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Wednesday
31st January, 1962

PARLIAMMENTARY DEBATES

DEWAN RA'AYAT
(HOUSE OF REPRESENTATIVES)

OFFICIAL REPORT

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FEDERATION OF MALAYA

DEWAN RA'AYAT
(HOUSE OF REPRESENTATIVES)

Official Report

Third Session of the First Dewan Ra'ayat

Wednesday, 31st January, 1962

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

PRESENT:

- The Honourable Mr. Speaker, DATO' HAJI MOHAMED NOAH BIN OMAR,
S.P.M.J., D.P.M.B., P.I.S., J.P.
- .. the Prime Minister and Minister of External Affairs,
Y.T.M. TUNKU ABDUL RAHMAN PUTRA AL-HAJ, K.O.M.
(Kuala Kedah).
- .. the Deputy Prime Minister, Minister of Defence and Minister
of Rural Development, TUN HAJI ABDUL RAZAK BIN
DATO' HUSSAIN, S.M.N. (Pekan).
- .. the Minister of Internal Security and Minister of the Interior,
DATO' DR. ISMAIL BIN DATO' HAJI ABDUL RAHMAN,
P.M.N. (Johor Timor).
- .. the Minister of Finance, ENCHE' TAN SIEW SIN, J.P. (Melaka
Tengah).
- .. the Minister of Works, Posts and Telecommunications,
DATO' V. T. SAMBANTHAN, P.M.N. (Sungai Siput).
- .. the Minister without Portfolio, DATO' SULEIMAN BIN DATO'
HAJI ABDUL RAHMAN, P.M.N. (Muar Selantan).
- .. the Minister of Agriculture and Co-operatives, ENCHE'
ABDUL AZIZ BIN ISHAK (Kuala Langat).
- .. the Minister of Transport, DATO' SARDON BIN HAJI JUBIR,
P.M.N. (Pontian Utara).
- .. the Minister of Health and Social Welfare, DATO' ONG YOKE
LIN, P.M.N. (Ulu Selangor).
- .. the Minister of Commerce and Industry, ENCHE' MOHAMED
KHIR BIN JOHARI (Kedah Tengah).
- .. the Minister of Labour, ENCHE' BAHAMAN BIN SAMSUDIN
(Kuala Pilah).
- .. the Minister of Education, ENCHE' ABDUL RAHMAN BIN
HAJI TALIB (Kuantan).
- .. the Assistant Minister of Education, ENCHE' ABDUL HAMID
KHAN BIN HAJI SAKHAWAT ALI KHAN, J.M.N., J.P.
(Batang Padang).
- .. the Assistant Minister of Rural Development, TUAN HAJI
ABDUL KHALID BIN AWANG OSMAN (Kota Star Utara).

- The Honourable the Assistant Minister of Commerce and Industry, ENCHE' CHEAH THEAM SWEE (Bukit Bintang).
- .. the Assistant Minister of Labour, ENCHE' V. MANICKAVASAGAM, J.M.N., P.J.K. (Klang).
- .. the Assistant Minister of the Interior, ENCHE' MOHAMED ISMAIL BIN MOHAMED YUSOF (Jerai).
- .. ENCHE' ABDUL GHANI BIN ISHAK, A.M.N. (Melaka Utara).
- .. ENCHE' ABDUL RAUF BIN A. RAHMAN, P.J.K. (Krian Laut).
- .. ENCHE' ABDUL SAMAD BIN OSMAN (Sungai Patani).
- .. TUAN HAJI ABDULLAH BIN HAJI ABDUL RAOF (Kuala Kangsar).
- .. TUAN HAJI ABDULLAH BIN HAJI MOHD. SALLEH, A.M.N., P.I.S. (Segamat Utara).
- .. TUAN HAJI AHMAD BIN ABDULLAH (Kota Bharu Hilir).
- .. ENCHE' AHMAD BIN ARSHAD, A.M.N. (Muar Utara).
- .. ENCHE' AHMAD BIN MOHAMED SHAH, S.M.J. (Johor Bahru Barat).
- .. TUAN HAJI AHMAD BIN SAAID (Seberang Utara).
- .. ENCHE' AHMAD BIN HAJI YUSOF, P.J.K. (Krian Darat).
- .. TUAN HAJI AZAHARI BIN HAJI IBRAHIM (Kubang Pasu Barat).
- .. ENCHE' AZIZ BIN ISHAK (Muar Dalam).
- .. DR. BURHANUDDIN BIN MOHD. NOOR (Besut).
- .. ENCHE' CHAN CHONG WEN, A.M.N. (Kluang Selatan).
- .. ENCHE' CHAN SIANG SUN (Bentong).
- .. ENCHE' CHAN SWEE HO (Ulu Kinta).
- .. ENCHE' CHAN YOON ONN (Kampar).
- .. ENCHE' CHIN SEE YIN (Seremban Timor).
- .. ENCHE' V. DAVID (Bungsar).
- .. DATIN FATIMAH BINTI HAJI HASHIM, P.M.N. (Jitra-Padang Terap).
- .. ENCHE' GEH CHONG KEAT (Penang Utara).
- .. ENCHE' HAMZAH BIN ALANG, A.M.N. (Kapar).
- .. ENCHE' HANAFI BIN MOHD. YUNUS, A.M.N. (Kulim Utara).
- .. ENCHE' HARUN BIN ABDULLAH, A.M.N. (Baling).
- .. ENCHE' HARUN BIN PILUS (Trengganu Tengah).
- .. TUAN HAJI HASAN ADLI BIN HAJI ARSHAD (Kuala Trengganu Utara).
- .. ENCHE' HASSAN BIN MANSOR (Melaka Selatan).
- .. ENCHE' HUSSEIN BIN TO' MUDA HASSAN (Raub).
- .. ENCHE' HUSSEIN BIN MOHD. NOORDIN, A.M.N., P.J.K. (Parit).
- .. TUAN HAJI HUSSAIN RAHIMI BIN HAJI SAMAN (Kota Bharu Hulu).
- .. ENCHE' IBRAHIM BIN ABDUL RAHMAN (Seberang Tengah).
- .. ENCHE' ISMAIL BIN IDRIS (Penang Selatan).

- The Honourable ENCHE' KANG KOCK SENG (Batu Pahat).
- .. ENCHE' K. KARAM SINGH (Damansara).
- .. CHE' KHADIJAH BINTI MOHD. SIDEK (Dungun).
- .. ENCHE' LEE SAN CHOON (Kluang Utara).
- .. ENCHE' LEE SECK FUN (Tanjong Malim).
- .. ENCHE' LEE SIOK YEW, A.M.N. (Sepang).
- .. ENCHE' LIM JOO KONG, J.P. (Alor Star).
- .. ENCHE' LIM KEAN SIEW (Dato Kramat).
- .. DR. LIM SWEE AUN, J.P. (Larut Selatan).
- .. ENCHE' LIU YOONG PENG (Rawang).
- .. ENCHE' T. MAHIMA SINGH, J.P. (Port Dickson).
- .. ENCHE' MOHAMED BIN UJANG (Jelebu-Jempol).
- .. ENCHE' MOHAMED ABBAS BIN AHMAD (Hilir Perak).
- .. ENCHE' MOHAMED ASRI BIN HAJI MUDA (Pasir Puteh).
- .. ENCHE' MOHAMED DAHARI BIN HAJI MOHD. ALI (Kuala Selangor).
- .. ENCHE' MOHAMED NOR BIN MOHD. DAHAN (Ulu Perak).
- .. DATO' MOHAMED HANIFAH BIN HAJI ABDUL GHANI, P.J.K. (Pasir Mas Hulu).
- .. ENCHE' MOHAMED SULONG BIN MOHD. ALI, J.M.N. (Lipis).
- .. ENCHE' MOHAMED YUSOF BIN MAHMUD, A.M.N. (Temerloh).
- .. TUAN HAJI MOKHTAR BIN HAJI ISMAIL (Perlis Selatan).
- .. NIK MAN BIN NIK MOHAMED (Pasir Mas Hilir).
- .. ENCHE' NG ANN TECK (Batu).
- .. ENCHE' OTHMAN BIN ABDULLAH (Tanah Merah).
- .. ENCHE' OTHMAN BIN ABDULLAH, A.M.N. (Perlis Utara).
- .. ENCHE' QUEK KAI DONG, J.P. (Seremban Barat).
- .. TUAN HAJI REDZA BIN HAJI MOHD. SAID (Rembau-Tampin).
- .. ENCHE' SEAH TENG NGIAB (Muar Pantai).
- .. ENCHE' D. R. SEENIVASAGAM (Ipoh).
- .. ENCHE' S. P. SEENIVASAGAM (Menglembu).
- .. TUAN SYED ESA BIN ALWEE, J.M.N., S.M.J., P.I.S. (Batu Pahat Dalam).
- .. TUAN SYED HASHIM BIN SYED AJAM, A.M.N., P.J.K. (Sabak Bernam).
- .. TUAN SYED JA'AFAR BIN HASAN ALBAR, J.M.N. (Johor Tenggara).
- .. ENCHE' TAJUDIN BIN ALI, P.J.K. (Larut Utara).
- .. ENCHE' TAN CHENG BEE, J.P. (Bagan).
- .. ENCHE' TAN PHOCK KIN (Tanjong).
- .. ENCHE' TAN TYE CHEK (Kulim-Bandar Bahru).
- .. TENGKU BESAR INDERA RAJA IBNI AL-MARHUM SULTAN IBRAHIM, D.K., P.M.N. (Ulu Kelantan).

- The Honourable DATO' TEOH CHZE CHONG, D.P.M.J., J.P. (Segamat Selatan).
 .. ENCHE' TOO JOON HING (Telok Anson).
 .. ENCHE' V. VEERAPPEN (Seberang Selatan).
 .. WAN MUSTAPHA BIN HAJI ALI (Kelantan Hilir).
 .. WAN SULAIMAN BIN WAN TAM, P.J.K. (Kota Star Selatan).
 .. WAN YAHYA BIN HAJI WAN MOHAMED (Kemaman).
 .. ENCHE' YAHYA BIN HAJI AHMAD (Bagan Datoh).
 .. ENCHE' YEOH TAT BENG (Bruas).
 .. ENCHE' YONG WOO MING (Sitiawan).
 .. PUAN HAJAH ZAIN BINTI SULAIMAN, J.M.N., P.I.S. (Pontian Selatan).
 .. TUAN HAJI ZAKARIA BIN HAJI MOHD. TAIB (Langat).
 .. ENCHE' ZULKIFLEE BIN MUHAMMAD (Bachok).

ABSENT:

- The Honourable ENCHE' AHMAD BOESTAMAM (Setapak).
 .. TUAN HAJI HASSAN BIN HAJI AHMAD (Tumpat).
 .. ENCHE' KHONG KOK YAT (Batu Gajah).
 .. ENCHE' TAN KEE GAK (Bandar Melaka).

IN ATTENDANCE:

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

PRAYERS

EXEMPTED BUSINESS

ADJOURNMENT *SINE DIE*

(MOTION)

(MOTION)

(Mr. Speaker *in the Chair*)

The Deputy Prime Minister (Tun Haji Abdul Razak): Mr. Speaker, Sir, I beg to move—

That at its rising this day the House do stand adjourned *sine die*.

The Minister of Finance (Enche' Tan Siew Sin): Sir, I beg to second the motion.

Question put, and agreed to.

Resolved,

That at its rising this day the House do stand adjourned *sine die*.

Tun Haji Abdul Razak: Mr. Speaker, Sir, I beg to move—

That this House shall not adjourn this day until the proceedings on the Constitution (Amendment) Bill have been completed.

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

Question put, and agreed to.

Resolved,

That this House shall not adjourn this day until the proceedings on the Constitution (Amendment) Bill have been completed.

BILL
THE CONSTITUTION
(AMENDMENT) BILL

Second Reading

Order read for resumption of debate on Question, "That the Bill be now read a second time" (30th January, 1962).

Question again proposed.

The Minister of Finance (Enche' Tan Siew Sin): Mr. Speaker, Sir, anyone who has been listening to the speeches which have been made in the past few days by Honourable Members of the Socialist Front, People's Progressive Party and by the Independents, must, if he is convinced by such speeches, come to the conclusion that this Bill means the end of all of us. The picture painted is so lurid that one trembles for the future, if one believes them. What, however, are the facts? Perhaps it is best to begin at the beginning, i.e. in the days before Merdeka, so that we can have a proper perspective, particularly in regard to the issue of citizenship.

The Honourable Members for Ipoh and Menglembu make great play of their allegation that the UMNO has broken faith with its other partners in the Alliance, namely, the MCA and the MIC, by referring to the promise of *jus soli* made by the Honourable the Prime Minister as President of UMNO. One of them also referred to the statement of my Honourable colleague the Minister of Justice that as a result of the stringent citizenship laws imposed by the first Federation of Malaya Agreement, that is the one signed in 1948, a million Chinese had been disenfranchised.

It would be interesting to look at the actual figures and, with your permission, Sir, I will quote one or two. Up to Merdeka Day, that is, up to 31st August, 1957, a total of 263,837 persons had become citizens through registration or naturalisation, and of this number, only 137,898 were Chinese. This means that during a period of roughly nine years the

average intake of all races was in the region of less than 30,000 citizens a year. Within 12 months of Merdeka Day, 1,162,757 citizenship certificates had been issued, and of this total, 845,182 were issued to Chinese. As a matter of interest, the number of citizenship certificates issued to Indians in the first year of Independence was nearly 200,000. These figures not only prove that Tun Leong Yew Koh was right when he said that nearly a million Chinese had been disenfranchised before Merdeka Day, they also prove—and this is an important point—that the UMNO, and indeed the Alliance, had kept their promise to restore the birthright not only of the Chinese but also of all others entitled to it (*Applause*). Let us look, Sir, at these figures again in another way. These figures prove conclusively and beyond all shadow of doubt that within the first 12 months of Merdeka alone the intake of new citizens was more than thirty times the rate which prevailed before Merdeka. I think these figures prove more eloquently than words that far from any pledges having been broken, the Alliance had fulfilled in full all that they promised to the people of this country on the attainment of Independence (*Applause*).

The Honourable Member for Dato Kramat went so far as to say that the rights acquired since Merdeka will be lost as a result of the Bill now before us and that Clause 2 of the Bill in particular means the abandonment of the principle of *jus soli*. The relevant part of this Clause is, of course, Sub-clause (4) (c). If this amendment were to be passed, it would mean that in future every child born in this country would acquire citizenship by operation of law so long as either of his parents was either a citizen or a permanent resident of the Federation. Or to put it in another way, this amendment will only exclude the children of parents both of whom are aliens, or temporary visitors, i.e. those on temporary visit passes. In other words, this amendment is only designed to exclude the children of pure birds of

passage. No fair-minded person can possibly claim that this amendment would affect anyone who can be considered to be a Malayan, and giving the term "Malayan" the most liberal interpretation. It must be emphasised that so long as only one parent is normally resident here, even though such parent may not be a citizen, and even though the other parent may be an alien, the child would still be a citizen by operation of law. How this can be construed as an infringement of the principle of *jus soli* is a puzzle to me.

It has been argued that although this may be fair enough, it may be difficult to implement this principle fairly in practice, in the sense that a child in order to acquire automatic citizenship would have to prove not only birth but the status of one parent either as a citizen or as a permanent resident. There is some merit in this argument, and that is the reason why my Honourable friend and colleague, the Deputy Prime Minister, announced in his speech on the second reading that the Government would regard the possession of a red identity card as evidence of permanent residence. I have no doubt too that the Government would favourably consider other means of establishing expeditiously and easily the status of a child's parents so that the procedure for the acquisition of such citizenship would be made fairly simple.

It will, therefore, be seen, Sir, that this amendment will not adversely affect genuine Malaysians at all. We in the Government agree that it will affect the children of what may, perhaps, be called "birds of passage", but I do not think it is the function of this Government or the Alliance or the MCA to take case of the interests of "birds of passage" on Malayan soil (*Applause*).

Another amendment which has incurred the ire of the opponents of this Bill is Clause 3. Under the present Constitution, a woman who is married to a citizen is, under the provision of

Article 15 of the Constitution, entitled to be registered as a citizen solely by virtue of such a marriage. It has been pointed out to us by the Honourable Prime Minister that as the result, this provision has been abused. Foreign women have got themselves married to our citizens solely for the purpose of acquiring citizenship. In other words, they have contracted what are known as "marriages of convenience". There is nothing new in this. In the years before the Second World War, foreign women used to get married to British subjects in order to gain entry to the United Kingdom. The moment they gained their objective, those marriages were dissolved so that such women could engage in a profession which has been called the oldest profession in the world. I do not see why, therefore, any genuine or loyal Malayan should object to the Government putting a stop to this objectionable practice. It is true that this provision may also affect genuine marriages but the Government has given an undertaking that such marriages will be provided for.

Great play is also made on the decision to repeal Article 17 of the Constitution. The Honourable Member for Ipoh was so worked up when dealing with this Article that if he is to be believed this is almost the end of the world. Now let us look at the Article 17 more closely. It reads as follows:

"Subject to Article 18, any person of or over the age of eighteen years who was resident in the Federation on Merdeka Day is eligible, subject to the provisions of the Second Schedule, to be registered as a citizen upon making application to the registration authority if he satisfies that authority— . . ." (The conditions are prescribed in paragraphs (a), (b), (c) and (d)).

I would like to pause here and ask Honourable Members to note one word carefully in what I read so far, and that word is "eligible" and that is the operative word of this Article. In other words, this Article means that even if a person fulfils four qualifica-

tions laid down in the Article, i.e. qualifications of period of residence, intention of permanent residence, evidence of good character and the language qualification, he would still only be "eligible" to be registered as a citizen. I would ask Honourable Members to bear in mind that there is some difference between the words "eligible" and "entitled" which, for example, is being used in Article 15 of the Constitution. To put it in another way, even the fulfilment of those four conditions, i.e. conditions of period of residence, intention of permanent residence, good character and language, does not give him, that is the applicant, an automatic right to citizenship. It should also be noted that an applicant for citizenship here has to satisfy the Government that he intends to reside permanently, he has to satisfy the Government that he is of good character, and he has to have some knowledge of Malay, before he can even be considered "eligible"—only "eligible" and not "entitled." That means he has to surmount three barriers and the Government has the power to use its discretion against any of these barriers before he even reaches the "eligible" stage. It will, therefore, be seen that this right is in effect not much of a right. It is a right which is subject to many votes. I cannot therefore understand why anyone should think that this is such a precious right after all. The main reason, of course, for the deletion of this Article, or the proposed deletion of this Article, is that it is an unusual feature of any citizenship law. In more civilised countries there are only two avenues for the acquisition of citizenship, i.e. citizenship by birth and citizenship by naturalisation, and I think it is not unfair that four and a half years after Merdeka, a provision which was inserted to deal with an exceptional situation should be removed. In spite of this the Government has announced that it is prepared not to bring this particular provision, that is Clause 5, into operation for another period of six months or one year, in order to give time to those persons who wish to

take advantage of this provision to do so. I think most fair-minded persons will agree that the Government has been extremely reasonable in this respect.

The next Clause which has drawn some comments is Clause 11 which deals with the deprivation of citizenship. Now, what has the Government proposed? It proposes by this amendment to give itself the power to deprive a child of his citizenship if, but only if, the child obtains such citizenship as a result of his father becoming a citizen and his father has renounced Malayan citizenship, or acquired another citizenship by his voluntary act, or acquired Malayan citizenship by fraud, false representation or concealment of any material particular. In such circumstances, I do not see why anyone should argue that it would be unfair to deprive a child of his citizenship. Further, from the practical standpoint, such a child would have to go wherever his parents went even if he could retain Malayan citizenship. Even so this power may not get exercised against the child in question if the Government is satisfied that as a result of such deprivation that child would be stateless. In other words, the Government is not compelled to deprive a child of his citizenship, but it is felt that it should have the power to do so. There are, therefore, safeguards to ensure that injustice is not done to a child. It should also be noted that the Government has no power to deprive such a child of his citizenship if his father were to lose Malayan citizenship by other means—and this should take care of the charge that the sins of the father are being visited on the child. If, for example, the father were to lose his citizenship by deserting his family and going to stay, say, in Iceland, if the father were to lose his citizenship by committing a sufficiently serious crime, then the Government would not have the power to deprive such a child of his citizenship.

An interesting sidelight thrown on this debate is that while the Honourable Members of the Socialist Front

imply that Malayan citizenship is extremely valuable as judged by their protestations against making its acquisition difficult, they say in another context that there is no freedom in this country, neither freedom of speech nor freedom of movement, nor freedom of thought, nor, in fact, any other freedom. If this country is so oppressively ruled, I wonder why they should be so worried about anyone encountering difficulties in acquiring our citizenship or losing it. One would think that under such circumstances, it really would not matter whether you gained it or, having gained it, lost it.

Another interesting sidelight was thrown by the Honourable Member for Teluk Anson. He says that many leopards have changed their spots—and I presume he thinks that there are such things as “two-footed leopards” (*Laughter*). I hope he has heard of the English maxim that those who live in glass-houses should not throw stones. One would have thought that he is the last person in this House to make such an accusation. In a rambling and irrelevant speech, he even gives advice to the MCA, of which he is no longer a member, on how to solve its problems. We in the MCA, while appreciating his solicitude, would like to inform him that we prefer to deal with our own problems ourselves without unsolicited advice from backsliders (*Applause*).

Great play has also been made of section 2 (c) of Part I in Clause 31 of the Bill, i.e. the principle of weightage and delimitation of constituencies. This Bill is neither exclusively confined to Malaya nor is it unique. It is, in fact, a generally recognised principle. It is accepted even in the highly industrialised countries of the Western world, because rural communities are normally more sparsely grouped than urban ones. In our country, however, rural communities suffer an added disadvantage, namely, communications, or rather the lack of them, a dis-

advantage which is not so pronounced in industrialised countries. That being so, there is all the more reason why a measure of weightage should be allowed in favour of rural constituencies. In this connection, it should also be added that the principle that some rural constituencies may contain as little as one-half of the total number of electors in an urban constituency, is not as frightening as it sounds. If Honourable Members will take the trouble to look at the electorate strength in the 1959 elections, they will notice that some rural constituencies had much less than even one-half of the number of voters in urban constituencies. For example, Sepang in Selangor had 13,345 voters against 35,549 for Bungsar in the same State. This is almost one-third. Hilir Perak in Perak had 12,991 voters against 33,561 for Menglembu in the same State—again only about one-third. Johore Tenggara in Johore had only 10,986 against 25,706 in Muar Selatan in the same State. This is far less than one-half. Seberang Selatan (*laughter*) in Penang had only 15,920 voters against 30,618 voters for Penang Selatan in the same State. This is about one half. It is, of course, difficult to find out how the numbers will turn out in view of the greatly increased number who will vote in the 1964 elections, but it is my guess, and perhaps it is a safe guess, that the broad pattern will remain about the same, and few will say that the delimitation of constituencies which obtained for the 1959 elections was unfair in the sense that it discriminated against the urban constituencies in favour of those in the rural areas.

To put it briefly, Sir, the sole purpose of this Bill is to remove anomalies or, perhaps, one could say, to plug the loopholes in the existing laws so that citizenship will only be available to those who are morally entitled to it. In fact, by any standards the amendments proposed are relatively mild—it has been admitted as much even by the Honourable Member for Menglembu. As a result it has been difficult to find really

convincing arguments against them, so much so that those who have opposed the Bill have had to resort to misrepresentation and deliberate distortion of facts; sometimes they have had to resort to complete falsehoods. It is particularly regrettable, however, that some of them, in particular, the Honourable Members for Ipoh and Menglembu, in order to distract the audience from the poverty of their arguments against the Bill itself, have descended to crude attempts to drive a wedge between the Malays and the Chinese in general and between the UMNO and the MCA in particular. They had represented this Bill as a victory of the Malays over the Chinese, the harsh effects of which were mitigated by abject MCA asking for mercy from a powerful UMNO. These attempts to divide the Alliance had been tried in the past. There was a time when the UMNO was accused of selling out to the MCA. These attempts will fail both now and in the future (*Applause*). I myself, if you don't mind my saying so, Sir, come from a State where Malays and Chinese have lived not only in friendship but in complete understanding for literally hundreds of years (*Applause*) I can even trace the graves of my ancestors who were buried here long before the ancestors of many Honourable Members in this House have ever heard of Malaya and, so, perhaps, I can claim to know what I am talking about (*Applause*). As I have stated previously, the Sino-Malay problem never existed before the days of colonial rule. It was an artificial problem created by colonialism for its own purposes. The strength and unity of this country lies upon the co-operation and understanding of these two major races, and cheap attempts to erode that unity and understanding are not likely to succeed. It is true that there are still problems to be solved, but I have no doubt that they can be solved simply because in order to attain independence we had to solve even greater ones.

The whole tenor of the speeches of those who have opposed this Bill is

not that genuine Malayan interests are affected, it is that the interests of aliens and the birds of passage are affected. I have no doubt that even those who oppose this Bill regard themselves as loyal Malaysians—at least I hope so—but I must say that I find it difficult to reconcile the fact that those who call themselves loyal Malaysians should champion so strongly, should champion so exuberantly and should champion so vociferously, the cause of non-Malaysians.

Dr. Lim Swee Aun (Larut Selatan): Shame!

Enche' S. P. Seenivasagam (Menglembu): Proud! Proud!

Enche' Tan Siew Sin: That ejection, Sir, from the other Bench is interesting!

Mr. Speaker: I must warn the Back-benchers not to say "shame" or any such remarks in this House. If any Honourable Member does so, I shall ask him to withdraw from the House.

Enche' Tan Siew Sin: Every fair-minded person must admit that there is not a single provision in the Bill which affects the interests of Malaysians, whether they are Malaysians of the Malay, Chinese, Indian or any other race. I agree that they affect the interests of non-Malaysians, but I do not think it is the function of this Government or of the Alliance or of the MCA to protect the interests of birds of passage and of transients.

As I have said already, we make no apology for our stand in this matter. If we in the MCA claim to be an organisation representing Malaysians of Chinese origin, there is no other stand that we can take (*Applause*). Any other stand would, in our view, betray the cause of those whom we claim to represent; it would betray the cause of other Malaysians, and it would betray the cause of this country (*Applause*).

Enche' Chin See Yin (Seremban Timor): Mr. Speaker, Sir, what we have heard just now—about a genuine loyal Malayan—is something to which we must give thought. To be a genuine loyal Malayan does not necessarily mean that you must always keep your mouth shut if there is something wrong somewhere, because in the Constitution has been provided the freedom of speech and freedom of everything. Of course, there is a limit to everything, but when this Bill is before us and we say that there is something wrong, you should not say that the Opposition Members are not loyal, or that anyone who should protest against this proposal is not a loyal citizen. I think it is very unfair and unkind to make this remark.

Now, this brings me to the Internal Security Bill again, because there is a reference to that. The reference is that under the Bill there are certain clauses which say that if you are going to say something that is contrary, something that will provoke violence or things of that kind, you go behind the bars or go to the "royal palace," where you get curry and rice. For that reason I said yesterday that the people whose views we got in the drawing up of this Constitution would not speak up until the Government asked them to submit their views. Sir, because this Bill has been given to us so late, and so short a notice has been given to Members in this House, particularly the Opposition, they have not had the time to go back to their constituencies to tell the people about it and to ask the people for their views. We have spent almost a month here daily debating the Budget. Is it fair? If I may make a suggestion, this Bill was presented to us in such a manner that it has denied us the advantage of going back to the people who elected us to this House. Is it a fair suggestion if I make it now?

The Minister of Internal Security and Minister of the Interior (Dato' Dr. Ismail): On a point of order under S.O. 36 (1). I think what the Honourable Member is speaking is irrelevant,

because this question of postponing the Bill has been dealt with by the House and the vote has been taken. So, I think his speech is entirely irrelevant and wasting the time of this House.

Mr. Speaker: I think he is still on the preamble. Please proceed, but don't make it a long one (*Laughter*).

Enche' Chin See Yin: Yes, Sir, The people dare not speak out, because of certain existing laws, and it is up to the Government therefore to ask them to speak up, or to go to them for their views—and when anyone speaks up against this Bill it is not fair and proper to call him a person who is not a genuine or loyal Malayan.

Now, I come to the next suggestion. It has been suggested by the last speaker that the Opposition Members were driving a wedge to divide the Chinese from the Malays, the MCA from the UMNO, and things of that sort. It is not so, Sir. The intention is to tell the people that certain agreements had been arrived at, and now those pledges were not being fulfilled. That is about all that the Opposition was trying to tell the House, and the best judges are the people who are going to vote us into this House the next time. On this question of a sell-out—the Chinese accused the MCA of selling them out to the UMNO, the Malays accused the UMNO of selling them out to the MCA—who should be better judges? I think the members are the better judges. Therefore, let us not accuse the Opposition members of trying to divide this House or divide anybody. We are here to speak—to speak our mind, and speak it freely. In regard to everything we speak, we have produced facts—and my Honourable friend from Telok Anson has produced piles of newspaper cuttings (*Laughter*). If that is not convincing, then I don't know what we must produce to convince the people. Now, Sir, to say that "we are going to seal up these loopholes", I think that is an excuse which may not hold water,

and I need not go further because everybody knows it.

Sir, speaking on this Bill, the Honourable Member for Bachok has expressed concern regarding the future of the Malays. What he has spoken in this House can be said to be very communal, but being a Malay it is something that you call nationalism. However, on the other hand, if I were to speak for the Chinese, who are going to demand the right to seek the rights provided under this Constitution, the things I say will be termed communalism. Therefore, Sir, the two words "communalism" and "nationalism"—and I may add "communism"—these are words of convenience, that is they are used for a purpose to suit the occasion. Therefore, Sir, we must not accuse one another by using such words of convenience as it will not bring us anywhere. Sir, before we decide finally on these proposed amendments, I think we have got to think very carefully on certain matters, and these are fear and suspicion. Fear and suspicion can create frustration. When people are frustrated—and you are trying to build a new Malayan nation—can you build a healthy Malayan nation with such frustrated people? That is the point that you must consider.

On the proposal to amend various Articles regarding citizenship, many Honourable Members have already spoken on this subject and, therefore, I do not propose to do so again, because if I were to touch on this subject once more, I will be repeating the reasons offered by Members in this House. However, Sir, there is one point on which I would like to touch and that is with regard to weightage. Now, Sir, that is a very important factor. It refers to elections, and it refers to the representatives of the people. The people will have to get somebody to represent them, and on that issue I say it is a matter of great importance. We have heard just now from the Honourable the Minister of Finance the number of non-Malays who have acquired citizenship—and

this large number of non-Malays who have acquired citizenship may frighten certain sections of the people in the country but if we all worked together solidly and got our independence, we should not have fear and suspicion of one another. Sir, we have lived in this country for hundreds of years in peace and harmony and if, just because we have introduced the democratic practice of having elected members, we are going to divide ourselves into two classes, it will be just too bad. And to make suggestions where you are going to create fear and suspicion would not be a healthy practice.

Sir, there is one point which I am happy to mention, and that is that at a friendly discussion between a few representatives of the Opposition and the Honourable the Deputy Prime Minister and the Honourable the Minister of the Interior, we were given the assurance that the present boundaries relating to the 104 constituencies will not be altered—for the simple reason that they are not, I suppose, going to take advantage of the proposed amendment when it gets through; and there is no doubt that it will get through, Sir, because I have heard that a certain section of the Opposition is supporting this proposed amendment. Let us be frank about it. Let us not ask for something that is not likely to happen—unless a miracle takes place, it will not happen at all in this respect. Therefore, Sir, the fear that the people have in their mind is very great. Who are very angry about the whole aspect? They are the non-Malays—and I might as well tell this House the truth and nothing but the truth. They are afraid of these proposals, because they think that if an unreasonable party should come into power, they may make use of this amendment to their advantage to remain in power. Therefore, Sir, we have got to consider whether the Alliance Party is going to remain here indefinitely. Well, the answer may be very amusing to some, but one must remember the work of nature—what goes up must come down (*Laughter*). Therefore, Sir, it is not wrong for me

to suggest that we must give the matter our very careful consideration. (*Laughter*). I know what I say causes a lot of laughter, but the one who laughs last laughs best. Therefore, Sir, let us decide this very carefully; let us give this matter our careful thought.

Now, Sir, I cannot forget what the Honourable the Prime Minister said yesterday in this House. He said that if good reasons could be given, he would be prepared to delay the passing of this Bill by this House. The reasons that we have offered are really simple, and it is up to the governing party members to lend us their ears. If they are going to block up their ears with cotton, it is no use for us to give all those reasons. We have debated these proposals for many days and I think the Opposition has given some very good reasons, but if they will not hear us, what else can we do? They have the majority. But then, who are the best judges? Who are to judge them in the future? The public will judge them—they are the real masters and not ourselves. We are here to serve them and if we have served them fairly and justly, they will not forget us; but if we have not done the right thing, they will forget us soon. This is a matter for consideration and I hope the Honourable the Prime Minister, who has heard our reasons, will advise his colleagues to consider referring this Bill to a Select Committee. We have suggested the deferment of this Bill for six months, but this was rejected. Give everybody a chance to give their views and I think in this way we will have an Amendment far better than the one we have before us. If we have gone to them in the past, let us go back to them in the future. I think that is the best way to do our work, and everybody will be happy.

Enche' Tan Phock Kin (Tanjong):

Mr. Speaker, Sir, I must say that I am rather amazed to hear, from the speech of the Honourable the Minister of Finance, not one word of denial of the allegations made by Members of the Opposition. It is quite clear from his speech that he cannot deny those

allegations; nor can he give constructive replies to all that has been said by Members of the Opposition. Instead, he has resorted to twisting the arguments of the Opposition; and in his effort to do so, he has displayed very, very clearly his very limited vocabulary. He has displayed the fact that, as the Minister of the Interior would say, he is playing an old record—and he keeps on harping on the same theme that we are disloyal, harping on the theme that we are un-Malayan.

Mr. Speaker, Sir, I must point out here that the question of being Malayan or un-Malayan has been settled long ago, when we in this country accepted the Reid Constitution, irrespective of our view-point. Some of us may like to have a different qualification for citizenship; some of us may say that it is too liberal; and others may say that it is not. But nevertheless, we have agreed on the basis of building a new nation, and there is no question here of considering one as being Malayan or un-Malayan. The Honourable the Minister of Finance has the audacity to tell us that we in the Opposition are supporting foreigners, we are supporting aliens. But I must point out that in the course of this debate not a single person in the Opposition has put forward any proposal for any amendment to the Constitution, whereby the qualifications for citizenship or other measures could be relaxed to such an extent that we are departing from the very principle of the Reid Report. We have done nothing of that sort. We are merely maintaining that what has been agreed upon should be continued, should be kept in the Constitution.

Sir, the Honourable the Minister of Finance must realise that this is our country—this is not only his country, but this is our country. Further, I must also point out to him that one's knowledge of constitutional matters, or one's knowledge of anything is not dependent on one's ancestry. It does not mean that if one has a long record

of ancestry in this country, then one's knowledge of this country should be superior to those who have not such a long record. This is a most childish argument and it is only typical of the mentality of the Minister concerned.

Mr. Speaker, Sir, let us now go back to the whole question of the constitutional issue. We must realise, as the Honourable Member for Telok Anson has demonstrated very clearly, the state of affairs this country was in prior to the Reid Constitution Report, prior to the attainment of Merdeka. We were not at one with regard to the question of our Constitution. We were fighting each other. Certain sections of the community wanted more liberal provisions in the Constitution for citizenship; others were suspicious, and it was through discussion and long period of negotiation, not only between partners of the Alliance but also among other members of the population, that we agreed on the basis of citizenship, we agreed on the basis of our Constitution. So, in the course of reaching that agreement we were told that various promises were made, and until now I have not heard of any denial. But apart from all that, we must realise that the cohesive force that has been given to this country lies in the Constitution—and I must say here that anybody who is going to amend the Constitution is going to do a grave injustice, he is going to disturb the hornets' nest and will have to face the consequences, very grave consequences.

Mr. Speaker, Sir, as the Honourable Minister and other Ministers have pointed out, the Constitution as such has undergone very serious discussion. We have all agreed. We have also agreed as to the methods of changing the Constitution, but we must realise that in the law of democratic countries there is an unwritten rule, and that is if we are going to subscribe to the very tenets of democracy, then we must go about it not only legally but we must also go about it morally. In a country like the Federation of Malaya, where the provision for

amending the Constitution is by no means a difficult process—in spite of the fact that the Federation of Malaya is working on a federal constitution—unlike other federations, we do not have provisions in our Constitution whereby amendments will need to have not only a two-third majority of Members of the House but also a majority of the people of the State. However, we must realise, even in spite of the fact that there is no provision, we have a moral obligation to the people of this country to see to it that the manner in which we change our Constitution is done in such a way that it will not give rise to any criticism. Hence, in a democracy it is but natural for any party that hopes to be in power to put forward during the time of general election its intentions on various matters, and the Constitution is indeed one of the most sacred documents of any country; and if it is the intention of any party to change the Constitution in any manner, then it should be the duty of that party to put it forward to the people that if it should be returned to power, it is its intention to amend the Constitution in certain respects; and if the party in power is able to obtain a mandate from the people, then it is quite correct, I must say, for it to amend the Constitution. However, I see here that the Alliance Government is doing nothing of the kind. Speaker after speaker in the Opposition has pointed out that the Alliance, in fact, gave a promise to the electorate that it would not change the Constitution. That is the first point—they have no mandate. Secondly, as far as this amendment is concerned, even the *Straits Times*, from which I believe the Honourable Member for Larut Selatan has quoted at great length yesterday with regard to the support of measures taken by the Alliance, has this to say—the *Straits Times* in its editorial today says:

“There has not, however, been reasonable time for examination of the Bill. The amendments are not understood. Members of the House have had almost

no opportunity to explain matters in their constituencies"—

and this is most important—

"not indeed that many members have the habit of keeping their constituencies informed. On a matter so important as this amending Bill, however, which proposes changes in the citizenship laws and major changes in the electoral system, the public has the right to be fully informed."

"Parliament was in budget session four days after the Bill was published, and four days is no time at all."

So, Sir, even from the point of view of time, we find that very little time is given, even the *Straits Times* in its editorial agrees with us.

The third prerequisite is that in an amendment of such a nature, it is necessary that Government should have consultations. We must see to it that the Bill should not only be politically suitable, but that it should be also legally suitable, and in that respect it is usual that the Bar Council should be consulted and the views of the Bar Council sought on a matter of this nature. Therefore, I am bringing all these before the House, because I feel that whatever we do in this particular instance.....

The Minister without Portfolio (Dato' Sulaiman bin Dato Haji Abdul Rahman): Mr. Speaker, Sir, on a point of order.

Mr. Speaker: Wait a minute. It is on a point of order.

Enche' Tan Phock Kin: May I know on what point of order the Honourable Member is referring to?

Dato' Suleiman: On a point of order, Sir—with regard to the Bar Council, the views of the Bar Council had been sent to the Government.

Mr. Speaker: That is a point of clarification. Please proceed.

Enche' Tan Phock Kin: So, Sir, even from the point of view of the Bar

Council, they need time to go into the matter, and the Honourable the Minister without Portfolio, if I may point out, though he has so much leisure without any portfolio to attend to.....

Dato' Sulaiman: Mr. Speaker, Sir, he is being personal about the matter of portfolio (*Laughter*).

Enche' Tan Phock Kin: Sir, it is obvious that the Honourable Minister is trying to distract me from the course of my speech. However, I must try to point out to this House that whatever we do in this particular instance, this major amendment to the Constitution will, of course, be cited as a precedent. In a parliamentary democracy, particularly in a democracy like ours in which the British precedents are being quoted very often, when it suits the Government, precedents of this nature, I am afraid, will give rise to many things. It will make democracy merely a laughing stock, a mockery.

Sir, how can you expect Members of the House to speak on this particular subject, if they are unable, firstly, to obtain the views of their constituencies; and, secondly, if public opinions are not allowed to be expressed in the way it should be in a free democracy? I am sure that if the Government is sincere about it, if it feels honestly that what it is putting forward to this House is being put forward in all sincerity and in all honesty, then there is no reason whatsoever why the Government should rush the Bill through in the manner.....

Dato' Dr. Ismail: Mr. Speaker, Sir, on a point of order—Standing Order 36 (1): I think the Honourable Member is irrelevant, because the question of the postponement of this Bill has been debated in this House and a decision has been taken. I do not think that he is making a preamble to his speech.

Mr. Speaker: No, but that is part of his argument. He is opposing the Bill. I think he is quite in order.

Enche' Tan Phock Kin: Sir, the time factor is one factor, if the Honourable Minister of the Interior is following my argument. If the Government is really sincere about it, what fear is there in asking the people of this country to give it a mandate? If the question of amendment is merely, as the Ministers themselves pointed out, to improve on the Constitution, then I think it is the Government's sacred duty to go to the people and explain the position. It has the Information Services, it has the Radio, it has control of every avenue of publicity, and I see no reason whatsoever why it should be so scared. We must realise the meaning of amending a constitution. Minister after Minister has spoken on amendments, and so many amendments have been put forward to this House in the course of the last few years, that it seems to me that the Ministers do not really appreciate what is the true meaning of amending a constitution—and for their information I would like to quote from Finer's book on the Theory and Practice of Modern Government. On page 127 when he discusses the question of amendment, this is what he had got to say—"to amend is to discontinue and reconstitute." Sir, this is a serious thing: we are going to discontinue and reconstitute our Constitution, and particularly our Constitution which was formulated with the consent of all, a Constitution which when formulated gave us our very basis of existence, gave us that cohesion, and giving the Prime Minister, who was at that time the moving force in respect of the Constitution, the prestige as the founder of Malaya as he so proudly claims and which he so richly deserves; and now it is scarcely three years past. It is my earnest appeal to him that he should not allow the Amendment today to mar the good work which he has done, because prestige to a person can be obtained only when one has done work which is considered not only by members of a particular party but also considered by the people of the country as a whole to be work of a sincere nature, work which will bring about cohesion in a

new Malayan nation. Today by this very Amendment, the Government is undoing the very thing which it has done a few years ago, and I would appeal to the Prime Minister that—even if he feels sincerely that this must be done—in the interests of the country as a whole it should be his duty to go to the people to get a mandate before any amendment is put forward. This should be a precedent that in future all parties must adhere to. It is only by so doing that we can bring about an understanding in this country, it is only by so doing that we will remove all fears on the part of every citizen in this country, because if one listens to the speeches of the Opposition Members one can appreciate their concern over this very fundamental matter. Though Members of the Government benches would like to twist the arguments put forward and say that the Opposition Members are arguing from the point of view of alien interests, I must say that the arguments of the Opposition are motivated not so much by racialism but by a desire to see that the cohesion which is prevailing in this country today will not be destroyed.

Mr. Speaker, Sir, I must point out that if we can amend the Constitution by so simple a process, there is nothing to prevent an unscrupulous Government from using the constitution to maintain itself in power. Here, Sir, I would like to quote another instance whereby the Constitution of the Weimar Republic of Germany was being utilised to such an extent as to preserve the position of a certain group of autocratic and totalitarian Government. On page 135 of the same book, I shall read to this House a quotation on the Constitution of the Weimar Republic. It says here that it refers to the subversion of the Weimar Constitution by Adolf Hitler—it says:

"In order to gain control of the governmental machine Adolf Hitler and his agents at the outset utilised tactics which were barely within the letter of the law".

In 1928 Goebbels said—and I think this, if Honourable Members of this House will ponder, resembles the utterances of some Members of the Government, though they do not say so in so clear terms—it says here:

“that we enter Parliament in order to paralyse the Weimar System with its own assistance. If democracy is so stupid as to give us free tickets and salaries for this work that is its affair.”

So, you see, Sir, the Ministers are telling us, “We have a mandate, they have elected us into power, and we can do what we like”—I submit that that is a wrong attitude for a Government in a democracy to take. I am not suggesting that the Government is proposing to act in the same way as the Hitler regime to destroy the Constitution to preserve its own position. The Government may have good intentions, but unless it demonstrates in a more concrete manner to the people of this country that it is not going to act without a mandate, and that whatever they do will have the prior approval of the people, there is naturally going to be suspicion and distrust and apprehension.

Coming now to the question of details in the Bill, I do not propose here to discuss the Bill in detail, because I am merely concerned with setting out the fundamental principles concerning this debate and appealing to the Government to act in accordance with my appeal, because I can assure the Honourable Minister of Finance that when it comes before the Committee we, in the Opposition, will be able to tear his arguments to shreds. However, Sir, I must regret the fact that in the course of this debate, Members of the Government Bench made no attempt whatsoever to argue on principles. The principles enunciated by me have been set out quite clearly by the Honourable Member from Dato' Kramat in the course of his speech earlier, and the Minister concerned made no efforts whatsoever to analyse his criticisms but was content in drawing red herrings in the whole

debate by innuendoes. So, Sir, we can only conclude, by the very performance of the Government Benches, both ministerial and backbenchers, that as a Party they are ideologically bankrupt, politically doomed and morally degenerated.

The Prime Minister: Mr. Speaker, Sir, as I came into the room I heard the Honourable Member who has just spoken speak about citizens. His idea of citizens, of course, differs from ours. But I would like to tell Honourable Members that in order to understand the objects and purposes of the amendments to the Constitution, an Honourable Member has only to put himself in a position where he can think completely and clearly of himself as a Malayan—a true son of the soil—a person whose loyalty and love is given to this country and to this country alone; he must put himself in the position of a patriot who regards Malaya and no other land as his home and in other words he must regard this country as his only home.

In thinking as a true son of the soil, his sole aim must be to consider the national interest, and against that background to decide fairly the rights people should have as Malaysians and the responsibilities they should exercise as citizens of this country.

As I have said before, and I say again, there is no half-way measure in loyalty, and loyalty to the land of his birth or adoption is the only true test of a citizen. Any laws or regulations on citizenship which do not ensure and maintain the preservation of that fundamental and sole loyalty must fail in their purpose. If you honour and love your country you must value its citizenship as a treasure of great price. That is the standard by which our citizenship laws must be measured.

In thinking as a true son of the soil, his sole desire must be to protect his country and his fellow citizens from exploitation by alien elements; from the self-seekers whose sole purpose in

obtaining citizenship is to get and make what they can from the country and to leave when they have taken what they want; and from foreign mischief-makers of every shade or stripe who envy the harmony and progress of Malaya, or those who seek to subvert or to disrupt our way of life and thought, or those who are paid by foreign gold to serve a foreign ideology, and make trouble here.

In thinking as a true son of the soil, his sole test of true citizenship can be put in one sentence—am I prepared to live and die in this country, to live and die for this country? In short, he must feel that Malaya is his own beloved country, Malaya and none other; that Malaya is all he has; she is his homeland, his motherland, his fatherland and all that marks the respect and affection for Malaya, and Malaya alone. It is only when he can feel like this, will racial issue be banished from Malaya.

Having thought sincerely to himself, of the real meaning of a true son of the soil, and having applied these standards, which I have just stated, then he can sit back and think to himself: "How best can this be done?" And the answers will be clear—citizenship must evoke loyalty, love and pride; citizenship must be of great intrinsic value in itself; citizenship must never be cheap or a matter of convenience; and citizenship must never be a cover for either guile or gain. Having reached these inevitable and fair conclusions, then and then only will he understand the purposes behind the motion today to amend the Constitution.

The Constitution is our Charter of independence, freedom and democracy, the declaration of our basic beliefs in the rights and duties of our fellow citizens in our own land, and the framework within which all our laws and actions must be set and judged.

No Constitution, however, can be immutable and absolute, although that

is the ideal. Any Constitution must be subject to changes and amendments should the national needs and interests and circumstances warrant it. The fact that the Constitution contains Articles which enable it to be amended is a clear proof of this. It is obviously the bounden duty of whatever Government that is in power to ensure that the Constitution is as fair, strong and comprehensive as it can possibly be.

It is in this sense of duty that the Government is proposing amendments to the Constitution today. As the Deputy Prime Minister has rightly reminded the House, amendments have been made to the Constitution before, but on that previous occasion the actions of the Government were certainly not subjected to so much hullabaloo—I might even say ballyhoo—inside and outside the House as these simple and neat amendments have aroused amongst self-interested critics.

To listen to them one would think no one had ever thought or heard of amending the Constitution before or now. One would think they had no desire or right to amend the Constitution however bad or out of date it might be in progressive Malaya. Yet if we look at the People's Progressive Party manifesto, as I said in this House yesterday morning, it is quite clear that if ever by some stroke of misfortune they should gain power, then for one thing there will no longer be any reservation of special rights for the Malays, and for another there will be multi-lingualism, with Chinese and Tamil thrown in along with Malay and English. But as I said yesterday, and I do not want to repeat again, how can you achieve all these without amending the Constitution? If the Socialist Front members get into power they would lose no time in destroying the strong structure of national security built into the Constitution. As for the Independents they have no policy, or even if they have, they would never be in a position to do anything about amending the Constitution.

But the Alliance considers it our great good fortune that we have the power conferred by the votes of the people in granting us an overwhelming majority in this House. As represented by the Opposition only posterity and time will tell how right we are in the steps we are now taking. We do not intend to shirk the duty that great vote of trust imposes upon us, not only to pass good laws or make old ones better, but also to improve the Constitution if we possibly can. On this question of amending the Constitution's Articles on citizenship we intend to carry out our duty, even though, as I have said, we might incur the displeasure of the people opposed to us.

The confusion in the minds of the Opposition is quite extraordinary, so extraordinary that I am of the opinion it is purposely done in order to create more confusion among the people so that there will be less chance of understanding the ideas put forward in these amendments to the Constitution. They like to mention the *Straits Times* and I would like to see too what the *Straits Times* has had to say on the 23rd of January. It says: "It is wickedly mischievous to pretend that the birthright of citizenship is being seriously abridged, or that a child can lose his birthright through the sins of the father". Now, the Deputy Prime Minister has explained, and I do not wish to repeat it in detail, that the amendment to Clause 2 of this Bill will not prejudice rights already acquired, nor will it operate so as to render a child stateless. It is obvious that the effect of this change in the Constitution does not affect anyone who is legitimately entitled to be a citizen and that no one can be made stateless. This is provided for by Clause 1 of Article 14.

On the 19th of January, a public meeting was attended by citizens of this country and among whom were some wellknown lawyers of Kuala Lumpur, in the Town Hall here. All those who attended this meeting made allegations completely out of tune with

the purpose and spirit of the amendments. I would like to repeat some of the things that were said at that meeting: "Terrible things are in store for those who are not citizens. The amendments are vicious, punitive and iniquitous." Others said that "our grandchildren and their children's children would be stateless if our daughters married Ceylonese in Ceylon." Why marry Ceylonese in Ceylon! (*Laughter*) There are lots of Ceylonese here—Malayans. The same thing applies to us Malays—we will be stateless if we were to go to Indonesia and marry Indonesians. We have got no other home except this country. Therefore, you see the irrelevancy of that statement. Another threw out the line that the Government had taken only a short time to amend the Constitution while it took the Constitutional Commission a year to prepare it. I do not consider that four years is a short time. We have given a lot of thought to this end, as I have said, experience has dictated that we must amend the Constitution in order to fit in with the progress of this country since independence. Still another speaker declared that I had broken a promise made when the Alliance was formed that the principle of *ius soli* would be accepted. I will explain that later. Finally, there was a speaker who declared that the amendments would be the beginning of the end of democracy in this country—he has not explained how and in what way would it be the end. I do not know, but what we are proposing to do in amending the Constitution is by proposing it in this House and if it is accepted by this House, it will be passed and will become law. And again, there are so many things which they all said at that meeting and it is not possible for me to mention them here. Now, all these people had one thing in common, as I see it. They do not think of themselves in terms of Malayans, they were creating an atmosphere of fear, suspicion and hatred against the Government.

I have said, before, and I repeat, that fifty years ago there had been

no racial problem whatsoever in this country because the Chinese, the Indians and the Ceylonese who were here adopted this country as their home, and in the States such as Malacca, they even speak Malay as a matter of course, as their *lingua franca*. And so did the babas in Singapore and the others in all the other places in the Malay States. There were then no Chinese schools and those who wanted to learn Chinese had either to go to temples or find private tutors to teach them.

It was after the First World War when Chinese nationalism invaded this country that Chinese schools were built, and those Chinese who did not accept this new urge were condemned. The Chinese in this country started to become Chinese conscious, and in those years millions were brought in from China to work in the mines, and thousands upon thousands of Indians were brought in to work in the estates. The policy of the Government then—of course it is obvious to all—was to divide and rule.

After the Second World War conditions worsened. More and more immigrants came here, and it became necessary to provide safeguards for true Malayans. Under the Federation of Malaya Agreement, citizenship laws were introduced and passed by which a person could become a citizen in three easy ways: by registration, by naturalisation, and by operation of law. When the Alliance came into power, it was necessary, we thought, to loosen these laws in order to enable more non-citizens in this country to become citizens. As a result of the allowance made under the new Federal Constitution many hundreds of thousands were registered as citizens and the principle of *jus soli* was accepted.

The Honourable Member for Ipoh referred from time to time, and other Members as well, to the speech which they alleged I made in 1954. It was correct that I did make the speech in 1954, and I had the opportunity to

refer to it last evening. This is actually what I said:

“We must remove protection which has given us false security and we must set up a Government of Malaya whereby real contribution can be made by all peoples concerned towards the establishment of real security in this country.

Difficulties are numerous and we cannot make light of them, we must remove it, but in order to enable us to do so, Malays and Chinese must learn to understand one another, work together, and shoulder our responsibility together, and above all things look to Malaya as the object of our loyalty.

There are still small sections of Malays who are distrustful of the Chinese. When UMNO fought to give rights to those born in this country—voting rights as a first step—they looked upon our action with awe and suspicion.

Another party used it against us as their party whip”—

in this I refer, of course, to Party Negara—

“but in the end they failed so dismally, because the greater number of Malays believed in the honesty and sincerity of their leaders and approved wholeheartedly of our action. This proposal however was turned down by the Colonial Secretary, but that is immaterial, the principle of *jus soli* has been accepted by UMNO and the rest will follow”.

That is one paragraph of what I said. And in truth we have followed the principle of *jus soli*. If the Honourable Member cares to read carefully Part III of our Constitution on Citizenship, Section 14, he will find that paragraph (b) states that any person born in the Federation on or after Merdeka Day becomes a citizen; so is the case in respect of every person born outside the Federation—see paragraph (c)—on or after Merdeka Day whose father is a citizen at the time of his birth, whether he is born within the Federation or outside the Federation if his father is in service under the Government of the Federation—he is a citizen by operation of law; and in

paragraph (d) it is stated that every person born outside the Federation on or after Merdeka Day whose father is a citizen at the time of his birth if such birth is registered at a Malayan mission abroad, he too becomes a citizen of this country.

Sir, Clause 2 of the Bill amends this by providing that a person is not a citizen by operation of law, if his father served some foreign Government as Envoy, or his father is an enemy alien in a territory where he was born, and then again at the time of his birth neither of his parents was a citizen and neither of them is permanently resident there. If he was born before the coming into force of this Clause he would become stateless.

Now, Sir, on the principle of *jus soli*, the Honourable Member for Ipoh has referred to *jus soli* as the birth-right of the Chinese' has suggested that the modification of the principle now proposed reduces the principle of *jus soli* to a farce. *Jus soli* is a principle that citizenship by birth is determined solely by the territory where the birth takes place, regardless of when it took place, whether the child has any other citizenship or where he subsequently resides. Now, let us listen to what the Reid Commission has to say on this subject of *jus soli*—paragraph 38 of the Report:

“We received many representations that the principle which has come to be taken generally in Malaya as *jus soli* should be given retrospective effect. We are not satisfied that it is entirely possible or desirable to provide that all those who were born in Malaya, whatever be the date of their birth, wherever they may be now, and whatever be their present nationality, should be retrospectively made citizens of the Federation by operation of law.”

There you have the first modification of the principle of *jus soli* when the Reid Commission suggested that it should not apply to persons born in the Federation before Merdeka Day.

The Reid Commission recommended, instead, that those persons should, provided they were resident in the Federation on Merdeka Day, be entitled to citizenship by registration if they had the requisite residential qualification and intention to reside there permanently. The recommendation is embodied in Article 16 of the Constitution which is not amended by the present Bill. Nor is it affected by any amendment now proposed except that the requirement of good character is no longer satisfied by the absence of any criminal conviction. Now, Sir, what is the effect of the modification to the doctrine of *jus soli* now put forward? Honourable Members on the other side of the House have tried to give the impression that as a result of the amendment the doctrine of *jus soli* has to all intents and purposes ceased to exist in the Federation. In fact, all that is proposed is that a child born in the Federation will not be a citizen by operation of law, if at the time of birth neither of his parents is a citizen and neither was permanently resident here—that is fair enough. Therefore, is it a farce to require a person claiming citizenship of the Federation by birth that he should have some ties with the Federation? Should every person who happens to be born here automatically become a citizen and remain a citizen for the rest of his life regardless, I say, of the fact that he may have another citizenship as well, and may reside permanently in some other country?

Sir, the Honourable Member for Dato Kramat has suggested that in such circumstances the child can be deprived of his citizenship on the ground of absence for a period of five years. However, he overlooked the fact that a citizen by operation of law cannot be deprived of his citizenship on the ground of absence from the Federation. Another qualification of this modification of the principle of *jus soli* is that it will not apply to any case, in any case, where the result would be to render the child stateless.

Sir, it is difficult to understand how such a moderate and carefully considered modification of the principle of *jus soli* can be described as reducing the principle to a farce.

The Honourable Member for Ipoh has implied that in some way that this modification of the doctrine of *jus soli* was directed against a particular section of the community and may deprive millions of their birth-right. Does he suggest that Chinese and Indians, who are not citizens of the Federation, will come in their millions, leave their children here, and then depart from these shores? At the same time he suggested that the sinister motive of this amendment is that the Government wants less and less citizens of the Federation. Why does he assume that the citizens of the Federation and persons who are permanently resident here are less prolific than those who are birds of passage? So, that argument on *jus soli* does not really hold water. There is *jus soli* in a sense in this country and thousands have benefited by it.

Another argument put forward by the Honourable Member for Dato Kramat is this: he said that we in the Alliance represent 790,000 and they represent 781,000 voters, and on that score the Government does not have the overwhelming majority which would enable it to amend the Constitution as it lies. Sir, it will be appreciated—perhaps the Honourable Member will appreciate that he has accepted Article 159 of the Constitution which provides that the Constitution can be amended by a two-third majority voting for it. So, if you honour and respect the Constitution, as the Honourable Member alleges to have done.....

Enche' Lim Kean Siew (Dato Kramat): Mr. Speaker, Sir, on a point of information—I did not at any time say that I do not respect the Constitution at all. What I stated was this: the position is that although the Alliance has an overwhelming majority in this House, they do not

have the overwhelming majority of the votes of the people of the country, and that the time will come, if this Constitution was amended, that the overwhelming majority of this House could represent less than half the voters of this country and these representatives who may represent less than half the people could change the constitutional representation to this House by delimiting the constituencies.

The Prime Minister: Thank you. But the fact remains that there was a suggestion that we represent just so little more than what the Opposition represents and that we should not therefore change the Constitution. Nevertheless, as I said, the fact remains that the Constitution provides that it can be amended by a majority of two-thirds voting for it, and this is what we are doing, regardless of the number of voters who send us to this House.

Then again, as regards the talk about the farce we are making of our Constitution—even just now an Honourable Member has suggested that we are behaving, or the way we are doing it is similar somewhat to what was done by Mr. Hitler, and so on. As I understand it, and also remembering when I was a student of constitutional law in the early days, there were two kinds of constitutions: one is unwritten and flexible whereby it can be amended by a simple majority and at any time, and the other where it is written and rigid, where it cannot be changed except with a vote of two-third majority. Our Constitution is of the latter type—a rigid Constitution—and we have come to this House expecting the support of two-third majority, in order to amend the Constitution in respect of those parts where we find them not quite up to date. But since my student days, there are two more types of constitutions which have come into existence—one as practised by the Communists where nobody has any say at all except only those on the top, and the other one is military dictatorship,

where all you need do is to do what you want to do.

Here, our Constitution provides for amendment in a constitutional way, and what do we meet? We meet abuses, insinuations, venomous invectives, vituperations, recriminations, and all those words which I cannot think of at the moment. We are charged with the violation of the Constitution, with subversion of the Constitution; we are told that we are responsible for a sell-out, for a breach of faith, not to mention betrayal of fundamental rights. The Alliance has been accused of being irresponsible, reckless, carrying out a fraud on the country; and an allegation has also been made that anyone who supports the Bill is committing an act of treachery. But, as I said, one has only to think of himself in heart and soul as a real citizen of this country to appreciate the reason for making these changes.

Now, let us see, for instance, who are the people who throw all these abuses at the Alliance. The Honourable Member for Telok Anson, for instance, a man who champions the rights of non-citizens, who spoke at some length in this House, we had occasion to send the Honourable Member in 1957, if I am not wrong, to lead the Malayan Delegation to the United Nations. Now, how did he behave? For one thing, I felt rather disappointed with the way he behaved. For instance, one of the practices there is for the Malayan Delegation to entertain their friends from other Commonwealth countries, and on that occasion a lunch was given by the Malayan Delegation and our friend, the Honourable Member for Telok Anson, was absent from that party. Where was he then? He was attending a Double Tenth celebration at the Chinese Embassy in Washington.

Enche' Too Joon Hing (Telok Anson): Mr. Speaker, Sir, on a point of clarification, I do not think that is very fair. That is not the correct thing which happened. When I was one of the Members of the Malayan Delegation

to the United Nations, we met every morning at the office to discuss the events of things. I think the Honourable Minister of the Interior was the Ambassador then. He could have told me that very day that there was a lunch, but I was not informed. I did not go to a Double Tenth celebration. That day was not the Double Tenth; the Double Tenth celebration was a day later, in the evening. There was no such occasion on the day referred to. The Minister of the Interior could check on this and find out. Sir, I was not informed although we met everyday in the office. So, is that a fair charge? I do not think so, as I was not informed at all. If I had been informed, then I would have been present at the lunch and done my duty. I did not attend the lunch because I did not know about it. I did not attend a Double Tenth celebration lunch. I was having lunch at the 'Peking', just two streets away from the United Nations with some friends from the United Nations.

Dato' Dr. Ismail: Mr. Speaker, Sir, on a point of explanation—to be honest, I cannot recollect the date, but I do know that the Honourable Member was absent from the lunch referred to by the Honourable the Prime Minister; I do know that he went to lunch at the 'Peking' with some friends. Those friends are members of a delegation of a country which this country does not recognise; and as such I think the Honourable Member has no right, at the expense of this country, to have lunch with members of a delegation of a country which we do not recognise.

Enche' Too Joon Hing: Mr. Speaker, Sir, on a point of clarification.

Mr. Speaker: I think we should leave it at that.

Enche' Too Joon Hing: Mr. Speaker, Sir, I think it is only fair that I should refute the charge against me. The lunch was not by a member from any nation that we do not have diplomatic relations with. I had lunch with a member of the United Nations

who was working in the United Nations—one of the staff there.

Mr. Speaker: I think we will leave it at that.

The Prime Minister: Mr. Speaker, Sir, in spite of the explanation, I still fail to understand why he has anything to do with people outside Malaya, particularly with people with whom Malaya has no connection, or with whom Malaya is not on terms of friendship. However, the Honourable Member did attend the Double Tenth celebration in Washington. I checked up and found that it was correct. I do not want to go further into it, but what I just want to say is that these same people are the ones who are fighting for the rights of non-Malayans. And it is the same with the Honourable Member for Ipoh, who, from his words, heard from time to time, maintained that he is fighting for the rights of non-Malayans, for the rights of Chinese. He has even said in this House, when the Honourable the Deputy Prime Minister moved the Bill to increase the allowance to Members of this House, "My increase of allowance which is going to be paid to me can be paid to an independent Chinese school." What does that indicate? It indicates that he is against the educational policy which is intended to make everybody in whatever school he is studying Malayan minded—that is intended by the educational policy. And here is a man who spoke up for independent Chinese schools; in fact, it means that he did not want anybody to be Malayan minded. These, Sir, are the people who defend what we might say the rights of non-Malayans.

Then again, Sir, the Socialist Front, recently made a declaration on Malaysia which, perhaps, by coincidence appears to confirm word for word the directive which was issued by Parti Komunis Indonesia—the directive made by Mr. Aidit. Then, again, Malay members of the Party went to Indonesia to attend.....

Enche' Lim Kean Siew: On a point of information.....

The Prime Minister: I think I need not give way—I have so much to say.

Enche' Lim Kean Siew: If an allegation like that is made, surely we should be allowed to explain.

The Prime Minister: All right, all right!

Enche' Lim Kean Siew: Mr. Speaker, Sir, if the Prime Minister will remember, it was I myself many months ago, when a motion was moved in this House on the concept of Malaysia, who spoke on a Federation of the Malaysian States and we still uphold the concept of Malaysia. We do not agree only with the form, and that was long before Alex Josey went to see Aidit.

The Prime Minister: Thank you very much for the information. Still there was no excuse for the Malay members of that Party to go and attend the meeting of the Partindo, which is the Communist Party in Indonesia.

Enche' Lim Kean Siew: Partindo is Soekarno's party; P.K.I. is Parti Komunis Indonesia—it is not Partindo.

Mr. Speaker: Will you please address your remarks to the Speaker. You are addressing the Prime Minister himself.

Enche' Lim Kean Siew: Yes, Mr. Speaker, Sir—I will now repeat it to you. Partindo is Party Indonesia. That is Soekarno's Party. P.K.I. is the Parti Komunis Indonesia and that is the Communist Party—they are not the same party.

The Prime Minister: Whatever it is, what right have they got to go and attend Soekarno's Party when they are citizens of this country? (*Laughter*). As far as I know, this Partindo is a party which is led by one Ibrahim bin Yacob who is a wellknown communist and who is not allowed to come here, and at that meeting they made severe attacks against this Government in a foreign soil, and that is the type of people who now stand for the rights of non-Malayans. This is the reason

why I am telling you what they are so that the people of Malaya will know them for what they are.

One Honourable Member said that UMNO promised MCA to give rights to the Chinese and that we broke the promise and we betrayed our friends in the MCA. The Honourable Member, I think from Ipoh, will need only a minute to think carefully to know that we did not break faith with the MCA. It was through the agency of the MCA that so many Chinese have become citizens (*Applause*) whereas before they were aliens or non-Malayans, and it is with the concurrence of the MCA and the MIC that we now seek to tighten up the laws with regard to citizenship (*Applause*) for the simple reason that the MCA and the MIC feel strongly that since they are Malaysians it is in their interests to protect their fellow citizens and also it is in their interests not to create problems and issues which will be very difficult to solve by those who come after us. For that reason we have come into this House in order to seek amendments to this Constitution and protect Malaysians and save them from being harrassed and annoyed by those aliens who have not the slightest regard or respect for the laws and policies of our Government and whose sole aim in acquiring citizenship is to destroy the peace and harmony which now prevails in this country and of which we are so proud.

On the question of delimitation, the Honourable the Deputy Prime Minister has said enough. In fact, this is a matter which has occupied our mind for some considerable time. There was attack on delimitation on the ground that people in the rural areas have two votes as against one in the urban areas. The Honourable Member forgets that there are Malaysian citizens, both of the Chinese race and the Indian race who live in the rural areas in large numbers. Large numbers of Indians are employed on estates, in road works and other places and also they are settled on land which has

been recently opened up under the rural development scheme. The same applies to the Chinese. Many thousands of them are employed on the mines and other remote areas. Now these people in the rural areas, whether they are Chinese, Indians or Malays are simple people and they are unspoiled by the glamour of politics in the towns. What is important for us to know is that the demands they make on life have been very, very small. They have been given certain benefits and certain rights, but some of these people do not know exactly how to exercise these rights. But one thing I am happy to say—they are not spoiled by the smooth propaganda of party politics, some of which are done by people who aim to take control of this country through these simple people and at the same time without giving these people or the country assurance that when they take over the reigns of Government they will be able to provide the comfort, harmony and happiness which now prevails in this country. It is not the intention of this Government to give these people two votes as against one in the urban areas, but only to give them the right, which they deserve, to vote. The Deputy Prime Minister has explained in the course of his opening address and I am sure he will further explain in winding up this debate.

I don't think there is anything more which I can say, because there is not much time left and we hope the debate will finish in the course of today. And so, Mr. Speaker, Sir, that is all I have to say on the matter (*Applause*).

Mr. Speaker: The sitting is suspended for 15 minutes.

Sitting suspended at 12.10 p.m.

Sitting resumed at 12.30 p.m.

(Mr. Deputy Speaker in the Chair)

Debate resumed.

Enche' V. David (Bungsar): Mr. Speaker, Sir, this morning we heard the Prime Minister dwelling at great

length replying to the speeches made by the various Members of the Opposition. Even though I am not an independent, as a Member of the Socialist Front, I would like to reply to the remarks made on the Member for Telok Anson. The Prime Minister did say that the Member for Telok Anson had a lunch with the Members of the Chinese delegation. If I remember correctly in 1958, I know Members of the Cabinet had Vodka with the Russian delegates who attended the ECAFE Conference. If the Member for Telok Anson is regarded as disloyal for having had lunch with the Chinese delegation, it equally applies to the Members of the Cabinet who had Vodka with the Russian delegates. Therefore, when you are living in a glass house do not throw stones, as the Minister of Finance stated this morning!

Mr. Speaker, Sir, the Prime Minister also said that if the Opposition possessed two-third majority, we would also amend the Constitution. But one thing the Prime Minister should remember is that the Opposition will have the courtesy at least to tell the people and give sufficient time to the people to consider the amendments before such amendments are being introduced in this House.

Sir, regarding the Government's move to amend the Election Commission's structure and other matters related to it, I feel that this is done because the UMNO has protested to the report produced by the Election Commission and it has interfered with the Election Commission. The Election Commission is an independent body, and its Chairman being an independent man rejected the allegations made by the UMNO, and the UMNO had no other alternative. Systematically this is a calculated attempt by the UMNO to introduce amendments in regard to the Election Commission Ordinance, so that the powers possessed by the Election Commission can be stripped off.

Mr. Speaker, Sir, coming to the other items of the amendments, I think I am rising at the very vital moment when the entire nation is faced with the further encroachment into the principle envisaged in the United Nations Charter. Sir, treachery has fallen on parliamentary democracy. Parliamentary democracy can only be maintained and upheld when it is desired and cherished in its true perspective. Today the principle of democracy is on trial. The vital root and the concept of democracy are being threatened by a few leaders who are attempting to manipulate and strangle to remain in power. Let us ask ourselves these questions, "Where are we now going; is this country moving towards fascism, totalitarianism or towards a misguided democracy; has this country the right to condemn the people of other countries in the United Nations when, under its own roof, it is resorting to under-hand tactics to change the Constitution by pushing this Bill through?" In this matter, the Government should be ashamed of its action which is going to lead to widespread repercussions internationally. If we accept democratic principles, then the Constitution should be considered as a sacred document which should be preserved, above all, purely for the ultimate destiny of the nation.

Within three years of independence this nation saw the first change to this Constitution in 1960. The Government has given itself the power of preventive detention, not in time of Emergency, by amending the Constitution. Within a period of another two years, the Government is now introducing another major change in the Constitution. We are all aware that the Government is in a position to amend the Constitution according to the whims and fancies of a few individuals with this overwhelming majority in the Parliament. But where will it end if they keep on changing the Constitution? I have reliably been informed that further amendments to the Constitution are pending consideration. No self-respected individual will

tolerate this state of affairs. All Constitutional avenues should be explored to meet the threat of the Government and to resist such and further encroachments into our Constitution. What guarantee is there that the Government will not suspend the entire Constitution and establish a regime of dictatorship? All the events taking place are food for thought for the people of this country. Many people in this country have not understood the implications and the consequences which are bound to arise at a later date through these changes. Mr. Speaker, Sir, the proposed amendments are substantial and the provisions will have a serious effect on the people of this country. What right and mandate does the Government possess to change the Constitution? The Alliance was not returned to power on a platform to change the Constitution. The Alliance did not even dare to make it an issue during the 1959 elections. If a change of Constitution had been an issue, then the Alliance would not have been returned to power. This alone will illustrate that the Alliance has no mandate to change the Constitution. The Reid Commission which came to Malaya before independence obtained the views from the people of all shades of opinion before it drafted a Constitution for the Federation of Malaya. The Commission consisted of eminent persons with experience on constitutional matters. The Commission invited memoranda from the various political parties then in existence to express their views on what form of Constitution would be suitable for this country. The Alliance, which was in power then, submitted its Memorandum to the Commission after consulting its partners—the MCA, MIC and the UMNO. The Memorandum was called by the Alliance as a political testament. The Commission drafted the Constitution based more or less on the Memorandum submitted by the Alliance because it held the view that the Alliance reflected the aspirations of the three races. There were doubts raised by certain sections of the communities as to whether they were

protected under the provisions of the Constitution. The Alliance leaders, especially leaders from the MCA and MIC made speeches in various parts of the country assuring of the safeguards to the various races under the Constitution. Where are those leaders now? Where have they gone? Why are they not prepared to face the people? Are they hiding beneath the glamour of the UMNO? The amendments will be a suicide to the nation, and particularly to the MIC and MCA. The leaders of the MCA and MIC have sold their communities for a cheap political career, which they should realise is full of uncertainty and disasters.

The first election under the provisions of the Constitution was held in 1959. Within a short period the first amendments were introduced in 1960, arming the Government with the powers of preventive detention. Within this short period Parliament is now being asked to approve a further set of amendments which is disastrous in nature and fearful in its ultimate objectives. Have we had time to refer this matter to the people of this country? We have not been given time to refer to the people and receive a mandate from them. Mr. Speaker, Sir, the Government has not ascertained the will of the people and the desire of the people. The proposed amendments are not the will of the people, but it is the will of a few individuals who are in power.

Sir, finally, let me warn that amendments of this nature will not encourage this country towards the path of prosperity and stability. Sir, even though I would like to dwell in detail, I think the Deputy Prime Minister is keen to reply and I give way. Thank you.

Dr. Burhanuddin bin Mohd. Noor (Besut): Tuan Yang di-Pertua, saya hendak berchakap sedikit sahaja kerana hendak memberikan penjelasan di-atas sokongan yang telah di-berikan oleh wakil daripada Persatuan Islam ia-itu Yang Berhormat dari Bachok. Oleh kerana sokongan-nya itu telah

timbul sangkaan² daripada pehak pembangkang yang lain dan ada beberapa perkara yang telah di-kait pula dengan ucapan Yang Teramat Mulia Tunku Perdana Menteri, jadi, saya suka-lah memberikan penjelasan di-sini bagaimana sokongan kita berikan di-atas pindaan ini. Tuan Yang di-Pertua, daripada ucapan Yang Teramat Mulia Perdana Menteri telah membayangkan bahawa tujuan meminda Undang² ini ia-lah kerana hendak mengemaskan dan membaiki serta mempertahankan hak Perlembagaan bagi keselamatan dan ketenteraman negeri ini.

Bagi Persatuan Islam sa-Tanah Melayu bahawa sa-belum Perlembagaan ini di-rangka, kita dalam masa Lord Reid datang di-sini kita telah membuat memorandum menerangkan bagaimana sa-benar-nya chorak Perlembagaan yang kita kehendaki itu. Sa-bagaimana yang telah di-terangkan oleh Yang Teramat Mulia Perdana Menteri bahawa dengan rasa ra'ayat yang bertanggung-jawab yang tidak ada lagi berbelah bagi ta'at setia-nya dan tidak ada lagi negeri lain bagi mereka itu untuk menumpukan ta'at setia hanya-lah kepada negeri ini maka asas itu-lah Perlembagaan ini di-buat untuk membaiki Perlembagaan di-atas dasar itu. Tuan Yang di-Pertua, bahawa Persatuan Islam sa-Tanah Melayu juga dengan memorandum-nya ada-lah menegaskan kalau-lah saya berikan dengan sa-chara rangkas bahawa garisan penduduk Tanah Melayu ini boleh-lah di-bagikan kepada tiga garisan. Garisan gulongan yang tidak ada lagi berbelah bagi ta'at setia-nya dan tidak ada negeri lain hanya-lah negeri ini. Maka ini-lah pendirian kebangsaan yang di-perjuangkan oleh Persatuan Islam sa-Tanah Melayu. Gulongan yang kedua bahawa kita menyedari bahawa ada beberapa orang dagang yang datang ka-negeri ini yang bermastautin, yang benar² hendak menumpahkan ta'at setia-nya dan menjadi ra'ayat negeri ini. Dan gulongan yang ketiga, orang² dagang yang datang ka-negeri ini yang bertujuan mereka

bermacam², maka ini-lah tiga garisan gulongan penduduk yang besar.

Bagi Persatuan Islam sa-Tanah Melayu ada-lah dengan jelas dalam memorandum-nya yang ada di-sini ada di-bawa pun, yang telah diberikan kepada Lord Reid dalam membentok Perlembagaan Persatuan ini, bahawa bangsa Melayu itu-lah tulang belakang yang sa-benar-nya menanggung hak dan ketuanan negeri ini dan kepada bangsa itu-lah ta'at setia-nya yang tidak berbelah bagi yang tidak ada negeri lain melainkan negeri ini. Jadi, kerana memandangkan kepada keadaan orang² dagang itu maka perlu-lah untuk menentukan ketenteraman dan untuk menuntut perpaduan kebangsaan yang tegoh maka mesti-lah bangsa yang tiada berbelah bagi ta'at setia-nya itu bersatu lebeh dahulu mengadakan kebangsaan yang dinamakan kebangsaan Melayu dan Islam sa-bagaimana agama-nya. Jadi, dengan dasar ini-lah, Tuan Yang di-Pertua, kita menuntut satu Perlembagaan yang betul² merupakan perpindaan di-dalam-nya kuasa ke-daulatan ketuanan ia-itu kepada bangsa Melayu mempunyai hak mutlak ketuanan negeri ini. Dan dengan hak ketuanan ini-lah kita berikan dan memberikan pertimbangan daripada hak pilihan kita sendiri dan kemahuan kita sendiri menentukan satu kera'ayatan yang akan di-berikan kepada satu kebangsaan yang tulin, kebangsaan yang berpadu, ini-lah pendirian kita. Dan sekarang sa-sudah berbath panjang di-dalam Dewan ini maka nyata-lah apa yang ternyata sekarang manakala Persatuan Islam memberikan sokongan bahawa dalam pandangan kita erti-nya sokongan ini bahawa ini ada-lah bersetuju-nya Persatuan Islam sa-Tanah Melayu ini sendiri yang kita telah pandang dan pernah pun di-suarakan bahawa apa yang di-perjuangkan oleh UMNO telah mengkhianati hak ketuanan Melayu. Dan dengan kesadaran sekarang ini-lah pindaan ini sa-bagai satu tampanan atau menampal ke-bocharan² hak ketuanan Melayu yang selama ini di-pandang bochor maka

sokongan kita itu ia-lah bersetuju dengan apa yang kita perjuangkan.

Jadi, dalam Persatuan Islam dan dalam pendirian Persatuan Islam tidak ada semua sa-kali kita memusohi orang² dagang, orang² China, orang² India, atau siapa sahaja bahawa sa-nya dasar kita ada-lah dasar yang berjiwa dengan Islam dan berperi kemanusiaan sa-bagai kebangsaan Melayu yang berjalan sejarah baik dan berbudi bahasa-nya yang halus. Apa yang mesti dan patut saya jelaskan ia-itu bahawa kita hendak menentukan nasib kita dengan satu bangsa yang padu dan datang-nya bangsa yang padu itu-lah kita telah menunjukkan dalam sejarah kita berbaik² dengan semua bangsa dan dapat-lah satu bangsa dengan asas yang betul² tegoh.

Sekarang di-dalam perbahathan kita yang telah berlanjut sa-lama dua hari yang sudah lalu telah nyata-lah bahawa chita² kebangsaan hendak di-perjuangkan oleh Persatuan Islam ini telah di-senggong²kan oleh gulongan yang ketiga ia-itu gulongan yang kita pandang membela kapada kepentingan hak orang² dagang yang hendak menuntut kera'ayatan terutama-nya pehak UMNO yang sudah sedar bahawa kebochoran ini mesti di-perbaiki—mesti di-pinda. Maka dengan sebab pindaan itu ada-lah satu tanda kesedaran kebochoran mesti di-tampal dengan mengadakan pindaan yang ada sekarang ini. Jadi, dengan pindaan ini ada-lah sesuai dengan dasar perjuangan kita. Dan dengan ada-nya nanti pindaan² yang di-bawa oleh Perikatan ini maka bererti-lah ka-arrah perpaduan yang di-chita²kan oleh Persatuan Islam sa-Tanah Melayu itu bertambah dekat. Dengan ada suara² yang membela kapada kepentingan² yang berpehak kita pandang kapada gulongan yang ketiga tadi maka dengan sebab itu maka kita berkehendakkan pindaan ini supaya kita sokong dan dengan jalan itu-lah chita² Persatuan Islam bertambah dekat.

Tuan Yang di-Pertua, tadi Yang Teramat Mulia ada membabitkan berkenaan dengan sa-orang daripada perjuang kebangsaan kita yang terkenal di-tanah ayer kita di-sini ia-itu Ibrahim Ya'cob. Tuan Yang di-Pertua, saya sa-benar-nya tidak-lah hendak memperkatakan dalam perkara ini tetapi sa-bagai sa-orang yang bertanggung-jawab Kerajaan telah membuat satu tuduhan kapada sa-orang yang saya rasa tidak patut-lah di-sebutkan bahawa Ibrahim Ya'acob itu sa-bagai sa-orang komunis, dan parti *Pertandok*, parti Ra'ayat Indonesia itu sa-bagai parti komunis. Maka sangat-lah saya rasa tidak chermat-nya di-dalam membuat satu² tuduhan atau kenyataan berkenaan dengan satu perkara yang tidak menepati betul. Sa-benar-nya apa yang saya tahu dalam perhubungan² perjuangan di-negeri ini dalam masa sa-belum perang lagi dan dalam masa penjajahan Jepun bahawa Ibrahim Ya'cob ia-lah sa-orang nationalist yang benar² hendak menyelamatkan dan hendak memerdekakan negeri ini daripada penjahan British dan daripada penjajahan Jepun.

Tentang fahaman beliau ada-kah dia komunis, tetapi apa yang saya tahu sa-hingga kapada dia maseh lagi dalam parti *Pertandok*, *Pertandok* itu bukan-lah komunis. Tuan Yang di-Pertua, dia itu ada-lah satu parti yang bergerak di-dalam-nya di-sokong oleh President Soekarno. President Soekarno juga kita tahu beliau itu bukan-lah komunis. Jadi, saya berharap supaya jangan-lah satu² perkara yang boleh menimbulkan perkara² yang berkait dan merosakkan nama baik bagi sa-orang perjuang negeri ini, saya harap perkara itu jangan-lah di-ulangkan lagi.

Tuan Yang di-Pertua, satu perkara sebab dengan senggongan² yang boleh menimbulkan keraguan dalam perjuangan Persatuan Islam dalam kita menyokong pindaan ini. Saya suka-lah menegaskan lagi bahawa perjuangan kita di-dalam lapangan kebangsaan kita ada-lah sa-bagaimana yang saya katakan tadi ia-itu kita berkehendak-

kan satu kebangsaan yang padu dan padat yang tidak lagi orang itu berperkauman Melayu, tidak ada lagi orang itu berperkauman China dan tidak ada lagi di-dalam-nya kebangsaan yang kita maksudkan itu berperkauman India. Tetapi satu kebangsaan yang padu yang tidak berpechah² yang akan betul² kuat padu merupakan satu bangsa negeri ini.

Tuan Yang di-Pertua, kerana chita² kita ia-lah chita² Islam dan Persatuan Islam ini ada-lah Persatuan Islam yang memakai dasar Islam. Begitu juga-lah parti² lain, kata-lah Front Socialist yang selalu menjadi selaran parti komunis sa-bagaimana yang di-sebutkan kapada Ibrahim Ya'cob komunis menjadi satu senjata memburok²kan perjuangan yang menentang satu² perkara yang hendak di-bawa radical—perubahan yang lekas, ditudoh komunis. Saya harus-lah menyatakan di-sini, Tuan Yang di-Pertua, bahawa Persatuan Islam ini dengan dasar kebangsaan-nya yang luas itu dan dasar Islam-nya itu harus-lah di-pandang bahawa kita mempunyai ideology Islam—ideology Islam ada-lah luas, berperi kemanusiaan. Dan tidak ada semua sa-kali perkauman di-dalam Persatuan Islam ini. Dalam Persatuan Islam sa-Tanah Melayu, boleh masok orang China, boleh masok orang India, boleh masok orang Arab dan boleh masok sa-siapa sahaja tetapi mesti-lah ia-nya beragama Islam, ini-lah dasar kita (*Ketawa*). Begitu juga, Tuan Yang di-Pertua, kapada siapa; kalau hendak masok dalam parti Socialist Front dia boleh orang China, dia boleh orang Melayu, orang India tetapi tidak-lah di-terima-nya orang itu yang pro-colonialist tetapi dia mesti-lah orang socialist. Begitu juga parti di-dalam komunis, dia boleh orang China, orang India, orang Melayu dan siapa juga boleh masok tetapi tidak-lah di-terima di-dalam parti komunis melainkan orang itu ada-lah menurut peratoran parti

komunis. Tetapi kerana dasar parti tidak ada perkauman, pada kita ada dua dasar parti di-dalam-nya ia-itu bentok kebangsaan kita itu-lah kebangsaan yang berpadu dan padat yang hendak betul² merupakan satu perpaduan kebangsaan bukan warga negara dan kita berkehendakkan Islam sa-bagai ideology perjuangan kita, sekian.

The Deputy Speaker: The time is up. The sitting is suspended until 8.30 p.m.

Sitting suspended at 1.00 p.m.

Sitting resumed at 8.30 p.m.

(Mr. Speaker in the Chair)

Debate resumed.

The Minister of Works, Posts and Telecommunications (Dato' V. T. Sambanthan): Mr. Speaker, Sir, for the past three days we have had this debate on changes in the Constitution, and we have had the Opposition speaking sometimes in very violent language, sometimes without any reason at all, criticising the Constitution in its many aspects. I do not wish to go over the ground which has been very ably gone over by some Members of the Government, notably by the President of the Malayan Chinese Association—our Minister of Finance, by the Prime Minister and our learned Member for Larut Selatan. However, I would be failing in my duty, if I do not draw attention here to the fact that certain sections of the Opposition have played very clearly upon communal issues—they brought in communal issues where they need not have come in.

For instance, let us take this fundamental case of constituencies. The changes we bring about today will mean that constituencies will remain as they are. Yet they oppose it, and they say that because we do not oppose it, the Malayan Indian Congress and the Malayan Chinese Association

have sold their communities. I do not know how. They have said that the weightage given to rural areas is, in fact, selling these two communities. I would like to state categorically, definitely and clearly that the Malayan Indian Congress is completely with these changes (*Applause*). We have Indians just as we have Chinese and Malays in the rural areas, and it is utter nonsense to say that we are selling the Indians down the drain by accepting rural weightage. The economy of this country owes its prosperity in a large measure to Indian workers and they are largely in the rural population. What in fact is wrong with giving weightage to the rural areas? The Malayan Indian Congress thinks that it is absolutely right that the practice set in other countries we should follow here, and that it is right for the future of this country.

The Members of the Opposition, particularly the Peoples' Progressive Party, whose benches are vacant today, almost, and some others have said that we do not care very much for citizenship. This, again, is a travesty. We know it for a fact that in 1957 it was the Malayan Indian Congress, and the Malayan Indian Congress alone, as a political party which went throughout the length and breadth of this country helping people become citizens. Where was the Socialist Front then? Where, indeed, was the Peoples' Progressive Party? They were nowhere to be found. How many men and women have they helped to make citizens? Nobody really knows. Personally, I think very, very few. Yet today they come here and play upon communal issues. They say that the MIC has sold the Indians, the MCA has sold the Chinese—on an issue which is not communal. This, Sir, shows the underlying current of their thinking; this shows the underlying feeling behind them and their attitude towards the whole problem.

The Honourable Member for Telok Anson was very helpful yesterday, when he read various quotations from the press—indeed, it was a delight to

know that he had them carefully filed away, so that he could read them in the manner he did—but he illustrated one factor, the factor that communal feeling or separatism had not left the country. We, in Malaya, are trying to fight it; we want to throw away this sectarian tendency; and we in this House know who are trying to further strengthen these sectarian tendencies—people who say that the President of the Malayan Chinese Association has sold his community, or that I, as President, Malayan Indian Congress, have sold the Indians. In fact, it reached such ridiculous heights that the Member for Ipoh, who is absent today, said that I let down the Indians by not going with the first Merdeka Mission, that in fact the Indians were let down, because it had not included me.

Mr. Speaker, Sir, if one would take back one's mind to that episode, one would realise that throughout my public life one of those acts, which had the approbation of the whole country, was my refusal to go to England then on a communal representation. People know it, everybody knows it, and yet today we have it brought out by the PPP, as if they champion the cause of the Indians, saying why was not an Indian included. No Indian was included, because we did not want to have any Indian included as we were not approaching the problem in a communal way (*Applause*). In 1957 when I refused to go, the country was impressed, the country was happy. The country applauded this fact, because it felt that this was a good thing for the future.

Sir, in the past four or five years we have tried to go in this country on the basis of unity of the various races. In the simple amendments that are being brought today, they see something basically communal. There are as I have said Chinese, Indians and Malays in the rural areas, just as there are Chinese, Indians and Malays in the urban areas. How then, Sir, can these amendments be communal?

The Opposition is trying to create the fear of communalism, the fear of the Malays suppressing others. We all know that this is utter nonsense. We all know that we are trying to build up a brotherhood of all races. So, Mr. Speaker, Sir, I do not think I would like to deal one after another with the various charges brought about by the Opposition, because they are not worthy of reply.

Sir, yesterday, for instance, I was rather shocked, when one of the Members of the Opposition jumped up and charged my most honoured and revered colleague, the Minister of Justice, saying "Whom do you represent?"—Is it that the defeat of 1955, when the candidate for the Ipoh/Menglembu constituency had to lose his deposit to my honoured colleague, is not yet forgotten? (*Applause*). Those days have gone by and we know that in politics when someone reaches a venerable age he is sent to the Senate, and then comes to this House as a Minister. Sir, it is a well-known practice among some members of the Opposition to make a cheap jibe at a man of the standing of the Minister of Justice, and it does not do anybody any honour. I say this because I know the public spirit and the sense of sacrifice of the Minister of Justice (*Applause*).

Mr. Speaker, Sir, I would not wish to dwell at length on most of the charges of the Opposition, particularly the communal opposition on these constitutional changes, because they are not only not worthy of reply but that they merit contempt for the cheap and very, very low attempt at playing on communal issues. I would wish to state again that the Malayan Indian Congress is fully and completely behind this and, in fact in yesterday's *Tamil Nesan*—the Opposition quote many papers but not the *Tamil Nesan*—the *Tamil Nesan* supported these changes. That, in fact, goes to show the mind, the opinion, of Indians in this country (*Applause*).

Dato' Dr. Ismail bin Dato' Haji Abdul Rahman: Mr. Speaker, Sir, when I listened to the speeches of the Honourable Member from Ipoh and also from Telok Anson, I did not feel nauseated as the Member for Menglembu did when he listened to the reason and logic of the speech of the Member for Larut Selatan. In fact, Sir, as I listened to the two Honourable Members I was wondering whether I was not listening to Rip Van Winkle. Rip Van Winkle was the gentleman who slept for three hundred years, and when he woke up he believed that the world was exactly the same as before he went to sleep (*Laughter*). Now, the Member for Ipoh and the Member for Telok Anson quoted speeches of the Alliance leaders made before independence—and the Member for Telok Anson, to make his speech more graphic, quoted from various references of the Alliance minutes. Sir, I do not query the validity of those quotations. I believe them. But what I query is the conclusion drawn by the two Honourable Members from the documents and the speeches they have quoted.

Now, Sir, I was one of those who took an active part in the negotiations between the UMNO and the MCA. I am not going into detail into all these matters. I am going to illustrate to you the principle on what we tried to reach agreement. Now, the MCA, in those days before independence, was concerned with over a million Chinese, who had been staying in Malaya for a long time and who had been denied citizenship due to the previous Constitution for the country. It fought for the right of the Chinese who had stayed in this country and who had been denied citizenship. The MCA felt that an independent Malaya should not have a large section of population of aliens. Now, with that premise the MCA asked whether the UMNO could not accommodate them so that these people would become citizens in an independent Malaya. I think it is to the credit of the MCA leaders in those days that they fought for the

right of the Chinese, who had been resident in the country, permanently resident, and who were loyal to the country. Now, as a result, Sir, of those negotiations, the citizenship laws embodied in our Constitution were accepted not only by the Alliance but by the Reid Commission. If you peruse carefully the Constitution, it will be noticed that Article 14—now I am speaking here particularly of the Chinese, because the Member for Ipoh has styled himself as the champion of the Chinese and saying that nobody else champions the lot of the Chinese in this country—made it possible for those who had obtained citizenship, those Chinese who had obtained citizenship before Merdeka, to retain their citizenship after Merdeka. Article 15 confers citizenship by registration of wives and children of those citizens before Merdeka. By virtue of Article 16, that is citizenship by registration, those Chinese who have been resident in the country and born here are entitled to become citizens. Now, Article 17 makes those Chinese, who have been resident but not born in the Federation, eligible for citizenship. Now, these are the classes of people whom the MCA in those days fought for. It did not fight for the alien Chinese, for the Chinese who come here after independence. It fought for people who have been permanently resident here and who are loyal to this country. Those are the things which the MCA leaders fought for in those days (*Applause*).

Sir, of course, after independence those Chinese leaders of the MCA, who think on national terms, are still in the MCA and are still in the Alliance (*Applause*). However, those who had ulterior motives in the pre-Merdeka days, as the Member for Telok Anson says, changed their spots and revealed themselves in their true colours (*Applause*)—for they are the ones who fought for the right of alien Chinese, not the Chinese who are loyal to this country. So, Sir, that much I would like to say about the history of the MCA and the UMNO. Let it be recorded in this

House that those MCA leaders, who negotiated with the UMNO, were not lackeys of the UMNO but were the champions of Chinese who have been resident here, who are loyal to this country, and who have proved to be good citizens of this country. (*Applause*).

Of course, Sir, after independence there are various political leaders coming up of whom we never heard before this country became independent. Some chose the easier way through political means to further their interest and being sheep in wolves' clothing, they now reveal themselves to be wolves.

Now, Sir, the Member for Menglembu called those of us who do not agree with his definition of *jus soli* as stupid. Of course, we who are not members of the legal profession have to accept what the lawyers tell us, but we are not so stupid as not to distinguish between the various lawyers (*Laughter*). If I were to choose between the political lawyers and a famous jurist, I would go for the famous jurist. Now, Sir, what does an eminent jurist who was one of the members of the Reid Commission say about *jus soli*. Sir, the Prime Minister has quoted the Reid Commission Report as a whole; now I would like to quote you the Minority Report made by Justice Abdul Hamid. It is contained in page 97 of the Reid Report—I am not going to read the whole lot, Sir, I just want to read only the relevant portion. What does Justice Abdul Hamid say—

"Persons falling within the ambit of Article 16 are those who are born in the Federation and by reason of birth have been allowed to claim citizenship as of right. Article 16 in fact confers right of *jus soli* retrospectively if birth is accompanied by at least five years' residence."

Justice Abdul Hamid called that *jus soli*. Now, what are we doing in this amendment? We are just qualifying exactly what Justice Abdul Hamid said. We are not denying the principle of *jus soli*. Then how can you say that

we have taken away what we had promised the Chinese in this country? What we are doing now, Sir, is the new political testament of the Alliance. The old political testament of the Alliance—Sir, we have fulfilled those promises to the people. In other words, we have given those Chinese who are loyal to the country, who are resident here and were born here opportunity to become citizens after Merdeka. Now the Chinese, Malays and Indians who are loyal to this country are going to see that foreigners who come to this country must qualify by a period of residence before they can acquire *jus soli*. Do you call that unreasonable when we try to protect the rights of our own people here? When we have our population increasing at the rate of 3 per cent per year, we have to educate the children born and we have to think of employment for these people, why should we give to foreigners this liberal principle of *jus soli* as announced by the Members for Menglembu and Ipoh? Sir, from their speeches I conclude that instead of fighting for the rights of the citizens in this country they are fighting for the rights of the alien Chinese and the immigrant Chinese.

I am not going to speak in detail on the merits of the Bill I have just spoken on the political side of it—the arguments made by the Opposition were two pronged—on political and on the merits of the Bill—because the merits of the Bill have been adequately dealt with by the Member for Larut Selatan—I have never heard a more excellent speech than the Member for Larut Selatan's (*Applause*)—and also by my able colleague the Minister of Finance. I would only like as a responsible Minister to give the assurance asked for by the Member for Ipoh. He says that the Deputy Prime Minister was evasive in saying about the red identity card being accepted as proof. He says it will be accepted only as evidence. Now, as the Minister responsible, I confirm that the red identity card will be acceptable as

proof of permanent residence in this country.

Enche' S. P. Seenivasagam: On a point of clarification, would it be acceptable as conclusive proof?

Dato' Dr. Ismail: All right, I accept it as conclusive evidence (*Applause*). You can tell that to the loyal Chinese in this country (*Laughter*).

Now, Sir, I have only one other assurance to give—that is the one mentioned by the Member for Larut Selatan. He said that the Government has promised that permanent residence will form part of the birth certificate. I promised that, but with certain qualifications—that is, subject to the practicability of the matter. Now the Commissioner of Registration is looking into it and if it is practicable we will do it. I am sure that is a quite reasonable qualification to make. So, Sir, I do not think I have anything further to say, except to say that under the new political testament of the Alliance we will safeguard the rights of the loyal citizens of the country, even if I have to invoke the Internal Security Act (*Applause*).

Enche' Liu Yoong Peng (Rawang): Mr. Speaker, Sir, I want to exercise my right to speak.

Mr. Speaker: I hope you will be short, because we have to complete the whole Bill tonight even if we have to sit till early morning.

Enche' Liu Yoong Peng: Mr. Speaker, Sir, I think the replies from the Minister and other Members on the other side do not actually touch on the most important principle with regard to the amendments contained in this Bill. We have all along been saying that the Government did not have a mandate to amend the Constitution and that the Government when it went to the polls during the last general election did not say that they would amend the Constitution—in fact some of them who are now

Ministers did guarantee to the people that they would not amend the Constitution.

Tuan Haji Ahmad bin Sa'aid (Seberang Utara): Mr. Speaker, Sir, on a point of order—Order 36 (1). The Honourable Member is repeating words spoken by so many Members; he is speaking on the same points.

Mr. Speaker: He did not himself repeat what he has said. That is all right. Proceed!

Enche' Liu Yoong Peng: In fact, Sir, some of the Ministers did say that the Government need not go to the people, the Government has the right to amend the Constitution whenever it wants to, and can do it in as short a period as it thinks fit. But I cannot agree with this argument because, I think, it is an accepted constitutional practice throughout the world that—whether in countries where there is a written constitution or whether in countries where there is an unwritten constitution like Britain—it is the usual thing in a matter such as this, where it involves changes in fundamental principles in the Constitution that the views of the people must be sought in advance. In England, this matter came up as a trial case in 1886 when Gladstone introduced the Home Rule Bill in the House of Parliament in Britain. We must realise that in Britain there is no written constitution and, therefore, to understand the nature of this matter we can only see it from where they introduced something which was going to change fundamentally the constitutional principle of the country—and during that occasion he was going to change some fundamental principles in the Constitution of Britain. When it was brought up in the House of Parliament there, the Marquis of Hartington did make a speech, and I quote here from the Selected Speeches on the Constitution by Professor Cecil S. Emden. On page 92, Professor Emden said:

“After Gladstone had moved for leave to introduce his first Home Rule Bill, which was an unexpected departure in policy,”—

that means a departure from the declared policy of the Government when it went to the polls before they were returned in the House of Parliament and which the Government had not mentioned at the general election at the end of 1885 and what Mr. Gladstone sought to introduce was not mentioned at the General Election at the end of 1885—

“Lord Hartington gave expression to the modern doctrine of the need for the People's approval before the introduction of such a measure.”

And ever since then we know, Sir, that in Britain, whenever a matter concerning fundamental constitutional changes is involved, the Government would always seek the views of the people in advance in the form of election campaigns or otherwise. Here are a few words mentioned by the Marquis of Hartington in his speech in which he said:

“Then, Sir, I say that in this state of things, going to the election in these circumstances, the country had no sufficient warning—I think I may say the country had no warning at all—that any proposals of the magnitude and vastness of those which were unfolded to us last night were to be considered in the present Parliament, much less were to form the very first subject of consideration upon the meeting of this Parliament.”

Therefore, Sir, we can see from here that it is the view of parliamentarians in Britain that before the Government introduces a measure which involves changes in the fundamental constitutional principle, it should warn the people in advance, it should bring it up during the election and say that it is going to do so and to get the people's support for them. That is what we have been talking about, and that is the most important point which must be considered;—and so far the

Government has not taken this matter to heart. The Government thinks that this principle is something which we can overlook, something which we can ignore. Therefore, I say that in this sense parliamentary democracy in our country is very much being tampered with; there is a grave travesty of parliamentary constitutional principle.

Sir, as I have said, parliamentary democracy in our country is on trial. Many Ministers have pointed out time and again in the past that it is in the threat from the Communists that the danger of the destruction of parliamentary democracy in our country lies. But I say this: the danger to the destruction of parliamentary democracy and constitutional practice is not coming right now from the Communists but from the Government itself. Therefore, Sir, if some of the people were to look into their own pockets, they may be able to find some of the things which they said had been lost.

Sir, this is a very important matter, because in these days when we are talking of Malaysia, when we want people in other parts of South-East Asia to come in with us as a family, we must ourselves set a worthy example by seeing to it that we in this country are upholding the principle of parliamentary democracy and the right constitutional principles, and seeing to it that the pledges made by the Government from time to time will not be ignored, when carrying out decisions to introduce Bills, important Bills. In this case, Sir, in such an important matter as the amendment to the Constitution of the country—the very foundation, the very guarantee of the democratic parliamentary system of our country—I say the Government has not kept its pledges made to the people in this country during the last General Election, and that the Government has also not kept some of its pledges to its former colleagues in the Alliance. Therefore, Sir, the people in the Malaysian territories—the people in Kalimantan Utara as well as in

Singapore—would view with apprehension when they come to think that what the Government now promises them may not be upheld in the future. So, Sir, this is a matter which we must consider very carefully. It is something like this: if our country wants to invite, or in the case of an individual who wants to invite or to make a proposal to his sweetheart (*Laughter*) one should make sure that the sweetheart would believe the sweet words uttered. If the sweetheart comes to know that his now unfavoured wife had not been properly treated, then I am afraid, Sir, the sweetheart would go away and would not join with us in a new family of nations.

Sir, I do not want to go into the details of the Bill because of the time factor, and I will stop here.

Tuan Haji Ahmad bin Abdullah (Kota Bharu Hilir): Tuan Yang di-Pertua, saya minta berchapak sedikit sahaja.

Mr. Speaker: Jangan berchapak terlalu panjang kerana selalu-nya Yang Berhormat berchapak panjang.

Tuan Haji Ahmad bin Abdullah: Tuan Yang di-Pertua, saya mengambil bahagian sedikit sahaja dalam Bill ini dan menyokong pindaan yang ada di-hadapan kita ini (*Tepok*). Di-dalam sokongan saya ini, saya suka-lah hendak mengambil sedikit bahagian untuk menerangkan sedikit sa-banyak perkara yang sangat mustahak bersangkutan dengan pindaan ini. Tuan Yang di-Pertua, ada-lah Bill yang ada di-hadapan kita ini ia-lah satu Bill dan satu keterangan yang chukup jelas bahawa sa-nya ada-lah polisi ia-itu cheap citizenship atau kera'ayatan yang begitu murah di-bagikan kepada bangsa² asing itu ia-lah satu polisi yang sangkat² salah. Sa-hingga orang² Melayu sendiri di-dalam negeri ini sudah karam oleh kerana senang sangat-nya di-berikan warga negara kepada bangsa² asing. Apabila PAS berdiri di-dalam rumah ini mengambil peluang untuk membel

nasib orang² Melayu dan meminta supaya di-ketatkan lagi Undang² yang bersangkutan paut dengan kera'ayatan maka banyak daripada orang² di-backbenches mengatakan bahawa sa-nya orang PAS ini orang dari kayangan. Tetapi sekarang ini terang kapada kita siapa-kah orang kayangan itu.

Kerajaan Perikatan telah memberi hak kera'ayatan dengan begitu murah dan begitu senang di-dalam tempoh satu tahun sahaja maka satu juta lebeh hak kera'ayatan telah di-beri kapada bangsa asing. Maka sekarang nampak-lah bahawa polisi yang di-buat oleh Kerajaan itu ia-lah polisi yang salah maka sebab itu-lah yang Kerajaan membuat pindaan bagi memindahkan dan mengemaskan Rang Undang² yang telah lalu itu. Tetapi kita berasa pelek dan aneh manakala bill ini di-kemukakan dalam Rumah ini untuk di-perketatkan kera'ayatan itu dan sa-telah di-desak oleh parti² pembangkang maka Kerajaan pula berasa lumpoh dan lemah hingga sampai Yang Teramat Mulia Perdana Menteri telah memberi akuan berkata bahawa sa-nya dia akan beri masa tempoh sa-lama 6 bulan atau pun sa-tahun untuk mula di-jalankan. Ini ada-lah satu kelemahan bagi penganjor² Perikatan bersangkutan-paut dengan hak kera'ayatan, bukan sa-takat itu sahaja, Tuan Yang di-Pertua, bahkan banyak lagi pindaan² yang lain lagi yang telah di-kemukakan dalam Rumah ini untuk hendak melonggarkan lagi pindaan asal yang ada di-hadapan kita, sa-hingga kad merah di-aku akan menjadi satu tanda putus bahawa sa-nya itu-lah tanda bagi Permanent Resident dalam negeri ini. Ini ada-lah kelemahan² Kerajaan Perikatan terhadap perkara kera'ayatan.

Sir, during the discussion of this Bill in this House, there have been talks of a sell-out. The Peoples' Progressive Party accused the Malayan Chinese Association of selling out the Chinese to UMNO and, of course, the MCA denied it. But, Sir, after pondering on the point and listening to the speeches made by the Minister of Justice and

the Minister of Finance this morning, I beg to differ from the PPP and to state that I agree with the existence of a sell-out—somewhere, but to me the sell-out is from the UMNO to the MCA.

Tuan Yang di-Pertua, (*Ketawa*). Kalau tidak salah, saya maseh ingat lagi perkataan² yang telah di-keuarkan oleh sa-orang Menteri daripada Perikatan yang berkata pada masa masalah *jus soli* di-binchangkan dengan hangat bahawa sa-nya kalau sa-kira-nya perkara *jus soli* ini yang di-minta oleh MCA itu kita akan mempertahankan dengan sa-kuat²-nya dan kita tidak sa-kali² beri akan hak itu dan saya rela walau pun tengkok saya di-potong dan di-champakkan ka-laut Port Dickson. Saya fikir Menteri itu sedar apa yang telah di-kata-nya dahulu. Saya harap Menteri itu bangun sendiri menapikan perkataan-nya itu sa-kira ia tidak berkata yang demikian. Tuan Yang di-Pertua, satu lagi perkara yang pelek di-dalam Bill yang di-hadapan kita ini ia-itu ada satu Undang², Undang² mengambil balek kuat kuasa negeri (state) atau pun list yang mengandongi kuat kuasa negeri saperti perkara yang bersangkutan-paut dengan perkara royalty. Perkara ini, Tuan Yang di-Pertua, sangat-lah pelek. Tiap² State itu chuma mendapat wang daripada bijeh sa-bagai royalty. Sa-lain daripada wang bijeh itu ia-lah wang Capitation Grant dan grant bagi jalan² (road grant). Ini-lah 3 mata pendapatan wang yang besar bagi State untuk menjalankan segala kemajuan Kerajaan State, oleh kerana sedikit wang yang masuk bagi State itu maka boleh di-katakan tiap² State di-dalam Persekutuan ini mempunyai deficit budget. Mereka itu tidak dapat menjalankan apa² ranchangan-nya sendiri, bahkan mereka itu berhajat kapada pemberian dan hutang daripada Federal, tiba² sekarang ini di-hadapan kita telah di-adakan satu pindaan untuk hendak mengambil kuat kuasa ini supaya wang masuk bagi Kerajaan State daripada bijeh akan di-ambil pula. Dengan yang demikian maka Kerajaan State tidak

dapat menjalankan atau pun tidak dapat menunaikan tugas² mereka itu. Oleh sebab yang demikian saya harap Timbalan Perdana Menteri supaya menimbangkan-lah perkara itu bukan sahaja di-hapuskan chadangan untuk hendak menarek kuat kuasa State itu, bahkan di-minta supaya memberikan lagi wang yang berlipat ganda kepada States supaya dapat-lah Kerajaan State itu menjalankan rancangan mereka itu dengan tidak terganggu lagi. Dengan yang demikian dapat-lah Kerajaan State berjalan dengan kenchang-nya dan dapat menchapai kemajuan²-nya yang di-kehendaki oleh mereka itu.

The Deputy Prime Minister (Tun Haji Abdul Razak): Mr. Speaker, Sir, having listened for the best part of three days to the arguments put forward by the Honourable Members of the Opposition against this Bill and, although a lot of strong words were used and much extravagant language have been exhibited by the Members of the Opposition, one fact stands out very clearly to me, and that is, I found it extremely difficult to extract from the mass of sweeping generalities which have fallen from the lips of Honourable Members from the Opposition in opposing this Bill, any real, constructive or substantial criticism of the actual provisions of this Bill.

The Honourable and Learned Member for Dato Kramat, in the course of his long speech, ranged over a long field of Government activities. He complained at very considerable length of the restriction on the freedom of speech, on fundamental liberties, on restricted residence, prevention of detention and the like. I wonder, Sir, why he has mentioned all these things, and I cannot resist from coming to the inference that he was driven to this expedience because he had no genuine criticisms to make on the amendments contained in this Bill (*Applause*).

He has, however, Sir, suggested one thing and that is that Clause 23

jeopardises the freedom and independence of the Judiciary although he did not go on to explain how. The reason for this is, of course, clear and this amendment does nothing of this kind.

Now, Sir, I invite Honourable Members to look at Clause 23. It amends Article 125, which relates to the tenure of office and remuneration of Judges, by introducing a new Clause (6A) into that Article. If Honourable Members will refer to Clause (6) of Article 125, they will see that it provides that Parliament shall by law provide for the remuneration of the Judges. But Clause (6) contains no provision for fixing the other terms of office of the Judges. This defect is supplied by the new Clause (6A).

But, Sir, the new Clause (6A) is expressed to be "subject to the provision of this Article". Now, Sir, let us look at Article 125 (7). Article 125 (7) reads as follows:

"The remuneration and other terms of office (including pension rights) of a judge of the Supreme Court shall not be altered to his disadvantage after his appointment."

Now, again let us look at Clause (2) of Article 125 which says:

"A judge of the Supreme Court may at any time resign his office by writing under his hand addressed to the Yang di-Pertuan Agong but shall not be removed from office except in accordance with the following provisions of this Article."

Therefore, Sir, this new Clause (6A) is expressly subject to all these safeguards. How then can it be said that it jeopardises the freedom and independence of the Judiciary!

Now, having read these two Clauses, how can anyone argue that these clauses can in any way be used to undermine the independence of the Judiciary, and yet two Honourable Members, Honourable and learned Member from Dato Kramat and Honourable and Learned Member for

Ipoh, both lawyers, suggest that it can be used for that purpose. This, Sir, is an example of the way in which the facts of these amendments can be misunderstood and also can be misrepresented.

Now, Sir, the Honourable Member for Telok Anson displayed an impressive collection of press cuttings and even photographs and attempted to paint a sinister picture of the betrayal of MCA and MIC by the UMNO. My colleagues, the Honourable Minister of Finance and the Honourable Minister of Works, Posts and Telecommunications and also the Minister of Internal Security, have eloquently refuted this utterly unfounded allegation. The Honourable Prime Minister has also dwelt at some length on this subject and I, therefore, need not take any more time of this House on this issue.

Now, Sir, having heard the arguments put forward by the Opposition against this Bill and if this House were a Court of Law and I was appearing for the defence, I will certainly submit that the defence has no case to answer (*Applause*). However, I will do the courtesy by replying to those Honourable Members who have genuinely expressed doubts of the effect of the amendments proposed.

It is, perhaps, unnecessary for me to say anything about the suggestion that the Government should allow more time for the consideration of this Bill or that it should have made the amendments the subject of an election platform or a referendum. The House has already endorsed the action of Government by putting down a motion moved by the Honourable Member for Ipoh. The Honourable Member for Tanjong this morning quoted the *Straits Times* editorial to support his contention that the Opposition should be given more time to study this Bill. But unfortunately, Sir, he did not quote all the relevant parts in the editorial. The editorial of the *Straits Times* also said that there was

no justification for the six months' plea, half a year not so much of explanation and argument but of abuse and attack which would have descended to communal levels. (*Applause*). We on this side of the House have stated that if there is any ground, any genuine ground put up by the Opposition to defer the passing of this Bill, we certainly would have considered it. But throughout this debate no such ground was put forward, and a delay in the passing of this Bill, as the *Straits Times* stated, would lead to more abuse and attack based on communal lines. We on this side of the House have endeavoured to explain all the various points expressed either in this House or outside this House or from bodies or associations or groups of persons who have made representations to us. With all these explanations, Sir, I do not consider that there can be any more genuine doubts on the purpose effected by these amendments to the Constitution. As regards referendum, the Reid Commission in its Report dismissed this matter as an improper way of amending the Constitution. That is why the Reid Commission recommended the method of amending the Constitution, i.e., by two-third majority of the Members of this House. Now, the Honourable Member for Rawang has suggested that the Alliance has no mandate to amend this Constitution because it has not been brought forward at the election and it has never been supported by the people. Now, Sir, in the last Election, we the Alliance had never said that we would not amend the Constitution. We only promised three things. We promised peace, justice and prosperity (*Applause*) and we have amply carried out the promises that we have made. However, Sir, the fact that the people of this country voted the Alliance into power and gave us a two-third majority in this House indirectly indicates that the people did give us the approval to amend the Constitution if the Government thinks it desirable.

Now, as regards Clause 2 of the Bill, it has been stated by a number of Members of the Opposition that this Clause nullifies the principle of *jus soli*. But unfortunately, Sir, nobody explained or even attempted to explain how this has been done. Strong words were used but there were no facts. The simple truth Sir, as my colleague on this side has stated, is that the principle of *jus soli* is still being retained. The Honourable Prime Minister has explained this at length. The principle of *jus soli* is still the basis of citizenship in the Federation. It has been modified; admittedly and deliberately it has been modified. It was modified by the Reid Commission because the Reid Commission had not accepted the principle of *jus soli* in its entirety. It has been modified in order to ensure that a citizen of this country will have real genuine ties with the Federation. Now, as it has been adequately explained, this amendment merely brings another exception to the two exceptions which have already been accepted to this principle, that is to stop the children of persons who have no right to be in this country, i.e., "birds of passage", to acquire citizenship by operation of law. Now, as repeatedly stated by my colleagues here, we stand, Sir, for loyal citizens in this country, we stand for people of all races who are loyal to this country; and that is why the purpose of this amendment is to ensure that people who have no attachment to this country, people who have no ties with this country, should not be allowed to acquire citizenship by operation of law.

Now, Sir, the Honourable the Prime Minister and my colleagues have replied to a number of points and I would not dwell on them anymore at this stage. I wish only to refer to those matters to which a reply has not been given. Clause 3 of the Bill amends Article 15. Here again, Sir, the amendment is designed to ensure that for the future wives and children of citizens will genuinely have a permanent connection with this country. As I have assured this

House, a citizen who marries outside this country will have no difficulty if he wants to bring his wife here. The amendment only affects persons who become citizens after it comes into force. Women and children who have already acquired the right to be registered under Article 15 will be able to continue to exercise this right indefinitely. Therefore, Sir, the amendment, to my mind, is just and fair and will not cause undue hardship to people, in genuine cases each will be considered on its merit.

Clause 4 of the Bill: here again there should be no misunderstanding of the clause. This is only a new provision for having to grant citizenship to any minor child.

A number of Honourable Members of the Opposition made impatient comment on the repeal of Article 17. It was alleged by Members of the Opposition that it was not mentioned anywhere in the Constitution that this provision was intended to be temporary. It was not mentioned in the Reid Report because the Reid Report is not the Constitution. In the consideration of the Report by Representatives of the Government and Representatives of the Rulers it was made clear at the request of the Representatives of the Rulers that provision was intended to be temporary to provide for a large group of people who resided in this country during Merdeka Day but were not citizens. Once it had served its purpose, it was the intention of the Government, as was made clear at that time, to repeal this Article. It was a special provision to meet a special situation in this country; it is not, as I have stated, a normal provision found in any Constitution.

The repeal of this Article is designed to take away the opportunity for obtaining citizenship by fraud which has been widely in existence. It has been said that Article 17 confers a right to citizenship. This, Sir, is again not correct. The word used is "eligible" and if you refer to Section 15 of the Second Schedule to the

original Constitution you will see that the Minister has power to reject an application for registration under Article 17. So no rights are taken away by the repeal of this Article. It has only conferred a discretionary power on the Government and that power still remains in Article 19 by which people can still obtain citizenship by naturalization.

Clause 16: here again a number of Honourable Members commented on this clause. The proposal here is just to add a year's residence qualification immediately preceding the application for acquisition of citizenship and the clause here is again merely to ensure that the persons who obtain citizenship by naturalization will have a genuine attachment to this country.

Now, Sir, one or two Honourable Members commented on Clause 7. This clause repeals Article 20 which conferred special rights to the acquisition of citizenship by members of the Armed Forces, because the Government feels that this clause is now obsolete. We only want citizens of our country to serve in our armed forces and the law on this subject is quite definite, that is, no one who is not a citizen of this country can serve in our armed forces.

As regards clause 9, I have explained the main provision of this clause, that is the deprivation of citizenship by reason of acquisition of foreign citizenship or exercise of citizenship rights, which is a right conferred exclusively upon a citizen of that country. One Honourable Member asked whether it will extend to the exercise of right in local council elections. Now, Sir, I must explain that franchise here is based on residence and not citizenship and if the franchise is based on residence and not on citizenship then the exercise of that right will not imperil citizenship.

Now, Sir a number of Honourable Members commented on Clause 11 of the Bill which seeks to amend the new Article 26 and 26B. Now, Sir,

the new Article 26A: as I have endeavoured to make clear, it is only a minor child who has been registered as a citizen under the new Article 52 by reason of citizenship of his parent who can be deprived under this new Article. Now there is a second safeguard. The second safeguard will be that such a child can only be deprived while he is under the age of 21 years and then only if the parent has renounced his Federation Citizenship or it is deprived on the ground that he has voluntarily acquired citizenship of another country or that he has obtained citizenship by fraud. Another protection of the child's interests is contained in new Article 26B (2) which restricts all deprivation in cases where deprivation is conducive to the public good and also prohibits any deprivation which would result in statelessness. Now, it is clear, Sir, that the two new clauses are very limited and therefore it is necessary that we should retain this amendment in this Bill.

A few Honourable Members commented on Clause 13 and suggested that this new Clause will enable Cabinet Ministers to usurp the functions of His Majesty the Yang di-Pertuan Agong. This is a non-controversial matter as I have explained in introducing this motion. The amendment merely seeks to clarify the law as to the exercise of executive power by the Ministers so as to relieve His Majesty the Yang di-Pertuan Agong of a number of trivial administrative duties. This is where you can see another example where the purposes of the amendment have been distorted as it suits them.

A number of Honourable Members have spoken on amendments to the provision on the delimitation of constituencies. As I have explained, the aim of these amendments is merely to retain the status quo, that is to retain the present 104 constituencies. There is no new principle brought in other than those which have already been accepted when effecting the delimitation of the present constituencies. It

was commented that there is no waste of money or time in the implementation of the recommendations of the Election Commission as delimitation has already been effected. Now, Sir, delimitation has not yet been effected in accordance with the recommendations of the Election Commission. As I said, if you were to change the present constituencies to accept the proposed delimitation by the Election Commission, it would cause inconvenience and expenditure and would cut away many ties which have already been established. Therefore, Sir, to avoid all these difficulties the Government decided to retain the existing constituencies. There is no question whatever, as has been explained by my colleagues on this side of the House, that it was intended to favour any one community against the others. It was intended to give weightage to rural areas, to all communities in the rural areas. In the rural areas there are several difficulties and disadvantages and it is only fair and just that they should be given this weightage to compensate for these difficulties and disadvantages.

Now, Sir, to my mind all these arguments put forward by the Opposition have been answered adequately by my colleagues on this side of the House and myself. We have endeavoured to explain clearly and fully every part of the Bill and I am sure that if everyone in this country studies carefully and objectively the speeches made by the Honourable Prime Minister and ourselves on this side of the House, there should be no doubt about the intention behind these amendments to the Constitution or their desirability. As I said while introducing the motion, some genuine doubts had been expressed. The three days' debate in this House have cleared all the doubts. After this, the Government intends through the Information Services to explain fully and clearly the reasons behind the amendment to the Constitution, so that there is no room for anyone to have any doubt. As I said also, Sir, some people of ill-will have mis-

represented the Bill and have misrepresented our intention and I have no doubt they will continue to do so. But this we cannot help. Time and events will tell that we are doing the right thing and we on this side of the House have no doubt that we have put forward these amendments with the sincere intention of covering some loopholes found in the Constitution and of remedying some omissions in the Constitution. We have done this, Sir, as I said previously, in the true interest of our country and our people. We have not departed from the principle or the spirit nor have we taken away any of the safeguards embodied in our Constitution. If our young country is to grow to maturity and progress then our Constitution must be one that can work towards this end. The Constitution of our young country must be allowed to evolve with such changes as may be found necessary from time to time to meet the needs and aspirations of our people. Sir, with this principle in mind and with the object and purpose which I have stated, I ask this House to approve the second reading of this Bill (*Applause*).

Question put: the House divided:
Ayes 80; Noes 12; Abstentions Nil.

AYES

Tun Haji Abdul Razak bin Dato' Hussain
Enche' Abdul Aziz bin Ishak
Enche' Abdul Ghani bin Ishak
Enche' Abdul Hamid Khan bin Haji Sakhawat Ali Khan
Tuan Haji Abdul Khalid bin Awang Osman
Enche' Abdul Rahman bin Haji Talib
Enche' Abdul Rauf bin A. Rahman
Enche' Abdul Samad bin Osman
Enche' Hassan bin Mansor
Enche' Hussein bin To' Muda Hassan

- Enche' Hussein bin Mohd. Noordin
 Tuan Haji Hussin Rahimi bin Haji Saman
 Dato' Dr. Ismail bin Dato' Haji Abdul Rahman
 Enche' Ibrahim bin Abdul Rahman
 Enche' Ismail bin Idris
 Enche' Kang Kock Seng
 Che' Khadijah binti Mohd. Sidek
 Enche' Lee San Choon
 Enche' Lee Seck Fun
 Enche' Lee Siok Yew
 Enche' Lim Joo Kong
 Dr. Lim Swee Aun
 Enche' T. Mahima Singh
 Enche' V. Manickavasagam
 Enche' Mohamed bin Ujang
 Tuan Haji Abdullah bin Haji Abdul Raof
 Tuan Haji Abdullah bin Haji Mohd. Salleh
 Tuan Haji Ahmad bin Abdullah
 Enche' Ahmad bin Arshad
 Enche' Ahmad bin Mohamed Shah
 Tuan Haji Ahmad bin Saaid
 Enche' Ahmad bin Haji Yusof
 Tuan Haji Azahari bin Haji Ibrahim
 Enche' Aziz bin Ishak
 Enche' Mohamed Abbas bin Ahmad
 Enche' Mohamed Asri bin Haji Muda
 Enche' Mohamed Dahari bin Haji Mohd. Ali
 Enche' Mohamed Nor bin Mohd. Dahan
 Dato' Mohamed Hanifah bin Haji Abdul Ghani
 Enche' Mohamed Ismail bin Mohamed Yusof
- Enche' Mohamed Khir bin Johari
 Enche' Mohamed Sulong bin Mohd. Ali
 Enche' Mohamed Yusof bin Mahmud
 Tuan Haji Mokhtar bin Haji Ismail
 Nik Man bin Nik Mohamed
 Enche' Othman bin Abdullah
 Dato' Ong Yoke Lin
 Tuan Haji Redza bin Haji Mohd. Said
 Enche' Seah Teng Ngiab
 Enche' Bahaman bin Samsudin
 Dr. Burhanuddin bin Mohd. Noor
 Enche' Chan Chong Wen
 Enche' Chan Siang Sun
 Enche' Cheah Theam Swee
 Datin Fatimah binti Haji Hashim
 Enche' Geh Chong Keat
 Enche' Hamzah bin Alang
 Enche' Hanafi bin Mohd. Yunus
 Enche' Harun bin Pilus
 Enche' Harun bin Abdullah
 Dato' V. T. Sambanthan
 Dato' Sardon bin Haji Jubir
 Dato' Suleiman bin Dato' Haji Abdul Rahman
 Tuan Syed Esa bin Alwee
 Tuan Syed Hashim bin Syed Ajam
 Tuan Syed Ja'afar bin Hasan Albar
 Enche' Tajudin bin Ali
 Enche' Tan Cheng Bee
 Enche' Tan Siew Sin
 Enche' Tan Tye Chek
 Tengku Besar Indra Raja ibni Sultan Ibrahim
 Dato' Teoh Shze Chong
 Wan Mustapha bin Haji Ali

Wan Sulaiman bin Wan Tam
 Wan Yahya bin Haji Wan Mohamed
 Enche' Yahya bin Haji Ahmad
 Enche' Yong Woo Ming
 Puan Hajjah Zain binti Sulaiman
 Tuan Haji Zakaria bin Haji Mohd.
 Taib
 Enche' Zulkiflee bin Muhammad

NOES

Enche' Chan Yoon Onn
 Enche' Chin See Yin
 Enche' K. Karam Singh
 Enche' Lim Kean Siew
 Enche' Liu Yoong Peng
 Enche' Ng Ann Teck
 Enche' Quek Kai Dong
 Enche' S. P. Seenivasagam
 Enche' Tan Phock Kin
 Enche' Too Joon Hing
 Enche' V. Veerappen
 Enche' Yeoh Tat Beng

ABSTENTIONS

Nil

Question accordingly agreed to.

Bill accordingly read a second time.
(Applause).

Enche' V. Veerappen (Seberang Selatan): Mr. Speaker, Sir, under Standing Order 54, I would like to move that the Constitution (Amendment) Bill, 1962, be committed to a Select Committee. Sir, I do not know, after having three days debate, who has convinced whom. But after two days' debate the *Straits Times* does not seem to be convinced, and there are other organisations which also do not seem to be convinced. The Honourable the Minister of Finance himself this morning, I think, has stated that there are still, or rather

there would be still certain things which have to be done so that citizens' children, who are. . . .

The Assistant Minister of Commerce and Industry (Enche' Cheah Theam Swee): Mr. Speaker, Sir, on a point of order—Standing Order 54 says that a motion of this nature shall be decided upon without amendment or debate. So, I presume that without debate means that when one moves a motion of this nature, the speaker need not speak on it.

Mr. Speaker: No. When a mover moves that a matter be referred to a Select Committee, he can give the reasons why—he can do that—but I shall not allow that for debate. *(To Enche' V. Veerappen).* Do not be too long; just give the reasons why you want the Bill to be referred to a Select Committee.

Enche' V. Veerappen: Sir, one of the reasons is that there are still certain things which have got to be looked into, so that our citizens will not have difficulties, especially the children when they have to go to school, or reach the age when they have got to take citizenship papers or identity cards: and from the little amendments which we have been getting here and there within the last few days, we know that the Bill needs a lot of tidying up. It is also a fact, Sir, that when we go to a Committee, the most important work is done there, but it appears in this place that the important work is done during the Second Reading and the Third Reading is just a walk-over for the Government. If we know something about how Bills are got through the British House of Parliament—I think it is from there we base our parliamentary system—we know that when a Bill is read a second time, it is straightaway committed to the Bills Committee. However, here we do away with that step and come straight to the Committee of the whole House. This Committee of the whole House will have to meet now from 10 p.m. onwards, and we have sat here for nearly 25 days: I put

it to you, Sir, that we are actually mentally fagged out and, I believe, we cannot discuss these things intelligently.

Sir, the Government has treated us like caged animals (*Laughter*). I am taking an example—when animals are to be trapped, the men trap them in such a way, as they cannot get near the animals, by making the animals run about for such a long time till they get fatigued and are finished. This, Sir, is exactly what the Government has been doing here. They have put us here for 25 days and exhausted us with night sittings as well. (*Laughter*).

Mr. Speaker: Have you finished?

Enche' V. Veerappen: No, Sir. If the Government does not accept this reasonable thing, then I would say that the Government is most unfair and most unreasonable—not only the Government, I would say, but also the other Members of the Alliance.

Enche' Tan Phock Kin: Mr. Speaker, Sir, I rise to second the proposal put forward by the Honourable Member for Seberang Selatan. In the course of debate, Honourable Members of the Government Bench have made it very clear that they are reasonable people, that they would like everything to be discussed objectively, and that they would also welcome the opportunity of explaining to the various people concerned the real objectives of the Bill. This proposal of referring the Bill to a Select Committee is indeed a very good one, as the Select Committee of this House will consist of representatives of all political parties, and in this Committee the whole Bill can be considered in every respect and at leisure—and, I think, it is necessary that a Bill of such importance should be considered in that manner, and not be rushed through in the manner the Government is endeavouring to do tonight.

Dato' Dr. Ismail: Mr. Speaker, Sir, on a point of order—Standing Order 54: you have ruled just now that

there should be no debate and that the mover of the motion should explain the reasons for committing the Bill to a Select Committee; and surely if the seconder is to give the arguments for the motion, it opens the motion to debate.

Mr. Speaker: The seconder has the right to say something in order to second the motion, but it need not be very long.

Enche' Tan Phock Kin: Thank you, Mr. Speaker, Sir. It is very clear from the very action of Members of the Government Bench that they are by no means interested in government by discussion, but merely concerned with steamrolling the whole Bill through; and in view of that the responsibility now lies on the Government to prove whether they are sincere in what they say.

Dato' Suleiman: Mr. Speaker, Sir, on a point of clarification.

Mr. Speaker: Would you give way?

Enche' Tan Phock Kin: I refuse to give way, Sir.

Dato' Dr. Ismail: Mr. Speaker, Sir, on a point of order—Standing Order 54 says that such a motion may be proposed by any member but it does not say that a motion for committing a Bill to a Select Committee should be seconded.

Mr. Speaker: We are in full House. It must be seconded.

Enche' Tan Phock Kin: Mr. Speaker, Sir, I am indeed surprised that even a Member on the Ministerial bench is so ignorant. . . .

Mr. Speaker: Never mind about that.

Enche' Tan Phock Kin: Sir, as I have said before, the onus lies on the Government to prove that it really believes in what it says, and I sincerely hope that it will agree to this very reasonable proposal put forward by

the Honourable Member for Seberang Selatan.

Question put and not agreed to.

Sitting suspended 10.00 p.m.

Sitting resumed 10.20 p.m.

The Constitution (Amendment) Bill, 1962, committed to a Committee of the whole House.

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

Bill considered in Committee.

(Mr. Speaker in the Chair)

Clause 1—

Enche' Zulkiflee bin Muhammed (Bachok): Tuan Pengerusi, oleh kerana telah di-luluskan Undang² bagi meminda Perlembagaan Persekutuan Tanah Melayu dan di-dalam perbahathan² untuk meluluskan-nya itu, sebab² bagi pindaan yang di-kemukakan di-dalam Dewan ini ia-lah untuk menguatkan dan mengemaskan Perlembagaan Persekutuan Tanah Melayu dan menjalankan apa² sahaja berkewajipan bagi maksud kebaikan hidup ra'ayat negeri ini. Maka saya menhadangkan supaya di-dalam Fasal 1, muka 1, barisan 4 ini di-pinda dengan menggantikan perkataan² "Perdana Menteri" dengan perkataan "Yang di-Pertuan Agong" dan menggantikan koma bertitek sa-sudah perkataan "di-dalam Warta Kerajaan menetapkan" dengan satu titek dan di-buang perkataan² "dan Perdana Menteri boleh menetapkan tarikh yang berlainan bagi menjalankan kuat kuasa Undang² yang berlainan dari Undang² ini".

Tuan Yang di-Pertua, tujuan pindaan ini yang saya kemukakan saperti yang di-edarkan di-dalam pemberitahuan pindaan² itu ia-lah di-dalam menggantikan perkataan "Perdana Menteri" itu kepada "Yang di-Pertuan Agong" ada-lah supaya mengelakkan daripada sa-barang

kemungkinan bahawa pindaan Perlembagaan Rang Undang² ini mendapat banyak lagi pertimbangan² dan perubahan² politik yang tidak di-kehendaki lagi di-dalam sa-buah Perlembagaan yang telah di-luluskan pindaan yang saperti berlaku-nya dalam pindaan Perlembagaan ini.

Tuan Yang di-Pertua, hal ini bukan-lah satu perkara yang ajaib atau menghairankan. Sebab di-dalam pindaan Perlembagaan Persekutuan Tanah Melayu yang telah di-luluskan ia-itu sa-bagai Undang² Negara pindaan (10) daripada tahun 1960 telah pun ada perkataan yang saperti ini yang menyebutkan bahawa ketentuan di-dalam menjalankan Undang² itu ada pada Seri Paduka Baginda Yang di-Pertuan Agong. Saya sebutkan Act-nya:

"This Act may be cited as the Constitution (Amendment) Act, 1960 and shall come into operation on such date as the Yang di-Pertuan Agong may by notification in the *Gazette* appoint."

Ini ada-lah hujah² saya bagi meminta pindaan bahagian² yang pertama dalam Perlembagaan itu. Tuan Yang di-Pertua, bagi yang kedua dari pindaan itu ia-lah memansokhkan dan menghapuskan perkataan² "Perdana Menteri" boleh-lah menetapkan tarikh yang berlainan bagi perjalanan kuat kuasa syarat² yang berlainan dari Undang² Negara ini. Tuan Yang di-Pertua, saperti yang telah saya sebutkan tujuan dari Rang Undang² ini ia-lah mengemaskan beberapa soal yang ada dalam pindaan ini. Maka sa-kira-nya di-adakan dan di-kekalkan perkataan yang telah di-sebutkan itu terjadi apa yang telah saya sebutkan ia-itu penanggohan yang akan meninggalkan keraguan kelulusan Undang² ini walau pun bagi sementara. Maka untuk mewujudkan ketegohan dan kekuatan pindaan Perlembagaan ini yang menasabah-nya ia-lah pada hari yang di-tetapkan oleh Seri Paduka Baginda Yang di-Pertua Agong itu-lah hari berjalan-nya Rang Undang² ini, Tuan Yang di-Pertua, saya mohon menhadangkan pindaan ini.

Tun Haji Abdul Razak: Tuan Yang di-Pertua, pindaan yang pertama itu saya boleh-lah dengan sukachita-nya menerima ia-itu kalimah "Perdana Menteri" itu di-gantikan dengan kalimah "Yang di-Pertuan Agong". Tetapi seperti yang telah di-terangkan oleh Yang Berhormat, pindaan yang asal-nya ya'ani yang kedua itu tidak hendak di-luluskan akan tetapi ayat sa-lepas daripada "appoint" itu di-benarkan berada di-situ, dan kalimah "Perdana Menteri" sahaja di-gantikan dengan "Yang di-Pertuan Agong" itu saya boleh-lah setuju.

Enche' Zulkiflee: Tuan Yang di-Pertua, sa-benar-nya saya boleh-lah menerima apa yang di-shorkan oleh Timbalan Perdana Menteri itu. Tetapi saya bermaksud minta di-sini supaya jangan-lah kelulusan keseluruhan ini di-gunakan bagi berpanjangan apa yang di-katakan tempoh memberi masa perjalanan Rang Undang² itu. Sebab akan membolehkan tujuan asal Undang² ini. Jadi, saya harap tolak ansoir yang saya buat ini tidak di-gunakan bagi melanjut²kan sebab Timbalan Perdana Menteri sendiri telah berchadang hendak mengemaskan Rang Undang² ini.

Mr. Chairman: Jadi, awak terima shor-nya itu.

Enche' Zulkiflee: Ia, saya terima.

Amendment, that the words "Prime Minister" in lines 4 and 5 be left out and that the words "Yang di-Pertuan Agong" be substituted therefor, put and agreed to.

Clause 1, as amended, ordered to stand part of the Bill.

Clause 2—

Tun Haji Abdul Razak: Mr. Chairman, Sir, I beg to move that Clause 2 (4) (c) be amended as per amendment slip which has been circulated to Honourable Members as follows:

...*Clause 2, page 2, line 1, leave out paragraph (c) and insert—*

'(c) neither of his parents was a citizen of the Federation and neither of them was a permanent resident therein.'

Now, Sir, this amendment relates to the proposal at the top of page 2 of the Bill, that a child born in the Federation after the Bill comes into operation will not be a citizen by operation of law, unless its father at the time of birth is either a citizen or a lawful immigrant. Sir, on further reflection the Government has come to the conclusion that this is somewhat narrow, and it feels that the right step would be either citizenship or permanent residence here. There is also the question whether in deciding the status of a child, one should look only at the father or both parents. Sir, it is a general principle that a legitimate child takes its status from its father, and an illegitimate child from its mother—and this was the effect of the amendment originally circulated. However, fears have been expressed that there might be cases, apart from legitimacy, where the mother is a citizen and has a child in the Federation but the father is not a citizen or a permanent resident. We feel that this special case justifies a departure from the general principle which is that a child takes its status from the father. The effect of this amendment is that so long as one of the parents is a citizen, or one of the parents is a permanent resident, the child is a citizen by operation of law. It has been brought to our knowledge that there are cases not only of Chinese and Indian children but also there are so many cases of Malay children whose mothers are citizens, but their fathers are aliens or persons not permanently resident in this country. So, in order to meet those cases, which I am advised are not very numerous, the Government has decided to bring in this amendment.

Mr. Chairman: (*To Enche' Zulkiflee*) You have made an amendment to the amendment. Will you move it now?

Enche' Zulkiflee: I will take it after the Minister's amendment. That will save time.

Mr. Chairman: Let us make this clear to the House. This Clause 2 (4) (c) has been amended by the Government. Now, you have given notice to amend that amendment by the Government. Therefore, you can move it now which I am going to put to the House before putting the amendment of the Government.

Enche' Zulkiflee: Tuan Yang di-Pertua, saya chadangkan supaya amendment atau pindaan yang di-kemukakan oleh Kerajaan di-pinda dan di-hapuskan semua-nya pindaan yang di-kemukakan oleh Timbalan Perdana Menteri yang pada akhir ini di-gantikan dengan perkataan:

"(c) his father, not being a citizen of the Federation, was not a permanent resident therein."

Tuan Yang di-Pertua, saya telah mendengar penjelasan Yang Berhormat Perdana Menteri dan penjelasan daripada ahli Larut Selatan. Saya chuba²-lah, Tuan Yang di-Pertua, menengok² dalam hal ini dan tidak-lah hairan saya bahawa Yang Berhormat dari Larut Selatan itu tidak berapa tepat kerana kalau perkara Perlembagaan di-bawa kepada project perubahan saya rasa tidak-lah jadi sebab dalam perubahan itu banyak penyakit² yang berjangkit, cancer dan sa-bagai, tetapi dalam Undang² ini ada kaedah²-nya yang tertentu. Tuan Yang di-Pertua, tidak-lah benar bahawa kalau di-letakkan ini maka akan menggalakkan untuk pindaan ini bahkan ini orang² yang di-peranakkan sa-chara haram maka menyebabkan ia sa-terus-nya menggalakkan orang² melakukan pekerjaan yang haram. Tuan Yang di-Pertua, Yang Berhormat dari Larut Selatan menunjokkan dalam schedule 12, 13 ini, Tuan Yang di-Pertua, ada-lah berkenaan dengan children atau orang² yang tidak sah di-peranakkan atau anak haram, tetapi pindaan ini, dan ada-lah bertujuan pada asal-nya ia-lah untuk sa-suai dengan semangat pindaan

Perlembagaan Persekutuan yang di-kemukakan dalam Dewan ini, tujuan semangat pindaan yang di-pinda baharu² ini ada-lah supaya mengemas-kan kera'ayatan. Dan apabila kita mengetahui bahawa di-dalam harapan mendapat kera'ayatan ini bapa ada-lah syarat yang asal dan nyata-lah bagi kita bahawa patut-lah asas itu di-kekalkan. Di-berikan taraf itu kepada ibu-nya, Tuan Yang di-Pertua, akan rupa-nya menyelamatkan, baik sangat nampak tujuan-nya, dengan sebab ada-nya orang² yang di-peranakkan yang halal bapa-nya sa-orang Tanah Melayu, tidak pula dudok kekal di-Tanah Melayu ini, maka dapat-lah anak itu menjadi ra'ayat Persekutuan ini menurut di-dalam pindaan ini bahagian 2. Tetapi, Tuan Yang di-Pertua, apa-kah tujuan kita yang sa-benar-nya, tujuan kita ia-lah hendak mengemaskan, bukan tujuan kita hendak melonggarkan. Tetapi kalau ada orang dan ayah-nya bukan ra'ayat negeri ini, dia tidak tinggal di-negeri ini, pada ketika itu pada pindaan yang di-kemukakan oleh Kerajaan maka boleh-lah dia menjadi ra'ayat negeri ini atau sa-bagai-nya dengan sebab ibu-nya tidak ra'ayat negeri ini, tetapi tinggal kekal dalam negeri ini.

Tuan Yang di-Pertua, negeri ini sa-benar-nya ada-lah sa-buah negeri yang ada mempunyai kepentingan²-nya sendiri dan sa-kira-nya sa-orang ibu dapat sa-orang anak, dan ibu itu sendiri berkahwin dengan sa-orang yang bukan ra'ayat Persekutuan, apabila sa-orang itu berkahwin dengan bukan ra'ayat Persekutuan maka dia memilih jalan supaya dia mempunyai kedudukan yang mendedahkan diri-nya kepada terluchut-nya beberapa hak negeri ini dan boleh jadi dia boleh meminta satu hal lain di-negeri lain, kerana kedudukan menjadi isteri, sa-bagai sa-orang isteri dia boleh mendapatkan hak ini, sa-orang ibu dia terpaksa-lah membayar harga, dan harga-nya ia-lah kelonggaran nilai diri-nya di-dalam kera'ayatan negeri ini. Tetapi, Tuan Yang di-Pertua, di-dalam suatu tempat yang lain di-dalam pindaan ini kita telah

meletakkan sa-orang isteri boleh menjadi ra'ayat negeri ini sa-kira-nya dia hendak mendaftarkan diri-nya sa-bagai ra'ayat sa-telah dudok dua tahun, sa-telah dia mempunyai kelakuan yang baik. Kenapa tidak di-buat di-dalam Perlembagaan Persekutuan bahawa sa-orang suami bagi menjadi sa-orang ra'ayat Persekutuan, boleh menjadi ra'ayat di-dalam negeri ini, tidak di-buat, kerana kita meletakkan special bagi kekuasaan kepada suami-nya dan membolehkan isteri-nya mengambil hak. Ini, Tuan Yang di-Pertua, oleh sebab yang demikian dan oleh sebab hendak membolehkan kedudukan Perlembagaan negeri ini kekal maka ini-lah saya chadangkan pindaan ini. Tuan Yang di-Pertua, apa yang di-chakapkan oleh Yang Berhormat dari Larut Selatan itu ia-lah ekor² yang sentiment-nya ada, tetapi tidak menjadi generality di-dalam Tanah Melayu ini. Jadi, di-dalam membahathkan ini tidak-lah mustahak kita mencari sentiment, dan kalau chari mithal itu chara Indonesia umpama-nya, yang sa-benar-nya bukan Indonesia sahaja, Tuan Yang di-Pertua. Soal ini bukan Indonesia, yang Indonesia itu tidak, sebab demikian, ini-lah saya kemukakan pindaan ini.

Tun Haji Abdul Razak: Tuan Pengerusi, saya suka hendak menyatakan bahawa Kerajaan tidak dapat hendak menerima pindaan ini, sebab sunggoh pun Kerajaan kita mengetatkan sharat² ini, akan tetapi dalam mengetatkan tidak-lah hendak menyusahkan orang² yang kita fikir patut di-terima menjadi ra'ayat. Tadi telah di-beritahu ada orang² yang mempunyai anak yang ibu-nya ra'ayat Persekutuan, tetapi bapa-nya bukan ra'ayat dan sa-tengah-nya telah meninggalkan negeri ini. Jadi, kalau kanak² itu tidak di-beri kera'ayatan maka kechiwa-lah nanti, ini bukan-lah bangsa asing sahaja bahkan banyak orang² kita Melayu juga. Jadi, orang² asing yang kahwin dengan orang Melayu sama-lah juga orang² Indonesia yang tidak mempunyai kera'ayatan hendak ba'lek ka-Indonesia, tetapi meninggalkan anak-nya, jadi kerana hendak

memberi pertolongan kepada mereka itu supaya anak mereka itu mempunyai taraf yang sa-benar-nya di-negeri ini. Oleh itu maka ini-lah di-chadangkan pindaan ini, jadi saya beritahu juga perkara² yang sa-macam ini tidak-lah banyak, tetapi kalau tidak di-buat pindaan seperti yang di-chadangkan oleh Kerajaan maka akan menyusahkan kerana kebanyakan-nya daripada orang² kita Melayu.

Enche' Mohamed Asri bin Haji Muda (Pasir Puteh): Tuan Pengerusi, saya berasa dukachita yang pehak Kerajaan tidak dapat menerima pindaan daripada pehak kami sini, sebab sa-benar-nya pindaan yang di-kemukakan oleh Ahli Yang Berhormat dari Bachok bukan-lah satu perkara yang baharu, tetapi perkataan-nya dan maksud-nya pindaan Ahli daripada Bachok itu ia-lah pada keseluruhannya daripada maksud dan perkataan yang telah di-kemukakan oleh pehak Perdana Menteri sendiri yang kertas pindaan itu bertarikh 5 haribulan January 1962. Saya hairan dalam tempoh 14 hari daripada 5 haribulan January sampai 19 haribulan January ya'ani chuma 14 hari sahaja fikiran pehak Kerajaan boleh berubah dengan begitu jauh sa-hingga menyebabkan pehak Kerajaan terpaksa mengemukakan satu pindaan baharu di-atas pindaan yang di-kemukakan kepada pindaan Perlembagaan negeri ini.

Tuan Pengerusi, saya bimbang dalam tempoh bagitu pendek 14 hari, menyebabkan baharu Kerajaan sedar bagaimana telah di-nyatakan oleh Yang Berhormat Timbalan Perdana Menteri tadi tentang soal nasib anak² yang di-tinggalkan oleh bapa-nya yang bukan ra'ayat seperti yang di-nyatakan baharu sa-bentar tadi, dalam tempoh 14 hari sahaja kesedaran itu baharu timbul. Kalau sa-kira-nya kesedaran itu timbul dahulu daripada ini atau pun kesedaran itu timbul sa-tahun lama-nya, atau bertahun² lama-nya sa-telah mengkaji kedudukan Perlembagaan negeri ini serta dengan perjalanan-nya maka kenapa-kah pada 5 haribulan January itu tidak di-kemukakan satu pindaan seperti

bentok pindaan yang di-kemukakan pada 19 haribulan January 1962. Saya bimbang, Tuan Pengerusi, bahawa pindaan yang kemudian ini, di-datangkan ia-lah hasil daripada tekanan² dan pengaruh² rakan sa-perjuangan pehak Perdana Menteri sendiri atau Timbalan Perdana Menteri sendiri seperti Ahli Yang Berhormat daripada.....

Mr. Chairman: Order! Order! Nampak-nya tuan telah berchakap amendment Kerajaan. Itu amendment Kerajaan saya belum lagi bawa di-hadapan Majlis ini, yang saya bawa sekarang ia-lah amendment daripada wakil Bachok kepada amendment pada Kerajaan. Kalau begitu, jadi dua kali berbalek². Jaga baik² akan hilang masa itu! Kalau awak hendak berchakap, fasal apa pindaan Ahli daripada Bachok ini hendak meminda pindaan dia ini—itu boleh, sebab itu saya mesti balek nanti pada pindaan Kerajaan.

Enche' Mohamed Asri: Ya, jadi itu-lah sebab-nya, Tuan Pengerusi, saya menyatakan sebab kita memandang pindaan daripada pehak Perdana Menteri yang pertama itu lebeh sesuai, sebab-nya bagini: pindaan yang di-kemukakan oleh wakil Bachok ini ia-lah di-ambil daripada kalimah pindaan Perdana Menteri yang mular-nya, kemudian di-pinda oleh Perdana Menteri seperti yang di-kemukakan baharu sa-bentar.....

Mr. Chairman: Yang mula-nya ta' pakai. Itu sekarang yang ada di-hadapan saya itu pindaan Kerajaan yang ada pada Majlis bahath ini—19 haribulan January. Itu sahaja yang pakai, jangan chakap lagi pindaan yang dahulu—itu ta' pakai lagi. Sekarang kalau awak hendak berchakap chakap pindaan yang datang daripada wakil Bachok kepada pindaan Kerajaan yang bertarih 19 haribulan January, 1962. Ada tidak pindaan 19 haribulan January pada awak?

Enche' Mohamed Asri: Ada. Tuan Pengerusi, itu-lah sahaja yang saya hendak berchakap (*Ketawa*).

Mr. Chairman: (*To Tun Haji Abdul Razak*) Do you want to say anything?

Tun Haji Abdul Razak: No, Sir. Amendment to amendment put, and negatived.

Debate resumed on amendment.

Enche' Lim Kean Siew: Mr. Chairman, Sir, this morning the Honourable the Prime Minister has told us that the principle of *jus soli* has not been affected by these amendments. If we look at the old clause in the Constitution to be amended by the Bill, it says:

"A person is not a citizen by virtue of paragraph (b) of Clause (1) if, at the time of his birth,—

- (a) his father, not being a citizen of the Federation, possessed such immunity from suit and legal process as is accorded to an envoy of a sovereign power accredited to the Yang di-Pertuan Agong; or
- (b) in the case of a birth occurring in a place under occupation by the enemy, his father was an enemy alien; or....."

Mr. Chairman, Sir, now is it intended that if neither of the parents is a citizen nor is a permanent resident in this country, the child who was born will not become a citizen by right of birth? Surely this is an attack on the principle of *jus soli*. Now, Mr. Chairman, Sir, whilst there may be some reason for the depriving of such a person from the right to citizenship in this country, we must not forget that there may be laws in other States whereby a person born here may not have citizenship in that country. I do not think that point has been considered. We assume that if a person has a father who is not a citizen here and if a child was born to him here, the child will become a citizen of that country, but we do not know whether in fact such a child who was born here has as much right as a child who was born in that country itself. However, I am not so concerned with that

at the moment, but what I would like to draw the attention of the Government is this. The Honourable Prime Minister talked of birds of passage. We must remember, first of all, that if this citizenship Clause is aimed at Singapore people coming into Malaya, it becomes very relevant when we think of the present Malaysian proposals. The Honourable Prime Minister of Singapore has, in fact, made it very clear in the newspapers that the people with Singapore citizenship will have as much rights as the people with Federation citizenship and that they will be the same nationals. Now, Sir, I would like the Honourable Deputy Prime Minister to clarify whether or not this is in fact true. In other words, if a Singapore citizen, or if a child is born to a Singapore citizen in Malaya who is not a Federal citizen, would such a child become a Federal citizen? That is the first point.

Now, the other point is a smaller point. The Honourable Deputy Prime Minister has told us this morning, or yesterday, that a red identity card would be proof that a person is resident here. Now, we know that there are many kampong people who have to register the births of their children at Police Stations but sometimes they forget to register. Such a child begins to claim citizenship only when it reaches the age of 18 or 21 depending upon the section which affects him. Now by that time the father or the mother may be dead and in such an instance how can a kampong child prove that either of his parents was a permanent resident here or in fact a citizen. Sir, I do not like to go into specific illustrations to prove my point. I do not think it is necessary, but I can say that there are many people who have not got proof of their birth. In Ulu Langat I know specifically of one instance. In Balik Pulau in Penang I have several instances. In such cases will the Honourable Deputy Prime Minister tell us what will happen to the citizenship of those people?

Enche' V. Veerappen: This amendment to the amendment has been so made that in fact I think it nullifies the effect.

Mr. Speaker: Which amendment to amendment? I have already disposed of the amendment by the Honourable Member for Bachok.

Enche' V. Veerappen: This amendment by the Government, Sir.

Mr. Speaker: Don't say amendment to amendment (*Laughter*).

Enche' V. Veerappen: This amendment to the Bill which amends our Constitution (*Laughter*). From the original amendment we can see that quite a lot of people would be deprived of the chance of becoming automatic citizens, but this amendment has been so watered down that the intention of the Government will be nullified and in the ultimate only a very insignificant number of people will be affected by this actually. But the difficulty to the others will be quite great—the difficulties to all our children will be great. But the people who will be actually barred from getting automatic citizenship will be limited to such an extent that I do not know how many of such people there will be. They will be very few anyway.

It is suggested that people from other countries come to our country and give birth so that the children can claim citizenship. I think we should be very proud if people really do that (*Laughter*). I submit that this has really no effect at all.

Enche' Mohamed Asri bin Haji Muda: Tuan Pengerusi, pindaan yang di-kemukakan oleh Yang Berhormat Timbalan Perdana Menteri pada malam ini yang sa-benar-nya ia-lah pindaan yang di-kemukakan di-atas kertas pindaan yang di-kemukakan pada 5hb January yang lalu seperti yang telah saya nyatakan pada mula² tadi. Jadi, sa-bagaimana yang telah dinyatakan oleh Yang Berhormat Timbalan Perdana Menteri bahawa

maksud pindaan ini ia-lah untuk menimbangkan kedudukan anak² daripada ibu yang menjadi ra'ayat Persekutuan yang bapa-nya sudah pulang ka-Indonesia, ka-India, ka-negeri China dan lain², maka apa hal nasib anak² ini? Saya tidak fikir pemikiran tentang nasib anak² ini timbul dalam 14 hari sahaja. Apa yang di-nyatakan oleh Yang Berhormat Timbalan Perdana Menteri sendiri bahawa pindaan atau pun kajian di-atas Perlembagaan ini telah di-buat bertahun² lama-nya. Itu-lah, Tuan Pengerusi, saya kata bahawa ini mungkin timbul daripada tekanan atau pujok rayu yang di-buat oleh rakan sa-perjuangan pehak Yang Berhormat Timbalan Perdana Menteri sendiri, terutama sa-kali Yang Berhormat dari Larut Selatan. Yang Berhormat dari Larut Selatan tentulah tidak puas hati sa-lagi kehendak-nya mengikut pindaan yang di-kemukakan oleh Yang Berhormat Timbalan Perdana Menteri di-kemukakan dalam Dewan ini. Tuan Pengerusi, sebab yang ia tidak puas itu telah di-nyatakan-nya sendiri sa-waktu membahathkan perkara ini pada dasar-nya dalam beberapa hari yang lalu. Sa-bagai sa-orang ahli MCA tentu-lah beliau berasa sedikit bimbang di-atas hal ini, sebab sedikit sa-banyak kesan² daripada pindaan yang sa-benar-nya di-kehendaki oleh Yang Berhormat Timbalan Perdana Menteri mengikut kertas 5 yang sekarang akan di-pinda itu lebeh banyak menimpa ka-atas orang² yang saperti itu daripada orang² lain.

Saya bimbang sa-kali, Tuan Pengerusi, kalau pindaan² yang di-buat ini berdasarkan di-atas pertimbangan yang di-asaskan kapada pujok atau tekanan dari dalam, maka saya berasa bimbang keadaan² masa yang akan datang akan lebeh burok lagi daripada masa yang telah lalu. Kelembutan dan baik hati bagi Yang Berhormat² Perdana Menteri atau Timbalan Perdana Menteri mungkin pada masa yang akan datang berubah menjadi sifat lemah dan mengalah dalam segala hal yang saperti ini bila menghadapi tekanan dan pujok rayu

daripada kawan sa-perjuangan yang maseh di-ragukan sa-jauh mana keikhlasan-nya kapada negeri ini. Jadi itu-lah sebab-nya, Tuan Pengerusi, saya tidak bersetuju dengan pindaan ini.

Enche' S. P. Seenivasagam: Mr. Speaker, Sir, it is not very clear to me at this stage what the scope of the present debate is. At the moment I take it that we are debating the amendment which the Government is proposing to the original Clause 2 of the Bill.

Mr. Speaker: That is right.

Enche' S. P. Seenivasagam: May I take it then that after this amendment is disposed of there will be a further debate on the question as to whether Clause 2 should form part of the Bill. If so, I don't wish to debate at this stage; I would like to reserve my comment for the next stage. At the moment I would confine myself to saying that in my opinion the reasons advanced by the speakers from the Pan-Malayan Islamic Party are nothing but a reflection of their professed political beliefs and what certain communities can come to expect from them if we ever have the misfortune of having that Party in power.

Tun Haji Abdul Razak: Tuan Pengerusi, yang pertama sa-kali saya suka menjawab tegoran Yang Berhormat dari Pasir Puteh. Saya suka menerangkan di-sini dengan tegas-nya bahawa pindaan yang di-datangkan ini tidak dengan desakan dari mana² pehak-tidak usah membuat apa² tuduhan yang sa-macam itu—ini ia-lah dengan siasatan yang di-perbuat dalam Kementerian Luar Negeri ia-itu banyak orang² yang teraniaya jika tidak di-buat pindaan yang di-kemukakan ini. Ia-itu banyak anak² yang ibu-nya ada di-sini daripada warga-negara Persekutuan yang tidak mempunyai taraf yang sa-benar-nya, melainkan di-tentukan ia-itu sebab ibu-nya warga-negara Persekutuan anak-nya patut-lah mempunyai hak yang tertentu, terutama sa-kali, saperti saya telah katakan,

daripada pehak orang² Melayu yang suami-nya ia-lah daripada orang luar terutama dari Indonesia yang datang ka-mari dengan tidak ada kebenaran, yang datang sementara, sa-lepas itu dia terpaksa balek ka-tempat-nya masing².

Jadi tidak ada desakan daripada mana² pehak. Pehak Perikatan bukanlah lemah. Kita berdasar kepada ke'adilan. Kita berkehendakkan orang² yang sa-benar-nya ta'at kepada Persekutuan Tanah Melayu ini menjadi warga-negara. Dan mereka yang tidak mempunyai ta'at setia kepada Persekutuan ini, kita tidak berkehendakkan menjadi warga-negara Persekutuan Tanah Melayu. Sir, in reply to the Honourable Member for Dato Kramat: firstly, he brought up the question of statelessness. I would like him to go a bit further in this Bill. Proviso (ii) says.....

Enche' Lim Kean Siew: Sir, I withdraw this.

Tun Haji Abdul Razak:..... Proviso (ii) says that if as a result of the application of that paragraph a person would not be a citizen of any country, then that Clause does not apply. Now, with regard to a child born of Singapore parents who are not Federal Citizen, obviously the parents must be satisfied, the father or the mother must be satisfied, that he or she was a permanent resident in this country; otherwise the child cannot claim to be a citizen by operation of law.

Now, as regards the proposal about Malaysia, I must say here that the amendments to the Constitution have nothing to do with Malaysia at all. Under the proposal agreed between our Prime Minister and the Prime Minister of Singapore as regards merger, the citizens of Singapore will retain their status as citizens but, internationally, they become the nationals of the Federation. That is to say, internally they are citizens of Singapore but for the purpose of international dealings they regard themselves as nationals of the Federation. That is the position,

so far as I know, that has been agreed to between the two Governments at present.

Now as regards the question of a kampong child, or a child from a village, as to how it is possible for the child to prove the birth of his father, or the permanent residence of his father, the Government has always been quite lenient in this respect and, I think, in the past, so long as it can be shown by the evidence of some elders of the village—persons of some standing, e.g., local councillors, penghulus and others—that the father of the child is either a citizen or a permanent resident, then that evidence can be accepted. Sir, I think under those circumstances it will be quite clear that there will be no difficulty in these cases so long as the child can produce evidence that his father or his mother is a citizen or a permanent resident of this country.

As regards the comment by the Member for Seberang Selatan who says that this amendment will bring more difficulties than actually the result that it is intended to achieve, I would say that the purpose of the amendment is to stop those who have no attachment to the country—we have referred to them many times in this debate as “birds of passage”—from acquiring citizenship by operation of law. However small the number is, we still feel that it is undesirable for people who have no attachment or tie in this country to acquire citizenship by operation of law. That is the purpose of this amendment.

Enche' Lim Kean Siew: Mr. Chairman, Sir, on a point of clarification. Do I take it that the people from the intended Malaysian States and Singapore citizens are not defined as Federation citizens for the purposes of this Clause?

Tun Haji Abdul Razak: Singapore citizens?—No. They are not. They are Singapore citizens. At the moment they have free access to this country; they do not have to obtain a permit

to come into the Federation. If their children want to claim citizenship by operation of law, quite naturally the parents must either obtain a certificate or must prove that they have right of entry to the Federation.

Amendment put, and agreed to.

Clause 2, page 2, line 19—new Sub-clause (4):

Tun Haji Abdul Razak: Sir, I beg to move that Clause 2 (4) be amended by an insertion of Sub-clause (4) after the existing Sub-clause (3), and the present Sub-clause (4) be renumbered as Sub-clause (5). The new Sub-clause (4) reading as follows is in the amendment slip, which has been circulated to Honourable Members:

“(4) For the purposes of paragraph (c) of Clause 2 a person shall be treated as having been at any time a permanent resident in the Federation if, but only if, he was then resident in the Federation and either—

- (a) he then had permission, granted without limit of time under any Federal law, to reside there; or
- (b) it is certified by the Federal Government that he is to be treated for the purposes of the said paragraph (c) as a permanent resident in the Federation.”

The purpose of this amendment, Sir, is merely to clarify what is meant by “permanent resident”. Now, if a person wants to claim permanent resident, he has either to show that he has a certificate or permission granted under Federal law or else to obtain a certificate by the Federal Government that he is a permanent resident in this country. This, I say, particularly Sub-clause (4) (b), applies to citizens of Singapore, because citizens of Singapore at the moment have free access to the Federation and there is no requirement of any permit. So, if a citizen of Singapore who resides in the Federation, who lives here permanently

wants to claim that he is a permanent resident of the Federation, he will obviously have to ask for a certificate from the Federal Government that he is to be treated as a permanent resident in the Federation.

Enche' Too Joon Hing: Sir, are we now debating on Clause 2, Sub-clauses (3) and (4)? I have just heard you mentioning Clause 2, Sub-clauses (3) and (4) together.

Mr. Chairman: No, no! We are now debating the amendment moved by the Government on Clause 2, page 2, line 19, by inserting at the end of paragraph (3) a new paragraph (4), and the present one becomes paragraph (5), as per amendment slip circulated to Honourable Members. Have you got the amendment slip dated 19th January with you?

Enche' Too Joon Hing: Yes, Sir.

Amendment put, and agreed to.

Mr. Chairman: Clause 2, as amended, is open to debate.

Enche' S. P. Seenivasagam: Mr. Chairman, Sir, I oppose that this Clause, as amended, should stand part of the Bill, because to my mind it amounts to a complete destruction of the principle of *jus soli*, which was granted to us by the Federal Constitution, Article 14 (b). Now, we have heard arguments at length on this and we have heard the Government's reply. But I would submit that there is nothing in the Government's reply which is in any way an answer to the arguments put forward by us. The Government's replies have been a series of attempts either to intimidate the Opposition by calling them disloyal elements, or by saying that they are supporting aliens. Those are the principal arguments which have found favour with the Government side. Logically, there has been no answer

because, indeed, there can be no answer.

The Honourable the Minister of the Interior told the House that he would prefer the definition of *jus soli* by an independent Judge like Mr. Justice Abdul Hamid to that of a lawyer politician. But when it came to reading out what Mr. Justice Abdul Hamid said, we found that Mr. Justice Abdul Hamid never gave any definition of *jus soli*. What he did say was in regard to a modified form of *jus soli* for application to the Federation and recommended the modified form of *jus soli*. I do not see how Mr. Justice Abdul Hamid could give a definition of *jus soli* other than that which is generally understood by human beings in this part of the world—and there is only one meaning, and that is the right to citizenship of the land in which one was born: that is the general and accepted meaning of the term *jus soli*. Mr. Justice Abdul Hamid did not put in a different meaning to *jus soli*. He only recommended that on the conditions prevailing in this country it should be modified in form—that is all that he said.

Now, Sir, it was modified, and the modified version we find in Article 14 of the Constitution—"every person born within the Federation on or after Merdeka Day" shall be a citizen. The unadulterated form of *jus soli* has been there even before Merdeka Day. Now, what this Clause 2, the amended one, seeks to do is to nullify that and to say that only children of citizens shall be citizens of the Federation. And I say again, I repeat it—and I ask anybody to prove to the contrary—that that means the end of *jus soli*, because citizenship is no longer fixed by the place in which a man was born but by the status of his parents. The place where he was born is merely incidental. Therefore, I hope, it will be considered that the Government has today decided to bury once for all in the Federation of Malaya the principle of *jus soli*.

Sir, in opposing the inclusion of Clause 2, as amended, in the Bill, I would like to make it clear to the Government that we are not fighting for aliens as is alleged, but that we are fighting to preserve the rights of those who by the will of God were born in this country. They were not brought in from other countries but were born in this country, and it is for them that we say that we must preserve the right of citizenship. They were born in this country by Fate, by the will of God—and by the cruelty of man we seek to deprive them of that right—and it is for that reason I oppose the inclusion of the Clause.

Dato' Dr. Ismail: Mr. Chairman, Sir, probably I might have spoken too fast for the Honourable Member to understand. I think I would like to read again what Mr. Justice Abdul Hamid said—he said:

"Persons falling within the ambit of Article 16 are those who are born in the Federation and by reason of birth have been allowed to claim citizenship as of right. Article 16 in fact confers right of *jus soli* retrospectively if birth is accompanied by at least five years residence."

These are the words of Mr. Justice Abdul Hamid—and he says that if you are born here and if you are here for five years that is still *jus soli*. How can the Honourable Member say that I interpreted Mr. Justice Abdul Hamid wrongly? This is an extract from page 97, paragraph 4 of the Reid Report. I am no lawyer and, as I have said, if it is a choice between a political lawyer and a famous jurist, any time, one hundred per cent, I will go for an eminent jurist.

Enche' S. P. Seenivasagam: Mr. Chairman, Sir, Mr. Justice Abdul Hamid has not defined *jus soli*. He only says that certain circumstances come within the principle of *jus soli*. It does not mean that that is exclusive of all other circumstances which could be included in *jus soli*. He has only cited one case which can be *jus soli*.

He does not exclude the other case as being part of *jus soli*.

Dato' Dr. Ismail: Well, Mr. Chairman, Sir, the Honourable Member says "the principle of *jus soli*"—that is what we have been saying: we have never denied the people the principle of *jus soli*, but we say that whereas we are fighting for the rights of people in this country, the Opposition is fighting for the rights of those immigrants, those aliens who are demanding unqualified *jus soli*. We stand by Mr. Justice Abdul Hamid. In other words, we promise in particular to the Chinese of this country that if they are born here they qualify for *jus soli*, they are citizens of this country.

Enche' Too Joon Hing: Mr. Speaker, Sir, I oppose that this Clause should stand part of the Bill. Sir, Clause 2 (4) (c) had never been in our existing Constitution. This is an entirely new addition.

Mr. Chairman: One minute. You mentioned Clause 2 (4) (c)?

Enche' Too Joon Hing: Yes, Sir. Page 2—top of page 2. Clause 2, Sub-clause (4), paragraph (c). This is a new addition to the Constitution. This morning, I think, the Honourable the Minister of Justice asked whether I understand the Constitution. Sir, I may not understand the Constitution, but I know what I am talking about (*Laughter*). Sir, this new addition is entirely different from the original intention of the Working Party of the Alliance Committee who framed this.

Now, in regard to this one under Clause 2 (3)—"prescribed territory". As I have pointed out, I did not have an answer from the Deputy Prime Minister. "Prescribed territory" here is meant to mean Singapore, Sarawak, Brunei or North Borneo. Now, Sir, if we are going to merge, or have Greater Malaysia, I do not see why this Clause should be added to it. I presume that at the present moment all these territories have got their own registration bill. If this is coming in

now, and later we have this merger, why have this only for a few months? As the Honourable the Prime Minister said, you might have merger some time this year—in June or July. Thank you.

Enche' V. Veerappen: Mr. Chairman, Sir, I am afraid the Government's arguments are very unconvincing and they do not hold water at all. There has been much play on "birds of passage", but which "bird of passage", I ask, will leave the child and go away? If the "bird of passage" should take the child away for five years, the child will not be a citizen. It is deprived automatically. Then how does that affect it, or whom does it affect, I just do not know, Sir.

The Minister of Justice (Tun Leong Yew Koh): Mr. Chairman, Sir, last night I pointed out to the Honourable Member for Telok Anson that when he was a member of the Working Committee of the Alliance on the Constitution, he agreed to two exceptions to this principle of *jus soli*. One is that the children of foreign diplomats should not be given citizenship because they do not belong to this country, they owe allegiance to another country and they have no root in this country. Another exception which has been agreed to is that the children of enemies who occupy our country should not be eligible for citizenship. Now, this amendment brings in a third exception to the rule, that is to say, that the children of the "birds of passage" will not be recognised because they have no root in this country and on the same ground as you agreed to the two other exceptions.

Enche' Too Joon Hing: Sir, on a point of clarification. When the Working Committee sat on the Constitution, we were not concerned about the "birds of a feather" (*Laughter*).

Mr. Speaker: Order! Order!

Enche' Too Joon Hing: I am sorry, I mean "birds of passage". We never considered "birds of passage" at that

time. So why bring in this now? I remember very distinctly that the Working Committee stated that the immigration law was so strict that very few people would come in here. So we never had given thought to this question of "birds of passage." So, why was this added in here while that was not the intention of the original framers of this Constitution?

Enche' Tan Phock Kin: Mr. Chairman, Sir, I am afraid the Government Bench is deliberately trying to confuse the arguments on this question of "birds of passage" with the question of aliens. Let us be clear as to whom we are referring to. We are referring to the child and not the father or the mother. The parents may be "birds of passage", their loyalty may be to another country, they may be citizens of another country; but as far as the child is concerned no one can stand in judgment. I can say for certain that he is not a "bird of passage" for the simple reason that he is born here. Citizenship laws of other countries, of many major nations, recognise the fact that should a person be born in any country, he should be accorded the full rights of citizenship.

Secondly, we must realise that it is prejudging a child to say that he is going to be disloyal to this country for the simple reason that his parents are not citizens of this country. We must realise that this is an error, all along, on the part of the Government in power. We must realise that a person only becomes disloyal to any one country, when he is being treated as an outcast. No one who is being treated as an equal, who enjoys equal rights and equal privileges, will be disloyal to a country. So, Sir, the practice in all major nations is to accept this ruling, for the simple reason that they believe that if a person, who was born in a country, is treated as an equal citizen, he will be a first class citizen and will be prepared to share all responsibilities that are required of a citizen. So, I see no reason why our Government should depart from this principle. When the

Constitution was drafted, the framers of our Constitution did not envisage that Government would deprive people in this category of citizenship. So when the question of the two exceptions was brought in, the question of this category was not included because, I put it, it was clear in the minds of the framers of the Constitution as well as to the Alliance Party, who submitted its memorandum, that they should accept this very fundamental principle. I see no reason why the Government should all of a sudden depart from this principle, merely arguing without any substances on questions of "birds of passages", disloyalty and aliens, which will not convince anybody. The principle is very clear, and I feel that the Government has not put forward any concrete arguments in support of their proposal.

Enche' Liu Yoong Peng: Mr. Chairman, Sir, I disagree with the amendment because, for instance.....

Mr. Chairman: On which amendment are you talking now?

Enche' Liu Yoong Peng: "Birds of passage", Sir (*Laughter*).

Mr. Chairman: I must warn you that you must follow the debate. We are now debating Clause 2 as amended—it has already been amended. We are not debating that amendment at all. We are now debating Clause 2, as amended, which has already been passed by this House.

Enche' Liu Yoong Peng: I understand the position, Sir, and I will speak on Clause 2 as amended. Clause 2 (c) says:

"(c) neither of his parents was a citizen of the Federation and neither of them was a permanent resident therein:"

Therefore, the children cannot claim citizenship. This refers to the "birds of passage" and I do not agree to this amended Clause, because even when a woman travels in a B.O.A.C.

aeroplane and gives birth to a child, that child can get the British subject nationality. Therefore, even for such a short period when the birth takes place in an aeroplane, the child can claim British subject nationality; and I see no reason why if somebody stays here for much longer than that period, the child should be deprived of his citizenship.

Tun Haji Abdul Razak: Mr. Chairman, Sir, it is a great surprise that the Member for Telok Anson now regards himself as a "bird of the same feather" (*Laughter*) as the Minister of Justice (*Laughter*).

With regard to his comment on Clause 2 (3), it is obviously necessary for us to have this provision, because in these territories, Singapore, Sarawak, Brunei and North Borneo, we have not got a Malayan Consulate at the moment. At present Malaysia is not legally in existence and so we have got to make this provision otherwise there is no means by which a person born in this country could register himself or could report to the authority.

Now, Sir, as regards Clause 2 (4) (c), we seem to be going round and round in our arguments. To cut the matter short, we do not agree with the arguments put forward by the Opposition on this, because the child generally follows the citizenship of his father; and unless we are satisfied that either the father or the mother has some connection or some tie with this country, we obviously will not accept the child as a citizen by operation of law.

Question put, and agreed to.

Clause 2, as amended, ordered to stand part of the Bill.

Clause 3—

Tun Haji Abdul Razak: Mr. Chairman, Sir, I propose that Clause 3 be amended by an insertion of new Sub-clauses (2) and (3) as per amendment slip which has been circulated

to Honourable Members reading as follows, and also that present Clause 3 be re-numbered as Sub-clause (1):

"*Clause 3, page 2, at end add—*

(2) Notwithstanding Sub-section (1),—

(a) Clause (1) of the said Article 15 shall continue to have effect in relation to a woman who at the time of coming into operation of this section was married to a citizen, and

(b) Clause (2) of that Article shall continue to have effect in relation to a person whose father was at that time a citizen or, if then deceased, was a citizen at the time of his death,

as if Sub-section (1) had not come into operation.

(3) Section 17 of the Second Schedule to the Constitution shall apply to Sub-section (2) of this section as it applies to the said Article 15."

Sir, the purpose of this amendment is merely to make it clear that the amendment does not apply to various married women and children who have already acquired citizenship before coming into operation of this amendment, that is to say, that these amendments will deal with the registration of women who are married to citizens or of children whose fathers are citizens. Now, a woman who is already married to a citizen or a child whose father is a citizen, before this Clause or this amendment comes into operation, will be able to apply for registration under existing law. Now, Sir, the new Sub-clause (3) set out at the end of the amendment only secures the concession that we are making for children who are illegitimate, that is to say that those illegitimate children will be able to obtain the concession under this amendment.

Enche' Liu Yoong Peng: Are we now on the amendment to Clause 3 or is there any further amendment to Clause 3?

Mr. Chairman: No, only that amendment.

Enche' Liu Yoong Peng: Thank you, Sir. In this case I want clarification regarding Clause 3 (1) (c) "that she is of good character." Sir, in the original Constitution the woman is not required to prove that she is of good character, but here she has to, and I don't actually understand what is meant by good character of a woman (*Laughter*). There was a definition of "good character" in the original Constitution under Article 18 (4), where it was stated—

"..... a person shall be deemed to be of good character unless, —

- (a) he has been convicted by a competent court in any country of a criminal offence for which he was sentenced to death; or
- (b) he has been detained under a sentence of imprisonment of twelve months or more imposed on him on his conviction of a criminal offence.....by such a court,"

But now, Sir, after amending this part, the proving of bad character need not be through conviction. Who then is going to say who is of good character and who is of bad character, if it is not going to be decided by conviction in court? To put this Clause in this way without assuring us who is going to decide that the woman is of good character is actually not giving respect for the wives of our citizens. Although the Minister of Justice said that there were prostitutes who were married to Malayan citizens and were brought into Malaya, and that in order to cope with such a situation there is a requirement for proof of good character, I would say that there are many women who are married to citizens who come here with perfectly good intention and do not in fact think of becoming prostitutes. Therefore, I fail to understand how the Government is going to decide who are good characters and who are bad characters. For instance, an actress from Hongkong (*Laughter*) may come here and may stay quite legally in Malaya, and thereafter may have the good fortune of marrying a citizen—may be

a Minister or Assistant Minister (*Laughter*). How are we going to prove that this woman is of good character or otherwise if there is no need for conviction in court for the proof of good character or bad character.

Enche' S. P. Seenivasagam: Mr. Chairman, Sir,.....

Mr. Chairman: One minute. I will get this cleared first. On Clause 3 I have got a notice of amendment also from Mr. Veerappen, that is to delete (b) and (c) of Clause 3 (1).

Enche' V. Veerappen: My amendment is not to amend the amendment by the Government, but to amend the original amendment.

Mr. Chairman: But the Government is adding, so I would prefer you to move your amendment first and then if we defeat it, then I can take the Government's amendment. Otherwise, it will be conflicting because your amendment is to delete certain words and the Government's amendment is to add at the end of the Clause further Sub-clauses.

Enche' V. Veerappen: My amendment is not on their amendment but on the original. Therefore, I was waiting for their amendment to be disposed of first.

Mr. Speaker: You should move your amendment first.

Enche' V. Veerappen: Thank you, Sir. I move that in Clause 3 paragraphs (b) and (c) be deleted. On paragraph (c) my colleague has gone to quite an extent to explain. But I feel that no man would want to marry someone who is of bad character. If you were to take one of the Minister's statement that people of bad character need not be convicted in court, if you were to accept that, then I am sure we would be in a very difficult position indeed, because the Government would then be able to say to anybody that she is of bad character and therefore she cannot be a citizen.

Paragraph (b) is even more ridiculous—"that she intends to reside permanently therein;". Nobody would marry someone and not live together. Who would do that, Sir? (*Laughter*). How can she not live in this country if she is going to marry someone in this country? It is ridiculous. Therefore, I propose that it be deleted.

Tun Haji Abdul Razak: The Government cannot accept this amendment, Sir, for the simple reason that in the case of (b) "that she intends to reside permanently" here, there would not be any difficulty at all to show that a person intends to reside here permanently. If she marries somebody here quite obviously she wants to live with that man and so she can just say that she wants to live here—that is all that is required.

As to the requirement of good character, it is important that Government should not permit a wife to be a citizen unless she is of good character, because there are cases of women of not good character being brought into this country; and there is the possibility of people marrying women of ill-repute and bringing them to this country; and unless we have this condition, we will then have to accept them as citizens of this country. It is happening in actual fact and, therefore, it is the intention of the Government to cover this loophole. In genuine cases there will not be difficulty, and if a citizen married a woman of good character, quite obviously he will be able to bring her here and there will be no difficulty for the woman to get a permit to stay here permanently and in due course getting citizenship of the country.

Enche' Too Joon Hing: On a point of clarification, Sir. In the course of my speech, I have referred to paragraph (b) which reads "that she intends to reside permanently therein". Now, if a woman married a citizen and she stayed for two years, but later she divorced her husband, would she retain her citizenship? I want a

clarification on that from the Deputy Prime Minister.

Tun Haji Abdul Razak: If she had not acquired her citizenship, of course she would not retain her citizenship, but after she has acquired her citizenship, there is no means for us to deprive her of her citizenship. That is why we have to have this requirement of two years to make sure that the woman really wants to stay here permanently and that she is permanently married to a Federal citizen. That is why the condition in Clause 3 (1) is necessary.

Enche' Chin See Yin (Seremban Timor): Sir, can a husband of a woman certify that she is of good character? (*Laughter*). Now, Sir, on the question that she is of good character, who is to give that certificate that she is of good character? Obviously the husband must give (*Laughter*).

Tun Haji Abdul Razak: Sir, this is a matter which I cannot give an answer off-hand, but obviously the Government wants to satisfy itself that the woman is of good character. A certificate from the husband is not enough, obviously the husband always thinks that his wife is of good character otherwise he would not have married her (*Laughter*).

Enche' Chin See Yin: Will the Honourable the Deputy Prime Minister confirm that the husband can give a certificate of good character? If so, that is the end to the problem.

Tun Haji Abdul Razak: No, Sir.

Mr. Chairman: The question is the amendment moved by the Honourable Member for Seberang Selatan by deleting Sub-clause (1) (b) and (c) of Clause 3.

Amendment put, and negatived.

Mr. Chairman: Clause 3 as it stands is now being amended again; there is another amendment by the Government.

Tun Haji Abdul Razak: Sir, I beg to move that Clause 3 be amended by the insertion of two Sub-clauses, Sub-clauses (2) and (3), as in the amendment slip and also that the present Clause 3 be renumbered as Sub-clause (1). I have already explained that the purpose of this amendment, Sir, is to ensure that those persons who have obtained citizenship before the coming into force of this amendment will not be affected by this amendment.

Enche' S. P. Seenivasagam: Mr. Chairman, Sir, I oppose the proposition because it is another case of the Government bringing in a move without knowing what they are really after. Concern has been expressed in this House for the past three days as to what indignities are going to be heaped upon a woman from outside the Federation who marries a citizen of the Federation. Every woman should be presumed to be of good character, but what this Government is trying to do is to presume that every woman, who marries a Federal citizen is of bad character and, therefore, she must prove affirmatively that she is of good character. What justification is there for this humiliation to be heaped upon a woman who does a Federal citizen the honour of marrying him?

Now, for the past three days we have asked the Government, "Tell us what do you mean by "good character"; how are we going to prove good character? Apparently, Members of the Government have all sat back on their chairs and done nothing about it; they have taken no trouble to clarify the position to this House; and up to this moment they are unable to tell us how the Government expects a woman to prove that she is of good character as it is not prepared to take the husband's word for it. Is she to pick up some man on the street and say that she has never slept with him? Is that the sort of good character you want?

Tun Haji Abdul Razak: I am surprised that the Honourable Member

for Menglembu does not know what "proof of good character" is, being a lawyer. I think we have said enough on this subject and I do not think I need say any more. If he chooses not to understand what we have said, then there is no need for us to say any more.

Amendment put, and agreed to.

Clause 3, as amended, ordered to stand part of the Bill.

Clause 4—

Enche' Too Joon Hing: Sir, Clause 4, in regard to insertion of new Article 15A: In the course of my speech, Sir, I asked the Deputy Prime Minister to clarify the words "in such special circumstances", on page 3, Clause 4. I think the Deputy Prime Minister during his reply had not given any explanation as to what "in such special circumstances" means. I would like to have a clarification on that, Sir.

Tun Haji Abdul Razak: I have said, Sir, in my reply that this is a new clause and it gives the Government discretion to register a person under the age of 21 as a citizen, if the Government thinks that there are grounds for registering such persons as citizens. I cannot, of course, state here the circumstances. If the Government thinks that a child probably has no parents here, or who obviously has attachment to the country, in such a case possibly the Government will register him as a citizen. This is merely to give discretion to the Government in cases of hardship and in cases where Government thinks that it is in the interest of the child and the country that the child be registered as a citizen. It is a new one.

Mr. Chairman: I shall now put the question.

Question put, and agreed to.

Clause 4 ordered to stand part of the Bill.

Mr. Chairman: The sitting is suspended for ten minutes.

Sitting suspended at 11.50 p.m.

Sitting resumed at 12.01 a.m. (1st February, 1962).

(Mr. Speaker in the Chair)

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

Clause 5—

Enche' V. Veerappen: Sir, may I move my amendment?

(Mr. Chairman indicates assent).

Enche' V. Veerappen: Mr. Chairman, Sir, the Government has been saying that we have been unreasonable, but our amendment shows how reasonable we are. The Government has also shown that it is agreeable to a period of grace. What we want is to assure the public, and we would like certain words written into this Clause. Therefore, Sir, I beg to move the following amendment to Clause 5:

"Delete the fullstop and add "or within three years"."

Sir, we are just asking for three years. The Government Bench has told us six months and we are asking for three years. I hope the Government will accept this reasonable amendment. This will be a re-assurance to the Opposition.

Tun Haji Abdul Razak: Sir, the Prime Minister has already given an assurance that he is prepared to give a period of six months or a year, and I think the Prime Minister's word is just as good as law; I also think the Honourable Members will accept that assurance of six months and, if that period is not enough, it will be extended to one year. I think it will be as good as any amendment to this Clause. I am afraid the Government cannot accept the period of three years, and I do not think it is necessary whatsoever to amend this Clause anymore.

Amendment put, and negatived.

Enche' Zulkiflee bin Muhammad: Tuan Pengerusi, berkenaan dengan

Fasal 5 ini oleh kerana saya tadi telah meminta supaya hal ini dalam pelaksanaan-nya hendaklah di-perhatikan dan kita berhati² supaya hasil daripada pemansokhan Bab 17 daripada Perlembagaan ini benar² dapat diwujudkan. Maka saya sa-telah pindaan ini supaya perkataan "Prime Minister" itu di-tukarkan kepada "Yang di-Pertuan Agong" supaya menuntut, supaya Kerajaan memohon kepada Yang di-Pertuan Agong supaya dilantek tarikh bagi pelaksanaan Fasal 5 ini dengan sa-chepat²-nya.

Saya tahu, Tuan Yang di-Pertua, bahawa Yang Amat Berhormat Perdana Menteri telah menyebutkan masa 6 bulan atau sa-tahun dalam perkara ini tiada masa tempoh bagi pelaksanaan fasal ini. Saya berharap supaya Yang Berhormat Perdana Menteri menimbangkan sa-mula hal ini dan memikirkan supaya ia itu di-kurangkan daripada 6 bulan dan di-chepatkan lagi pelaksanaan-nya ia-itu-lah yang sesuai dengan semangat pindaan Perlembagaan yang bertujuan hendak mengawal kera'ayatan negeri ini. Tuan Yang di-Pertua, menanggoh²-kan pelaksanaan-nya ini hanya akan menimbulkan satu perkara yang tidak saperti-nya yang pada satu masa saya takut penanggohan itu akan membawa satu akibat yang tidak baik. Ini-lah yang saya minta pada Kerajaan supaya di-timbangkan dengan halus-nya perkara yang bersangkutan dengan pelaksanaan Fasal 5 dari pindaan ini.

Tun Haji Abdul Razak: Tuan Yang di-Pertua, berkenaan dengan hendak menanggohkan pelaksanaan pindaan ini Kerajaan tidak menanggohkan pelaksanaan pindaan ini dengan tidak memberi sebab yang mustahak. Tujuan-nya ia-lah hendak di-beri 6 bulan atau sa-tahun period of grace ini supaya jikalau ada orang² yang di-fikirkan patut menjadi ra'ayat Persekutuan ini dan sa-hingga hari ini tidak dapat peluang hendak menjadi ra'ayat. Itu sahaja tujuan-nya dan tidak lagi hendak di-tanggohkan pelaksanaan-nya dengan tidak ada sebab² yang menasabah.

Clause 5 ordered to stand part of the Bill.

Clause 6—

Enche' Zulkiflee bin Muhammad: Tuan Pengerusi, Fasal 6 perkataan "not less than one year" di-gantikan dengan "two". Saya pohonkan pindaan ini supaya di-timbangkan dan di-terima oleh Dewan ini. Tuan Pengerusi, sudah menjadi kehendak bagi pindaan undang² ini supaya di-kemaskan Perlembagaan kita. Bab 19 daripada Perlembagaan Persekutuan Tanah Melayu menyebutkan: "Ia-itu terta'alok kepada Bab 21, Kerajaan Persekutuan boleh, sa-sudah meminta di-buat permintaan oleh sa-siapa yang berumur 21 tahun ka-atas, memberi sijil naturalisation kepada orang itu sa-kira-nya ia puas hati—(a); (b); (c) dan,

(e) bahawa ia telah tinggal terus-menerus di-Persekutuan Tanah Melayu bagi masa yang tidak kurang daripada sa-tahun langsung menjadi tarikh permintaan itu.

Tuan Pengerusi, masa yang ditetapkan daripada (a) ia-lah tinggal di-Persekutuan Tanah Melayu sa-lama 12 tahun yang di-kumpulkan masa-nya itu tidak kurang daripada 10 tahun. Apabila sa-saorang itu hendak mendapat kera'ayatan negeri ini dan hendak menjadi ra'ayat negeri ini tidak-lah keberatan bagi-nya dudok terus-menerus sa-lama dua tahun pada masa yang akhir dan saya fikir ini adalah satu syarat yang kalau di-luluskan oleh Dewan ini yang amat patut bagi sa-saorang yang mendapat hak naturalisation ia-itu pehak yang membolehkan hidup sa-bagai orang yang mempunyai hak politik yang penoh dalam negeri ini. Jadi, tujuan saya ia-lah supaya dengan "dua" tahun itu orang² itu benar² terikat kepada negeri ini, sebab kalau kita lihat kepada ta'arif "permanent resident" pun telah di-letakkan sa-suatu masa yang kurang dari 6 bulan, maka di-sebutkan permanent resident dalam menghitung waktu "resident". Oleh sebab itu, saya rasa berkepanjangan masa ada dengan tidak tinggal dalam negeri ini boleh di-jawab 5

bulan 28 hari dan oleh yang demikian itu, saya berkehendakkan supaya "dua" tahun itu di-jadikan masa bagi betul² sa-saorang yang diam dalam Persekutuan Tanah Melayu yang sa-elok²-nya sa-belum masa tarikh meminta kera'ayatan itu. Jadi itu-lah yang saya minta pada Kerajaan supaya menerima dan meluluskan perkataan "satu" kepada "dua" dan saya perchaya pada Kerajaan pun perkara ini hendak mengesahkan dan hendak menerima-nya.

Tun Haji Abdul Razak: Tuan Pengerusi, sa-benar-nya masa satu tahun atau dua tahun itu tentu-lah tidak menjadi keberatan pada pehak Kerajaan, tetapi menurut Fasal 16 beberapa syarat yang tertentu sa-belum sa-saorang itu mendapat menjadi kera'ayatan dengan chara naturalisation. Jadi sebab sekarang tidak ada syarat yang menentukan orang itu berada di-Tanah Melayu ini sa-tahun sa-belum daripada membuat permintaan itu, sebab tidak ada syarat sa-tahun itu menasabah, maka saya fikir tentu-lah tidak ada beza antara satu dengan dua tahun itu, jadi itu kena-lah di-timbangkan mana yang adil dan di-fikirkan dengan syarat² yang ada sekarang sa-tahun itu adil-lah. Jadi kita hendak ketatkan dari segi keadilan apa beza-nya sa-tahun atau dua tahun—syarat² itu "continuously" sa-terus-nya dalam sa-tahun sa-belum ia membuat permintaan. Saya fikir sa-tahun ini memadai-lah syarat yang ia dudok sini "continuously" satu masa yang di-fikirkan menasabah.

Enche' Zulkiflee bin Muhammad: Tuan Pengerusi, perkara ini hendak-lah memikir²kan sadikit, sebab saya nampak Timbalan Perdana Menteri tadi mengatakan tidak gadoh sangat satu tahun dengan dua tahun itu. Jadi kalau satu atau dua tahun itu, kita ambil-lah dua tahun ini, kerana saya pun rasa tentang Fasal 3 dari undang² pindaan ini. Kita telah menyebutkan betul tentang sa-orang isteri yang hendak mendapat hak untuk membuat permintaan pendaftaran kepada orang yang dudok itu jikalau ia hendak dudok dua tahun terus-menerus dalam

Persekutuan Tanah Melayu. Jadi kalau ia itu kita kenakan dua tahun, maka saya rasa orang ini dua tahun tidak-lah berat benar.

Tuan Pengerusi, itu-lah yang saya minta timbangkan supaya di-timbangkan lagi.

Tun Haji Abdul Razak: Tuan Pengerusi, saya fikir tidak payah di-timbangkan lagi (*Ketawa*).

Amendment put, and negatived.

Clause 6 ordered to stand part of the Bill.

Clauses 7 to 9 inclusive ordered to stand part of the Bill.

Clause 10—

Sub-clause (2)—

Tun Haji Abdul Razak: I beg to move that Clause 10 (2) be amended as per amendment slip circulated to Honourable Members as follows:

"In line 4 of the new Clause (1A), leave out "without its" and insert "after the registration or naturalisation or the coming into operation of this Clause, whichever is the later, and without the Federal Government's".

Sir, the Bar Council in their comments on the Bill, which they were good enough to send us, has pointed out that Clause 10 as it stands might be construed as having retrospective effect. This was not, of course, our intention and the amendment is intended to remove this.

Amendment put, and agreed to.

Sub-clause (3)—

Enche' Zulkiflee bin Muhammad: Tuan Pengerusi, Fasal (10) bersangkutan dengan fasal kecil (3) yang di-dalam-nya meminda Fasal (25) daripada Perlembagaan kita yang asal dengan hendak menggantikan perkataan tujuh kepada perkataan lima tahun. Dan saya meminda ia-itu di-

buang perkataan "lima tahun" dan di-masokkan perkataan "empat tahun." Tuan Pengerusi, sa-benar-nya bagi perkara yang di-kehendaki oleh fasal kecil (2) daripada Bab 25 dari Perlembagaan Persekutuan Tanah Melayu itu bukan-lah satu perkara yang berat, ia-itu dia mengatakan terta'alok kepada Fasal (3) Kerajaan Persekutuan Tanah Melayu boleh dengan perintah menarek balek kera'ayatan sa-saorang yang ada-lah menjadi ra'ayat dengan pendaftaran menurut Bab 17 atau sa-saorang yang menjadi ra'ayat dengan "naturalisation" sa-kira-nya Kerajaan berpuas hati bahawa dia telah biasa tinggal di-negeri asing bagi masa yang terus-menerus sa-lama 3 tahun, dan di-dalam masa itu dia tidak pun (a) sama ada pada mana² masa berkhidmat kepada Persekutuan Tanah Melayu atau pun badan international yang Persekutuan Tanah Melayu menjadi ahli-nya (b) tidak pun mendaftarkan tiap² tahun di-mana² Consulate Malaya menyatakan kehendak-nya untuk menyimpan kera'ayatan.

Orang yang di-sebutkan ini, Tuan Pengerusi, ia-lah dudok di-luar negeri sa-lama 7 tahun, tetapi Kerajaan hendak 5 tahun. Saya hendak mendapat jawapan, yang di-kehendaki salah satu, waima dia itu berkhidmat di-Persekutuan Tanah Melayu—kalau dia tidak ada tidak apa—yang kita hendakkan dia mendaftarkan—niat-nya hendak mengekalkan kera'ayatan-nya. Sa-tahun sa-kali di-Consulate Malaya di-tempat itu, dia menjadi ra'ayat Persekutuan Tanah Melayu dan mempunyai hak² yang besar sa-hingga boleh jadi Prime Minister. Mendaftarkan sa-tahun sa-kali tidak hendak, jadi orang yang macham ini, Tuan Yang di-Pertua, saya rasa apa yang hendak di-buat-nya lagi, tanggung-jawab sa-bagai ra'ayat yang sa-kecil itu pun tidak dapat dia memberi-nya, saya fikir kalau 4 tahun dia telah berbuat demikian, elok-lah di-chutkan daripada jadi ra'ayat, jadi tarek balek citizen-nya itu.

Saya perchaya Yang Berhormat Timbalan Perdana Menteri akan

berkata itu soal prinsip, 4 atau 5 tahun itu sa-rupa. Kalau bagitu kita ambil 4 tahun, sebab mudah sangat kerjanya, dia pergi ka-situ tentu ada satu form, dia sain sahaja mengatakan dia hendak jadi ra'ayat. Sebab orang yang tidak mahu merepotkan itu selalu-nya dia sudah seronok dudok di-negeri luar itu sa-hingga dia lupa kepada Consulate Malaya. Jadi kali ini saya minta-lah kepada Yang Berhormat Timbalan Perdana Menteri menerima pindaan ini.

Tun Haji Abdul Razak: Tuan Pengerusi, yang sa-benar-nya, perkara 4 atau 5 tahun ini tidak di-kira mustahak. Jadi saperti kata Yang Berhormat itu tadi kalau sa-saorang itu tidak mendaftarkan diri-nya sa-lama 4 atau 5 tahun baharu-lah di-luchutkan kera'ayatan-nya. Tetapi kalau sa-saorang itu membuat pekerjaan di-luar negeri kerana Kerajaan Persekutuan Tanah Melayu atau pun bekerja di-Pertubohan Bangsa² Bersatu tentu-lah di-kechualikan daripada itu. Jadi 5 tahun ini di-ambil kebiasaan daripada kebanyakan Perlembagaan. Itu sebab-nya 4 atau 5 tahun itu tidak ada berbeza sangat. Jadi kita hendak mengikut kebiasaan. Sa-tahu saya kebanyakan 5 tahun. Oleh itu kalau tidak ada sebab yang sangat mustahak hendak di-kurang kepada 4 tahun itu, elok-lah kita mengikut kebiasaan yang di-perbuat oleh di-negeri² lain. Jadi saya fikir elok-lah kita pakai 5 tahun.

Mr. Chairman: The question is that the amendment moved by the Honourable Member for Bachok to Clause 10, Sub-clause (3), in line 2 to leave out the words "five years" and insert the words "four years" may be agreed to.

Amendment put, and negatived.

Clause 10, as amended, ordered to stand part of the Bill.

Clause 11—

Mr. Chairman: I have two amendments here, one from the Honourable Member for Seberang Selatan and

one from the Government. I think it will be convenient to deal with the amendments from the Honourable Member for Seberang Selatan first.

Enche' V. Veerappen: Sir, I propose that in Clause 11, the paragraph numbered 26A be deleted and the other paragraphs be renumbered. This paragraph, as has been expressed earlier, would tend to inflict upon the child the sins of the father. In any case, if the child should grow up, he would be entitled to apply for citizenship also. So, why deprive the child and then when he applies again you give him citizenship? I think that Clause is unnecessary.

Tun Haji Abdul Razak: Sir, I am afraid the Government cannot accept this amendment because, in accordance with the Government's proposed amendment, the scope of this clause will be narrowed and will only be confined now to cases in which the parents have been deprived of citizenship; and if the deprivation is due to the parents having obtained their citizenship by fraud or false representation for having acquired citizenship, only in those cases this clause will apply. Therefore, in view of its limited scope of the clause, the Government feels that it should retain this clause, because it is obviously undesirable in some cases to have to allow the children to retain their citizenship if the parents were to be deprived of theirs in the circumstances mentioned in this clause.

Mr. Chairman: The question is that the amendment moved by the Honourable Member for Seberang Selatan as circulated in the amendment slip to Honourable Members may be agreed to.

Amendment put, and negatived.

Mr. Chairman: (To Tun Haji Abdul Razak) Now you can move your amendment.

Tun Haji Abdul Razak: Sir, I propose that Clause 11 be amended

as per amendment slip circulated, which reads as follows:

Clause 11, page 4, in line 1 of the new Article 26A, leave out—

“or been deprived of his citizenship” and insert “his citizenship or been deprived thereof under Clause (1) of Article 24 or paragraph (a) of Clause (1) of Article 26”.

The purpose of this amendment, as I have explained, is to rebut the allegation that the sins of the father should be imposed on the child. It is now proposed that the scope of this clause be only limited to cases where the father is deprived of citizenship on these two grounds: either he renounces his citizenship or he has obtained his citizenship by fraud or by misrepresentation or for acquiring the citizenship of a foreign country.

Enche' Zulkiflee bin Mohammad: Tuan Pengerusi, Fasal 11 ini, saya mohon supaya meminda atas pindaan yang di-kemukakan oleh Kerajaan yang akhir sa-kali dengan menghapuskan perkataan² sa-sudah perkataan “bahawa dia hendak-lah terus menjadi ra'ayat”, di-hapuskan perkataan koma bertitik, dan “tidak sa-orang pun yang boleh di-tarek kera'ayatan-nya di-bawah Bab 25 cheraian B dari Fasal 1, dari Fasal 26 atau Fasal 26A sa-kira-nya Kerajaan Persekutuan Tanah Melayu ada-lah puas hati bahawa di-sebabkan penarekan balek kera'ayatan itu dia tidak akan menjadi sa-orang ra'ayat bagi mana² negeri; dan dengan memasokkan satu noktah sa-sudah perkataan ra'ayat”.

Tuan Pengerusi, saya telah mendengar keterangan² dari Yang Berhormat Timbalan Perdana Menteri berkenaan dengan clause ini. Tetapi saya takuti bahawa di-dalam keadaan Persekutuan Tanah Melayu; yang saya takuti sangat bahawa dengan ada-nya perkataan² ini akan di-buka lapangan sa-mula-lah Bab² yang akan membolehkan orang² mengekalkan kera'ayatan-nya. Sebab negeri kita, Tuan Yang di-Pertua, ada mempunyai orang², kata-lah orang² China umpama-nya mudah benar dia menda'awa bahawa

tidak-lah dapat menjadi ra'ayat mana² kalau bapa-nya telah di-tarek balek kera'ayatan-nya dan anak-nya hendak di-hantarkan kepada Tanah Besar Negeri China—Komunis tidak terima; hendak hantar di-Fomosa pun tidak terima. Jadi, akhir-nya bila di-tanya² dia tidak ada negeri yang hendakkan dia. Akhir-nya, Tuan Yang di-Pertua, balek-lah terdedah negeri ini kepada orang ramai, demikian tempat² yang lain. Jadi, saya yakin tidak-lah terok sangat anak yang saperti ini sebab dia kalau kera'ayatan ayah-nya telah di-tarek balek ada dua perkara yang berlaku, yang pertama sama ada ayah-nya keluar daripada negeri ini dan membawa anak²-nya itu-lah kalau biasa-nya sudah di-bawa anak²-nya itu, jadi tidak berbangkit soal dia hendak menjadi ra'ayat negeri mana, sebab dia naik kapal-nya daripada sini dan tidak-lah menyusahkan kita lagi. Dan kalau tidak di-bawa tinggal di-sini oleh ayah maka dia tidak lagi citizen. Jadi, boleh jadi dia permanent citizen dan pada ketika itu anak-nya itu boleh dudok dan pakai kad merah atau apa juga sa-lama 8 tahun, 10 tahun dia pun besar sadikit dan boleh-lah minta naturalisation sebab dia sudah dudok di-negeri ini sakian² tahun. Jadi, Tuan Yang di-Pertua, ini semua-nya kelapangan yang ada dalam Perlembagaan Persekutuan Tanah Melayu menyebabkan orang² itu tidak-lah menyusahkan sangat. Yang saya kehendaki supaya di-gunakan kelulusan yang ada dalam sharat² ini untuk membolehkan orang² yang banyak dan ini-lah sebab yang saya menhadangkan supaya di-hapuskan.

Tun Haji Abdul Razak: Tuan Pengerusi, saya sangat faham apa yang di-sebutkan oleh Ahli Yang Berhormat itu dan soal ini sudah kerap kali di-kemukakan tetapi dukachita saya, kita sa-bagai sa-buah negara yang bertamadun—civilised country—kita terikat di-atas perkara ini sebab ini kata orang international obligation ia-itu kita tidak boleh menjadikan sa-saorang itu stateless. Jadi, kita terpaksa menerima-nya kalau tidak, berma'ana kita ini engkar daripada menunaikan international obligation.

Saya faham-lah di-atas hal ini tetapi satu dari perkara yang kita ini sa-bagai sa-buah negeri yang merdeka dan bertamadun ada hubungan-nya dengan negeri² lain di-dunia ini tentu-lah kita terpaksa mengikut satu daripada international obligation. Nampak-nya bagaimana kita hendak menimbangkan-nya pun kita terikat juga daripada international obligation melainkan kita hendak berdiri sendiri dengan tidak ada menerima international obligation. Jadi, itu sebab-nya tidak dapat Kerajaan hendak menerima pindaan ini sunggoh pun saya faham pandangan² Ahli Yang Berhormat itu ini di-sebabkan kita sa-bagai sa-buah negeri yang merdeka dan ada perhubungan-nya antara bangsa.

Amendment to original amendment put, and negated.

Original amendment put, and agreed to.

Tun Haji Abdul Razak: Mr. Chairman, Sir, there is another amendment to Clause 11. I only moved an amendment to Article 26A. I now propose to move another amendment to Clause 11—that is that Article 26B (2) be deleted and be substituted by the new Clause 11 as per amendment slip reading as follows:

“Clause 11, page 4, leave out Clause (2) of the new Article 26B and insert—

“(2) No person shall be deprived of citizenship under Article 25, 26 or 26A unless the Federal Government is satisfied that it is not conducive to the public good that he should continue to be a citizen; and no person shall be deprived of citizenship under Article 25, paragraph (b) of Clause 1 of Article 26, or Article 26A if the Federal Government is satisfied that as a result of the deprivation he would not be a citizen of any country”.

One of the results of the amendment as it stands would be that a person could not be deprived of his citizenship on the ground of fraud or misrepresentation, if the result of deprivation will be to make him stateless. Now, Sir, I think everyone

will agree that it is quite wrong that this sort of citizen should be allowed to plead his own fraud as an excuse of not being deprived of citizenship. With this amendment we close this loophole. Ini satu daripada jalan yang kita boleh tutup lubang ini dengan chara yang di-katakan oleh Ahli Yang Berhormat dari Bachok tadi, ini-lah chara kita dengan memikirkan tidak melanggar atau pun menjadi kita tidak mengikut International Obligation.

Enche' S. P. Seenivasagam: Mr. Chairman, Sir, the Honourable the Deputy Prime Minister has said that there is some sort of safeguard—I think that is what he intended to imply. In my view this is nothing but an illusory safeguard which, in fact, is no safeguard at all. The man still remains absolutely and completely at the mercy of the Government. All the Government has to do is to say that it is satisfied that “it is not conducive to the public good.” What can a good man who has been victimised by the Government do? He can do nothing. He can go on his hands and knees and beg. If the Government has got a merciful heart, perhaps, it might think twice. Other than that, what safeguard does this thing give to a man who is going to be deprived of his citizenship? Nothing at all. I appeal to the morality of the Government which it deplorably lacks—and that lacking of which has been displayed in the manner in which this has been forced through—I would submit by third degree method by refusing to allow the Opposition to even have sleep (*Laughter*).

Enche' Too Joon Hing: Mr. Chairman, Sir, I would like to move an amendment to the amendment of the Government in respect of Article 26B.

Mr. Chairman: Have you given notice?

Enche' Too Joon Hing: No, Sir. However, I would like to make a suggestion that the deprivation of a person's citizenship should be left to the decision of a Court. I say so because to say “the Government is

satisfied" is rather vague. To what extent can the Government be satisfied? I think we have seen cases sometimes when decision has been taken and acted on by the Government—sometimes there may not be actual facts behind its decision. The matter of deprivation of one's citizenship is a serious one. Therefore, to be fair and just, I think, a Court should decide on this. It should not be the Government who should decide.

Tun Haji Abdul Razak: Mr. Chairman, Sir, in reply to the Honourable Member for Telok Anson, I think it is too late to consider any amendment now. In reply to the Honourable Member for Menglembu, I think the best safeguard is for the people always to elect a just, merciful and sympathetic Government—like the Alliance Government (*Applause*).

Amendment put, and agreed to.

Clause 11, as amended, ordered to stand part of the Bill.

Clauses 12 to 16 inclusive ordered to stand part of the Bill.

Clause 17—

Enche' Zulkiflee bin Muhammad: Tuan Pengerusi, saya menhadangkan supaya Fasal 17 ini ia-lah bagi meminda bab 76 Fasal 4 daripada Perlembagaan Persekutuan Tanah Melayu yang berbunyi:

"Parlimen boleh bagi maksud hanya untuk menjamin keseragaman Undang²...

Mr. Chairman: Nanti sa-kejap, kita sekarang pada Clause 17, "Delete the whole Clause and re-number the subsequent Clauses." Biasa-nya mengikut practice dalam Parlimen, bila kita hendak pinda satu² Clause, tetapi tidak ada ganti-nya Clause itu, chakap-lah sahaja minta buang, tidak boleh buat satu Amendment. Itu biasa berjalan, jadi bila awak sudah

chakap mengatakan saya tidak setuju Clauses, ini ada-lah dalam Rang Undang², kemudian saya boleh vote, bila awak vote, jadi tidak payah-lah di-bawa satu macham pindaan, biasa-nya tidak jadi macham kita kata: that "Clause to be deleted," itu tidak ada dalam general practice. Jadi chuma bangun oppose sahaja itu Clause.

Enche' Zulkiflee bin Muhammad: Tuan Pengerusi, kerana Tuan Pengerusi, telah izinkan itu, saya ingat boleh-lah saya kata begitu. Jadi, Tuan Pengerusi, berkenaan dengan hal ini yang sa-benar-nya, saya minta tolong buang semua sa-kali. Dalam Perlembagaan Persekutuan Tanah Melayu bab 26 ini dan bagini bunyi-nya:

"Parlimen boleh bagi maksud hanya untuk menjamin keseragaman Undang² dan dasar membuat Undang² berkenaan dengan negeri ini sampai kepada mining leases other than mining leases".

Perkataan pajak lombong, dia boleh membuat Undang² berkenaan dengan pajak² yang lain daripada pajak lombong itu. Saya rasa, Tuan Pengerusi soal² lombong ini dan pajak-memajak berkenaan dengan lease, kebenaran dan sa-bagai-nya ada-lah di-chatetkan dalam Perlembagaan Persekutuan Tanah Melayu dalam senarai Negeri dan oleh kerana dia itu dalam senarai Negeri maka saya rasa biar-lah perkara itu di-tinggalkan begitu sahaja. Memang benar, Tuan Yang di-Pertua, yang hendak di-buat oleh Kerajaan Persekutuan Tanah Melayu dengan pindaan ini ia-lah keseragaman undang² dan dasar tetapi yang menyusahkan saya kadang² dalam perkara ini dasar-nya itu ia-lah satu perkara yang besar bagi sa-buah negeri dan negeri yang berhajat kepada menjalankan dasar itu, jadi ini-lah yang saya harapkan supaya di-hapuskan undang² ini.

Enche' Tan Siew Sin: Mr. Chairman, Sir, I am afraid the Government

is unable to reconsider its stand on this particular Clause. As my Honourable friend, the Deputy Prime Minister, has explained in his speech on the second reading of the Bill, this Clause is essential in order to ensure uniformity of mining leases in this respect. It would make nonsense of all the other amendments to the financial provisions of the Constitution if the State Governments were allowed to charge royalties on minerals and yet leave to the Federal Government the power to charge export duty, because you could get a position where the rate of royalty is so high that the Federal Government could be forced to face the alternative either of allowing mining concerns to go bankrupt or to rescind the export duty in order that the combined levy of export duty and royalty will not be such as to be unbearable for the mining industry.

Enche' Zulkiflee bin Muhammad: Tuan Pengerusi, saya rasa berkenaan dengan segi kewangan daripada soal lombong ini ada-lah bersangkutan dengan Fasal 19 yang meminda Bab 110 daripada Perlembagaan Persekutuan Tanah Melayu ini. Saya yang sa-benar-nya tidak-lah menyentoh Fasal 19 dari pindaan ini, sebab saya rasa itu menasabah sangat. Yang saya takut ia-lah law and policy berkenaan dengan leases and mining sebab law and policy tidak-lah mustahak hanya bersangkutan dengan kewangan seperti percentage of royalties dalam soal tukar export dan sa-bagai-nya. Akan tetapi chara pembahagian dasar yang tertentu umpama-nya di-satengah tempat itu hendak melebuhkan sedikit orang Melayu, sa-tengah tempat umpama-nya hendak melebuhkan orang yang berkaitan, sa-tengah tempat umpama-nya hendakkan orang persaoangan—itu bermacham²-lah dasar-nya. Yang saya takut ia-lah pindaan 17 ini mengenai dasar yang seperti itu. Ada pun mengenai dasar kewangan saya tidak menyentoh, sebab itu ada-lah Fasal 19.

Tun Haji Abdul Razak: Tuan Yang di-Pertua, saya suka hendak terangkan kepada Ahli Yang Berhormat dari Bachok itu. Perkara ini ia-lah berkenaan dengan hal kewangan, tidak berkenaan dengan policy, kerana kita hendak menyatukan hal kewangan sebab royalties ini saya fikir sudah di-setujui oleh negeri² semua supaya negeri² dapat menerima royalties yang berpatutan. Jadi, dengan sebab itu-lah kerana kita suka semua lombong itu dapat di-adakan syarat² yang pertama dengan tidak ada berlainan di-antara negeri² dan pihak National Land Council telah bersetuju atas hal ini. Ini tidak boleh menyentoh atas dasar tanah dan sa-bagai-nya, ini hanya finance sahaja.

Amendment put, and negatived.

Clause 17 ordered to stand part of the Bill.

Clauses 18 and 19 ordered to stand part of the Bill.

Clause 20—

Enche' V. Veerappen: *Rises.*

Mr. Chairman: As I said just now, I will remind you that under the parliamentary practice, it is not in order to move the deletion of an entire clause without proposing a new clause in substitution. The proper course for you in proposing deletion of a clause is to oppose it and vote against it.

Enche' V. Veerappen: With all due respect to you, Sir, when we delete this Clause, it does not leave a vacuum. It is replaced by the original Clause of the Constitution. But anyway I accept your ruling (*Laughter*).

Mr. Chairman: It is the parliamentary practice. You must accept!

Enche' V. Veerappen: Shall I take all the three Clauses together, Sir?

Mr. Chairman: No. Take Clause 20 first.

Enche' V. Veerappen: Yes, Sir. Clause 20 deals with the delimitation of constituencies and we have expressed our views on it. Therefore, we oppose this Clause.

Tun Haji Abdul Razak: Mr. Chairman, Sir, I cannot accept it. The reasons have already been explained fully.

Clause 20 ordered to stand part of the Bill.

Clauses 21 to 25 inclusive ordered to stand part of the Bill.

Clause 26—

Enche' V. Veerappen: Mr. Chairman, I beg to oppose this Clause because this Clause refers to the Oath, and Schedule I and Schedule VI do not agree. I never got an explanation on that; therefore, I still oppose this Clause.

Tun Haji Abdul Razak: Mr. Chairman, the First Schedule is on Oath of loyalty of a citizen, whereas the Sixth Schedule is on Oath of loyalty as a member of Parliament, and only a citizen can become a Member of Parliament. So, I think it is in order for a Member of Parliament only to swear Oath of loyalty to the Federation, when he is already a citizen. That is why it is necessary to amend the First Schedule in order to make it necessary for citizens to affirm Oath of loyalty to His Majesty the Yang di-Pertuan Agong. Once a person becomes a citizen, then he can become a member of Parliament and as a member of Parliament he has only to swear that he will uphold the Constitution and be loyal to the Federation. That is the explanation.

Question put, and agreed to.

Clause 26 ordered to stand part of the Bill.

Clause 27—

Tun Haji Abdul Razak: Sir, I beg to move that Clause 27 (1) be amended as per the amendment slip circulated to Honourable Members, viz: to insert the words "paragraph (c) of Clause (1) of Article 25 or under" after the word "under" in line 5. It is considered desirable that delegation of power should as far as possible be avoided, but, as I have explained, the delegation here is only in matters of procedure and administrative arrangements. In matters of substance and of importance the power will still remain with the Minister.

Amendment put, and agreed to.

Enche' V. Veerappen: I have an amendment to Clause 27, and that is to delete paragraph (b) of sub-section (2). Mr. Chairman, here it says—

"a period spent as an inmate of any prison or as a person detained in lawful custody in any other place, other than a mental hospital, under the provisions of any written law of the Federation;"

I hope the Minister will clarify the word "detained" used here, but I take it that it also includes preventive detention. If that is so, we cannot accept it, because that is not conviction. The man has not been convicted in a court of law and he cannot be assumed to be guilty. Therefore, I think that should not apply.

Tun Haji Abdul Razak: In this case the Minister has discretion to say whether a period of detention should or should not be treated as a period in prison. So, preventive detention or detention in a camp cannot be treated as a period in prison unless the Minister considers otherwise.

Enche' Lim Kean Siew: I don't think any discretion is given to the Minister in Clause 27 (2) in respect of Section 20 (2) (b); the discretion is only (c). So, if the Honourable the Deputy Prime Minister will amend this proviso, then perhaps it will be clearer.

Enche' V. Veerappen: I propose an amendment other than the deletion, or rather I will make it as a suggestion. If we stop at the word "prison" and leave out all the words "or as a person detained in lawful custody in any other place, other than a mental hospital," then this problem would not arise. That is my suggestion, Sir, and if they would accept that suggestion, it would clarify the position.

Dato' Dr. Ismail: I oppose this amendment, Sir, because it says here "an inmate of any prison"—that means a person sent there by the law of the country—and the other is "or a person detained in lawful custody in any other place"; so what is the difference there. One is sent there by the court according to the law of the country; the other one, I may send him there, but I am empowered to do that by the Act of Parliament. If you send a man into a mental hospital a doctor, who is a qualified man, has to certify for that. So, everything is according to the law of the country, and I oppose the amendment.

Enche' V. Veerappen: When a man is sent to a mental hospital, no doubt, he is in detention, but that is excluded. A man in a mental hospital is excluded under this sub-section, whereas a person detained under the Internal Security Act, under preventive detention, is not excluded—mental hospital excluded, preventive detention is not excluded. But, I say, Sir, this man is not convicted in a court of law; he is just kept on suspicion. Therefore I think he should not be brought under this.

Enche' S. P. Seenivasagam: Here again we get a case which illustrates amply the attitude with which this Government has approached this important matter of amending the Constitution. We have the Honourable the Deputy Prime Minister getting up and saying that his impression was that he had discretion in the matter and he was quite happy about having that discretion and quite happy with a law which would have given him that

discretion. And when it is suddenly pointed out to him by the Honourable Member from Dato Kramat that in fact he enjoys no such discretion as he thought he had, we hear nothing but silence from him. But his colleague gets up and says, "I oppose any amendment". Now, what is the meaning of this? Who worked on this Bill? Who consulted together in regard to this Bill? Who decided what was right and what was wrong in this Bill? Can we have some honesty from the Government Bench today and let us know what it intends to have in this Bill; and if you have not looked at it properly, please put it off for another day. There is no urgency in the matter.

Enche' Lim Kean Siew: Perhaps it can be solved if after the words "or as a person detained in lawful custody in any other place" the words "for the purpose of deportation" can be added. Perhaps that is what the Minister wants.

Tun Haji Abdul Razak: I would like to clarify. I am afraid that the Honourable Member for Dato Kramat was right when he says there is no discretion in the Minister as regards Sub-section (2) (b). This Minister has only discretion in regard to Sub-section (2) (c). The case for keeping a person in detention is that a man may be in criminal custody but not in prison and that is why we have got to have this "lawful custody in any other place" too. And if a person is detained for security reasons obviously his period of detention should not be treated as residence because he was put in detention, as the Minister of Internal Security said, under the law of the country. As regards mental hospital, a person is not put in mental hospital because of the law of the country. He is put there on medical advice, i.e. certified by a doctor. That is why mental hospital is excluded.

Enche' Lim Kean Siew: Mr. Chairman, Sir, there are other cases apart from people detained under the Internal Security Act. There

are people, for example, who can be detained under the Restricted Residence Ordinance, and there are also people who can be detained by the police pending trial. In such cases what happens?

Tun Haji Abdul Razak: I think the Honourable Member knows the law. If a man is under restricted residence, obviously he is not detained; he is only detained under the Internal Security Act. Restricted residence is not detention.

Enche' Lim Kean Siew: Sir, if a person is held under restricted residence pending enquiry and it does not mean detention under this Clause, then it will be all right. Is that the explanation?

Amendment put, and negated.

Clause 27, as amended, ordered to stand part of the Bill.

Clause 28—

Enche' V. Veerappen: Sir, I propose that under Clause 28, paragraphs (b) and (c) be deleted; in other words, I oppose Sections (b) and (c), Sir.

Mr. Chairman: You can propose that these two paragraphs (b) and (c) be deleted because you are not deleting the whole clause, you are deleting only part of it. That can be proposed.

Enche' V. Veerappen: Thank you, Sir. I propose that paragraphs (b) and (c) of Clause 28 be deleted, because the term previously was two years and now it has been reduced to one year. For that reason, Sir, I propose the deletion of these sections.

Enche' S. P. Seenivasagam: Mr. Chairman, Sir, I support the amendment. This is another indication of the intention of Government to restrict the number of people, who can become citizens of this country, not for any valid reason but arbitrary reason. When they framed the Constitution they thought anybody who has served

less than two years need not be penalised by not being allowed to become a citizen. Now they want to reduce the number of people who can become citizens—the number of non-Malays who can become citizens mainly—because as we know in the Courts in the towns the people who get into trouble are people who reside in urban areas and who are non-Malays; they are the people mostly affected, and you further restrict their right to become citizens for no valid reason. This is a clear indication of what we have all the time been saying—discrimination against one community.

Tun Haji Abdul Razak: The Honourable Member for Menglembu is under a misapprehension for this is not a qualification for citizenship. This is a qualification for membership of a Legislative Assembly (*Laughter*).

Enche' S. P. Seenivasagam: Mr. Chairman, Sir, again I must confess that I was wrong in this case, and I put it down to the mental torture that I have been subjected to (*Laughter*).

Mr. Chairman: The amendment before the House is the amendment moved by the Honourable Member for Seberang Selatan to delete Sub-clauses (b) and (c) of Clause 28.

Amendment put, and negated.

Enche' Lim Kean Siew: Mr. Chairman, Sir, with regard to Section (a), Sub-section (2), which reads:

“The number of elected members of the Legislative Assembly shall be the same as or a multiple of the number of the Federal constituencies into which the Constitution”.....

I withdraw my remarks, Sir (*Laughter*). I understand it has been amended.

Clause 28 ordered to stand part of the Bill.

Clauses 29 and 30 inclusive ordered to stand part of the Bill.

Clause 31—

Tun Haji Abdul Razak: Sir, I beg to move that Clause 31 in the Thirteenth Schedule.....

Mr. Chairman: I am afraid the Honourable Member for Seberang Selatan must move his amendment first. He can now speak on the deletion of the whole clause and if that is rejected, then that clause will stand and the Government can then move its amendment. If his amendment is carried, then the Government cannot move its amendment.

Enche' V. Veerappen: Yes, Sir. But I feel that since we have agreed to Clauses 20, 21 and 22, and if we delete this Clause also, there will be no elections in this country. Therefore, Sir, I withdraw the amendment as it is inconsistent with the other amendments (*Laughter*).

Clause 31—

Tun Haji Abdul Razak: Mr. Chairman, Sir, I beg to move that Clause 31, in the Thirteenth Schedule, Section 2 (a) be amended by leaving out the words "embody complete administrative districts, and". Here, we are dealing with the principles of the delimitation of constituencies as set out in the new Thirteenth Schedule. As the Schedule now stands, one of the principles is that constituencies ought to embody complete administrative districts. Further study has shown that this will not be workable. In some States there are far more constituencies than there are administrative districts. In others, the boundaries of administrative districts, as they stand, are due either to historical accidents or to considerations which are not relevant to the delimitation of constituencies—they are varying. On the whole, we think that the Election Commission should be given a little bit of flexibility in making their recommendations. So, that is why we propose that these words be deleted from the Sub-clause.

Enche' Lim Kean Siew: Mr. Chairman, Sir, are we discussing Clause 31 or the amendment?

Mr. Chairman: The amendment to Clause 31.

Enche' Lim Kean Siew: Mr. Chairman, Sir, I will not talk about constitutional representation, but on page 12, paragraph 10, it reads:

"If any draft Order referred to in Section 9 is approved by the House of Representatives by resolution supported by the votes of not less than one-half of the total number of members of that House, the Prime Minister shall submit the draft Order to the Yang di-Pertuan Agong."

and in paragraph 11, it is stated that if this recommendation is rejected the Prime Minister may again amend it and bring it before the House, and if a resolution is supported by the votes of not less than one-half of the total number of members of the House, the Prime Minister shall submit the amended draft to the Yang di-Pertuan Agong.....

Tun Haji Abdul Razak: Mr. Chairman, Sir, on a point of clarification, the Honourable Member can speak when you put this proposition before the House.

Mr. Chairman: We are on the amendment as per slip circulated to Honourable Members. If no Honourable Member wishes to speak I will put the question.

Amendment put, and agreed to.

Mr. Chairman: Now Clause 31, as amended, is open to debate.

Enche' Lim Kean Siew: Mr. Chairman, Sir, in order to save the time of the House, I will not repeat what I read out just now.

Tun Haji Abdul Razak: Mr. Chairman, Sir, I have got one more amendment.

Mr. Chairman: Yes, will you please move it?

Tun Haji Abdul Razak: Mr. Chairman, Sir, I beg to move that Clause 31, Thirteenth Schedule, Section 2 (c), be amended as per amendment slip circulated reading as follows:

“Clause 31, page 10, in the new Thirteenth Schedule, in Section 2 (c), leave out ‘each of such constituencies may contain as little as one half of the electors of an’ and insert ‘in some cases a rural constituency may contain as little as one half of the electors of any’.”

The intention of this amendment is to make it clear that not all rural constituencies may contain as little as one-half electors of any urban constituency. In some cases only, a rural constituency may contain as little as one-half of the electors of any urban constituency.

Mr. Chairman: The second amendment to Clause 31 is open to debate. If no Honourable Member wishes to speak, I will put the question.

Amendment put, and agreed to.

Mr. Chairman: Now, we go back to Clause 31, as amended.

Enche' Lim Kean Siew: Mr. Chairman, Sir, what I have to say deals, again, with the principle which I have been dealing with in the main debate. If we agree that a rural constituency can contain as little as one-half of the electors of an urban constituency, and paragraphs 10 and 11 allow the delimitation of constituencies by a simple majority of one-half of the members of this House what I have said before still holds. Perhaps, the Honourable the Deputy Prime Minister might consider that instead of one-half we might amend it to two-thirds, so that constitutional representation can be amended only by a two third majority of the House, in which case we come back to the constitutional powers given to us where anything regarding our fundamental rights must be carried by a two-third majority.

Tun Haji Abdul Razak: Mr. Chairman, Sir, I am afraid, I cannot accept that, because with so serious a matter as amendment to the Constitution, obviously one-half of the total number of Members in the House will suffice to approve the draft Order of the delimitation of constituencies. I do not think the Honourable Member need unnecessarily fear about this because, as I have said, in this matter the intention is to maintain the status quo. There is no question that a certain group of people could alter the constituency in such a way as to give undue advantage to themselves. That is the main intention behind this amendment, which is purely to maintain the status quo as to the number of constituencies we have at present.

Enche' Lim Kean Siew: Mr. Chairman, Sir, do I take it that the Deputy Prime Minister is saying that he is giving us an assurance that the constituencies will not be changed?

Tun Haji Abdul Razak: It will not be changed for the next elections. After that, the Election Commission will have the right to review the constituencies, and then the matter will be placed before the House.

Enche' Lim Kean Siew: Do I take it that after the next elections, the constituencies will be changed in accordance with the Thirteenth Schedule?

Tun Haji Abdul Razak: That is a matter for the Election Commission to make recommendations.

Enche' Chin See Yin: Mr. Chairman, Sir, if I understand rightly, I think the Honourable the Prime Minister and the Honourable the Minister of the Interior told us that as far as the next election is concerned the boundaries concerning the present 104 constituencies will not be changed.

Clause 31, as amended, ordered to stand part of the Bill.

Clauses 32 to 34 inclusive ordered to stand part of the Bill.

Schedule—

Tun Haji Abdul Razak: Mr. Chairman, Sir, I beg to move that the Schedule, page 14, be amended as per amendment slip reading as follows:

“Schedule, page 14, at the end of Section 14 add—

“(c) in section 17, after the word ‘father’ there shall be added the words, ‘and Clause 2 (c) of Article 14 as if for references to either of his parents’.”

Now, this provides that a child born in the Federation will be a citizen by operation of law if either of his parents is a citizen or a permanent resident. Sir, this amendment deals with an illegitimate child. In accordance with legal principle, it is provided that to decide the status of a child, illegitimate child, regard shall be had only to the circumstances of the mother. Therefore, it is necessary to have this amendment.

Amendment put, and agreed to.

Schedule, as amended, ordered to stand part of the Bill.

Tun Haji Abdul Razak: Mr. Chairman, Sir, I beg to move that the Bill be now reported back to the House.

Question put, and agreed to.

House resumes.

Third Reading

Tun Haji Abdul Razak: Mr. Speaker, Sir, I beg to report that the Bill has been considered in Committee and agreed to with amendments. I accordingly move that it be read a third time and passed.

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

Enche' S. P. Seenivasagam: Mr. Speaker, Sir, I wish to move an amendment under S.O. 61 that the Bill be read a third time on this day six months.

Mr. Speaker: I must apologise for not putting the proposition. It should be debated. The proposition is open to debate.

Enche' S. P. Seenivasagam: Mr. Speaker, Sir, I move in effect that the third reading of this Bill be deferred for six months, because on a debate of this nature it would appear from S.O. 61 that we are restricted to the contents of the Bill. I think the debate in the past three days has disclosed to us the fact that this Bill is going to affect the lives, the rights and privileges of citizens of this country and all those who would be entitled to become citizens of this country for many years to come, and it is only proper that before such a Bill goes through this House mature consideration should be given to it.

We were assured by Government, when introducing the Bill into this House, that it had given mature consideration and that the contents of this Bill were well-known to the Government. However, it has been exhibited to us very clearly, especially by an incident which occurred a few minutes ago that even the Ministers themselves are not familiar with the contents of this Bill. The Honourable Minister of Defence thought that he had certain powers which he did not have. Is not that, Mr. Speaker, Sir, a clear indication that in spite of the fact that the Government, has been preparing this Bill for the past eighteen months or six months—I don't know what it was, but it has been preparing it for so many months—yet it is not thoroughly acquainted with it. How could the Members of this House who had only 24 days—the session began on the 8th January, 1962—how could the Members of this House have done their duty to the electorate and made a careful study of it? Is it not safe, Mr. Speaker, Sir, then to assume that

of the 104 Members in this House, a very large number of them probably do not know what they are going to vote for at this time and what are the implications of the vital changes which these amendments to the Constitution introduce into our Constitution?

Sir, having regard to the importance of the contents of this Bill, it is all the more deplorable that for no apparent reasons, for no stated reasons, we are compelled to sit until two o'clock in the morning. Surely, as a matter of courtesy to the Opposition, somebody should have stood up to say what is the urgency. Why are we being kept here up to the early hours of this morning to push through this Bill when the delay is not due to any fault of ours, but to this long list of the amendments presented to us. Not obstruction tactics on our side, but laziness, lack of fair attention to drawing up of such a vital document, have led to two sheets of amendments being debated far into the night.

Even at this late stage I would appeal to the Government to show its sense of responsibility by conceding to this request that the matter be deferred for a further period of six months because—for the further reasons that the contents of this Bill, in my opinion and in the opinion of those whom we are privileged to represent, the majority of those who are going to be affected by these amendments—it is our considered opinion that a fraud is being perpetrated on the Constitution, that people are being deprived of their rights without due consideration and that people are voting blindly on the issues which are going to affect the future of this nation and that the contents of this Bill have not been properly explained to this House or to the nation. But, on the contrary, the Government side has resorted to abuse, distortion, intimidation and threats. For these reasons I move deferment for six months.

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

The Prime Minister: Mr. Speaker, Sir, I beg to oppose this motion. The reason is that we have had three days debate on this Bill, and during the Second Reading of the Bill most of the Honourable Members have taken more time to say their bit than was necessary. It was obvious from the beginning that they were employing dilly-dallying tactics and, naturally, Government had no choice but to carry on with the discussion of the Bill until this late hour of the night. When you come to think of it, during the debate, many Honourable Members took a lot of time by saying the same thing again and again, it was obvious that these tactics were employed in order not to arrive at a decision on this Bill.

Sir, to say that the Opposition Members had no time to study the Bill, I think, is not quite correct. Apart from the various meetings which they have had—various opinions which have been expressed both in the Press and at these various meetings—I think everybody has had a chance to study this Bill; and right through the debate, they have given their opinions on this Bill which shows that they are conversant with the object of this Bill. The Honourable the Deputy Prime Minister and various Honourable Members of the Government Bench have explained, at least tried to explain, every Clause—and I think we have all tried our little bit to explain—but the Opposition Members refused to understand. There is nothing we can do but accept this Bill as having been properly and fully discussed to the satisfaction of all concerned. Therefore, I oppose very strongly the Honourable Member's motion for delaying this Bill for another six months.

Enche' Lim Kean Siew: Mr. Speaker, Sir, I am afraid I cannot agree with the Honourable the Prime Minister. I do not think that the Opposition has been employing delaying tactics at all. In fact, the Honourable the Deputy Prime Minister has admitted that he will have to use, or he will be using,

all the organs of the Government to explain these amendments to the public—through the Press and over the Radio—by pamphlets and by other means of information. Surely, that is a direct admission that the people do not yet know what this Bill is all about.

Sir, it is very clear from the Committee Stage that the Bill is a little complicated and complex—the number of amendments have in fact confused you too. In fact, several times you were lost because of the number of amendments upon amendments. It is very unfortunate that the Honourable the Prime Minister should have said over and over again that we have been repeating our arguments. Yes, but repetition of arguments does not mean that the arguments become untrue by repetition. Repetition sometimes may be necessary. In fact we can say that this Bill has been sneaked into Parliament by the back-door—and I think that it is about time that it be brought by the front door and shown to the people, so that the people can decide after due deliberation. Withdraw this Bill and bring it back again after the people have considered it. We undertake to the Government that we will not make it a communal issue—we disagree with the *Straits Times* that it will be turned into a communal issue. I can assure the Deputy Prime Minister personally that it will not be turned into a communal issue. It will be fought and it will be decided on the principles of democratic practice. I think I need not go any further into the matter and I am sure that the Government will reply to this—that there has been an attempt to push this Bill in by the back-door of Parliament.

Enche' Chin See Yin: Mr. Speaker, Sir, to take three days to debate this Bill is not taking too long a time. In fact, if we debated it for six months it would be just about time (*Laughter*). We are quite prepared to go on debating this for that long, so that through the medium of the Press the people will know what we are

discussing. This Bill was brought into this House hardly a month ago and to suggest that we are using delaying tactics, I think it is not fair, because this move for deferring the Bill for a period of six months is provided under the Standing Orders. We are using constitutional means to move it, there is nothing wrong with that, and it is not a delaying tactic. It is a tactic provided by this House, so there is nothing wrong about it.

Now, if it is necessary to explain this Bill through public relations to everybody in the country, then there is a flaw somewhere. And what is that flaw? The flaw is that not sufficient publicity has been given to this Bill. In order to explain to the people you have got to use all this machinery. Why then must you use this machinery? Why not give a chance to the people to submit their views? Then, you can tell the House what is wrong with it. If there is nothing wrong, then let the Bill go through. Is there an emergency that we must pass this Bill now? What is wrong in this country? Everything is peaceful; nobody is blaming anybody; we do not quarrel with anybody; we just stand up and talk to everybody (*Laughter*). I am not communal except our friend from Bachok. Everything he said.....

Enche' Zulkiflee bin Muhammad: On a point of information. I have not said anything.....

Enche' Chin See Yin: Sir, I am not giving way. The Emergency is over and there is no trouble. Why rush this Bill through? I have forgotten what I was going to say—the trend of thought is gone.

Mr. Speaker: Order, order!

Enche' Chin See Yin: I do not know where I am (*Laughter*). I said the Emergency is over and there is no necessity.....

Mr. Speaker: Order, order, under S.O. 61 (1), if you look it up, it says "the debate shall be confined to the

contents of the Bill". We have already debated the Bill for three days and don't bring in irrelevant matters.

Enche' Chin See Yin: The necessity for this is to give the people a chance to submit their views by various methods. They can write to the Government, they can send memoranda, they can make personal appearances, and all that sort of things. It is a democratic process, a process that is appreciated by the Free World, and we are on the part of the Free World and for that reason we must make the best use of it. We must not allow this to slip through; if we allow it to slip through, then we go to the wrong side of the Free World (*Interruption*). Sir, because of these disturbances I can't go on.

Mr. Speaker: Order, order! Have you finished?

Enche' Chin See Yin: I haven't finished; I have got plenty more to say.

Mr. Speaker: Don't repeat.

Enche' Chin See Yin: I am not repeating; I am saying the truth. I support this because there is a very good reason. I would not have supported it, if there is no reason. I don't agree that we should rush this through. I say we are not practising what we preach. If we are going to preach to the world that we stand for democracy, then we must give everybody a chance to speak his mind (*Interruption*).

Mr. Speaker: No interruptions!

Enche' Chin See Yin: I am not delaying—they are delaying me now.

Mr. Speaker: Proceed.

Enche' Chin See Yin: Now, if everybody can speak his mind, then we are going to get something that is worthy to be written into the Constitution. As it is, we are going to write into our Constitution something that

is hastily made up. There were so many amendments, one after another, that when we were debating them, you yourself, Sir, were confused. So, if you got confused, we got lost (*Laughter*). So, the only way to go about this is to find out the opinion of the public and devise ways to put things right. For that reason I strongly supported this move.

Enche' Tan Phock Kin: I rise to support the amendment because of one very important reason. The Government in its opposition to the proposal failed to convince us on the issue. What is important here is the content of the Bill. If the Government disagrees with the amendment because it is a matter of urgency that it is necessary for Government to implement certain measures embodied in the Bill immediately, then there may be good reason for the Government to refuse to delay the Bill for six months. As it is, even the Honourable the Deputy Prime Minister has told this House that the provision with regard to delimitation of constituencies will not be applied until after the 1964 elections. So, it is very clear that there is no urgency whatsoever and, in spite of this fact, the Government is still adamant towards accepting the amendment. This is indicative of its unreasonableness, and I appeal to the Prime Minister to reconsider his views in the light of the explanations given.

Mr. Speaker: The question is that the Bill be read a third time on this day six months.

Question put, and amendment negatived.

Question put, that the Bill, as amended, be now read the third time.

The House divided: Ayes 80; Noes 11; Abstentions Nil.

AYES

Tunku Abdul Rahman Putra Al-Haj

Tun Haji Abdul Razak bin Dato' Hussain

- Enche' Abdul Aziz bin Ishak
 Enche' Abdul Ghani bin Ishak
 Enche' Abdul Hamid Khan bin Haji Sakhawat Ali Khan
 Tuan Haji Abdul Khalid bin Awang Osman
 Enche' Abdul Rahman bin Haji Talib
 Enche' Abdul Rauf bin A. Rahman
 Enche' Abdul Samad bin Osman
 Tuan Haji Abdullah bin Haji Abdul Raof
 Tuan Haji Abdullah bin Haji Mohd. Salleh
 Enche' Ahmad bin Arshad
 Enche' Ahmad bin Mohamed Shah
 Tuan Haji Ahmad bin Saaid
 Enche' Ahmad bin Haji Yusof
 Tuan Haji Azahari bin Haji Ibrahim
 Enche' Aziz bin Ishak
 Enche' Bahaman bin Samsudin
 Dr. Burhanuddin bin Mohd. Noor
 Enche' Chan Chong Wen
 Enche' Chan Siang Sun
 Enche' Cheah Theam Sweet
 Datin Fatimah binti Hashim
 Enche' Geh Chong Keat
 Enche' Hamzah bin Alang
 Enche' Hanafi bin Mohd. Yunus
 Enche' Harun bin Abdullah
 Enche' Hassan bin Mansor
 Enche' Hussein bin To' Muda Hassan
 Enche' Hussein bin Mohd. Noordin
 Tuan Haji Hussin Rahimi bin Haji Saman
 Dato' Dr. Ismail bin Dato' Haji Abdul Rahman
 Enche' Ibrahim bin Abdul Rahman
 Enche' Ismail bin Idris
 Enche' Kang Kock Seng
 Che' Khadijah binti Mohd. Sidek
 Enche' Lee San Choon
 Enche' Lee Seck Fun
 Enche' Lee Siok Yew
 Enche' Lim Joo Kong
 Dr. Lim Swee Aun
 Enche' T. Mahima Singh
 Enche' V. Manickavasagam
 Enche' Mohamed bin Ujang
 Enche' Mohamed Abbas bin Ahmad
 Enche' Mohamed Asri bin Haji Muda
 Enche' Mohamed Dahari bin Haji Mohd. Ali
 Enche' Mohamed Nor bin Mohd. Dahan
 Dato' Muhamed Hanifah bin Haji Abdul Ghani
 Enche' Mohamed Ismail bin Mohamed Yusof
 Enche' Mohamed Khir bin Johari
 Enche' Mohamed Sulong bin Mohd. Ali
 Enche' Mohamed Yusof bin Mahmud
 Tuan Haji Mokhtar bin Haji Ismail
 Nik Man bin Nik Mohamed
 Enche' Othman bin Abdullah
 Enche' Othman bin Abdullah
 Dato' Ong Yoke Lin
 Tuan Haji Redza bin Haji Mohd. Said
 Enche' Seah Teng Ngiab
 Dato' V. T. Sambanthan
 Dato' Sardon bin Haji Jubir
 Dato' Suleiman bin Dato' Haji Abdul Rahman

Tuan Syed Esa bin Alwee
 Tuan Syed Hashim bin Syed Ajam
 Tuan Syed Ja'afar bin Hasan Albar
 Enche' Tajudin bin Ali
 Enche' Tan Cheng Bee
 Enche' Tan Siew Sin
 Enche' Tan Tye Chek
 Tengku Besar Indra Raja ibni Sultan
 Ibrahim
 Dato' Teoh Chze Chong
 Wan Mustapha bin Haji Ali
 Wan Sulaiman bin Wan Tam
 Wan Yahya bin Haji Wan Mohamed
 Enche' Yahya bin Haji Ahmad
 Enche' Yong Woo Ming
 Puan Hajjah Zain binti Sulaiman
 Tuan Haji Zakaria bin Haji Mohd.
 Taib
 Enche' Zulkiflee bin Muhammad

NOES

Enche' Chan Yoon Onn
 Enche' Chin See Yin
 Enche' K. Karam Singh
 Enche' Lim Kean Siew
 Enche' Ng Ann Teck
 Enche' Quek Kai Dong
 Enche' S. P. Seenivasagam
 Enche' Tan Phock Kin
 Enche' Too Joon Hing
 Enche' V. Veerappen
 Enche' Yeoh Tat Beng

ABSTENTIONS

Nil

Question accordingly agreed to.

Bill accordingly read the third time.

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

Adjourned at 1.45 a.m.