bank Negara. Under the present law they in fact can bank with any bank in the world, but this Bill will now restrict their power to bank only in banks which are licensed in the Federation, and I think it has been extremely reasonable on their part to have agreed with this restriction of their powers, which is in fact a vast improvement on the existing law.

Enche' Tan Phock Kin: I am rather surprised at the statement of the Honourable Minister of Finance. The point which I stressed—and a point on

which I think he himself agrees—I am not quarrelling over the money in the States that cannot be banked in Bank Negara—is that as far as this Bill stands at the moment they are at liberty either to bank with Bank Negara or any other bank. I am asking him as to why he has acted so inconsistently: the Objectives of Bank Negara state very clearly that it is going to be the banker for the Government, and why is it that no provision is made to compel State authorities to bank with Bank Negara, if it is possible? If it is not possible, then they can bank with other banks.

I am also surprised that the Honourable Minister is so ignorant even of Bank Negara itself, of which he should be well aware of. He told this House that Bank Negara has only one office in Kuala Lumpur when anybody, any layman, if we ask him, will be able to tell that Bank Negara has established a Branch in Penang—and even the Minister of Finance is not aware of it. This is most deplorable, and, coming as it does from a man who professes to be so knowledgeable, it is even more surprising. So, I am afraid, Sir, that the Honourable Minister of Finance, in his attempt to try to explain, has not succeeded in explaining anything at all. In fact, he has demonstrated his utter confusion over the whole issue. I may point out, and I think every Member in this House will agree with me, that if we are going to make Bank Negara a real success as bankers for the Government, then it is our primary duty to persuade, and if possible to do it by legislation, every State authority—I venture to go further and suggest that even statutory bodies and local government authorities should be asked to bank with Bank Negara. It is only by so doing that we can make Bank Negara a real success as bankers for the Government.

The Minister of Finance went on to talk about utilisation of the funds. He should have realised that if all the money is banked in Bank Negara, there is a greater possibility of the funds being utilised more fruitfully by the Government. So, in the light of my explanation, I hope the Minister will

not be obstinate and I hope he will himself agree to amend this particular section so as to make provisions in the light of my suggestions.

Mr. Speaker: (*To Enche' Tan Siew Sin*) Do you wish to say anything?

Enche' Tan Siew Sin: No.

Clauses 5 to 10 ordered to stand part of the Bill.

Clauses 11 to 18 inclusive ordered to stand part of the Bill.

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

THE WEEKLY HOLIDAYS (AMENDMENT) BILL

Second Reading

Enche' V. Manickavasagam: Mr. Speaker, Sir, I beg to move that a Bill intituled "an Act to amend the Weekly Holidays Ordinance, 1950" be read a second time.

The purpose of this Bill is to clarify certain provisions of the Weekly Holidays Ordinance, to widen its application and to regularise the designations used in the Ordinance with the Employment Ordinance, 1955.

The present definition of the term "unassisted shop" includes a shop run by two or more proprietors, which is not the intention of the Ordinance as originally conceived. The amendment in Clause 2 restricts the term "unassisted shop" to a shop run by its sole proprietor with the assistance of either the spouse or one of the children, and so excludes any shop that is owned and operated by more than one proprietor.

Clause 3 seeks to rectify an omission in the Weekly Holidays (Amendment) Ordinance, 1957, when the benefit of the five holidays a year over and above the weekly holidays was extended to employees in the premises listed in the Schedule to the Ordinance. The present amendment will extend this benefit to employees in restaurants and theatres.

The amendment in Clause 4 (1) has the effect of safeguarding wages from being reduced when weekly holidays are given and also removes the

anomaly of paying wages where none was earned according to trade practices. The Weekly Holidays Ordinance provides for compulsory weekly holidays to employees in shops and has adequate safeguards to see that, as a result of this provision, the wages of labourers and shop assistants are not reduced. However, before these provisions came into force there were certain classes of daily-rated employees who had been given weekly holidays without pay. This was accepted as the normal trade practice. The Ordinance, as it stands, appears to require payment for these employees which is not the intention. The amendment would remove this ambiguity. The amendment in Clause 4 (2) ensures that employees receive their full day's wages if and when an additional half holiday is declared by the Minister to be compulsory for any particular class of shops.

Clause 5 seeks to amend section 9 of the Ordinance so as to bring the designations of officers in line with the titles used in the Employment Ordinance.

I might add, Sir, that these amendments have been thoroughly studied and are supported by the National Joint Labour Advisory Council, which consists of employers' and workers' representatives.

Sir, I beg to move.

Enche' Abdul Hamid Khan: Sir, I beg to second the motion.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(*Mr. Speaker in the Chair*)

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

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

Mr. Speaker: I think this is a suitable time to suspend the sitting.

Sitting suspended at 12.55 p.m.

Sitting resumed at 2.30 p.m.

(Mr. Speaker in the Chair)

THE WAR RISKS (GOODS) INSURANCE FUND (WINDING UP) BILL

Second Reading

Enche' Tan Siew Sin: Mr. Speaker, Sir, I beg to move that a Bill intituled "an Act to provide for the winding-up of the War Risks (Goods) Insurance Fund," be read a second time.

As Honourable Members are aware, a Joint Fund for the then Federated Malay States and Straits Settlements for the purpose of insuring goods against war risks was established by section 9 of the War Risks (Goods) Enactment, 1941 (F.M.S. No. 6 of 1941), which came into force on 3rd March, 1941. Section 10 of this Enactment provides for a Board of Management of the Fund. The application of the Enactment was extended throughout the Federation by the War Risks (Goods) Insurance Ordinance, 1948 F.M.S. No. 24 of 1948).

The work of the Board has been completed and the only remaining function of the Board is to publish the weekly statements of sums received into and paid out of the Insurance Fund until the Fund is wound up. There is no balance in the Insurance Fund, and there has been no receipt or payment since 5th April, 1957; and no further receipts or payments are expected. The Fund has no assets. The office and accounts of the Fund are, however, in Singapore; and since the purpose of the Fund has been accomplished, the Government of Singapore has proposed that action should be taken to wind up the Fund.

The Federation Government has agreed to this proposal, and the purpose of this Bill is to bring to an end the work of the Board in accordance with Clause 8 and to repeal the War Risks (Goods) Insurance Enactment, 1951, and the War Risks (Goods) Insurance Ordinance, 1948. Parallel legislation will be enacted by the State of Singapore.

The Bill is a straightforward one, and I do not propose, therefore, to elaborate on this Bill except to point out that the purpose of this Bill, as I have already indicated, will not be achieved until Clauses 8, 9 and 10 come into force. These Clauses, however, will come into force only when all outstanding claims, if any, have been met and the report and audited statement of accounts have been duly published in the *Gazette*. As soon as these Clauses are brought into force, the Principal Ordinance will be repealed in accordance with Clause 11, and the winding of the Fund will then be complete. I may also explain that this Bill takes account of the fact that the office of the Fund is in Singapore, and the liquidation of the Fund can most conveniently be performed there.

Sir, I beg to move.

Enche' V. Manickavasagam: Sir, I beg to second the motion.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. Speaker in the Chair)

Clauses 1 to 12 inclusive ordered to stand part of the Bill.

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

THE EMPLOYMENT (AMEND- MENT) BILL

Second Reading

Enche' V. Manickavasagam: Mr. Speaker, Sir, I beg to move that the Bill intituled "An Act to amend the Employment Ordinance, 1955" be read a second time.

The aims of the proposed amendments to the Employment Ordinance are briefly to stipulate the minimum rate of overtime to be paid to workers; to add penalty clauses under which offenders of the present law, or the law as amended, regarding hours of work and minimum rates of overtime can be

prosecuted; and to require that proceedings instituted before the Commissioner for Labour in a Labour Court are withdrawn before a civil suit is commenced in Court, if the employer or worker wishes to bring such a suit in Court before the proceedings in the Labour Court have been proceeded with to judgment and satisfaction.

When the Bill for the Employment Ordinance was discussed in 1953, the Legislative Council appointed a Select Committee to examine and report on the Bill. This Committee, while recommending the adoption of the Bill with certain amendments, was divided in its views on whether or not overtime rates should be prescribed in the Bill itself. It was the majority view that overtime rates should be settled through collective bargaining, or arbitration under the Industrial Courts Ordinance, or, where the workers are not effectively organised, by statute under the Wages Councils Ordinance. They considered that it was neither necessary nor desirable that uniform overtime rates should be stipulated for all industries. However, the Minority Report considered that the Bill should provide a minimum rate for overtime work, especially in view of the fact that workers in the Federation were not fully organised to effectively discuss and reach agreement with their employers. The majority opinion prevailed and the Bill did not come to provide minimum rates of overtime.

However, it appears that the mere stipulation of the days and hours of work in the Employment Ordinance has not placed the worker in a strong bargaining position as was envisaged in the Majority Report, nor have trade unions been completely successful in negotiating and reaching agreement with employers on overtime rates. For example, my Ministry carried out a survey of the effectiveness of subsection (1) of section 59 of the Ordinance, which limits the hours of work of a worker other than a shift-worker to 48 hours per week, over the period 1st October, 1959, to 31st March, 1960. This survey brought to light over 900 cases of contravention of the law. This section of the law does not therefore,

it would seem, give the protection to the worker that was originally intended. Over 900 known contraventions within a period of six months show an alarming disregard of the law and warrant the adoption of some measures. Clauses 3 and 4, therefore, prescribe a minimum rate of $1\frac{1}{2}$ times the normal rate of pay for work on the 7th day, and a minimum rate of $1\frac{1}{4}$ times the normal rate of pay for work in excess of 48 hours or 56 hours as the case may be. A minimum instead of an absolute rate has been prescribed, as an absolute rate will place an unfair burden on some industries while in others higher rates could be paid. The amendments merely stipulate the minimum rate, and workers can still negotiate and obtain higher rates in industries which have a better capacity to pay.

Clause 5 seeks to correct what is apparently a printing error.

Now, Sir, Clause 6 in the proposed amendment. Section 86 of the Employment Ordinance, as it stands, gives the impression that an employer or worker, having instituted proceedings for any breach of a contract of service in a Labour Office under section 69 may not commence civil proceedings in any Court. The intention, however, is that the employer or worker should have the alternative to bring a civil suit in any Court even though his case might be pending in the Labour Court. To save unnecessary duplication of work for both the officers of the Ministry and the Courts, Clause 7 contains the proviso that the plaintiff withdraw the proceedings instituted by him before the Commissioner for Labour before he actually commences proceedings in any Court. It is clear that the remedy of a civil suit should be alternative and not concurrent.

The Employment Ordinance, as it stands, does not prescribe the penalties for violations of the law regarding hours of work. The Select Committee appointed to study the original Bill had felt that there was no necessity to prescribe these penalties as overtime rates are to be settled purely through negotiations between the parties concerned. However, as I had stated

earlier the lack of penalties had led to flagrant violations of this law and we are unable to take such employers to task for these violations. It is now felt that the laws regarding hours of work and minimum rates of overtime stipulated in the present amendments should be given "teeth", and penalties provided. Clause 7 therefore prescribes penalties for employers who require workers to work more than six days a week or more than 48 hours, or 56 hours in the case of shift workers, without paying the minimum rates of overtime.

The National Joint Labour Advisory Council under my Ministry, consisting of employers' and workers' representatives fully supports these amendments. The policy of the Government regarding wages and conditions of work is to let these to be settled by voluntary negotiation between the parties concerned, but I am sure, Sir, that this House will appreciate that the present circumstances justify the stipulation of minimum rates of overtime in the law itself.

Sir, I beg to move.

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

Enche' K. Karam Singh: Mr. Speaker, Sir, we find that in other parts of the world, there is an attempt to shorten the working day and the working week in order to allow the workers more time for leisure. But in Malaya today the answer to the shortening of the working week is to increase the work for the last or the seventh day of the week by one-and-a-half times in the case of a non-shift worker and one-and-a-quarter times in the case of a shift worker—the rate of pay, Sir, is one-and-a-half times the ordinary pay in the case of a non-shift worker and one-and-a-quarter times the ordinary pay in the case of shift worker.

Sir, we feel very strongly that our working class must be given a weekly holiday so that they can have rest and leisure at least once a week. We know that down from the ancient times all human societies had agreed that at least one day in a week should be a

resting day. This is recognised in the Jewish society by the saying that no one shall work on the Sabbath Day.

We find that today our daily-paid workers are penalised by the very fact that they are daily-paid. If they do not work on a certain day, they are penalised economically by not being paid for that day. Mr. Speaker, Sir, we do realise that every worker in Malaya should have a weekly holiday, yet, as this Bill is before us in this House today, at the Committee stage we shall move to increase the provisions of new section 58 (2) from one-and-a-half times to two times, and new section 59 from one-and-a-quarter to two times. These are the amendments which will be proposed by us at Committee stage.

Mr. Speaker, Sir, there is one important factor that has been overlooked by the Government when bringing this Bill, and that is, although the normal wage is referred to both in the case of non-shift and shift workers, yet up to now we find that the Government has not stipulated a minimum living wage for the Malayan workers. So, if the wages are very low even if you increase them by one-and-a-half or two times, they would still in times of financial stringency not be enough to maintain the worker. Here again we feel that it is in the national interest and for the protection of our working people that the Government take upon itself the task of stipulating a minimum wage. The Honourable the Assistant Minister has said that he is laying down one-and-a-half times and one-and-a-quarter times as the minimum rates of overtime and that he leaves any increase to these in lucrative industries to negotiations between employer/employee. But I would suggest that the Government stipulate a minimum wage and then leave it to the industries to negotiate a rise. This is all the more pressing as we have often heard from Ministers that we have a very high standard of living in our country. We ask the Government that if there is such a high standard of living in our country, why does it not fix a definite minimum wage for our workers?

Regarding section 7, the Honourable the Assistant Minister said that formerly there was no penal provision regarding employers who did not comply with this Ordinance. This amendment proposes a fine of up to \$500 for any employer who does not follow the law as laid down in this amendment. But there is another very vital penalty that is required in the law, and that is this: we find that when the workers have got some genuine grievance and report the matter to the Labour Office their employment is immediately terminated, i.e., they are victimised just for exercising their right under the law. So, we desire some sort of protection for employees who are complainants under the Employment Ordinance and who are victimised by employers as a consequence of any complaints they have made. That is sorely needed.

Enche' Liu Yoong Peng: Mr. Speaker, Sir, we do not agree to the provision in this Bill that not less than one-and-a-half times of the normal rates be paid as overtime pay to workers who work more than six days a week. We think that it should be at least not less than two times the normal rate of pay, instead of one-and-a-half times. In the other case, where labourers are on a forty-eight hour week, or in the case of shift workers on a fifty-six hour week, we propose that it should be not less than one-and-a-half times of their normal pay.

Unless overtime is paid in the case of ordinary workers two times more than their ordinary wages and in the case of shift workers one-and-a-half times their ordinary wages, we consider it very unfair to the workers. It is really not enough to compensate them with the rates proposed in the Bill for the extra time and extra effort they have to put in.

Enche' V. Manickavasagam: Mr. Speaker, Sir, I am surprised that the Members of the Socialist Front are divided even in asking for overtime rates. The Honourable Member for Damansara said that he would want two times for those working on the

7th day and two times—double—for those working for 48 or 56 hours. The Honourable Member for Rawang is more liberal with the employers, and he suggested two times and one-and-a-half times. So we can understand very well, Sir, the Honourable Members of the Socialist Front not only do not understand what is said in this Bill but they have tried to confuse themselves.

Sir, this Bill has been thoroughly considered by the National Joint Labour Advisory Council where there are experts on trade unionism in this country representing employers and workers, and they have given their blessing to this Bill. The Honourable Member from Damansara said that workers in other countries work only for a number of days in a week, and we are forcing people to work seven days in a week. If he reads more carefully, this clause 58 (1) states "no labourer shall not be required to work on more than six days in any one week". We do not force him to work. When a worker agrees and wishes to earn extra money for his family, he works; and he gets one-and-a-half times if he does the work.

The Honourable Member also suggested that there should be minimum wages set in this country. Sir, as we have repeatedly stated in this House, it is the policy of Government to encourage both sides to negotiate and come to agreement. Where we find that wages are not paid properly, we set up a Wages Council and there is a council under the Wages Council Ordinance for shop assistants. I do not see any sense, Sir, why we should bring in minimum wages legislation, and in certain industries which are capable of paying more may try to reduce somewhat, and those which cannot afford to pay the minimum standard wages may close their industries and thereby creating more unemployment.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. Speaker *in the Chair*)

Clauses 1 to 4—

Enche' K. Karam Singh: Mr. Speaker, Sir, I propose to amend the new clause 58 (2) by deleting "one-and-a-half times" and substituting therefor by "twice".

Further, new Section 59 on page 2, seventh line, by deleting "one-and-a-quarter times" and substituting "twice" therefor.

Mr. Speaker, Sir, as I had explained whilst speaking before the Bill went into Committee, I had explained that one-and-a-half times and one-and-a-quarter times are not sufficient as, Mr. Speaker, Sir, if an employee worked on a seventh day, he would have got wages for one extra day—that is the logic behind what we say and so that by getting twice the pay on that day, even if later on he does not work for another, that would not be a loss.

Enche' V. Manickavasagam: Sir, as I have said earlier, we cannot agree to the amendments. If he had carefully read the Bill itself, he would have noted that the clause he wants to be amended reads: "any labourer who with the consent of his employer works for more than six days in any one week shall be paid for such work on the seventh day at a rate of not less than....." We have stipulated a minimum requirement, though a progressive employer could pay two times, or one-and-a-quarter times, as the Honourable Member for Rawang wants—they are divided in what they say. We have no objection, but what we want is a minimum, in the first case, of one-and-a-half times and, in the second case, a minimum of one-and-a-quarter times.

Enche' Liu Yoong Peng: Mr. Speaker, Sir, I did not say one-and-a-quarter times.

Mr. Speaker: I am not concerned with that. I am concerned with the amendment.

Enche' K. Karam Singh: The argument of the Honourable Assistant Minister really does not stand to very much reason, because he said he is only fixing the minimum. Now, we are not questioning the fixing of the minimum. We are only questioning as to where to fix that minimum, so we say fix it at twice and actually the dispute between us is not as to fixing it at a certain place, but at a higher place than what is fixed by the Government.

Mr. Speaker: I shall now put the first amendment. The proposed amendment is to Clause 3, new Section 58 (2), by deleting the words in the fourth line "one-and-a-half times" and substituting therefor "twice".

Question put, amendment negated.

Mr. Speaker: Now, I come to the second amendment. The proposed amendment is to Clause 4 in regard to the Amendment of Section 59 new sub-section (5) (b) by deleting the words "one-and-a-quarter times" and substituting therefor "twice".

Question put, amendment negated.

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

Clauses 5 to 7 ordered to stand part of the Bill.

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

THE DISPOSAL OF FUNDS (STATE OF PENANG) BILL

Second Reading

Enche' Tan Siew Sin: Mr. Speaker, Sir, I beg to move that a Bill intituled "An Act to provide for the winding-up administration and disposal of certain public funds known as the Sir Henry Gurney Memorial Fund, the Queen's Hall Fund and the Merdeka Celebrations Fund, established in the State of Penang and for matters incidental thereto" be read a second time.

The purpose of this Bill is to wind up the Funds known as the Sir Henry Gurney Memorial Fund, the Queen's Hall Fund and the Merdeka Celebrations Fund which were established in

the State of Penang during the period March, 1952 to May, 1957, as a result of contributions from the public at various times. These Funds were vested in Committees known as the Henry Gurney Memorial Fund Committee, the Queen's Hall Committee and the Merdeka Day Celebrations Finance and Supplies (Including Appeals) Sub-Committee respectively.

The Sir Henry Gurney Memorial Fund was set up for the purpose of establishing a circulating library with branches to serve the whole of the Federation and also of providing youth training camps, centres and playing fields. The purpose of the Queen's Hall Fund was to erect a concert and lecture hall while the Merdeka Celebrations Fund had as its objective the erection of a permanent memorial to commemorate the achievement of Merdeka.

The sums raised by the respective Funds were found to be insufficient to carry out adequately the purpose for which they were established and a committee was set up by the Government of Penang in May, 1958, to look into the possibility of pooling their resources and utilising the total sum obtained thereby for the erection of a building, Malayan in character, in George Town to be used for purposes which will not constitute a departure in any major degree from the objects of these existing separate Funds. The Committee recommended, and the respective Committees have accepted, that the combined Funds be used for the construction of a civics centre to be known as "Dewan Sri Pinang".

In accordance with the wishes of the Penang Government, it is now desired to take action to wind up the existing three Funds amounting to \$211,231 in all and to utilise the money available to build the Dewan Sri Pinang. Legal advice has been sought and it is considered that the most satisfactory method of carrying out the Penang Government's intentions would be by legislation. Although the administration of the Funds is not in Federal hands, it is considered that Federal legislation is appropriate in view of the fact that the item "Trusts" is in the Federal list of the Constitution.

Sir, I beg to move.

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

Enche' Ismail bin Idris (Penang Selatan): Tuan Yang di-Pertua, saya bangun menyokong Bill ini dan juga saya mengalu²kan kerana wang daripada Fund ini akan di-untukkan bagi mendirikan sa-buah Dewan yang dinamakan Seri Pinang. Tuan Yang di-Pertua, sunggoh pun Dewan ini akan di-namakan Seri Pinang maka saya suka-lah hendak mengeshorkan kepada Majlis dan kepada yang berkenaan supaya bentok bangunan itu biar-lah berbentok Malaya supaya bentok itu sesuai kehendak dan berupa kebudayaan Malaya dengan penduduk² Malaya ini. Saya dapati ada bangunan² Kerajaan, saya rasa satu bangunan Pejabat besar di-Pulau Pinang hari ini yang berbentok bukan-lah sa-chara Malaya bahkan bangunan yang 10 tingkat atau 11 tingkat tinggi-nya itu tidak ada langsung berbentok Malaya. Oleh yang demikian saya mengharapkan supaya bentok Dewan yang di-namakan Seri Pinang ini biar-lah di-bentok sa-chara kebudayaan Malaya.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. Speaker *in the Chair*)

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

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

THE KIDNAPPING BILL

Suspension of Standing Order

(Motion)

Dato' Dr. Ismail: Mr. Speaker, Sir, I rise to seek your consent under Standing Order 90 to move a motion to suspend Standing Order 72 (2) for the purpose of enabling the House to take the second reading of the Kidnapping Bill today.

Mr. Speaker: Permission granted.

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

That Standing Order 72 (2) be suspended for the purpose of enabling this House to proceed with the second reading of the Kidnapping Bill forthwith notwithstanding that not less than five days notice has not been given.

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

Question put, and agreed to.

Resolved,

That Standing Order 72 (2) be suspended for the purpose of enabling this House to proceed with the second reading of the Kidnapping Bill forthwith notwithstanding that not less than five days notice has not been given.

THE KIDNAPPING BILL

Second Reading

Dato' Dr. Ismail: Mr. Speaker, Sir, I beg to move that a Bill intituled "An Act to provide for the detection and punishment of the offences of abduction, wrongful restraint and wrongful confinement for ransom and other related offences and for matters incidental thereto" be read a second time.

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

Tun Leong Yew Koh: Mr. Speaker, Sir, I think all Honourable Members will have read the press reports of the proceedings relating to this Bill in another place. I do not therefore propose to go into any very great detail. I shall confine myself to a general statement of the Government's intentions which have already been accepted elsewhere. As I said in another place, the Government has no hesitation in admitting that this Bill is a highly controversial one, and one which is likely to raise considerable comment. We seek to make kidnapping for ransom—I stress the words for ransom—an offence punishable at worst with death, or at best with mandatory imprisonment for life with liability for whipping. We seek to punish the agents of kidnappers with ten years imprisonment, likewise with liability to whipping. We seek to punish those who

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

Firstly, may I say that this severe measure has not been adopted by the executive without very serious heart-searchings. We considered all aspects of kidnapping and its increasing prevalence in Malaya. The Cabinet has accepted the probability that we shall be questioned on various counts, and we accept that. We also believe that those who query the proposal will have a battery of excellent, fair and valid arguments in their favour. We welcome their views, and we shall probably agree with a lot that they will say. The point is that we are facing an extraordinary situation, and this extraordinary situation demands extraordinary measures. Half measures will not work.

As I have already said elsewhere, kidnapping in Malaya appears to be the monopoly of a small but vicious clique in the Malayan Chinese Community. I hate having to say this, being a Malayan Chinese myself; but I have to say it, because it is true and a matter of fact. One of the worst ills which erodes Malayan Chinese society is the existence of secret societies, many of which depend on extortion for their income. I know that the extortion is generally in the form of some sort of protection money, but quite often it takes the form of kidnapping, and this we must stop.

I think it is almost a truism that kidnappers are bullies. Bullies are

generally cowards. By applying the extreme penalty against these cowards, we hope to intimidate them into NOT committing the crime of kidnapping. We have to shew them that the Government can be tough—very tough indeed. We must shew them that we are in fact much tougher than they are, but that our toughness will be tempered by the rule of law. They will be tried in the ordinary way, with one major modification which I shall now describe.

We have thought it necessary to take the unusual step of abandoning the jury system in kidnapping cases. We have done this with the utmost reluctance, but we have done it for purely practical reasons. Our juries consist of seven persons; generally they are married and have children—say an average of four children. They also have close relatives—uncles and aunts, grandparents and the like. There would thus be at least some three-score persons connected with the jurymen who would be subject to intimidation by the kidnapping gangs. If, on the other hand, we have only two assessors, the number of people to be protected is very much less—probably not more than about fifteen or so. This protection is within the power of the police. Honourable Members must appreciate that kidnapping gangs are well organised and are well financed. Kidnapping is big money, and if some extortion or intimidation is necessary, the kidnappers will most assuredly turn on the heat as ruthlessly or unscrupulously as they wish.

I do not want it to be thought for one moment that the Alliance Government is disabused with the Jury system. On the contrary, we think it is by and large the best of all systems; but it cannot work if there is intimidation, and this we are determined to avoid. I sometimes think we dwell a little too much on the rights of the accused and tend to forget the public interest which is involved. In this, I have the support of Lord Goddard. If every kidnapper gets away with his crime, the public interest will suffer. But we are not in any way depriving an accused person of his right of a fair trial—after all, the trial will be conducted by one of His Majesty's Judges with all that care

for which our Bench is deservedly famous. If we had wanted to avoid modifying the jury system, we could easily have limited the punishment to life imprisonment, in which case there would not even have been assessors. We have however felt it desirable that there should have been that safeguard—the presence of assessors—and we have not hesitated to provide it.

As I have said in another place, what we are doing is in no way revolutionary or without precedent. In the United States—a very liberal nation indeed—kidnapping was made a capital offence a generation or so ago to cope with a spate of kidnappings. The States were faced with a roughly similar situation to the one which faces us in Malaya today. The Americans had the courage to pass stern laws, and these have paid off. In many of the States, kidnapping is no longer capital, for law and order have triumphed. Let us pray that this measure we are putting to this House today will succeed in like manner, and that it will be possible for us to repeal this Act when it has been shewn to have become unnecessary. I appeal to the Chinese Community, as the community most affected by kidnapping, to refuse to pay ransom money in any shape or form. When the ransom is not forthcoming, then will kidnapping cease to become big money, and so disappear.

May I make one last point? Honourable Members will see that the Public Prosecutor retains full control over the investigations, and his fiat will be necessary at all times. I know in theory that this sounds unsatisfactory, but in practice it has worked well under other laws. I doubt whether any Honourable Member could cite a case in which the Public Prosecutor had been motivated by wholly unprofessional considerations. The Attorney-General is the titular leader of the legal profession, and I am sure he has the confidence of his professional colleagues to see that justice is done.

I now ask this House to adopt the Bill. My Honourable friend the Minister of Internal Security will move a number of drafting amendments at the

Committee stage, but these are all comparatively minor and will not affect the main principles of the Bill.

Enche' Zulkiflee bin Muhammad: Tuan Yang di-Pertua, saya hendak berchakap sedikit sahaja. Yang sabenar-nya, saya bersetuju dengan Rang Undang² ini. Dan ada-lah menjadi harapan bagi kita supaya negeri ini menjadi sa-buah negeri yang dapat menchegeh amalan² melari dan menyembunyikan orang yang di-sebut "kidnap". Tuan Yang di-Pertua, hanya dalam penterjemahan "kidnap" ini ada sedikit tidak sedap kita membacha-nya, ia-itu "Rang Undang² Tangkap Lari". Saya chuba menchari di-dalam Kamus—terjemahan dalam bahasa Melayu-nya saya rasa "pencholekkan" ada-lah satu perkara yang tepat bagi Rang Undang² ini, sebab kalau "Rang Undang² Tangkap Lari" pun tidak chukup—ia sa-harus-nya "Rang Undang² Tangkap-Lari-Sembunyi" baharu-lah di-namakan "kidnap". Tuan Yang di-Pertua, hal ini boleh-lah di-betulkan apabila di-terjemahkan.

Yang menjadi soal kapada kita ia-lah bahawa negeri ini sa-bagaimana yang di-sebutkan oleh Yang Berhormat Menteri Kehakiman tadi telah menjadi sa-buah negeri "pencholekkan"—telah menjadi²—dan hal ini kalau tidak diambil tindakan yang keras saperti yang di-buat oleh Kerajaan boleh jadi akan mengugut kehidupan orang lain.

Tuan Yang di-Pertua, kita tentu-lah juga kasehan kapada orang² yang mempunyai kerja "kidnap" ini kalau hendak di-bunoh. Akan tetapi, pada fikiran saya ini sudah sa-patut-nya-lah. Kalau ia mengechilkan nyawa manusia, maka nyawa dia pun di-perkechilkan.

Saya menyokong usul ini dan berharap supaya pengawasan dalam pelaksanaan Undang² ini dapat diperketatkan.

Enche' K. Karam Singh: Mr. Speaker, Sir, I offer comments upon the Bill, and I would point to certain sections in the Bill which may prejudice an accused person. The Honourable Minister has touched on the question of trial by jury and with the aid of assessors. We do not know whether

by bringing in assessors there is any lack of danger to the assessors; if there is danger to the jury, there will also be danger to the assessors and if the Honourable Minister has said that jurymen have relations, children and friends, so also would assessors. So, on this question of personal danger, although we admit that a jury, being seven, would have a larger circle comprising relations, we would still ask the Minister whether this reason is sufficient to warrant the doing away of trial by jury and bringing in the aid of assessors.

I would now refer to Section 15 on page 6—Admission of Statements in evidence. We find that Section 15 (1) is a very anomalous one and we can also say that it is a hotch-potch of so many provisions. I will read the paragraph, Sir. It reads—

"Where any person is charged with an offence under this Act any statement, whether such statement amounts to a confession or not or is oral or in writing, made at any time, whether before or after such person is charged and whether in the course of a police investigation or not and whether or not wholly or partly in answer to questions, by such person to or in the hearing of any police officer not below the rank of Inspector, whether or not interpreted to him by any police officer or any other person concerned or not in the arrest, shall be admissible at his trial in evidence and, if such person tenders himself as a witness, any such statement may be used in cross-examination and for the purpose of impeaching his credit;"

Mr. Speaker, Sir, there are so many things involved in this paragraph 15: (i) any statement made by an accused whether such statement amounts to a confession or not, (ii) whether the statement is oral or in writing, (iii) made at any time, (iv) whether before or after such person is charged, (v) whether in the course of a police investigation or not, (vi) whether or not wholly or partly in answer to questions, by such person to or in the hearing of any police officer not below the rank of Inspector, and (vii) whether or not interpreted to him by any police officer or any other person concerned or not in the arrest shall be admissible at his trial. Mr. Speaker, Sir, this is a very remarkable paragraph and it contravenes certain basic rules of

criminal procedure and the law of evidence. The first question "whether such statement amounts to a confession or not" is quite clear. But what is dangerous is this: "whether the statement is oral or in writing." This provision is very dangerous and it will prejudice an accused person, because what will be there to prevent any police officer from coming into court and saying that the accused made the statement to him? There is nothing to prevent a police officer from coming into court and saying that without anything in writing at all. And in that case what will happen is, we would be relying on the words of a police officer, and upon that police officer's statement the life of this man may depend, because whatever the offence with which the man is charged his life is in the scales and we must provide the greatest safeguards that any accused is not prejudiced, or that justice is not done, or that injustice is done, to this person.

Then we come to the provision "such statement is admissible whether before or after such person is charged".

When a person comes to court and pleads not guilty, then this man is kept in police custody, and as a result of pressure being brought on him, he gives a statement. What reliance are we going to place on a statement given by an accused person after he has pleaded not guilty in court. That would amount to an injustice and an abuse of the law because, up to now, after an accused has given his plea, nothing that he says after that is admissible; in fact, whatever he says after police investigation has begun is inadmissible in our courts. But this section breaks down this rule to the extent of admitting statements made long after the person is charged in court. Mr. Speaker, Sir, whether in the course of a police investigation or not, the present rule, as contained in the Criminal Procedure Code, is that any statement, even if it be in writing, is not admissible except for impeachment of credit in any trial. After police investigations have begun, no statement is admissible, but we find that this paragraph contravenes this provision

of law. Although Mr. Speaker, Sir, I would say that the paragraph at the end of it says "such statement may be used in cross-examination and for the purpose of impeaching this credit", but Mr. Speaker, Sir, are we going to deny an accused person the benefit of his innocence? Are we going to use statements made by an accused person under very doubtful conditions against him when he stands on trial for his life? However heinous an offence a man has committed, when he stands on trial for his life, we must not prejudice his case and bring in statements to hang him more easily. Mr. Speaker, Sir, further on, any statement which is made wholly or not, wholly or partly in answer to questions—even if a statement is prompted from an accused person, even that is liable to be used against him in a court; but Mr. Speaker, Sir, I would say that that would be highly improper. But what escapes all reasons is this provision which says that "where any person is charged under this Act, any statement whether or not interpreted to him by a Police Officer", it is most odd, Sir, even if a man gives a statement and even if that statement is not interpreted to him, even if we do not ascertain what this man has said—and you allow that statement to be brought in court against him. He may not even have said that, he may have said something entirely contrary to what is contained in that statement, but still that statement is brought against him in court.

Mr. Speaker, Sir, further in the paragraph, it says "that no statement shall be admissible or used as aforesaid if the making of the statement appears to the court to have been caused by any inducement, threat or promise having reference to the charge". This is a provision taken from our Evidence Ordinance, but, Mr. Speaker, Sir, we may ask what is the value of this safeguard contained in 15 (a) if so many fundamental provisions of law have been contravened by section 15 (1)? What is the value of section 15 (1) (a)? And further we find in (b) which reads: "in the case of a statement made by such person after his arrest un-

the court is satisfied that caution is administered to him in the following words or words to the like effect:

"Do you wish to say anything? You are not obliged to say anything unless you wish to do so but whatever you say will be taken down in writing and may be given in evidence"

"Provided that a statement made by any person before there is time to caution him shall not be rendered inadmissible in evidence merely by reason of no such caution having been given if it has been given as soon as possible."

Mr. Speaker, Sir, the very reading of this part will show that there is no logic behind this provision, "provided that a statement made by any person before there is time to caution him shall not be rendered inadmissible in evidence merely by reason of no such caution having been given if it has been given as soon as possible". An accused person gives a statement, the Police say there was no time to give a caution and then it is given as soon as possible, that is as soon as the accused person has already given his statement, that means even if the caution comes after the statement by a person accused of kidnapping, that statement is liable to be used against him. Mr. Speaker, Sir, having pointed out all these anomalies in this Bill, I would ask this House to re-consider this Bill so that the fundamental provision of law that a man is innocent until he is proved guilty is not prejudiced in the case of offences of kidnapping. Mr. Speaker, Sir, my appeal is strengthened by the fact that the maximum penalty, that is the death penalty, is provided for the offence of kidnapping.

Mr. Speaker, Sir, now I will touch on the Bill. Sir, although we realise that kidnapping is a grave crime, we have to consider whether it is purely kidnapping or kidnapping which results in death. This distinction should be borne in mind. If death takes place in the course of kidnapping, it is murder. I think we should be more lenient in the case where death does not take place in the course of kidnapping.

Mr. Speaker, Sir, the very fact that this Bill has come to the House is, in a way, an indictment against the Govern-

ment—I do not say entirely, I say in a way—because we find that the Government has not made any attempt to study the causes of kidnapping. In a country where there are people suffering where people are unemployed, where people have a lot of dependants for whom they cannot provide adequate support, we find that these people will turn to crime. I say that it is the responsibility of the Government to provide for all these people, to look after them when they are in need. And before you can take upon yourself to punish a man with death, you must see to it that you have given that man every chance; that you have provided him with every opportunity to live a proper social life; and that it is not the Government's neglect which has turned him into an anti-social element. That, Sir, is the duty of Government. If the Government continues to turn a deaf ear to the people who are suffering, if it continues to close its eyes to the striking contrast in the living conditions and economic inequalities of the people of Malaya, then I think the Government has not done its part before it seeks to impose this grave penalty on this type of crime. I would ask this House, I would ask the Government, to look into the causes of crime before punishing the criminals, because the criminal is only the effect of criminal conditions, and of evil social conditions. It is our opinion that if you modify these conditions, then the reason for crime is abolished. That is all I have to say.

Enche' Too Joon Hing (Telok Anson): Mr. Speaker, Sir, the intention of this Bill to provide deterrent sentences, including capital punishment, on conviction in respect of kidnappers or gangsters, who try to kidnap people for ransom, is indeed worthy of support by this House—and it is only with severe punishment that kidnapping may be discouraged or suppressed in this country. If you refer to all the kidnapping cases in the past, you would find that quite a few victims lost their lives in trying to resist the kidnappers; some were severely tortured or killed when ransoms were not paid, and quite a number managed to save their skins by paying large sums of money as

ransom to the kidnappers in order to obtain release after the police had failed to apprehend the kidnappers. Therefore, I for one do feel sure that many of the Honourable Members of this House will agree with me that the provision in this Bill of punishment with imprisonment, as set out in Clauses 4 and 5 of the Bill, for members of the victims' family who negotiate payments of ransom, in order to obtain the release of the victims, is rather severe and unjust.

Mr. Speaker, Sir, no one in this world wishes to part away with large sums of hard-earned money, unless one's life is threatened with death and unthinkable tortures while in the hands of unscrupulous kidnappers. What can the poor members of the victim's family do when the police had failed to effect any arrest of the kidnappers or obtained the release of the victims.

Sir, in Clause 6 of the Bill, power is provided for the Public Prosecutor to freeze the bank accounts of victims which may turn out to be the death warrant of the unfortunate victims; for unless the police is able to make arrests and rescue the victims, they may be in danger of being tortured or killed by those merciless kidnappers, if ransoms are not paid in time. It is very well to say that money should not be paid to the kidnappers, but imagine, Sir, the poor victim who finds himself confronted by a kidnapper pointing a pistol at him and which might go off at any time. What guarantee can the Government provide for the safe return of the victims, if ransoms are not raised and paid, due to the freezing of bank accounts? Therefore, Sir, I feel that these clauses are rather severe and I think the Honourable Minister should look into them. I, for one, am against these clauses.

Enche' D. R. Seenivasagam: Mr. Speaker, Sir, any law to combat crime will, of course, receive the support of the People's Progressive Party of Malaya. But any law when drafted must be such that at all times the rule of law itself will not be violated. Therefore, at the commencement, may I make this quite clear: that I support

the intention of this Bill, I support the purpose for which approval is sought from this House, and I support the contention of the Government that kidnapping is taking a very serious turn in this country today.

However, as in all Governments and in all lands, there are three bodies necessary to successfully operate the law—that is the legislature to pass it, the executive to operate it, and the judiciary to enforce it. Mr. Speaker, Sir, we can pass law, the Police can try to execute it within that law and the judges can pass sentences according to that law. In Singapore a similar Bill was approved and it has been law for some time, but one has only to look at the newspapers from time to time and one will see that the incidence of kidnapping in Singapore is not reducing in ferocity, but, perhaps, increasing to a certain extent. Therefore, I say that when we pass this law, we should also seek from the people of the Federation of Malaya their fullest co-operation to combat this crime. It is very easy for us to say, "We seek your co-operation." But what can we give them in return for the co-operation they are going to give us? What protection do we hand out to the people of the Federation and the victims of kidnappers? We have just been told by the Honourable the Minister of Justice that if a jury system of trial was recommended for this kidnapping offence, it will be difficult to protect the relatives of the jurymen, and yet I heard the astonishing statement that if there were assessors, then it would be within the powers of the Police to protect about fifteen people, the relatives of the assessors. I think the nation would be shocked if it is really intended to mean that the Police can only protect fifteen people. I would have thought we have a much better Police force in this country.

Mr. Speaker, Sir, what is necessary if, and I think there is no doubt, the situation is grave? Then what we must try to do is to try to organise volunteer organisations amongst the people of this country to protect themselves against terrible crimes like kidnapping;

and I think if the Government of this country makes an appeal to set about organising peace preservation corps, they will get the support of the people, because the united action of the people can put down this crime much quicker than passing legislation here.

Now, the Bill says, "Well, if you are a relative of a man who has been kidnapped, you don't pay the money to the kidnapper; if you do so you will go to jail for a long term of imprisonment." Now, what is the Police record in discovering kidnappers and releasing victims? On how many occasions has the Police been able to release persons who have been kidnapped? I cannot recall any, except, perhaps, one or two times when the Police happened to be on the scene and a chase was given; perhaps, the kidnappers and the Police exchanged shots and the victims had escaped. But after they had been kidnapped, I cannot recall any case in recent years when the Police had been able to discover kidnappers and free the victims. Now, we say, "Don't pay anything, we have the power to freeze your bank accounts." And if any relative pays any money, we say, "You are going to jail yourself." That is the record of the Police. I support the Honourable Member for Telok Anson. What protection can the Police give to these victims? What guarantee can the Police give that the victims will not be murdered by the kidnappers? What is the record of the Police in the past in rescuing victims of kidnappers? I say that the record is disgraceful, and not a record on which a provision of that nature can seriously be said to be reasonable and fair. People do not want their husbands, or their fathers, or their sons, to be murdered. Money may mean a lot of things, but life, especially to the people of Malaya, means much more. And I do urge the Government, if necessary, to expand their Police force to such an extent that protection can truly be given to these relatives—and hence a reasonable probability of the release of the victims—then that law may be fair; otherwise it will be unfair on the relatives.

Mr. Speaker, Sir, in this country we have a Police force that just does not react fast enough. We have a case where a millionaire was shot dead at Ipoh. For twenty-five minutes the special alarm fixed in his house was ringing from his house to the Police Station which is just a stone's throw away. Nobody went there except a normal police patrol van which you can get by dialling 999. What is the purpose of a Police alarm specially fitted to a man's house—I suppose he pays special money for that—if you are going to get the same service by dialling 999? And who goes there? One police constable in a police patrol van who does not bother to ask anybody what has happened. He sees somebody running, he chases after that man, and minutes later the Police come in force, but the man is already dead lying on the ground of his house. Is that the protection we offer to the relatives and in the same breath we say, "If you pay, you are going to jail for many years." Therefore, I say, before we pass this Bill, let us take steps to enlarge our Police force, and if necessary to turn it into a special section of the Police force—Anti-kidnapping Squad or call it anything you like; but we must do something to instil confidence in the public.

Mr. Speaker, Sir, today we are living under the Alliance Government. I won't go so far as my learned friend, the Honourable Member from Damansara, to say that the Government is to blame to a large extent for the prevalence of kidnapping in this country—I do not suggest that. Criminals have always been in this country, and I do not think anybody can seriously say the blame lies on the Government's shoulders. But times have changed. In 1953 and 1954, the Alliance Government was not in power in this country—it was a colonial power—and significantly in 1953 and 1954 the question of jury trial was raised in the very Legislative Council of this country. The strongest critics of the assessor system were none other than the now Honourable Minister of Justice and the now Honourable Prime Minister of this country, and it was they who said,

"We want jury trial in this country"—and here I would like to refer to the proceedings of the Legislative Council. On page 1167 of Legislative Council Debates Proceedings, March, 1953 to January, 1954, Sixth Session, the Prime Minister was speaking on the Bill, which was introduced by the then Attorney-General to amend the Criminal Procedure Code; after agitation was carried out by the people of this country condemning the assessor system at the Lee Meng trial, the Attorney-General introduced on the report of the Select Committee a Bill to amend the Criminal Procedure Code. At that time the Honourable the Minister of Justice and the Honourable the Prime Minister were not sitting on the Government Benches but were sitting in the Assembly, and the leaders in that Assembly meeting, who condemned the assessor system without hesitation, were none other than the Honourable Prime Minister and the Honourable Minister of Justice. Here, I would like to refer to a passage of a speech by the Honourable the Prime Minister when he spoke on that debate. On page 1167 he says this:

"The original Bill, section 10, at least gives the assessors the right to state their opinion on the case and to say whether the accused is guilty or not. The Select Committee, in section 11 which proposed amending sections 197, 198 and 199 of the State Code, reduces the assessors purely to an instrument for giving an opinion, an opinion with which if the judge does not agree, all he has to do is to record that fact, in effect, it puts the judge in the position of the all-important person, a sole arbiter; it puts in his hand the power to sentence a man to death without the concurrence of the assessors. One may well ask, if the judge possess such a power, what use will it be to have the assessor system at all . . ."

Mr. Speaker, Sir, again, ending up, the Honourable Prime Minister then said this:

"I very strongly oppose this Bill on the ground that it is inconsistent with the trends of thoughts today and principle of democracy."

Mr. Speaker, Sir, today we are asked to approve a Bill which contains a provision that persons charged with capital offences shall be tried under the same system which the Honourable Prime Minister condemned in the

strongest words without mercy in 1953-1954; and may I refer to what the Honourable Minister of Justice said in 1953 and 1954? Says Mr. Leong Yew Koh:

"Mr. Speaker, Sir, a great deal has been said recently both in the press and on the platform on the pros and cons of the Jury System. It is not my purpose to repeat those arguments here. For good or ill, we have been born and bred in this country under a system of law which has its origin in the Anglo-Saxon Law. The Jury has been considered to be its greatest product and its finest flower."

England has given to the world here heritage of political and religious liberty. She has bequeathed to all the English speaking peoples not only her strong love of freedom but also the safeguards for its preservation. It has been said that among the priceless legacies that England has given to the world, the right of trial by jury is the most valuable, and of all things in England, the most English."

Mr. Speaker, Sir, an outright condemnation of a Bill which was passed by the Legislative Council and which is today law in this country. Today we are asked by those same Honourable Gentlemen to say that that law is good. Mr. Speaker, Sir, if that is not inconsistency, then I do not know what is. But in fairness to the Honourable Prime Minister, he said: "In the case of Emergency cases, I am prepared to concede that trial by assessor may be all right." But the Honourable Minister of Justice never said that. But today we are not being asked to consider trial under the Emergency Regulations. If we were, then I would say, "yes, have your trial by assessor," because there is a marked difference. Today we are being asked to give approval to trial by assessor system which was condemned in 1954 by these same people who today form the Government—not in an Emergency trial, but in a normal, ordinary criminal trial in this land. Anybody charged under this Kidnapping Act, when it becomes law, will have to go through a preliminary inquiry, just as in a murder trial today. The inquiry records will go to the High Court if he is committed for trial and then the trial will commence in the High Court—a criminal trial under the Criminal Procedure Code. If it was an Emergency

trial, the procedure would be entirely different. In an Emergency trial there is no preliminary inquiry. The police statements recorded by the Police are sent up to the High Court, and therein lies the distinction which the Prime Minister made in 1954—in an Emergency trial he was prepared to concede an assessor system. And quite rightly so, because in an Emergency trial you do not have an inquiry by a Magistrate's Court, and we know the number of Emergency trials that took place in those days. Therefore, you could not possibly have preliminary inquiries. You had the records, they went up to the High Court, and a trial took place. Therefore, I ask the Honourable Mover, has the Alliance changed its policy on the jury system of which they were the greatest champions in 1954? Have they changed their minds? Do they now agree that those who said in 1954 during that debate that they were sitting on one side of the pool and shaking the ripples by their legs, of not knowing what they were talking about, were right? Does the Alliance admit that? Does the Prime Minister, does the Minister of Justice agree that they did not know what they were talking about in 1954?

We are not in a state of Emergency. If we were in a state of Emergency, then laws of this nature may be justified. If we are in a state of Emergency, the Constitution requires certain Acts to be passed. Mr. Speaker, Sir, it may be said—"Well, what is the difference? There is protection. From the judgement of the court of trial you can appeal to the High Court." Here again—may I refer to the Honourable Prime Minister, or if I am challenged I will refer to it at the Committee stage—that protection was also given when that Bill was brought in 1954. I think I better refer to what the Honourable Prime Minister said when commenting on the Attorney-General's speech: "Don't worry, there is protection. The accused can appeal to the Court of Three Judges". The Honourable Prime Minister said—

"Now, automatic appeal, as I have said, is actually no safeguard. It provides, if anything, a safeguard to the Judge from having his decision set aside by the Appeal Court,

because he could give reasons and his reasons are generally very convincing. The usual thing for the Court of Appeal to do, after having read the grounds of judgment and the records of the case is to say the Trial Judge who after having considered the opinion of the assessors, he disagreed with them, and delivered the judgment. The Court of Appeal would not interfere with his decision. We do not deny that judges are upright men and that they are learned in law, but if they are to be judges of fact as well—then I pity the accused person."

"Then I pity the accused person"—and we are asked to pass a law on which the Prime Minister said in 1954 that he would pity the accused person. Mr. Speaker, Sir, could there be any greater hypocrisy?—I ask in all sincerity. In 1954 the Prime Minister said: "If you try a man under this law, then I pity that man", and today we are asked to give approval to this very same thing under the very same law. Well, these records will live for ever.

Mr. Speaker, Sir, comment has been made by the Honourable Member for Damansara with regard to police statement. I am sure we are aware that today there is provision in the Criminal Procedure Code for an accused person to see a Magistrate and make a statement or confession to him. But the law in its wisdom is very careful. The Criminal Procedure Code says that if an accused person sees a Magistrate and he wants to make a statement or a confession to him, the Magistrate shall record it and the accused person shall sign it, because his signature is an indication that he knew what he said and had signed the document. Therefore, the law as it is today in the Criminal Procedure Code thought it fit to get the signature of the man who makes a statement to a Magistrate. This provision in the Kidnapping Act is not new. It was introduced into this country for the first time in the Emergency Regulations, then in the Prevention of Corruption Ordinance of 1950 and then into a few subsequent pieces of legislation and now into this. It is nothing new. But you will note that although so many conditions are required, the man who is alleged to make the statement is not required to sign it before a police officer. In other words, we are prepared to trust the police officers more than we are

prepared to trust our Magistrates in this country. Magistrates require the man to sign it, but the Police Inspectors do not even require him to sign it. You can trust the Police Inspector so much, you don't bother about it. Is that the state of affairs in this country, that we trust our policemen more than we trust our Magistrates? If not, somebody explain to me at a later stage why the law thought it necessary that it should be signed before a Magistrate. But this law says it is not necessary to sign such a statement before a Police Inspector. And whether you like it or not, there are bad Police Inspectors and good Police Inspectors. There are Police Inspectors who would place bullets in bicycles of innocent people from villages—proved to have been done in the courts of Malaya. Are we still going to say, "Well, we trust them so much that there is no need for the accused man to sign it"? I say it is wrong, and I say it should not be there. If you want to hang a man, hang him on a statement which he signed, so that we can be at least fairly sure that he knew what he said and that he wanted to say it. Time and again in our courts of law this question has come up. Time and again statements of this nature have been rejected by Judges, by jurors and by assessors on the ground that they are not satisfied that they are voluntary or properly made. But in many cases these statements are accepted, because official acts are presumed to have been properly done. Therefore, I support the statement made by the Honourable Member from Damansara that this is a clause which should be reconsidered, if only to amend it by saying that the accused person should have signed that statement.

Again there is a provision in this Bill which would make it possible for the Police to arrest a man, take him before the Magistrate only once and then he can be locked up for 15 days on a remand order of a Magistrate. The present law in this country says that every 7 days a man shall be taken before a Magistrate. The reason is simple, the reason is clear. A man should be taken before a Magistrate

at least once a week so that if he is assaulted in the police station, or ill-treated, or if he is sick and nobody gives him attention, he will have somebody to whom he can complain, and that is the learned Magistrate before whom he is produced.

May I ask for an explanation or enlightenment at a later stage as to why it is necessary to give this extreme power to the Police to keep the man after one production of 15 days? Why can't he be taken, as in the ordinary law of the country, every seven days to the Magistrate? What is the difficulty? I cannot see any—perhaps there are—but we would like enlightenment if it is so difficult or so dangerous to take them once in seven days to the Magistrate. Some may say, well he can communicate with a lawyer, but I tell you he cannot communicate with a lawyer. I tell you that even today, in this country, people charged with theft of one fruit are sometimes not allowed to communicate with lawyers or with mothers, fathers or children.

Therefore, let us not hoodwink ourselves by saying, oh, they can communicate with other people. They cannot—the only man the law gives him a right, by virtue of law, to communicate is the Magistrate, once in seven days and you are now going to take away that right in this Bill. I oppose that part of this Bill because there is no justification for it. It should be amended to meet the established practice of this country, i.e., remand once a week so that if he has any complaint, he can make it through the proper authority.

Mr. Speaker, Sir, then we come to the question of certain statements which are made by the Honourable Minister of Justice when he spoke just now. He said that the situation strikes at the very root of democracy, that is the situation of kidnapping, as an offence or crime in this country. With that statement, I agree; but I would like to go further and say that if he wants to uphold democracy, he must uphold it by legislation of which we can be proud, and not legislation of which we will have to bow our heads

in shame, because we deny the fundamental rights of human beings to a fair trial. I say, as the Bill stands, a person accused under the Kidnapping Bill will not have a chance of a fair trial, and, as the Honourable Minister said in 1954, he will not have a fair chance of a fair trial and he will be a person to be pitied rather than to be hanged by the neck, but if we have a law which gives him protection, then he will have a fair trial and, if found guilty, properly hanged by the neck.

Mr. Speaker, Sir, the Honourable Minister of Justice said that, for practical reasons, it is not possible to have a jury of seven; then he went on to speak of protection of relatives, that is not and there can be no reason for a denial of a jury trial to these persons. One statement which the Honourable Minister made, I regret very much, and that is the statement that if anybody in this House could say that any Public Prosecutor had been motivated by wrong conduct they could say so. I say so—that some prosecutors in this country have been motivated by wrong motives. If I am asked to give the reasons, I can give them right now and I prefer not to, but I say this—that where power so strong is given in the hands of one individual, it is dangerous. Power always corrupts. Where power can be distributed, that power should be distributed. Where power is given to one person, the tendency is to corrupt—I do not use the word corrupt in a bad sense, I use it in a broad sense. Mr. Speaker, Sir, a person may be anybody, may be a Judge, may be a Chief Police Officer, may be a Public Prosecutor or he may be an Attorney-General. Those are names, those are officers of positions and respect, and in the normal course of events we do not say anything against those men. But time and again examples will arise, examples can be got in this country. A Government servant working as a clerk in an office goes for a dinner in a contractor's house. He is under suspicion. They suspect him for having dinner with his contractor, but the Public Prosecutor goes for dinners every other night, nobody suspects him. Why? Why is it

that the ordinary clerk must be suspected? Just because he is a Public Prosecutor, he is not to be suspected if he attends dinners—not Bar dinners, not dinners by his fellow professional men, but dinners with private people. Why don't you suspect him? He is a Public Prosecutor and he is above corruption; but an ordinary clerk in a Government Department, you suspect him because he has a glass of beer. We cannot take things for granted, anybody can be good, anybody can be bad, and I hope that reasons and examples will not be asked of me in this House because if they are asked, I will give them, I have them and I will give them.

May I end this by saying, I support this Bill on the intention of the Government because it is the intention expressed by the people of this country. We must stop kidnapping. We must destroy kidnappers. We must hang them by the neck. I agree—but we must do it fairly, we must do it in accordance with the established principles of justice known to us and in which we have been born, in which we have been brought up, in which we have been educated, and as somebody said, like the flower of British justice. We have been asked to destroy that flower and replace it with what I do not know. We are being asked to pass a law which the Prime Minister said “if a man is to be tried under this law, I pity him”.

Dato' Sardon: Mr. Speaker, Sir, I was surprised at the learned Member for Ipoh mentioning about the motivated intentions of the Public Prosecutors, and some of the Legal Officers, who had taken the chance of abusing their powers. But, I think, he, as a legal practitioner himself, knows that he is duty bound to report to the Attorney-General anything of that nature which had happened, and I am surprised that he should have uttered those words here to challenge the Minister's motion. I would like to commend to him that, if he has information of that sort, to please communicate it to the Attorney-General, or the Minister of Justice, or whoever is in charge of that Department, so that something can be remedied, and not

just to utter words in this Parliament, where he is privileged.

Enche' D. R. Seenivasagam: I will utter it outside (*Laughter*).

Dato' Sardon: I was surprised when he quoted all these allegations as a member of the Bar. I would like to emphasise to him that we are dealing with a case which is of a special nature. He agrees that kidnapping is bad and it is spreading, and to find ways and means to eliminate that offence that the Government is trying its level best to have these cases tried quickly—and one of the means of trying a man quickly is to have assessors instead of jury and other means of trial. In regard to whatever the Prime Minister said in 1958 or 1954 or 1953, I would say that times have changed (*Laughter*), and surely we have to keep pace with the type of cases we are dealing with and special arrangements have to be made to meet the present circumstances. If the Honourable Member for Ipoh, who is a learned Member of the Bar, were to say that we should march with the times and let us see peace and order reign in Malaya, there is no alternative but to support the Government—and the Alliance Government stand for peace, order and prosperity.

ADJOURNMENT

Tun Haji Abdul Razak: Mr. Speaker, Sir, I beg to move that the House do now adjourn.

Dato' Dr. Ismail: Sir, I beg to second the motion.

ADJOURNMENT SPEECH

SQUATTER HOUSING

Enche' Liu Yoong Peng: Mr. Speaker, Sir, I want to talk on a subject, which is of great concern to Kuala Lumpur. That is the problem of squatter housing in Kuala Lumpur. I am bringing this matter to the notice of the House, because the squatter problem of Kuala Lumpur is a long standing one, and its solution has long been overdue.

First of all, Sir, this problem is the direct concern of this House because Kuala Lumpur, as the capital of the Federation of Malaya, is now the responsibility of the Honourable the Minister of the Interior. However, the Ministry does not seem to be keen to carry this baby—I mean, of course, the equitable and reasonable solution of the squatter problem of Kuala Lumpur. I have known the Ministry to say that the matter of construction of low-cost housing is a State matter. Sir, we know that the previous Kuala Lumpur Municipality did not consider the building of Municipal Flats in Kuala Lumpur a State matter. If the Ministry now thinks so, why was it so keen to take the responsibility for Kuala Lumpur? We, therefore, strongly urge the Ministry not to shirk its responsibility over this baby. The Ministry must try its best to solve the squatter problem in an equitable and reasonable manner. In this respect there are three main issues at stake: firstly, the Ministry should enunciate categorically its acceptance of the principle of “no demolition without alternative accommodation”; secondly, the Ministry must initiate and implement a big scheme to increase low-cost housing, at least to the extent to meet the requirements of all squatters in Kuala Lumpur; and, thirdly, the Ministry should work actively in conjunction with the State Government to implement the housing scheme.

Now, coming to the first issue in detail, we know that there are squatter houses in Kuala Lumpur being demolished from time to time without ensuring that alternative accommodation is made available or provided; many of the squatter houses were built years back, some before Merdeka Day and some even during the Japanese Occupation period. I consider town planning a very important and essential aspect in the utilisation of land in Kuala Lumpur; I also consider the provision of sufficient and suitable houses for the ordinary citizens, especially the workers in Kuala Lumpur, a very important and essential aspect in good town planning. To leave the squatters whose houses have been

demolished unprovided with alternative accommodation is an indication of bad or no town planning at all. This is a humiliating situation. It is an insult to the ordinary citizens of Kuala Lumpur. Therefore, in view of the shortage of low-cost housing that the Municipality is able to provide at the moment, there should be no demolition of squatter houses, except where the land is required for building needed and useful public projects, in which case the low-cost housing should be available before squatter houses are demolished.

Sir, the Ministry may ask where would it lead to if more and more squatters build houses. My answer is that as soon as the Ministry announces categorically its acceptance of the principle of "no demolition without alternative accommodation", then no new squatter houses should be allowed to be built.

Coming to the second issue, the Ministry should initiate and implement low-cost housing. There are three outstanding aspects of the matter. The first is that houses should be built within the Kuala Lumpur Municipality, and as far as possible within the present Municipal boundary. Secondly, the rent of low-cost houses should be less than \$20.00 per month for one family unit; and the third principle is that the Ministry should see to it that there are always sufficient low-cost houses built to meet the requirements of squatter houses pending demolition.

Coming to the third issue, that the Ministry should work actively in conjunction with the State Government, I understand that the State Government has already six sites in view but that the money from the Federal Government is not yet forthcoming. Therefore, the Ministry should first see whether these sites are suitable; secondly, whether the proposed houses are low-cost enough in the sense which I have commented on above; and last but not the least that the money required for building these low-cost houses are liberally provided.

Sir, I hope the Minister in reply will not merely point out the illegality of the squatter houses, because what

we urge is that the administration of this law should be relaxed at present, due to circumstances I have just mentioned—that Government is not able at the moment to provide low-cost housing for the demolished squatter houses. Further, the Ministry need not say that the Federal Government has not enough money, since it has been agreed that it is feasible to build a house at a cost of less than \$1,000 or thereabouts. Therefore, if such houses are built in stages at the rate that is not outrated by the unnecessary demolition of squatter houses, it should be within the financial means of the Federal Government to provide low-cost housing, bearing in mind, of course, the importance of this matter to our capital and its citizens.

The last comment I wish to say is that some of the squatters may not be workers working in the town, they may be those who want to be farmers. So, in these cases, if they are given land elsewhere instead of low-cost houses, that should solve the problem of squatter housing in Kuala Lumpur. Thank you.

Dato' Dr. Ismail: Mr. Speaker, Sir, I should at the outset like to say that the Government fully realises the magnitude of the squatter problems in Kuala Lumpur, and much consideration has been given to the method of dealing with it.

Now, the Honourable Member has suggested a very important principle of "no demolition without alternative accommodation", which he says should be accepted. But he should consider that we must be quite clear in our minds as to the implications of his proposal.

Now, the squatters are, in fact, trespassers on State land—that we must admit; and if the principle of "no demolition without alternative accommodation" was accepted, it would obviously encourage further widespread activities by the squatters, because clearly any person who wishes to obtain a municipal low-cost flat or dwelling could enter on State land, construct a squatter hut overnight and thus become eligible for low-cost

accommodation. At this juncture I would like to tell the Honourable Member—I don't know where he got his information from—that I have never said that the building of low-cost flats is not my responsibility. It is my responsibility, and I am not going to shirk my responsibility—please understand that!

Now, Sir, if we do as he suggested, it will surely lead to chaos. So, accordingly, there is a working arrangement between the Commissioner of the Federal Capital and the District Officer, Kuala Lumpur, that when squatters are removed, they cannot expect any right to alternative accommodation. That is the principle we must adopt. Now, this may appear hard, but on the other hand to adopt the principle which has been suggested would not only place a premium on squatting but it would also be impossible of fulfilment, because alternative accommodation is probably not available. For these reasons, therefore, the Government is unable to accept the principle so eloquently put forward by him. Nevertheless the housing problems of the Federal Capital are fully realised, as I said at the beginning of my speech, and the Commissioner is at present undertaking large schemes of construction of low-cost flats at Loke Yew Road and at Sungei Besi Road, and for this purpose funds to the extent of \$8 million have been provided in the Five Year Development Plan. Now, the Sungei Besi Road Low-cost Scheme will provide 1,756 single-room flats at a rental which is estimated will be approximately \$18 per month. It is further hoped that the Loke Yew Road Scheme will provide some 450 two-room flats at an estimated rental

of \$30 per month. From these figures, therefore, it will be seen that the Government fully appreciates the housing problem of Kuala Lumpur and is taking practical steps to deal with it.

Finally, I would like to say a word or two regarding liaison with the State Government in this matter since he has mentioned the problem of State Government. In this connection, I am glad to be able to state that the Federal and the State Government are actively co-operating in implementing the low-cost schemes to which I have referred. The State Government has been most understanding of the conditions which prevail in Kuala Lumpur and has been most helpful in providing land on suitable terms for low-cost housing. Furthermore, discussions have been going on between the two Governments regarding the development of squatter areas and the re-settlement of squatters in alternative sites properly developed with such essential services as roads, water and light. So you see that while we stick to the principle, we do not neglect the squatters as suggested.

To sum up, therefore, I would like to say that while the Federal Government cannot accept the principle of "no demolition without alternative accommodation", we are fully alive to the present housing problem of the Federal Capital; and, as I have indicated, I am taking appropriate measures to ease the situation; and in this respect I am happy to record the willing co-operation and assistance which we are receiving from the State Government. (*Applause*).

Adjourned at 4.45 p.m.