



# PARLIAMENTARY DEBATES

DEWAN NEGARA (SENATE)

OFFICIAL REPORT

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FEDERATION OF MALAYA  
**DEWAN NEGARA (SENATE)**  
*Official Report*

Vol. II

Second Session of the First Dewan Negara

No. 5

*Wednesday, 6th July, 1960*

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

PRESENT:

- The Honourable Mr. President, DATO' HAJI ABDUL RAHMAN BIN MOHAMED YASIN, S.P.M.J., P.I.S. (Johore).
- „ the Minister of Justice, TUN LEONG YEW KOH, S.M.N. (Appointed).
- „ TUAN HAJI ABBAS BIN HAJI MOHAMED (Trengganu).
- „ ENCHE' ABDUL HAMID BIN MAHMUD, J.M.N. (Appointed).
- „ ENCHE' AHMAD BIN SAID, A.M.N. (Perak).
- „ ENCHE' A. M. ABU BAKAR, J.M.N. (Appointed).
- „ ENCHE' ABDUL WAHAB BIN IDUS, P.J.K. (Negri Sembilan).
- „ ENCHE' AMALUDDIN BIN DARUS (Kelantan).
- „ ENCHE' CHEAH SENG KHIM, J.P. (Penang).
- „ DATO' DR. CHEAH TOON LOK, J.M.N., J.P., DATO' MAHA KURNIA (Appointed).
- „ ENCHE' CHOO KOK LEONG (Appointed).
- „ ENCHE' J. E. S. CRAWFORD, J.M.N., J.P. (Appointed).
- „ ENCHE' DA ABDUL JALIL BIN HAJI AWANG (Trengganu).
- „ ENCHE' HASHIM BIN AWANG, J.P. (Penang).
- „ DATO' LEE FOONG YEE, J.M.N., P.P.T., J.P. (Negri Sembilan).
- „ ENCHE' LIM HEE HONG, A.M.N. (Appointed).
- „ ENCHE' MOHD. SALLEH BIN MOHAMED ARIFF (Malacca).
- „ ENCHE' MOHD. ZAHIR BIN HAJI ISMAIL (Kedah).
- „ ENSKU MUHSEIN BIN ABDUL KADIR, J.M.N., P.J.K. (Appointed).
- „ ENCHE' ATHI NAHAPPAN (Appointed).
- „ ENCHE' S. P. S. NATHAN (Appointed).
- „ ENCHE' NIK HASSAN BIN HAJI NIK YAHYA, J.M.N. (Appointed).
- „ TUAN HAJI NIK MOHD. ADEEB BIN HAJI NIK MOHAMED (Kelantan).
- „ TOK PANGKU PANDAK HAMID BIN PUTEH JALI, P.J.K. (Appointed).
- „ RAJA RASTAM SHAHROME BIN RAJA SAID TAUPHY (Selangor).
- „ DATO' G. SHELLEY, P.M.N., J.P. (Appointed).
- „ TUAN SYED AHMAD BIN SYED MAHMUD SHAHABUDIN, J.M.N. (Kedah).

- The Honourable TUAN SYED BAHALDIN BIN SYED NOH, J.P. (Perlis).  
 .. ENCHE' T. H. TAN, J.M.N. (Appointed).  
 .. DATO' E. E. C. THURASINGHAM, D.P.M.J., J.P. (Appointed).  
 .. ENCHE' S. O. K. UBAIDULLA (Appointed).  
 .. ENCHE' WAN AHMAD BIN WAN DAUD, P.J.K., J.P. (Perlis).  
 .. DATO' WAN IBRAHIM BIN WAN TANJONG, J.M.N., J.P., ORANG  
 KAYA INDERA MAHARAJA PURBA JELAI (Pahang).  
 .. ENCHE' YAP KHEN VAN, A.M.N., J.P. (Pahang).

ABSENT:

- The Honourable ENCHE' CHAN KWONG HON, A.M.N., J.P. (Selangor).  
 .. ENCHE' KOH KIM LENG (Malacca).  
 .. DATO' SHEIKH ABU BAKAR BIN YAHYA, D.P.M.J., P.I.S., J.P.  
 (Johore).  
 .. ENCHE' YEOH KIAN TECK (Perak).

IN ATTENDANCE:

- The Honourable the Deputy Prime Minister and Minister of Defence,  
 TUN ABDUL RAZAK BIN DATO' HUSSAIN, S.M.N. (Pekan).  
 .. the Minister of Finance, ENCHE' TAN SIEW SIN, J.P.  
 (Malacca Tengah).  
 .. the Minister of Health and Social Welfare, DATO' ONG  
 YOKE LIN, P.M.N. (Ulu Selangor).  
 .. ENCHE' V. MANICKAVASAGAM, J.M.N., P.J.K., Assistant  
 Minister (Klang).  
 .. ENCHE' MOHAMED ISMAIL BIN MOHAMED YUSOF, Assistant  
 Minister (Jerei).

PRAYERS

(Mr. President *in the Chair*)

BILLS

THE INTERNAL SECURITY  
 BILL

Second Reading

**The Minister of Justice (Tun Leong Yew Koh):** Mr. President, Sir, I beg to move that a Bill intituled "an Act to provide for the internal security of the Federation, preventive detention, the prevention of subversion, the suppression of organised violence against persons and property in specified areas of the Federation, and for matters incidental thereto" be read a second time.

**Enche' T. H. Tan:** Sir, I beg to second the motion.

**The Deputy Prime Minister and Minister of Defence (Tun Abdul**

**Razak):** Mr. President, Sir, may I have your leave to explain the purpose and objects of this Bill very briefly. As Honourable Members of this House are aware, at the beginning of this session of Parliament His Majesty the Yang di-Pertuan Agong announced that the Government intended to declare the Emergency at an end at midnight on the 31st of July. Now, with the coming to an end of the Emergency, it is necessary for Parliament to enact several legislations and that is why during this session of Parliament I am submitting about five legislations for the approval of Parliament. Also, Sir, as has been repeatedly declared by both the Prime Minister and other Ministers, including myself, although the Emergency is coming to an end, we shall not relax our efforts to eliminate the remaining communist terrorists who are still on our border. There are about 583 armed terrorists.

along the Malaya/Siam border, although only about 90 of them are at a time on our side of the border. It is therefore necessary to have this legislation to make provisions for our efforts to continue this fight against the communist terrorists. That is why we have this Internal Security Bill.

Part II of the Bill deals with security areas, areas which would be declared as security areas, in which we shall continue, i.e. the police and the military will continue, to fight against communist terrorists. It is the proposal of the Government to have a Border War Executive Committee to carry out the fight against the communist terrorists in that area. It is the proposal of the Government also to declare the border area—that is the area north and east of Perlis, north and east of Kedah, north of Perak and west of Kelantan—as a security area. Although we have a few more terrorists left in Pahang—I think 3 in central Pahang about 6 miles from the border of Trengganu and Pahang—it is not intended to declare that areas as a security area. Now, it is this Border War Executive Committee which will take the place of the State War Executive Committees that are in existence in those States although the existing State War Executive Committees will still remain to carry out their residuary functions which may remain, but the control of anti-terrorist measures will be undertaken by this new Border War Executive Committee which will have its headquarters in Alor Star; and also in place of the Emergency Operations Council we intend to have a Border Security Council under the Chairmanship of the Prime Minister and the Director of Emergency Operations who will now become Director of Border Security. The various clauses under Part II relate only to security areas, and not to other areas.

Part I of the Bill deals with subversion. As Honourable Members are aware, although armed terrorism is coming to an end, the communists are endeavouring to achieve by subversive means what they have failed by force of arms, and it is the intention of the communists to overthrow the democratic Government of this country by

subversive means. Therefore, it is essential that we should have a law dealing with subversion. That is the purpose of Part I of this Bill.

Now, the most important provision of Part I is, of course, clause 8 in Chapter II dealing with preventive detention. I have, Sir, explained briefly when introducing the amendments to the Constitution the reason for Government's desire to have this power of preventive detention. This power of preventive detention is not new and it is in most countries. We have such provision existing in India and other countries, and also in Singapore where, indeed, the grounds for detention are more extensive than those provided under this Bill. As I have said previously, Sir, the purpose of preventive detention is to prevent a person from carrying out his act which would be prejudicial to the security of this country. And if we must have this power of preventive detention, there must, of course, be adequate safeguards. We have safeguards here under clauses 11 and 12 of this law. The proposal is that there should be an Advisory Board to be presided over by a judge or a person with the qualifications of a judge, and the recommendations of the Advisory Board would be made to the Yang di-Pertuan Agong. There is, of course, a slight change of procedure as at present we have under the Emergency Regulations a Review Commission which is independent of Government. But under this we only have an Advisory Board to make recommendations to the Government and the Government—i.e. the Cabinet and the Yang di-Pertuan Agong—will have the final say on this question of detention. It is considered right and proper that in a matter like this, i.e. a matter of subversion, which is really a political matter, the final decision should lie with the Government, and the Government is responsible and answerable to Parliament. Therefore, the ultimate power of preventive detention should lie with the Government.

Sir, as I have informed the Lower House, it is no pleasure on the part of the Government to order the detention of any person, and I can assure

this House that this power will not be abused. Now, the present Government, the Alliance Government, is prepared to stand on its previous record on this matter. From a figure of about 250 in 1957 the number of detainees is reduced now to well under 70. We have lately released a few of the leading members of the communist party. The principle, Sir, is that so long as the Government is satisfied that a person is loyal to this country and no longer presents a security risk to this country, then he will be released from detention. That is the main criterion, and the cases of those detainees who are still in detention will be reviewed and if the Government is satisfied that they are loyal to this country and are no longer a security risk to this country, then they will be released.

The remaining parts of this Bill deal with various details which I do not think I should take the time of this House to explain as they are adequately explained in the explanatory notes attached to the Bill.

Sir, as I have said, it is very important to have this Bill in view of the fact that we are bringing the Emergency to an end on 31st July and on that date the Emergency Regulations which we have now will also come to an end. Therefore, it is necessary to have a law to deal both with the security areas around the border, as we still have about 580—odd terrorists, and also to deal with subversives, and I am sure, Sir, that this Bill will have the support of this House. (*Applause*).

**Enche' T. H. Tan:** Mr. President, Sir, I rise to support this piece of legislation, because I consider it necessary for the future security of our nation. The particular clauses which are controversial refer to the powers the Government proposes to take under this legislation on preventive detention. Sir, I submit to this House that the record of His Majesty's Government since 1955 to to-date would give no one any reason to believe that there will be abuse of such powers. This measure, Sir, is very necessary because although the emergency is coming to an end we must face the fact that subversion will probably be on the

increase. No one who really loves this country, no one whose loyalty belongs to this country need fear this legislation, and I congratulate the Government for taking this piece of legislation to Parliament because only by this means we assure our future.

**Enche' Ahmad bin Said:** Tuan Yang di-Pertua dan Ahli<sup>2</sup> Yang Berhormat sakalian, saya bangun ada-lah menyokong dengan sa-penoh-nya Rang Undang<sup>2</sup> ini kerana sa-bagaimana kita tahu ada-lah ini satu alat yang mustahak bagi menjamin keselamatan negara kita yang merdeka ia-itu usul penarekan Undang<sup>2</sup> Dharurat yang akan di-buat pada tengah malam 31 July ini. Saya, Tuan Yang di-Pertua, mengambil peluang berchakap di-Majlis ini hanya-lah hendak memperkatakan perkara yang saya rasa mustahak ia-itu sa-bagaimana yang telah di-nyatakan yang Kerajaan akan mengadakan Undang<sup>2</sup> khas bagi kawasan sempadan ia-itu bagi kawasan barat Kelantan, Kedah, Perlis dan utara Perak. Saya berasa churiga, Tuan Yang di-Pertua, sa-hingga pada takat ini kita maseh umum lagi sa-takat mana-kah yang di-katakan sempadan bagi kawasan<sup>2</sup> Kelantan, Kedah, Perlis dan utara Perak itu. Memang-lah benar bagi kawasan<sup>2</sup> ini bersempadan dengan negeri Siam, dan maseh ada lagi saki baki penganas<sup>2</sup> komunis di-kawasan itu. Tetapi oleh sebab maseh umum sempadan<sup>2</sup> bagi kawasan ini, saya boleh-kah mendapat tahu daripada pehak Kementerian yang berkenaan umpama-nya di-utara Perak itu, sa-takat mana-kah kawasan sempadan yang hendak di-masokkan ka-dalam Undang<sup>2</sup> Keselamatan yang akan di-ishtiharkan itu. Ada-kah keseluruhan-nya Gerakan Jaya dan keseluruhan Gerakan Bambu itu? Tetapi yang saya dapat tahu daripada berita<sup>2</sup> yang boleh di-perchayai bukan sahaja bagi kawasan<sup>2</sup> ini tetapi lebih luas daripada kawasan itu lagi. Saya berasa, Tuan Yang di-Pertua, sa-kira-nya-lah benar telahan saya ini dan berita angin ini, saya berasa dukachita dan saya harap kapada pehak Kementerian yang berkenaan patut-nya di-semak kembali dan di-kaji dengan chermat-nya atas kawasan<sup>2</sup> sempadan ini terutama sakali utara Perak itu dan kalau boleh

patut-lah pehak Kementerian yang berkenaan mengambil chadangan<sup>2</sup> ini daripada Jawatan<sup>2</sup>-Kuasa Perang bagi tiap<sup>2</sup> daerah yang ada bersama<sup>2</sup> wakil ra'ayat yang berkaitan dalam kawasan<sup>2</sup> yang tertentu itu.

**Dato' G. Shelley:** Mr. President, Sir, there is no doubt that this Bill will be enthusiastically supported by the Senate and passed unanimously. It is a good piece of machinery. I would even suggest that should there be found anything inadequate in it at a later stage, we should add to, rather than subtract from, the means by which we can be assured that the Police will be able to carry out their duties effectively.

Part II of the Bill visualises a hypothetical situation, but we look to the Police to prevent such a situation from arising. In view of my experiences recently, I am not very happy about the situation as it applies to Butterworth. These are serious words, and I express it conscious of their seriousness. I will recount some of my experiences. Some months ago, I was called out—or rather, there were police whistles being blown—and I came out to find a Sikh watchman bleeding and in pain. He told me he had been waylaid and beaten up. I took him in the car to the Police Station and asked the Police to please see that he got to the hospital quickly. Last week there was a case in the courts. The man who was beaten up charged the suspected person on a private summons. Now, Sir, why did the Police not charge this man? Why was he told that it was a simple case of assault? The man was absent from his duties for three months—yet it is put down as a simple case of assault. Was it a case of the Police not being alive to the seriousness of it? In these days, when we are out to fight thuggery and gangsterism, I feel that the Police should have taken a more serious view of the case.

There was another occasion. One of the workmen in the shipyard I am working in came to me after office, at about five o'clock, and said that his son had disappeared—a little boy of about seven or eight. I asked him if he had informed the Police. Yes, he

had informed the Police a little before noon. I said, "Come along! Tell me more about it." He took me to a bridge across the river, and there was the tell-tale evidence—a fishing rod lying up against the railings of the bridge, with the line dipping into the river. You did not need to be a "Sherlock Holmes" to visualise that that boy had leaned over the railings and tumbled into the river. Well, there was no Police, till after six. I rang up the Police and they said: "Yes, we have the situation in hand. We have rung up Nibong Tebal and other stations, and we have given them the colour of the hair and so forth." I was pretty annoyed and said: "I can tell you the colour of the body now—it must be blue!" And I added: "Why don't you people come along and make investigations!" "Oh, we are coming!" They didn't arrive until half-past seven; it was already quite dark. They brought a boat, with torches that could hardly see the bottom of the boat, let alone search the growth along the banks of the stream. Of course it was fruitless. I rang them up again. They were going to bring search lights. By this time I knew that if that boy had been in the river, he would have been drowned. Next morning, I saw the father at the bridge about seven o'clock, and at eight o'clock he came to my table in the office and said: "I have found the boy. I took a boat, went up the creek, and there was the boy, in among the shrubs", he said.

Sir, can we not ask the Police to be a little more efficient? If the machinery of the law is inadequate, I am sure Parliament will provide them with all the facilities necessary for efficiency.

Yet another more serious case—this time at Prai. There were five men beating up one man. A policeman was looking on through the corner of his eye. The report was made—nothing happened.

Butterworth may be a small place, but I am wondering if the case of Butterworth is not being multiplied throughout the country.

The Police have done extremely good work, I admit. The end of the Emergency is partly due to the good work

of the Police. It is human nature to pick up faults and bring them to the surface. As Shakespeare said: "The good that men do is oft interred with their bones; the evil lives after them." We do look to the Police to bring back confidence to those people who have been disappointed. It is these small things which, added up, may lead to the situation as visualised in Part II of this Bill. As I say, it is an extremely good piece of machinery. It is good commercial practice that when a good piece of machinery is handed over to would-be users, some instructions are given as to the use of the machinery, so that it would have the best maximum effect and not be ineffective as a result of mis-use.

I support the Bill wholeheartedly.

**Enche' Nik Hassan:** Dato' Yang di-Pertua, dalam menyokong Rang Undang-undang<sup>2</sup> yang di-bawa dalam Dewan ini saya suka hendak menarek perhatian kepada dua perkara yang ada dalam Bakal Undang<sup>2</sup> ini. Perkara yang pertama yang saya suka hendak menarek perhatian Menteri yang berkenaan ialah berkenaan dengan buku<sup>2</sup> atau pun *publications* yang datang daripada luar negeri yang boleh merosakkan keamanan negeri ini, atau pun yang boleh membangkitkan huru-hara dalam negeri ini, atau pun yang di-fikirkan boleh menyalahi undang<sup>2</sup> ini. Pada biasa-nya pekedai<sup>2</sup> buku atau pun ahli<sup>2</sup> perniagaan yang membawa masuk buku<sup>2</sup> daripada luar negeri itu bukan-nya ahli undang<sup>2</sup>, dan buku<sup>2</sup> biasa-nya tidak di-karang dengan perkataan<sup>2</sup> yang boleh ia-nya mengetahui dengan sa-penoh-nya apa yang di-tulis dalam buku itu. Sa-kira-nya chara mengawal dan menjaga kemasokan buku<sup>2</sup> dengan chara *publications* ini di-Malaya tidak di-jaga dengan baik dan tidak di-ator chara tadbiran-nya itu dengan terator, maka yang akan mendapat kesusahan ia-lah ahli<sup>2</sup> perniagaan yang membawa masuk buku<sup>2</sup> yang tidak tahu chara undang<sup>2</sup> negeri ini dan tidak tahu butir<sup>2</sup> apa-kah perkataan yang di-fikirkan menyalahi undang<sup>2</sup> itu.

Mereka itu ia-lah ahli<sup>2</sup> perniagaan yang sukakan untong, yang tidak tahu mana perkataan yang tidak betul dan mana yang betul. Jadi, saya rasa ada

baik-nya bagi pehak Kerajaan. sa-kira-nya di-dapati mana<sup>2</sup> buku yang menyalahi undang<sup>2</sup> yang hendak di-masokkan ka-Tanah Melayu ini hendak-lah di-siasat dan di-halusi dengan betul<sup>2</sup> akan buku<sup>2</sup> itu, kemudian di-ishtiharkan kepada orang ramai dan di-beritahu kepada seluruh ahli<sup>2</sup> Dewan Perniagaan Melayu, atau pun Dewan Perniagaan China dan sa-bagai-nya supaya di-beritahu kepada pekedai<sup>2</sup> buku itu bahawa buku<sup>2</sup> yang tertentu ada-lah di-tegah di-jual atau di-gunakan atau di-bawa masuk ka-Tanah Melayu ini. Ini ada-lah satu chara-nya bagi menyelamatkan atau pun bagi mengelakkan kesusahan yang akan di-tanggung oleh pekedai<sup>2</sup> itu.

Sa-lain daripada itu, bagi ahli<sup>2</sup> perniagaan, buku<sup>2</sup> yang ada di-Tanah Melayu ini nampak-nya sentiasa tidak-lah bagitu di-halusi tentang siapa yang mengechap buku<sup>2</sup> dan apa-kah tujuan pehak yang mengechap buku<sup>2</sup> itu? Apa yang mereka tahu ia-lah mereka mahu menchari keuntongan daripada buku<sup>2</sup> yang di-jual-nya itu. Dalam undang<sup>2</sup> ini menyatakan siapa yang ada menjual, siapa yang ada menyimpan atau pun siapa juga yang menjadi agent bagi mana<sup>2</sup> pengechap buku<sup>2</sup>, sa-kira-nya di-dapati buku<sup>2</sup> atau *publications* itu salah dari segi undang<sup>2</sup> ini, maka penjual itu nanti atau pun penyimpan itu juga di-dapati salah—boleh di-hukum; pada hal mereka itu ada-lah penjual yang tidak berdosa, kerana mereka tidak tahu tujuan yang sa-benar-nya pengechapan itu dalam masa buku itu hendak di-jual. Jadi ini ada-lah satu perkara yang sangat besar pada kalangan ahli<sup>2</sup> buku, pada kalangan ahli<sup>2</sup> penjual buku yang mana bagi kita atau bagi gulongan pehak yang lain tentu merasa kechil hati dalam perkara ini. Tetapi, bagi ahli<sup>2</sup> perniagaan yang berkenaan mereka tentu tidak mahu kepada kesusahan; walau pun dalam undang<sup>2</sup> ini ada berkata sa-kira-nya siapa<sup>2</sup> yang memegang buku atau *publication* di-dapati salah, mereka itu hendak-lah menerangkan kepada Mahkamah—ada dalam undang<sup>2</sup> ini berkata: mereka ini boleh menerangkan kepada Mahkamah yang mereka itu tidak bersalah mengikut undang<sup>2</sup> ini dan mengikut mana undang<sup>2</sup> yang boleh menunjukkan

mereka ini menjual, atau memegang perkara itu dengan tidak menyalahi undang<sup>2</sup>. Mereka hendak-lah menerangkan pada Mahkamah dan Mahkamah boleh menentukan kedudukan mereka itu, tetapi bagi ahli<sup>2</sup> perniagaan mereka, Dato' Yang di-Pertua, tidak-lah mahu kepada kesusahan sa-hingga pergi ka-Mahkamah hendak menchari keuntongan empat atau lima puloh sen dalam menjual satu<sup>2</sup> perkara yang hendak di-jual itu, jadi sa-kira-nya dapat mengelakkan perkara ini daripada kesusahan kepada ahli<sup>2</sup> perniagaan, saya rasa ada baik kira-nya kawalan itu di-jaga daripada gulongan<sup>2</sup> pehak yang mengechap itu sendiri supaya pehak<sup>2</sup> yang mengechap mana<sup>2</sup> buku atau pun press yang mengeluarkan mana<sup>2</sup> buku itu ada-lah di-jaga dan di-kawal dengan lebeh terator supaya kesusahan itu tidak "*berjangkit*" kepada pehak yang menjual atau kepada pehak<sup>2</sup> kalangan perniagaan, atau pun orang ramai yang menyimpan buku<sup>2</sup> dan surat<sup>2</sup> yang berkenaan.

Sa-lain daripada itu, saya suka hendak menarek perhatian Menteri yang berkenaan dalam perkara menampal surat atau pun kertas<sup>2</sup> yang boleh di-katakan di-sini merupakan: "... disobedience to the law or to any lawful order . . ." jadi perkara menampal kertas<sup>2</sup> yang boleh membangkitkan perasaan orang ramai memikirkan surat ini berupa boleh menentang atau pun memecahkan satu undang<sup>2</sup> negeri itu ada-lah satu perkara yang mustahak bagi negeri kita ini supaya surat yang di-tampal dan yang di-siarkan kepada orang ramai itu berupa surat tulisan<sup>2</sup> yang tidak boleh membawa orang ramai memikirkan yang mereka mahu melanggar undang<sup>2</sup> ini atau yang boleh membawa fikiran mereka mahu menentang Kerajaan. Tetapi saya rasa mustahak juga bagi Kerajaan memikirkan bagaimana chara-nya surat<sup>2</sup> atau pun kertas<sup>2</sup> yang di-tampal itu yang boleh merupakan, yang boleh membawa perkara itu bertujuan memecahkan keamanan negeri ini, sebab barangkali banyak surat<sup>2</sup> yang di-tampal di-merata tempat itu boleh menyalahkan fikiran orang ramai. Tetapi pada perkataan, kalau sa-kira-nya kita membaca boleh di-katakan pelin (plain), di-sabalek perkataan yang pelin (plain)

itu boleh membangkitkan perasaan orang ramai menentang undang<sup>2</sup> Kerajaan ini.

Satu perkara yang susah hendak ditentukan ia-lah, bagaimana-kah perkataan yang boleh membangkitkan atau pun tidak membangkitkan perasaan menentang undang<sup>2</sup> ini, saya rasa adalah satu perkara yang patut di-halusi dan di-kaji dengan chermat. Sebab ada pehak<sup>2</sup>, ada gulongan orang ramai yang mereka terasa, ma'ana-nya mustahak di-adakan perjumpaan atau perhimpunan umpama-nya untuk menunjokkan perasaan diri-nya, perasaan gulongan-nya kepada pemerintah. Jadi untuk berhimpun, untuk menyatakan, untuk memberi tahu kepada orang ramai tujuan perhimpunan itu ada-lah satu perkara yang boleh membawa kepada pehak Kerajaan atau pun pehak satu gulongan yang lain menyatakan perhimpunan atau perjumpaan itu, atau niat tulisan untuk mengadakan perhimpunan itu ada-lah berupa niat untuk membawa orang ramai boleh memecahkan keamanan atau pun melanggar undang<sup>2</sup>. Jadi ini satu perkara yang sangat halus kalau kita pandang dari segi undang<sup>2</sup>, saya tidak loyar, tetapi rasa saya kalau loyar yang ada di-dalam Dewan ini memikirkan perkataan ini ada-lah satu perkara yang halus, yang payah hendak di-pechahkan, sebab ini ada-lah berupa niat dan tujuan pehak yang menampal kertas itu. Umpama-nya satu gulongan kira-nya hendak mengadakan perhimpunan dengan satu tujuan mengemukakan perasaan hati-nya kepada Kerajaan, jadi kena-lah mereka menampal kertas, bila menampal kertas, boleh jadi pehak yang memerintah dalam satu<sup>2</sup> negeri memikirkan perkataan<sup>2</sup> dan tulisan itu boleh membawa gulongan itu memberi tahu kepada orang ramai suka ada perasaan dan ada chita<sup>2</sup> hendak memecahkan kehendak dan tujuan perjalanan satu<sup>2</sup> Kerajaan dalam negeri itu. Jadi satu perkara yang halus dan chermat, saya rasa patut-lah pehak Kerajaan memikirkan dan memberi keterangan yang lebeh halus tentang bagaimana chara-nya, bagaimana benda<sup>2</sup> yang boleh di-perbedzakan diantara tujuan perasaan hati dengan tujuan apa<sup>2</sup> butir perkataan yang sa-benar-nya.

**Enche' Da Abdul Jalil:** Tuan Yang di-Pertua, saya berasa sukachita mendengar jaminan yang telah di-beri oleh Yang Berhormat Menteri Pertahanan tadi bahawa kuasa yang di-beri oleh undang<sup>2</sup> ini tidak akan di-salahgunakan. Tuan Yang di-Pertua, saya ketahui bahawa sebab-nya dalam undang<sup>2</sup> ini kuasa yang besar di-beri kepada pehak pemerintah itu ia-lah untuk menjaga keamanan negeri ini, dan kita memang mengetahui bahawa ada-lah menjadi kewajipan pemerintah untuk menjaga keamanan dan keselamatan negeri ini dari sa-siapa juga yang mahu menimbulkan huru-hara. Tetapi kerana kuasa yang di-beri itu terlalu besar itu-lah yang mendatangkan kebimbangan kepada sa-tengah<sup>2</sup> golongan. Tuan Yang di-Pertua, kandungan undang<sup>2</sup> ini sa-bagaimana yang kita ketahui ada-lah berlainan daripada undang<sup>2</sup> biasa. Kalau-lah sa-saorang melakukan satu<sup>2</sup> perkara yang bertentangan, orang itu di-anggap bersalah, sa-hingga ia sendiri dapat menunjukkan bahawa ia tidak bersalah; ini ada-lah lain daripada undang<sup>2</sup> biasa, yang menyatakan sa-saorang itu tidak bersalah, sa-hingga ia dapat di-buktikan bersalah. Dan jaminan yang di-beri itu, saya harap mendapat perhatian bukan-lah dalam soal tahanan dan tangkapan itu sahaja, tetapi juga dalam soal badge dan symbol daripada berbagai<sup>2</sup> parti juga jangan-lah hendak-nya di-salahgunakan oleh kerana kandungan undang<sup>2</sup> ini membolehkan Menteri yang bersangkutan dalam perkara ini mengharamkan atau menegah badge dan symbol mana<sup>2</sup> pertubohan atau pun parti daripada di-gunakan.

Sa-lain daripada itu, Tuan Yang di-Pertua, saya suka juga menarek perhatian berkenaan dengan Advisory Board yang di-tubuhkan itu. Walau pun sa-saorang itu akan di-beri segala keterangan di-atas sebab<sup>2</sup> itu di-tahan, tetapi ada juga fasal dalam Rang Undang<sup>2</sup> ini yang menyatakan bahawa, kalau-lah keterangan itu di-fikirkan bertentangan dengan kepentingan negeri ini, maka sebab<sup>2</sup> di-tahan itu tidak-lah mustahak dan perlu di-beri tahu kepada orang yang di-tahan itu; ini juga saya rasa satu perkara yang harus mendatangkan kesulitan kepada mereka yang di-tahan mengikut kuasa

undang<sup>2</sup> ini. Pengalaman telah menunjukkan bahawa dalam masa emergency dahulu sa-saorang itu di-tahan bertahun<sup>2</sup>, tetapi sebab<sup>2</sup> di-tahan itu tidak pernah di-nyatakan. Saya berharap perkara ini tidak akan berlaku ya'ani sebab<sup>2</sup> tahanan itu tidak dapat di-nyatakan dengan alasan kepentingan keselamatan negeri sa-bagaimana yang di-nyatakan dalam undang<sup>2</sup> ini.

Saya suka juga mengusulkan bahawa dalam menubuhkan Advisory Board sa-bagaimana yang terkandung dalam undang<sup>2</sup> ini, elok juga kira-nya dimasukkan parti<sup>2</sup> yang lain daripada parti pemerintah menjadi member bagi Advisory Board itu supaya dapat memberi peluang yang lebeh kepada mereka yang di-tahan itu menyampaikan suara-nya dengan lebeh terjamin dan 'adil. Ini bukan-lah saya menudoh Kerajaan tidak akan menggunakan undang<sup>2</sup> ini, atau pun Advisory Board itu tidak akan menjalankan kuasa-nya dengan baik. Tetapi pengalaman telah menunjukkan bahawa kadang<sup>2</sup> Advisory Board yang di-tubuhkan itu sa-bagaimana yang ada dalam Emergency Regulation tidak-lah memberi faedah sangat kepada mereka<sup>2</sup> yang di-tahan di-bawah kuasa Undang<sup>2</sup> Dharurat! Sebab<sup>2</sup>-nya sa-bagaimana yang saya katakan tadi sa-saorang itu bersalah sa-hingga ia dapat menunjukkan diri-nya tidak bersalah, sedangkan sebab bagi ia di-tahan tidak pula dapat di-nyatakan sa-bagaimana yang di-kehendaki pada asal-nya dalam undang<sup>2</sup> ini.

Saya berharap perkara ini mendapat perhatian daripada Kementerian yang bersangkutan.

**Enche' Athi Nahappan:** Mr. President, Sir, we have a Constitution in this country which was prepared by eminent jurists, and we can legitimately take pride that this is one of the best Constitutions in the world that shows loyalty to democracy. Sir, it is a significant fact that this Constitution was prepared in the midst of grave Emergency in the country. At that time there was a set of rules and regulations which controlled the liberties of the people and made inroad into the ordinary conceptions of human freedom. That was rightly so.

Even during that situation the Government thought it necessary to prepare a Constitution safeguarding the fundamental human rights as provided in Article 5 of the Constitution. Having provided these freedoms the jurists have taken into consideration the aspirations of this country and the basic convictions of the people their faith of democracy.

Now, Sir, after having achieved Merdeka and having administered the country in a very efficient manner, the Government thought it necessary to bring an end to the Emergency Regulations. Now the Government can, of course, repeal all these Emergency Regulations and comfortably sit in a smugway under the provisions of the Constitution. Of course, all those people who believe in fundamental human freedom would have welcomed such a situation.

Personally, Sir, I do not like some of the provisions in the Internal Security Bill. They are restrictive, they are not pleasant. But what I like and dislike is not the question here. What is good for the country is the question. I am sure in the Government the Ministers and others are not particularly fond of these provisions, because they certainly make inroad into the liberties of the people. They give a lot of powers to the Police officers which are likely to be abused, and the general fear, when such a legislation is passed, is that these powers are likely to be abused. Arrogation of powers is not generally looked upon with favour, and the Opposition has made a lot of noise and they have appeared themselves on the stage of the Parliament claiming that they were championing the causes of the people, that they were upholding the principles of democracy and that this Government, having expressed its faith in democracy, is bringing about a set of restrictions contrary to the principles of democracy. Well, Sir, in these days we have heard different views about the substance of democracy. I do not want to name countries. Around Malaya we have heard "guided democracy". We have also heard "controlled democracy". I do

not know what limitations can be brought upon this nice word of democracy and its importance. Sir, a country has to bring about legislations to suit its needs. Basically it can be convinced on the fabric of a democratic Constitution. Within that Constitution it is nothing illegal, it is nothing contrary to the fundamental human liberties, to introduce upon itself, if necessary, such restrictions conducive to the welfare of the country, and that is what this Government has done in introducing this Bill.

As a lawyer, I may not find that some of the provisions are good for the citizens, but then the good citizens need not fear this. Only those people who want to be citizens of this country and at the same time want to create situations not conducive to the welfare of the country, should fear these provisions. As the Honourable the Minister of Defence has said, the record of the Government speaks for itself. These are not new powers. We have had these powers during the last ten years. The Government could have used these powers in a most unfair and arbitrary manner. They have always shown their discretion. No democratic Government can completely say in this world that "we follow all the concepts of democracy without making any infringement into them". Every country, which is known to be a democratic country, accepted as a democratic country, considered to be a bastion of democracy, has got some kind of restrictions which can always be interpreted as attacking or evading human liberties. It is not for me here to make specific reference to any particular country, but we have heard a lot of witch-hunting, we have heard a lot of Committees of enquiries, we have heard control of thoughts being introduced in countries which are known to be democratic. If that is so, this is nothing new here. I have read the Indian Constitution and there are provisions similar to this or even harsher than this. So, having regard to the situation in this country and the history that it has had over the past ten years, and the sufferings and tribulations that our people have

had to go through during the past ten years, a Government, that comes forward to rule, must indeed rule. If it does not rule then it is not shouldering its responsibility of guardianship, of trusteeship, for the welfare of the country and I think, though I don't like some of the provisions, though they are arbitrary, because principles of democracy are sacrificed to expediency, still they are necessary, and Government will have to introduce legislations from time to time which they themselves may not like but which are necessary for the welfare of the country. You can point out many country which are considered to be a democratic country where such restrictions are there.

All I would like to make is a specific reference to one or two things that, to a lawyer, are regarded as guiding principles—like, in the matter of evidence, we have always been fighting against letting in hearsay evidence. For instance, here, there is an exception to that: under the Criminal Procedure Code, Section 113, we normally do not admit the evidence made in the course of Police investigation. Here is an exception to it. That particular exception is not really an exception because for this country it was considered to be necessary that Police officers should not be given such powers as to be in a position to extract information. Therefore, the provision of the Criminal Procedure Code is there. But here, under the Internal Security Bill, we have exceptions being made to it, but these exceptions are similar to those prevalent in the U.K. A statement can be admitted if made after due caution to the person who had made the statement. There are other things, but we hope, since arrogation of power may lead to abuse of power, and we take the assurance given by the Minister and we also take into consideration the record the Government over the years when they had these powers with them, and yet they did not abuse. Abuses there will be to some extent. You cannot have a perfect human system. There may be and there will be abuses, but they

will be generally as exceptions rather than as the rule.

One thing that perturbed me was that—I do not know and perhaps the Honourable the Minister of Defence will be able to enlighten me on this point—we have here an advisory committee upon a person being brought under the preventive detention clause—Section 8. He can make an application to the advisory board and that board can make recommendations to the Yang di-Pertuan Agong. Then the Yang di-Pertuan Agong's view on the matter shall be final and no Court can question the decision. So it is really a sort of administrative procedure by-passing the Court. Now here under Article 40 of the Constitution it is said that "the Yang di-Pertuan Agong will act on the advice of the Minister or the Cabinet". Now on one side of the case will be the Government or the Minister and he will be setting into motion a procedure against the person brought under this detention, and once the recommendations go up to the Yang di-Pertuan Agong, what I, as a lawyer and as a citizen, would be interested to hear is that whether or not this decision will be made strictly by the Yang di-Pertuan Agong in his own discretion. Of course, it may be said that it will be generally so. The Minister will have no advisory capacity in a case where he himself is a party, and the Agong will be making his decisions strictly by himself. If this does not come within the exceptions referred to in the Constitution, then that is good enough. We expect that the decision of the Yang di-Pertuan Agong will be entirely by himself and in his own discretion.

Sir, other than this I do not have anything to say. This is, as I have said earlier on, a very necessary Bill. We have had a lot of troubles in the country. We have got various elements which are below the surface and above the surface. We have seen an appalling record of criminal activities prevalent particularly among the youths of this country. We have seen various organisations stealthily and secretly functioning, marshalling the forces of those misled youths and directing

them into various kinds of really gruesome and dreadful criminal activities. The Criminal Procedure Code is there, but that by itself has been found to be inadequate to control the situation. So this Part I of the Bill particularly will be very useful. Then as regards the political situation of the country itself, we are in a embryonic or formative stage, a sort of transitional stage. We have got one set of people who are already indigenous who are the real, shall I say, natives of the country. We have got another set of people who have come from abroad, who have stayed here for a number of years, who have shown their consistent admiration and loyalty to this country, and they are travelling to the status of citizenship. That is the transition. During this transitional period there has got to be a psychological atmosphere—a psychological atmosphere of acquiring rights, of experiencing rights and feeling that this country is ours. During this period it is very likely that politicians can be very dangerous, because politicians can release such ideas, release the emotions of the people, release the baser instincts of the people, create such prejudices which may suddenly find their way into an ugly situation. These situations may be brought on such sensitive issues as language, as communal rights, as various other things. That is why this particular word “hostility” is used. I was happy that the Lower House thought fit to delete the word “illwill” because “illwill” is incapable of easy interpretation. It may begin in a small way, it may develop into a big way. Hostility specifically indicates some kind of feeling more than that and, of course, if there is evidence that politicians are not free just because they are politicians, if they talk on platforms appealing to the ordinary lower emotions of the people, rather than to their reason, and create situations, then this Government must be in a position to nip them in the bud, because we have seen very ugly situations in the neighbouring countries. We have seen how young lads have been so badly misled and

they can even topple a Government by such pressures as are considered to be completely unconstitutional. We have seen an ugly episode of it in an Asian country recently. We have seen it elsewhere. And this country is not free from such potentialities. These explosive potentialities are there, and unless we have the type of power which the Government can immediately and without delay enforce, then it would be difficult for us to control the situation. That is why this piece of legislation is needed, especially in the absence of the Emergency Regulations.

Quite a number of Honourable Members in the Lower House, particularly Members of the legal profession who represent the Opposition parties, were attacking the Government saying that the Police is going to be made a demon, it is going to invade the people with all manner of illegitimate means. But here I am sure that the Government will give such directions to the Police in enforcing the provisions. While it is necessary to see that subversive elements have got to be brought under custody under these provisions, at the same time the Police must use reasonable discretion and I hope the Government will make the necessary cautionary warning to the Police in exercising this. I think this has already been done, otherwise our record of detainees over the years, as it was pointed out by the Honourable the Minister of Defence, could not be so good. If the Government wanted, they could have simply arrested people in reckless manner—all sorts of people whom they think to be anti-Government. I was particularly happy when the Honourable the Minister of Defence used the words “loyal to the country”—that is very important. “Loyal to the country” means loyalty to the country which has a special meaning.

In party politics one party may attack the other. That is another matter. The Alliance Government is not free from attacks. In fact, some of the attacks can be very very defamatory, can be very, low indeed. But in spite

of it, the Alliance Government has not shown any vindictive spirit or a spirit of trying to use such powers as they have through the Government in putting a threat to the Opposition forces. They have got complete freedom to attack the Government of the day. But that is a different thing. To attack the very basis of the Constitution through subversive means or openly is another matter. That is why this Bill is introduced, and I simply cannot understand how the Opposition Members can attack such a bill when we are still in a formative period of crystallizing our loyalty. Our loyalty is still in a fluid stage. A good section of the people's loyalty has still not been crystallized. If put to a test, they may not be in a position to take a stand firmly for the welfare of this country, though they may be citizens here. That is where, particularly, international communism transcends even racial feelings. Now, you take the country of Nepal, Mr. President, Sir. The communist leader there took the side of Communist China over the recent incident there, and he is a Nepalese. International communism dictates itself to such an extent. If that is so, in this country where we have racial affinities with China, cultural affinities with China and ideological affinities with China, it is necessary to have such a Bill to crystallise loyalty by putting down subversive elements. Therefore, Mr. President, Sir, though I do not like some of the provisions, I have to support it, as a good citizen ought to, and I have to congratulate the Government for its sense of responsibility in maintaining peace and order. It is no use to be wiser after the event. Troubles may start suddenly and then to try to bring powers and to put down the situation is not very clever. But if we can create a situation whereby peace and order shall be maintained and we can stop the flood before it breaks through, that is really the responsibility of good Government, and while this Government has brought about the end of the Emergency Regulations or will be bringing the end of the Emergency Regulations at the end of this month, it has got to show its responsibility by creating the necessary degree of legislative power to put down

a situation before it arises. That is why all good citizens will have to support this Bill and not merely talk clap-traps and in a platitudinous way as to fundamental liberties of human freedom and this and that. There is no absolute human freedom anywhere in the world. So, if we talk like that in an "airy-fairy" manner, merely showing our allegiance to theories and not being conscious of practical necessities, then, I think, we are misleading ourselves. So, I congratulate the Government over its practical commonsense in introducing this Bill and I hope wherever possible caution and discretion will be used, so that there will be no ground for criticism that abuses are there. Thank you very much. (*Applause*).

**Engku Muhsein:** Tuan Yang di-Pertua, pepatah ada mengatakan: "Ubat yang mujrab itu pahit rasa-nya. Sesal dahulu pendapatan; sesal kemudian tidak berguna." Dalam perkara mentadbir atau pun memerintah sabuah negeri supaya ra'ayat sakalian hidup dalam aman, tenteram dan ma'amor, maka saya perchaya ada-lah menjadi kewajipan tiap<sup>2</sup> pemerintah atau Kerajaan itu berjalan dan mengadakan peraturan dan undang<sup>2</sup> guna mentadbirkan keamanan, ketenteraman ra'ayat yang di-perintah itu dapat berjalan dengan baik. Dengan berasaskan pada tujuan<sup>2</sup> ini-lah saya perchaya Rang Undang<sup>2</sup> Keselamatan ini yang terbuka untuk di-bahathkan ini, sa-bagaimana yang kita tahu ia-itu Undang<sup>2</sup> Dharurat akan tamat pada 31 haribulan July ini, dan kita juga tahu walau pun dengan tamat-nya dharurat ini maseh ada lagi sedikit sa-banyak anasir<sup>2</sup> penyeludupan kominis yang terus-menerus bergerak menjalankan ranchangan<sup>2</sup>-nya untuk tujuan mereka. Maka sudah tentu-lah siapa juga yang mahu melihat bahawa keamanan dan ketenteraman negeri ini berjalan dengan baik dan terator menyokong dengan sapenoh-nya Rang Undang<sup>2</sup> yang di-bahathkan ini. Boleh jadi ada satu dua perkara yang menchurigaī atau pun tidak menyenangkan sa-saorang atau satu<sup>2</sup> pehak, boleh jadi ada beberapa fasal dalam undang<sup>2</sup> ini yang tidak bagitu terang dan was<sup>2</sup> pada sa-saorang, tetapi sa-bagaimana yang

kita tahu undang<sup>2</sup> itu bukan-lah Koran atau kitab suci, dan sebab itu-lah saya perchaya dalam menjalankan tujuan untuk membuat satu<sup>2</sup> kebaikan, tentu ada sedikit kekurangan, tetapi itu-lah yang saya perchaya chara yang boleh di-buat oleh mana<sup>2</sup> manusia yang di-namakan makhlok Tuhan. Saya perchaya tidak ada satu perkara yang 100 peratus boleh memberi puas hati dan dengan sempurna-nya.

Saya ingin menarek perhatian Yang Berhormat Menteri yang berkenaan dalam perkara pembacaan dan buku<sup>2</sup> yang mana perkara ini saya rasa adalah satu jalan yang besar sa-kali pengarah-nya kepada fikiran orang ramai untuk satu<sup>2</sup> tujuan yang tertentu. Sa-bagaimana yang kita tahu perjuangan kominis dengan sa-chara peperangan atau dengan chara kekerasan nampak-nya sudah beransor kurang, tetapi sa-bagaimana juga yang kita tahu perjuangan sa-chara penyeludupan dari sa-hari ka-sahari mungkin kuat lagi bagi pehak kominis itu, maka satu daripada perkara-nya ia-lah melalui pembacaan buku<sup>2</sup> dan lain<sup>2</sup> lagi perchetakan.

Berchakap dalam perkara ini boleh jadi orang mengatakan sa-bagai sa-orang ra'ayat dalam sa-buah negeri yang Merdeka dan bebas, ada-lah bebas bagi sa-saorang itu membacha apa sahaja buku untuk menambah pengetahuan masing<sup>2</sup>, saya bersetuju 100 peratus dengan pendapat ini, tetapi tiap<sup>2</sup> satu perkara itu ada had dan batas-nya.

Maka dalam perkara ini apa yang saya maksudkan ia-lah di-samping memberi kebebasan kepada ra'ayat sakalian; menambah pengetahuan dengan bachean apa jua jenis buku yang mustahak maka memandang kepada chara<sup>2</sup> penyeludupan *subversive* ini terlampau halus telan-nya maka tidak-kah munasabah bagi Kerajaan mengambil satu tindakan yang tegas pada satu jenis gulongan orang kita yang maseh lagi akal-nya mulai mahu tahu membacha itu tidak terpengaruh itu-lah gulongan<sup>2</sup> kanak<sup>2</sup> sekolah. Kanak<sup>2</sup> sekolah ini terutama sa-kali sekolah<sup>2</sup> yang bukan di-bawah kawalan Kerajaan, saya faham banyak mendapat buku<sup>2</sup> yang di-masokkan daripada Hongkong, China dan Formosa. Buku<sup>2</sup>

yang di-masokkan daripada tiga tempat tadi—Hongkong, China dan Formosa itu sa-paroh<sup>2</sup>-nya banyak mengandongi anasir<sup>2</sup> atau pun pembachean<sup>2</sup> yang walau pun di-pandang tidak chara langsung tidak bagitu mudzarat-nya tetapi dengan halus-nya membawa jalan fikiran kanak<sup>2</sup> yang membacha buku<sup>2</sup> itu terpengaruh kepada satu fahaman yang tertentu mengikut kehendak daripada penerbitan buku<sup>2</sup> yang di-bawa dari negeri Hongkong, China dan Formosa itu. Buku<sup>2</sup> ini, saya faham bukan sahaja di-benarkan bagi bachean kanak<sup>2</sup> melalui kedai<sup>2</sup> buku di-mana<sup>2</sup> tempat tetapi juga ada sa-paroh<sup>2</sup>-nya sekolah yang maseh lagi menggunakan sa-bagai buku<sup>2</sup> tambahan bachean.

Saya harap-lah oleh kerana bahaya buku<sup>2</sup> yang sa-bagini, sangat besar akibat-nya pada jalan fikiran sa-bahagian daripada orang<sup>2</sup> kita ia-itu-lah kanak<sup>2</sup> yang bakal menjadi ra'ayat yang mustahak 5, 6 tahun lagi atau pada masa beberapa tahun lagi itu, di-jagai dengan sunggoh<sup>2</sup> oleh pemerintah dan jika boleh di-tahan langsung daripada tempat<sup>2</sup> ini, daripada di-masokkan ka-Malaya. Saya tahu buku<sup>2</sup> dari Hongkong ini pun ada-lah menjadi satu perkara merugikan, yang merosakkan daripada penerbitan<sup>2</sup> buku tempatan kita di-sini. Banyak buku<sup>2</sup> copyright—hak menchetak-nya di-punyai oleh penchetak orang<sup>2</sup> kita di-sini yang telah pula dengan chara putar helah di-chetak "Hongkong" atau negeri<sup>2</sup> lain itu dan di-bawa di-sini di-jual dengan murah-nya dan ini ada-lah juga satu perkara walau pun tidak mengenai *subversive* tetapi merugikan demi kepentingan ra'ayat<sup>2</sup> kita di-sini.

Dalam segi merosakkan bahasa kebangsaan juga, buku<sup>2</sup> dari Hongkong ini juga memberi fasal yang banyak. Saya telah membacha dalam sa-buah kedai buku<sup>2</sup> di-Kuala Lumpur, buku<sup>2</sup> yang di-chetak daripada Hongkong dalam bahasa kebangsaan, bahasa<sup>2</sup>-nya, jika kita katakan bahasa pasar Melayu sudah tidak bagus. Tetapi sa-paroh daripada buku<sup>2</sup> itu lebeh dua kali ganda daripada itu lagi dan buku<sup>2</sup> ini juga di-beli oleh kanak<sup>2</sup> kita untuk menambah pengetahuan mereka dalam bahasa Kebangsaan. Jadi itu-lah, saya harap pehak Kerajaan mengambil tindakan dengan sa-wajar-nya dan saya

suka tegaskan bahawa pandangan saya sa-bagai buku<sup>2</sup> dari Hongkong, Formosa dan China di-larang masuk di-sini bukan-lah bertujuan untuk menahan atau pun untuk menjatuhkan atau hendak merosakkan pengetahuan, kebudayaan, persuratan bangsa China. Sebab, saya tahu memang-lah tidak dapat di-nafikan buku<sup>2</sup> pengetahuan yang banyak dalam bahasa China melalui negeri<sup>2</sup> yang asal-nya itu. Tujuan saya ia-lah sa-mata<sup>2</sup> untuk menahankan supaya fahaman yang berlainan dengan kehendak kita tadi, tidak melalui buku<sup>2</sup> itu menarek kanak<sup>2</sup> kita di-sini melalui pembacaan<sup>2</sup> mereka itu.

**Dato' E. E. C. Thuraisingham:** Mr. President, Sir, my Honourable and learned friend Senator Mr. Athi Nahappan has carefully analysed this Bill. There is very little else that I could add except to say for myself and many others who have talked on this matter with me, that this legislation is an absolute necessity; it cannot be avoided in view of the past in Malaya and in the background of the great conflicts that are going on around this world. There were a lot of talk about abuse. We have a very disciplined police force. There are cases of petty tyranny here and there, corruption here and there, but, all in all, our police force have discipline, and they conduct their work with good humour, and, in many cases, with great restraint. I am sure that this abuse which has been talked of by many critics of this Bill is purely a redherring, in my opinion. With correct and definite instruction from the Government to the police force, I do not fear abuse—abuse is likely to be talked of in almost all cases of detention. It had been talked of before and it will be talked of hereafter. But it is for the Advisory Committee, and for the Minister concerned, to weigh these matters and to take prompt, fair and firm action before any trouble really comes. Although our Government is young it has in the past months, earned a reputation of great maturity and statesmanship. Headed by our Prime Minister, we have, as a young nation, been proud that he had set his aims high. He has conducted himself as a mature statesman who is not afraid

to face facts, face differences that are arising around us everywhere. I am sure that everybody in this House will give a unanimous support to this Bill and will rest assured on the undertaking of the Honourable the Minister of Defence that there will be no vindictive action and that there will be no abuse because we give this power to the Government. (*Applause*).

**Dato' Dr. Cheah Toon Lok:** Mr. President, Sir, after hearing the learned explanations of the legal Members of this Honourable House, all of us feel satisfied that the body of this enactment will meet the requirements of a changing Malaya. We are bringing into being a new nation and unless this new and young nation can be protected, we will never reach maturity, and all learned friends have agreed that certain parts, in the enforcement of this enactment, require great discretion on the part of our Minister in charge and also on the part of the enforcement officers who will have to carry out the implementation of this Bill. I agree entirely that this legislation is required in the ending of the Emergency and I have heard just now the assurances given by our Minister of Defence that the implementation of this Bill will be carried out with justice, with discretion and with caution so that good feeling will obtain between all the people in this country.

Just now, a point was raised by my Honourable friend Engku Muhsein regarding books in certain schools. I know that books that are being taught in all schools in this country are approved by the Education Department, and I see no reason why a departure should be made from this rule. It was suggested that books from other countries were being used in the Chinese schools. I do not think that is correct. I agree with him that textbooks used in our schools should, if possible, be printed in Malaya and supervised by the Education Department for the use of all schools.

I hope that this Bill will be supported strongly by this House so that the young nation, that we will be bringing into being, will reach maturity. There is a saying that it is difficult for any

human being to judge whether it is right to do the right thing in the wrong way or the wrong thing in the right way. This will be debated to the end of time. Thank you, Sir.

**Tun Abdul Razak:** Mr. President Sir, I am indeed very grateful to many Honourable Members who have supported this Bill and I think the sentiments, the feelings of the Government on this Internal Security Bill are the same as expressed by my Honourable and learned friend Mr. Nahappan. That is to say, some of us do not like certain provisions of this Bill and they are, we must admit, not strictly in conformity with our principles of parliamentary democracy, but the justification for this Bill, as my Honourable and learned friend Dato' Thuraisingham has said, is its absolute necessity.

As a number of Honourable Members have said, we are a young nation; our independence is just three years old; and parliamentary democracy in this country is new and is a tender plant, which will have to take time to grow. It is, therefore, necessary in its tender years for us to protect, to nurture, it, because in our country there are people who want to destroy this democracy, this independence of ours. That is why we have to take this measure to protect our country and our people against this thing. People who talk about democracy merely, as I have said many a time, use that democracy in order to destroy it, and it is against such people that we have to have these measures. As I have said when introducing this Bill—and I say it again—the Government will see to it, in administering this Bill, that it will be fair and just to all concerned. I repeat that the Alliance Government is prepared to stand on its record in this matter of preventive detention. It is no pleasure to us to detain people as I have said, it is, in fact, necessary that we must have power of preventive detention in order to prevent those who want to overthrow the democratic Government of this country by subversive means from carrying out their intentions, and this is necessary, as I said, in the interest of our country.

Now, my Honourable friend Dato' Shelley quoted a number of examples in which he said that the Police have not been carrying out their duties. The Honourable Dato' Shelley mentioned that Part II of this Bill—this is what he said—“relates to a hypothetical situation”. But I would like to make it clear that this Part II of the Bill relates to the actual situation which exists at the moment. We have now armed terrorists, 583 armed terrorists, and because we have such a substantial number of persons carrying arms against the Government, we have to have these provisions in this Bill; and I am afraid the examples stated by my Honourable friend Dato' Shelley are not connected with Part II of the Bill, nor with the whole of this Bill. They are concerned with the normal maintenance of law and order and, as my Honourable and learned friend Dato' Clough Thuraisingham has said, I admit, as the Minister responsible to the Police, that there is petty tyranny here and there, and mis-judgment here and there. But, on the whole, the Police force have done splendid work during these difficult transitional years. (Applause). I am afraid I cannot say off-hand about the facts of the cases as stated by my Honourable friend Dato' Shelley, but I say, they concern the normal maintenance of law and order, and, if the Honourable Member will let me have more details of the case, I will certainly investigate; and if there has been any misjudgment or miscarriage of justice, we certainly will endeavour to put it right. But I must say also that although it is the responsibility of the Police to maintain law and order, the Police alone cannot do the work without the support and co-operation of the general public, and in normal peace-time we cannot have Police everywhere. Now, with the ending of the Emergency we have to reduce the number of our Police force and it is my hope that members of the public and Honourable Members of Parliament, in particular, will give the Police every co-operation in its difficult work of maintaining law and order, and I am sure, if there is co-operation, the Police will be able to carry out their duties efficiently and fairly.

My Honourable and learned friend Mr. Nahappan mentioned about Clause 12 of the Bill, and I would like to explain that under Clause 12 of the Bill the decision of the Yang di-Pertuan Agong will be made on advice, that is to say, the decision is with the Cabinet, and I do not think it is fair to give His Majesty a discretion on a matter of such great importance. Obviously this question of subversion is a political matter and a matter for the Government; and the Government of the day must take full responsibility. It is true that in the first instance the Minister will be asked to sign the Order of Detention, but the Minister can only do so after the Cabinet is satisfied that there are reasonable grounds—the Cabinet must be satisfied that it is necessary—to detain a person to prevent him from acting in a manner prejudicial to the security of this country. So there are adequate safeguards. As I have said, this is a matter which must be left entirely in the hands of the Government, for the Government is responsible for a matter like this and the Government is answerable to the Parliament.

Yang Berhormat Enche' Ahmad Said ada memberi pandangan berkenaan Security Areas yang akan di-istiharkan menurut bahagian (2) Rang Undang-undang ini. Yang sabenar-nya saya tidak dapat hendak mengistiharkan perkara ini pada hari ini, kerana belum dapat keputusan di-mana tempat yang di-jadikan Security Areas itu. Saperti yang saya katakan tadi chadangan Kerajaan ia-lah hendak mengadakan Security Areas hanya-lah sempadan Tanah Melayu dengan negeri Siam ia-itu negeri<sup>2</sup> Perlis, Kedah, Perak dan juga Kelantan. Dan sa-belum perkara ini di-putuskan tentu-lah kita akan berunding dengan Jawatan-Kuasa Peperangan di-negeri<sup>2</sup> itu, tetapi saya suka juga terangkan bahawa mustahak-lah diadakan Security Areas ini luas sedikit daripada sempadan itu. Sunggoh pun barangkali penganas itu ada berdekatan dengan sempadan, akan tetapi mustahak-lah kita jadikan kawasan Security Areas itu jauh sedikit, kerana kita maseh lagi dalam peperangan ia-itu melawan penganas kominis itu dan mereka itu tidak dapat tidak tentu akan

keluar-masok daripada sempadan itu dan harus masok ka-Tanah Melayu in; jadi itu-lah sebab-nya kawasan itu di-luaskan sedikit. Sunggoh pun kita meng-istiharkan kawasan<sup>2</sup> itu Security Areas, ini tidak berma'ana-lah semua sa-kali kuasa<sup>2</sup> atau pun fasal<sup>2</sup> dalam bahagian (2) undang<sup>2</sup> ini akan di-kenakan di-semua tempat.

Chadangan saya ia-lah di-kehendaki pehak polis dan juga tentera menyerang kominis, pehak orang ramai tidak-lah akan di-kehendaki mengambil bahagian, melainkan hanya-lah menjaga tempat masing<sup>2</sup> sahaja dan bagitu juga sekatan tidak akan di-kenakan, melainkan di-fikirkan mustahak. Dan kita harap keadaan sa-macam ini tidak ber-kealaman, kerana kita harap kominis yang ada lagi itu tidak akan tinggal lagi dalam negeri ini, akan tetapi sa-lagi mereka itu ada, terpaksa-lah kita mengambil tindakan saperti yang saya sebutkan tadi.

Yang Berhormat Tuan Nik Hassan ada memberi pandangan berkenaan dengan keluaran buku<sup>2</sup> dan sa-bagai-nya. Jadi menurut Fasal 22, jika Kerajaan memikirkan yang buku<sup>2</sup> itu atau pun surat<sup>2</sup> itu akan menarek orang untok melanggar apa jua perintah "lawful" atau menurut Perlembagaan, buku<sup>2</sup> atau pun surat<sup>2</sup> itu akan di-tahan daripada di-guna atau di-keluarkan. Jadi chara Kerajaan membuat-nya itu ia-lah dengan mengistiharkan melalui *Gazette*, saya fikir tentu-lah payah kepada Kerajaan hendak memberi tahu semua sa-kali berkenaan dengan jualan buku<sup>2</sup> ini. Jadi dengan sa-berapa boleh Kerajaan akan menahan buku<sup>2</sup> yang sa-macam itu daripada di-jual. Jadi mustahak-lah orang<sup>2</sup> yang berniaga buku<sup>2</sup> itu menjaga dan menengok *Gazette* ini dari satu masa ka-satu masa supaya tidak menjual perkara<sup>2</sup> yang salah. Yang sabenar-nya, kita bukan-lah hendak menyusahkan orang yang tidak sengaja membuat salah, tetapi banyak orang yang tahu buku<sup>2</sup> itu salah pada undang<sup>2</sup>, sengaja di-jual-nya dengan tujuan yang tidak baik; jadi orang yang sa-macam ini akan di-kenakan apa<sup>2</sup> jua hukuman yang patut, dan bagitu juga pehak yang mengechap-nya Kerajaan akan meng-ambil tindakan juga menurut fasal<sup>2</sup> yang ada ini.

Berkenaan dengan tafsiran, saya rasa perkara ini tidak susah hendak ditafsirkan. Menurut Fasal 22, kalau didapati orang yang menjual ili salah, buku<sup>2</sup> itu hanya di-tahan sahaja daripada di-keluarkan. Perkara tafsiran ini kalau hendak di-binchangkan dengan panjang-lebar tentu-lah akan mengambil masa, sebab perkara ini kata orang Puteh: "This is a matter of definition and opinion" jadi tentu-lah boleh dapat tahu mana satu buku<sup>2</sup> atau pun surat<sup>2</sup> yang di-fikir—melanggar undang<sup>2</sup> yang di-sebutkan ini. Tetapi saya yakin dan perchaya, rakan saya Menteri Dalam yang bertanggung-jawab berkenaan dengan hal ini akan mengambil apa juga tindakan bagi menjaga perkara ini, kerana Kerajaan tahu banyak buku<sup>2</sup> yang masuk daripada luar negeri yang di-fikirkan subversive, itu-lah yang sa-benar-nya yang kita hendak tahan. Jadi buku<sup>2</sup> ini tidak ada dalam negeri ini, pehak printing tahu dan jarang membuat salah, yang selalu di-dapati buku<sup>2</sup> yang salah itu datang-nya dari luar negeri.

Yang Berhormat Enche' Da Jalil dari Trengganu ada memberi pandangan yang sa-tengah-nya saya sendiri tidak faham. Kata-nya ia-itu orang yang di-tahan itu tidak di-beri sebab<sup>2</sup>-nya. Fasal 11 (2) (b) ada di-terangkan ia-itu Menteri yang berkenaan akan memberi keterangan "the grounds on which the order is made" jadi ada di-terangkan di-sini, orang yang di-tahan itu ada di-beri keterangan, apa sebab-nya yang ia itu di-tahan; sa-lepas daripada itu ia boleh-lah menda'awa jika di-kehendaki. Dan begitu juga berkenaan dengan ahli Advisory Board, kata-nya ia-itu patut juga di-adakan ahli<sup>2</sup>-nya daripada parti pembangkang. Dalam melantek ahli Advisory Board ini kita tidak memandangi kepada parti politik, kita berkehendaki orang yang 'adil, yang ada mempunyai fikiran yang waras dan yang saksama. Itu-lah sebab-nya di-kehendaki Pengerusi Advisory Board ini ia-lah sa-orang Hakim ia-itu orang yang tidak berkaitan dengan mana<sup>2</sup> pehak yang memandangi perkara ini daripada segi ke'adilan, bukan daripada segi mana<sup>2</sup> parti. Kerajaan tidak menimbang dan berchadang hendak melantek orang yang berkaitan dengan parti, kerana kita tahu ke'adilan tidak

dapat di-jalankan jika politic di-bawa ka-dalam perkara yang saperti ini. Tidak dapat tidak sa-suatu parti yang duduk dalam Board yang sa-macham ini, kalau orang parti-nya di-tahan, tentu dengan sa-berapa boleh ia men-chuba hendak melepaskan-nya—ini tidak dapat di-elakkan, kerana ia bertanggung-jawab kepada parti-nya; kalau tidak buat begitu, ia akan di-pechat oleh parti-nya (*Ketawa*) kita tidak hendak perkara yang sa-macham ini ka-dalam, apa yang kita hendak ia-lah ke'adilan; jadi kalau dapat orang yang tidak menyebelah mana<sup>2</sup> pehak yang memandangi dari segi ke'adilan, itu yang kita kehendaki.

Yang Berhormat Engku Muhsein pun ada memberi pandangan berkenaan dengan hal buku<sup>2</sup> sekolah, itu pun pehak Kerajaan mengambil pandangan yang berat kerana satu daripada perkara yang pehak komunis hendak chuba menjalankan anasir<sup>2</sup> subversive ia-lah melalui sekolah<sup>2</sup>. Jadi, satu perkara yang besar yang saya perchaya pehak Kementerian Pelajaran ada-lah meng-ambil tindakan dan perkara ini saya fikir boleh di-binchangkan dengan panjang lebar apabila penyata Jawatan-Kuasa Pelajaran yang baharu ta' lama lagi dapat kita dengar di-bentangkan dalam Parlimen ini. Dan ini satu masaalah yang besar sebab sa-belum kita dapat menahan semua sakali buku<sup>2</sup> yang datang dari luar, mustahak-lah kita di-sini dapat mengadakan buku<sup>2</sup> menchukupi ka-hendak semua sekolah<sup>2</sup>. Jadi satu kesusahan pada masa yang lalu kalau kita tahan buku<sup>2</sup> dari luar negeri masuk kerana di-sini tidak ada buku<sup>2</sup> yang boleh menggantikan bagi sementara. Jadi itu-lah perkara-nya saya katakan tetapi perkara yang luas, yang besar kita harap boleh binchangkan apabila Penyata Pelajaran yang baharu itu dapat di-bentangkan dalam Dewan Parlimen ini. Jadi, Tuan Yang di-Pertua, itu-lah sahaja perkara<sup>2</sup> yang di-kemukakan berkenaan dengan Undang<sup>2</sup> ini dan saya sakali lagi mengu-chapkan berbanyak terima kaseh kepada Ahli<sup>2</sup> Yang Berhormat yang telah memberi sokongan kepada Rang Undang<sup>2</sup> ini yang di-fikirkan sangat<sup>2</sup> mustahak bagi kita mengadakan-nya untuk keselamatan negeri ini. (*Tepok*).

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. President *in the Chair*)

*Clauses 1 to 84* inclusive ordered to stand part of the Bill.

*First Schedule* ordered to stand part of the Bill.

*Second Schedule* ordered to stand part of the Bill.

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

## THE ARMS BILL

### Second Reading

**Tun Leong Yew Koh:** I beg to move that a Bill intituled "an Act to amend and consolidate the law relating to arms, imitation arms and ammunition" be read a second time.

**Ungku Muhsein:** Sir, I beg to second the motion.

**Tun Abdul Razak:** Mr. President, Sir, I take leave to explain this Bill briefly. This is in the nature of a consolidation Bill. Under the Constitution, arms is the responsibility of the Federal Government, and the present legislation on arms licensing varies from State to State and some of them are of some antiquity. Therefore, it is necessary for us to have a new legislation consolidating these various Enactments. This Arms Bill has one principal object, and that is to provide that no person in this country can carry or use arms or ammunition unless he holds a licence or permit. Therefore, clause 3 is the most important provision of this Bill.

Sir, there is no need for me to go through this Bill clause by clause. There are only a few major changes provided in this Bill. Under this Bill now the licensing of arms and ammunition is provided whereas the existing Enactments only concern the licensing of arms. Clause 5 contains a new provision to provide that no arms licence can be granted or renewed for certain

types of weapons, such as repeating shot guns, missiles, arms designed to discharge any noxious liquid, grenade bombs, etc.; also, under this clause, the normal age of applicants is raised from 16 to 18. Now, under clause 6 (1) of the Bill, exemption from requiring a licence is limited to His Majesty the Yang di-Pertuan Agong and Their Highnesses the Rulers and the Governors. I have, however, proposed that Members of Parliament and Members of State and Executive Councils should also be exempted.

Certain penalties under the Bill, under clause 9, have been imposed, but the period of imprisonment is now raised from 3 years to a maximum of 7 years. Clauses 10 to 23 contain provisions for licensing of dealers and repairers of arms, transfer of arms, importation and exportation of arms and ammunition, etc. There is only one important change brought in in this Bill—that is clause 24. Under clause 24 there is provision for appeal from the licensing officers' refusal to grant licence, to the Minister. There was no such provision before. These are the only major changes effected by this Bill.

There is only one other important provision. That is the question of imitation arms under clause 30. It is important to have this provision to prevent the importation, possession and custody of imitation arms, because imitation arms can be as dangerous as the ordinary arms, because they can be used for committing crimes.

Sir, I hope this Bill will have the approval of this House.

**Enche' Nik Hassan:** Tuan Yang di-Pertua, dalam Bakal Undang<sup>2</sup> ini saya menyokong di-atas dasar dan tujuan hendak mengadakan Undang<sup>2</sup> ini serta butir<sup>2</sup> yang ada dalam Undang<sup>2</sup> ini. Tetapi saya suka menarek perhatian kepada satu kejadian yang pernah berlaku dan telah berlaku di-satu tempat di-dalam negeri Kelantan sa-masa hampir dengan pilehan raya yang di-adakan dalam tahun 1959; ia-itu sa-telah di-adakan satu per selisehan di-antara berbagai<sup>2</sup> parti dalam pilehan raya maka satu perchubaaan telah di-buat dan pernah

berlaku bukan sahaja dekat dengan pilehan raya bahkan pada bila<sup>2</sup> masa juga. Siapa<sup>2</sup> yang tidak suka kepada sa-saorang itu maka di-letak-nya peluru<sup>2</sup> di-dekat atau di-bawah rumah atau pun di-dalam rumah pehak yang dia tidak bersetuju itu. Dan pada biasanya pehak polis ini dia mendapat kenyataan<sup>2</sup> daripada, boleh jadi informer atau pun daripada mana<sup>2</sup> pehak. Jadi waktu menerima kenyataan<sup>2</sup> ini saya tidak tahu-lah bagaimana polis menimbang-kan kenyataan itu tetapi telah di-buat penyiasatan dengan chara mengejut dan di-dapati peluru itu ada di-rumah orang yang berkenaan itu. Apabila telah menemui peluru itu, sa-patut-nya orang itu di-dapati salah-lah kerana di-dapati peluru itu di-dalam rumah orang yang berkenaan itu. Tetapi apabila perkara ini telah di-serahkan kepada sa-orang loyar untuk membi-charakan perkara ini, belum pun perkara ini di-bawa ka-Mahkamah maka kejadian ini telah di-tarek balek oleh pehak polis dengan kerana saya perchaya-lah information yang dapat itu tidak terang dan adalah satu perbuatan khianat kepada pehak yang berkenaan.

Jadi, perkara yang sa-umpama ini pernah berlaku, perkara perbuatan khianat dalam perkara menyimpan peluru, menyimpan senapang, pistol dan lain<sup>2</sup> lagi ini ada-lah pernah berlaku kepada orang<sup>2</sup> yang tidak bersalah. Dan di-negeri Kelantan-lah satu negeri yang biasa ada berlaku kerana negeri Kelantan ini bersempadan dengan Siam ini pada biasanya ada perbuatan<sup>2</sup> membawa masuk peluru<sup>2</sup>, senapang<sup>2</sup> daripada Siam di-bawa masuk melalui Kelantan dengan chara haram. Jadi, sa-kira-nya pehak polis tidak menyiasat dengan betul information yang dapat itu dan chara bagaimana hendak mendapat information itu boleh menyebabkan orang yang di-khianati oleh satu pehak itu di-dapati salah dan terpaksa di-kenakan hukuman wal-hal mereka itu tidak tahu menahu apa yang berlaku di-dalam rumah-nya.

Di-dalam Undang<sup>2</sup> ini ada me-nyebutkan siapa<sup>2</sup> yang di-pereksa oleh pehak polis dan dia tidak hendak menunjukkan di-mana tempat-nya

dia menyimpan peluru atau benda<sup>2</sup> yang di-tegah itu maka dia akan di-hukum dengan mengikut bab Undang<sup>2</sup> ini. Tetapi kawan yang menyimpan ini bukan dia yang menyimpan, orang lain yang simpan kerana dia chuba hendak mengkhianat kepada tuan rumah ini. Jadi tentu-lah tuan rumah ini tidak tahu mana hendak tunjukkan benda ini kerana bukan dia simpan tetapi orang lain yang letakkan, jadi orang ini di-dapati salah. Dalam menerima kenyataan<sup>2</sup> chara rahsia ini saya rasa polis tidak boleh dudok diam ma'ana-nya, kalau sa-kira-nya dia menerima kenyataan<sup>2</sup> yang berupa khianat, ta' boleh-lah pehak polis ini berdiam diri sa-telah di-dapati perkara information yang berupa khianat. Sa-kira-nya polis dapat information yang di-berikan itu berupa khianat maka sa-patut-nya-lah polis mengambil langkah menda'wa atau menghukum atau mengambil langkah kepada pehak yang chuba memberi satu information yang boleh mengkhianati kepada orang yang tidak berdosa itu. Tetapi dalam perkara yang biasa-nya berlaku di-negeri Kelantan yang saya tahu, satu kes dekat election dahulu, sa-orang yang menyimpan peluru rife tetapi bukan dia yang menyimpan di-dalam satu tin di-rumah-nya, dia di-charge tetapi polis menarek balek—tidak di-hukum orang yang di-dapati peluru di-dalam rumah-nya itu. Tetapi pehak polis berdiam diri tidak mengambil langkah di-atas informa-tion yang di-beri yang berupa khianat itu. Jadi, orang yang sa-umpama ini apabila dia sakit hati atau hendak marah atau berseliseh faham dengan mana<sup>2</sup> pehak dia chuba memberi information yang berupa khianat kepada orang yang tidak berdosa. Jadi kejadian sa-umpama ini akan berlaku dan sentiasa berlaku sa-kira-nya tidak di-kawal, dan sa-kira-nya pehak polis menerima information itu tidak dengan chermat dan orang yang mengkhianat kepada pehak yang tidak berdosa ini di-hukum betul<sup>2</sup>. Ini ada-lah perkara yang patut di-ambil perhatian oleh pehak Kerajaan dan saya rasa mustahak sangat supaya kesenangan

dan kebaikan pehak yang tidak berdosa itu di-kawal dan di-jaga dengan baik. Itu-lah sahaja pandangan saya dan saya minta-lah pehak Kerajaan mengambil perhatian supaya tidak berbangkit perkara<sup>2</sup> sa-macham ini di-masa hadapan.

**Enche' Mohamed Zahir bin Haji Ismail:** Mr. President, Sir, I would like to draw the attention of the Minister to Section 3 (1) of this Bill which reads that "no person shall have in his possession, custody or control any arms or ammunition unless he is the holder of an arms licence in that behalf granted to him under the provisions of section 4". The sub-title reads, "No person to possess, carry or use arms or ammunition without a licence or permit". The word "carry" is there in the small title, but not in the main body of section 3 (1). Mr. President, Sir, I have been considering the word "custody"—whether the word "custody" is too wide to include every person who unintentionally carries a firearm. For instance, if I were to travel in my car and if I were to give a lift to a friend of mine and he has a firearm in his hands and then he drops in a shop to drink, leaving the firearm in my car while I remain in the car, then I can be interpreted to have custody of that arm, and although there is Section 6 (2) exempting any persons such as a licensed dealer or licensed repairer or any servant thereof, or importers or exporters of arms or any servant or agent of such persons, I cannot see whether a person, who was in the circumstances which I stated just now, could be exempted. I quote another instance, Mr. President, Sir, supposing that a friend of mine comes to my house, and he brings a gun with him and then goes out for a while to buy cigarettes, and there it is found in my house; there I have the custody of that gun. Am I liable under Section 3 (1)? This is in connection with arms as well as ammunition. I am of the opinion that the words "possession" and "control" should be sufficient and that the word "custody" should be deleted. I do not know. I just give my views on this matter.

**Tun Abdul Razak:** Tuan Yang di-Pertua, berkenaan dengan pandangan yang di-berikan oleh Yang Berhormat Nik Hassan, saya akan mengambil ingatan, akan tetapi yang mustahak-nya perkara itu ia-lah mendapat keterangan sa-belum sa-saorang itu di-da'awa didalam Mahkamah, kerana memberi penerangan yang mana tak pernah berlaku seperti ini. Saya perchaya, kalau pehak Polis ada keterangan yang sempurna, perkara itu tentu akan dibawa ka-dalam Mahkamah.

As regards the comment made by the Honourable Enche' Mohamed Zahir, I am of the view that it is necessary to have the word "custody" here. I am quite sure that in the two instances he quoted they must be proved by fact. Obviously, no Court would say that that a person is in custody of arms because he happens to go to a person's house at that time and because, when he was in the House, the Police happened to find the firearm in the House. Obviously he can say that he is not in custody because the person is on a visit to his House. This is a question of fact, and I am sure in the two instances he quoted the person would not be liable. As I have said, the principal object of this section is merely to prevent a person from possessing or having in his control or custody arms without a licence, and I think the word here is quite clear. I am not a legal expert, but I am advised that this is a correct wording by the Legal section.

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. President *in the Chair*)

*Clauses 1 to 52* inclusive ordered to stand part of the Bill.

*First Schedule* ordered to stand part of the Bill.

*Second Schedule* ordered to stand part of the Bill.

*Third Schedule* ordered to stand part of the Bill.

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

### THE POLICE (AMENDMENT) BILL

#### Second Reading

**Tun Leong Yew Koh:** Sir, I beg to move that a Bill intituled "an Act to amend the Police Ordinance, 1952" be read a second time.

**Engku Muhsein:** Sir, I beg to second the motion.

**Tun Abdul Razak:** Tuan Yang di-Pertua, Rang Undang<sup>2</sup> ini pendek sahaja. Tujuan-nya ia-lah pertama, hendak memberi kuasa kepada pehak Chief Police Officer menentukan "Curfew" di-mana<sup>2</sup> tempat yang difikirkan mustahak dan kuasa ini hanya-lah dalam tempoh 24 jam sahaja. Jadi telah di-dapati kuasa ini sangat mustahak di-punyai oleh Pegawai Polis, kerana jikalau berlaku satu<sup>2</sup> pergadohan di-antara mana<sup>2</sup> puak dan jikalau polis tidak dapat menahan orang keluar daripada rumah dengan serta-merta, selalu-nya perkara ini jadi merebak, menjadi besar. Dan beberapa chontoh telah di-dapati sebab polis dapat menahan orang keluar daripada rumah dengan serta-merta, maka pergadohan yang sa-macham itu tidak dapat merebak. Sebab kuasa ini ada dalam Undang<sup>2</sup> Dharurat sahaja, tidak ada dalam Undang<sup>2</sup> Tetap negeri, maka ini-lah hendak di-pinda Undang<sup>2</sup> Polis ini, dan jikalau hendak di-panjangkan "Curfew" ini mustahak-lah dapat persetujuan daripada Menteri yang bertanggung-jawab.

Perkara yang kedua, hendak membuat peratoran berkenaan dengan Auxiliary Police. Pada masa ini peratoran ini hanya-lah ada dalam Undang<sup>2</sup> Dharurat. Saya harap undang<sup>2</sup> ini dapat sokongan daripada Dewan ini.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. President *in the Chair*)

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

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

### THE VISITING FORCES BILL

#### Second Reading

**Tun Leong Yew Koh:** I beg to move that a Bill intituled "an Act to amend and consolidate the law with respect to naval, military and air forces of certain other countries visiting the Federation, and to provide for the apprehension and disposal of deserters or absentees without leave in the Federation from the forces of such countries, and for purposes connected with the matters aforesaid" be read a second time.

**Enche' Nik Hassan:** I beg to second the motion.

**Tun Abdul Razak:** Mr. President, Sir, the purpose of this Bill is also to consolidate the existing law relating to visiting forces and also to make some amendments to it in view of the independent status of the Federation. The most important provision is contained, of course, in Part II of the Bill which deals with jurisdiction, and clause 6 provides that the Service courts and Service authorities of a country to which this law applies may have jurisdiction in the Federation over members of their forces. But under clause 7, under certain arrangements or agreement, the Federation courts may also have jurisdiction, and this Part provides for the arrest and custody of offenders against the Federation law and provides that they should remain in the Federation until they are brought before the court.

It is necessary to have this Bill in view of the fact that from time to time we have members of the forces of other countries visiting our country and also members of our forces visiting other countries for training.

**Mr. President:** If no Honourable Member wishes to speak I shall put the question.

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. President *in the Chair*)

*Clauses 1 to 19* 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 EMERGENCY REGULATIONS (INDEMNITY) BILL

### Second Reading

**Tun Leong Yew Koh:** Mr. President, Sir, I beg to move that a Bill intituled "an Act to indemnify public officers and other persons in respect of acts done under the Emergency Regulations Ordinance, 1948, and to provide for certain other matters arising out of the cesser of such Ordinance pursuant to the provisions of Article 163 of the Constitution" be read a second time.

**Enche' T. H. Tan:** Sir, I beg to second the motion.

**Tun Abdul Razak:** Mr. President, Sir, in view of the fact that we are bringing the Emergency to an end on 31st of July, it is necessary to have this Bill. The main purpose of this Bill is, of course, to protect an officer who has done an act in good faith and belief that it was necessary for him to do so and, in such circumstances, his action should be protected. That is provided in Clause 3 of the Bill.

Also, Sir, it is necessary to make other provisions: Clause 6, for instance, is also an important clause of the Bill. As a result of injuries received during the Emergency, a number of people are entitled to compensation or injury allowances under the Emergency Regulations mentioned in the Schedule of this Bill.

Therefore, there will be no question of stopping such compensation or allowances when the Emergency is declared at an end and, therefore, Clause 6 of the Bill provides for the continuation of payment of such compensation.

Clause 8 also provides for the validity of sentences and orders made under the Emergency Regulations.

Clause 10 makes provision for the appointment of an administrator to carry out the provisions of the Act, and the powers and duties of the administrator are stated in this clause.

Sir, as I have said, this Bill is necessary in view of the fact that we are ending the Emergency on 31st of July, and I do hope that this House will be able to give its approval.

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. President *in the Chair*)

*Clauses 1 to 12* 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.

*Sitting suspended at 1.00 p.m.*

*Sitting resumed at 2.30 p.m.*

(Mr. President *in the Chair*)

## EXEMPTED BUSINESS AND ADJOURNMENT

### (Motion)

**Tun Leong Yew Koh:** Sir, I beg to move,

That, pursuant to the provisions of Standing Order 11, the proceedings on all Government business be exempted from the provisions of that Order and that on completion of such business, the House do stand adjourned to Monday, 15th August, 1960, at 10.00 o'clock a.m.

**Enche' T. H. Tan:** Sir, I beg to second the motion.

Question put, and agreed to.

Resolved,

That, pursuant to the provisions of Standing Order 11, the proceedings on all Government business be exempted from the provisions of that Order and that on completion of such business, the House do stand adjourned to Monday, 15th August, 1960, at 10.00 o'clock a.m.

## THE WORKMEN'S COMPENSATION (AMENDMENT) BILL

### Second Reading

**Tun Leong Yew Koh:** Sir, I beg to move that a Bill intituled "an Act to amend the Workmen's Compensation Ordinance, 1952" be read a second time.

**Enche' T. H. Tan:** Sir, I beg to second the motion.

**The Assistant Minister of Labour (Enche' V. Manickavasagam):** Mr. President, Sir, the main purpose of this Bill is to remove certain discrepancies and to further clarify the responsibilities of an employer towards his workmen. This opportunity is also taken to substitute the new designations of various Officers of the Department of Labour and Industrial Relations referred to in the principal Ordinance. Before I proceed to explain briefly the reasons which have necessitated the amendments to the Ordinance, I wish to inform the House that the amendments contained in this Bill have been thoroughly discussed by the Standing Committee of the National Joint Labour Advisory Council, which is, as you know, a body consisting representatives from the employers and workers organisations.

Clause 2 is merely a formal amendment to the definition of the word "Commissioner" which is necessary consequent to the introduction of the Employment Ordinance (No. 38 of 1955), since 1st June, 1957.

Clause 3 is designed to remove certain ambiguities and to make it clear that:

- (a) An employer is liable to pay expenses of the treatment and rehabilitation of a workman in addition to compensation;
- (b) To ensure that an employee of a public transport company

is, as any other type of workmen, also eligible for compensation when he meets with an accident while travelling to or from his work in one of his employer's vehicles; and

- (c) To ensure that an employer is liable to pay compensation in respect of an accident occurring either in the State of Singapore or in such other territory as the Minister may prescribe if the contract of service between the employer and his workman is within the Federation, or if the normal place of employment of such workman is within the Federation.

Clause 4 makes it clear that,

- (a) When a workman meets with an accident and is temporarily disabled from doing his work, \$65 or an amount equivalent to one-third of his monthly earnings, whichever is the less, is paid to him half-monthly by his employer during the disablement or during a period of 5 years, whichever period is shorter. This payment is known as "half-monthly payment" under the Ordinance.

The amendment to the Ordinance now makes it clear that half-monthly payments cannot be deducted unless such half-monthly payments together with the lump sum, exceed \$9,600 which is the maximum payable for permanent total disablement.

- (b) Further, the law as it stands at present, allows an employer to deduct from the lump sum payable in respect of partial permanent disablement any half-monthly payments paid in excess of 6 months following the date of injury.

The present amendment limits such permissible half-monthly deductions to the lump sum which is to be paid for the

partial permanent disablement, following such prolonged temporary total disablement. This amendment is necessary as, otherwise, the injured workman may be required to repay to his employer part of his half-monthly payments which he had received in good faith as compensation and had expended on his own maintenance.

Clause 5 makes it obligatory on the part of the injured workman to submit himself for medical examination if his employer offers to have him examined free of charge by a registered medical practitioner at the earliest opportunity; and any workman who is in receipt of half-monthly payments under this Ordinance shall submit himself for such examination as and when required.

Clause 6 requires an employer to provide, at his own expense, transport to and from hospital for an injured workman who requires treatment and also makes it clear that an employer shall, in addition to compensation, pay the cost of a wheel-chair, where necessary, among other items already stated in the Ordinance.

Clause 7 confers on the Commissioner a general power of review of orders made under earlier legislation.

Clause 8: The Ordinance says that an application to the Commissioner may be made either by a workman or an employer to settle any question in a prescribed form accompanied by a prescribed fee. This amendment now abolishes the payment of such a fee, as it does not warrant the trouble and expense involved in its collection.

Question put, and agreed.

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. President in the Chair)

Clauses 1 to 8—

**Enche' Mohamed Zahir:** Mr. President, Sir, as regards clause 3 (c), i.e., regarding sub-section (3A) (a), it says:

"If a workman is injured or dies as a result of an accident which occurs in the State of Singapore or in any other territory which the Minister may from time to time by notification in the *Gazette* prescribe . . . the employer of such workman shall be liable to pay compensation . . ."

Does this mean that the accident is during the course of employment?

**Enche' V. Manickavasagam:** Yes, Sir.

**Enche' Mohamed Zahir:** If that is so, should not it be clearly specified?

**Enche' V. Manickavasagam:** Mr. President, Sir, it is clearly stated here that an employer is liable to pay compensation to a workman injured during his work either in the State of Singapore or in any other territory prescribed by the Minister, if the contract of service is within the Federation. Well, it is bound by that.

**Enche' Mohamed Zahir:** Mr. President, Sir, I am not quite clear. Supposing a workman dies of some injuries sustained in an accident not connected with his own employment, is the employer still liable under such circumstances?

**Enche' V. Manickavasagam:** Sir, it is clearly specified here—"in the course of his work".

**Enche' Mohamed Zahir:** I cannot find it anywhere in the Bill!

**Enche' J. E. S. Crawford:** Mr. President, Sir, I support the last speaker. I can't see where it is specifically stated in the Bill that the workman must be injured during the course of his work. Perhaps the Assistant Minister could tell us where it is actually stated that it has to be in the course of his work.

**Raja Rastam Shahrome:** Mr. President, Sir, supposing an employee works in the building industry and meets with an accident while driving his car, hasn't the employer to pay in respect of that accident? That is the point.

**Enche' Athi Nahappan:** That covers the point. Compensation is always payable, I believe, under section 4 of

the Workmen's Compensation Ordinance, if the injury arises out of the course of employment—since it says here “in accordance with the provisions of this Ordinance”, and “this Ordinance” is really the Workmen's Compensation Ordinance.

Sir, I believe this provision is brought in because the existing Ordinance does not make provision for a person who works in Singapore while he is under contract of service in the Federation. If he is under a contract of service in Johore Bahru, for instance, and goes and works in Singapore and meets with an accident in Singapore, the existing Ordinance does not make provision for him to receive compensation. It is in order to bring him within the Ordinance, so that he may be able to get compensation, that this amendment is brought in, and I think it is pretty well covered, because it says here “in accordance with the provisions of this Ordinance”.

**Enche' V. Manickavasagam:** Mr. President, Sir, the original Ordinance, section 4, very well covers it, as just pointed out by the Honourable Mr. Athi Nahappan. It says: “If in any employment personal injury by accident out of, and in the course of, the employment is caused to a workman . . .”. Therefore, it is quite well covered.

*Clauses 1 to 8 inclusive ordered to stand part of the Bill.*

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

## THE INCOME TAX (AMENDMENT) BILL

### Second Reading

**Tun Leong Yew Koh:** Mr. President, Sir, I beg to move that a Bill intituled “an Act to amend the Income Tax Ordinance, 1947” be read a second time.

**Enche' T. H. Tan:** Sir, I beg to second the motion.

**The Minister of Finance (Enche' Tan Siew Sin):** Mr. President, Sir, the Bill proposes a number of amendments to the Income Tax Ordinance. These

amendments have been carefully considered and they have been the subject of full consultation with the Singapore Government, which has been most co-operative throughout. That Government has, as you know, already presented parallel legislation to the Singapore Legislative Assembly and an identical Bill has been duly passed by that Assembly.

At the outset I wish to assure Honourable Members that the Bill is aimed principally at those who are evading income tax. I am convinced that evasion is practised on a considerable scale in the Federation and I have given an assurance to my colleagues in the Government that in my capacity as the Minister responsible for the administration of the Income Tax Department, I shall do everything in my power to stamp it out. Tax which is lost through evasion is money which is urgently required to assist the Government in carrying out its many schemes for improving social, industrial and economic conditions in this country of ours and the honest taxpayer will pay with better grace when he knows that the burden is being evenly shared. It is also worth remembering that, if tax evasion cannot be reduced in a big way, the tax thus lost would have to be borne by such honest taxpayers who would thereby have to pay more than they otherwise would.

Sir, it is against this background of Government's determination to root out evasion and to make evaders pay their full share of tax that I turn to say a few words about each of the proposed amendments to the Income Tax Ordinance. In addition to remarks about the Bill as originally printed, I intend to refer also to the amendments to the Bill which have been inserted in the copies of the Bill which are now before Honourable Members.

Clause 2 introduces a new section. Section 4 of the Income Tax Ordinance states that the Comptroller and all officers appointed under the Ordinance shall be subject to the supervision and direction of the Comptroller-General, but nowhere in the Ordinance is it stated that the Comptroller-General or the Comptroller shall act under the

general directions of and in accordance with whatever policy is laid down by the Minister of Finance, who is responsible for the administration of the Income Tax Department. It is considered desirable that the responsibility of the Minister of Finance for the overall administration of the Ordinance should be clearly written into the Ordinance itself. Clause 2 accordingly states that the Minister of Finance may give directions of a general character with regard to the exercise by the Comptroller-General or the Comptroller of their powers, duties and discretions under the Ordinance.

Clause 3, which corresponds to a similar provision in the Bill which has been introduced in Singapore, is designed to assist the Comptroller in dealing with those who are evading tax, by ensuring that the Federation Comptroller may request from his colleague in Singapore, and may use in any appeal or other proceedings, any information concerning a Federation taxpayer which is in the possession of the Singapore Comptroller.

Clause 4 is a measure designed to put an end to a practice whereby taxpayers have been able to reduce their tax liability by the device of transferring assets or income to other persons, normally relatives, while at the same time they continue to enjoy the income alleged to be transferred. The first part of the clause provides that any income of which a settlor divests himself during his life-time in favour of a relative who at the commencement of the year of assessment is under 21 years of age or is unmarried shall be assessed, not on the relative, but on the settlor himself. The second part is aimed at those who transfer income or income-producing assets to other persons, not necessarily relatives, but who continue to enjoy the income therefrom or retain for themselves the power to enjoy the income. In their case, the same consequences apply—the income will be assessed on the settlor and not on the person to whom the income is or is alleged to have been transferred. The provisions of the clause are not applicable to settlements which, in the opinion of the Comptroller, are made for valuable and

adequate consideration, settlements arising from an order of a Court, or an agreement by an employer for the payment of remuneration to an employee or a pension or lump sum to the relative or dependant of an employee. In the case of settlements made prior to 1st January, 1960, which are caught under the provisions of this clause, the income will be deemed to be the income of the settlor with effect from 1st January, 1960, i.e., the income of such settlement will be included in the income of the settlor for the current year of assessment, i.e., 1960. In other words, the assessments for years of assessment prior to 1960 will not be re-opened.

It has been suggested that the clause is an example of retrospective legislation. I do not agree. When a Government decides to put an end to such a device a point of time must be adopted after which the particular device ceases to be effective, otherwise there would be the undesirable situation where those who first thought of the device would be permitted to reduce their tax liability in perpetuity. When the United Kingdom and East African Governments decided to tackle the loss of revenue through settlements they used practically the same statutory language as is found in Clause 4—the new legislation applied to every settlement “whether made or entered into before or after this section came into force”.

It has been represented to me that, as sub-clause (1) now stands, the income of a settlement in favour of an unmarried relative will be “caught” regardless of the age of the relative. It is not the intention that the income of an unmarried relative should be caught under sub-clause (1) after the year of assessment in which the relative attained the age of 21, or in case such a relative married before attaining the age of 21, and accordingly it has been decided to amend the word “or” in line 6 of sub-clause (1) to “and”.

So long as this type of avoidance is practised, and it is becoming clear that it is now being practised on an ever increasing scale, there is not much point in raising the maximum rates of income tax if most of those properly

liable could avoid paying at these maximum rates, and this is also the reason why the number of persons in the top tax brackets in this country is so small. For example, according to the latest statistics of the Income Tax Department, there are only 90 individuals resident in the Federation who have incomes exceeding \$100,000.

Clause 5, which is based on a measure presently in force in Australia, gives the Comptroller free access to all buildings, places, books, documents or other records, which in his opinion may supply information with regard to the nature or extent of any person's liability to tax. The clause also enables the Comptroller to require any person to give orally or in writing all such information concerning the income tax affairs of himself and of any other person as the Comptroller considers necessary for the proper administration of the Ordinance. The powers given to the Comptroller are admittedly far-reaching but I suggest that the powers need not be feared by honest taxpayers; only those who are evading their income tax responsibilities or who are associated with persons who are defrauding the Government need fear the new powers. In my opinion, those powers are necessary if we are to limit and discourage evasion and I feel sure that all Honourable Members who support the Government in its drive against evaders will support the new measure.

This is not a novel provision for, as I have already informed Honourable Members, there is a similar provision in the Australian income tax law. One English language newspaper tried to frighten its readers by painting a picture of officers of the Department of Inland Revenue going round the countryside ransacking respectable homes, prying into people's private affairs unnecessarily, and generally behaving like gangsters who have suddenly been armed with all the powers of a Police State. The answer to this exaggerated and highly-coloured picture is that none of these things has happened in Australia, where these powers have existed for many years.

Further, Honourable Members will see that in sub-clause (1) the words

used are "The Comptroller". "Comptroller" is defined in Section 2 of the Income Tax Ordinance as the Comptroller himself, the Deputy Comptroller and any Assistant Comptroller. This means that no officer below the rank of Assistant Comptroller may use the powers under Clause 5. It has also been said that citizens will from now on live in fear of a visitation from the Comptroller or an Assistant Comptroller at any hour of the day or night. Honourable Members have my assurance that I shall give directions to the effect that officers of the Income Tax Department may use the new powers only during the hours of daylight. Furthermore, it has been said that unscrupulous individuals will seek to impersonate officers of the Income Tax Department and that citizens will find themselves compelled to open their doors to rogues and blackmailers. As an added safeguard, therefore, I will give directions that officers of the Income Tax Department making use of the powers in Clause 5 will be provided with, and will be expected to show, a document containing a recent photograph of the officer, his national identity card number and the authority under which he is acting, written in all appropriate languages. The fullest possible publicity will be given to this arrangement.

Lastly, it has been said that the Comptroller can make use of the powers in the clause in any arbitrary manner he sees fit. In this connection, I repeat what I said a few minutes ago—that the provisions of the clause will only be used in cases of evasion or of suspected evasion or where the Comptroller has good reason to believe that evidence of evasion will be found. To ensure that the powers are not used in an indiscriminate way, the opening words of sub-clause (1) "The Comptroller" will be deleted and the following words substituted: "Where the Comptroller considers it necessary in the exercise of his duties under this Ordinance, the Comptroller".

Those who seek to evade tax, generally speaking, do not keep proper records of their business transactions and prefer to have no written records of

their business receipts. Government is determined that such persons will no longer be assisted in their fraud merely by refusing to keep records or to give receipts.

Clause 6 now requires every person carrying on any business or profession, firstly, to keep full records of all his business transactions and, additionally, where such transactions exceed certain specified financial limits, to give a printed, serially-numbered, receipt for every payment of money for goods sold or services rendered and to keep a duplicate thereof. The nature of the records to be kept and the manner in which they will be kept will not necessarily be left to the discretion of the individual business man, because the Comptroller is given powers, in any case where he is dissatisfied with such records, to give a direction in writing to an individual or by *Gazette* notification to any class of individuals as to the manner in which records shall be kept and receipts shall be issued.

Honourable Members will note that, although every person carrying on a business or profession is required to keep proper records, only those whose gross takings in the previous calendar year exceeded \$18,000 from the sale of goods or \$12,000 from the performance of services need issue receipts and keep duplicates thereof. It is not the intention of Government to compel traders and others to keep records and to issue and keep receipts unnecessarily, that is, where such persons are unlikely to be liable to income tax. I have carefully considered whether it might be possible to free certain classes of taxpayers from the provisions of this clause, and have decided, in consequence of this intention, that receipts need not be issued and kept in the following cases :

- (i) hawkers, except where specifically directed by the Comptroller;
- (ii) road-side stall holders and retail stall holders in markets, except where specifically directed by the Comptroller;
- (iii) taxi drivers, trishaw riders and self-employed boatmen;
- (iv) where in 1959 the gross receipts from any trade, business or

profession did not exceed \$24,000; and

- (v) any other cases in which the Comptroller specifically directs that receipts need not be issued and kept.

Here again, I would like to say that only those who are defrauding the Revenue will find the new provisions onerous; honest taxpayers already keep proper business records in their own interests and this new measure will not affect them in any way. It may not be inappropriate at this stage for me to issue a word of warning or advice. If it is found that taxpayers ignore the requirements of the clause and refuse to keep proper records or to issue receipts for all business takings, they must be prepared to accept the consequences of their actions since the Comptroller will be entitled to assume that their failure is deliberate and for the purpose of concealing their true profits. Moreover, if it is found that taxpayers are failing to issue and to retain receipts in respect of all their business takings, I am prepared to ask Government to consider the introduction of a much more stringent system for the issue of receipts.

It has been represented to me that, to ensure uniformity in the exercise of the powers under the clause, only the Comptroller himself should be permitted to issue a notice under sub-clause (2) and to waive any provision under sub-clause (3). I see no objection to meeting this point and it is proposed that the definition of "Comptroller" in Section 2 of the Income Tax Ordinance should be amended by inserting Section 63 as one of the sections whose powers may be exercised only by the Comptroller in person. Moreover, in view of the delay that has taken place in regard to this second reading, it is considered that the new provision relating to the issue of printed receipts should take effect from 1st September and not 1st July of this year.

Clauses 7, 11 and 15 are linked and for convenience I shall deal with them together. Briefly, they are designed to ensure that employees do not leave Malaya without paying their full tax. Clause 7 forbids an employer who

has in his possession any monies payable to any employee to pay over such monies to an employee who is leaving his service until the expiry of 30 days after the Comptroller has been notified of the employee's departure. The giving of such notice will enable the Comptroller to take steps to assess and collect any tax due by the employee but will cause no hardship to the employer or employee. Where the tax is paid within the 30-day period the Comptroller will gladly furnish an appropriate certificate of clearance to the employer or to the employee to enable the employee to leave the country without delay. By virtue of Clause 15 an employer who fails to give the required notice to the Comptroller will be liable to pay any tax which cannot be recovered from the employee but he is given power to recover from the employee the tax so paid. Clause 11, which is not confined to employees, merely extends the power which the Comptroller already has under Section 83 of the Income Tax Ordinance. At present he can issue a direction only to the Commissioner of Police, Federation, or to the Controller of Immigration, Federation, or both, to prevent any person from leaving the Federation. Clause 11 now enables the Comptroller to request the Comptroller, Singapore, to issue a direction on his behalf to the Commissioner of Police, Singapore, or to the Controller of Immigration, Singapore, or to both. In other words, the Federation Comptroller will now be able to reach beyond the Causeway to prevent any person from leaving the country without paying his tax. There is a reciprocal provision in the Bill which has been introduced in Singapore.

At present, when the Comptroller discovers any income which has not been assessed or which has been insufficiently assessed, he is prevented from making any additional assessment after the expiry of 6 years from the end of the relevant year of assessment, except in cases of fraud. In the identical Bill recently passed in Singapore the Singapore Government took the view that 12 years was more reasonable than the present 6 years as the period within which the Comptroller should be free

to make additional assessments. Government is prepared to keep the provisions of the Federation Ordinance in line with those of the Singapore Ordinance in this respect and accordingly it is proposed that the amendment to Section 69 of the Income Tax Ordinance should take the form of substituting 12 years for the present 6 years. The main reason for this amendment is the difficulty of proving fraud or wilful default as required by the proviso to the existing sub-section (1) of Section 69. As the law stands at present, the Comptroller would have to prove such fraud or wilful default in order to go beyond the 6-year limit and this is never easy. It is not, however, the intention of the Government to take advantage of this amendment except in exceptional cases or in cases where the Comptroller has good reason to suspect fraud or wilful default.

The present proviso to sub-section (1) of Section 69 of the Income Tax Ordinance will be retained to enable the Comptroller to make additional assessments at any time where any form of fraud or wilful default has been committed. The substitution of a 12-year limit for the present 6-year limit does not affect the provisions of Section 54 of the Income Tax Ordinance whereby, in the case of deceased persons, an assessment or additional assessment requires to be made not later than 3 years after the end of the year of assessment in which the individual dies. It would be unreasonable if executors of the estates of deceased persons were prevented from winding up estates through fear that the Comptroller might make an additional assessment at any time within 12 years of the death of the person concerned.

Broadly speaking, the collection of tax on any assessment cannot proceed so long as there is a valid objection or appeal against the assessment. In many cases, however, taxpayers lodge an objection or appeal merely to delay the payment of the tax. Even one of the strongest critics of this Bill, a lawyer who wrote a letter to me, admits that the present Section 81 "did give rise to a number of appeals which were brought purely as a matter of delaying tactics", to use his exact words. I can

assure the House that even in the past many of these appeals were frivolous. In the future, assuming that our anti-evasion drive is successful, the number of such appeals will rise steeply and without the provision proposed, the Department would be swamped with an unmanageable list of appeals which would take many years to settle. It is obvious that the more successful the drive, the greater the number of appeals and hence it would be impossible in practice to deter evaders without this provision. Thus, in cases where the tax is substantial, it has been found that taxpayers have deliberately delayed the settlement of their appeals in order to have the use of the money which should have been paid as tax. Clause 10 now requires that the tax charged in any assessment, may have to be paid regardless of any objection or appeal against the assessment. It is not intended, however, that payment of the full amount of the tax shall be demanded in every case where an objection or appeal is lodged. The Comptroller is given discretion to extend the period within which payment of tax may be made in any particular case and Honourable Members may be assured that he will exercise his discretion in a reasonable and responsible manner. Where, for example, it is necessary for the Comptroller to make a protective additional assessment in any case where the 12-year limit in Clause 8 is about to expire, he will not necessarily demand payment of the full amount of the tax in question if the taxpayer and his agent are genuinely co-operating in an effort to bring out the full facts of the case. Similarly, the provisions of Clause 10 will not normally be applied to employees who will, as at present, be able to pay their tax out of their remuneration over the whole of the year of assessment or within such further period as the Comptroller may determine. In view of the fact that we are now half way through the year, Government takes the view that the date "1st July, 1960" in proviso (a) should be amended to read "1st September, 1960", as in the case of Clause 6. This amendment will obviate any hardship in meeting the tax due on assessments made prior to 1st January, 1960. This

clause, again, is not novel and is based on a similar provision which has been in force in Australia, New Zealand and several other countries for many years.

Clause 12 is aimed at those who deliberately evade service of notices under the Ordinance by alleging a change of address or by slipping out of the back door when an officer of the Income Tax Department calls at the front door. Every person is now required to notify the Comptroller in writing of any change in his address, and any notice or process shall be deemed to have been effectively served when it or a copy thereof has been sent by registered post to the taxpayer's last known address.

Clause 13 is designed to make the procedure presently in force for the recovery of tax in any Court applicable to the recovery of any penalty imposed under the Ordinance.

The aim of Clause 14 is to ensure that facts about which there should be no dispute do not require to be proved before a Court, i.e., facts such as the quantum of an assessment, the tax payable, the nature of the income assessed. The provisions of the clause will be used in cases of prosecution for failure to lodge a return of income or for the recovery of tax which has not been in dispute. It is considered that Court proceedings can be expedited to the advantage of the taxpayer and the Comptroller if, as the clause requires, statements of fact made by the Comptroller, are admitted as prima facie evidence without further proof. Honourable Members will note that the provisions of the clause do not apply in proceedings for an offence which is punishable by imprisonment.

At present the Comptroller has power to compound major offences under the Ordinance but no power to compound minor offences, such as failure to give notice of chargeability. Clause 16 now enables the Comptroller to compound such minor offences, and obviates the need to take all such offences to the Courts.

Clause 17 clarifies the provisions of Section 91 of the Income Tax Ordinance which deals with incorrect returns of income and the penalties which may

be imposed therefor. The opening words of the clause "Subject to the provisions of Part XII of this Ordinance" ensure that taxpayers retain their right of appeal to the Board of Review and to the Courts on a question whether income has or has not been omitted from a return of income before the provisions of Clause 17 come into play. Once it is established that income has been omitted or that incorrect information has been given to the Comptroller the penalty which may be demanded is the amount of the tax undercharged by reason of the omission or the incorrect information given. Where, however, the omission or incorrect information arises through negligence or without reasonable excuse the taxpayer, if convicted in a Court, is liable to a penalty of double the tax undercharged and, in addition, to a fine of not less than \$5,000 or to imprisonment of not less than 6 months and not more than 3 years or to both such fine and imprisonment. There may be cases in which it would be unduly harsh to insist on the full penalty in all such cases; the Comptroller is accordingly given the discretionary power to compound offences under this section before judgment is given in any legal proceedings. I am advised that sub-clause (3) as presently drafted, gives the Comptroller power to accept a mitigated penalty under sub-clause (1) as well as to compound an offence under sub-clause (2).

Fears have been expressed that this may not be so and Government is accordingly prepared to make its intention clear beyond doubt. It is proposed, therefore, in sub-clause (3) to substitute the words "abate any penalty or compound any offence" for the present words "may compound any offence punishable".

Clause 18, among other things, provides that the period of imprisonment which may be imposed by the Court is not less than six months and not more than three years. Apart from this, it introduces no new provision into the Income Tax Ordinance. It merely removes the existing ambiguity with regard to the penalty which may be imposed under Section 92 of the

Ordinance, i.e., the section dealing with penal provisions for fraud.

I have already commented on the wide powers conferred on the Comptroller by Clause 5 of the Bill, i.e., the power to enter any premises for the purpose of obtaining any information considered necessary for the purpose of the Ordinance. Honourable Members will appreciate that such powers could be nullified if in the exercise of his duties the Comptroller or any officer in his Department were to be obstructed in any way. Clause 19 accordingly makes it an offence under the Ordinance for any person to obstruct or hinder any officer acting in the discharge of his duties under the Ordinance.

Clause 20 provides that any penalty paid under the Ordinance shall not be deemed to be tax paid, for the purpose of claiming relief under the Ordinance.

The final clause in the Bill, Clause 21, seeks to expedite proceedings where the Comptroller is advised to prosecute in the Courts for offences under Sections 91 and 92 of the Ordinance. The Comptroller is given the discretionary power to compound offences under those sections, that is, to accept a monetary settlement in lieu of instituting legal proceedings. Where income has been omitted or incorrect information is given through negligence or without reasonable excuse or where there has been fraud the Comptroller may not be able to give a binding undertaking to any taxpayer that he will accept a monetary settlement and refrain from instituting criminal proceedings even if the case is one in which taxpayer has made a full disclosure and has given the Comptroller full facilities for investigation. The Comptroller must reserve to himself complete discretion in all cases as to the course he will pursue. In practice, however, he will be influenced by the fact that the taxpayer has made a full disclosure and has co-operated with the Comptroller in the examination of such books, papers, documents or information as the Comptroller may consider necessary. There may be cases in which the Comptroller accepts a disclosure as full and complete and is on the point

of agreeing to a monetary penalty only to discover that the taxpayer's disclosure of his misdeeds is incomplete. In those circumstances, the Comptroller is amply justified in withdrawing any undertaking to refrain from legal proceedings. Clause 21 is designed to meet such circumstances and to ensure that any statements made by the taxpayer at a time when the Comptroller was likely to accept a monetary penalty should be capable of being used as evidence in any legal proceedings instituted thereafter.

I would like to qualify to some extent what I have just said about the provisions of Clause 21 and about the practice of the Comptroller in accepting monetary settlements. But before I do so, let me say a few words about the policy of Government towards informers and the payment of rewards for information.

I do not need to remind Honourable Members about the success of Government's policy in paying rewards to those who provided information to the Security Forces and about the large contribution which those rewards made to the virtual ending of the Emergency in the Federation. I am convinced that a similar policy would be equally successful in detecting those who are evading tax. It has accordingly been decided that any person who furnishes information to the Income Tax Department which leads to the discovery of evaders and to the recovery of tax will be paid generously for this information. In future a reward of 10 per cent of the tax actually recovered plus penalty imposed will be paid, subject to a maximum payment of \$100,000. I do not propose to give further details of this policy of paying rewards because I have dealt with this point in full in the Lower House.

I now come to an important point and to the qualification which I said I wished to place on my remarks on Clause 21 of the Bill. What about the evader who *is* prepared to co-operate with the Income Tax Department? Is there any way in which he can escape the full consequences of his evasion? The answer is—yes, provided he is quick about it.

The intensification of the anti-evasion drive will be coupled with an amnesty or, more correctly, an indemnity against criminal proceedings to all evaders who voluntarily come to the Income Tax Department and make a clean breast of their misdeeds. Here again I give full details of this offer in the Lower House and I therefore think that there is no need for me to amplify it further.

It has been argued Sir, that if some of these powers are abused, they could lead to grave injustices. I submit, Sir, that that is not a fair way of looking at this difficult problem. Under the Emergency Regulations it is possible for a completely innocent person to be detained without trial for years on end, but the majority of the people of this country have accepted that these Regulations are necessary in the national interest and did not refrain from giving them to the Government on the ground that they could cause grave injustices if grossly abused. Similar powers have been inserted in the proposed Internal Security Bill, which has already been passed by both Houses of Parliament. We are today facing another emergency, though of a different kind. If the collection of income tax cannot be put on a satisfactory basis in the sense that everybody who is liable pays his fair share, this system of taxation could not be made an important and major source of revenue in the years to come and the people of this country, especially those in the fixed and lower income brackets, would be the first to suffer. Nearly every piece of legislation gives the Government wide powers but that fact has not to date been held as an excuse for not giving such powers to the Government on the ground that they might be abused. I submit, Sir, that the powers asked for in this Bill, are subject to real safeguards: in the first place, the Minister has been given power, in Clause 2 of the Bill to give directions of a general character to the Comptroller-General and the Comptroller who, in the main, will exercise the powers provided for in this Bill. In case the Minister proves

unreasonable, there could be an appeal to Parliament itself. I also think it is safe to guess that the Press would be willing to give adequate publicity to any mis-carriage of justice arising out of an abuse of the powers asked for in this Bill.

There is no place for tax evasion in a democratic and independent Malaya and I look to all taxpayers to pay their full share of the cost of meeting the many demands which the Government's far-reaching plans for the betterment of the country will require. To deal with those who are not prepared to play their part in this respect, I ask the House to arm the Comptroller of Income Tax with the new powers included in the Bill. Alternatively, as I have already indicated earlier, income tax rates might, in the not too distant future, have to be greatly stepped up in order that the honest taxpayer can make up for the loss caused by evasion on the part of those who are not so honest. It is my earnest hope that this will not be necessary, but it is for this House to decide whether we should allow a large proportion of dishonest persons in this country to avoid paying their full share of its taxes with the result that a heavier burden has to be imposed on the honest ones, or whether justice should be done to those who have for so long defrauded our Revenue, and who will continue to do so unless something is done about it, so that honest and decent people need not bear the kind of burden that they would otherwise have to bear. (*Applause*).

**Enche' Athi Nahappan:** Mr. President, Sir, it has been said by the Honourable the Minister of Finance that the question of appeals to the Income Tax Review Board would increase in number in view of the fact that there will be firm action against evasion. In view of this, Sir, it is necessary that these appeals should be heard as often as is necessary. I have heard that at the moment the sittings of this Income Tax Review Board are not as frequent as is necessary. Very often the person, who appeals to the Board, has to wait for a considerable

period. If we are going to have more number of appeals, then it is necessary that we should have more sittings. In view of the fact that he will be required to pay the money in the first instance and probably wait for a long time, maybe a few years, before he can get back his money if he is not taxable to the extent he has been taxed, that means his money will be tied up by the Government, for which he receives no consideration, no interest, nothing. Therefore, this House, I am sure, will be happy if the Honourable Minister of Finance could give some assurance that the Income Tax Review Board will sit more often and dispose of the appeals as quickly as possible. At the moment I understand that there are only twenty members in the Board of Review—about eight in Penang and twelve in Kuala Lumpur. If necessary, the constitution of the Board should be strengthened by more members and a direction should be given to have more meetings.

That is all I wish to say. I fully support the Income Tax (Amendment) Bill.

**Enche' Tan Siew Sin:** Mr. President, Sir, I fully appreciate the force of the plea put forth by my Honourable friend Mr. Nahappan and I gladly give the assurance he asked for. It is not the wish of the Government to cause unnecessary hardship or unnecessary delay and the suggestion made by him will certainly be carefully considered, in case what we expect to come to pass does come to pass.

Question put, and agreed to.

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

House resolved itself into a Committee on the Bill.

(Mr. President *in the Chair*)

*Clauses 1 to 22 inclusive ordered to stand part of the Bill.*

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

## THE INTERNATIONAL DEVELOPMENT ASSOCIATION BILL

### Second Reading

**Tun Leong Yew Koh:** Sir, I beg to move that a Bill intituled "an Act to enable the Federation of Malaya to become a member of the International Development Association by acceptance of the Articles of Agreement for the establishment and operation of the International Development Association" be read a second time.

**Engku Muhsein:** Sir, I beg to second the motion.

**Enche' Tan Siew Sin:** Mr. President, Sir, the purpose of this Bill is to enable the Federation of Malaya to accept membership of the International Development Association and to provide for compliance by the Federation with the provisions of the Articles of the Association.

The proposal for an International Development Association was first put forward at the 1958 annual meeting of the World Bank and International Monetary Fund. It was not until the 1959 meeting of those organisations that the Governors of the World Bank approved a resolution directing the Executive Directors of the Bank to formulate articles of agreement for such an Association for submission to member Governments of the Bank.

The Executive Directors of the World Bank approved the Articles of Agreement of the International Development Association for submission to member Governments only after thorough discussion over a period of several months; and careful consideration was given to the views expressed by various governments. The approval by the Executive Directors of the Articles of the Association has not committed any Government to membership of the Association, and it rests with each Government to decide whether or not to join the Association. The Articles of Agreement will come into force on or after September 15th, 1960, when they have been signed on behalf of Governments whose subscriptions aggregate at least 650 million

U.S. dollars. A copy of the Articles has been tabled for the information of Honourable Members as Command Paper No. 18.

The Articles of Association as drawn up by the Executive Directors inevitably represent a compromise between the many divergent views of the members of the Bank. Some of the Articles are not entirely in accordance with the wishes expressed by this Government. But in cases such as this some compromise is always necessary and it is considered that by and large the Articles constitute an acceptable framework for the establishment of the Association.

The purposes of the Association are to promote economic development, increase productivity and thus raise standards of living in the less-developed areas of the world included within the Association's membership. It provides finance to meet their important developmental requirements on terms which are more flexible and bear less heavily on their balance of payments position than those of conventional loans, thereby furthering the developmental objectives of the World Bank and supplementing its activities.

The aims of the Association have been deliberately drafted to give the maximum flexibility to the operations of the Association. The Association is empowered to finance any project of high developmental priority and although a large part of the Association's financing is likely to be for projects similar to those financed by the World Bank, that is revenue earning projects, the Association may finance projects which are not directly revenue earning and may in special circumstances provide finance for the local currency costs of such projects. The last point is of particular importance to the Federation which has in the past found difficulty in obtaining finance overseas for the local costs of development projects such as land development schemes, which are of such importance to the economic development of our country.

The purposes of the Association emphasise that one of the basic principles of the Association is that it

should supplement the sources of development capital already available to underdeveloped countries, in particular, from the World Bank. This principle is underlined not only by the fact that the Association is to be an affiliate of the Bank with the Governors, President, and Executive Directors of the World Bank serving *ex-officio* in these capacities in the Association, but also by the operational procedures of the Association. The Association is debarred from providing finance for a project if funds are available from other sources on reasonable terms.

Out of the members' initial subscriptions, the Association may make loans on easier terms than those provided from other sources by providing loans with long term maturities and longer periods of grace before repayments have to be made. The Association may also accept repayment either in whole or in part in the local currency of the borrower and lastly may make loans free of interest or at lower rates of interest. The flexibility of the Association's procedure is designed so that loans can be made with due regard to the balance of payments position of the borrower. At present the balance of payments position of the Federation is sound owing to the current level of prices for rubber and tin. It is possible that the Association will not prove an immediate source of funds for financing development in the Federation. Nevertheless, Honourable Members are well aware how rapid and violent are the fluctuations in the prices of our main exports and should we experience in the future balance of payment difficulties, the Association could be a valuable source of funds for development.

Membership of the International Development Association is open to member countries of the World Bank. The initial resources of the Association will be U.S. \$1 billion (U.S. \$1,000 million) if all existing members of the Bank were to join it and accept the assigned subscriptions, which are roughly proportionate to the members' subscriptions to the World Bank.

A unique feature of the Association is that for purposes of subscriptions member countries have been divided

into two groups as shown in Schedule A to the Articles of Agreement. The subscription will be payable over a five-year period, and the countries in both groups will subscribe 10 per cent of their initial subscriptions in gold or freely convertible currencies. Different provisions are, however, made for the two groups with regard to the remaining 90 per cent of their initial subscriptions. The first group, the 17 industrialised member countries of the World Bank, will pay the remaining 90 per cent of their subscriptions in five equal instalments in gold or freely convertible currencies. On the other hand, the second group, which comprise the 51 less developed member countries, including the Federation of Malaya, will pay their remaining 90 per cent in their national currencies, which the Association will not be free to use without the members' consent. The Federation's subscription is to be U.S. \$2.52 million or Malayan \$7.714 million. It will have to pay on joining the Association Malayan \$385,714 in gold or convertible currencies and \$1,388,569 in Malayan currency or non-interest bearing Treasury notes. In each of the next four years the Federation will have to pay M\$96,428 in gold or in convertible currencies, and \$1,388,569 in Malayan currency; but the Federation may exercise the right to substitute non-interest bearing Treasury notes for the local currency portion.

The capital structure of the Association which I have just described in brief will mean that the Association has about US\$150 million available in each of the first 5 years of its existence for lending to under-developed countries. These resources are very limited when one considers the vast potential demand of under-developed countries for capital. We would have preferred a larger initial capital but the general consensus of opinion was that US\$1 billion was adequate for the commencement of the Association and it became clear during the discussions on the Articles that a larger initial capital was not a practicable proposition.

Having regard to the very limited initial resources of the Association, the Articles provide for them to be regularly reviewed by the Association, the first

such review to take place at the end of the first 5 years of the Association's operation. General or individual increases in subscriptions may be authorised at any time, but no member is obliged to increase its subscription. No increase in the Federation's subscription can be made without the approval of this House.

The Association may also enter into arrangements to receive from any member, in addition to its own subscription, supplementary resources in the currency of another member, provided that the member whose currency is subscribed, does not object. This provision is linked with the possibility of the United States of America offering to the Association part of its holdings of foreign currencies arising through sales of surplus commodities under Public Law 480. Since the U.S. does not hold any Malayan currency as a result of sales of surplus commodities, this provision is not a matter of direct concern to the Federation. Honourable Members may, however, wish to note that the provision of such supplementary resources will not entitle the subscribing member to any additional voting rights.

Each member of the Association is to have 500 votes plus one vote for each US\$5,000 subscribed. On this basis the Federation will have 1,004 votes. This formula gives to the industrialised countries about 69 per cent of the total voting power whereas the less developed countries would only possess 31 per cent. It had been hoped that a system of voting could be agreed whereby the industrialised countries exercised a smaller share of the total voting power, but this idea did not gain general acceptance and it is perhaps inevitable that he who pays the piper calls the tune.

From the Federation's point of view the principal merit of the International Development Association is that it will be a source of development capital for under-developed countries additional to existing sources such as the International Bank, and that it will be able to provide financing on easier terms than can be obtained from other sources and can in special circumstances

provide financing to meet the local currency costs of development projects. In particular, the Association will be a source of development capital free from any political strings. Borrowing from an international organisation such as the I.D.A. is always preferable to borrowing direct from another Government, as the former is debarred by its Articles from taking political factors into consideration when conducting its operations, whereas loans from another Government are never entirely free from political motivation.

Secondly, it must also be recognised that the Association is the result of international co-operation and has a value in that it associates the majority of the industrialised countries of the free world, in particular, those of Western Europe and Japan, in an organisation dedicated to the provision of capital to the under-developed countries. As I have said earlier the Association may not immediately be a source of funds for development in the Federation although it may well prove to be so in the course of time. Nevertheless, I am convinced that it is right and proper for the Federation to play its part in this new international financial institution designed for the benefit of the under-developed countries.

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. President *in the Chair*)

*Clauses 1 to 9* inclusive ordered to stand part of the Bill.

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

## THE CURRENCY BILL

### Second Reading

**Tun Leong Yew Koh:** Mr. President, Sir, I beg to move that a Bill intituled "an Act to implement an Agreement between the Governments of the Federation of Malaya, the States of Singapore and Brunei and the Colonies

of Sarawak and North Borneo relating to currency and for matters incidental thereto" be read a second time.

**Enche' Nik Hassan:** Sir, I beg to second the motion.

**Enche' Tan Siew Sin:** Mr. President, Sir, this Bill seeks authority to implement an Agreement, which is set out in the Schedule to the Bill, entered into between the Government of the Federation of Malaya and the Governments of the States of Singapore and Brunei and the Colonies of Sarawak and North Borneo, whereby the Board of Commissioners of Currency, Malaya and British Borneo, shall continue to be responsible for the issue of a single currency throughout the territories of the participating Governments, although certain substantial amendments have been made as regards the details of the arrangements for the issue of currency to which I will refer subsequently. The Agreement has been initialled by all the participating Governments and must be ratified by legislation in each territory. When the Agreement has been ratified by all the participating Governments, it will come into force on a date to be mutually agreed in accordance with Clause 1 of the Act.

Honourable Members may be inclined to enquire why the Government has initialled a new Agreement which provides for Malayan currency to be issued by a Currency Board when the Federation's own Bank Negara has been effectively established. I wish to assure Honourable Members that it is still the policy of this Government that at the appropriate time Bank Negara Tanah Melayu should be responsible for the issue of our currency. I shall deal with this point later on in my speech.

In this connection, it might be noted that the 1950 Agreement made no provision regarding the means whereby Members could withdraw from the Agreement and it did not specify the rights of the withdrawing Member. It was essential, therefore, that the new Agreement should be revised to make provision for the withdrawal of Members and the liquidation of the Board resulting therefrom. It will be agreed,

however, that withdrawal from the Agreement would be a momentous step and therefore Clause 11 of the Bill now before you provides that the Minister of Finance may not give notice of replacement under Clause 17 of the new Agreement unless such a step has been approved by resolution of the Dewan Ra'ayat, so that Honourable Members of that House will have a full opportunity to debate this issue when the time comes.

Although the Government considered that the Currency Board should continue to be responsible for the issue of a common currency, amendment of the 1950 Agreement was considered to be essential if the continuance of the present currency arrangements was to be acceptable, having regard to the independent status of the Federation. The principal changes which the Federation considered to be desirable may be summarised as follows:

- (1) that the Board should be responsible only to the participating Governments;
- (2) that the composition of the Board should recognise the predominant interest of the Federation in the currency;
- (3) that the Board with the consent of the participating Governments should have the right to appoint a principal agent;
- (4) that the avenues of investment of the Fund should be widened, in particular, to provide for a part of the Fund to be invested in the securities of the participating Governments and in non-sterling securities;
- (5) that provision should be made for any Government to withdraw from the Agreement.

These basic requirements of the Federation have been met in the new Agreement. It should be noted that even at the best of times it cannot be easy for five Governments to reach agreement on issues as complex as these and the fact that we did reach agreement is a tribute to the patience, tact and understanding which prevailed on all sides.

As I have said earlier, the new Agreement provides basically for the continuance of the present currency arrangements, and I do not propose therefore to speak on the detailed provisions of the Agreement, but I should like to take this opportunity of speaking briefly concerning the five requirements of the Federation which I have just enumerated.

Clause 15 of the 1950 Agreement provided that a participating Government could abrogate the Agreement with the approval of the United Kingdom Secretary of State for the Colonies. Similarly, Clause 16 provided that the Secretary of State should be the arbitrator in any dispute between the participating Governments, and the legislation giving effect to the Agreement provided that important matters such as the designing of notes and coins required his approval. The powers granted to the Secretary of State were obviously not acceptable to the Federation, and therefore the new Agreement makes no reference to the Secretary of State. The necessary powers have been vested either in the Board itself or, in major matters, policy decisions are subject to the unanimous agreement of the participating Governments.

Clause 3 (1) of the Agreement sets out the composition of the Board. Honourable Members will note that of the seven members, two will be appointed by the Federation and that the Chairman of the Board will be one of the two Federation representatives. Furthermore, Clause 3 (5) provides that the Federation and Singapore representatives shall have three votes each whereas the representatives of Brunei, Sarawak and North Borneo and the independent member, only a single vote each. I consider that these provisions give recognition to the predominance of the Federation's interest as compared with the 1950 Agreement which provided that the Federation and Singapore should have one representative each and that the Bornean territories one joint representative: it also provided for the appointment of two independent members to be approved unanimously by the participating Governments.

It will be noted that the Federation has six votes out of a total voting power of thirteen. It may be thought that the Federation should have a voting strength proportionate to the circulation of currency in her territory, that is about 63 per cent. It must be appreciated, however, that the other participating Governments would be unwilling to accord the Federation an overriding majority. Furthermore, in matters of major importance, the Agreement provides for unanimous agreement between the participating Governments. I consider this is unavoidable in the circumstances, despite the possible loss of flexibility, as no Government would be likely to accept a position whereby it could be overruled in major matters relating to its own currency.

The 1950 Agreement provided that the Crown Agents should be the Principal Agent of the Board. Because the Agreement provides for the automatic conversion of the Malayan dollar into sterling payable in London, there is no alternative but that the Principal Agent should be in London. Nevertheless, it is considered that the Board, subject to the approval of the participating Governments, should have power to appoint any Agent whom it considers to be most satisfactory, and this power of appointment is now provided for in Clause 3 (8) of the new Agreement.

The 1950 Agreement provided only restricted avenues for the investment of the Fund. In particular, the Fund could not be invested in any securities of the participating Governments. This latter provision prevented any part of the currency reserves from being used by the participating Governments to finance development in their territories. Although it is essential that the external reserves held by the Board should at all times be adequate to retain public confidence in the stability of the currency, it is right and proper that a part of the Fund should be available, if required, for investment in Federation Government securities or in the securities of the other participating Governments. Proviso (a) of Clause 10 (4) therefore provides that not more than \$300 million of the assets of the

Fund may be invested in publicly issued securities of, or guaranteed by, any of the participating Governments provided that such securities are redeemable within 20 years from the date of acquisition by the Board. Paragraph (ii) of this proviso ensures that such investment will take place in an orderly fashion, the maximum rate permitted being \$100 million in each of the first three years after the Agreement comes into force. The value of the Fund on 31st December, 1959, was \$1,242 million and therefore the proportion of the Fund which may be so invested is only 24 per cent. Such a percentage will not in any way impair public confidence in the stability of the currency as the external sterling reserves will remain at a high level. The Third Schedule sets out the formula for determining the proportion of the sum of \$300 million which may be invested in the securities of each of the participating Governments. The formula allows for a slight variation in these shares, but, on the basis of the amount of currency at present in circulation in each territory, the Federation's share will be of the order of \$180 million.

Clause 6 (4) of the 1950 Agreement provided that the Fund, other than the liquid portion, could only be invested in sterling securities of the United Kingdom, or of Governments subject to the jurisdiction of the United Kingdom, or in such other securities as were approved by the United Kingdom. As a result of constitutional and economic developments, it is considered that the avenues of investment should be widened, and therefore Clause 10 (4) of the new Agreement provides that the Fund can be invested in the sterling securities of, or guaranteed by, any Commonwealth Government, excluding participating Governments, or in the sterling securities of any international monetary institution subject to the unanimous agreement of the participating Governments. As I have already stated, investment in the securities of participating Governments is limited to \$300 million. It would therefore be possible, for instance, for part of the Fund to be invested in the sterling securities issued by the International Bank for Reconstruction and

Development provided that this has been unanimously agreed. Although the major part of the Fund is likely to continue to be invested in sterling securities, circumstances may arise where it would be advantageous for the Board to invest a certain proportion of the Fund in non-sterling securities, possibly in U.S. dollar securities. Provision is therefore made for such investments under proviso (b) of Clause 10 (4). It is provided that such investments can only be made with the unanimous consent of all the participating Governments and must be confined to publicly issued Government securities maturing within a period of five years from the date of purchase by the Board. I agree that these provisions are rather rigid, but they represent the largest possible measure of agreement among the participating Governments. Nonetheless, this should be a satisfactory arrangement provided there is goodwill on all sides, and I have no doubt that that goodwill will be forthcoming.

The Board has an obligation to provide sterling on demand in the United Kingdom against Malayan currency deposited with it at any of its offices. The Board must, therefore, ensure that it retains adequate liquid reserves to fulfil this obligation at all times. Clause 10 (3) (b) provides for a liquid portion of the Fund, and such portion is to be maintained at not less than 30 per cent of the value of the whole Fund. Furthermore, under Clause 10 (5), this liquid portion must be invested entirely in short-term sterling securities.

It is clear, therefore, that the provisions of Clause 10 taken as a whole provide not only for the continued stability of our currency and public confidence therein, but also ensure that a reasonable proportion of the reserves could be made available to finance development both in the Federation and in the territories of the other participating Governments.

As regards withdrawal from the Agreement, Clause 17 provides that any participating Government may withdraw by lodging a notice of replacement which becomes effective

18 months after it has been lodged with the Board. A period of 18 months has been fixed as this is considered to be the minimum period which members will require to make alternative arrangements for the issue of their own currency.

Clause 17 is mainly technical in character, and makes provision for the orderly redemption of the present currency and the handing over of the assets of the Fund to the new authority or authorities who will be responsible for issuing currency to replace that which has been redeemed—in the case of the Federation, the new authority will be the Bank Negara Tanah Melayu. I consider that these provisions are satisfactory from the Federation's point of view.

It was considered by the participating Governments that 18 months might not allow adequate time for all Governments to make satisfactory arrangements for the issue of their own currency and, therefore, Clause 18 provides that any Government may request the Board to continue issuing the present currency in its territory for a further period of 6 months. Similarly, sub-section (b) of this Clause provides that existing coins may, with the agreement of the participating Governments, be made available to any participating Government which makes a request therefor to the Board. This provision is necessary, as the minting of new coins is slow and expensive, and interim arrangements are therefore desirable.

Consideration was given to the possibility of the Board remaining in existence after the withdrawal of any of the participating Governments, but it was agreed that this would raise insuperable problems and therefore Clause 19 provides that the Board should in due course be placed in liquidation after a notice of replacement has been lodged under Clause 17 of the Agreement.

The assets of the Fund must be applied in the first instance to the redemption of the currency issued by the Board but experience shows that not all currency issued will be presented for redemption and therefore there

will be residual assets which may prove to be substantial. At the end of 1959 the assets of this Fund exceeded its liabilities by \$82 million and the currency in circulation was \$1,124 million. If we assume that 10 per cent of the currency will not be redeemed, the residual assets will total about \$195 million, of which the Federation will be entitled to receive approximately \$117 million. Clause 19 (4) (a) therefore provides for the distribution of such residual assets to the participating Governments after proper provision has been made for a contingent liability in respect of the issued and unredeemed currency of the Board. The reserve so created must, in accordance with Clause 19 (5), be transferred to the Principal Agent.

Clause 20 provides for further periodic distributions of the surplus assets of the Fund, but to ensure that funds are always available to meet the cost of redeeming the currency of the Board whenever presented for redemption, Clause 20 (2) makes the participating Governments liable to meet any deficiency which may arise in the reserve created to meet this liability. The Federation's share of any such deficiency is charged on the Consolidated Fund under Clause 4 of the Bill.

It is idle to pretend that this Agreement meets the complete requirements of a sovereign and independent nation. The only possible final objective must be to issue our own currency as soon as practicable through our own Central Bank. This we intend to do. It is, however, vitally important that in the process our financial stability must be maintained, and this is only possible if, among other things, public confidence in the Malayan dollar is also maintained. Hence, one cannot dispute the desirability of an orderly transition from our former dependent status into a fully-fledged sovereign nation in the monetary sphere and this has to be achieved in two stages.

The Government has been criticised for, what I would describe, excessive delay in making the Central Bank responsible for the issue of our currency. I am unable to accept this criticism. The first step towards the

issue of currency was to establish our own Central Bank. This was done in January, 1959, and we have now taken the second step by negotiating a revised Currency Agreement which makes specific provision for the withdrawal of members. The negotiations for a new Agreement involved six governments and inevitably took considerable time before final agreement was reached. We are now in a sound position to take such further steps as are necessary to make the Bank Negara responsible for the issue of our currency and this Agreement can therefore be regarded as a purely temporary arrangement. I agree that it is possible for us to withdraw completely from the existing Agreement without providing for an interim arrangement such as this, but, in such circumstances, there might be chaos in our monetary system, and this, as Honourable Members will agree, is a very serious matter indeed, because confidence is a very delicate plant and once destroyed cannot easily be revived. An abrupt change could not possibly provide the time for elaborate and complicated arrangements needed for a smooth changeover. Further, it would also mean the loss of our share of the residual assets of the Currency Fund, and, from what I have said already, it should be clear to Honourable Members that such a loss might amount to a substantial figure of many millions of dollars, a loss we can ill afford owing to our continuing need to find adequate finance for the future economic development of the Federation, particularly the Second Five Year Plan, a need which will by no means be covered by the present high prices of rubber. Such being the alternative, the Currency Agreement, 1960, does represent a milestone of significant progress, and ensures that the next step which we shall take will not only be firm but will crown many years of patient and skilled endeavour by many people, and will enable us to build to greater and more enduring heights on a strong and stable foundation.

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. President *in the Chair*)

*Clauses 1 to 11* 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 PREVENTION OF CRIME (AMENDMENT) BILL

### Second Reading

**Tun Leong Yew Koh:** Mr. President, Sir, I beg to move that a Bill intituled "an Act to amend the Prevention of Crime Ordinance" be read a second time.

**Engku Muhsein:** Sir, I beg to second the motion.

**The Assistant Minister of the Interior (Enche' Mohd. Ismail bin Mohd. Yusof):** Mr. President, Sir, permit me to explain very briefly the Bill to amend the Prevention of Crime Ordinance.

Sir, the Prevention of Crime Ordinance has now been in force since April last year and there has been an opportunity to study its operations. The only power of summary arrest conferred on Police officers in this legislation is that contained in Section 3 (1) which deals with the arrest of any person with the intention of holding an inquiry into his case under the provisions of the law. The Police have, however, no powers of summary arrest in respect of the offences set out in Section 16 which requires a person registered under the Ordinance not to consort with other registered persons; Section 18 which deals with loitering by such persons; and Section 19 which deals with the harbouring of such persons.

It is considered that the absence of the power of summary arrest in this case weakens the position of the Police to deal promptly and effectively in the circumstances which are described, and

the object of the Bill before the House is accordingly to confer the necessary powers of summary arrest upon the Police.

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. President *in the Chair*)

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

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

## THE STATUTORY DECLARATIONS BILL

### Second Reading

**Tun Leong Yew Koh:** Mr. President, Sir, I beg to move that a Bill intituled "an Act to consolidate the law relating to Statutory Declarations" be read a second time.

Honourable Members will note that this Bill was amended in Committee in the Lower House. The principal amendments were to relate the Bill to the Notaries Public Ordinance which will require a consequential amendment and to postpone the coming into force of the Bill until the Ordinance has been so amended. I am, however, confident that the whole operation will be completed by the end of the year, and the Bill to amend the Notaries Public Ordinance will be introduced in the House of Representatives at the next meeting.

Sir, I beg to move.

**Enche' T. H. Tan:** 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. President *in the Chair*)

*Clauses 1 to 5* 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.

## MOTION

### THE SOCIAL AND WELFARE LOTTERIES BOARD ORDINANCE, 1950

#### Extension

**Tun Leong Yew Koh:** Mr. President, Sir, I beg to move,

"That in accordance with the provision of section (1) of the Social and Welfare Lotteries Board Ordinance, 1950, the said Ordinance be extended for a period of five years with effect from 11th December, 1960."

**Enche' T. H. Tan:** Sir, in rising to second the motion, I would like to pay tribute to the very fine work which the Social and Welfare Lotteries Board has been doing since its inception in 1950. It has been my privilege for many years to serve as a member of this Board and occasionally, during the absence of the Chairman, to serve as Deputy Chairman. Some critics of this motion in the Lower House thought fit to cast aspersions on the integrity of the agents and even on some members of the Board. I would like to say here and now, Sir, that I feel that those criticisms were entirely unwarranted and, in fact, even irresponsible. The present agents of the Board were those who were originally appointed when the Ordinance came into force in 1950. These agents have shown that they are men of integrity and they have settled their accounts promptly and also, this is important, they have stuck by the Board through thick and thin. During the first two or three issues of the lotteries the agents were faced, in fact, with losses, and those losses they cheerfully bore.

Sir, there was one Honourable Member of the Lower House who thought fit to criticise the appointment

of agents and even some members of the Board. I recall that many years ago, when I hardly warmed my seat in the Board upon my appointment, that particular person made a personal approach to me to become an agent himself. (*Laughter*). But neither I nor the Board considered that the financial or social standing of that person warranted his appointment.

Sir, in the last year or two, the objects for which the lotteries were being run, were expanded and the Board thought fit to include among its objects, amenities for the kampongs and also amenities or assistance for the sufferers of leprosy. More than \$20 million had been collected and given out to charities, and I consider the Board has done a wonderful piece of work. The Board has, in fact, saved the Government from finding more revenues to pay for such charities. I welcome this motion because it gives the people of Malaya continuing opportunities to participate in welfare work on behalf of their less fortunately-placed brethren. (*Applause*).

**The Minister of Health and Social Welfare (Dato' Ong Yoke Lin):** Mr. President, Sir, the Social and Welfare Lotteries Board Ordinance was enacted in December, 1950, to establish a Lotteries Board for the purpose of promoting public lotteries in this country for social and welfare purposes. It was extended for a period of five years in December, 1955.

Sir, we all know the valuable social and welfare work being done by this Board and the numerous deserving causes that have received, and are still receiving, valuable assistance from this Board. I would like just to give a few figures of allocations already made towards the various objects for which these lotteries are run, viz:

The Welfare of Handicapped and Underprivileged ...	\$ 8.9 million
The Welfare of the Blind ...	1.9 "
The Treatment of Tuberculosis ...	10.9 "
Relief of Distressed and Destitute ...	2.4 "
Fostering of approved non-political Youth Movements ...	1.0 "
Provision of Public Playing Fields ...	0.6 "
Rural Kampong Amenities ...	3.6 "

And we have the latest object—Relief and Rehabilitation of Leprosy Sufferers—which was added on only a few months ago and which has benefited to the tune of about \$100,000 already.

Sir, the addition of the object called "Rural Kampong Amenities" in late 1958 drew a flood of applications from the kampong, and in a very short space of time the Board has already made grants, under this object, totalling more than \$3.5 million to bring amenities to the kampong and the rural areas. These amenities take the form of building ra'ayat schools, Sekolah Arab, community halls, etc. In addition, the people of the kampongs have been assisted to put their *surau* and their mosques in good repair.

Sir, I would like to take this opportunity of paying very warm tribute to the members of the Lotteries Board, past and present, for their magnificent work in carrying out so efficiently and so economically the difficult task, obviously the difficult task, of running the lotteries so smoothly and for having earned the absolute confidence of the public in these lotteries. The Board have dealt with large sums of money, distributed them fairly among numerous applicants who are mainly voluntary welfare organisations. All these tasks must have taken a tremendous amount of the time and a lot of hard work on the part of the members and they have all undertaken these onerous duties on an honorary basis. (*Applause*).

**Enche' Amaluddin bin Darus:** Tuan Yang di-Pertua, saya bangun membangkang usul yang di-kemukakan ini. Saya rasa tidak-lah payah saya berchakap panjang, kerana banyak alasan<sup>2</sup> telah di-kemukakan oleh pehak yang menentang-nya di-dalam Dewan Ra'ayat baharu<sup>2</sup> ini, dan tentu-lah tidak bijak kalau saya mengulang balek perkara itu dalam Dewan kita pada hari ini. Sungguh pun perkara ini sabagaimana yang di-katakan oleh Menteri yang berkenaan telah banyak membuat bakti dan jasa kepada masyarakat semenjak tahun 1950, tetapi ada satu perkara yang tidak boleh kita

lupakan dalam masa'alah ini ia-lah satu<sup>2</sup> perkara yang bertentangan dengan asas keyakinan ra'ayat Persekutuan Tanah Melayu, saya minta izin untuk menyebutkan apa yang saya katakan asas keyakinan itu ia-lah ugama. Saya tidak bicharakan ugama, jauh sa-kali mengeluarkan ayat Koran. Asas keyakinan ra'ayat itu berlawanan dan telah berlawanan dengan apa yang kita kerjakan, baik apa ugama sa-kali pun, Islam, Catholic dan lain<sup>2</sup>. Kalau tidak salah pada ingatan saya, dalam tahun 1950 telah di-adakan Inter-religious Association di-Singapura membahathkan perkara ini dan telah menolak sama sa-kali loteri ini di-adakan. Dari segi ugama mudzarat-nya lebeh banyak daripada kebajikan-nya tetapi perkara ini telah di-jalankan bertahun<sup>2</sup>, dan saya rasa ada-lah berlawanan benar dengan perinsip keyakinan ra'ayat dalam Tanah Melayu walau apa ugama sa-kali pun yang memperchayai Tohan. Maka dengan sebab itu membuat sa-suatu atas nama ra'ayat Persekutuan Tanah Melayu yang memperchayai Tohan dan yang menurut perintah-nya dan mengerjakan itu satu keadaan sengaja yang di-buat oleh Kerajaan mengajar ra'ayat supaya tidak meng-ta'ati perintah Tohan.

Tuan Yang di-Pertua, saya faham dan banyak orang tahu bahawa Lembaga Loteri ini telah banyak memberi bantuan, banyak menolong berbagai<sup>2</sup> sa-bagaimana yang di-sebutkan tadi sa-hingga termasuk Surau<sup>2</sup>, Masjid, Sekolah<sup>2</sup> Ugama, Sekolah Arab dan sa-bagai-nya. Akan tetapi saya suka mengatakan kalau sa-kira-nya di-satu<sup>2</sup> kampong itu musim ayer kering dan tidak ada sumber lain lagi untuk mereka mendapat ayer, hanya Lembaga boleh menyediakan benda itu, maka mahu tidak mahu, tidak-lah salah ra'ayat, mereka terpaksa meminta bantuan ayer itu dari sumber mana juga, sekali pun dari lembaga itu.

Saya perchaya ra'ayat negeri ini yang berugama tidak sudi hendak menerima bantuan daripada Lembaga Loteri. Ini telah terbukti sangat pada hari ini maseh ada tentangan di-antara ahli<sup>2</sup> Jawatan-Kuasa Surau<sup>2</sup>, Masjid<sup>2</sup> dan Sekolah Ugama dalam soal penerimaan bantuan ini. Rasa ugama ra'ayat negeri

ini maseh tebal, tetapi oleh kerana perasaan ingin kapada perubahan kapada keadaan yang baharu seperti sekolah<sup>2</sup>, Masjid<sup>2</sup> dan Surau<sup>2</sup>, maka menyebabkan mereka itu sa-hingga sanggup mengurbun sa-suatu sa-kali pun mereka tidak ingin pada batin-nya dan mereka sanggup menerima bantuan loteri ini yang kita megahkan pada hari ini. Hanya ini-lah satu<sup>2</sup> Lembaga yang di-ada dan yang di-dokong oleh Kerajaan untuk memberi jalan dan menolong kapada Surau, Sekolah Ugama dan sa-bagai-nya yang sa-lama ini memang tidak ada satu jalan lain pun boleh di-katakan untuk memberi bantuan kapada mereka. Kalau sa-kira-nya Kerajaan bertanggung-jawab atas kebajikan, pengetahuan, pelajaran dan pendidikan ra'ayat, Kerajaan boleh memberi segala bantuan dengan mengadakan peruntukan khas, maka sudah tentu-lah tidak ada siapa yang akan meminta bantuan daripada Lembaga Loteri ini. Dalam perkara ini memang nyata telah ada pertentangan sama sendiri.

Tuan Yang di-Pertua, loteri ini boleh menimbulkan berbagai<sup>2</sup>, saya tidak-lah hendak menudoh, akan tetapi daripada apa yang telah berlaku dalam masyarakat hari ini, ada orang mengambil kesempatan dalam loteri ini ia-itu sa-bagai satu peluang yang baik untuk melarikan Income Tax. Tadi kita bicharakan berkenaan dengan Income Tax Bill, menchari usaha dan jalan untuk mengetatkan supaya jangan ada orang melarikan diri daripada membayar Income Tax. Akan tetapi daripada apa yang saya dapat tahu, saya rasa tidak-lah saya hendak tegas-kan, tetapi daripada apa yang saya tahu, ia-itu ada suara<sup>2</sup> yang bertanya<sup>2</sup> kalau ada orang yang kena loteri, terutama-nya orang yang kena loteri \$25,000 ka-atas. Orang yang kaya ingin mendapat tiket itu, ia dapat melepaskan diri daripada membayar Income Tax. Itu-lah khabar yang saya dapat tahu. Ini satu pengetahuan, sa-kira-nya hal ini benar, hendak-nya ini jadi satu perhatian kapada Jabatan Income Tax untuk menchari sa-berapa banyak perkara ini supaya jangan-lah ada orang yang menggunakan perkara ini sa-bagai satu alasan, sa-bagai satu

peluang untuk melepaskan diri-nya daripada Income Tax, ini mendatang kerugian kepada negeri dan ra'ayat; ada-nya ini boleh jadi kerana ada-nya loteri. Dari segi masharakat, moral dan agama kita akan berjumpa berbagai<sup>2</sup>, dan saya sangsi sa-kali kalau ada orang yang mengatakan ini mendatangkan kebajikan lebeh banyak daripada kejahatan, sebab dalam pengajaran agama kita mengatakan kejahatan lebeh banyak daripada kebaikan, kalau ada orang yang mengatakan kebajikan-nya lebeh daripada kejahatan, maka nyata-lah sudah berlawanan dengan perinsip ajaran agama.

Tuan Yang di-Pertua, saya tidak mahu memanjangkan perbahathan yang telah pun di-bahathkan di-Dewan Ra'ayat. Sa-bagai penutup, saya menarek perhatian semua sa-kali Ahli<sup>2</sup> Yang Berhormat kerana masalah ini satu masalah yang walau bagaimana pun ada berkait dengan agama dan keyakinan ra'ayat Tanah Melayu. Dewan ini di-minta supaya meluluskan satu perkara yang bertentangan dengan pengajaran agama, baik apa agama dalam Tanah Melayu ini. Sedangkan dalam Dewan ini tiap<sup>2</sup> kali bersidang di-mulakan dengan do'a, meminta kepada Tuhan hidayat dan pertunjok supaya kita membuat sa-suatu atas karedzaan Tuhan, tetapi dalam Dewan ini juga kita meminta membuat satu<sup>2</sup> yang bertentangan dengan perinsip agama yang menjadi keyakinan tiap<sup>2</sup> agama, baik agama Islam, Catholic dan Hindu, jadi, bagaimana masalah ini minta di-luluskan. Maka itu-lah sebab-nya, Tuan Yang di-Pertua, saya dan parti saya menentang masalah melanjutkan lagi perkara loteri ini.

**Enche' A. M. Abu Bakar:** Mr. President, Sir, I am very much surprised to note that religion has been brought into this House. If my Honourable and learned friend on religious subject wishes to oppose this Bill, the first and foremost thing that he should do is to get his Party to campaign against the importation of liquors into this country. The Honourable Member also said that the Government should find other ways and means to improve social services. Sir, most of the revenue derived from

customs duty is from import duties levied on liquors. If that liquor money could be accepted for religious and other purposes, why not we accept this lotteries money which is not so bad as the liquor money from the religious point of view. I feel, Sir, to play religion with politics is very, very dangerous, because in this country we have many types of people of various religions, our Constitution itself has given them full rights to preach their own religions and practise their own ways of life.

Sir, the fundamental principle of Islam has been forgotten by the Party for which my Honourable friend has been campaigning. I hope that he will first of all take up the fundamental principle of not using the money derived from the taxes levied on the importation of liquors. Again, Sir, the pork sellers also pay their income tax to the Treasury coffers and that money is more *haram* than the Lotteries Board money.

**Enche' Ahmad bin Said:** Tuan Yang di-Pertua, dan Ahli<sup>2</sup> Yang Berhormat sakalian, pada pendapat saya perjalanan Loteri Kebajikan Masharakat ini patutlah di-lanjutkan lagi dan chadangan ini patutlah mendapat sokongan dari pada Majlis Dewan Negara pada petang ini. Ini ada-lah memandangkan kepada banyak fa'edah<sup>2</sup> yang telah kita dengar daripada pehak Kementerian yang berkenaan yang telah menerangkan kepada kita baharu sakejap tadi. Kita patutlah melupakan kajian<sup>2</sup> kita daripada segi agama kerana jika kita hendak kaji dari segi agama, halal atau haram pada pendapat saya, maseh banyak lagi perkara<sup>2</sup> yang lebeh besar haram-nya yang sedang bebas berjalan dalam negeri ini. Apa yang patut kita kaji ia-lah soal faedah-nya Loteri Kebajikan Masharakat sekarang ini dan faedah<sup>2</sup> itu telah pun kita dengar sa-bagaimana yang di-katakan oleh pehak Menteri yang berkenaan tadi.

Ahli Yang Berhormat daripada Kelantan dan juga Ahli<sup>2</sup> Yang Berhormat daripada pehak wakil parti Islam dalam Dewan Ra'ayat, sa-telah kita dengar perbahathan dan perbinchangan yang hangat yang telah di-datangkan, mereka itu menudoh

bahawa loteri ini haram bagi menyesuaikan keadaan agama Islam sa-bagai agama resmi negeri ini dan patut-lah di-tegah daripada di-jalankan. Saya berharap, Tuan Yang di-Pertua, hal ini kalau kita tengok balek ka-belakang manakala kita menyiasat banyak daripada ahli<sup>2</sup> PAS sendiri yang telah menerima dan mengambil bantuan daripada wang loteri ini bukan sahaja ahli biasa-nya tetapi daripada para 'Alim Ulama'-nya. Yang saya tahu sangat<sup>2</sup> daripada negeri Perak beberapa orang 'Alim Ulama'-nya telah mengambil wang loteri ini bagi mendirikan Sekolah 'Arab dan Hostel. Dan yang lebeh pelek lagi, Tuan Yang di-Pertua, saya ada membawa secharek akhbar yang usang ia-itu Berita Harian tahun 1958. "Sa-orang Ulama' yang terkenal negeri Perak yang menjadi Nazir sa-buah Sekolah 'Arab yang besar di-Padang Rengas, yang saya tidak silap ingatan saya, ada-lah ketua Dewan Ulama' PAS sa-Tanah Melayu. Kalau saya tidak silap, mengikut peratoran Undang<sup>2</sup> tuboh PAS itu ada-lah Dewan Ulama' itu ada-lah Dewan yang tertinggi sa-kali dalam parti PAS dan ketua Dewan itu telah memberi petua bahawa Loteri Masharakat itu tidak haram, bukan judi. Bahkan dia sendiri telah pun meminta bantuan wang Loteri Kebajikan Masharakat sa-banyak \$50,000 untok di-gunakan bagi membena Hostel Sekolah-nya. Dan sa-lanjut-nya dia memberi macham<sup>2</sup> petua yang saya tidak payah-lah bachakan dalam chatitan akhbar ini. Jadi, saya rasa sa-bagai ketua Dewan Ulama' PAS yang tinggi dudok-nya, hairan-lah saya sakelian Ulama' dan ahli<sup>2</sup> PAS yang ada di-dalam Dewan Ra'ayat dan yang ada dalam Dewan Negara ini berpendirian yang berlawanan pula dengan petua yang di-berikan oleh ketua Dewan Ulama' PAS itu. Jadi, saya perchaya apa yang di-binchangkan oleh Ahli<sup>2</sup> Yang Berhormat daripada PAS ini ada-lah dengan kerana menggunakan kesempatan bagi keadaan<sup>2</sup> politik parti mereka itu sa-mata<sup>2</sup>. Sekian-lah, Tuan Yang di-Pertua.

**Enche' Abdul Wahab bin Idus:** Tuan Yang di-Pertua, saya bangun di-sini berasa seram sejok sahaja badan saya, lebeh<sup>2</sup> lagi bila saya tumpukan fikiran saya terhadap agama. Dengan

sebab itu saya rasa perkara loteri ini langsung saya ta' hendak ukor dengan agama, sebab saya takut kalau di-ukor nanti terbalek pula. Dalam pada itu saya menyokong-lah ta' gemarkan loteri ini, tetapi saya mengikut dari belakang. Macham mana rupa-nya yang saya tidak menyokong loteri ini, tetapi saya ikut dari belakang. Apa sebab-nya saya mengikut? Ini sebab-nya: saya membawa satu dua cherita. Di-tempat saya sendiri bila saya hendak buat sekolah tambahan, saya panggil orang daripada 9 buah masjid minta fikiran mereka itu macham mana jalan boleh dapat duit. Kemudian di-buat-lah satu daftar mintalah izin orang itu dengan nasehat Dato<sup>2</sup> Lebai yang mengajar di-sekolah itu. Saya pun ikut-lah membuat 9 daftar di-hantarkan kepada 9 buah masjid—satu tempat satu daftar. Saya tahu pada sekian<sup>2</sup> haribulan saya akan terima balek daftar itu. Bila hari perjumpaan yang di-tentukan itu saya dapati daftar itu kembali ka-tangan saya di-mana wang yang ada di-dalamnya hanya \$9.00 tetapi yang saya hendak belanjakan ini lebeh kurang \$500. Wang yang saya dapat hanya \$9.00 dengan mengikut nasehat Dato<sup>2</sup> Guru tadi. Jadi di-sini dapat di-ukor apa rasa-nya kita pada ketika itu! Sa-kali lagi saya panggil meshuarat termasuk Dato<sup>2</sup> Lembaga—perjalanan bantuan Dato<sup>2</sup> Lembaga ia-itu 9 Dato' Lembaga dan 10 sama dengan Dato' Penghulu. Saya buat lagi 9 daftar, tiap<sup>2</sup> satu orang Lembaga itu ada mempunyai anak buah-nya. Bila kutipan itu sudah di-jalankan sampai pada masa-nya di-hantarkan balek ka-tangan saya maka dapat-lah tambahan \$13.00 di-champor dengan \$9.00 berjumlah \$21.00. Tetapi fasal apa pula \$22.00 tinggal \$21.00 fasal-nya satu ringgit itu duit kertas. (*Ketawa*). Itu yang saya dapat. Kemudian saya panggil lagi kumpolan—langsung orang<sup>2</sup> ta' mahu datang, fasal Dato<sup>2</sup> Lembaga sudah malu maka mereka ta' mahu datang. Apa daya saya hendak buat? Tetapi saya mustahak hendak mengadakan sa-buah sekolah tambahan. Kemudian saya panggil orang<sup>2</sup> muda dan ada sedikit orang<sup>2</sup> tua termasuk beberapa orang guru. Saya pun berchakap dalam Majlis itu mengatakan saya umpamakan macham mengail ikan. Mula<sup>2</sup> saya

kail ikan itu dengan umpan yang nasi-nya giling berchampur kunyit. Jadi itu-lah makanan pada kita ia-itu nasi; ini juga kita panchingkan dengan ikan. Ikan ta' dapat. Saya kail sa-kali lagi dengan umpan kerengga pun ikan ta' dapat—ta' menchukopi dapat-nya. Jadi apa-kah yang patut kita buat? Saya bertanya pada orang ramai. Masing<sup>2</sup> ta' dapat memberi jawapan. Saya beri jawapan-nya ia-itu "*panching*" sahaja. Bahasa di-tempat saya sana, minta ma'af, Tuan Yang di-Pertua, perkataannya kurang baik sadikit—"*panching*" bahasa di-tempat saya sana kalau umpan keluar dari belakang (*Ketawa*). Itu kalau di-tempat saya sana, kalau sakira-nya sa-tengah pikul dalam sa-buah lobok itu boleh kita dapat barangkali 48 kati—2 kati tinggal, sampai begitu sekali. Jadi, apa-kah gaya-nya dengan mengadakan joget dan loteri bicycle. Sa-sudah saya buat macham itu baharu-lah saya dapat buat sekolah tambahan sampai hari ini sudah berjalan lebeh kurang 15 tahun maseh tahan lagi. Itu-lah dia tuan<sup>2</sup>, jadi di-sini bersesuaian dengan perchakapan Yang Berhormat saudara kita Enche' Amaluddin bin Darus orang itu sudah terlampau dahagakan ayer, nampak-nya terpaksa di-minta ka-tempat itu.

Di-sini betul sesuai pula saperti yang di-chakapkan oleh Yang Berhormat Enche' Ahmad bin Said sa-orang ulama dalam bahagian PAS sa-belah pehak sana dia hendak bantuan 50 ribu ringgit dan ada orang lain yang sudah membacha dalam akhbar<sup>2</sup> di-beberapa tempat; walau pun bertengkar terhadap masjid, surau dan lain<sup>2</sup> pun meminta bantuan derma itu. Ini kita tidak mahu tahu, kita tidak mahu ukoran ugama orang itu, iman orang itu, kita tidak mahu ukoran, tetapi masa-nya kata orang<sup>2</sup> tua di-Negri Sembilan: "*Lobok dengan bendang dengan tempat pada tertang-nya*". Jadi, bila masok lobok walau pun saya ta' gemar dengan loteri, tetapi oleh sebab Kerajaan menentukan akan buat sa-lama 5 tahun erti-nya tidak-lah Kerajaan negeri ini berhajat hendak mengekalkan kapada ra'ayat untuk selama<sup>2</sup>-nya—tidak. Kerajaan chuba 5 tahun, barangkali sampai 5 tahun nanti apabila Rancangan Luar Bandar kalau sudah dapat mengubah nasib ra'ayat negeri ini, barangkali

di-masa itu terus kita tutupkan. Kalau kita hendak ukoran bila kita tidak berjalan, ini satu chontoh juga—berlaku juga, bukan di-tempat saya, tetapi kawasan tempat yang saya biasa melawat. Saya dapati ada sa-orang tua sakit terlantar di-atas sa-buah pondok kechil. Masa itu perchakapan saya boleh juga di-segani orang. Kalau umpama-nya saya berchakap dengan 10 orang mungkin barangkali 6 daripada-nya boleh mendengar perchakapan saya. Jadi saya hendak chuba mendatangkan pertolongan atau derma kapada orang tua itu. Kalau pertolongan itu lama mungkin orang<sup>2</sup> ta' berdaya menolong-nya. Orang tua itu walau pun dia sakit dia ta' boleh berjalan. Dia tidor di-sabuah pondok kechil lebeh kurang satu depa besar sedikit. Pondok-nya chukup kechil, hiba kita menengok-nya, tetapi orang<sup>2</sup> di-tempat itu ta' berdaya pula hendak menderma lama<sup>2</sup> kapada orang tua itu. Orang tua itu ta' hendak mati (*Ketawa*). Sudah 6 bulan di-tempat itu dia belum lagi mati. Orang<sup>2</sup> sudah tidak berdaya lagi. Apa hal? Kalau saya, sekali<sup>2</sup> berani menderma satu ringgit, lebeh saya ta' berani mengikut ukoran saya pula. Apa hendak buat? Jadi mahu ta' mahu ini juga nampak-nya kita terpaksa pergi mengadu, sebab standard atau darjah hidup ra'ayat yang ada di-kampong pada hari ini belum ada rupa, belum ada perediaan sendiri hendak buat macham ini, macham besar<sup>2</sup>an hari ini yang macham teket loteri ini.

Lagi satu ukoran terhadap loteri yang kita hebohkan ini yang hanya berkembang 10 tahun umur-nya—belum lama, tetapi saya sudah hidup dalam dunia ini sudah 52 tahun. Dalam 40 tahun yang lebeh itu loteri ini belum berkembang lagi. Ada ta' judi dalam negeri kita ini? (*Ada!*) Ini judi memang ada. Kadang<sup>2</sup> sampai berdarah kepala. Kadang<sup>2</sup> bila mendengar wisil Polis mereka itu lari. Tetapi judi ini sejak saya dari kechil sampai saya tua, judi itu ta' juga berhenti. Ada juga ta' kurang bahaya-nya—ada yang habis harta pusaka, dan barangkali ada juga yang berlaku saperti yang saya chakapkan itu mungkin Ahli<sup>2</sup> semua tahu bahawa di-tempat lain pun ada juga berlaku saperti di-tempat saya itu. Dan saya sendiri tahu ada sa-orang keluarga

saya yang kerja-nya main judi sahaja. Sejak saya lahir dalam dunia ini agaknya pada masa itu dia sudah tahu dan sudah pandai bermain judi sa-hingga-kan rambut-nya sudah sampai puteh ta' berhenti juga. Sudah beberapa kali saya sendiri menasehat-nya, dia ta' berhenti juga sa-hingga dahulu-nya ada dua tiga puluh ekar kebon, tetapi sekarang ini ta' ada dua ekar pun kebon-nya yang tinggal—boleh dikatakan ta' ada lagi. Kalau ada duit sahaja dia hendak berjudi juga. Apa ada faedah-nya kepada masyarakat? Satu pun ta' ada faedah-nya melainkan yang main judi dan orang yang melawan-nya, itu pun rosak binasa.

Oleh sebab itu, yang pertama perkara judi ini sejak dari dahulu sampai hari ini ta' putus<sup>2</sup>—merbahaya-nya ta' kurang<sup>2</sup>. Yang kedua, apa yang dapat daripada judi macham itu sa-lain daripada yang di-anjorkan oleh Kerajaan; itu menjadi perbandingan. Yang ketiga, saya buat cerita itu ia-lah kerana hendak membuat satu kemajuan dengan jalan yang tulus ikhlas—itu yang saya dapat. Ka-empat, ini tidak hendak di-kekalkan, jika sakira-nya Kerajaan berchita<sup>2</sup> hendak mengekalkan loteri ini atau hendak di-kekalkan sampai bila<sup>2</sup>: kata-lah Kerajaan Perikatan selama Perikatan berkuasa, barangkali empat-lima kali pilehan raya dia berkuasa juga dan kata-lah hendak di-kekalkan loteri itu bahkan saya pada hari ini pun membangkang Kerajaan Perikatan, kerana pada masa itu memang tidak patut, tetapi ukoran-nya hanya hendak memanjangkan selama 5 tahun. Dengan sebab apa, boleh-lah kita katakan mengukor keadaan negeri kita pada hari ini, kalau ta' buat macham itu banyak orang<sup>2</sup> yang terlantar di-kampong<sup>2</sup>. Siapa yang hendak bela? Siapa hendak betulkan? Orang<sup>2</sup> di-negeri saya sana, kalau orang kampong itu boleh saya katakan mempunyai malu, sebab saudara perempuan itu ada di-beri harta. Jadi, kalau yang lain itu terlantar, terpaksa-lah orang<sup>2</sup> di-sabelah perempuan itu di-bawa balek; itu pun ta' berdaya pada hari ini, banyak juga yang terlantar. Ini-lah ukoran yang saya berikan tadi. Ukoran kejadian dan ukoran di-masa ini. Saya sama sa-kali tidak hendak membawa

perkara ugama dalam perkara ini, di-samping itu, saya berdo'a mudah<sup>2</sup>an macham do'a yang di-bachakan pada pagi tadi, barangkali ada pertunjok-nya pada masa ini dan jangan-lah hendaknya di-kekalkan malahan di-ukor dengan keadaan tanah ayer dan ra'ayat-nya pada masa yang akan datang. (Tepok).

**Enche' Nik Hassan bin Haji Nik Yahya:** Tuan Yang di-Pertua, saya bangun bukan kerana hendak menyebut dan menyentuh mana<sup>2</sup> pehak tetapi saya bangun menyokong chadangan yang di-bawa oleh pehak Kerajaan ini, kerana memandangkan banyak muslihat dan kemajuan yang di-buat dalam negeri Kelantan khas-nya, yang mana wang<sup>2</sup>-nya daripada Loteri Kebajikan ini semenjak beberapa tahun yang lepas boleh di-katakan ratusan ribu ringgit telah di-belanjakan di-dalam negeri Kelantan. Sa-bagaimana saya sendiri ada-lah sa-orang daripada ahli Jawatan-Kuasa sa-buah Sekolah Ugama 'Arab di-bandar Kota Baharu bahagian perempuan yang bernama madarasah Naimal Bannat telah berusaha hendak mengadakan rumah bangunan-nya sendiri semenjak tahun 1942 tetapi sa-bagitu lama masa-nya tidak dapat membangunkan rumah-nya sendiri. Tetapi dengan ada-nya bantuan dan peruntukan kepada bangunan<sup>2</sup> Sekolah Ugama ini, maka dengan pertolongan Perdana Menteri kita dengan kerja-sama daripada anggota Loteri Kebajikan ini, bangunan itu telah chuba di-bangunkan walau pun wang-nya maseh tidak chukup. Sa-buah bangunan yang berharga \$100,000 lebeh telah di-bangunkan di-bandar Kota Baharu, Loteri Kebajikan memberi sa-banyak \$75,000 hari ini maseh kekurangan sa-banyak \$35,000 lagi. Saya chuba memandang, kalau<sup>2</sup>, dapat timbangan daripada Kerajaan Kelantan ia-itu sa-buah Kerajaan yang di-perintah oleh sa-buah parti yang sangat bertimbang rasa kepada gerakan kemajuan ugama dalam negeri itu. Tetapi jangankan permohonan bantuan itu hendak di-timbangkan bahkan surat permohonan itu pun tidak di-jawab sampai hari ini.

Saya rasa perkara sa-umpama ini patut saya kemukakan supaya pehak yang menjadi wakil daripada negeri Kelantan boleh membawa balek cherita saya ini, mudah<sup>2</sup>an negeri Kelantan akan mengadakan satu peruntukan, akan memberi pertolongan yang besar kepada pergerakan kemajuan ugama dalam negeri itu.

Sa-lain daripada itu, saya suka memberi tahniah kepada Jawatan-Kuasa Loteri Kebajikan ini kerana khidmatan<sup>2</sup>-nya yang telah di-beri kepada persekutuan<sup>2</sup> dan sekolah<sup>2</sup>, sa-lain daripada Sekolah<sup>2</sup> Ugama dalam negeri Kelantan. Saya rasa kira-nya tidak dengan bantuan yang sa-umpama itu, maka sudah tentu-lah banyak badan<sup>2</sup> sukarela itu tidak dapat menjalankan kerja-nya untuk kebajikan dan faedah orang ramai. Hari ini negeri Kelantan mengharamkan permainan<sup>2</sup> yang boleh menchari derma untuk kebajikan orang ramai, ini ada-lah satu lagi bagi menyekat, menahan orang ramai, badan yang bersukarela menchari wang untuk kemajuan negeri dan ra'ayat di-negeri sana. Jadi sa-kira-nya permainan ini di-tahan, Lembaga Loteri Kebajikan dan apa juga permainan<sup>2</sup> di-tahan dan segala kehendak ra'ayat untuk menchari wang kerana menjalankan kerja kebajikan ini di-tahan, saya rasa dalam masa 5-10 tahun hadapan ini apa yang akan jadi kepada orang ramai, tidak-lah dapat kita jangkakan. Tetapi saya rasa kita patut-lah insaf bahawa kita datang ka-Dewan ini, kita berdo'a bukan-lah berdo'a sa-bagaimana yang di-katakan oleh wakil kita, berdo'a untuk melakukan satu kerja yang tidak baik, kita berdo'a untuk menjalankan kewajipan kita dengan mengikut chara yang lebeh baik, bukan kita berdo'a sa-bagaimana kata-nya untuk memaksa diri kita melakukan perkara yang tidak baik. Perkataan do'a ini yang di-bacha pagi<sup>2</sup> itu sangat besar erti-nya sa-kira-nya kita bangkitkan dan jadikan satu perbahathan.

Kita bermeshuarat hari ini bukan hendak menentukan ada-kah loteri itu haram atau halal, tetapi kita meshuarat hari ini ada-lah melanjutkan undang<sup>2</sup> yang sedia ada itu berjalan 5 tahun lagi masa-nya.

Untuk menentukan haram atau halal satu<sup>2</sup> perkerjaan itu ada-lah 'alim ulama dalam seluroh negeri ini boleh bermeshuarat, menentukan dan mengambil keputusan apa juga yang di-fikirkan patut. Kita bermeshuarat ia-lah menjalankan kewajipan dan menunai-kan kewajipan yang boleh memberi kebaikan dan membaikkan ra'ayat dalam negeri ini.

Saya rasa pada masa ini dalam negeri Kelantan maseh banyak permohonan yang di-hadapkan kepada Lembaga Loteri Kebajikan ini, tetapi permohonan ini kita harap tentu-lah akan mendapat timbangan yang baik. Saya tidak harus berchakap dalam perkara sa-umpama ini, kerana saya bukan wakil negeri Kelantan atau Kerajaan Kelantan, saya harus berchakap perkara yang lain daripada apa yang patut saya katakan, tetapi oleh kerana keadaan, kedudukan ra'ayat dalam negeri itu berkehendakkan supaya kehidupan, pergerakan, kebajikan, badan<sup>2</sup> yang bergerak untuk memberi faedah kepada sekolah, perkara<sup>2</sup> kebajikan dan perkara yang lain itu harus mendapat timbangan yang saksama daripada Loteri Kebajikan ini, jadi hal ini patut di-beri timbangan dan di-usahakan. Saya terkejut manakala wakil negeri Kelantan datang di-sini meminta supaya di-tutup Lembaga Loteri Kebajikan ini, kerana ra'ayat negeri Kelantan saya rasa berkehendakkan kepada bantuan, sokongan daripada badan ini. Kalau-lah kita hendak membandingkan sa-bagaimana wakil daripada negeri Kelantan tadi memberi tahu kepada Majlis ini bahawa apa yang di-chakapkan itu ada-lah berasaskan kepada asas keyakinan, tidak di-sebutkan ugama, ugama itu di-sebut kemudian. Perkataan asas keyakinan ini ada-lah satu perkara yang chukup halus di-pergunakan-nya supaya tidak-lah Dewan ini menudoh yang ia-nya bahathkan perkara ini dari segi ugama. Jadi, saya rasa tidak menasabah sa-kali-lah kalau kita hendak memikirkan perkara sa-umpama ini dan kita hendak bandingkan dengan pergerakan dan kehendak ugama. Sebab kalau kita bandingkan perkara ugama, kita tentu bandingkan banyak perkara lagi yang

maseh berjalan yang di-jalankan oleh Kerajaan. Saya sebutkan satu chontoh undang<sup>2</sup> yang di-jalankan dalam negeri Kelantan yang di-gelarkan Undang<sup>2</sup> Jual Janji. Undang<sup>2</sup> Jual Janji ini satu orang itu boleh jual harta-benda-nya kepada satu pehak dengan harga sa-kian<sup>2</sup>, dan pehak yang menerima itu boleh merampas tanah itu dalam tempoh yang tertentu walau pun perjanjian itu tidak begitu mahal harganya kalau di-bandingkan dengan harga tanah itu. Undang<sup>2</sup> ini maseh berjalan dan banyak ra'ayat yang telah terkorban dengan Undang<sup>2</sup> Jual Janji ini. Ada-kah Undang<sup>2</sup> Jual Janji ini di-buat dan yang sedang berjalan dalam negeri Kelantan ini satu Undang<sup>2</sup> Jual Janji yang halal dari segi ugama? Ada-kah ulama' dalam negeri Kelantan pada masa ini memikirkan jual janji yang merosakkan kehidupan ra'ayat, yang menghabiskan harta itu, yang banyak memakan belanja, yang merugikan ra'ayat itu berupa makan bunga yang haram itu ma'ana-nya dari segi ugama boleh di-jalankan pada masa ini? Dan telah berjalan semenjak beberapa tahun, saya rasa undang<sup>2</sup> yang di-buat dan yang sedang di-jalankan di-bawah kuat-kuasa Kerajaan Kelantan yang banyak orang telah terkorban, ada-kah itu dari segi ugama baik? Ada-kah ini pada segi ugama kalau di-bandingkan dengan Undang<sup>2</sup> Loteri Kebajikan lebeh baik yang itu atau pun lebeh baik loteri itu berjalan? Ini satu perbandingan yang patut di-fikirkan dengan chermat. Kalau-lah Undang<sup>2</sup> Loteri Kebajikan ini kita fikirkan lebeh merbahaya daripada undang<sup>2</sup> memakan riba, mengambil harta-benda orang dengan chara yang sa-umpama itu; itu terserah-lah kepada timbangan ahli<sup>2</sup> Dewan ini memikirkan. Tetapi saya rasa perkara yang lebeh dahshat yang di-lakukan dalam negeri itu patut di-pertimbangkan sa-bagaimana saudara kita tadi berchakap, ia memikirkan perkara ini memberi bahaya yang paling besar daripada kebajikan yang di-terima oleh ra'ayat. Saya rasa kalau kita hendak memikirkan bahaya-nya lebeh besar itu, patut pehak yang berchakap itu menunjukkan chontoh satu daripada bahaya yang

berlaku kerana Undang<sup>2</sup> Loteri Kebajikan ini berjalan yang boleh merosakkan, yang boleh memporak-perandakan kehidupan ra'ayat, sa-kurang<sup>2</sup>-nya chontohkan 1-2 orang yang telah menggadaikan harta-benda-nya kerana membeli tiket loteri. Tetapi kalau saya hendak mengeluarkan chontoh orang yang telah menghabiskan harta benda orang, yang merampas harta benda orang dengan Undang<sup>2</sup> Jual Janji saperti Kelantan itu, banyak saya boleh beri chontoh, chontoh yang memburokan kehidupan ra'ayat dengan undang<sup>2</sup> yang berjalan hari ini di-negeri Kelantan, boleh di-katakan banyak family<sup>2</sup> yang berporak-peranda dengan chara menjalankan undang<sup>2</sup> yang resmi yang telah di-jalankan-nya, yang sedang di-jalankan-nya dan belum di-timbangkan oleh Kerajaan. Kalau saya hendak mencheritakan chontoh-nya banyak, chontoh yang boleh saya keluarkan di-sana tetapi saya rasa baik kalau kita meletakkan perbandingan, undang<sup>2</sup> ini ada-lah lebeh membahayakan daripada kebajikan. Chontoh yang mana membahayakan dan beberapa banyak keluarga yang harta benda-nya habis dengan kerana membeli tiket Loteri Kebajikan Masharakat. Ini satu perkara yang tidak boleh kita lepas chakap dengan kerana hendak mendapat chuma supaya ra'ayat memikirkan kami-lah bagi pembela sa-umpama ini supaya akhbar<sup>2</sup> mengeluarkan orang ini yang menentang. Jadi, saya rasa patut kita timbangkan perkara ini dengan chermat dan memberi tahniah yang tinggi sa-kali kepada Lembaga Loteri Kebajikan Masharakat ini dengan menjalankan kerja<sup>2</sup>-nya yang mana kebajikannya banyak di-dapati khas-nya dalam negeri Kelantan (*Tepok*).

**Enche' Athi Nahappan:** Mr. President, Sir, I do not wish to make a lengthy speech. We have heard the practical benefits of these lotteries enumerated by the Minister of Health and Social Welfare. I am sure even the Opposition will not dispute the benefits that we have received over the years to the handsome figure of nearly \$20 million.

Sir, the lottery can be attacked on two grounds, namely, on the religious

ground, and the moral or ethical ground. If we are going to attack the lottery on the religious ground, then I am afraid that we will come up against many other issues in which the Government is directly or indirectly connected. My Honourable friend from Penang raised the question of liquors; he also raised the matter of pork. In fact, duties are levied on various goods which are not really acceptable religiously. But then a Government has got to manage the affairs of the country and it is difficult from the secular point of view to follow all the principles of religion. There has to be a line drawn, some kind of compromise or, shall we say, reconciliation. If we are going to attack it on the ethical or moral ground, that it is a vice, and any vice is bad, then it should be stopped. A government should not be directly or indirectly responsible in managing an unethical organisation, and it is bad. Sir, presumably the lottery is attacked because it is considered to be a gambling. A thing is called gambling where skill is not used and you merely benefit something by chance. Many moralists would say so. Now, if it is purely a chance game, then we should consider whether this vice has prompted temptations in many people, and whether they have ruined themselves, and unbalanced themselves by being made victims of their own temptations. We have seen many people ruin themselves by indulging in excessive drinks—and yet drinks are available in this country. We have seen many people ruin themselves and the prospects of their families by indulging in reckless gambling.

We have seen people ruining themselves in races such as horse racing, but can we really say, can anyone honestly point out to any person as having ruined himself by buying lottery tickets? That is the criterion or yardstick as to the harm that the Lottery may create ethically. No one can really say that because he spends a dollar or two per month on lotteries that he has financially affected himself.

Again, I think criticism has been levelled in the Lower House that lotteries give unearned income, and

unearned income is ethically bad. If we are going to argue on that, then the Socialists and Communists will say, "Well, the son inherits property from his father. After his father's death he becomes rich due to unearned income, income that was accumulated by his father." There again, even though we are allowing unearned income, we have by the process of estate duty tried to take a good slice of the property inherited. But it is allowed, and if we can allow unearned income in other fields, why not we do so here? We have to consider objectively and weigh up the harm and the good that may come out of this. If, on the whole, we find that we get more good than harm, then it should be allowed to carry on. During the last ten years the Lottery has been going on and it has benefited the country in a very substantial way. It has incidentally created some people within the range of small millionaires—but that should not be really detrimental to the country. Therefore, Sir, I support this merely by weighing the benefits that we have received and not by looking at it as a point of morals or religious matter. We should not look at it that way because if we do, then we have got other matters, other problems, that we should also weigh up in a similar manner. We cannot be hypocrites allowing some, accepting some and disallowing some just because some people do not like it. That is not the proper way of looking at such public issues, and I think the Opposition, when they come to power—if at all they do—I am sure they will be the first to retain this Lottery and probably try to get the admiration of various bodies by doling to them the monies received by way of Lottery.

**Enche' Da Abdul Jalil:** Tuan Yang di-Pertua, saya juga mengambil kesempatan dalam hal ini. Saya tidak hendak berchakap panjang dalam perbahathan berkenaan dengan loteri ini kerana telah banyak di-bahatkan dalam Dewan Ra'ayat. Apa yang saya hendak katakan ini-lah kalau dalam masa 10 tahun dahulu daripada tahun 1960 kita patut mengadakan loteri itu, itu boleh-lah di-katakan patut, kerana masa itu belum ada lagi Ranchangan Luar Bandar. Sekarang saya rasa

segala apa kesulitan, segala apa kesusahannya, segala apa penderitaan yang di-tanggung oleh orang<sup>2</sup> di-luar bandar sa-bagaimana yang di-katakan oleh sa-tengah<sup>2</sup> Ahli Yang Berhormat yang berchakap dahulu daripada saya itu semua-nya ini dapat di-atasi dengan ada-nya Ranchangan Kemajuan Luar Bandar. Maka dengan ini tidak-lah, saya rasa, perlu di-adakan loteri lagi. Pandangan di-atas loteri memang-lah satu perkara yang sungoh mendapat pertentangan di-antara satu gulungan dengan satu gulungan. Jikalau kita tinjau bahawa kata-lah loteri ini walau macham mana ada-nya, itu adalah di-anggap sa-bagai judi, dan kalau-lah pemerintah telah mengharamkan judi<sup>2</sup> yang lain maka mengapa-kah pula soal loteri ini tak mahu di-haramkan. Hasil yang timbul daripada loteri ini walau pun banyak faedah<sup>2</sup> dan menfa'at-nya yang telah di-berikan sa-bagaimana yang di-nyatakan oleh Yang Berhormat Menteri Kebajikan Masyarakat tadi tetapi ada pula ekor<sup>2</sup>-nya yang timbul daripada loteri ini ia-itu-lah judi tikam ekor.

Judi tikam ekor, ada-lah hasil daripada loteri dan kalau-lah tidak ada loteri ini, judi tikam ekor itu tidak akan ada, dan judi tikam ekor ini di-haramkan oleh pemerintah sedangkan loteri sendiri tidak di-haramkan. Sebab itu saya rasa bahawa timbul-nya judi tikam ekor itu ia-lah daripada loteri. Kalau loteri ini di-haramkan maka tidak ada-lah judi tikam ekor. Daripada judi tikam ekor itu banyak-lah orang yang menerima bermacam<sup>2</sup> aniaya. Saya tidak-lah hendak berchakap atas loteri ini dari segi ugama, hanya mahu menyatakan bahawa dengan ada-nya Ranchangan Kemajuan Luar Bandar itu, harus-lah loteri ini di-berhentikan. Kita mengetahui bahawa untok memberi bantuan kepada ra'ayat jelata itu ada-lah menjadi kewajipan Kerajaan, maka dengan Kerajaan mengadakan loteri ini sa-olah<sup>2</sup> Kerajaan hendak mengelakkan tanggung jawab-nya terhadap ra'ayat. Saya harap loteri ini tidak-lah di-lanjutkan lagi.

**Engku Muhsein:** Tuan Yang di-Pertua, saya berchakap dengan ringkas sahaja ia-itu saya tidak-lah hendak berbahath di-atas perkara<sup>2</sup> yang telah di-terangkan oleh rakan saya tadi. Apa

yang saya hendak berchakap ia-lah oleh kerana saudara Yang Berhormat tadi datang-nya dari Trengganu dan saya juga datang dari Trengganu (*Ketawa*). Jadi, saya rasa bak kata perumpamaan Melayu: "*Kalau orang buat baik di-balas baik*". Di-negeri Trengganu semenjak beberapa tahun ini sa-bagaimana yang saya rasa tentu di-persetujui sama oleh saudara saya dari Trengganu ia-itu kedua<sup>2</sup> Ahli Senator di-sa-belah kanan saya sini yang menerima faedah duit loteri ini, dan sa-sungoh-nya Kerajaan PAS yang ada sekarang ini banyak menerima kesenangan dan pertolongan serta nama baik hasil daripada loteri ini. Sebab saya berkata begitu ia-lah pada awal tahun ini sahaja, kalau ta' salah saya, Yang Berhormat Menteri Pelajaran ada pergi di-Trengganu dan beliau telah di-iringi oleh Yang Berhormat Tuan Speaker, Dewan Undangan Negeri Trengganu, sa-orang daripada Parti Islam yang telah membuka beberapa buah sekolah yang di-buat hasil daripada wang Loteri Kebajikan Masyarakat ini. Dan kalau ta' salah, berbelas<sup>2</sup> sekolah telah di-buat hasil daripada wang Lembaga Loteri Kebajikan Masyarakat ini.

Tuan Speaker Trengganu, Enche' Mohd. Taib Sabri telah memuji<sup>2</sup> dengan panjang lebar di-dapati pertolongan yang baik di-dapati daripada wang Loteri Kebajikan Masyarakat ini. Sa-lain daripada itu pula, barangkali sa-bulan ini, atau dua bulan lagi satu bidang besar akan di-bena di-Kuala Trengganu di-mana di-tempat saya sendiri ia-itu sa-buah bangunan "*Madrasah Alahyal, Sekolah Arab Perempuan*," dengan harga, kalau ta' salah \$200,000 daripada wang Lembaga Loteri Kebajikan Masyarakat. Ini ada-lah juga satu daripada pertolongan yang amat besar daripada pertolongan Lembaga Loteri kepada Kerajaan Negeri Trengganu, sebab apa saya berkata begitu? Sekolah Arab biasanya ia-lah tanggung-jawab Kerajaan Negeri—Kerajaan Staté. Maka dengan pertolongan daripada pihak Lembaga Loteri dengan mengadakan wang hampir \$1½ million kerana membena "*Madrasah Alahyal*" chukup dengan hostel dan lain<sup>2</sup> lagi. Itu ada-lah menjadi satu kekegaan, dan memberi satu

nama yang baik kepada Kerajaan Trengganu yang ada sekarang ini, dan oleh sebab itu, saya bangun di-sini sebagai sa-orang ra'ayat negeri Trengganu merasa wajib bagi saya menerima kaseh banyak berhubung dengan bantuan yang di-beri oleh Lembaga Loteri Kebajikan Masharakat kepada Kerajaan Negeri Trengganu. Saya rasa itulah sahaja sa-chara pendek yang hendak saya chakapkan dalam perkara ini. (*Tepok*).

**Dato' Ong Yoke Lin:** Mr. President, Sir, I was very surprised to hear from the Honourable Member from the P.M.I.P. Bench who spoke just before the last speaker, I believe he has said that "*tikam ekor*"—"number-game"—which is a form of gambling is a result of these Social Welfare Lotteries. This is a surprising statement because I am sure he knows that these Social Welfare Lotteries have been in existence for only ten years. I think the gambling in this country has been in existence from time immemorial. Just as we have heard of the oldest profession in the world, I think, Sir, gambling is about the oldest pastime in the world. Honourable Members may be interested to know that there was a motion moved by one of the P.M.I.P. Party Members in the Lower House in November last year asking that the lottery be discontinued, and the mover of that motion said that he did it not on the religious ground but on moral grounds. Now obviously the P.M.I.P. Party has changed its stand.

Sir, we all heard the long debate—very interesting and very exhaustive debate—on this question of religion in connection with the Lotteries, and there is a record number of Honourable Members who took part in the debate. I did avoid joining the issue because there were sufficient *Pak<sup>2</sup> Haji* and religious experts. However, there was an interesting suggestion from the Honourable Member from the P.M.I.P., who spoke earlier on, asking that Government should be responsible for providing funds for those welfare purposes which have been met to some extent from Lotteries Fund. I said that is an interesting suggestion because, as the Minister responsible for social welfare, I would like to have more

money out of the Government revenue for social welfare projects and purposes. But, Sir, let us have a look at Government's revenues as such. If the Honourable Member argues on religious ground, then I am afraid he is on very weak ground, because Government's revenue is derived as you know from many many sources: one of the sources is a 10 per cent tax on these very lotteries that we are debating today. The Lotteries Board has already paid, I think, over \$7 million since taxation was imposed on the Board in 1957 and in the future it is estimated that the Lotteries Board will be paying to Government revenue a sum of about \$3 million a year. Besides that, the Government gets its revenue from the Turf Clubs and very many sources which are considered *haram*. Well, Sir, that is the trend, the position, in this country—a country of many races, of many religions, people of many religious faiths. Then, Sir, it will also follow that if all this money is considered *haram* and should not be dished out for these welfare purposes, then so would also be the Government revenue out of which I believe Honourable Members of this House and myself get our allowances every month. (*Laughter*). In the States of Kelantan and Trengganu which are now ruled by the P.M.I.P., I believe the Mentri Besar and the Assemblymen of the P.M.I.P. draw their salaries and allowances out of Government revenue into which are paid money from sources which, according to their argument, are considered *haram*. I often wonder. There have been many instances in Selangor, for example, of Committees going out for contribution for funds to build *masjids*, *sekolah agama* and so on, and they go and solicit donations from all and sundry. I believe it must be the case in other States in Trengganu and Kelantan where they have occasions to get donations from the public to build mosques and *sekolah agama*. Now, will the P.M.I.P. say that, when they go up for donations, do these people ask the donors whether their money is *haram* or not. The donor may be a bar *towkay*, may own a samsu distillery or it may be donated by anybody, Muslim or non-Muslim,

and I am sure the Mosque Committee would not ask where the donor got the money from.

So, Sir, the arguments put forward by the P.M.I.P. Members are, I am afraid, very confusing and since this has been debated to a greater extent in the Lower House, I would not like to take any more of the time of the

Honourable Members in this House. *(Applause)*.

Question put, and agreed to.

Resolved,

That in accordance with the provision of section (1) of the Social and Welfare Lotteries Board Ordinance, 1950, the said Ordinance be extended for a period of five years with effect from 11th December, 1960.

*Adjourned at 5.35 p.m.*