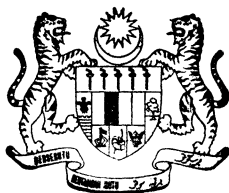


**Jilid I
Bil. 88**



**Hari Jumaat
19hb Disember, 1975**

PENYATA RASMI PARLIMEN

PARLIAMENTARY DEBATES

DEWAN RAKYAT
HOUSE OF REPRESENTATIVES

PARLIMEN KEEMPAT
Fourth Parliament

PENGGAL PERTAMA
First Session

KANDUNGANNYA

PENGUMUMAN YANG DI-PERTUA:

Bahasa Malaysia sebagai Bahasa Rasmi Majlis [Ruangan 9773]

**JAWAPAN-JAWAPAN MULUT BAGI PERTANYAAN-PERTANYAAN
[Ruangan 9774]**

USUL:

Peraturan-peraturan Perlu (Kes-kes Keselamatan), 1975 [Ruangan 9776]

MALAYSIA

DEWAN RAKYAT YANG KEEMPAT

Penyata Rasmi Parlimen

PENGGAL YANG PERTAMA

Hari Jumaat, 19hb Disember, 1975

Mesyuarat dimulakan pada pukul 2.30 petang

YANG HADIR

- Yang Berhormat Tuan Yang di-Pertua, TAN SRI HAJI NIK AHMED KAMIL, D.K., P.M.N., S.P.M.K., S.J.M.K.
- Yang Amat Berhormat Timbalan Perdana Menteri, Menteri Kewangan dan Menteri Penyelarasan Perbadanan Awam, DATUK HUSSEIN BIN DATUK ONN, S.P.M.J., S.I.M.P., P.I.S. (Sri Gading).
- Yang Berhormat Menteri Pertanian dan Pembangunan Luar Bandar, TUAN ABDUL GHAFAR BIN BABA (Alor Gajah).
- „ Menteri Perhubungan, TAN SRI V. MANICKAVASAGAM, P.M.N., S.P.M.S., J.M.N., P.J.K. (Pelabuhan Kelang).
- „ Menteri Kerajaan Tempatan dan Alam Sekitar, TAN SRI ONG KEE HUI, P.M.N., P.N.B.S. (Bandar Kuching).
- „ Menteri Hal Ehwal Dalam Negeri, TAN SRI HAJI MUHAMMAD GHAZALI BIN SHAFIE, P.M.N., D.I.M.P., P.D.K., S.I.M.P. (Lipis).
- „ Menteri Undang-undang dan Peguam Negara, TAN SRI ABDUL KADIR BIN YUSOF, P.M.N., S.P.D.K., S.P.M.J., P.J.K., B.C.K., A.D.K. (Tenggaroh).
- „ Menteri Kebajikan Am, PUAN HAJAH AISHAH BINTI HAJI ABDUL GHANI, J.M.N., A.D.K. (Kuala Langat).
- „ Menteri Luar Negeri, Y.M. TENGKU AHMAD RITHAUDDEEN AL-HAJ BIN TENGKU ISMAIL, P.M.K., Tengku Sri Mara Raja (Kota Bharu).
- „ Menteri Tenaga, Teknologi dan Penyelidikan, DATUK HAJI MOHAMED BIN YAACOB, P.G.D.K., P.M.K., S.M.T. (Tanah Merah).
- „ Menteri Perusahaan Utama, DATUK MUSA HITAM, S.P.M.J. (Labis).
- „ Timbalan Menteri Hal Ehwal Dalam Negeri, DATUK ABDUL SAMAD BIN IDRIS, J.M.N., A.M.N., P.J.K. (Kuala Pilah).
- „ Timbalan Menteri Penerangan, DATUK SHARIFF AHMAD, D.I.M.P., J.M.N. (Jerantut).
- „ Timbalan Menteri Pertanian dan Pembangunan Luar Bandar, DATUK HAJI MUSTAPHA BIN HAJI ABDUL JABAR, D.P.M.S., J.M.N., A.M.N., J.P. (Sabak Bernam).
- „ Timbalan Menteri Pelajaran, TUAN CHAN SIANG SUN, J.S.M., A.M.N., P.J.K., J.P. (Bentong).
- „ Timbalan Menteri Kewangan, TAN SRI CHONG HON NYAN, P.S.M., J.M.N. (Batu Berendam).
- „ Timbalan Menteri Tanah dan Galian, DR SULAIMAN BIN HAJI DAUD (Santubong).

Yang Berhormat Timbalan Menteri Perusahaan Utama, TUAN PAUL LEONG KHEE SEONG (Taiping).

- ” Setiausaha Parlimen kepada Menteri Perhubungan, TUAN HAJI RAMLI BIN OMAR, P.M.P., K.M.N. (Bagan Serai).
- ” Setiausaha Parlimen kepada Menteri Buruh dan Tenaga Rakyat, TUAN S. SUBRAMANIAM (Damansara).
- ” TUAN HAJI NIK ABDUL AZIZ BIN NIK MAT, K.M.N., J.P. (Pengkalan Chepa).
- ” TUAN ABDUL JALAL BIN HAJI ABU BAKAR, A.M.N. (Batu Pahat).
- ” TUAN HAJI ABDUL RASHID BIN HAJI JAIS, A.D.K., A.S.D.K. (Ulu Padas).
- ” TUAN HAJI ABDUL WAHAB BIN YUNUS (Dungun).
- ” PENGHULU ABIT ANAK ANGKIN, P.P.N. (Kapit).
- ” TUAN ABU BAKAR BIN ARSHAD (Hilir Perak).
- ” TUAN HAJI AHMAD BIN HAJI ITHNIN (Jasin).
- ” TUAN HAJI AHMAD SHUKRI BIN HAJI ABD. SHUKOR (Padang Terap).
- ” TUAN AU HOW CHEONG (Telok Anson).
- ” TUAN AZAHARI BIN MD. TAIB, J.S.M., A.M.N., S.M.K. J.P. (Kulim Bandar Bahru).
- ” TUAN AZHARUL ABIDIN BIN HAJI ABDUL RAHIM (Batang Padang).
- ” DR CHEN MAN HIN (Seremban).
- ” TUAN CHIAN HENG KAI (Batu Gajah).
- ” TUAN CHIENG TIONG KAI *alias* CHIENG SIE LUNG (Sarikei).
- ” TUAN CHIN HON NGIAN (Rengam).
- ” TUAN RICHARD DAMPENG ANAK LAKI (Serian).
- ” TUAN EDWIN ANAK TANGKUN, A.B.S. (Batang Lupar).
- ” TUAN EMBONG BIN YAHYA, A.M.N. (Ledang).
- ” TUAN FARN SEONG THAN (Sungai Besi).
- ” DATIN HAJAH FATIMAH BINTI HAJI ABD. MAJID, J.M.N., P.I.S. (Semerah).
- ” TUAN HAJI HADADAK BIN HAJI D. PASAUK (Simunjan).
- ” TUAN HASHIM BIN GHAZALI (Matang).
- ” DATUK NIK HASSAN BIN ABDUL RAHMAN, S.P.M.T., P.S.D., K.M.N. (Kuala Nerus).
- ” TUAN SYED HASSAN BIN SYED MOHAMED, P.J.K. (Arau).
- ” TUAN HISHAMUDDIN BIN HAJI YAHAYA (Maran).
- ” TUAN HAJI JAMIL BIN ISHAK, P.J.K. (Tanjong Karang).
- ” TUAN JAWAN ANAK EMPALING (Rajang).
- ” TUAN JONATHAN NARWIN ANAK JINGGONG (Lubok Antu).
- ” TUAN EDMUND LANGGU ANAK SAGA, P.B.S. (Saratok).
- ” TUAN LATIP BIN HAJI DRIS (Mukah).
- ” TUAN LEE LAM THYE (Kuala Lumpur Bandar).
- ” TUAN LEO MOGGIE ANAK IROKE (Kanowit).
- ” TUAN LIBEN ANAK KATO *alias* WAIRY LEBEN ANAK KATO (Betong).
- ” TUAN LIM KIAM HOON *alias* LIM AH YING (Padang Serai).
- ” TUAN LIM KIT SIANG (Kota Melaka).
- ” DATUK LIM PUI HO, P.G.D.K., J.P., B.K. (Sandakan).

Yang Berhormat DR LING LIONG SIK (Mata Kuching).

- ” TUAN LOH FOOK YEN (Kluang).
 ” TUAN LUKMAN BIN ABDUL KADIR (Ulu Nerus).
 ” DATUK ALBERT MAH, D.M.P.N., K.M.N., P.J.K. (Bukit Bendera).
 ” TUAN MOHAMED SOPIEE BIN SHEIKH IBRAHIM, J.M.N. (Kepala Batas).
 ” TUAN MOHD. BAKRI BIN ABDUL RAIS (Parit).
 ” TUAN HAJI MOHD. TAUFECK BIN O. K. K. HAJI ASNEH, B.S.K., B.K., P.P.M. (Hilir Padas).
 ” TUAN MOHD. ZAHARI BIN AWANG (Kuala Krai).
 ” TUAN HAJI MOHD. ZAIN BIN ABDULLAH (Bachok).
 ” DATUK ENSKU MUHSEIN BIN ABDUL KADIR, D.P.M.T., J.M.N., P.J.K. (Ulu Trengganu).
 ” RAJA NASRON BIN RAJA ISHAK, K.M.N., P.J.K. (Kuala Selangor).
 ” TUAN NGAN SIONG HING (Kinta).
 ” TENGKU NOOR ASIAH BINTI TENGKU AHMAD, A.M.N., P.B. (Tumpat).
 ” TUAN OH KENG SENG (Petaling).
 ” TUAN OO GIN SUN, A.M.K. (Alor Setar).
 ” TUAN PANG SUI CHEE *alias* ALEX PANG, B.K., A.D.K. (Tawau).
 ” TUAN K. PATHMANABAN, K.M.N. (Telok Kemang).
 ” TUAN RASIAH RAJASINGAM (Jelutong).
 ” TUAN S. SAMY VELLU, A.M.N. (Sungai Siput).
 ” TUAN SANUSI BIN JUNID (Jerai).
 ” TUAN SHAARI BIN JUSOH, P.P.N. (Kangar).
 ” DATUK HAJI SHAFIE BIN ABDULLAH, P.G.D.K., A.M.N., B.C.K., P.B.S., J.P. (Baling).
 ” TUAN SHAMSUDDIN BIN DIN, P.P.N. (Grik).
 ” TUAN SHAMSURI BIN MD. SALEH, A.M.N., J.P. (Balik Pulau).
 ” TUAN SIBAT ANAK TAGONG *alias* SIBUT MIYUT ANAK TAGONG (Ulu Rajang).
 ” TUAN THOMAS SALANG SIDEN (Julau).
 ” TUAN HAJI SUHAIMI BIN DATUK HAJI KAMARUDDIN, A.M.N. (Sepang).
 ” TUAN SULAIMAN BIN HAJI TAIB, A.M.P. (Parit Buntar).
 ” TUAN SU LIANG YU (Beruas).
 ” DR TAN CHEE KHOON (Kepong).
 ” TUAN TAN CHENG BEE, A.M.N., J.P. (Bukit Mertajam).
 ” TUAN JAMES STEPHEN TIBOK, A.D.K. (Penampang).
 ” TENGKU ZAID AL-HAJ BIN TENGKU AHMAD, D.P.M.K., J.M.K., S.M.K. (Pasir Mas).
 ” WAN ZAINAB BINTI M. A. BAKAR, A.M.N., P.J.K. (Sungai Petani).
 ” TUAN HAJI ZAKARIA BIN ISMAIL, P.B. (Rantau Panjang).

YANG TIDAK HADIR

Yang Amat Berhormat Perdana Menteri dan Menteri Pertahanan, TUN HAJI ABDUL RAZAK BIN DATUK HUSSEIN, S.M.N., K.O.M. (Pekan).

Yang Berhormat Menteri Buruh dan Tenaga Rakyat, DATUK LEE SAN CHOON, S.P.M.J., K.M.N. (Segamat).

- Yang Berhormat Menteri Tanah dan Galian dan Tugas-tugas Khas, DATUK HAJI MOHAMED ASRI BIN HAJI MUDA, S.P.R., S.P.M.K., S.P.D.K., Datuk Sri Paduka Raja (Nilam Puri).
- ” Menteri Perdagangan dan Perindustrian, DATUK HAJI HAMZAH BIN DATUK ABU SAMAH, D.S.R., S.M.K., S.I.M.P. (Temerloh).
- ” Menteri Kerja Raya dan Pengangkutan, DATUK HAJI ABDUL GHANI GILONG, P.D.K., J.P. (Kinabalu).
- ” Menteri Kesihatan, TAN SRI LEE SIOK YEW, P.M.N., A.M.N., P.J.K. (Ulu Langat).
- ” Menteri Penerangan dan Tugas-tugas Khas dan Perancangan Am dan Penyelidikan Sosio-Ekonomi, DATUK AMAR HAJI ABDUL TAIB BIN MAHMUD, P.G.D.K. (Samarahan).
- ” Menteri Kebudayaan, Belia dan Sukan, DATUK ALI BIN HAJI AHMAD, S.P.K.J., S.M.J. (Pontian).
- ” Menteri Perumahan dan Kampung-kampung Baru, TUAN MICHAEL CHEN WING SUM (Ulu Selangor).
- ” Menteri Pelajaran, DR MAHATHIR BIN MOHAMAD (Kubang Pasu).
- ” Timbalan Menteri Perhubungan, DATUK HAJI WAN ABDUL KADIR BIN ISMAIL, D.P.M.T., P.P.T. (Kemaman).
- ” Timbalan Menteri Penyelarasan Perbadanan Awam, DATUK MOHAMED BIN RAHMAT, D.P.M.J., K.M.N. (Pulai).
- ” Timbalan Menteri Jabatan Perdana Menteri, DATUK SRI HAJI KAMARUDDIN BIN HAJI MAT ISA, S.P.M.P., K.M.N., J.P. (Larut).
- ” Timbalan Menteri Buruh dan Tenaga Rakyat, TUAN HAJI HASSAN ADLI BIN HAJI ARSHAD (Bagan Datok).
- ” Timbalan Menteri Jabatan Perdana Menteri, DATUK ABDULLAH AHMAD, S.J.M.K., D.P.M.K., P.N.B.S., J.M.K., A.D.K. (Machang).
- ” Timbalan Menteri Pertanian dan Pembangunan Luar Bandar, TUAN MOKHTAR BIN HAJI HASHIM (Tampin).
- ” Timbalan Menteri Kesihatan, TUAN ABU BAKAR BIN UMAR, S.D.K. (Kota Setar).
- ” Timbalan Menteri Kerja Raya dan Pengangkutan, TUAN RICHARD HO UNG HUN (Lumut).
- ” Setiausaha Parlimen kepada Perdana Menteri, TUAN ABDULLAH BIN MAJID, K.M.N. (Raub).
- ” Setiausaha Parlimen kepada Menteri Perdagangan dan Perindustrian, TUAN MUSTAPHA BIN ALI (Kuala Trengganu).
- ” Setiausaha Parlimen kepada Perdana Menteri, DR GOH CHENG TEIK (Nibong Tebal).
- ” Setiausaha Parlimen kepada Menteri Tenaga, Teknologi dan Penyelidikan, DR NEO YEE PAN (Muar).
- ” Setiausaha Parlimen kepada Menteri Perumahan dan Kampung-kampung Baru, TUAN MOHD. ALI BIN M. SHARIF (Kuantan).
- ” Setiausaha Parlimen kepada Menteri Kebudayaan, Belia dan Sukan, TUAN RAIS BIN YATIM (Jejebu).
- ” Tuan (Timbalan) Yang di-Pertua, TAN SRI SYED NASIR BIN ISMAIL, P.M.N., D.P.M.J., D.P.M.P., J.M.N., P.I.S. (Pagoh).
- ” TAN SRI ABDUL AZIZ BIN YEOP, P.S.M. (Padang Rengas).

- Yang Berhormat DATUK PATINGGI HAJI ABDUL-RAHMAN BIN YA'KUB, D.P., P.N.B.S., S.I.M.P. (Payang).
- „ PENGIRAN AHMAD BIN PENGIRAN INDAR, A.S.D.K., A.D.K. (Kinabatangan).
- „ TUAN AJAD BIN O. T. OYUNG, A.D.K. (Labuk Sugut).
- „ TUAN ARIFFIN BIN HAJI DAUD (Permatang Pauh).
- „ TUAN BUJA BIN GUMBILAI, A.S.D.K. (Tuaran).
- „ PUAN CHOW POH KHENG (Selayang).
- „ TUAN STEPHEN ROBERT EVANS (Keningau).
- „ TUAN FAN YEW TENG (Menglembu).
- „ DR HEE TIEN LAI *alias* HEE TEN LAI, A.M.N., P.I.S. (Ayer Hitam).
- „ TAN SRI SYED JA'AFAR ALBAR, P.M.N., D.P.M.J. (Panti).
- „ TUAN JA'AFAR BIN HAMZAH, P.I.S. (Johor Bahru).
- „ TUAN LEE BOON PENG, A.M.N., J.P., P.J.K. (Mantin).
- „ TUAN LEW SIP HON, (Shah Alam).
- „ TUAN LIM CHO HOCK (Ipoh).
- „ DR LIM CHONG EU (Tanjong).
- „ DATUK PETER LO SU YIN, P.G.D.K. (Gaya).
- „ TUAN LUHAT WAN (Baram).
- „ TUAN HAJI MADINA BIN UNGGUT, P.P.N. (Bandau).
- „ TUAN MAK HON KAM, A.M.P. (Tanjong Malim).
- „ TUAN HAJI MOHAMED KHIR JOHARI (Kuala Muda).
- „ TAN SRI HAJI MOHAMED SAID BIN KERUAK, P.M.N., S.P.D.K. (Kota Belud).
- „ TUAN MOHD. IDRIS BIN HAJI IBRAHIM (Setapak).
- „ TUAN MOHD. SALLEH BIN DATUK PANGLIMA ABDULLAH (Silam).
- „ TUN DATU HAJI MUSTAPHA BIN DATU HARUN, S.M.N., S.P.D.K., S.I.M.P., P.N.B.S., S.P.M.J., S.P.M.P., S.P.C.M., K.C.R.L. (Marudu).
- „ DATUK SYED NAHAR BIN TUN SYED SHEH SHAHABUDDIN, D.P.M.K., K.M.N. (Jerlun-Langkawi).
- „ TOH PUAN OON ZARIAH BINTI ABU BAKAR, A.M.N., A.M.P., P.J.K. (Kuala Kangsar).
- „ TUAN PATRICK ANEK UREN (Bau-Lundu).
- „ TUAN RACHA UMONG, P.B.S. (Limbang-Lawas).
- „ TENGKU TAN SRI RAZALEIGH BIN TENGKU MOHD. HAMZAH, P.S.M., S.P.M.K. (Ulu Kelantan).
- „ DATUK SENU BIN ABDUL RAHMAN (Kuala Kedah).
- „ WAN SULAIMAN BIN HAJI IBRAHIM, S.M.K. (Pasir Puteh).
- „ PENGIRAN TAHIR BIN PENGIRAN PATERA, A.D.K. (Kimanis).
- „ TUAN TING LING KIEW (Bintulu).
- „ TUAN WEE HO SOON (Bandar Sibu).
- „ TUAN YANG SIEW SIANG, P.B.S. (Miri-Subis).
- „ DATUK STEPHEN YONG KUET TZE, P.N.B.S. (Padawan).
- „ TUAN HAJI YUSOF RAWA *alias* HAJI YUSOF BIN HAJI ABDULLAH, J.P. (Ulu Muda).
- „ TUAN ZAKARIA BIN HAJI ABDUL RAHMAN (Besut).

DEWAN RAKYAT

PEGAWAI-PEGAWAI KANAN

Setiausaha Dewan Rakyat: Datuk Azizul Rahman bin Abdul Aziz.

Timbalan Setiausaha: Haji A. Hasmuni bin Haji Hussein.

Penolong Setiausaha: Mohd. Salleh bin Abu Bakar.

Penterjemah Melayu Kanan/Pemangku Penolong Setiausaha: Ghazali bin Haji Abd. Hamid.

BAHAGIAN PENYATA RASMI PARLIMEN

Penyunting: Yahya Manap.

Penolong Penyunting: P. B. Menon.

Penolong Penyunting: Osman bin Sidik.

Pemberita-pemberita:

N. Ramaswamy.

Louis Yeoh Sim Ngoh.

Abdul Rahman bin Haji Abu Samah.

Rani bin Rahim.

Suhor bin Husin.

Amran bin Ahmad.

Mohd. Saleh bin Mohd. Yusof.

Margaret Chye Kim Lian.

Quah Mei Lan.

Puan Kong Yooi Thong.

Juliah binti Awam.

Supiah binti Dewak.

Ismail bin Hassan.

BENTARA MESYUARAT

Mejar (B) Musa bin Alang Ahmad

DOA

(Tuan Yang di-Pertua *mempengerusikan Mesyuarat*)

PENGUMUMAN YANG DIPERTUA

BAHASA MALAYSIA SEBAGAI BAHASA RASMI MAJLIS

Tuan Yang di-Pertua: Ahli-ahli Yang Berhormat, Dewan Rakyat kita telah berunding dari semasa ke semasa hampir-hampir sudah lapan belas tahun.

Peraturan Majlis Mesyuarat Dewan Rakyat memperuntukkan bahawa:

Bahasa rasmi Majlis ialah Bahasa Malaysia, tetapi Tuan Yang di-Pertua boleh membenarkan penggunaan bahasa Inggeris”.

Pada masa-masa yang lepas Yang di-Pertua Dewan telah menggunakan peraturan ini dengan cukup timbang rasa “dengan liberalnya” iaitu mengizinkan seseorang Ahli Yang Berhormat bercakap bahasa Inggeris apabila permohonan dibuat oleh Ahli-ahli Yang Berhormat itu. Satu daripada tujuannya boleh jadi ialah kerana memberi peluang dan galakan kepada Ahli-ahli Yang Berhormat itu melatih diri berucap beransur-ansur dalam Bahasa Malaysia dan tidak memaksakan mereka berucap seterusnya dalam Bahasa Malaysia sahaja.

Mengikut perhatian saya boleh dikatakan tiap-tiap seorang Ahli Yang Berhormat di Dewan ini cukup pandai dan fasih bercakap Bahasa Malaysia tetapi kadangkala ada ramai juga Ahli-ahli Yang Berhormat yang meminta izin menggunakan bahasa Inggeris tatkala membuat ucapan mereka.

Saya anggap telah sampailah masanya kita ketatkan Peraturan Majlis Mesyuarat yang saya telah sebut tadi.

Oleh itu, saya suka memaklumkan bahawa mulai daripada Persidangan Dewan Penggal Kedua, Parlimen Yang Keempat ini, Yang di-Pertua tidak lagi akan membenarkan dengan cara umum Ahli-ahli Yang Berhormat mencampur-adukan bahasa Inggeris dengan Bahasa Malaysia.

Yang di-Pertua akan membenarkan seseorang Ahli Yang Berhormat menggunakan bahasa Inggeris hanya dalam perkara-perkara yang khas sahaja yang mana pada timbangan Yang di-Pertua ada baiknya kerana sebab-sebab yang tertentu diberi kebenaran.

Saya tidak tahulah sejauh manakah Ahli-ahli Yang Berhormat menyemak Penyata Rasmi Parlimen dari semasa ke semasa. Oleh sebab tidak kesemuanya Ahli Yang Berhormat Dewan ini ada hadir hari ini, saya minta Setiausaha Dewan Rakyat menarikan perhatian semua Ahli Yang Berhormat Dewan dengan menghantarkan satu salinan pengumuman ini kepada tiap-tiap seorang Ahli Yang Berhormat.

Saya berharap Ahli-ahli Yang Berhormat akan terima baik pengumuman ini.

Saya menyampaikan keputusan ini sekarang supaya tidaklah dianggap saya membuat keputusan itu dengan tergesa-gesa. (*Tepuk*)

JAWAPAN-JAWAPAN MULUT BAGI PERTANYAAN- PERTANYAAN

RISDA—BANTUAN BAJA KEPADA PEKEBUN KECIL

1. Tengku Noor Asiah binti Tengku Ahmad minta Menteri Perusahaan Utama menyatakan langkah-langkah yang beliau jalankan untuk mengelakkan sebarang penyelewengan dalam memberi bantuan baja oleh Jabatan-jabatan di bawah Kementerianya.

Timbalan Menteri Perusahaan Utama (Tuan Paul Leong Khee Seong): Tuan Yang di-Pertua, sepanjang pengetahuan saya tidak ada apa-apa penyelewengan dalam pemberian bantuan baja sedang berlaku di kalangan Jabatan-jabatan di bawah Kementerian saya. Apa-apa juga penyelewengan walaupun dapat didedahkan di dalam satu sahaja badan berkanun iaitu RISDA dan langkah-langkah tegas walaupun diambil bagi memberhentikan keadaan ini. Langkah-langkah ini merupakan langkah-langkah pentadbiran iaitu dengan jalan memperketatkan kawalan supaya pasti baja-baja yang dibekalkan itu benar-benar sampai ke tangan pekebun-pekebun kecil. Sekiranya terdapat apa-apa maklumat atau rayuan mengenai penyelewengan penyiasatan segera dijalankan oleh Bahagian Penilaian dan Inspectorate

yang telah ditubuhkan beberapa bulan dahulu semata-mata untuk mengelakkan kejadian apa-apa juga penyelewengan yang mungkin berlaku pada keseluruhannya dalam RISDA.

ASEAN—PENYERTAAN VIETNAM SELATAN/UTARA/KHMER/LAOS

2. **Tengku Noor Asiah binti Tengku Ahmad** minta Menteri Luar Negeri menyatakan adakah Kerajaan bercadang hendak mengesyorkan supaya negara-negara Vietnam Selatan dan Utara, Khmer dan Laos, menyertai ASEAN.

Menteri Luar Negeri (Tengku Ahmad Rithauddeen Al-Haj): Tuan Yang di-Pertua, bagi pihak Kerajaan kita sendiri adalah menjadi dasarnya untuk berbaik-baik dengan negara-negara lain, tambahan negara-negara yang serantau dengannya. Persatuan ASEAN juga mempunyai dasar yang selaras dengan dasar Kerajaan kita ini. Ahli Yang Berhormat sedia maklum iaitu di upacara Pembukaan Persidangan Menteri-menteri Luar ASEAN di Kuala Lumpur dalam bulan Mei tahun ini, Yang Amat Berhormat Tun Perdana Menteri antara lain-lain telah menyatakan dalam ucapannya bahawa dengan tamatnya peperangan di Indo-China, negara-negara di Asia Tenggara berpeluang untuk mengembangkan bidang kerjasama serantau ke seluruh rantau Asia Tenggara, dan bagi pihak ASEAN, ianya bersedia untuk bekerjasama dengan Kerajaan-kerajaan baru negara-negara di Indo-China itu yang menghulurkan tangan persahabatan dan kerjasamanya kepada negara-negara tersebut. Maka terpujanglah kepada negara-negara itu untuk membuatkan apa-apa keputusan mereka sendiri.

PERCAKAPAN TALIPON (PHONE TAPPING)

3. **Tuan Lim Kit Siang** minta Menteri Hal Ehwal Dalam Negeri menyatakan samada aktiviti-aktiviti mendengar percakapan talipon orang secara rahsia telah dipergiatkan oleh Kerajaan dan jika ya, beri butir-butir lanjut.

Menteri Hal Ehwal Dalam Negeri (Tan Sri Haji Muhammad Ghazali bin Shafie): Tuan Yang di-Pertua, hal ini kalau dibincangkan akan bercangah dengan keselamatan negara. Jadi, saya minta izin janganlah kita panjangkan mengikut Peraturan 23 (4) dalam Peraturan Majlis Mesyuarat ini. Terima kasih.

BANJIR DI KUALA LUMPUR

4. **Tuan Lim Kit Siang** (*di bawah S.O. 24 (2)*) minta Menteri Kerajaan Tempatan dan Alam Sekitar menyatakan samada benar atau tidak suatu projek mengatasi keadaan banjir yang menelan belanja berjuta-juta ringgit sedang dirancang oleh Jabatan Parit dan Taliair bagi mengatasi kejadian banjir yang sering berlaku di kawasan Kuchai Lama dan Jalan Klang Lama, Kuala Lumpur dan jika benar, nyatakan, bilakah projek tersebut akan dilancar.

Menteri Kerajaan Tempatan dan Alam Sekitar (Tan Sri Ong Kee Hui): Tuan Yang di-Pertua, jawapannya adalah sama seperti yang saya telah beri kepada soalan-soalan mengenai rancangan mencegah banjir pada 29-10-75 kepada Ahli Yang Berhormat dari Telok Kemang dan pada 10-12-75 kepada Yang Berhormat dari Sungai Besi sendiri.

USUL

PERATURAN-PERATURAN PERLU (KES-KES KESELAMATAN), 1975

Tuan Yang di-Pertua: Ahli-ahli Yang Berhormat, kita telah memperuntukkan sepanjang petang ini membahaskan usul yang akan dicadangkan oleh Ahli Yang Berhormat dari Kota Melaka. Tujuannya ialah supaya ramai Ahli-ahli yang suka mengambil bahagian dalam perbahasan ini boleh ataupun ada peluang boleh bercakap. Jadi, selain daripada Ahli Yang Berhormat yang akan mencadangkan usul ini dan mana-mana Menteri atau Timbalan Menteri bagi pihak Kerajaan yang akan menjawabnya, saya cadangkan Ahli Yang Berhormat yang hendak bercakap dihadkan masanya tidak lebih daripada 10 minit. Pada jam 6.10 petang saya akan menjemput Ahli Yang Berhormat yang mencadangkan usul ini sekiranya beliau berkehendak menggunakan hak beliau menjawab dan pada jam 6.25 petang saya akan kemukakan usul untuk diputuskan oleh Dewan. Saya harap Ahli-ahli Yang Berhormat mengambil ingatan di atas peringatan saya itu.

Dan juga saya suka memaklumkan kepada Ahli-ahli Yang Berhormat, Ahli Yang Berhormat dari Kota Melaka telah memberitahu saya menerusi Tuan Setiausaha Dewan Rakyat bahawa beliau hendak meminta usul asalnya dengan ditambahkan selepas daripada

angka "1975" dengan perkataan-perkataan "dan Peraturan-peraturan Perlu (Kes-kes Keselamatan) (Pindaan), 1975". Saya tidak ada halangan untuk Yang Berhormat mencadangkan pindaan ini sebab tidaklah ber-canggih atau berlainan dengan tujuan usulnya yang asal.

2.44 ptg.

Tuan Lim Kit Siang (Kota Melaka): Tuan Yang di-Pertua, saya bangun mencadangkan:

Bahawa Dewan ini membatalkan Peraturan-peraturan Perlu (Kes-kes Keselamatan), 1975 dan Peraturan-peraturan Perlu (Kes-kes Keselamatan) (Pindaan), 1975.

Saya minta izin bercakap dalam bahasa Inggeris.

(*Dengan izin*) Mr Speaker, Sir, on the 4th of October, 1975, the Government gazetted the Essential (Security Cases) Regulations, 1975 under Section 2 of the Emergency (Essential Powers) Ordinance No. 1 of 1969.

These Regulations immediately attracted national and international censure for their blatant disregard of human rights and the overturning of basic principles of law in stripping away all the essential safeguards for a fair trial in a new breed of cases called the "security cases".

Opposition parties, lawyers, students and concerned Malaysians were horrified by the far-reaching consequences and implications of the Regulations. It was these Regulations which sparked off the widespread student demonstrations in Australia and New Zealand when the Yang Amat Berhormat the Prime Minister visited these two countries in the second part of October. And if Malaysian university students at home had not been banned from taking part in public activities, I am sure they would have risen up in even larger numbers and on a larger scale than in December last year to protest against these Regulations.

On the 4th November of 1975, the Government amended the Regulations in the form of the Essential (Security Cases) (Amendment) Regulations, 1975, while in the intervening period there were more and more protests and expressions of concern. For instance, on the 13th of October, 1975 the Bar Council

held a special session during the Third Malaysia Law Conference and although no formal resolution was passed, it was clear that the lawyers overwhelmingly opposed the Regulations. Although the *Straits Times* in its Editorial of 20th November said, with regard to the amended Regulations of the 4th of November, that the Government "has heard the pleas of Malaysia's legal community and made major changes in the Essential (Security Cases) Regulations, 1975", a careful study of the amended Regulations would show that the objections to the original Regulations of October 4 equally applied to the amended Regulations of November 4, which I shall develop.

There are multiple objections to the Security Cases Regulations and I shall deal with them one by one.

First Objection: A Blow to the Rule of Law

The Government claims that it upholds the Rule of Law, and points to the *Rukunegara* where the Rule of Law is one of the five principles enshrined.

In his Hari Raya message, the Honourable the Prime Minister, on 5th October, 1975, explaining the need for the Security Cases Regulations, said that the Government upheld the Rule of Law.

However, the Bar Council Memorandum to all Members of Parliament dated 28th October explained that the Bar Council opposed the Regulations because the Regulations would "demoralise all who believe in the Rule of Law in this country by bringing the law itself into disrepute."

It is clear that the principle of the Rule of Law means different things for those in power and for those outside power. In fact, I had occasion in this House to stress that the Rule of Law can only be meaningful if it differentiates good law from bad law.

What the Government means by Rule of Law is nothing more than "legality". It is important that we should be able to differentiate between these two very different concepts—the "Rule of Law" and "legality".

It is possible for every act of the Executive Government to be perfectly lawful, without the law itself being honoured or supreme. The Attorney-General, I am sure, is aware of the Roman law maxim to the effect that "the

Emperor's wish has the force of law". It has been pointed out by an eminent judge that if the maxim is part of the Constitution of the country and if the Emperor chooses to give his servants unfettered powers to do as they please, their actions, no matter how oppressive or capricious, will be perfectly legal. But in that country, there will not be a true Rule of Law!

We therefore repudiate any definition of the Rule of Law which equates it with "legality", which is to reduce the principle of Rule of Law to utter meaninglessness, for in that sense, every legal system, even the organised mass murders of the Nazi regime, qualifies as law.

The Government's definition of Rule of Law is a very simplistic one, as seen by the Commentary in the Rukunegara Principles issued in 1970 which states: "The Rule of Law is ensured by the existence of an independent Judiciary with powers to pronounce on the constitutionality and legality or otherwise of Executive acts". What is the use of an independent Judiciary when the laws allow arbitrary interference with the fundamental rights and liberties of the individuals?

The Principle of the Rule of Law, Tuan Speaker, is a very big subject and conferences after conferences have been devoted to it alone, although our Government thinks it is something which can be disposed of in two or three paragraphs.

I shall, however, only confine myself to the aspect directly involving the Security Cases Regulations. The Security Cases Regulations are a blow to the Rule of Law because it strips away all the essential safeguards for a fair trial. *The principle that a man is innocent until proved guilty is abandoned.*

One of the most fundamental safeguards for a fair trial is the presumption that a man is presumed innocent until proved guilty. These new Regulations effectively remove this safeguard.

The Secretary of the Bar Council, Mr Cumaraswamy, in a paper entitled "Essential (Security Cases) Regulations 1975—Is the Rule of Law in Jeopardy" at the Third Malaysia Law Conference, has rightly pointed out that if conviction in some cases cannot be obtained by the Public Prosecutor, who is

fully supported by the whole investigating machinery of Government, then the chances of an individual proving his innocence—without the support of a competent investigative machinery, but entirely on his own resources—are almost non-existent.

Even when the prosecution evidence is not sufficient to hang a cat, the presiding Judge has no power or discretion—however much he doubts the guilt of the accused or believes in his innocence—to discharge the unfortunate accused. The judge has no option but to call the defence. In every foreseeable case, the innocent, merely by being charged on the most tenuous of grounds, has to discharge the same burden as a guilty person of disproving all suspicion of guilt.

The question Mr Cumaraswamy asked is also the question which we should all ask ourselves: "Which reasonable person can remember what he did or where he was the previous Monday or Friday? Yet he is required to discharge this impossible burden. Should he say he cannot honestly remember, he would be held unwilling to answer and a finding of guilt is inevitable."

Tuan Speaker, the amendments of November 4 did not restore this fundamental legal principle that a man is presumed innocent until proved guilty. This is only the most notable of the many basic rules of evidence, which have been designed to ensure that only the guilty are punished, which have been discarded, and reduce the trials of persons for committing security offences to a mere show of legal respectability without giving the accused a genuine opportunity to defend himself. Other rules of evidence which have been overturned to the detriment of the liberty of the subject include the following:

(1) Hooded Witnesses

Under Clause 21 of the original October 4 Regulations, prosecution witnesses have the right to give evidence in camera and in the absence of the accused and even his counsel. The Regulations also provide for the prosecution witness to wear such dress and to give the evidence in such manner or circumstances, or by such methods, as will not lead to his identification and under no circumstances, shall he be asked as to his name, address, age, occupation, race or other particulars which will lead to his identification. This makes it impossible for the defence to

impeach the credit of the prosecution witness and is most repugnant to all norms of justice and fair play.

Although the November 4 Regulations toned down this provision, the Regulations still allow hooded witnesses to go into the witness box without being seen or heard by the accused and his counsel.

Thus, Regulation 19 of the amended November 4 Security Cases Regulations has this provision to say and with your permission Tuan Speaker:

"19. (1) Where at any time during the trial, the court is satisfied that any of the witnesses for the prosecution is afraid to have his identity disclosed and therefore wishes to give evidence in such a manner that he could not be seen or heard by both the accused and his counsel, the procedure contained in paragraphs (3) and (4) shall apply.

(2) For the purposes of satisfying itself as to the need to follow this procedure of recording evidence under this regulation, the Court shall hold an inquiry in camera by asking the witness concerned or any other witness in the absence of the accused and his counsel.

(3) If after such inquiry the court is satisfied as aforesaid, the evidence of such witness shall be given in camera and in addition thereto, he shall give evidence in such manner as he shall not be visible to the accused or his counsel, but shall be visible to the court; and further if the witness fears that his voice may be recognised, his evidence may be given through an interpreter or other officer of the court who shall relay to the witness such questions as may be put to him in examination-in-chief, cross-examination and re-examination and in turn shall relay back to the court the answers given by the witness to such questions.

(4) The court may disallow such questions to be put to the witness as to his name, address, age, occupation, race or other particulars or such other questions as in the opinion of the court will lead to the witness's identification."

Thus, under the amended November 4 Regulations, the defence would have no way again to impeach such prosecution witnesses and challenge their falsity.

It will be a field day, Tuan Speaker, for agent provocateurs and informants who, for reward, would have no fear or scruples to manufacture false evidence as they could not be found out or charged for perjury; and open the doors wide for blackmail by unscrupulous and unprincipled agent provocateurs and informants and to blackmail law-abiding, innocent citizens.

Regulation 24 of the November 4 Regulations gives even more scope for such blackmail and perjury.

"24. (1) Any person may give information relating to a security offence to a police officer or other public officer and the identity of the informant giving such information shall at his request be kept secret.

(2) A report setting out the said information shall be admissible in evidence without the informant being required to give evidence, and the court shall give due weight and consideration to such information."

Only yesterday, I met a Malaysian citizen who said that nowadays, he makes it a point of winding up and locking his car wherever he goes, for who knows, some police officer or informant who does not like him, may plant some bullets or incriminating documents in his car and get him charged for a security offence.

Again, as has been pointed out, when there is a bomb explosion, and everyone runs in all different directions, who can prove that he was not involved in the act? It would be open for any informant or agent provocateur to give a statement under Regulation 24 or even to give evidence under Regulation 19 that he saw so-and-so in the company of persons who were responsible for throwing bombs. I do not think it is possible for anyone to prove that he is innocent under such circumstances, that he definitely had no association with the bomb-throwers, for the bomb-throwers are the only competent witnesses to exonerate him in such circumstances.

In these circumstances, with such information under Clause 24 or testimony under Clause 19, I dare say that even should the Honourable the Attorney-General himself, should he be around the vicinity of the incident at that time, would not be able to prove his innocence against such tainted evidence.

(2) Changes in the rules of evidence in allowing statements "made to or in the hearing of a police officer", admission and confessions, cautioned or uncautioned statements to a spouse during marriage, incriminating statements, evidence of an accomplice or that of a person of tender age will now be admissible, together with hearsay evidence, which will be at the discretion of the Court. The reasons for these rules of evidence had been to prevent tainted testimony and wrongful conviction from being given. Now the safeguards are removed.

(3) Abolition of trial by jury or with the aid of assessors. Even during the Emergency in colonial times, trials under the Emergency then prevailing were with the aid of assessors.

(4) Limited right of appeal. Even before the introduction of the Court of Judicature (Amendment) (No. 2) Bill which was debated in this House two days ago abolishing appeal to the Privy Council in constitutional and criminal cases, appeal with regard to security cases to the Privy Council had been abolished.

I concede that the November 4 Amended Regulations had repealed the more drastic and draconian appeal provisions of the October 4 Regulations, which did not even give the right of appeal for review, either for mistake in law or mistake of fact or miscarriage of justice, for those jailed for less than three months.

But Regulation 30 (3) of the original October 4 Regulations provides that while a person who has been jailed for less than three months cannot appeal against it and have it set aside or reduced, the Public Prosecutor can appeal against the very same sentence on the ground that it is too light and that it should be a heavier penalty. Although this provision has now been repealed, it throws a sharp insight into the minds and outlook of persons who are in charge of making laws in this country, for this provision could only be conceived by persons to whom all ideas of justice and fair play are strangers.

In substance, Tuan Yang di-Pertua, the amended November 4 Regulations do not depart materially from the October 4 Regulations. Under the amendments, the Courts are no more bound, I agree, to impose the maximum penalty in every case; the power to detain an accused person for a full 60 days without producing him in court repealed; removal of the power to confiscate the

property of any person wanted for the investigations of a security case and the granting of the right to grant bail except for offences carrying the death penalty or life imprisonment.

These amendments of the November 4 to the October 4 Regulations, however, leave the drastic and draconian features substantially intact, and constitute a grave blow to the Rule of Law in removing important and fundamental safeguards to protect the life and liberty of the subject. This is highlighted by Regulations 27 of the November 4 Regulations which is a new provision which provides:

"27. When an appeal is presented against an acquittal, the court against whose decision the appeal is presented may issue a warrant directing that the accused be arrested and brought before it, and may commit him to prison pending the disposal of the appeal, or admit him to bail."

Here, not only is a person deemed guilty until and unless he can prove his innocence, but having proved his innocence in securing an acquittal, he is still deemed guilty and can be put in prison until he wins again against the appeal applied for by the Public Prosecutor. An acquittal under the Regulations, therefore, is no acquittal, and no proof of innocence, but re-committal and re-imprisonment. If this unfortunate person comes under Regulation 26 (1) (c), where the Court of first instance is the Sessions Court, he may be acquitted and re-imprisoned not once, but twice, as appeal against his acquittal can go to the High Court with a further right of appeal to the Federal Court. This shows the complete abandonment of the Rule of Law with the introduction of these Regulations.

Second Objection: A Blow to Human Rights

Tuan Yang di-Pertua, the second objection to the Security Cases Regulations is that it is a big blow to human rights advancement in Malaysia. These Regulations are a direct violation of the Universal Declaration of Human Rights, 1948. Article 11 of the Universal Declaration of Human Rights states:

"Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in public trial at which he has had all guarantees necessary for his defence.

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed."

Thus, the Essential (Security Cases) Regulations violate both Clauses of Article 11 of the Universal Declaration of Human Rights, in presuming guilt until proof of innocence, and in providing for retrospective effect in Regulation 3 (2) of the Amended Regulations. In fact, the Regulations also violate Article 3 of the Declaration, which reads: "Everyone has the right to life, liberty and security of person."

The Universal Declaration of Human Rights, Tuan Yang di-Pertua, is a common standard of achievement which we, as a member nation of the United Nations, has pledged to strive, to promote, respect and to secure their universal and effective recognition and observance. Malaysia has already fallen short of many rights and freedoms enunciated in the Universal Declaration of Human Rights, like Article 9—"No one shall be subjected to arbitrary arrest, detention or exile"; Article 13—"Everyone has the right to freedom of movement and residence within the borders of each state"; Article 20—"Everyone has the right to freedom of peaceful assembly and association."

These Regulations will make Malaysia violate three other rights in the Universal Declaration of Human Rights, and put Malaysia further and further away from the accepted standards of civilised nations. Let it not be said that human rights are luxuries which we in Malaysia with democracy ala' Kuala Lumpur cannot afford. For those so-minded, I will like to remind them of the Preamble to the Universal Declaration of Human Rights which set out the Human Rights as a common standard of achievement for all peoples and all nations because:

- "(1) Disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind; and
- (2) It is essential, if man is not to be compelled to have recourse, as last resort to rebellion against tyranny and oppression, that human rights should be protected by rule of law."

Third Objection: Constitutional Violations

The third objection to the Security Cases Regulations is that they violate fundamental liberties in the Constitution, Clause 4 of October 4 Regulations provides for the arrest of a person suspected of committing a security offence by the police without a warrant and without being produced before a Magistrate or Court for as long as 60 days. This is in direct violation of Article 5 (4) of the Malaysian Constitution which reads:

"Where a person is arrested and not released he shall without unreasonable delay, and in any case within 24 hours (excluding the time of any necessary journey) be produced before a magistrate and shall not be further detained in custody without the magistrate's authority."

Although this provision has been withdrawn in the November 4 Amended Regulations, it is not on the ground that it is unconstitutional, for the Honourable the Attorney-General had argued that although the Regulations were against certain provisions of the Constitution, the Emergency Ordinance provided that such Regulations could be made. It is for this reason that the Amended November 4 Regulations, Regulation 29 (1) and (2) altered the Constitutional provisions in Article 42 (1) and (2) whereby the power to grant pardons, reprieves and respites or to remit, suspend or commute sentence of all security cases, are now exercisable by the Yang di-Pertuan Agong rather than the respective Sultans and Governors as provided in the Constitution.

I am aware that Clause (6) of Article 150 of the Constitution provides that any Emergency Ordinance is valid even if it is inconsistent with any provisions of the Constitution, apart from some exceptions, but I shall submit later that despite this provision, the Regulations violated the Malaysian Constitution, both in the spirit and in the letter.

Fourth Objection: Regulations will permit gross abuse and misuse of power.

I have mentioned earlier how Regulation 19, in permitting hooded or hidden witnesses and Regulation 24, in permitting police informer's information to be admitted without requiring the informer to be called as a witness, will open the floodgates for perjury and blackmail. Whenever vast discretionary powers are given, they are very susceptible to abuse and misuse. Thus, Regulation 2

defines a "security offence" as an offence against Sections 57, 58, 59, 60, 61 or 62 of the Internal Security Act, 1960, or "any offence against any other written law the commission of which is certified by the Attorney-General to affect the security of the Federation". This means that the Attorney-General can by certificate classify an offence as a security case, and remove all the legal protection which a subject is legally entitled to. I am not being personal, but I stress that it is wrong in principle and in practice to vest such vast powers in any single person, and it would be a miracle that such vast powers would not be misused, even if it should be merely because of the sheer inability of the Attorney-General, who has many tasks, to find sufficient time to go into every such case in sufficient detail submitted up to him for such a certificate.

Another Regulation which will open wide the doors for abuse and misuse of power and corruption is Regulation 23, which reads:

"23 (1) The Public Prosecutor may, if he considers that any articles or message sent through the post or telecommunication are likely to contain any information relating to a security offence, authorise any police officer either orally or in writing—

- (a) to intercept, detain and open any postal article in course of transmission by post;
 - (b) to intercept any message transmitted or received by any telecommunication; or
 - (c) to intercept or listen to any conversation by telephone.
- (2) In a trial of a security case, any information by a police officer in pursuance of paragraph (1), whether before or after the commencement of the trial, shall be admissible in evidence without the originator of the information being required to give evidence."

And there is no check, because every time we try to ask questions about phone-tapping the Minister will hide behind "national security", as he did during question time today.

This Regulation gives legality to the most obnoxious activities like phone-tapping and mail interception, which will not only intrude

privacy and end privacy and personal confidentiality, but give instruments to many unscrupulous persons to intimidate and blackmail individuals from the information that they would come into possession from such postal and telecommunication interference. We know that phone-tapping and mail interception have been going on for quite some time, but this is the first time the Government is publicly admitting it and wanting to make use of these interceptions as evidence.

These infamous provisions would lead to real gross abuse, as shown by the great Watergate scandal in America, where these powers were used for petty personal, partisan and political purposes completely unrelated to questions of national security.

On 8th October, the Honourable the Attorney-General when referring to fears expressed by Opposition parties, lawyers and concerned Malaysians that the new regulations might be open to abuse, said that "in spite of the best laws and regulations and the best administrative system, there may be still ways open to abuse if those in a position to do so have the intention or have no scruples." The Honourable the Attorney-General said that the crux of the matter was really a question of faith, trust and obligation. He claimed that the Government had these qualities and these had been proved time and again.

I submit that this contention cannot be accepted for this contention would logically spell an end of the Rule of Law. What Malaysia needs to establish as a national tradition and institution is that ours is a government of laws and not a government of men, for in the latter case, the opportunities for abuse and corruption are infinite.

Laws of a country must not depend on the supposition of fair and just government leaders. Even more important, it must be based on fair and just laws, administered by fair and just men. Without fair and just laws, there is no more rule of law, but rule of men in power according to their whims and fancies on different occasions and at different times, and although the Honourable the Attorney-General has assured that he would personally scrutinise every case against any person before he or she is charged under the Regulations, the people

cannot be assured that so long as such vast, unchecked powers are exerciseable by one man, there cannot be human failings.

In fact, in my six years as a Member of Parliament, one thing which strikes me most is that although Ministers are theoretically the head of their Ministries, I find that in most cases Ministers are run by their Ministries and their bureaucratic machinery, rather than the other way round where Ministers run their Ministries.

I have also seen enough instances of abuse of power by the Government to be able to take comfort from such assurances.

The gross abuse of power, for instance, excesses and corruption in the Sabah State Government have become public knowledge—because government of laws had degenerated into a government of men. For instance, in August 1973 during the Elopura State by-election the Opposition candidate was physically prevented from going to the nomination centre by the police on grounds of subversive documents and a pistol planted in the party premises.

Another example of gross abuse of power is the case of lorry-driver Chan Hoa of Tangkak who was taken to the Tangkak Police Station on 28th April at midnight. This is an extract from a police report that he lodged on 12th May in Malacca:

“Bila sampai di Polis Tangkak dia (tiga orang yang kenalkan dirinya sebagai mata gelap) soal saya bertanya: Awak ada ambil barang orang, dan saya jawab: Tiada apa-apa yang saya ambil”

Tuan Yang di-Pertua: Apa Yang Berhormat baca itu?

Tuan Lim Kit Siang: Daripada Police Report.

Tuan Yang di-Pertua: Sebutlah daripada Police Report.

Tuan Lim Kit Siang: Police Report.

“Dan saya jawab: Tiada apa-apa yang saya ambil, dan tak tahu. Kemudian saya telah dipukul dengan tangan oleh dua orang yang tangkap saya itu oleh laki-laki India dan laki-laki China pada badan saya dan dada dan kedua belah mata, dan sampai keluar darah dari mulut, mata saya bengkak dan merah. Saya

dipukul dengan tangan, dan dipijak-pijak sama kaki sampai saya pengsan. Bila saya sedar, ia telah masukkan saya dalam lock-up.”

Tuan Yang di-Pertua: Polis Report nombor berapa, berapa haribulan dan dibuat di stesyen mana?

Tuan Lim Kit Siang: Police Report on 12th of May in Malacca.

Tuan Yang di-Pertua: Nombor tidak tahu?

Tuan Lim Kit Siang: As a matter of fact I have a copy here.

Tuan Yang di-Pertua: Tidak apalah Yang Berhormat, bukanlah saya suruh cari. Sebut report itu dibuat oleh siapa, haribulan sudah ada.

Menteri Hal Ehwal Dalam Negeri (Tan Sri Haji Muhammad Ghazali bin Shafie): Report itu dibuat oleh siapa?

Tuan Lim Kit Siang: Bukan oleh saya, oleh Chan Hoa sendiri, iaitu orang yang berkenaan.

Tuan Yang di-Pertua: Sila sambung.

Tuan Lim Kit Siang: Chan Hoa was released on the 6th of May and was treated in Malacca Hospital for serious bodily injuries and eye injuries. After he had lodged a police report in the Malacca Hospital about the police brutalities, he was asked to go to the Muar Police Station for an identification parade of the two persons who assaulted him. Meanwhile, approaches were made to Chan Hoa's family to settle the matter with the threat that otherwise Chan Hoa would never be able to live in Tangkak again.

These approaches were spurned by Chan Hoa. Chan Hoa did not go to Muar for the identification until August 11, partly because he had not fully recovered from the injuries and partly because he was afraid to go to the Muar Police Station after this experience in the Tangkak Police Station.

It was I who advised him that he must go to the Muar Police Station to identify the persons concerned who assaulted him for otherwise the matter would be dropped and

on my advice he went on the 11th August and identified the people concerned. On the 17th August he was arrested and charged for assisting in disposing stolen property.

The conclusion is clear, that if Chan Hoa had not pursued his police report, and did not go to the Muar Police Station to identify the two persons who assaulted him, the charge probably would not have been made.

Is this the type of justice and fair play in which the Government expect the people to have confidence and trust and obligation? Incidentally I may state here Chan Hoa's lawyers had written to the Muar Police for the names of the two persons identified so that they can start civil action. There has been no reply from the Muar Police for five months and I may state again here that despite the official Police Report which the Honourable Minister said must be made and was made, no action has been taken on the Police Report.

Finally, on the question of abuse of power I want to mention the case and detention of Datuk James Wong as a last example of the constant abuse of power by the Government authorities. I had said in this House on December 9, that Datuk James Wong was detained on the grounds that he had met the Seri Begawan of Brunei on a day in May 1974 at 10 p.m. and accepted \$4 million in return for agreeing to secede Limbang to Brunei. I had also mentioned that on the 6th May 1975, Datuk James Wong had sworn an affidavit that:

- (i) he did not receive a single cent from the Seri Begawan, Brunei;
- (ii) that he did not know the Seri Begawan of Brunei personally as his last meeting with him was in or about 1965 when he was the Deputy Chief Minister of Sarawak and had accompanied the present Honourable Prime Minister on an official visit to the Sultanate of Brunei;
- (iii) that he had not met the Seri Begawan since 1965 and had never corresponded with him; and
- (iv) that he was never in Brunei on any day at 10 p.m. in May 1974.

What had the Honourable the Deputy Minister of Home Affairs who signed Datuk James Wong's detention order to say? This is what he said and it is from the

Hansard: "Saya tidak ingin hendak mengulas satu persatu daripada apa yang diucapkannya tetapi hanya dua perkara yang saya petik bahawa Datuk James Wong menafikan dia tidak menerima satu sen pun daripada Seri Begawan. Mungkin akuan ini benar. Akan tetapi siapa tahu kalau dia telah menerima wang daripada ejen-ejen yang lain dan tidak menerima daripada Seri Begawan mungkin betul tetapi tidak dapat kita menafikan dan tidak siapa yang tahu dia telah menerima daripada ejen yang lain."

The question I want to ask is, can the Government deprive a person of his liberty and freedom and detain him indefinitely on the ground that "nobody knows whether he has accepted money from the Agent". The Government does not know, nobody knows. On these grounds can the Government detain a person and deprive him of his rights and liberties? Datuk James Wong here is deemed guilty until and unless he could prove himself innocent of a charge which the Government cannot proffer with any particularity! From a charge which the Government itself cannot detail!

I hope the Honourable Attorney-General and the Minister of Home Affairs can understand now why I, and large numbers of Malaysians, cannot feel comfortable or happy about assurances that the vast powers cannot and will not be abused, when in the past and present, they had been abused galore!

The Fifth Objection: Regulations undermine Parliamentary Democracy.

The fifth objection to the Security Cases Regulations is that they undermine and erode public confidence in the Parliamentary democracy, and mark another step towards an authoritarian police state.

It was highly improper for the Essential (Security Cases) Regulations, which altered so drastically the legal and constitutional rights of Malaysians, to be made by virtue of Section 2 of the Emergency (Essential Powers) Ordinance No. 1 of 1969, when firstly, the 1969 Emergency covered different circumstances from those facing the country today, and secondly when Parliament had already been summoned to meet.

In fact, the impropriety is so manifest that it tantamounts to an usurpation of Parliamentary powers and functions by the Executive.

Under Article 150 of the Constitution, the Yang di-Pertuan Agong, acting on Cabinet advice, is empowered to issue a proclamation of emergency if he is satisfied that a grave emergency exists whereby the security or economic life of the Federation or any part thereof is threatened.

If a proclamation of emergency is issued when Parliament is not sitting, the Yang di-Pertuan Agong must summon Parliament as soon as may be practicable. Until both Houses of Parliament are sitting, he may promulgate Ordinances having the force of law. Clause (6) of this Article provides that any Ordinance made by the Yang di-Pertuan Agong, and any Act of Parliament passed while a proclamation of emergency is in force, is valid, even if inconsistent with any provisions of the Constitution, with certain exceptions.

I submit that it is contrary both to the letter and spirit of the Constitution for the Government to continue to make laws by Emergency Powers, in this case make Regulations by virtue of the 1969 Emergency (Essential Powers) Ordinance when both Houses of Parliament are scheduled to meet.

It is not only unconstitutional in this sense, but marks, as I said, another step towards making Malaysia an authoritarian police state.

Santayana, a noted thinker, said that those who do not remember the past mistakes are condemned to relive it, and it behoves us not to make the mistakes and to learn from the experience and suffering of other people in other times and other places had make or undergone.

The common means for introducing authoritarian system of government is by the use of reserve constitutional powers and the introduction of a permanent state of emergency.

The permanent state of emergency provides a legal basis for any subsequent institutional or judicial change. It introduces parallel systems of government, where on the one hand, it was used to create new institutions and to introduce new legal principles which draw their sole authority from the state of emergency. On the other hand, it allowed the normal state machinery of government to co-exist where it could serve a useful purpose. The Judiciary are neutralised and are required to apply draconian laws, which are unexceptionable

in their origins and clearly enforceable in constitutional terms. The end result is an authoritarian police state.

In Malaysia, we have since 1963 lived in a permanent state of emergency, and there are parallel systems of government where Ordinances and Regulations introduce new legal principles which draw their sole authority from the State of Emergency, most notably of late the Security Cases Regulations and the Rukun Tetangga Regulations which are of the same litter of regulations.

For example, the Rukun Tetangga Regulations, which were not passed by Parliament, have introduced the questionable principle of group liability in criminal law, or punishing a man by inflicting penalties on members of his family. Thus Clause 33 (2) of the Rukun Tetangga Regulations provides that "Where a family resides together in the same premises and there is proof against any member thereof a charge for any offence of the commission of which or of the attempt or preparation for the commission of which the other members of the family so residing would, in the ordinary course of events, have had knowledge, each of the other members of the family who is above the age of 14 years shall be deemed to be guilty of the offence." Clause 5 (2) of the Regulations provides that "An Order made under these Regulations may provide for admissibility or non-admissibility of evidence, burden of proof, the inclusion of any evidence as a defence, protection of informers, admissibility of information or statements given by an accused or any other person, or any other matter whatsoever relating to evidence, for the purpose of any proceedings under these Regulations or under any order."

This means that an Order made under these Regulations can be even more draconian and oppressive than even the Security Cases Regulations, and the judiciary must apply them because it is law.

In fact, we in Malaysia have lived in a double state of permanent emergency, as both the Emergency Proclamations of 1963 and 1969 are still operative.

Let us retrace our steps and not take the path others have trodden towards an authoritarian police state. If we are to uphold democratic forms of government, there must be restrictions on the assumption and exercise

of emergency powers. There should be a system of judicial control over the assumption and exercise of emergency powers by the Executive with a view to:

- (a) determine whether the circumstances have arisen and the conditions have been fulfilled under which the powers may be exercised;
- (b) limiting the extent to which such emergency powers may be exercised in derogation of the fundamental rights of the individual; and
- (c) giving the courts a supervisory jurisdiction to ensure that emergency powers are used only for the specific purpose for which they were granted, and that they are not exceeded.

We should return to our Merdeka Constitution of 1957 which provided that a proclamation of emergency automatically ceased to be in force at the end of two months after its issue, and an Ordinance promulgated by the Yang di-Pertuan Agong at the end of 15 days from the date on which both Houses are sitting, unless before that period it has been approved by resolution of each House, if we are not to have parallel systems of government and go the way of an authoritarian police state.

The Merdeka Constitutional provision about the lapsing of Proclamations of Emergency unless positively confirmed by Parliament reinforces my earlier argument that when Parliament is in session, is in sitting, no Ordinance or Regulations should be made, for their exercise detract from the credibility and meaning of Parliamentary democracy.

Sixth Objection: Regulations a set-back in the battle to win the hearts and minds of the people.

Because of the foregoing reasons, the Essential (Security Cases) Regulations are a set-back in the battle to win the hearts and minds of the people.

When introducing the Essential (Security Cases) Regulations on 2nd October, 1975 the Honourable the Attorney General said that the Government is justified in introducing these Regulations to gain the people's confidence in view of the serious situation. By introducing these regulations of such far-reaching consequences which diminishes the

basic rights of Malaysians, the effect is only to undermine the people's confidence in the Government.

Let me remind the Government that the security problem faced by the country is basically a fight for the hearts and minds of the people, and it is essential that in every measure conceived and decided by the Government, it should be able to communicate to the people that it is to preserve democratic rights and freedoms. Is the Government aware that the Essential Regulations, both of the 4th October and 4th November are seen by many Malaysians as a diminution of the democratic rights of Malaysians, and therefore unacceptable?

Thus, when the Government talks of the need to drastically change the law, by discarding the legal principle that a man is innocent until proved guilty, to meet the communist threat, the people do not see an equal determination to fight and combat corruption in high public places by also putting them in the same position whereby they have to prove their innocence and deemed guilty unless proved innocent. Yet the public hears constantly Ministers saying that corruption is as dangerous as communism.

The Security Cases Regulations cannot deter the committed communist guerrillas in towns and jungles for they take the risk into calculation. The killing of the Perak Chief Police Officer and a Malacca Special Branch Officer after the gazetting of the Security Cases Regulations should back this point.

The Regulations, however, can implicate a lot of innocent people and bring trouble to many because of the boundless opportunities for abuse and misuse of power under the Regulations. The Regulations are only the latest in a series of panic measures which the Government has taken in the face of a new situation in Malaysia and South East Asia following communist victories in Indo-China. In April this year, I had warned the Government not to resort to panic measures as at that time it was introducing the Universities and Colleges Amendment Act to ban university students from any form of public activity.

The Government should learn from the lessons of Vietnam. Security cannot be legislated into being. Security and stability can only be created by winning the hearts

and minds of the people through change of policies which can gain popular support of the people. This is the only way to win the urban and jungle guerrilla warfare.

History may well show that these regulations, far from improving the situation, has been counter productive and aggravated the security situation, because it started a new phase where there is greater unchecked abuse of power, denial of freedom and basic rights of Malaysians, rule of terror, widespread blackmail and victimisation of the innocent, rampant corruption—in other words, alienation of more and more Malaysians by the Kangaroo court system.

I move to repeal the Essential (Security Cases) Regulations, 1975 and the Essential (Security Cases) (Amendments) Regulations 1975 to seek to regain sanity for the course, the direction that the country is taking.

Dr Chen Man Hin (Seremban): Tuan Yang di-Pertua, saya mohon menyokong.

3.30 ptg.

Dr Tan Chee Khoon (Kepong): (*Dengan izin*) Mr Speaker, Sir, the record of the Alliance Government, now the Barisan Government, on matters of human rights as has been pointed out by the Member for Kota Melaka has been a very dismal one.

First, I shall very briefly touch on the rape of human rights in this country. First, we had from 1948 to 1960 the Emergency Regulations which, although they were bad enough, had the virtue of having been renewed every year. But when the war against militant communism was deemed to be over, the Emergency Regulations were codified into the obnoxious and notorious Internal Security Act. Then we had subsequently several Acts which eroded the rule of law and the human rights in this country, namely the Letter of Suitability which was introduced as an amendment to the Internal Security Act, the Universities and University Colleges Act and, lately, further amendments to the Universities and the University Colleges Act. Today we are asked to debate the Essential (Security Cases) Regulations, which are a violation of many of the tenets of Malaysian justice and indeed of many of the inviolate rights enshrined in our Constitution.

Mr Speaker, Sir, this country has seen three crises: (i) the Emergency of 1948 to 1960; (ii) the Confrontation with Indonesia; and (iii) the May 13 riots. In all these three crises, the Government of the day did not seek to impose such Emergency Regulations. Why then should these Regulations be imposed on us today? I say that the Government has panicked and in their panic they have produced these Regulations. These Regulations have, as I said, raped the human rights and the Rule of Law and these Regulations have struck fear and consternation into a large section of our people. The Honourable Attorney-General has stated that only lawyers, Members of Parliament and a few others have objected to these Regulations. May I remind him that Datuk Stephen Yong Kuet Tze, who is not here now and who is the Secretary-General of the S.U.P.P. has also said that these Regulations could cause misconception and that the Internal Security Act and the Firearms Act of 1971 were adequate to cope with the present situation.

Now, Mr Speaker, Sir, I must warn that these Regulations, far from giving the correct picture of the security situation of this country, may well be counter-productive and people outside may think that the situation is much worse than it really is. This, of course, will erode confidence not only of the people of this country but also abroad and has lots of side effects. The Attorney-General himself has admitted that though the Regulations are against certain provisions of the Constitution, the Emergency Ordinance has provided that such Regulations could be made and therefore there was no need to amend the Constitution. This is certainly a most extra-ordinary statement coming from the highest legal officer of the Government. First, there is the admission that these Regulations are *ultra vires* of certain provisions of the Constitution. Because the Emergency Ordinance No. 2 of 1961 empowered the Government to do so, they are quite all right, said the Attorney-General. The Attorney-General, of course, is entitled to his opinions and views, but I venture to say that the constitutionality of these Regulations will be challenged in the Courts of Justice before long. Literally, the Government must not be allowed to get away with murder and, therefore, these Regulations must and, I hope will be, tested in our Courts of Law.

Mr Speaker, Sir, I shall now touch very briefly on some of the essential features of these Regulations.

First is the principle accepted in all democratic countries that a person should be deemed to be innocent until he is proved otherwise by the prosecution. Here the Government can literally arrest a person for no rhyme or reason and then can say, "You prove your innocence because you say you were running away from a bomb attack". That simple illustration will, I hope, show how draconian these Regulations are.

Under Rule 2 (2) of the principal Regulations, a lowly D.P.P. with hardly any experience can create a security offence—literally he can. Fortunately, the Government has now thought it wise to amend that, and now we are told that a security offence is related to the seven offences under the Internal Security Act, and the Attorney-General now has to certify the security offences. I say, Mr Speaker, Sir, it is humanly impossible for the Attorney-General with all the goodwill in the world to do this task faithfully. Now we know that thousands have been pulled in for interrogation and if only 5% of those who have been pulled in are charged, it means the Attorney-General will have to read through very carefully hundreds of files; and can he honestly say that he has the time to read into the hundreds of files that come before him, apart from the fact that yesterday and day before yesterday, we passed several amendments to the C.P.C. and the Penal Code where also the Attorney-General has to certify. I say the Attorney-General, with all the goodwill in the world, is not capable of such a task. He must be a "superman" to do it, and I do not think he himself will admit that he is a "superman". (*Ketawa*)

Mr Speaker, Sir, the other matter that I wish to protest is the retrospective nature of these Regulations. This means that any person who committed any security offence before October 4th—that is before the date of the promulgation of the principal Regulations—will now be charged under these Regulations, although at the time the offence was committed, these Regulations were not in existence. This provision is bad in law and unworthy of any civilised Government, and I call on the Minister to repeal it.

The Government, not content with the retrospective nature of the law, now seeks to

wage a "war" against children in this country. Regulation 3 (3) makes frightful reading, for under it any person can be charged with a security offence regardless of age. Is this Government embarking on a "war" against the children of this country?

I shall give but one instance, Mr Speaker, Sir. A child walks along the street. Along comes a man and says, "Please take this parcel to that place." This is a child of 10 or 12 years' old and an adult tells him, "I will give you \$2, you go and buy some sweets", and so the child delivers this parcel. Along comes a Special Branch chap, catches hold of the child, finds some subversive documents or bullets inside the parcel and the boy literally has it. I say that the boy is more sinned against than being a sinner, and yet under these Regulations the boy can be sent to the gallows literally.

Tuan Yang di-Pertua: Ada satu minit lagi, Yang Berhormat.

Dr Tan Chee Khoon: Mr Speaker, Sir, there are many other frightful features of these Regulations. But I say that the Pardons Board makes a mockery, because the Pardons Board consists of Senior Cabinet Ministers who were responsible for making these Regulations. How can anyone who has been convicted and sentenced to death hope to get a fair hearing before such a Pardons Board. I say that if Government is serious in wanting to have a Pardons Board that can earn the respect of the people, then it must consist of independent people of high standing from the public. I say that these Regulations, Mr Speaker, Sir, are open to wide abuse all the way down the line and if we are not careful, we can turn our courts of law into kangaroo courts.

Mr Speaker, Sir, since time does not permit me to say much, I shall end by quoting this verse from Pastor Nei Moeller who, as we all know, is a very vehement anti-Nazi. He says:

"At first, they persecuted communists and we kept silent. Then it was the Jews, and we did nothing. When finally, they persecuted the Christians, we tried to do something, but it was too late."

Let it not be said that this Government in trying to solve the security position of this country does away with the Rule of Law, then it is too late to reverse gear.

3.43 *ptg.*

Tuan Rasiah Rajasingam (Jelutong): (*Dengan izin*) Tuan Yang di-Pertua, touching on this Motion by the Honourable Member for Kota Melaka asking for the repeal of the Essential (Security Cases) Regulations, 1975 and the amendments thereto, as a member of the Bar, I only know of the present security situation from the newspaper reports that we read every day. But the best person who would know about the real security situation is the Honourable Minister of Home Affairs who, I think, is having a short nap at the moment. (*Ketawa*)

In this case, Sir, I would like to refer to what the Honourable Prime Minister said during the recent Third Malaysian Law Conference that the country and he as the Prime Minister were upholding the rule of law and that he was proud that there are eight Ministers in his Cabinet who are members of the Bar. I only seek the indulgence of the Honourable Minister of Law once again to allow the Bar Council to study this matter further. Only two days ago, the Minister of Law said that he need not and was not obliged to seek the views of the Bar Council. These Regulations as they are could still be amended to uphold the rule of law. I ask the Minister whether he would give an assurance to this House, since the members of the Bar of the States of Malaya are holding an Emergency General Meeting on the 10th of January, that until such time he would not enforce these particular Regulations as they stand. Though the Ministry had, after 4th of October when these Regulations come into being, accepted certain amendments submitted by the Bar Council, but the Bar Council still feels that these Regulations as they stand could be further amended. As I have stated earlier, Mr Speaker, Sir, the security situation is best known to the Minister of Home Affairs and the Cabinet and on which I do not think I would be able to say anything other than reading what is stated in the newspapers as to what the exact position is. I am not asking for the repeal of the Essential (Security Cases) Regulations, 1975, but in the terms of the Bar Council's letter addressed to the Honourable Minister of Law, we have requested him to withhold the implementation of the Regulations until we held our Emergency General Meeting to finalise our final amendments. So, until such time, I ask the Minister of Law

Tuan Yang di-Pertua: We are now debating this particular Motion. You are referring to something that has already been discussed in the past

Tuan Rasiah Rajasingam: I am only asking, I am not objecting. I am not supporting nor objecting to it.

Tuan Yang di-Pertua: Sit down please when the Chair speaks. Resume your seat please when the Chair addresses the House. You are wasting your time and the House's time as well by mentioning something which has already been discussed and disposed of. We are now debating this particular Motion introduced by the Honourable Member for Kota Melaka that the Essential (Security Cases) Regulations, 1975 be repealed. So, carry on and confine your remarks to this matter or the issue before the House now.

Tuan Rasiah Rajasingam: Mr Speaker, Sir, with the greatest respect

Tuan Yang di-Pertua: Yang Berhormat should have been present here before when we discussed the other law.

Tuan Rasiah Rajasingam: I am not talking of the other law. I am just speaking on these Regulations. The Member for Kota Melaka is asking for the repeal of the whole of the Emergency (Security Cases) Regulations, 1975. What I am trying to tell this House is that as far as the security of the country is concerned, I am not in a position to know the actual situation in regard to the security of the country, as perhaps only the Honourable Minister of Home Affairs knows about it. But I am only asking the Minister of Law to at least accept certain views expressed by the members of the Bar Council and the Bar as a whole.

3.49 *ptg.*

Datuk Albert Mah (Bukit Bendera): (*Dengan izin*) Mr Speaker, Sir, never in my adult life have I heard so much of exaggeration of facts and situations until I came to this House. (*Ketawa*) For the past 24 years I have been a Police Officer and I had been in the receiving end of all the legislations relating to public safety and internal security that have been passed in this country. I can proudly say in this House

loud and clear that the Police Force, the Polis Di Raja, have always executed their duties with the greatest of impartiality. I would like to say here that the Polis Di Raja are not happy to implement the laws that are passed relating to internal security. But what can they do with a serious security situation like this? If this motion is not rejected today, the Honourable Opposition Members would not be able to sit in this House and shout as loud as they are doing and in all probability they would be somewhere else creeping under some holes trying to run away from the situation.

Tuan Yang di-Pertua: How many feet down? (*Ketawa*)

Datuk Albert Mah: May be 8 feet down and not 6 feet. Legislation relating to public safety and internal security passed by this House have always been implemented by members of the Polis Diraja and being the executives they have to come face to face with the enemies. How can you expect them to fight for you if you do not give them effective laws to protect themselves. They cannot afford to go out and be shot at with their eyes blind-folded. People are scared to give evidence because the enemies that we face today are quite different from those we faced from 1948 to 1960. Surely you have seen for yourself how the Chief Police Officer of Perak had been shot at and killed. There are many other incidents where our soldiers and policemen have been ambushed and killed. Are we going to sit down quietly and wait for more killings to happen before we act positively? No!

It is now that we must act positively. It is now we have to arrest the situation. How are we going to go about it? Give the police proper powers. The important thing to remember is that we must trust the police. They have withstood three very serious situations. First the Emergency, second the Confrontation and lastly the May 13, 1969 riots. They have withstood all these serious situations with distinction.

If I had been required to obey every law during my past 24 years of service without using common sense, judgement and feelings for the human being, the areas of the country in which I have served during those troublesome time would be quite chaotic. There are situations where we have to allow the police

to make use of its good judgement. You must depend on the good judgement of the Police Force in implementing these laws. You must give them trust. Unless you trust them it is impossible to implement these laws.

The Honourable Member for Kota Melaka gave instances of Police brutality and impartiality. I would like to remind this House—what about the thousands and millions of cases that have been disposed of happily and impartially? Why are these not mentioned? Of course, the police are not perfect. There may be mistakes. It is up to the courts to decide. If there are mistakes, let us bring them up for attention so that they can be attended to.

The Honourable Member spoke of human rights. Yes, we must have human rights. When people who have no human rights in their hearts want to destroy this country, are we going to apply the same human rights to deal with them. We must have new laws to deal with such people. They have no regard for the welfare and safety of others. All they are interested in is their ideology. A perfect Utopia is in the mind only.

Tuan Yang di-Pertua, a perfect society exists only in the mind. But in reality you can never achieve it. But we must dream of that Utopia, otherwise life is not worth living.

Suggestions were made in the laws to allow police to detain people for sixty days. If there is such provision then we will have to exercise it with great care. I am quite sure that the Honourable Minister responsible will assure this House that the Police and the people responsible will take the necessary precautions in ensuring that the innocent people do not suffer. There are situations when the Police require time in order to obtain information from the people whom they detained. I can speak with my past experience of 24 years, that there is no need to be brutal to anybody in conducting police investigations. But when dealing with people who are determined to overthrow the Government by force, the Police requires much more time for such investigations.

Tuan Lim Kit Siang: Tuan Yang di-Pertua, on a point of order.

Tuan Yang di-Pertua: What order?

Tuan Lim Kit Siang: On a point of clarification, Sir.

Tuan Yang di-Pertua: What clarification Yang Berhormat?

Tuan Lim Kit Siang: On what I said just now. To elucidate what I said just now.

Tuan Yang di-Pertua: Ahli Yang Berhormat hendak clarify ucapannya?

Tuan Lim Kit Siang: Yes, he was referring to what I said just now, which is not very correct—about the detention for sixty days. I did refer to it but that is no more in the amended Regulations. So I hope that next time the former Chief Police Officer of Penang will know what he is talking about.

Datuk Albert Mah: Tuan Yang di-Pertua, I know what I am talking about. The only thing is I do not exaggerate facts.

Tuan Yang di-Pertua: Both Honourable Members know what they are talking about. (*Ketawa*) Carry on!

Datuk Albert Mah: Tuan Yang di-Pertua, one other point that was brought up by Ahli Yang Berhormat dari Kota Melaka is in connection with hooded witnesses. Now, one must appreciate that these subversive elements and also the Communists who try to topple this Government are so well-organised, clever, sly and cunning that they instil a great fear among the people. We will never get any evidence from the people unless some form of protection is given, and nobody would disclose to us who these people are, with the result that we will be fighting a war blindfolded. We cannot afford to go on like this forever. If no action is taken to strengthen Police powers, then riots will take place and this country will be chaotic. I honestly would like Honourable Members from the Opposition sitting across there to realise the serious security situation existing now. The situation of 1948 and today is completely different. We are now facing an enemy who is much more dedicated, better armed and far more sophisticated in their approach to try to win the hearts and minds of the people by misleading them—unless something is being done quickly. I am glad the Government has given approval to enlarge the Police Force by another 20,000, and with the enlargement of

the Police Force we hope and we are certain that we will win this war against our enemy, and I do sincerely hope that when the time comes for the Honourable Members of the Opposition to act, they will act, and act sincerely with the Government in our fight against our common enemy.

3.57 ptg.

Tuan S. Samy Vellu (Sungai Siput): (*Dengan izin*) Tuan Yang di-Pertua, I stand to oppose the Motion presented by the Honourable Member for Kota Melaka.

Tuan Yang di-Pertua, we have heard very loud cries in this House from our brothers from the Opposition on the introduction of an Ordinance to try security cases in our country. I am sure that the external fabrics of the Ordinance looks quite tough, but I am sure that the interior contains matters relating to the security of the ordinary citizens of this country.

Tuan Yang di-Pertua, before we proceed any further, one has to realise the circumstances and the situation that have demanded the introduction of these Security Regulations. The country is surrounded within and without by enemies who wish to destroy the democratic machinery of our Government and the peace and harmony of the country. They have created fears into the mind of the ordinary man to suspect whether there is any security for the ordinary citizens of this country.

Tuan Yang di-Pertua, we have fought for twelve years a guerrilla warfare, spending more than a million dollars a day. We have lost so many of our beloved ones. Why? I ask everyone of the Opposition. Was that a toy war? No! It was a fight to establish a democratic process in this country. We were fighting someone who was part of us, who remained with us, who knew what we were, and the war lasted for twelve years. Even during the Emergency the Government did not introduce such Regulations. But today our brothers from the Opposition say that we have introduced the Regulations which harm human rights. Tuan Yang di-Pertua, the Government—be it the Barisan Nasional Government or the Alliance Government—have never thought of introducing any legislation which is going to deprive the rights of the ordinary citizens. They have introduced these Regulations because the situation has

demanding such a legislation. If the situation had not demanded such a legislation, I do not think we would have introduced such a legislation.

One thing, Tuan Yang di-Pertua, is that even during the Emergency the Government did not introduce it. Why? We have to ask ourselves this question. During the Emergency we at least knew who our enemies were, Tuan Yang di-Pertua. We knew for sure how they lived, how they fought. We at least knew with whom we were fighting a war in the jungles. It was some sort of a guerrilla war. But the war of today is entirely different from those days. Today we are unable to identify who is the man next to us. Now, what are we going to do? And we will not even know what the man next to us is going to do within the next few minutes. The range of subversive activities, the amount of killing of our high-ranking officers and policemen are the work of the elements who are within our midst.

Tuan Yang di-Pertua, in the olden days during the Emergency, battles were fought face to face in many cases. At least we were careful when we went into the jungle. But today with the urban guerrillism—we are fighting people who are well-dressed, with the best armoury in their possession, with fast cars and many tactics and facilities and they are creating urban guerrillism today. How can the Government encounter this problem until and unless we have a tough legislation or an instrument to overcome this problem? I am sure some would suggest that the existing legal provisions are sufficient to tackle this problem, but cases have proved, Tuan Yang di-Pertua, that it is impossible to combat these activities with the present legal provisions we have in our hands. So the only alternative is to do something tough so that the ordinary man before us will be sure that his life is protected.

Tuan Yang di-Pertua, I am sure that this is not the intention of the Government to fix up everyone who is suspected of being involved in such activities. But this is to make them understand that anyone who intends to fool the Government cannot get too far away.

Tuan Yang di-Pertua, we have heard the brothers of the Opposition very well. We have also heard what they said about human rights. But I want to ask our brothers from the Opposition whose human rights are we going

to take care of if we just allow the matters to go on as they are now. It is the right of the Government to see that every ordinary citizen in this country is guarded from this sort of brutality.

Tuan Yang di-Pertua, if anyone had the courtesy to visit the General Hospital two months ago, he would be able to understand what is human right. The human right which they are crying for today was not there. How many of them—over 40 of them—were made victims of hand grenades. Up to today, I have not seen anyone in this House who got up to condemn such activities, but they are very frightened to see that a law is introduced by which something is going to happen to them.

Tuan Yang di-Pertua, we talk of human rights. These Regulations are also another step to ensure human rights for the ordinary citizen and innocent human being who faces brutality from the urban guerrillas of today.

Tuan Yang di-Pertua, if a responsible Government is going to sit idle and watch what is happening, I am sure the people who have voted this Government to office will not have any faith in it and, therefore, I think that these Security Regulations are a right move and a right move and a right move.

(Tuan Azahari bin Md. Taib *mempengerusikan Mesyuarat*)

4.03 ptg.

Datuk Haji Shafie bin Abdullah (Baling): Tuan Yang di-Pertua, saya bangun untuk membantah di atas satu cadangan di hadapan Dewan sekarang ini untuk membatalkan Peraturan-peraturan Perlu (Kes-kes Keselamatan), 1975.

Saya berfikir bahawa sekiranya saya mendiam diri tidak berkata sesuatu manakala cadangan seperti ini dikemukakan kepada rakyat untuk memutuskannya, maka saya kelak akan ditafsirkan sebagai seorang yang tidak bertanggungjawab terhadap masyarakat dan masa hadapan Malaysia. Demokrasi berparlimen di dalam negara ini telah diwujudkan untuk rakyat di bumi Malaysia ini yang tersangat cinta dan ingin kepada keamanan dan perdamaian. Undang-undang dan peraturan-peraturan yang mendukung kepada cita-cita luhur untuk memberi izin dan kesempatan serta hak kepada rakyat hidup dengan perasaan yang lega dan tidak

cuak kepada mana-mana pihak dan golongan yang hendak menggugat keselamatan telah dicipta dari semasa ke semasa. Dengan adanya undang-undang dan peraturan yang dikuatkuasakan, dijunjung dan dikawal, maka menjadilah negara ini syurga kepada mereka yang menghormati undang-undang dan peraturan. Tradisi yang diperturunkan dari abad ke abad, dari dahulu hingga kepada detik ini telah tergoncang hari ini dengan adanya suara-suara yang menyatakan konon demi keagungan demokrasi segala undang-undang dan peraturan-peraturan yang telah tercipta guna mempertahankan kemuliaan dan kebebasan manusia itu hendak dirobohkan dalam perdamaian hidup. Kalau pagar-pagar yang mengelilingi kampung dan rumah untuk menyekatkan musuh daripada bermaharajalela sudah hendak dicabut, maka kelak akan kembalilah semula keadaan hidup manusia dalam ketakutan, tergugat dengan angkara yang hendak bergerak untuk memukul mati kebebasan rakyat. Undang-undang di dalam perbincangan ini walaupun dijalankan di dalam negara ini telah memberi keteguhan hati setiap rakyat untuk bergerak bebas menjalankan sebarang pekerjaan yang sah. Tidak ada sebarang sungutan selama ini daripada golongan rakyat yang cinta kepada perdamaian dan sentiasa bergerak menurut undang-undang bahawa Undang-undang Peraturan-peraturan Perlu (Kes-kes Keselamatan), 1975 ini telah menekan dan mengongkong kebebasan rakyat, malahan di sebalik itu selama undang-undang ini berkuatkuasa keadaan negara telah dapat ditadbirkan dengan lebih kemas dan teratur. Hanya kepada mereka yang mempunyai tujuan yang tertentu selain daripada mendokong keamanan dan perdamaian sahaja yang ingin hendak mengoyak undang-undang atau peraturan ini.

Di dalam undang-undang dan peraturan yang ternyata dengan jelas segala tujuan dan penangkapan, penahanan di atas seseorang yang disyaki melakukan sesuatu kesalahan keselamatan boleh ditangkap tanpa waran dan boleh ditahan dalam jagaan polis sekian masa. Perokelamasi pembicaraan dengan diberi peruntukan-peruntukan khas kerana pembicaraan kes-kes keselamatan pemeriksaan saksi-saksi di bawah hal-hal keadaan khas dan hak-hak rayuan di atas hukuman-hukuman yang dikenakan. Kepada saya sebagai rakyat yang sentiasa patuh kepada undang-undang dan peraturan negara yang cinta kepada keamanan, keamanan itu telah

dapat membuka jalan kepada saya dan rakan saya dan seluruh rakyat bekerja untuk kebaikan bersama memandangkan bahawa Undang-undang Peraturan-peraturan Perlu (Kes-kes Keselamatan), 1975 adalah suatu pengorbanan rakyat yang tidak ternilai harganya semata-mata hendak menjamin keselamatan negara dan keselamatan rakyat. Batalnya peraturan-peraturan ini bermakna akan lucutlah kelak tembok-tembok yang sekarang ini wujud mempertahankan hak-hak kebebasan rakyat Malaysia daripada hidup dengan aman dan damai. Kepada mereka yang ingin hendak memporak-perandakan negara ini dan hendak melemparkan ke dalam kegelincihan kacaubilau, maka mereka akan sentiasa menyuarakan supaya Undang-undang Peraturan ini dipadamkan. Apa yang dijalankan dalam negara Malaysia ini adalah sejajar dengan tujuan-tujuan hendak melindungi rakyat Malaysia, daripada ancaman-ancaman yang hendak menjahanamkan penghidupan dan keselamatan rakyat sesuai dengan persetujuan hak-hak asasi manusia sebagaimana yang dipersetujui oleh seluruh dunia dalam Majlis Bangsa-bangsa Bersatu.

Saya masih teringat lagi keadaan seperti yang berlaku pada hari yang bersejarah hitam 13hb Mei tidak akan berlaku lagi hendaknya selagi Undang-undang dan Peraturan-peraturan (Kes-kes Keselamatan), 1975 ini berkuatkuasa. Saya masih teringat lagi titik-titik hitam yang berlaku dalam masa Malaya dalam pemerintahan singkat oleh Pasukan-pasukan Bintang Tiga selepas Malaya ditakluk balik oleh Askar-askar Berikat. Siapa yang tidak seram dan takut mengingatkan kembali pembicaraan-pembicaraan yang dibuat dalam hutan rimba dan di pekan di mana askar-askar Bintang Tiga telah membawa pencalon-pencalon kononnya hendak dihukum oleh mahkamah pengadilan. Apakah pengadilan yang kejam seperti itu yang pernah berlaku di dalam sejarah Malaya di atas bumi suci Malaya sesuai dengan kehendak rakyat Malaysia sekarang. Hukuman mati dengan tidak ada juri, tidak ada ulang-bicara dan hukuman mati itu hanya dengan pukulan batang-batang cangkul di atas kepala manusia yang tidak berdosa. Kita tidak ingin segala-segala yang pernah berlaku itu berulang kali semata-mata kerana kononnya hendak memberi kebebasan kepada rakyat bertindak. Untuk kesejahteraan rakyat marilah kita seluruhnya mempertahankan Undang-undang Keselamatan ini supaya terjamin wujud dalam bidang keadilan dan undang-undang negara.

4.08 ptg.

Tuan Leo Moggie anak Iroke (Kanowit): Tuan Yang di-Pertua, saya berdiri untuk menyokong Usul yang dikemukakan oleh Ahli Yang Berhormat dari Kota Melaka dan saya minta izin memberi ucapan campur dalam bahasa Inggeris.

(*Dengan izin*) Mr Speaker, Sir, in speaking in support of the Motion that is being moved by the Member for Kota Melaka, I should like to make some points clear before I go further in view of some of the comments that have been raised by some of the previous speakers:

- (1) I like to make it very clear that in supporting this Motion, we are no supporters of insurgent forces.
- (2) That in supporting this Motion, we also recognise the responsibility of the Government to look after community interest.
- (3) In supporting this Motion, we must also observe the general tendency of Government and big organisations, sometimes to increase their powers at the expense of the ordinary small man.

Mr Speaker, Sir, I am no sympathiser of insurgent forces and I am not sanguine enough in believing that there are not others in this country who represent abiding insurgent interests. This I am prepared to grant. I am also prepared to grant that on the security situation in this country the Government itself is better informed than I can ever hope to be. But having said all these, Sir—and I am not discussing these Regulations in terms of human rights, or in terms of rights under our Constitution—I am more concerned that there are honest men in this country, and there are many honest men in this country, who view these Regulations with great apprehension. There are honest men in this country who want to be reasonably satisfied in their minds the answers to three specific questions:

- (1) Whether these Regulations are necessary?
- (2) Whether there are no less obnoxious way of meeting what the Government hopes to meet?
- (3) That there are sufficient safeguards against possible abuses.

I associate myself with these men.

I shall contend, Mr Speaker, Sir, in conclusion later on, that I am not satisfied that these three questions are adequately answered.

Mr Speaker, Sir, not many people quarrel with the proposition that the preservation of national security is a paramount concern of any government. Any government anywhere in the world must necessarily be obliged to enforce stern action against internal enemies of the State. Great powers, Sir, are sought under these Regulations and those powers, I admit, can certainly be usefully used to preserve security. They can also, and this is the danger, be grossly abused if those who implement them and those responsible for enforcing them, do not take the trouble to maintain the highest standards of impartiality. In the wrong hands, they become lethal weapons against the common man. The assurances the public must seek, Sir—not in words, but in concrete actions—are many.

Can we be reasonably assured that these Regulations will not lead to possible arrests of Opposition politicians—those of opposing political views from those in power? Can we be sufficiently assured that these Regulations will, in fact, not lead to the emergence of a society of informers? Can we be assured that there will be no fattening of the Government files on individuals regardless of whether they have any connection with subversion? Can we be sufficiently assured, Sir, that the net effects of these Regulations will not, remembering the astuteness of communist propagandists, boomerang back against the very motive and the very objective that the Government tries to achieve; making heroes out of rogues and martyrs out of real insurgents?

Mr Speaker, Sir, on the economic level, this type of Regulations might chase much needed both foreign and domestic capital from our shores.

I am prepared, Sir, to admit of no ambiguity in one score. However, ominous and terrifying the organs the Government has, they are nothing compared to what the communists may have got. Their's is the ultimate. But the public, I submit, would sigh with relief if the Regulations contained a more concise definition of the target of the law. If the law aims at urban guerillas, then say so; if the law is aimed at extremist insurgents, then that should be made specifically so. The public would sigh with relief if the presumption of innocence until proven guilty is restored. The

public would sigh with relief if while acknowledging community interests and that the guilty be punished, the innocents have a real opportunity to be vindicated. The central issue is, will there be adequate safeguards? The job of the Government Members in this House, Sir, is to oppose this Motion. That is their job. Their duty is to help us from the Opposition to articulate the dangers inherent in the Regulations and to support this Motion.

The question arises because no Minister is infallible. No Government is infallible. I personally have great faith and great trust in the Attorney-General. I have great faith in the Prime Minister, Sir, but in the last analysis this faith is based on personalities. It is not on the sacrosanct of law. The danger that we must face is this. Might not these Regulations be wielded at some future date by men of lesser minds, and worse still, by men of lesser scruples? The question must be raised. The intention of the Government may be good, that we do not quarrel, lest other speakers from the Government side may suspect our motive. But let it never be said by our future historians delving into the records of 1975 that the net results of our fight against the communists and the extremist elements of society was to transform ourselves into their very mould and assume the very mantle we seek to destroy. Mr Speaker, Sir, more necessary is it now for us to fight more vigorously for more equitable conditions—economic and social—rather than to resort at every opportunity and when difficulties confront us to a repressive type of legislation that we see in front of us.

Mr Speaker, Sir, those who sought and struggled for our independence did so because they hoped to create a more free and equal society. These leaders helped to stimulate the minds of Malaysians at large against the injustices of the colonial order. But having inspired these hopes the process cannot be checked. It must go on. Our men and women have in the past been mobilised to get rid of these injustices. It would be unrealistic for us to expect, and that they themselves cannot be expected, to demolish these hopes and accept what appear to them a new set of inequalities managed by men of their own kind. Neither can we lay the blame on colonial bogies. Malaya was independent in 1957; Malaysia was born in 1963, i.e. many years back. The net effects of our fight must be again to win the hearts and minds of the people of this

country. If legislation as of this nature is read and interpreted by a vast majority of men with good intention and men of good minds, well meaning men in this country, who want to see this country succeed like everybody else, if these people view this legislation with apprehension, Sir, we might find it very difficult to make them accept what we try to make them accept.

Now coming back to the original three questions that I posed, is it necessary? Is there no lesser and less obnoxious way of doing it? Have possible precautions against abuses been taken? The Minister of Home Affairs and others in the Cabinet have explained that the security situation of this country is serious, but at least manageable. This is as far as I can read in the papers. But again like my friend, one of the previous speakers, I have no access to the Special Branch files and I have to rely on what the Minister said. If it is manageable, would the manageable situation require this type of law that we have in front of us? We have already in existence legislation under the Internal Security Act which makes detention without trial for indefinite periods permissible. We have other Acts like the Firearms Act of 1971 and if these Acts are fully implemented they would seem to be quite adequate to meet the present condition that we are facing.

4.21 *ptg.*

Tuan Embong bin Yahya (Ledang): Tuan Yang di-Pertua, saya bangun menentang usul yang dibawa oleh Ahli Yang Berhormat dari Kota Melaka tadi yang hendak menghapus atau membatalkan Peraturan-peraturan Perlu (Kes-kes Keselamatan), 1975. Saya sungguh kesihan kepada Ahli Yang Berhormat itu yang bercakap seolah-olah hendak membela rakyat, tetapi beliau tidak tahu apakah yang terdapat dalam Akta ini yang berkaitan dengan rakyat, Akta yang hendak menyelamatkan rakyat, yang termasuk kawasan Ahli Yang Berhormat itu sendiri, dan mungkin diri Ahli Yang Berhormat itu sendiri, Akta yang hendak menjaga rakyat 11 juta daripada terancam oleh orang-orang yang bersifat kejam membawa senjatapi dan membunuh. Maka orang seperti itu yang dibelanya. Inilah orang yang dibela, segelintir manusia yang hendak mengancam keselamatan negara, maka itulah suaranya lantang membela dalam Dewan ini. Apakah ertinya

ini? Seolah-olah hatinya, fikirannya serupa dengan orang yang hendak membuat pekerjaan itu sendiri.

Tuan Yang di-Pertua, kalau kita baca Akta ini adakah Akta ini boleh mengambil hak asasi manusia? Sebagai sebuah negara yang merdeka dalam Bangsa-bangsa Bersatu, Malaysia tidak lari daripada memberi hak asasi manusia. Malaysia cukup memberi demokrasi barangkali lebih daripada demokrasi negeri-negeri lain di dunia. Malaysia memberi kebebasan berfikir, kebebasan bercakap, kebebasan mengkritik seperti apa yang telah dicakapkan oleh Ahli Yang Berhormat dari Kota Melaka tadi, mengkritik Kerajaan dan Kerajaan tidak menangkap orang yang macam ini, tetapi Kerajaan tidak mahu melihat orang yang mengancam orang lain dengan senjata; orang yang membunuh orang dilepaskan dengan tidak dibicarakan. Adakah kerana hendak menyelamatkan kita menghukum orang-orang yang jahat umpama ini maka kita meninggalkan hak asasi 11 juta lagi manusia? Adakah Ahli Yang Berhormat itu melihat berapa banyak orang-orang kita yang dibunuh, Pasukan Keselamatan kita dibunuh dengan sewenang-wenangnya di tengah jalanraya dalam bandar? Adakah Ahli Yang Berhormat itu mendengar rintihan isteri yang kehilangan suami, anak yang kehilangan bapa, Pasukan Keselamatan kita yang mati? Nampaknya beliau tidak memikirkan perkara ini, tidak memikirkan keselamatan. Sepatutnya Ahli Yang Berhormat itu memberi terima kasih kepada Kerajaan. Kalau tidak mahu memberi terima kasih kepada Kerajaan pun berilah terima kasih kepada Pasukan Keselamatan yang menjaga, termasuk kawasan Ahli Yang Berhormat itu sendiri supaya orangnya boleh tidur dengan nyenyak, boleh berniaga, anak-anak boleh belajar, petani-petani boleh pergi ke sawah. Akan tetapi, sebaliknya mengancam; minta dihapuskan undang-undang yang boleh menyelamatkan negara, yang boleh menahan daripada orang-orang jahat bermaharajalela dengan menggunakan senjata untuk membunuh. Undang-undang ini bukan hendak menangkap dengan sewenang-wenangnya orang yang membuat kesalahan. Ada dinyatakan dengan terang di sini iaitu orang-orang yang bersabit dengan kes keselamatan atau kesalahan keselamatan yang di bawah Akta Keselamatan, yang di bawah Akta Senjata, bukan kita hendak menangkap orang yang bawa fail masuk ke dalam

Dewan ini dan bercakap dengan lantang, tetapi kita hendak menangkap orang yang membawa senjata untuk membunuh orang. Sepatutnya Ahli Yang Berhormat itu memberi terima kasih kepada Kerajaan yang mengadakan peraturan ini, sebab boleh menyelamatkan 11 juta rakyat kita yang lain.

Adakah Ahli Yang Berhormat itu sedar bahawa keselamatan negara kita sekarang terancam? Dengan sebab itulah maka perlu kita berjaga-jaga. Adakah dengar bahawa rakyat sentiasa memarahi Kerajaan kerana terlampau lunak, terlampau lembut dengan kes-kes keselamatan? Berapa banyak orang yang membunuh orang dengan senjata terlepas, dihukum hanya 5-6 bulan. Rakyat sendiri marah kerana sepatutnya orang ini dihukum mati, dihukum penjara seumur hidup. Dan lagi kerana Kerajaan hendak melindungi nasib 11 juta orang lain yang cintakan keamanan, yang hendak hidup dengan aman damai inilah sebabnya maka Akta ini dibuat. Akta ini bukan dibuat dengan nafsu Kerajaan hendak menganiayakan rakyat seperti yang dituduh oleh Ahli Yang Berhormat itu tadi. Apakah faedah yang akan didapati oleh Kerajaan daripada Akta ini kalau hendak menganiayakan rakyat 2-3 orang? Tidak ada apa faedah tetapi Kerajaan yang bertanggungjawab kepada keamanan negara mesti mengadakan pagar-pagar yang boleh menyekat daripada musuh-musuh masuk, mesti membendung anasir-anasir jahat daripada bermaharajalela. Kalau sekiranya tidak diadakan Peraturan-peraturan Perlu (Kes-kes Keselamatan) umpama ini, maka Kerajaan akan lebih berat dituduh mencuaikan keamanan negara. Apakah kalau keamanan negara lebih terancam, rakyat hidup lebih rasa dukacita dan rasa takut melihat ayahnya mati di tengah jalan, maka ini menjadi satu kesukaan kepada pihak Pembangkang. Adakah ini merupakan satu demokrasi kerana tidak menangkap orang-orang yang membuat salah, dan tidak mengadakan peraturan-peraturan yang ketat kerana menahan daripada membuat kesalahan maka itu merupakan satu demokrasi? Saya rasa Ahli Yang Berhormat itu sendiri dapat menjawabnya.

Kita bukan menafikan adanya Pembangkang, kita bukan menafikan adanya hak bersuara, hak mengkritik bahkan kita melihat berapa banyak orang yang mengkritik Kerajaan tidak pun ditangkap, tidak pun dipenjara dan tidak pun dihukum, tetapi kita

tidak mahu melihat orang yang menggunakan kesempatan daripada lunaknya peraturan Kerajaan mengambil nyawa orang dengan sewenang-wenangnya, bermaharajalela di negeri ini. Kita biasa dengar semua Parlimen ada Pembangkang, semua negara ada Pembangkang, kita boleh membangkang menyuarakan sesuatu masalah yang berselisih faham dari segi politik dan fikiran, tetapi hampir-hampir ke semua Pembangkang dalam dunia ini apabila sesuatu perkara yang mengenai keselamatan negara, mereka tidak pula membangkang, malah mereka menyokong bersama-sama dengan Kerajaan samada hidup atau mati. Tetapi anih Pembangkang di negara kita tidak bersama-sama bertanggjawab. Keadaan negara terancam dan Kerajaan berkehendakkan rakyat bersama-sama dengan Kerajaan menjaga keamanan maka dengan sebab itulah rakyat memilih kita menjadi wakilnya di dalam Parlimen ini, tetapi pihak Pembangkang tidak menyokong sebarang Akta yang hendak memberi keamanan kepada rakyat. Ini satu perkara yang anih sekali.

Tuan Yang di-Pertua, sekali lagi Ahli Yang Berhormat itu tadi membawa perkara Datuk James Wong dan sekali lagi membangkitkan bahawa Kerajaan tidak adil menangkap beliau. Saya rasa orang Sarawak sendiri lebih mengerti daripada apa yang diketahui oleh Ahli Yang Berhormat dari Kota Melaka. Kalau sekiranya Kerajaan tidak ada bukti-bukti yang khusus yang boleh mengancam keselamatan negara Kerajaan tidak akan menangkap beliau. Seperti contoh hari ini Wakil dari Kota Melaka ada di sini, beliau tidak terlibat dengan sebarang perkara-perkara yang mengancam negara, beliau free tidak ditangkap. Tetapi kalau hari ini juga dia membuat sesuatu perkara yang boleh mengancam negara maka tidak syak lagi Kerajaan akan memberkas beliau kerana keselamatan negara lebih daripada segala-segalanya. Kerajaan tidak mengira pangkat manusia, tidak mengira darjat, tidak mengira keturunan bangsa, sekiranya mengancam keselamatan negara maka adalah menjadi satu kewajipan kepada Kerajaan memberkas dan mengurung mereka itu untuk keselamatan orang lain.

Tuan Yang di-Pertua, saya rasa peraturan ini cukup adil kerana membicarakan orang-orang yang dituduh atau membunuh itu dengan saksinya tidak didedahkan di hadapan

orang ramai yang boleh musuh itu mengetahui siapa yang memberi keterangan. Adakah yang dikehendaki oleh Ahli Yang Berhormat di sini, seorang saksi tidak berani datang ke hadapan? Apa fikiran kita kalau sekiranya sebuah negara membicarakan kesalahan tidak ada saksi yang berani datang ke hadapan? Inilah yang dikatakan hilang demokrasi, kerana jika seorang saksi dilibatkan terang-terang maka mereka akan diugut, mereka akan dibalas dengan kejam. Jadi adalah adil bagi Kerajaan untuk menyelamatkan saksi-saksi memberi penerangan dengan adil dilindungi mereka itu dengan apa cara yang boleh seperti yang disebut dalam undang-undang ini. Lagi pun hukuman yang dijalan-kan di sini bukanlah semuanya dihukum mati, bukanlah semuanya dihukum penjara seumur hidup, tetapi mengikut keadaan-keadaan seperti yang disebutkan di dalam peraturan ini, kalau ada yang dipenjarakan, penjaralah had maksima; kalau dirotan, rotanlah maksima; kalau dihukum penjara seumur hidup, hukumlah penjara seumur hidup dan kalau kena hukuman itu di bawah kes mati, hukumlah mati, biar dia mati. Semua negara membuat begini.

Hari ini kita membaca suratkhbar seorang yang hendak meragut nyawa seorang Presiden Amerika, President Ford, menggunakan senjata telah dihukum penjara seumur hidup. Apakah ini tidak adil atau Amerika telah hilang demokrasi? Bila kita buat begini, mengapa kita dituduh tidak adil, tetapi kalau negara orang membuat kita puji, bagus, negara itu menjaga hak-haknya, tetapi kalau negara kita sendiri, mereka menuduh Kerajaan tidak berdemokrasi, menuduh Kerajaan menindas. Siapa yang ditindas oleh Kerajaan? Selain daripada orang-orang yang berniat jahat? Mereka ini ialah segelintir manusia yang tidak mahu memikirkan nyawa orang ramai, yang tidak mahu memikirkan keamanan orang ramai, oleh itu adalah wajar mereka ini dihadapan ke muka Mahkamah, ke muka pengadilan dan mereka adalah wajar menerima hukuman sepadan dengan apa kesalahan yang dibuatnya.

Tuan Azahari bin Md. Taib: Sudah lebih masa Yang Berhormat.

Tuan Embong bin Yahya: Ya, ini saya hendak tutup. Oleh sebab itu, Tuan Yang di-Pertua, saya minta Yang Berhormat itu patutlah berfikir kalau sekiranya ada perkara

yang tidak disetujui dalam sesuatu Akta hendak dipinda sedikit, hendak dibetulkan sedikit barangkali menasabah, ada berfikiran, tetapi di sini ia minta dibatalkan terus. Sebab itulah saya rasa saya kasihan kepada Ahli Yang Berhormat itu yang bercakap tidak sesuai dengan hatinya. Dengan sebab itu, saya menentang keras usul Ahli Yang Berhormat itu.

4.34 ptg.

Dr Chen Man Hin (Seremban): (*Dengan izin*) Tuan Yang di-Pertua, I rise to support the Motion for the repeal of the Essential (Security Cases) Regulations, 1975 and also the Essential (Security Cases) (Amendment) Regulations, 1975.

The Regulations are obnoxious and are against the spirit of the Constitution which guarantees fundamental rights of the individual like freedom from arbitrary arrest and access to a proper trial in a court of law.

The Regulations undermine the Rule of Law, as has been stated by prominent lawyers and, if allowed to prevail will gradually erode the fabric of civilised society like a cancer eating away the vitals of a nation.

The Regulations are the brainchild of a government which has become accustomed to a situation generated by themselves by the passage of a string of Emergency Regulations, Proclamations and Ordinances, which have imposed restrictions on liberty, freedom and other rights. Restrictions on freedom are the order of the day, so much so that democracy, liberty and equality have become strange and new concepts. It shows that the abnormal has become normal because of habitation where the norms have become abnormal. It is not surprising that the essential regulations on security cases have been conceived in the process of escalation towards authoritarianism.

The Emergency powers have created an inner government with the right to enact laws contrary to the spirit of the Constitution all in the name of the aim to suppress subversion and to counter an insurgency problem. The Government is relying more and more on its Emergency powers to deal with problems like a sick man relying on a crutch to move about. It may be an easy way out, but certainly not the right way in the opinion of the D.A.P., for unless the root causes are determined, no problems can be solved.

The inner government with its emergency powers is an anomaly, if we maintain that this is a democratic society. It would appear to be a challenge to parliamentary supremacy. Indeed, if Parliament is to be supreme, such powers should be reviewed from time to time in Parliament to seek its approval or revocation. But to allow the emergency powers to be extended indefinitely is untenable and unjustified. Is there a case, a need for these new Regulations?

I would like to cite here a case of a famous trial that occurred during the Emergency of 1948-1960—that of one Lee Peng Tai *alias* Lee Meng—better known as Lee Meng—versus the Government. At the height of the insurgency of 1948-1960, there was this trial of Lee Meng who was found in possession of a hand grenade. She was tried in a court of law at that time and was ably represented by the late D. R. Seenivasagam. Her case went even up to the Privy Council.

At that time, the situation was even more serious. The guerilla war was in full swing. Killing occurred daily. At one stage there was about 8,000 armed guerillas in the jungles. There are about 3,000 now, I was told in this House, along the Malaysia Thai border, although there are no known figures of the number of guerillas in urban areas.

The Lee Meng trial was conducted at a time of full Emergency where the situation was more tense and more serious. There is, therefore, no reason now why similar trials cannot be held in a normal court of law with full legal representation and giving of evidence by witnesses in person and without secrecy or camouflage. If the Rule of Law could be upheld in those days of tension and war, it can also be upheld in the conditions existing today, Tuan Yang di-Pertua.

The Essential (Security) Regulations, 1975 is nothing more than an attempt to legalise kangaroo court trials where the accused are tried without regard for the law. In trials under the Regulations, the accused is denied of the fundamental right of being innocent unless proved otherwise. He is also denied of the right to know his accusers and identify them because the Regulations state that the prosecution witness may “give evidence in such a manner as he shall not be visible to the accused or his counsel, but shall be visible to the court; and further if

the witness fears that his voice may be recognised, his evidence may be given through an interpreter or other officer of the court”

Another startling fact about the Regulations is that hearsay evidence is admissible. Regulation 21 (3) states that secondary documentary evidence shall be admissible, and hearsay evidence including a statement made to a Police officer not below the rank of an Inspector by a person other than accused, may at the discretion of the court be upheld or be admitted.

Telephone conversation intercepted or listened to by a Police officer shall be admissible in evidence without the originator of the information being required to give evidence, Tuan Yang di-Pertua.

All these are shocking and unbelievable. Right from the beginning the accused is a “dead duck”. Any Tom, Dick and Harry can be his accuser, and one can well imagine these may turn out to be people with old scores to settle with the accused, or people who are unscrupulous mercenaries whose occupation is bounty hunting. Rumours may also be interpreted as hearsay evidence to turn against the accused. If there are no legal safeguards for the accused and flimsy evidence is admissible, what is the point of going through the whole farce of a mock trial, because the accused will have to face the firing squad anyway?

Tuan Yang di-Pertua, doubtless the Government must have been inspired by the Ku Klux Klan of America, where hooded self-righteous klansmen hound their victims with hoods covering their faces. Hooded witnesses may add drama to the proceedings, but they will definitely undermine the meaning of law and justice.

If prosecution witnesses can have the privilege of being hooded, it is said that witnesses for the defence should also have the privilege of having their identities hidden from the prosecution. With all the frightening and loaded laws, it will take a very brave and loyal person or persons to step forward and speak for the accused. It is on the cards that defence witnesses will be marked by security personnel, detained possibly, interrogated and put on the “black

list” placing his economic future and livelihood in jeopardy. If there is to be fairness, people say, then defence witnesses should also be allowed the freedom to opt for evidence under disguise.

With the Essential (Security Cases) Regulations, it is quite likely that the innocent may suffer and be convicted for offences which they never committed.

I wish to cite a famous case that occurred before. The Dryeyfus case was one where an innocent man was condemned to imprisonment on Devil’s Island. In 1894, Alfred Dryeyfus, a French soldier, was found guilty of treason, and the only evidence was a letter of state secrets with writing similar to his, but not actually his, and some valueless documents presented by a War Minister keen to see him guilty. And because of a legal system which deems a person is guilty until proved otherwise and the absence of the Rule of Law, Dryeyfus was found guilty. It was only in 1906, 12 years later that Dryeyfus was finally vindicated and declared innocent with the help of loyal friends.

This famous case is mentioned to show the untold damage that can be done with the passage of unconstitutional laws which provide no safeguards for the individual. Doubtless in the months to come, the Dryeyfus syndrome will catch on and the innocent will suffer.

Tuan Yang di-Pertua, the D.A.P. is firmly convinced that the Essential (Security Cases) Regulations will pose a grave threat to the well-being of an orderly society. On our side we are more keen than anybody else to have a just, more equal and more orderly society.

At the Malaysian Law Conference in October this year, the Solicitor-General, Tan Sri Mohamed Salleh Abbas, in defending the Regulations was quoted by the Press as saying “justice cannot be solely for an accused, we have to take into consideration the interest of the community as a whole.”

The Essential (Security Cases) Regulations are already breeding an atmosphere of fear in society. Few dare to discuss politics openly and even on topical subjects like sports and current events, there is subdued conversation. Those who have complaints first look over their shoulders to ensure that no one else is listening, for who knows

an informer may be nearby. The Essential (Security Cases) Regulations is breeding a more dangerous element. It is breeding a nation of spies and informers with the vile purpose of informing on their neighbours and earning bounty money. With hoods or disguise, their identities are safe, and this fast growing profession will attract the dregs of society, the drug addicts and pedlars who want money.

Far more ominous is the strong possibility that these Essential (Security Cases) Regulations will compromise the judiciary. It will erode the prestige and the integrity of the judiciary. Where is justice when there is no Rule of Law? Hearsay evidence and hooded witnesses, whose credibility is in doubt, are not the stuff of modern law. Such conditions were acceptable in the lawless past, but certainly not in the 20th Century. It is eminently unfair for the Government to burden the judiciary with these Regulations. To do so, would be to pervert the whole judicial system and undermine one of the three foundations of democracy—legislature, executive and judiciary—and all society may come crashing down.

Tuan Yang di-Pertua, there is increasing evidence that the Government has an insurgency problem in its hands. However, in trying to get to grips with the situation, the last thing it should do is to press the panic button and enact laws such as the Essential (Security Cases) Regulations, 1975. The D.A.P. has brought out the dangers inherent in the Regulations.

The answer lies elsewhere in the political, economic and social fields. During the guerilla war of 1948 to 1960, the insurgency was draining the economic life blood of the country. Millions of dollars were spent daily and would have bankrupted the country if the war had carried on indefinitely. The turning point came not as a result of success in the jungle warfare, but more because of a political decision by the British colonial authorities. They finally became wise enough to accept and give what the people wanted— independence. With independence in the people's hands, the main purpose of guerrilla warfare was removed, and thereafter the war petered out. Likewise, the Government should study the grievances of the people and redress the injustices and inequalities in the political economic, social and cultural areas. The

efforts put in these directions will bring much better results than draconian laws which will harm the nation and society.

Lastly, Tuan Yang di-Pertua, the D.A.P. calls for the immediate revocation of the Essential (Security Cases) Regulations. But if the Regulations are allowed to remain in law, then the Government would have not only pressed the "panic" button but it would also have pressed a "self-destruct" button, because these Regulations will undermine democracy, they will undermine the judicial system and also the very foundations of the society.

4.47 ptg.

Tuan Mohamed Sopic bin Sheikh Ibrahim (Kepala Batas): Tuan Yang di-Pertua, sebelum saya melanjutkan ucapan saya, saya harap dapat Tuan Yang di-Pertua izinkan saya sulam di sana sini sedikit sebanyak dalam bahasa Inggeris, kalau perlu, sebab banyak hujah-hujah yang dikemukakan itu ialah dalam bahasa Inggeris.

Saya rasa usul yang dikemukakan oleh Yang Berhormat Ketua Pembangkang memberi kesempatan kepada kita dalam Dewan ini dan juga kepada rakyat jelata di seluruh negeri sedar bahawa ada keraguan di sini fikiran orang ramai tentang peraturan-peraturan yang telah digezetkan itu. Bagi setengah kita yang tidak begitu faham mengenai undang-undang perlu juga saya tarik perhatian bahawa apa yang ditibangkan ialah bukan Akta atau Undang-undang yang dibuat oleh Dewan Yang Berhormat ini, akan tetapi yang dibincangkan ialah peraturan-peraturan yang dibuat secara administrative oleh pegawai-pegawai Yang Berhormat Menteri atau Kerajaan mahupun berasaskan undang-undang yang telah diluluskan akan tetapi tanpa kebenaran dan persetujuan Dewan ini. Ini satu perkara yang penting dari segi keutuhan Parlimen dan juga berkait dengan undang-undang yang akhirnya semua mesti mengalir daripada pusat kekuasaan di mana wakil-wakil berkumpul di sini.

Saya sendiri sebagai seorang yang selalu mengambil berat berkenaan dengan hak kebebasan asasi, sedikit-sebanyak sama berpendapat dan berfikir dengan usul-usul yang sudah dikemukakan di negeri ini, bukan pada hari ini sahaja Yang Berhormat Ketua Pembangkang, akan tetapi sudah sedar dalam perbincangan yang telah berjalan

khasnya dilingkungan ahli-ahli Undang-undang (members of the Bar) dan sebagainya. Jadi satu element yang kita mesti timbang dengan tenang pada hari ini ialah hakikat adanya perasaan kurang senang apabila peraturan-peraturan ini dikaji dari segi amalan perjalanan undang-undang secara mana yang sudah kita amalkan selama ini yang mana kita telah agung-agungkan.

(*Dengan izin*) In other words, we cannot deny the fact that some of the procedures and some of the methods adopted by these Regulations are not quite in keeping with the type of practices and methods that we have been used to. Ini tidak dapat dinafikan—that cannot be denied.

Tetapi satu lagi elemen yang kita mesti mempertimbangkan ialah sebab-sebabnya timbul perbuatan semacam ini terpaksa kita membuat pertimbangan. Dan on balance kita mesti mengambil kesimpulan samada keadaan yang dihadapi oleh kita demi keselamatan negara (national security) memerlukan peraturan-peraturan ini supaya membolehkan percaraan-dijalankan dan hukuman-hukuman dapat dijatuhkan pada mereka yang dituduh secara undang-undang dan peraturan yang terdapat ini. Atau sebaliknya, kita juga dapat dalam pertimbangan-pertimbangan ini samada setakat ini di mana Parlimen sendiri telah meluluskan undang-undang Internal Security Act yang memberi kuasa kepada pihak pemerintah, bertindak, menangkap dan mengurung orang-orang yang dianggap merbahaya kepada keselamatan negara. Tetapi setakat yang kita tahu, pihak Pembangkang sendiri selalu apabila dapat kesempatan sahaja, mendesak, kenapa orang-orang ini ditahan dan tidak dibicarakan, itu satu pada hemat saya, kita puas hati dengan Internal Security Act ini sebagai satu undang-undang yang diluluskan oleh Parlimen cukup dan lengkap untuk menjaga keselamatan dengan menangkap dan menahan orang tanpa bicara sungguhpun ada ulangkaji (review) dan sebagainya. Kita puas hati setakat itu dan tidak lagi mendesak supaya diadakan percaraan, tetapi kalau kita mendesak juga, barangkali inilah yang timbul, kerana pada reality kepada kejadian yang sebenarnya berlaku di sekeliling masyarakat kita sendiri, kalau rasa malu, malulah. Adalah susah untuk orang ramai tampil kehadapan dengan perasaan berani dan sanggup memberi penerangan. Jangan kata kepada perkara yang besar-besar, yang melibatkan jiwa, tapi kalau motorsikal me-

langgar orang, mereka nampak dan tahu nombornya, tapi apabila diminta menjadi saksi: saya nampak motorsikal sekian-sekian, dan nombor sekian-sekian melanggar orang—tidak mahu. Setakat itupun susah. Jadi apa lagi jikalau hal yang besar-besar yang melibatkan keselamatan diri, ugutan dan sebagainya? Ini satu reality yang kita hadapi.

I share many of the reservations of the learned members of the Bar in this country. I share many of the reservations that have been raised by the Honourable Members of the Opposition. I think they are valid, undeniable. However, the problem we now face is national security. Whether it is sufficiently important and sufficiently demanding that we should be prepared to give the authorities who are burdened with the responsibility to protect our lives and property, to protect our independence and national integrity, our sovereignty, to protect our way of life, a chance, though they do it under rules that we are not happy about?

Saya sebagai seorang diri, sebagai seorang intellectual dan seorang yang mendokong cita-cita kebebasan asasi, saya barangkali tertarik menyokong usul supaya peraturan ini dihapuskan. Akan tetapi, sebaliknya sebagai seorang Ahli Parlimen yang mewakili beribu-ribu rakyat, saya terpaksa pula menanya, berpakat dan berunding serta mendapatkan buah fikiran atau opinion mereka. And on the basis of general consensus of my constituents, I am of the view that the vast majority of the people are concerned more with security, more with their safety. These are simple people who do not know about the niceties about freedom, of the law and all the other things that you and I talk about—perhaps only of their own interest. Other than that they know nothing at all. They want to make sure that the Communists will not take over. They want to make sure that we can stop the Communists from going round shooting at people at random, as they like. They want to make sure our roads and our communications are protected and preserved. They want to make sure that they get the supplies that they have been used to and that they will continue to get them—that they will get their food, vegetables, etc. They want to make sure that they can go about their business without let and hindrance. And on that alone, they will give the Government their support. And I, as their spokesman, therefore, against my own intellectual feelings, feel it is my duty to

express the views of the people, of the vast majority of the people of this country, to give the Government an opportunity to create the kind of conditions that will then make it possible for us to restore the freedoms which we value. In other words, saya percaya bahawa peraturan ini ialah peraturan sementara. Bukan satu Akta atau satu Undang-undang yang kekal yang kita mahu pertahankan selama-lama, akan tetapi satu cara sementara sahaja untuk mengatasi satu keadaan yang tertentu.

Biasanya, bila pihak Pembangkang membawa usul saya hentam kuat-kuat, tetapi kali ini, tidak. Sebaliknya, saya mengucapkan terima kasih kepada pihak Ketua Pembangkang, kerana beliau telah membangkitkan perkara yang tersemat di hati sanubari saya sendiri, dan saya tahu tersemat di hati dan fikiran banyak orang-orang yang berfikir, orang yang mahu mempertahankan kemerdekaan, yang mahu mempertahankan kebebasan dan yang mahu mempertahankan hak-hak asasi manusia. Akan tetapi, saya juga yakin bahawa dengan cara kita membincangkan secara ini pihak yang berkuasa akan berjaga-jaga dalam melaksanakan undang-undang ini dan mengambil perhatian atas teguran-teguran yang telah dikemukakan supaya segala yang kita takutkan itu tidak berlaku. Itu sangat baik.

Keduanya, saya juga percaya pihak sana walaupun tidak selalu secucuk dengan kita dalam perkara mempertahankan negeri ini daripada ancaman kominis, saya percaya mereka itu sama dengan kita, tidak ada reservation.

Dengan itu, saya berharap apabila kita sudah habis berbahas dalam soal ini dan mengemukakan fikiran kita, barangkali Ketua Pembangkang tarik balik usulnya itu supaya dapat kita buktikan; tidak kira Barisan Nasional, tidak kira DAP, tidak kira Pekemas, tetapi semua parti di dalam Parlimen ini menyokong Kerajaan kita, walaupun kita ada reservation dan teguran. Kita memberi peluang kepada Kerajaan melaksanakan Rang Undang-undang ini dengan harapan bahawa segala teguran-teguran yang telah dikemukakan tadi menjadi panduan untuk menjalankan Rang Undang-undang ini supaya tidak akan timbul benda-benda dan kejadian-kejadian yang tidak diinginkan yang telah ditunjukkan dahulu.

5.00 ptg.

Raja Nasron bin Raja Ishak (Kuala Selangor): Tuan Yang di-Pertua, daripada masa saya dapat mengetahui berkenaan dengan usul yang dikemukakan oleh Ahli Yang Berhormat dari Kota Melaka untuk membatalkan Essential (Security Cases) Regulations, 1975 itu, telah mendatangkan satu tanda tanya kepada diri saya. Saya berpendapat bahawa tentu sahaja ada perkara-perkara baru yang hendak dikemukakan oleh beliau, dan saya mengatakan jikalau ada perkara-perkara baru, saya akan bangun menyokong cadangan beliau itu. Tetapi apabila saya dengar hujjah-hujjahnya, saya dapati bahawa perkara-perkara yang saya ramalkan itu tidak ditimbulkan, kerana saya ramalkan beliau akan bangun dengan mengatakan: "Tuan Speaker, saya dengan sukacitanya memaklumkan bahawa semua saki-baki pengkhianat-pengkhianat negara, kominis di dalam hutan itu telah menyerah diri dan dengan itu saya suka meminta supaya Essential (Security Cases) Regulations, 1975 dibatalkan." Saya menganggap begitu, tetapi balik-balik cerita lama juga iaitu cerita hero-nya, Datuk James Wong.

Tuan Yang di-Pertua, kalaulah cerita hero-nya Datuk James Wong ini juga dibawa ke dalam Dewan yang mulia ini, saya suka menyatakan bahawa adakah keselamatan negara lebih penting, ataupun kepentingan Datuk James Wong yang lebih penting? Kita telah melihat bahawa perajurit-perajurit kita, negarawan-negarawan kita, samada pada masa lepas ataupun yang ada sekarang, berkorban bukan sahaja nyawa dan jiwa mereka, tetapi berkorban masa dan perkhidmatan mereka untuk mempertahankan kedaulatan negara ini. Di samping itu ada segelintir kecil James Wong seperti mana yang diperkatakan oleh Ahli Yang Berhormat dari Kota Melaka hendak mempertahankannya, dan tidakkah Ahli Yang Berhormat dari Kota Melaka sedar bahawa kita sekarang menentang musuh-musuh dari golongan yang tidak percaya kepada human rights; kita hendak memperjuangkan human rights, tetapi orang yang hendak mempertahankan ini adalah daripada golongan orang-orang yang tidak percaya kepada human rights. Kita dirasuk oleh orang-orang yang berTuhankan kepada iblis dan syaitan, kita melawan anti-nasional yang tidak menghormati Rules of Law, tetapi sebaliknya kita hendak mempertahankan

orang-orang ini. Kita hendaklah mesti melawan kekerasan dengan cara kekerasan. Kita mesti tentang tipu helah orang-orang yang anti-nasional dengan kecerdikan dan kebijaksanaan kita. Saya percaya Essential (Security Cases) Regulations, 1975 yang ada sekarang adalah senjata-senjata yang boleh menentang orang-orang ini.

Tuan Yang di-Pertua, kalau kita renongkan hujjah-hujjah yang dikemukakan oleh Ahli Yang Berhormat dari Kota Melaka dan rakan-rakannya, kecuali seorang dua, beliau telah menggambarkan seolah-olah Kerajaan kita ini adalah Kerajaan yang zalim, Kerajaan yang sentiasa hendak menangkap orang tanpa bicara untuk dimasukkan ke dalam detention camp atau masuk ke dalam jail. Tetapi sebaliknya semua orang yang tidak ada kes psycho boleh sedar bahawa Kerajaan kita tidak berdiam diri. Contohnya senang sahaja. Di Sarawak misalnya baru-baru ini ada seorang Datuk namanya Datuk Ling ditangkap

Tuan Azahari bin Md. Taib: Ahli Yang Berhormat, saya minta jangan menyebutkan nama orang semasa berucap.

Raja Nasron bin Raja Ishak: Minta maaf, Tuan Yang di-Pertua. Saya fikir hendak buat contoh sahaja, kalau tidak boleh, tidak apalah.

Tuan Yang di-Pertua, ada satu golongan orang di satu tempat di Malaysia ini yang ditangkap kerana satu tuduhan, tetapi sesudah diperiksa itu dan ini orang itu dibebaskan, kerana tidak ada apa-apa kesalahan. Begitu juga Ahli Yang Berhormat dari Kota Melaka sendiri, kalaulah Kerajaan bersikap zalim sebagaimana yang digambarkan oleh beliau maka beliau tidak akan begitu bebas bercakap menentang dan menyampaikan hujjah-hujjahnya seperti mana yang kita dengar di dalam Dewan yang mulia ini pada hari ini dan beberapa kali pada masa yang sudah-sudah. Ini menunjukkan bahawa Kerajaan kita bukanlah satu Kerajaan yang hendak menyalahgunakan Essential (Security Cases) Regulations, 1975, seperti yang dikatakan oleh beliau tadi.

Tuan Yang di-Pertua, undang-undang dibuat oleh kita sendiri, untuk kita supaya sesuai dengan keadaan, masa dan tempat. Disebabkan tempatnya dan masanya memaksa kita mengadakan Essential (Security Cases)

Regulations, 1975 maka kita adakan. Kalau tidaklah dengan adanya undang-undang yang saya sebutkan tadi, saya percaya Kerajaan tidak akan dapat mencontrol keadaan negara kita pada masa ini, sedangkan dengan adanya Undang-undang Essential (Security Cases) Regulations, 1975 itu negara kita berada di dalam keadaan seperti sekarang, dan jika kita sokong usul yang dikemukakan oleh Ahli Yang Berhormat dari Kota Melaka itu maka sudah tentu keadaan negara kita tidak dapat dijaga dan diawasi.

Tuan Yang di-Pertua, jadi saya berdiri di sini untuk menyampaikan hasrat rakyat iaitu kalaulah dibuat banci di kawasan saya, ramai pengundi-pengundi saya menyatakan rasa ketidak puas hati mereka atas undang-undang yang ada sekarang. Sebaliknya mereka meminta supaya Essential (Security Cases) Regulations ini hendaklah diperketatkan lagi supaya hantu, syaitan yang merasuk negara kita ini dapat dihapuskan. Sekarang ini kita masih lagi bertolak-ansur, sungguhpun ada Essential (Security Cases) Regulations, tetapi hendaklah memperketatkan lagi undang-undang sehingga tidak boleh bertolak-ansur lagi. Dan ada sedikit sahaja golongan orang yang kita menganggap bahawa orang-orang ini pengkhianat, maka kita janganlah lagi berfikir dua kali, tangkap dan hantarkan sahaja ke tempat-tempat di mana boleh kita pisahkan pembawa-pembawa kuman yang menjahanamkan masyarakat kita. Itulah sahaja, terima kasih.

Tuan Azahari bin Md. Taib: Ahli-ahli Yang Berhormat, saya suka menarik perhatian berkenaan dengan waktu perbahasan ini. Kita cuma boleh membahaskan sehingga pukul 5.30 petang sahaja kerana kita harus memberi masa 2 ahli lagi—satu orang daripada Menteri untuk menjawab dan yang akhirnya daripada Ahli Yang Berhormat dari Kota Melaka, pembawa usul ini. Jadi, bererti ada 2 Ahli lagi sahaja yang boleh bercakap. Untuk pengetahuan Ahli-ahli Yang Berhormat, kita telah membenarkan 6 Ahli dari pihak Pembangkang bercakap dan 7 Ahli daripada back-benches dan saya akan membenarkan 8 Ahli sahaja daripada pihak Kerajaan. Jadi, 6 Ahli daripada pihak Pembangkang boleh bercakap 7 kali iaitu dua kali Ahli dari Kota Melaka. Ini kerana saya nampak perkara ini kena dibuat begitu rupa kerana cadangan ini datangnya dari pihak Pembangkang. Sekarang saya menjemput dari pihak penyokong Kerajaan seorang sahaja

dan kemudian dari pihak Pembangkang seorang sahaja. Adalah menasabah pihak Pembangkang memilih sesama sendiri, kerana selepas ini seorang lagi sahaja boleh bercakap—(*Ramai Ahli-ahli berdiri*)—nanti dahulu! saya belum habis lagi. Kerana sekurang-kurangnya pihak Menteri yang berkenaan dan pihak Ahli Yang Berhormat dari Kota Melaka tentulah akan mengambil masa yang panjang juga, kalau tidak, kita tidak akan dapat menutup Mesyuarat kita ini pada pukul 6.30 petang hari ini.

5.12 ptg.

Tuan Abdul Jalal bin Haji Abu Bakar (Batu Pahat): Tuan Yang di-Pertua, sebagai sebuah Kerajaan yang bertanggungjawab kepada rakyat memang menjadi kewajipan untuk memperbaiki dan menambah—menokok, peraturan-peraturan terutamanya mengenai keselamatan rakyat dan negara, maka saya percaya dengan tujuan yang tersebut inilah Kerajaan mengadakan Peraturan-peraturan Perlu (Kes-kes Keselamatan), 1975. Tetapi apa yang menghairankan saya perkara-perkara lama juga ditimbulkan oleh pihak Ahli Yang Berhormat dari sebelah sana, kenapa mereka bimbang seolah-olahnya mereka bimbang bayang-bayangkan mereka sendiri.

Sepatutnya memandangkan keadaan keselamatan negara sehingga setengah-setengah rakyat mengatakan bahawa Kerajaan telah terlampau berlembut, terlampau memberi muka pada mereka yang mengganggu keselamatan, mengancam keselamatan rakyat dan kadang-kadang menganggu hak asasi rakyat sepatutnya rakyat boleh hidup dengan senang-lenang tetapi kerana ancaman, keganasan penjahat-penjahat, perosak-perosak keselamatan dan sebagainya, rakyat sentiasa dalam ketakutan. Kita mendengar pada masa-masa yang lalu seolah-olah pihak yang berwajib tidak dapat hendak menghukumkan orang-orang yang bertanggungjawab melakukan ancaman keganasan dan sebagainya, tetapi kita maklum sebagai sebuah negara yang mengamalkan dasar demokrasi, gunakan mahkamah. Kita tidak dapat hendak menghukumkan mereka yang melakukan keganasan dan sebagainya, kerana kita tidak cukup saksi dan sebagainya, maka dengan sebab ini pernah mereka yang sepatutnya dihukum tetapi kita lepaskan. Jadi, dengan adanya Peraturan-peraturan Perlu (Kes-kes Keselamatan), 1975, saksi boleh memberikan ke-

terangannya dengan cara melindungi jiwa mereka. Dan dengan sendirinya kita akan dapat menghukumkan mereka yang menjalankan perkara-perkara seperti yang saya katakan tadi dan ini juga menolong menyejatkan kes-kes terutama perkara-perkara yang dibawa ke mahkamah, kes-kes jenayah dan sebagainya, kadang-kadang berlanjutan dapat menghukumkan mereka yang menjalankan kerana tidak dapat hendak menyejatkan perkara ini kerana tidak ada saksi; kita lepaskan dan kita tahu mereka itu sebenarnya melakukan kesalahan. Jadi kalau perkara yang macam ini ditimbulkan seolah-olah mereka ini hanya mengambil sebelah pihak sahaja.

Begitu juga, Tuan Yang di-Pertua, pihak-pihak yang menjaga keamanan seperti polis dan sebagainya yang patut benar kita memberikan penghargaan, mereka menjalankan tugas dengan penuh didikasi, dengan penuh kepercayaan, taat setia hendak menjaga keamanan, apalah salahnya dari segi amalan yang lalu kita berikan sedikit kemudahan, sedikit kuasa supaya menyejatkan membaras mereka yang tidak bertanggungjawab kepada negara. Jadi kalau perkara yang semacam ini kita timbulkan; perkara-perkara lama sudah barang tentu keamanan dan keselamatan yang menjadi perkara penting mengatasi segala-galanya kita tidak dapat jalankan. Sebagaimana saya katakan tadi dan saya menegaskan sekali lagi sebagai Kerajaan yang bertanggungjawab yang diamanahkan oleh rakyat, kita tidak perlu bimbang untuk menjalankan apa sahaja yang sah dari segi undang-undang untuk hendak mententeramkan keadaan. Kita berdoa semoga dengan adanya peraturan-peraturan ini kita akan dapat mententeramkan keadaan negara kita yang boleh dikatakan sekarang menjadi buah mulut setengah-setengah pihak seolah-olahnya negara kita ini tidak dapat dikawal lagi. Pihak Pembangkang tadi mengatakan dari segi ekonomi, saya percaya dan yakin dengan adanya Peraturan-peraturan Perlu ini keadaan akan dapat bertambah baik dan ini menyakinkan lagi pelabur-pelabur asing yang akan dapat menambahkan lagi ekonomi kita dan yang pentingnya untuk kesejahteraan rakyat dan negara.

Saya pun berasa hairan juga lagi-lagi hak asasi manusia yang mereka timbulkan seolah-olahnya Kerajaan kita ataupun pihak yang berwajib yang kita berikan kuasa selama ini menggunakan kuasa sewenang-wenang.

Kita patut memikirkan hak asasi kepada rakyat supaya hidup dalam aman, tenteram, tidak ada bimbang dan dengan cara ini kita dapat menimbulkan sebuah masyarakat yang adil, yang makmur, yang damai, tidak berasa takut-takut, samada untuk menjadi saksi dalam mahkamah-mahkamah dan sebagainya.

Saya dengan ini adalah menentang cadangan Yang Berhormat dari Kota Melaka tadi. Yang sebenarnya, Ahli Yang Berhormat dari Kota Melaka ini rakan saya, beliau orang Batu Pahat, saya tahu. Saya berfikir dahulu saya bertanding melawan Yang Berhormat ini, tetapi Yang Berhormat ini lari ke Melaka pula. Walau bagaimanapun, saya harap kepada rakan-rakan Yang Berhormat dari sebelah sana gunakanlah masa yang emas ini dengan perkara-perkara yang lebih penting lagi.

Sebagaimana kata rakan saya dari Kuala Selangor tadi, sepatutnya memandangkan keadaan negara seperti ini undang-undang ini diperketatkan lagi hingga dapat membasmi mereka yang telah dan mungkin akan meneruskan kejahatan-kejahatan dengan tujuan hendak menghuru-harakan negara ini. Dengan cara ini mungkin mereka hendak memberi peluang pada satu pihak yang lain menggunakan keadaan yang tidak aman kita untuk satu tujuan yang lain.

Tuan Yang di-Pertua, saya rasa saya tidak hendak bercakap panjang dan sekali lagi saya menegaskan bahawa kami Ahli-ahli pihak Kerajaan mempunyai fikiran juga, mempunyai kepala seperti mana Ahli-ahli yang di sebelah sana dan kita telah memikirkan dengan semasak-masaknya. Bukanlah kami hanya menyokong dengan membuta-tuli atau sebagainya. Hormatilah kami. Kami mewakili beribu-ribu rakyat yang telah diberi peluang dengan secara adil, tidak ada siapa yang boleh menafikan pilihanraya itu bukan sahaja pilihanraya 1974 bahkan sejak tahun 1955 dahulu lagi rakyat tahu memilih Kerajaan yang lebih sesuai dan layak memerintah negara ini.

Sekianlah sahaja, Tuan Yang di-Pertua, saya sekali lagi menegaskan bahawa saya menentang kuat usul ini.

5.20 ptg.

Tuan Chian Heng Kai (Batu Gajah): Tuan Yang di-Pertua, saya menyokong dengan sepenuhnya dan juga menyeru kepada semua

Ahli-ahli Parlimen yang bertanggungjawab menyokong usul yang dikemukakan oleh rakan saya Ahli Yang Berhormat dari Kota Melaka untuk membatalkan Peraturan-peraturan Perlu (Kes-kes Keselamatan), 1975.

Sebagaimana yang kita ketahui, Peraturan-peraturan Perlu (Kes-kes Keselamatan), 1975 adalah bertentangan dengan dasar Kerajaan iaitu dasar untuk mengambil hati dan fikiran orangramai. Sebenarnya, perlaksanaan Peraturan-peraturan Perlu (Kes-kes Keselamatan), 1975 ini bukan sahaja kepercayaan rakyat kita hilang bahkan akan menukarkan negara kita sebagai sebuah negara polis merampas hak-hak asasi manusia. Saya hendak memberi amaran kepada Kerajaan Barisan Nasional bahawa menjalankan peraturan-peraturan yang tengkis ini tidak akan memulihkan keadaan kacau-bilau sekarang yang mana diwarisi oleh dasar-dasar Kerajaan Barisan Nasional yang tidak adil. Saya berharap Kerajaan memandang berat kebijaksanaan rakyat oleh kerana di dalam sejarah dunia tidak ada sebuah negara yang boleh tahan lama yang mana negara itu menjalankan dasar yang tengkis terhadap rakyatnya. Dasarnya yang lagi tengkis, kuasanya lagi pendek.

Tuan Yang di-Pertua, sekiranya peraturan-peraturan ini tidak dibatalkan kita boleh meramalkan bahawa peraturan-peraturan yang lebih tengkis akan dilaksanakan sehingga memberi kuasa kepada pihak yang berkenaan untuk menembak mati orang-orang yang dianggap anasir-anasir anti-nasional atau subersif yang kemudiannya keluarga si mati barulah berpeluang membuktikan yang si mati itu bukan anasir-anasir anti-nasional atau subersif.

Akhirnya, Tuan Yang di-Pertua, untuk kepentingan rakyat dan negara, saya menyeru "Kerajaan Barisan Nasional yang bodoh" ini menerima usul parti kami dan membatalkan Peraturan-peraturan Perlu (Kes-kes Keselamatan), 1975 ini.

Tuan Azahari bin Md. Taib: Saya jempuit Yang Berhormat Menteri menjawab.

5.22 ptg.

Menteri Hal Ehwal Dalam Negeri (Tan Sri Haji Muhammad Ghazali bin Shafie): Tuan Yang di-Pertua, saya minta izin bersama-sama dengan saudara saya bercakap sedikit mengambil masa dalam masa lima

atau sepuluh minit kerana saya sangat takjub dan hairan mendengar Ahli Yang Berhormat dari Kota Melaka seolah-olah negara kita ini aman, damai dan tenteram. Seolah-olah beliau tidak pernah mendengar bahawa 17 orang polis China yang ditembak dan tidak dapat dibawa bicara orang yang ditangkap itu kerana tidak cukup saksi dan takut. Seolah-olah beliau tidak mendengar hari-hari askar kita yang di dalam hutan berbatalion, bukan satu atau dua batalion bahkan lapan hingga sembilan batalion menjaga keamanan negara. Seolah-olah tidak mengetahui bahawa the struggle of the Communist is a protracted struggle—tidak habis pada tahun 1960 dahulu. Seolah-olah tidak mengetahui bahawa beliau boleh bercakap dengan sewenang-wenang di sini kerana adanya orang kita menjaga keamanan. Jadi, saya bangun kerana takjub.

Sepatutnya kalau saya ada kesempatan membuat satu motion memotong \$1 gaji Ketua Pembangkang, hari ini saya buat (*Ahli-ahli: Sokong*) kerana bercakap seolah-olah kita membawa soal human rights. Memang human rights yang kita pertahankan. Human rights kita yang kita pertahankan dengan undang-undang ini. Adakah kita lupa yang Tan Sri Koo mati. Apakah Tan Sri Koo tidak mempunyai human rights yang beliau mesti hidup? Beliau pun mempunyai human rights untuk hidup juga. Puan Sri Koo ada juga human rightsnya mesti beliau mempunyai seorang husband dan anak Tan Sri Koo mempunyai human rights yang mesti mempunyai ayahnya. Human rights inilah yang kita pertahankan dengan undang-undang ini. Dan undang-undang ini bukan baru cara ini. Semasa emergency dahulupun kita ada membuat berbagai-bagai undang-undang dan tidak ada satu masa dan incident, satu instance pun yang dibawa oleh Ahli Yang Berhormat dari Kota Melaka bahawa there has been an abuse of power, bahkan oleh sebab adanya undang-undang ini maka kita dapat mententeramkan seberapa daya-upaya kita. Pergolakan kominis bukannya nasional. Kominis ini international communism yang kita mesti mempunyai segala tenaga untuk membasmi dan mempertahankannya. Jadi, saya memberi setinggi-tinggi hormat dan segala penghargaan kepada semua askar-askar dan polis kita yang berjuang. Mati salah seorang daripada mereka bermakna sedikit kita mati. Gugur seorang bermakna sedikit kita cedera. Ini mesti kita rasa dalam hati. Adakah kita di sini mengatakan

menentang undang-undang untuk menyelamatkan negara dan sia-sia pengorbanan mereka semua? Soal ini yang saya katakan saya takjub. Saya hairan seolah-olah tidak faham bahawa kita di dalam keadaan begini. They say, "Love thy neighbour, love thy enemy." But your neighbour and enemy may be the same people. Ini yang susah. Jadi, kalau tidak ada undang-undang bagaimana kita boleh mempertahankan keamanan, bagaimana kita boleh mempertahankan demokrasi. Kita bercakap berkenaan demokrasi dan democratic rights. Saya boleh membuat satu cerita di sini.

Pada tahun 1958 dahulu seorang pegawai tinggi dari Indonesia datang. Dia kata: "Ghazali, awak kata awak demokrasi, mengapa tidak diizinkan kominis di sini?" Saya menjawab: "Bapak tengok, padang di depan Selangor Club sana". Kalau kita pergi ke kelab tersebut pada pukul 5 petang, kita akan melihat orang memakai baju belang-belang, berseluar pendek dan memakai boot. Tanya kepadanya, awak hendak ke mana? Mereka menjawab, saya hendak main bola. Tetapi kita hendaklah awasi halus-halus, adakah mereka pergi ke padang tersebut atau padang mana? Kalau mereka pergi ke padang tersebut yang golnya mendongak ke atas dan palangnya di tengah-tengah, bolanya bujur dan 15 orang di sebelah. Kalau di sebelah sini berlainan pula golnya. Bolanya bulat dan 11 orang di sebelah, tetapi pakaiannya sama. Bercakap main bola. Inilah demokrasi. Kalau sekiranya orang yang main bola bulat itu tadi, dia memegang bola dan dibawa lari, selain daripada goalkeeper, Tuan Yang Dipertua, tentu tahu referee meniupkan foul, tidak boleh. Dia main bola foul, jadi dia bertanya, apa sebabnya saya tidak boleh. Itu foul, awak tidak boleh pegang. Saya main bola. Orang itu main bola dan dia boleh bawa dan pegang bola. Itu main rugby dan soccer. Kata awak hendak main bola dan hendak pegang bola, pergilah bermain di padang sana. Inilah pointnya cara hidup kita ini lain dengan orang itu, janganlah biarkan orang itu menggunakan undang-undang kita untuk membasmi undang-undang kita akhirnya kelak. Jangan kita menggunakan perkataan demokrasi untuk membatalkan dan membasmi demokrasi. Akhirnya, orang Indonesia yang saya katakan tadi nyaris-nyaris dibunuh oleh kominis yang beliau berpendapat kominis patut diizinkan hari ini. Inilah pointnya, saya takjub dan hairan. Mengapa seorang yang bertanggungjawab seperti Ahli

Yang Berhormat dari Kota Melaka dan rakan-rakannya membangkang. Membangkang mengapa undang-undang sekarang tidak boleh dibawa kepada Privy Council. Kita mesti membawanya kepada Privy Council, tetapi beliau juga yang bercakap hendak merdeka daripada Inggeris. Bukankah begitu? Mengapa beliau menyuruh kita bergayut kepada Privy Council di London itu? Ini hairan dan takjub. Jadi hari ini hari takjub (*Ketawa*) membawa kehairanan seolah-olah kita tidak faham kenyataan yang ada di sekeliling kita.

Ahli Yang Berhormat itu menyatakan bahawa ada satu kejadian Polis memukul orang, kononnya, selepas itu dia mengadu dan macam-macam kejadian. Bukankah cerita itu yang sebetul-betulnya menegakkan lagi keadilan di dalam negara, menegakkan lagi bahawa kita ada rule of law. Kalau kita tidak ada rule of law, cakap Ahli Yang Berhormat sendiri tak laku. Oleh sebab ada rule of law inilah cakap Ahli Yang Berhormat dari Kota Melaka laku. Itu saya beri jaminan. Kalau tidak ada rule of law, cakap Yang Berhormat tidak laku, kalau beliau pergi mengadu kepada Polis, Polis tidak dengar. Tetapi tidak, pengaduan Ahli Yang Berhormat itu diterima, beliau juga yang bercerita. Jadi, apa yang kita takutkan?

Mengenai soal abuse of power itu tidak usahlah khuatirkan. Dahulu kita diperintah oleh National Operations Council (NOC). Adakah dalam NOC itu kita abuse of power. Yang Amat Berhormat Tun Abdul Razak memegang kuasa yang absolute, tetapi di dalam tempoh tidak beberapa bulan sahaja beliau menyerahkan kuasa kepada semua rakyat. Inikah yang kita khuatirkan? Inilah saya minta perhatian berat daripada Ahli Yang Berhormat daripada Kota Melaka timbanglah dengan sebaik-baiknya. Kita ini di dalam keadaan begini, yang kita mesti mempertahankan kemerdekaan kita, kita mempertahankan demokrasi yang kita faham. Demokrasi orang lain itu kita tidak faham, tetapi demokrasi kita yang kita faham—demokrasi yang boleh mengizinkan Ahli Yang Berhormat dari Kota Melaka bercakap, yang boleh mengizinkan semua orang bercakap di sini, dan bukan sahaja di sini, tetapi juga di luar. Kalau tidak sudah lama Ahli Yang Berhormat dari Kota Melaka itu kena tangkap. Ini proof of our democracy. Jadi, inilah sahaja, Tuan Yang di-Pertua.

5.32 ptg.

Menteri Undang-undang dan Peguam Negara (Tan Sri Abdul Kadir bin Yusof): Tuan Yang di-Pertua, saya bangun menentang usul yang dibawa oleh Ahli Yang Berhormat dari Kota Melaka.

Usul ini adalah terang dan nyata kepada negara kita yang Kerajaan kita tidak takut memberi peluang kepada pihak Pembangkang dan juga Ahli-ahli Yang Berhormat yang lain membahaskan satu undang-undang yang digelarkan Peraturan-peraturan Perlu (Keskes Keselamatan), 1975 yang dibuat di bawah Ordinan Darurat masa Parlimen tidak bersidang dahulu dan mengikut Perlembagaan dan Undang-undang, Peraturan-peraturan ini adalah sah di sisi Undang-undang dan tidak payahlah lagi di bawa dalam Parlimen atau diluluskan dalam Parlimen. Tetapi walau bagaimanapun, Kerajaan tidak bimbang hendak membawa perkara ini dalam Parlimen, kerana hendak menunaikan kehendak Ahli Yang Berhormat pihak Pembangkang dari Kota Melaka dan menunjukkan negara kita ini ada demokrasi. Kerajaan tidak bimbang bila masa juapun membawa apa-apa undang-undang jua pun walau peraturan-peraturan yang dibuat di bawah Ordinan Darurat untuk dibahaskan dalam Parlimen. Saya percaya kalau sekiranya Peraturan-peraturan itu dibuat masa Parlimen ini bersidang, kita akan bawa dalam Parlimen dan digelarkan dia bukan Peraturan-peraturan Perlu (Keskes Keselamatan), tetapi digelarkan Ordinan. Tetapi dengan adanya perkara ini dibahaskan dalam Parlimen dan kita mendapatkan keputusan Parlimen, saya fikir ini lebih baik dan akan menguatkan lagi langkah-langkah Kerajaan yang telah dibuat di luar Parlimen. Oleh itu, kita mengucapkan terima kasih kepada Ahli Yang Berhormat dari Kota Melaka yang membawa perkara ini supaya diluluskan dalam Parlimen pula.

Yang pertamanya, biarlah saya mula menjawab dari segi legal aspect, izinkan saya, Tuan Yang di-Pertua, menjawab dalam bahasa Inggeris kepada Ahli Yang Berhormat dari Kota Melaka mengenai perkara-perkara yang dibangkitkan tadi.

(*Dengan izin*) The first point I want to reply is the question raised by Yang Berhormat dari Kota Melaka that the principle that a man is innocent until he is proved to be guilty has been set aside. This is

incorrect in my view. The prosecution will begin the case under the Emergency and tender all the evidence against the accused. The court is required to decide on the innocence or guilt of the accused after hearing all the evidence from both sides. Thus the accused is presumed to be innocent until he is proved to be guilty, proven to the court by the evidence produced before the court both by the prosecution and by the defence. Although this is a big amendment in the procedure for the trial, the principles still remain unaffected. It is heard by a Judge and he will consider the whole evidence before him and if he is satisfied that the guilt of the accused is beyond reasonable doubt, then only he will commit the accused; otherwise he will acquit the accused. And if he is convicted there is a chance by the accused to appeal and go before the Federal Court to be heard by three Judges. Again, there is a chance for him to argue his case and even if his appeal is rejected, there is another tier, another safeguard, by which he can appeal to the Yang di-Pertuan Agong. Here the appeal to the Yang di-Pertuan Agong is not so much probably on the law but on the facts as produced and the recommendations of the Judges and whichever is the Committee or Board which advises the Yang di-Pertuan Agong. We will go through very carefully all the facts; if the accused is sentenced to death, whether he should be sentenced to death or to commute to life imprisonment or to a lesser sentence. It depends on the nature of the case and the whole circumstances of it. So there are ample safeguards throughout the trial of these cases.

As regards the point raised by him that the new Regulation 27 provides for the imprisonment of the accused pending an appeal against his acquittal, I want to answer on this point. There is nothing new in this provision. It is similar to Section 315 of the present Criminal Procedure Code (F.M.S.) except that the power is with the Court against whose decision the appeal is made instead of the High Court. I will read it, Section 315 of the Criminal Procedure Code reads "When an appeal is presented against an acquittal a Judge may issue a warrant directing that the accused be arrested and brought before him, and may commit him to prison pending the disposal of the appeal or admit him to bail". So there is nothing new in that Regulation. There is already a similar provision in the

Criminal Procedure Code where even if an accused has been acquitted, a judge can order a warrant to arrest him and commit him to prison pending the result of the appeal, or permit him bail.

The third point, he said, is that the Attorney-General is empowered to give a certificate on a security case. On this point, I would like to remind him that the 1948 and 1964 Emergency Regulations had a more severe provision enabling a Deputy Public Prosecutor to give such a certificate for the trial of any accused to be tried under the Emergency. Now, we have amended it. At first, it was the Public Prosecutor. If the term "Public Prosecutor" is used, that means any Deputy Public Prosecutor can give a certificate. But we feel that since there are so many D.P.P.s, it would be very hard for the Attorney-General to control them. So now we give this power to the Attorney-General personally and I am personally responsible for this. I can assure this House that even up to now there are one or two cases which have been brought before me. I studied them very carefully and I rejected them. "No", I said, "it is not under this." I did not sign it because I know I am not only answerable to this House but being a Muslim, I am answerable, after death, to Allah the Almighty of what I decide.

One Honourable Member did mention "We have trust in this Attorney-General, but what happens in the future". I remind you again that the Prime Minister has said, that these are Emergency Regulations to meet the present circumstances. At any time, if there is more peace and if there is less attack in the urban areas, we assure you that we will repeal these Regulations. This is a temporary measure and it will not be for ever and it will not be used for the future. But even if it is repealed, anyone who is in power afterwards, whatever Government, even if the Opposition is in power, there is provision under the Constitution that during an emergency, you can pass any law, any written law against the provisions in the Constitution, except for one or two matters—on religion, nationality and language, I think—but other than that even against human rights you can pass any law. But we did not go so far. You accuse the Government for example, with the abuse of power. In 1969, when the National Operations Council was ruling this country for 1½ years

there was no Parliament. All the powers were in the hands of our present Prime Minister at that time. We could have done what we liked. But what did we do? Did we abuse the power for one and a half years when there was no Parliament? We did not do anything. In fact, we were anxious that Parliament should return and given back the power to rule this country. We had been given more power than any one else, almost dictatorial power in the hands of one person, and we never abused it. There is a clear example. What is worrying really about these Regulations is trust—whether this House will trust the Government, or the rakyat jelata, the people in this country, will trust the Government, and those in power whether they will implement this power justly or abuse it. We can assure you that this Government has been in power since independence up to now and compared to all other countries in Asia and all around us, thank God, at least we have a democratic form of Government up to now. This I can say is because we have the Emergency Regulations and we have certain laws which protect our democratic form of Government.

So, although we have very wide powers under the Emergency, we in the Government are a responsible Government, responsible to the rakyat, responsible to the people and responsible to the world. We will see to it that we do not abuse it; we will use it only where necessary to preserve democracy and the liberty of the people.

The next point raised is that the evidence can be given where the identity of the witness is concealed from the accused—it is Regulation 19. Regulation 19 (2) provides strong safeguards requiring that the court shall hold an inquiry to satisfy itself that resort to the regulation is really necessary. You can read the regulation. Not in every case—if the prosecution wants a case where the identity of the witness is not to be disclosed. I will read it:

“(2) For the purpose of satisfying itself as to the need to follow this procedure of recording evidence under this regulation, the court shall hold an inquiry in camera by asking the witness concerned or any other witness in the absence of the accused and his counsel.”

(3) If after such inquiry the court is satisfied as aforesaid, the evidence of such witness as aforesaid shall be given in camera

and in addition thereto he shall give evidence in such manner as shall not be visible to the accused or his counsel.”.

The court shall make inquiry first to be satisfied why his identity should not be known. Here I am going to give out, which I never told anyone, of a real experience in my life regarding the identity of a witness. I am partly responsible for putting up this provision because when I was in Ipoh in 1957—the Emergency was still very strong then—I was Chairman of the Committee of Review at that time. Unfortunately, in one case a man was detained and appeared before me for an order for continued detention, for supplying foodstuffs to the communists on the border of an estate. He appeared before me and there was a counsel—I would not mention the name—but witnesses were not called, we read all only from the report of the Police. But both the detainee and the counsel insisted on the name of the person who saw him giving rice to that communist on the edge of the estate. I realised the danger, and I told the persons with me who were assessors at that time. We refused to give the name, but they insisted and they accused the Police of manufacturing that evidence. We did mention the district, but they were not satisfied. We did mention the month, but they were still not satisfied. They wanted the name. But we did mention, as I said, the date and the place—that is all. And we committed. I could not sleep that night remembering, because the detainee was there and he must have known. I must have made a mistake. It was true he was detained, but I was sure he sent information outside because when he gave the rice to the communist, he saw that rubber tapper seeing him. What happened? Two months later that man and his family were all wiped out. Up to now I can never forget it in my conscience. That is an example.

Do you expect people to give evidence, for example, of seeing hand grenades being thrown that day in Kuala Lumpur where two died and 45 persons were badly injured? Did any one of you go to the hospital and see what happened to these people? It was like a butcher's shop. It is that case that prompted us. The Government was very reluctant to pass this law. But we found one by one our people, the Security Forces, especially the Chinese police detectives and others, who are very loyal to the Government, although they can resign if they want to but remain loyal

to this country, one by one in the urban areas, in the towns, are being killed and shot. No one came forward up to now because they were afraid of reprisal. I know because I met some of them who said, "Tan Sri, if we give evidence and if you give us \$50,000 even if we go to Hongkong or any other parts of the world, they will come for us".

This is the type of people we are dealing with. The Security Forces have given away their lives—the Army, the Police—by fighting in the jungle. Now they come to town. One by one they are being killed and they are waiting for justice. They could not get justice. That is why my Solicitor-General said, "Now justice is on trial". But the people are really worried as to what has happened to this country. What kind of justice is it? The Security Forces are watching us all the time. One by one their members have been killed and they cannot get one even and if we arrest one or two of them and put them on trial they will be acquitted. If this goes on, what confidence will the Security Forces have in the Government and the people of this country? I do not know what will happen. This is a point I am going to stress. With this new Regulation, at least it gives confidence to those young men who give away their lives to defend this country. At least they say, if we get one or two, bring them to trial, and if they are really guilty, make sure that they are sentenced properly. This, I call, is justice on trial. What worries me is that the people will have no more confidence in the justice of this country if this is allowed to go on. I want to stress here again this law which you all speak so much against, is only for a few cases under the Internal Security Act and not for other cases.

Undang-undang yang ada sebagaimana biasa bagi orang awam berjalan sebagaimana biasa, itu pun berapa banyak lebih daripada 50 peratus yang kita tahu salahpun buang kes juga. Saya terangkan di sini, terang-terang orang itu bersalah, saya selalu menjadi Pendakwa Raya, terang dan nyata dia mengaku membunuh tetapi apakala dibicarakan tiga witnesses atau saksi tidak mengikut apa yang dicakapkannya pada mula dia nampak orang itu menikam, katanya, saya tidak nampak, tidak nampak. Orang itu terpaksa dilepaskan—(*ketawa*). Dia tahu orang itu yang membunuh, semua orang nampak tetapi oleh kerana seorang saksi kata tidak nampak, terpaksa saya tangkap dia, hukum dia bawa

ke Juri, tiga bulan jel. Tidak mengapa, katanya kerana orang yang dituduh itu ialah saudaranya telah mengugut: Kalau engkau cagak, engkau nampak, apa akan jadi pada masa akan datang kepada anak dan isteri engkau? Ini banyak berlaku. Saya tidak tahulah perkara yang akan datang. Tiba-tiba saksi terbalik kot. Kalau dia masuk jel tiga bulan tidak apa, kerana orang yang dituduh akan membayar saguhati kepada orang yang menanggung anak isterinya. Ini kes biasa, bukan kes kominis, bukan emergency; berapa banyak yang dibuang kes. As one learned Judge in England said, "Why are there so many crimes now being committed?" Why? Not like before. The reason is because the law which we have at present is more on the side of the criminals rather than on people's security. This is the whole trouble. And here, even if our present law is more in favour of the criminals, we did not tamper with it. We are dealing with the Communist agents and the Communists themselves who come into the town areas and start killing people here, especially the Security Forces, and very few people have come forward to give evidence. And, up to now, as I have told you, there is only one charge pending now in Trengganu under the Emergency Regulations—up to now. But there is this hue and cry from the Opposition of "Where is liberty?", "Where is hak asasi?".

As regards whether this is constitutional or not constitutional, this case has been tested in the Court many times before and we are willing at any time if any Opposition Member or anyone of the rakyat wishes to challenge this again in the Court. We will let the Court decide whether our Regulations, our Peraturan, are really constitutional or unconstitutional.

I would like to quote here the Judgement of Lee Hun Hoe, Chief Justice of Borneo, in a case in 1974—the Government of Malaysia vs Mahan Singh—because it concerns the Emergency Regulations, and some of it are relevant here. He says:

"Article 150 gives His Majesty wide powers, so wide that he could, in the interest of the nation, during Emergency, act as he thought fit. This is the most important aspect of the matter—the interest of the nation comes first. This is the law of the civil or State necessity, which forms part of the Common Law and which every written constitution of all civilised states take for granted.

The reason underlying the law of necessity was aptly put by Cromwell."

I think everyone knows Cromwell, and this is what Cromwell said:

"If nothing could be done by what is according to law the throat of the nation might be cut while we send for someone to make law."

In a case called "Ronfelt vs Phillips and Others", the Lord Justice observed, and this is what he said:

"In time of war there must be some modifications in the interest of the State. It had been said that war could not be conducted on the principle of the 'Sermon on the Mount'. It might also be said that war, including emergency, could not be carried on according to the principles of the *Magna Carta*."

Sir, we are dealing with unscrupulous people who do not care for the law, who probably at this moment, three or four of them, decide somewhere, not far from this city, to kill this person or that person and you will find out that tomorrow night they will come and execute what they have decided—come to the city and kill one person. This is their law and we cannot get them. And you are trying to object to the Regulations which we put up, which we consider quite fair in the circumstances, because we feel that this is one of the method by which we can deal with these people. But if this fails, I do not know what will happen to this country.

Now you speak about winning the hearts and minds of the people as being more important. That is true, but you must remember that we are fighting against the Communists and some of the people living in this country have already made up their minds in favour of the Communists. We want to win the hearts and minds of the people by way of improvements and development, but to some of these people even if you stack sacks and sacks of gold before them—but they will not be satisfied. They will not change their minds about their ideology. They believe in their ideology. Whatever the Government does in their new villages—build even golden houses, golden bridges, etc.—they will not change their minds. When they are already imbibed with their ideology, nothing will change their minds—in spite of

what the Government has done. But the Government has done a lot of development since Independence up to now. People's lives have been improved, our economy has been improved, and education has been improved. We have done almost everything. But development takes times. However, in the meantime the Communists try to disrupt our development by instilling fear into the people, by killing the people at random, so that we find it very difficult to deal with them, because they know that with such present laws, even if they are arrested, we can never convict them.

Kita sepatutnya pada hari ini mengenangkan jiwa-jiwa yang telah diambil oleh Tuhan dengan dibunuh oleh kominis-kominis ini, sepatutnya kita mengenangkan jasa ahli-ahli Security Forces yang telah meninggalkan anak isteri berbulan-bulan di sempadan Thailand sana dan kita membantu mereka itu sedikit sahaja dengan membuat satu Undang-undang sedikit perbezaannya tentang percabaran daripada Undang-undang biasa. Ini yang ditentang sangat oleh pihak Pembangkang mengatakan liberty dan hak asasi rakyat jelata semuanya sudah habis. Saya mengatakan dengan terang di sini Undang-undang ini telah mendapat sokongan ramai daripada rakyat jelata. Saya berani berkata demikian walaupun pihak Pembangkang bimbang tadi, tetapi kita sedar sebagai pihak yang memerintah dan negeri kita negeri demokrasi, sebagaimana saya kata tadi dalam masa masa empat tahun lagi kita akan mengadakan pilihanraya sekali lagi, masa itu rakyat jelata akan menimbangkan samada dengan Undang-undang yang kita buat ini menyalahkan Kerajaan, tidak hendak memilihnya lagi, hendak memilih pihak Pembangkang atau tidak. Saya percaya apa yang kita buat kebanyakan rakyat yang taat setia kepada negara yang bencikan kepada kominis dan ejen-ejennya akan menyokong kita, melainkan pihak-pihak yang menyebelahi mereka itu sahaja yang berjuang melaung-laungkan mengatakan Undang-undang ini akan merosakkan kepercayaan rakyat, akan merosakkan hak asasi mereka itu. Barangkali, maaf saya, ada di antara yang bimbang, oleh sebab itu dia buat baik siang-siang, bimbangkan keselamatan negara ini dan bimbangkan pada satu masa kelak mereka itu akan memerintah negeri ini, mereka buat jasa daripada sekarang, saya tidak tahulah.

Berkenaan dengan Bar Council, saya telah bercakap di akhir penutup Conference of Magistrates kelmarin kepada ahli-ahli Bar berkenaan dengan undang-undang ini dan saya memberitahu mereka itu boleh memberi pandangan-pandangan dan kita sedia menerimanya. Sungguhpun setengah daripada undang-undang walau apapun undang-undang kita tidak merujuk kepada Bar Council—kepada peguam-peguam tetapi selepas undang-undang itu diluluskan ada pula pandangan-pandangan diberi kepada kita dan kepada pihak Kerajaan sekiranya menasabah kita sedia menimbangkannya sebagaimana yang kita buat pada kali ini, dengan sebab presentationnya, kita banyak membawa perubahan-perubahan kepada peraturan mesyuarat yang telah diluluskan dahulu dan kita buat pindaan-pindaan yang menasabah. Sekiranya pada masa akan datang ini juga tidak puas hati dan berkehendakkan pindaan lagi, Kerajaan akan bersedia memindanya sekiranya ada peraturan-peraturan ini tidak sesuai pada masa akan datang. Saya mintalah kepada semua Ahli-ahli Yang Berhormat memikirkan dengan sehalus-halusnya sebelum membuat keputusan samada usul itu hendak diterima atau ditolak.

Saya suka memberitahu di sini, iaitu saya percaya rakyat jelata kalau tidak 100%, 99% ada di belakang kita. Semenjak peraturan ini dibuat saya telah menjelajah ke beberapa tempat dan saya dimarah oleh orang-orang yang saya temui, katanya: "Tan Sri, sudah lambat membuat undang-undang ini, sepatutnya sudah ada lama dahulu." Beginilah kebanyakan report yang ada. Baharu-baharu ini saya dapat kenyataan (report) lagi daripada orang ramai yang mengatakan, "Undang-undang ini payah, mengapa Tan Sri bila sudah ditangkap orang yang ada pistol buat apa bawa balik dan dibicarakan lagi, tembak sahajalah bila tidak ada lesen." Beginilah kehendak mereka. Itulah yang saya katakan "Justice on trial". Kalau rakyat jelata semua esok berkehendakkan begini apa fikiran pihak Pembangkang. Baharu sedikit sahaja undang-undang yang kita betulkan, dia kata tidak ada hak asasi pada hal negeri ini boleh jadi macam-macam cara pemerintahan undang-undang di masa akan datang. Boleh jadi satu masa kelak undang-undang negeri kita dijalankan mengikut Undang-undang Islam, apa pula kata pihak Pembangkang nanti. Undang-undang ini mesti diubah dari satu masa ke satu masa

mengikut kehendak rakyat, mengikut keadaan dalam negeri itu. Undang-undang yang beku sahaja tidak ada faedah kepada negara, tidak ada gunanya. Bila tidak ada guna undang-undang itu, ada penuh human rights mengikut negeri tamadun kononnya, tetapi kalau tidak ada guna, tidak ada keselamatan kepada negara, tidak guna kepada rakyat dan tidak guna undang-undang itu. Rakyat memandang kepada undang-undang itu apa kegunaannya, apa kebbaikannya kepada negara dan kepada mereka itu bukan kepada cantiknya undang-undang itu mengikut Magna Carta, Human Rights dan lain-lain lagi.

Tuan Yang di-Pertua, saya fikir had itulah sahaja.

Tuan Yang di-Pertua: Ahli Yang Berhormat dari Kota Melaka, kalau hendak jawab, bolehlah menjawab, tetapi saya minta supaya jangan panjang-panjang sangat.

6.04 ptg.

Tuan Lim Kit Siang: Tuan Yang di-Pertua, terlebih dahulu saya hendak mengucapkan terima kasih kepada semua Ahli-ahli Yang Berhormat yang telah mengambil bahagian dalam perbahasan mengenai usul ini, khasnya kepada Ahli-ahli Yang Berhormat yang menyokong. Saya telah mendengar dengan teliti hujjah-hujjah yang telah dikemukakan dan saya rasa soalan yang dikemukakan oleh Ahli Yang Berhormat dari Kanowit tidak mendapat satu jawapan yang memuaskan hati.

Saya minta izin menyambung ucapan saya dalam bahasa Inggeris.

(Dengan izin) I wish first, Tuan Speaker, to refer to the remarks made by the Honourable Minister of Home Affairs and then to the Honourable Minister of Law. Of course, I appreciate that it still stings him—because of my \$10-cut Motion, he wants to cut \$1 from the allowance of Ketua Pembangkang. I can say he is any time welcome and next year he can do it and I may even support him, because I have a lot of things to say about the office and facilities provided for the Ketua Pembangkang.

As the Honourable Member for Kanowit has said, by moving this Motion, we are not supporting the insurgent forces. We are reflecting the concern of the people outside

this House, that these very wide and untrammelled powers vested in the hands of the Government are very susceptible to abuse.

The Honourable Minister of Home Affairs mentioned about human rights—whether there are no human rights for the late Tan Sri Koo, the Chief Police Officer of Perak and Puan Sri Koo and the children. The question is whether these laws are going to help the Government to arrest the persons who killed Tan Sri Koo or whether these laws are going to implicate innocent people who are not in any way involved in the killing. The clarifications that have been advanced by the two Honourable Ministers have not been able to allay anxiety and fear that there are no safeguards to prevent the innocent from being implicated, harassed and persecuted.

The Honourable Minister said that I could only mention one instance of abuse of power, but I have mentioned three and I could mention a whole catalogue of more instances of abuse of power. He said that the very fact that, in the case of the Tangkak lorry driver—he was brutally assaulted by the Police and he lodged a report—that he could lodge a report shows that there is Rule of Law in this country. Probably that is his concept of the Rule of Law—that so long as a person can go to the Police and lodge a report, there is Rule of Law, although no action is taken, although his report is ignored and although his report is completely thrown into the wastepaper basket. It is his Rule of Law. It is not my Rule of Law and I am sure it is not the Rule of Law the overwhelming majority of right thinking Malaysians want to have.

He said that there is Parliamentary democracy because we are allowed to speak here; and many Members from the Government side said that the very fact that I am allowed to move a Motion and speak on it shows that there is democracy. I thank the Government for agreeing to schedule a day for this debate, for this very vital matter not for us alone, not for the Opposition but for the Government, for the country. But let it not be thought, just because Opposition Members can stand up in this House and talk, because Opposition Members can introduce a Motion, that there is democracy. If that is the democracy of the Barisan, again I say “you can have it.”

Just now I mentioned about parallel systems of Government whereby Emergency powers and Reserve Constitutional powers are used in order to set aside genuine democratic “forms” of Government where as a result, Parliament or the Legislative Chamber has been reduced to an auditorium, where maybe there are limited rights for the Opposition to speak, to raise their views on limited areas. But I think it would be a great mistake to believe that this is democracy. I say this is not democracy, this is not democracy enough, because such a Parliament is no more than a “rubber stamp” where the majority in hand does not add or lend any respectability or credibility to the whole Parliamentary process.

The Honourable Minister of Law raised various matters in reply to my speech when moving the Motion. Firstly, with regard to safeguards, he said there is not only a provision for appeal from the High Court to the Federal Court but also appeal to the Yang di-Pertuan Agong. We know that a Pardons Board has been set up to advise the Yang di-Pertuan Agong in the exercise of this power. But we also know that the composition of this Pardons Board, as announced, consists of Y.A.B. Perdana Menteri, Y.A.B. Timbalan Perdana Menteri, the Minister of Labour who is the President of M.C.A., the Minister of Law himself and the Minister of Communications who is the President of the M.I.C. The question is, “Why should the Pardons Board be politicised”? Or has the Government no confidence that this question should be left to a completely independent body of persons eminent in Public Service who can give consideration to questions on this matter completely divorced from questions of political approach and political interest? I, therefore, do not regard this as a sufficiently adequate safeguard. He assured us that this would be a temporary provision and would be withdrawn as and when the situation permits. We have heard this assurance before. It was in 1964 or in 1965, if I remember correctly, when the House moved and passed a Motion to suspend Local Government Elections and the House was assured that it was temporary, but this “temporary” has a feature of becoming “permanently permanent” under the Government’s definition.

The Honourable Minister of Law and the Honourable Minister of Home Affairs, to illustrate that powers are not abused however

wide, however untrammelled, referred to the case of the N.O.C. in 1969 and asked, "What abuse took place?" I can say here that I personally was a victim of abuse of power under the N.O.C., for I was detained under the Internal Security Act for 18 months and

Seorang Ahli Yang Berhormat: You deserved it!

Tuan Lim Kit Siang: I deserved it? That is your view. But I say that is an abuse of power and I am sure we can mention more instances of abuse. For those who abuse and know not that they abuse, I feel sad and sorry for them.

The Honourable Minister of Home Affairs and the Honourable Minister of Law mentioned about the security aspect, that we speak as if unaware of the fact that we face a very grave security situation. All along, as a matter of fact, the Honourable Minister of Home Affairs himself has gone repeatedly on public record as saying that the security situation is fully under control and there is no cause for worry. No Minister has ever, as I remember, until now, said that the security situation in Malaysia has reached its most critical moments since our nationhood or since the history of this land, overshadowing the Emergency days starting from the late 1940's, and right through the 1950's and the 1960's. But now we are being asked to believe that in regard to the security situation we are facing the darkest days. I say if that is the case, then the Government must come out clearly, frankly, fully with all the facts, and particulars, so that the people can be in possession of all the facts. It should not on the one hand let one section of the people believe that the security situation is completely under control while on the other hand demanding wide and untrammelled powers, which is completely not in keeping with the assurances or the "sugar coating" that is being given about the security situation.

I think what is most shocking—and today is the "Hari Takjub" as said by the Honourable Minister of Home Affairs—is that there is no full awareness as to why Malaysia has reached a stage where we are told that the security situation is very, very serious and, as the Honourable Minister of Law has said, there are people who are so ideologically committed that even sacks of gold and

"golden houses" in the new villages cannot change them or cannot move them. But the question is we should be concerned not so much with people who are ideologically committed, but with the general population, with the general public, the rakyat. Has there been since 1957, the day of Merdeka till today, 1975, increased number of people who are minded to sympathise, for instance, with guerilla activities in urban areas, in the jungle areas, or has there been an increase in the number of those people whom "golden houses" or a sack of gold cannot move any more? Is there a qualitative increase? Why? Is it because the policy of the Government has failed to reach to the ground, to win the hearts and minds of the people? The battle to win the hearts and minds of the people is a long one. Yes, it does not take one day or two days, but since 1957, we have not got one day or two days, we have got 18 years in this battle to win the hearts and minds of the people. Are we losing ground as shown by the increasingly more and more grave security situation facing the country? Unfortunately, there is only a preoccupation to deal with it solely from the security point of view with the passing of more and more repressive laws. I think it was the Honourable Member for Baling if I am not mistaken, who said that with these Security Cases Regulations, there would be no more riot, there would be no more trouble and that there would be complete restoration of law and order. If that is the formula, the recipe for national harmony, for national stability, I am sure other countries would have discovered it long ago, e.g. Vietnam, Cambodia and all other countries which have gone. But the recipe which they had practised, which they had used, which they had applied did not work, and this should be enough for us to be more introspective, to turn inwards and find out the root problems and reasons for this state of affairs that we are facing today which is undoubtedly very grave.

With regard to the Honourable Minister of Law's reference on the constitutionality of the Ordinances, he said that the Government welcomes any challenges to the court, that they have been vindicated in the past and he believes that it will continue to be vindicated, except that now we cannot go all the way to the Privy Council. He quoted from Cromwell who said, "The throat of the nation might be cut while we send for someone to make law." Is the

Honourable Minister of Law seriously saying that if the Security Cases Regulations had been submitted to Parliament for Parliament's consideration, for Parliament's adoption, the whole security situation would have gone out of control? This analogy is completely inappropriate and cannot be considered. The whole question is the legitimacy of the laws of the land. The part of my speech on which the Honourable Minister of Law had significantly not commented on is about the propriety from the constitutional point of view, from the point of view of the acceptability of the people and political morality of continuing to enact and pass Emergency laws and Emergency regulations when Parliament could have been summoned. In this case it was already summoned and it was going to meet and it was a question of two or three weeks because these Regulations were *gazetted* on the 4th October and the Lower House of Parliament was to meet on the 27th October.

The Honourable Minister of Law said that 99% of the people support the Regulations. He said that whoever he met told him that these Regulations should have been passed long ago. I say that 100% of the persons that I have met, expressed fear and concern and opposition for these laws. He must have been meeting different persons from those I meet. But it cannot be 99% in any event. It shows that the Minister is cut off from the ordinary fears of the people on the ground, and he is living in an ivory tower.

The question I want to pose is this. While we are all concerned about the question of national security and would support all measures in order to strengthen national security, we must ask whether in the name of national security the taking of measures as the Security Cases Regulations which would knock off the whole underpinnings of a democratic system, of the people's belief and confidence in a democratic system, is not finally going to bring about a greater security problem in the country. I submit that if the situation that in the name of national security we are knocking off the whole underpinnings of a democratic society which sustains people's confidence in democracy.

Tuan Yang di-Pertua, the Honourable Minister of Home Affairs gave a gaming analogy about rules of the game. I would have fully agreed with him about the importance of the rules of the game and about the point that

he was making, if not for the fact that I have seen the Government itself changing the rules of the democratic game whenever they feel that they are being put at a disadvantage. They themselves are guilty of changing the rules of the game.

The Honourable Member for Ledang said that if we had asked for some minor changes in the Regulations, it would have been considered but not for its repeal. I think he did not understand why I was saying that the whole thing was obnoxious from the point of view of constitutional propriety and political morality. I thank the Honourable Member for Kepala Batas for his very kind words, that I was expressing views which he shares in the bottom of his heart (*Ketawa*)—probably it is too bottom in the heart to be able to be salvaged from the bottom. (*Ketawa*). I just want finally to refer to the Honourable Member for Kuala Selangor

Tuan Mohd. Sopiee bin Sheikh Ibrahim: (*Bangun*).

Tuan Lim Kit Siang: Pardon?

Tuan Yang di-Pertua: Carry on.

Tuan Lim Kit Siang: I refer to the Honourable Member for Kuala Selangor who said that the Motion and my speech raised a question mark and referred to us as the enemies of the nation. I am used to getting such insinuations coming from that direction except that he referred to the question of Datuk James Wong, that Datuk James Wong appears to be my hero as I continue to bring up his case. I raise the question of Datuk James Wong because it highlights, in a very vivid fashion, the abuse of power of the Government. There is not just one "Datuk James Wong" in this country. There are so many hundreds of "Datuk James Wongs" in this country whose cause needs equally to be taken up. But, in view of the fact that Datuk James Wong's case illustrated in so convincingly a fashion that a person has been detained and incarcerated for reasons which the Government is unable to furnish. This is not the only case. Unfortunately it would appear that their minds are so closed that such clarity cannot even open their minds.

Finally, Tuan Yang di-Pertua, I feel, despite the suggestion from the Honourable Member for Kepala Batas for the withdrawal of this

Motion, for the reasons that I have already given, that there are no satisfactory safeguards for innocent people from being implicated and from being wronged, there are no satisfactory reasons that in the name of national security this measure is not in effect destroying the very underpinnings of a democratic system; and in view of the various objections that I have raised with regard to the Rule of Law, with regard to the damage it is doing to Parliamentary democracy, constitutional propriety, the abuses that would be laid open; that all these have not been cogently answered and dispelled, I move that this House repeal the Essential (Security Cases) Regulations, 1975 and the Essential Security Cases (Amendment) Regulations, 1975.

Usul dikemuka bagi diputuskan

Tuan Lim Kit Siang: Sir, I ask for a Division. I am sure the Government also would want everybody to take a stand.

Tuan Yang di-Pertua: Sekurang-kurangnya 15 orang Ahli berdiri dahulu, baru boleh Division. Saya minta sesiapa yang menyokong permohonan Ahli Yang Berhormat dari Kota Melaka supaya dipungut undi dengan Belah-bahagi berdiri—(11 Ahli berdiri)—Tidak cukup 15 Ahli, tidak boleh dipungut undi dengan Belah-bahagi.

Usul dikemuka bagi diputuskan, dan tidak disetujui. (*Tepok*).

Tuan Yang di-Pertua: Ahli-ahli Yang Berhormat, sekarang saya tangguhkan Dewan ini kepada satu tarikh yang akan ditetapkan kelak.

Dewan ditangguhkan pada pukul 6.30 petang.