Malaysia

in the dangerous 80s

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DEDICATED TO MALAYSIANS

WHO LOVE AND CHERISH

THEIR MOTHERLAND

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PROLOGUE

This collection of parliamentary speeches, including one made in the Malacca State Assembly, from October 1978 to March 1982 is a record of the political developments in the country during the last four years.

Its publication is aimed at informing Malaysians of what the DAP had been saying and fighting for in Parliament, as the 'free and democratic' press in Malaysia had consistently blacked out DAP speeches in Parliament.

Since 1978, the nebulous 'press freedom' in Malaysia had come under a serious onslaught from a new direction, with more and more local newspapers falling under the ownership and control of one or other of the Barisan Nasional component parties.

These Barisan Nasional component parties bought up local newspapers not because they want to uphold 'freedom of the press, information and expression', but to deny the people and country such freedom. These Barisan Nasional component parties buy up local newspapers in the way their corporate arms raided the share market, to serve their own narrow sectarian interests.

These Barisan owned and controlled newspapers operate with painstaking subtlety on normal occasions to build up circulation and credibility. But at times of great political import, as during an election campaign which will determine the fate of their political masters, such Barisan owned and controlled newspapers would show their true colours, thinking of nothing to stoop to the basest of distortions and lies to wreck the Opposition.

This happened in the 1978 general elections, and ever since the announcement by the Prime Minister, Dr. Mahathir Mohamed, on 21.3.82

of the date of Parliamentary and State Assembly dissolution, we are seeing it happening again, where Barisan owned and controlled newspapers are becoming more and more like party propaganda broadsheets.

It is indeed a most sorry spectacle to see proud journalists who defend their journalistic honour, independence and ethics suddenly being converted, against their will, into party hacks.

Recently, the 2M leadership of Dr. Mahathir and Datuk Musa Hitam boasted that they had 'taken the winds out of the DAP sail'. This is firstly a backhand compliment and admission that the DAP had been talking sense all these years, in standing up for a clean, efficient and dedicated government service committed to the removal of social and economic inequalities and injustices, and the creation of a tolerant, multi-racial, multi-cultural nation.

It is however premature for the 2M leadership to claim that they had denuded the DAP of issues. The fact that the 2M leadership continued to ban public rallies during the elections compaign is a virtual admission that the DAP has issues which capture the imagination of the public and provide a challenge to the present nation building policies of the government.

The life of an Opposition MP or Assemblyman is always under intense pressure. While writing this prologue, I received an anonymous telephone call abusing me with obscenities, clearly inspired by some MCA polls strategist to try to upset my peace of mind on the eve of general elections. This is one of our occupational hazards.

The road of an Opposition is a hard and stony one, interspersed with great pressures and temptations.

The Prime Minister, Dr. Mahathir Mohamed, once described how easy it was to exercise political control in Malaysia. He wrote that "As Malaysians are generally accustomed to a soft life, small pressures are sufficient to keep people in line."

The Opposition are people who had forsaken an easy life, and must be prepared to face more than 'small pressures' to keep them in line. Two of our leaders, Sdr. Chian Heng Kai and Sdr. Chan Kok Kit, had just regained

their freedom in July last year after four years and nine months of detention without trial under the Internal Security Act since 1976, not because of any crime against the country or people, but because they exercised their constitutional and political right to speak their mind.

DAP leaders have become no strangers to the courtroom, which has become another arena to apply "small pressures to keep people in line".

Many had broken, especially when tempted by the glitter of gold and the glint of Mammon. Just as two thousand years ago Judas Iscariot betrayed Jesus Christ for thirty pieces of silver, it should be no wonder that two thousand years later, there are modern-day Judas Iscariots who betray the Party and people for thirty acres of housing land.

The wonder is not that so many had betrayed, but that despite such intense pressures and great temptations, so many had stood firm by their convictions and remain wedded to the commitment to struggle for a democratic socialist, genuinely multi-racial Malaysian Malaysia.

The lot of an Opposition MP or State Assemblyman is a frustrating one.

I had been accused of all sorts of things in Parliament for speaking up for the people. Only two weeks ago, I was accused in Parliament by the Deputy Defence Minister, Abang Abu Bakar, of serving the communist cause in raising the issue of military indiscipline in Mengkarak, on February 26, where soldiers had assaulted tappers, including women and a 13-year-old boy, with their rifles, slapping and kicking them, even demanding that they strip themselves. One was so seriously injured as to have to be hospitalised at the Mentakab General Hospital.

Abang Abu Bakar and other government officials do not seem to understand that it is precisely such governmental indifference to military indiscipline, treating victims assaulted by soldiers as pro-communists out to defame the armed forces, who are in fact the best friends of the communists in greatly alienating the people from the government and the military.

I was accused by the then Deputy Prime Minister, Dr. Mahathir Mohamed, in 1979 as the biggest stumbling block to national unity. As I

said in reply, if I am the biggest stumbling block to national unity, then the problem could easily be resolved: arrest me and hey presto, national unity in Malaysia is established! But who would be so naive as to believe this?

My parliamentary colleagues and I in the DAP had often been told in Parliament that if we did not like the way things were run in Malaysia, we could leave the country. Let me repeat here that DAP MPs, like other Malaysians, are full-blooded citizens who have the inalienable right to help decide Malaysia's political future and speak our mind. If there are people who do not like what we do and hear what we say, then they are at liberty to leave Malaysia themselves!

What adds to the frustration of an Opposition MP or Assemblyman is the 'tyranny of the majority' where the Barisan used their brutal majority in utter disregard of well-established parliamentary practices and conventions to score some party political advantage.

A good example is the clumsy attempt by the Malacca Barisan Nasional to declare my State Assembly seat of Kubu vacant on the spurious ground that I had been absent from the Malacca Assembly for six months without leave, when I had not been so absent.

Even the late Speaker of the Dewan Rakyat, Tan Sri Syed Nasir, was amazed by such blatant politicking and contempt for parliamentary practices, as he told me later that he had advised the Chief Minister of Malacca, Adib Adam, that the Malacca Assembly would be the 'laughing stock' of the world if they blew up the issue.

But what really held back the Malacca Barisan Nasional from proceeding with their original intention to declare the Kubu seat vacant and force a by-election, was the fear that the Barisan Nasional would get a scrubbing in Kubu.

Thus, the Star of 17th November 1980, with the front-page headline "ADIB: WE WANT TO REMOVE KIT SIANG", reported:

> "The Barisan Nasional is serious in its move to declare the Kubu seat held by DAP leader, Mr. Lim Kit Siang, vacant, said Malacca Chief Minister Encik Mohamed Adib bin Haji Adam yesterday.

"He said that the motion would be tabled at the next seating of the State Legislative Assembly on November 25.

"Encik Adib was speaking to reporters after closing a Civics and Political Course in Alor Gajah.

"He said the Barisan Nasional had the power to declare the seat vacant under Article 17 of the Malacca Constitution."

On 26th November, 1980, in another front-page story headlined "KIT SIANG TO LOSE HIS SEAT", the Star reported:

"The Barisan Nasional is going ahead with its plan to unseat Mr. Lim Kit Siang in the Malacca State Assembly tomorrow, Finance Minister Tengku Razaleigh Hamzah said today."

When the Barisan Nasional realised that they were not assured of a viotory in Kubu should they use their brute majority to declare a by-election, the Kubu episode dragged out for over a year for them to find a face-saving way out.

The Malacca Assembly Privileges Committee came out with a most fantastic report on the Kubu episode which is reproduced here as an appendix to give it permanent record as to the type of illogic and nonsense that could be produced when legal, constitutional and parliamentary principles and practices are subordinated to justify an untenable political position.

My suspension for a day from the Malacca Assembly on December 10 last year ended the Kubu episode, although the one-day suspension was designed to enable the Malacca Barisan Nasional to find a face-saving device out of the KGB fiasco in the Malacca Assembly.

The KGB episode is another sorry record of the Malacca State Assembly.

On October 1, 1981, the DAP turncoat, Chan Teck Chan, repeated the allegation in the Malacca Assembly that I was a KGB agent.

In the motion to establish a Special Select Committee to investigate Chan Teck Chan's serious allegation, the Chief Minister, Adib Adam, said that Chan Teck Chan must produce solid proof for his allegations as he should know the consequences if they were found to be untrue.

He also said that if the allegations were found to be true, it would be amount to treason, which attracts the capital punishment of death penalty.

I welcomed the investigation as the best way to get to the truth of the matter.

The Select Committee comprised the Chief Minister, Adib Adam, the Speaker, Datuk Aziz Tapa, State Exco Member, Ahmad Nordin Mohamed Amin, DAP Assemblyman for Bandar Hilir, Sdr. Bernard Sta Maria, and State Legal Adviser, Arrifin Zakaria.

I was most anxious that the Select Committee complete its investigations with a sense of urgency, because of the gravity of the allegation, the security implications and slur on my reputation.

But the Select Committee appeared to be completely indifferent to its duties, and when week after week, the Select Committee did nothing, I sought a meeting with both the Chief Minister and the Speaker urging on them the gravity of the investigations, especially as there was great likelihood that the Assembly would be dissolved in the first half of 1982 for general elections.

On November 30, 1981, I wrote an urgent letter to the Chief Minister, which I reproduce below:

"YAB Adib Adam,
Chief Minister,
Malacca.

Select Committee Investigations into allegations that a member is a KGB Agent

I refer to the press report in the Nanyang Siang Pao on November 25 and Star on November 26, quoting you as saying that the Select Committee

to investigate into allegations from the Member for Tranquerah (Chan Teck Chan) that I am a KGB agent had met only once, and would not be able to complete its report in time for the next Malacca State Assembly meeting beginning on December 8.

You will recall that I specifically asked for an appointment with you on November 12 where I expressed to you my great concern that the Select Committee investigations into the Member for Tranquerah's allegations re KGB agent should be completed and presented to the next State Assembly meeting because of the seriousness of the matter.

I said I was not concerned at that stage in what finding the Select Committee was going to come to, whether there was truth or completely no basis for the Member for Tranquerah's allegations but that in all fairness to the accused and to the gravity of the matter, which if true, would affect the security of the country, the finding must be completed with the greatest despatch and in time for the next Assembly meeting.

It would either do me or the country's security a grave injustice for such a serious allegation to be allowed to hang in the air and the State Assembly Select Committee would be open to accusation of not taking the security of the country or the dignity of the Malacca Legislative Assembly seriously if it does not conclude its work with the urgency it warranted.

I have, in a letter to the Chairman of the Select Committee, the Speaker, Datuk Aziz Tapa, dated November 26, made myself available to the Select Committee on any day or time of the day, given one day's notice, to help the Select Committee in its work. I had also stated that I am prepared to cancel all my previous engagements to enable the Select Committee to complete its work and make a final report to the Assembly on December 8.

I cannot in all frankness understand why the Select Committee should have difficulty in concluding its work in time for making a final report to the State Assembly, for I believe that the Member for Tranquerah, having made such a serious allegation in the Assembly, would be too ready to furnish whatever evidence of substantiation he had, if any, to the Select Committee and to assist the Select Committee in coming to

a final conclusion in time for reporting to the Malacca Assembly on December 8.

The matter in hand concerns not only the dignity of the Malacca Assembly and the security of the country, but also my reputation as there is no more heinous crime than to be accused of high treason in acting as a KGB agent.

Even at this date, I do not see why the Select Committee could not complete its finding in time for the December 8 meeting of the Malacca Assembly, and I write this letter to express my hope that the Select Committee could still present its final report at the forthcoming meeting of the Malacca Assembly."

In my letter to the Speaker, I stressed that there must be a sense of urgency to resolve the matter because "a day's delay in concluding the investigations into the allegations is a day of injustice and wrong to the accused, as it perpetuates a lie and slander; while if the allegation is true, a day's delay is a day's negligence in allowing an agent of a foreign power to operate with impunity."

The Select Committee was apparently unmoved and uninterested, and continued to drag its feet.

At the Malacca Assembly meeting on December 10, the Government gave notice to move a motion to provide for a quorum for the Select Committee.

This confirmed my worst fears, for I had heard that the MCA President, Datuk Lee San Choon, was applying pressure on the Select Committee to drag its feet so that it would lapse with the expected Assembly dissolution sometime in April, leaving the matter in an inconclusive state.

I had intended to participate in the debate on the motion on the Malacca Select Committee, but was prevented from doing so, as the Government proposed to suspend me for the rest of that day's session over the Kubu issue.

When I protested against the whole process and asked whether it was not true that Datuk Lee San Choon had applied pressure on the Select Committee to delay its investigations, the Chief Minister, Adib Adam, staged a manificent show of outrage, banging the table and declaring that he would resign as Chief Minister if the Select Committee was ever influenced by a third party.

I sought for a clear-cut promise that as general elections were expected in early 1982, that the Select Committee would definitely complete its findings before any such dissolution, and that the Assembly would be summoned, as an emergency session if necessary, to deal with the Select Committee's report.

Both the Chief Minister and the Speaker gave this solemn undetaking that they will not allow the Select Committee to lapse without conclusion, and this is all recorded in the Assembly Hansard.

Both the Chief Minister and the Speaker have now reneged on their promises, for the Malacca Assembly will be dissolved on March 29 without the Select Committee having done anything, not even having met once since the December 10 Assembly meeting.

Dr. Mahathir has said that the Barisan Nasional 1982 election manifesto theme is 'a clean, efficient and trustworthy government'.

Can the Malacca Barisan Nasional Government claim to be an 'efficient and trustworthy' government in the way they had handled such a serious allegation that a Member of the Assembly is a KGB agent?

Can a government, which formed a Special Select Committee to investigate into the KGB allegation about an Assemblyman, on the ground that it is very serious, and then decided deliberately to do nothing for six months despite my repeated proddings, be regarded as 'efficient' and 'trustworthy'?

Is Adib Adam going to resign from public life for events have proved that Datuk Lee San Choon had successfully pressured the Select Committee to delay investigations until the Assembly dissolution caused the matter to lapse?

Four days ago, I had telephoned Adib Adam and asked him to summon an emergency meeting of the Assembly before the dissolution on March 29 to dispose of the KGB matter, but the Chief Minister said there was no more time and the matter would be referred to the Ministry of Home Affairs.

I am shocked that the Malacca Chief Minister seems to be completely ignorant that he had no authority to refer the matter to the Ministry of Home Affairs, as it was the Malacca Assembly which set up the Select Committee, whose task is to complete its findings and report back to the Malacca Assembly. If the Chief Minister of Malacca does not know that what he had said and done were unconstitutional and a breach of privilege of the Malacca Assembly, it is no wonder that in many Assemblies in the country, there is so much chaos.

The reason for the Select Committee's feet-dragging is obvious to all. The Barisan Nasional would not be so 'tender hearted' to protect me if there is any truth in the KGB allegation, for the Barisan had never hesitated to take action against me on the flimsiest of excuses.

The Select Committee, under pressure from Datuk Lee San Choon, was seeking to protect the accuser, for he had absolutely no proof or basis for such an allegation. In fact, he dared not accept my challenge to repeat his KGB allegation against me outside the privilege of the Assembly, so that I could seek legal redress.

This was why DAP Assemblyman, Sdr. Bernard Sta Maria, resigned from the Select Committee in protest against its gross failure to uphold the dignity and integrity of the Assembly.

Sdr. Karpal Singh's removal from the Penang Assembly sittings is another shameful episode of the tyranny of the Barisan majority, which cannot be trusted with too much power.

The Penang State Speaker and the Penang Chief Minister, Dr. Lim Chong Eu, had in fact hit on the unprecedented device of attaching the maximum penalty on a most minor matter.

Firstly, the suspension of a member where the time period is not specified operates during the duration of the Assembly meeting, and not to

last for as long as the life of the Assembly. The Penang Assembly is setting parliamentary history in giving such a construction to the suspension of a member.

Secondly, in requiring Sdr. Karpal Singh to apologise or he would not be allowed to return to the Assembly, the Penang Assembly has made itself another laughing stock, for this conditional penalty is unheard of in parliamentary annals.

The very fact that Sdr. Karpal Singh could apologise and dispose of the matter shows that it is the most minor matter, for otherwise, an apology alone would not be adequate. If Sdr. Karpal Singh refuses to apologise, because he had done no wrong having been misled by the Penang Speaker who had not kept his promise, then the Assembly could impose a one-day suspension or two-day suspension.

Instead, the Penang Barisan Nasional had converted the smallest matter into a maximum penalty, by imposing the condition that unless Sdr. Karpal apologies he would not be readmitted to the Assembly.

If this is permissible, one day some other Barisan Nasional Assembly majority would impose the condition that unless an Assemblyman crawls around a padang ten times, he would not be readmitted to the Assembly.

It is indeed horrifying how the people could entrust their fate and future in the hands of those who have no notion of restraint of power or any sense of proportion.

This is where the call by Dr. Mahathir at the Bar Council dinner in February for more support in the general elections so that there will be a stronger government must be resisted.

The Barisan National governments, whether at Federal or State levels, are strong enough. What is needed is to strengthen the Opposition to keep the governments on their toes, to rein them in from resorting to the tyranny of the majority.

Lim Kit Siang

27.3.1982
Petaling Jaya

Acknowledgement

This is to record appreciation for the services of my parliamentary secretary, Sdr. N. Madhavan Nair, who is responsible for getting this book into print.

ON NATIONAL UNITY

THE DANGEROUS DECADES

"There had always been advocates of such extremism and chauvinism in the past, but the difference and danger today is that more and more of them are occupying key positions of responsibility in the various government services, universities and other important sectors of the national life in the private sector.

"While in the past, such advocates could only preach, today they could begin to put into practice their beliefs. If this dangerous trend continues unchecked, then the possibility of reaching a national consensus to bind the diverse races into one people will become more remote and distant."

Speech on the Royal Address on March 9, 1982.

As Malaysia completes our first quarter century as an independent and sovereign nation, the people of Malaysia are still seeking a national consensus on which a united Malaysian nation could be founded.

I will describe the 1980s as a dangerous decade for Malaysia, for I see the rise of the forces of extremism and chauvinism which reject the very premise of Malaysia as a multi-racial, multi-lingual, multi-cultural and multi-religious nation.

There had always been advocates of such extremism and chauvinism in the past, but the difference and danger today is that more and more of them are occupying key positions of responsibility in the various government services, universities and other important sectors of the national life in the private sector.

While in the past, such advocates could only preach, today they could begin to put into practice their beliefs. If this dangerous trend continues

unchecked, then the possibility of reaching a national consensus to bind the diverse races into one people will become more remote and distant.

I will give an instance of this rise in the forces of extremism and chauvinism in key positions of our national life, which totally rejects Malaysia as a multi-racial, multi-lingual and multi-cultural society.

In a 1981 publication, a University of Malaya academician staked out the following demands for the Malay society which completely reject Malaysia as a plural society, in the book "Tuntutan Melayu":

1. That 'dari segi sejarah dan budaya, penggubalan perlembagaan kita tidak diasaskan di atas konsep 'mayarakat berbilang kaum'.

2. That 'masyarakat majmuk adalah satu warisan penjajah dan sifat kemajmukan itu adalah sesuatu yang sementara wujudnya'; that masyarakat majmuk telah dimungkinkan oleh beberapa faktor yang dipaksakan kewujudannya oleh penjajahan. Terhapusnya penjajahan membawa terhapusnya faktor-faktor tadi dan sifat-sifat kemajmukan juga beransur-ansur hilang.

3. That 'merujuk masyarakat Tanah Melayu sebagai berbilang bangsa adalah tidak kena pada tempatnya. Rujukan saperti ini menaikan taraf masyarakat serpihan kaum imigran ke paras masyarakat bangsa Melayu yang menjadi induk. Dari segi budaya, istilah berbilang bangsa itu mencabar kedaulatan kebudayaan induk yang menjadi teras. Istilah masyarakat berbilang kaum juga mempunyai implikasi yang serupa.'

His Majesty, the Yang di-Pertuan Agong, in his Royal Address advised that in a multi-racial society, there should be no exploitation of sensitive issues which would hurt the feelings of a particular racial or religious group, and I cannot think of an example which hurt more the feelings of various racial groups than such extremist preachings which reject Malaysia's multi-racial, multi-cultural nature and in denying other races their rightful place in Malaysia.

I am very concerned that such intolerant and dangerous views are not only not held in check, but allowed free and full run in the universities in

particular and the society at large. We are indeed moving further and further away from a united, Malaysian nation which could only be founded on the unequivocal acceptance of this country as a plural society by every Malaysian, high or low.

What is another indication of the danger of the times is that the criticism and opposition of such extremist rejection of Malaysia as a multi-racial, multi-lingual and multi-cultural society would be condemned as 'extremist', 'anti-national' and even with rejoinder that 'if you don't like it, you can leave Malaysia.'

I would not be surprised if I am attacked along these lines in Parliament in this debate which would show how great is the divide among Malaysians on fundamental questions as to what type of a Malaysian nation and society we are building.

We seem to have arrived at the Alice in Wonderland world where moderation has become extremism, and extremism become moderation!

Unless we in Malaysia can reach a new national consensus where every Malaysian, regardless of his race or origin, cultural past or creed, is fully accepted as a Malaysian, with undivided loyalty to the country, whose allegiance is not constantly questioned as a group, then Malaysians can never be united and harmonious, and Malaysians cannot release the full potential of their human and natural resources to make Malaysia a great nation.

The Prime Minister, Dr. Mahathir Mohamed, had asked Malaysians to 'Look East' to emulate the work ethics of the Japanese which made Japan rise like the phoenix from the ashes of defeat and destruction in 1945, to become the most successful example of modern economic growth.

It is not good enough to exhort Malaysians to emulate the work ethics of the Japanese, who seem to find contentment in work, but even more important, to find out the factors which produce such works ethics.

In my mind, one of the most important causes of such extraordinary dedication to work is the profound sense of national unity and shared goals among the Japanese people. I am not aware of any Japanese problem of Japanese professionals emigrating abroad because they feel that they

are not wanted nor given a rightful place in their own country, and also fearful for the educational future of their children. Another important reason for Japan's phenomenal success is her meritocracy where everyone could rise up in society by dint of his achievements. Japan's education system, had in a couple of generations, changed Japan from a society based on birth and position to one based on knowledge and ability.

If we in Malaysia are still bogged down with the fundamental question as to whether substantial sections of the Malaysian people, constituting a majority of the population, who are born, bred, educated here, with no other homeland, are entitled to a rightful place as co-owners of Malaysia, as there are people who propagate and want to impose their will and belief that Malaysia is not a multi-racial or multi-cultural nation, then the conditions are simply not present for Malaysians to 'Look East' to learn successfully from the Japanese work ethics.

We must first 'Look Inwards' to create the necessary pre-conditions of a national consensus which could rally and mobilise national energies towards the common national goal of building a united, just and equal Malaysian nation.

The Chinese and the Indian communities had often been accused of being 'anti-national' for wanting to preserve their cultural traditions in Malaysia. But what they seek is fully in conformity with the Rukun Negara objectives to "menjamin satu cara yang liberal terhadap tradisi-tradisi kebudayaan yang kaya dan berbagai corak". It is those who seek to deny the Chinese and Indian cultures a rightful place in the Malaysian cultural landscape who are 'anti-national' in trying to destroy the plural basis of Malaysia.

Call for the immediate suspension of the 3M implementation in Chinese and Tamil primary schools

I would impress on the 2M leadership of Dr. Mahathir and Datuk Musa, as well as other UMNO leaders, to set a good national example of being particularly sensitive to the cultural sensitivities of the other communities, just as the non-Malay communities must be sensitive to the cultural sensitivities of the Malays.

This the 2M government had failed to do in the recent controversy over the 3M implementation in Chinese and Tamil primary schools, in view of the intimate inter-relationship of language, education and culture.

In fact, the issue of 3M implementation in the 62 selected Chinese and 29 Tamil primary schools is the first big test under the 2M leadership as to whether the Barisan Nasional government is sincere in respecting the constitutional rights of Malaysians with regard to mother-tongue education in the country.

Nobody would disagree with the idea that every education system should be able to impart the 3 basic skills of reading, writing and counting, but the fact that some 24 years after the establishment of our own education system, there has to be such great fanfare about the need for the 3M system in our schools is a serious reflection on our education system and the schools to achieve their elementary objectives.

The 3M system could be faulted educationally, as to whether it would in fact be a superior educational system than the present one. When DAP leaders met the Education Minister, Datuk Dr. Sulaiman Daud, and Education Ministry officials, including Tan Sri Murad, the Director-General of Education, we told them that although the 3M system might be theoretically better on paper, it might in practice prove the reverse.

My comrades and I also pointed out to the Education Minister and the Education Ministry officials that the various factors necessary to make such a system successful were missing: namely, the present over-sized classes of 40 and sometimes over 50 especially for the Chinese primary schools, when the ideal class size of such a 3M system which concentrates on teaching by playway, to allow each student to learn at the pace of their different capabilities, is about 20 or 25. This is because the teachers would otherwise be unable to devote individual attention to the students concerned.

Furthermore, with the removal of textbooks for the students, the whole burden of ensuring that school students acquire the basic skills is now dependent on the teachers. Have the teachers in the country been sufficiently trained and motivated to take on such a large responsibility?

The elimination of textbooks for pupils also remove the parental input at home to help the students to keep abreast with school work.

It is more than likely that with inadequate preparations and the absence of the necessary conditions to make teaching by playway successful, the 3M system may prove to be inappropriate.

I understand that some seven or eight years ago, a Education Ministry official from the Singapore Government returned home from the United Kingdom flushed with great ideas about the superiority of this type of 3M system by playway. As a result, some 15 primary schools were selected for a two-year pilot project. After the two years, the pilot project was dropped and this Singapore Education Ministry official lost considerable face and esteem.

I am not saying that what was unsuitable for Singapore cannot be suitable for Malaysia, but to make the point that there is no reason to adopt the attitude that regardless of conditions and state of preparation, such a 3M system would definitely be beneficial for our students.

There should be a experimental period of three or four years where students selected for 3M instruction could try out the method, and where the teachers, the parents and public can see and even compare the results of such a system with the present system.

If the 3M system proves to be a superior system where children could read, write and count better, even if the Government does not extend the 3M system to other schools, the parents themselves would clamour for it.

This cautious approach would have the virtue of not completely burning our bridges if the 3M system, for one reason or another, prove to be unsuitable. Such a cautious approach is all the more warranted when we consider that the Curriculum Development Centre had not gone beyond 3M preparations for the second to the sixth year.

The Curriculum Development Centre is operating on a step by step basis, instead of being guided by a complete overall 3M teaching plan.

But for Chinese and Tamil primary schools, the question as to whether the 3M system would enable our children to better read, write and

count is overshadowed by the larger problem as to whether the character of mother-tongue education would be eroded and altered.

There is no doubt that from the Education Minister's announcement about the implementation of the 3M system in Chinese and Tamil primary schools, which he and other Education Ministry officials defended in the meeting with the DAP delegation on January 7, the character of Chinese and Tamil primary schools would begin to change without any change of media of instruction and without the use of Clause 21(2) of the 1961 Education Act.

This is because the 3M implementation in Chinese and Tamil primary schools involve:

(1) the abandonment of Chinese and Tamil languages as 'operative' languages for the purposes of writing basic textbooks and educational teaching guidebooks and manuals for teachers and students;

(2) the imposition of the rule that 50 per cent of songs to be sung should be Malay songs while the other 50 per cent are merely translations from Malay songs, except for two or three Western songs;

(3) the treatment of Chinese and Tamil primary schools merely as 'translated' versions of national primary schools.

The issue of the preservation of Chinese and Tamil primary schools had long been a sensitive and fundamental question in Malaysia for the Chinese and Indian communities for it is a litmus test of the type of nation building policy the government is embarked on: whether it is a policy of integration, where Malaysian consciousness and identity is created out of the diverse races, cultures, languages and religions in the country with every one of them playing their distinctive part to enrich the final integrated product, or whether it is a policy of assimilation, where a Malaysian consciousness and identity is created through the eventual elimination of diverse cultures, values and customs in the country, with all conforming to one master model.

This is why the Chinese community had consistently demanded for the repeal of Clause 21(2) of the 1961 Education Act which vests the Education Minister with the power to convert Chinese primary schools into national primary schools. This is also why the Chinese community is opposed to the recommendation in the Mahathir Cabinet Committee Report which regards the continuation of the present system of Chinese and Tamil primary schools as 'temporary', rather than as a permanent and integral part of the national education system.

The Prime Minister, Dr. Mahathir Mohamed, said on 23rd January that Clause 21(2) of the 1961 Education Act should not be tied to the 3M issue, as Clause 21(2) is only an enabling clause in case the government needed to convert any national-type primary school into a national primary school at the request of the school.

He said that since Independence, there had only been one case with regard to a Tamil school in Kelantan which found it difficult to get students.

This is not exactly the historical truth for the English primary schools were converted wholesale, not at the request of the schools or parents, but as a matter of policy by the government.

Let us also not run away from the fact that ever since the 1960s and 1970s, there were those in high political positions who wanted to have only one type of national primary schools with the Chinese and Tamil primary schools closed down by the use of Clause 21(2) of the 1961 Education Act.

As recent as two years ago, the UMNO Youth Leader and now the Deputy Education Minister, Haji Suhaimi Kamarrudin, went on public record as demanding the implementation of Clause 21(2) of the 1961 Education Act.

Clause 21(2) of the 1961 Education Act is therefore no 'enabling clause' to be used only at the request of the school or the community concerned, but a blank cheque to be used at any time the political leaders of the day deemed expedient. Isn't this the reason why the Mahathir

Education Report referred to the 'temporary' rather than the 'permanent' status of Chinese and Tamil primary schools?

We in the DAP had kept a vigilant guard ever since the 1960s against attempts to use Clause 21(2) of the 1961 Education Act. When I spoke in this House some ten years ago, on 10th January 1972, about the fears and apprehensions of the Chinese community about the continued existence of Chinese primary schools, the then Minister of Education did not give a categorical assurance that the government would not convert Chinese and Tamil primary schools into national primary schools. Instead, we were told that this was a question which would have to be decided in two or three years' time.

A year later, on 16th July 1973, in reply to a DAP question in Parliament, the Parliamentary Secretary to the Minister of Education said the question of whether the government would convert all national-type primary schools by 1975 or after had not been decided yet.

Again, in the Royal Debate on 16th April 1974, referring to a government assurance that it was not the intention of the government to convert Chinese primary schools by 1975, I said that "the people at large do not want Chinese and Tamil primary schools only to be allowed to exist until 1975, which means merely for the next 21 months or for another 720 days, ... but to grow and expand for as long as Malaysians want their children to be educated through the medium of their mother tongue."

I have little doubt that if the DAP had been destroyed in the 1974 general elections, which was what the Barisan Nasional intended with the three-prong strategy of the mass disenfranchisement of voters in opposition areas, the re-drawing of electoral constituencies to put the opposition in even greater disadvantage, and the exploitation of the Peking meeting of Tun Razak with Chairman Mao Tse Tung, the pressures for the implementation of Clause 21(2) of the 1961 Education Act would be quite irresistible.

That Chinese and Tamil primary schools exist today, and that Clause 21(2) of the 1961 Education Act remain uninvoked, owes in large to the ability of the DAP to withstand the Barisan onslaughts in the 1974 general elections.

Accord Tung Chung and Chiao Chung official consultative status

I would have thought that after a quarter century of nationhood and experience, the government which is committed to the creation of a united, harmonious multi-racial Malaysia, would have fully understood the sensitivities and aspirations of the Malaysian Chinese with regard to the preservation of Chinese primary schools, and would go out of its way not to tread on their sensitivities on this matter.

That such legitimate sensitivities and aspirations of the Malaysian Chinese community with regard to Chinese primary schools are time and again disregarded, the most recent being the 3M implementation, can only mean one of two things: that those entrusted with the governance of this nation are still not aware of such sensitivities and aspirations; or they reject the legitimacy of such sensitivities and aspirations.

The former would mean that we have national leaders who cannot learn, or would not want to learn from the quarter century of Malaysian nationhood and experience. What is worse, it also means that they are not prepared to listen too, for as far back as April 9, 1981, I had brought to the attention of the Government in this House of the fears among Chinese educational circles that the proposed 3M implementation would lead to a change in character of Chinese primary schools.

I had called on the Education Ministry to convene a conference with officials from Tung Chung and Chiau Chung and to involve them in every step of the 3M process, from formulation to implementation.

The Education Ministry should in fact accord official government recognition to Tung Chung and Chiau Chung as the two organisations in the country qualified because of its composition and representation to authoritatively represent the interests of Chinese education in the country, and to accord both these bodies the status of official consultants of the government where the government consults them before taking any new step, measure or policy involving Chinese schools.

But far from enlisting the co-operation of Tung Chung and Chiau Chung on matters relating to Chinese education, the Education Ministry

has virtually treated both these organisations as outlaw bodies, with their representatives rejected outside the Education Ministry's premises even though they were brought there by Barisan Nasional component party leaders.

The latter possibility to explain the government's actions, as stemming from the rejection of the legitimacy of the sensitivities and aspirations of the Chinese community with regard to Chinese education, is even more horrifying, for it then tantamounts to rejecting Malaysia as a multi-racial, multi-lingual and multi-cultural society.

The 2M administration's actions would be viewed from the perspective of Dr. Mahathir's basic political philosophy as contained in The Malay Dilemma

After he became Prime Minister, the ban on Dr. Mahathir's 'The Malay Dilemma' was lifted, and the Prime Minister urged the people to read the book to understand his thinking.

It is only natural that the actions of the 2M administration would be viewed from the perspective of Dr. Mahathir's basic political philosophy as contained in 'The Malay Dilemma', which as outlined in the preface, contained Dr. Mahathir's argument that "the Malays are the rightful owners of Malaya, that immigrants are guests until properly absorbed" and that "immigrants are not truly absorbed until they have abandoned the language and culture of their past."

In page 143, it is written: "The language medium is of extreme importance in creating a feeling of oneness, and so the medium of instruction is always that of the definitive race . . . . But language is not the only important aspect of a national education policy. The whole curriculum is important. The teaching of history, geography, and literature are all designed to propagate one idea: that the country belongs to the definitive people, and to belong to the country, and to claim it, entails identification with the definitive people. This identification is all-pervading and leaves no room for identification with other countries and cultures. To be identified with the definitive people is to accept their history, their geography, their literature, their language and their culture, and to reject anything else".

It is significant that in the Chinese edition of 'The Malay Dilemma', Dr. Mahathir wrote a preface under the title 'Not a Second Thought' and asked the people to judge him on the basis of his views in the book.

If Malaysia is an open and democratic society, then there must be opportunities for the people to urge on him and his administration that there must be second thoughts, not only on his views in the Malay Dilemma, but also various government policies like the 3M implementation in Chinese and Tamil primary schools.

Unfortunately, the 2M government has virtually banned public meetings on the 3M. Not only has the government prohibited two separate meetings called by educational organisations in Ipoh and Kuala Lumpur on the 3M, the government had imposed the condition that in DAP ceramahs, the DAP cannot talk about the 3M.

If the 3M implementation in Chinese and Tamil primary schools would not affect the character of Chinese and Tamil primary schools, why then the fear of a public discussion, for such a public discussion would only show the hollowness and baselessness of the critics of the 3M. It is only when the Government has no answer to the strong case against the 3M for affecting the character of Chinese and Tamil primary schools that such a ban is necessary.

I find it rather distasteful the attempts by some people who are blaming the DAP for the 3M issue. In the first place, it is not the DAP which created the 3M issue. If the 3M issue has reached the stage it is today, the Barisan Nasional government and its component parties must bear full responsibility for their gross insensitivity to the legitimate aspirations of the people with regard to mother-tongue education. The DAP is in fact trying to de-sensitise the 3M issue by proposing solutions whereby the 3M could be experimented with popular support without treading on the sensitivities of the Malaysian Chinese and Indian communities. Is this a crime?

The Education Minister had said that he had been 'misunderstood', when even today, with some slight modifications in the 3M implementaion in Chinese and Tamil primary schools, the Chinese and Indian communities

still cannot accept it because of the detrimental effect on the character of mother-tongue education.

The DAP had been accused of trapping the MCA leaders into criticising the 3M. We are pleased that we have powers that we have not been aware that we possess, that we could make the Deputy Education Minister, Datuk Chan Siang Sun, to condemn the 3M details as announced by the Education Minister as contrary to the national education policy, and the work of certain extremists in the Education Ministry to sabotage Chinese primary schools, and even make the MCA President and Minister of Transport, Datuk Lee San Choon, declare that he, the Prime Minister, and Deputy Prime Minister were "insulted and belittled" by such 'deviations' from the Cabinet Committee Report, declaring the MCA's intention to dissociate from the 3M.

When Datuk Lee found that neither Dr. Mahathir nor Datuk Musa felt "insulted or belittled" by the 3M implementation in Chinese and Tamil primary schools, the only way he and the MCA could explain their fierce stand of dissociation from the 3M was to blame the DAP for 'trapping' them.

Be that as it may, we in the DAP do not apologise for our continued opposition to the implementation of the 3M in Chinese and Tamil primary schools.

Honour 4-Point Demand by the Chinese community on the 3M

From all available information, including the briefing which the DAP leaders received from the Education Minister and his officials on January 7, the explanations and booklet on 3M published by the government, the failure of the Education Ministry to comply with the four-point demand for Chinese primary schools, we are convinced that it would lead to a long term change in the character of these schools even though the medium of instruction remain unchanged.

Mother-tongue education is not merely learning to read and write the mother tongue, but even more important, to develop cultural roots for the pupils concerned by imbibing the ethical values and cultural traditions of the culture.

This is best learnt by stories of mythological and historical figures in each culture by learning about the lives, achievements, exploits of the heroes, the saints and martyrs or the misdeeds, crimes or betrayals of the villains and traitors, to distinguish between good and bad, the noble and ignoble, how to be a good man and a useful citizen.

Just as a tree without strong roots cannot stand straight in a storm, a man or a race without cultural roots cannot withstand any test or crisis. In America, the Negroes are seeking their cultural roots after losing them for two hundred years as a result of slavery and racial discrimination, not because they want to be less an American citizen, but to become a more useful and stronger member of the American nation, with self and cultural pride.

Similarly, the yearnings of the Malaysian Chinese to preserve their cultural roots is not because they want to be less a Malaysian citizen, but so that they could better contribute to the enrichment of the Malaysian nation where the best from the cultural diversities could be harnessed for the advancement of the country.

Although the DAP has been accused of trying to make an issue of the 3M, my comrades and I in the DAP want more than anybody else to see mother-tongue education fully entrenched in the Malaysian education system and forever removed from the heat and conflict of the political arena.

This is why we have always suggested solutions to de-sensitise the problems of Chinese education in general, and the 3M issue in particular.

The 3M issue with regard to its detrimental effect on the character of mother-tongue education could be resolved by the government immediately honouring the four-point proposal reflective of the views of the Chinese community, as put forward by Tung Chung and Chiau Chung, namely:

1. Apart from Bahasa Malaysia and English language study, all other educational and teaching materials, including references, should be written in Chinese, and not be a translation in any form.

2. Apart from Bahasa Malaysia and English, the Chinese language should be the language of instruction and examination for all other subjects, and teachers not conversant in the Chinese language should not be sent to Chinese primary schools except to teach Bahasa Malaysia and English.

3. In Chinese primary schools, humanities, environment, moral education and music should fully reflect the Chinese cultural characteristics.

4. Increase in the teaching time for English in Chinese primary schools.

If the government cannot or is not prepared to honour these four proposals to make the 3M experiment fully acceptable to the Chinese community, then the government should immediately suspend the 3M implementation in the Chinese primary schools.

The government should not regard the parents of the Kajang and Semenyih Chinese primary schools who staged a class boycott against the 3M implementation as 'trouble makers', but loyal Malaysians who have been driven to find some way to express their opposition to the 3M. The government must accede to the legitimate views of the people, bearing in mind the Yang di-Pertuan Agong's speech that 'the government is not the master, but an administrative tool to serve the people."

Secondly, to allay the fears of the Chinese community about Clause 21(2) of the 1961 Education Act which confers such untrammelled powers on the Education Minister to convert Chinese primary schools into national primary schools, the Government should repeal Clause 21(2) forthwith, or amend it to specifically remove the Education Minister's untrammelled powers and provide instead the specific circumstances where the Minister may convert national-type schools into national primary schools at the specific and unanimous request of the community and the school concerned.

When the 2M leadership first took over the reins of government, its initial acts gave hope that there would be greater openness of government and accountability to the people.

Mengkarak Case: DAP would not condone military indiscipline and lawlessness

Unfortunately, before the one year period that Dr. Mahathir had asked from the people to judge his administration is up, there are already indications of the 2M leadership backsliding from the early promises.

The virtual ban on public meetings and criticisms on the 3M is one example. Another is the growing tendency to label critics, if not yet, as enemies of the country, as aiding and abetting the enemies of the country.

I am referring in particular to the recent Mengkarak incident where soldiers went on a rampage assaulting and molesting rubber tappers.

This happened on February 26 at Batu 66, Mengkarak, Pahang, where a platoon of soldiers had assaulted tappers, including women and a 13-year-old boy, using their rifle butts, slapping and kicking them, even demanding that they strip themselves. One was so seriously injured as to be hospitalised in the Mentakab General Hospital.

On receipt of the complaints by the tappers concerned, I had called a press conference on 1st March to call on the Acting Prime Minister, Datuk Musa Hitam, to hold an immediate inquiry and take stern disciplinary action including court martial against soldiers involved for such military indiscipline and lawlessness.

Two days ago, Datuk Musa alleged that the communists had been given a 'Kit Siang-sent' issue to get the sympathy of the people, and that such an issue would result in the people becoming indifferent to the terrorists.

I do not agree and I regret very much Datuk Musa's attempt to turn the Mengkarak incident into a political issue. Firstly, let me reaffirm the DAP's condemnation of armed communist struggle and violence, for we believe that such struggle and violence is destructive of Malaysian society and progress. However, we cannot condone military indiscipline or lawlessness, for it is such incidents which if not condemned and stamped out, would create a situation where the ordinary people become more frightened of the soldiers than the armed communists. Then the whole battle is lost.

It is not the disclosure of such incidents which would make the people indifferent to the terrorists, but the indifference of the government to such incidents, or the government's attempt to cover-up such incidents, which would make the people indifferent to the communist terrorists.

A government cover-up can take various forms. One is to attack the bona fide of those who brought to public attention such atrocities, or even attack the loyalty of the victims themselves.

This is in fact what happened. The Chief of Army Staff, Jen. Tan Sri Zain Hashim, told a press conference in Mentakab last Friday that based on past experience, the communist terrorists would attempt all kinds of delaying tactics to cause the Army to move out of an operational area. The ploy includes such tactics as staging ambushes away from operations areas to divert the army, or raise allegations such as those which surfaced in Bentong three years ago.

I do not know which particular Bentong incident Gen. Tan Sri Zain is referring to, but the context makes it very clear that the tappers who were victims of the military rampage are regarded as likely communist decoys.

This is a most serious and unfair imputation, which tantamounts to rubbing salt into a wound – after being assaulted by the soldiers, now they are being accused of being communist sympathisers for complaining that they had been assaulted.

With such an official attitude, I doubt whether there could be an impartial inquiry to get to the bottom of the Mengkarak incident.

I would call on the Government to institute a public inquiry into the Mengkarak incident, either to vindicate the soldiers or to show to the country that the government would brook no military indiscipline and armed lawlessness.

I have no intention to undermine military morale, but I think it is even more important that public morale should not be undermined by government cover-ups of military rampages against the innocent public.

Establishment of an independent body to inquire into allegations of police brutalities

In the last few months, I had occasion to bring to public attention several cases of allegations of police brutalities.

The police made inquiries into some of these allegations, while in others they simply relied on the version of the police personnel involved.

All in all however, I must state my complete dissatisfaction with the way such cases had been handled. I am not alleging that the entire police force make it a habit to assault people in the lock-ups throughout the country, but let us not pretend that every police personnel is a certified angel who would never lift a finger to touch any person.

I understand that the instinct of the police, in allegations of police brutality, is to cover-up if it is possible to do so. This was the reason why the Deputy Defence Minister, Abang Abu Bakar, in his initial reaction to the Mengkarak incident, said that it could have been caused by communist terrorists dressed in army uniforms to drive a wedge between the people and government. He did not realise in trying to deny the possibility of army involvement, he was in fact painting a picture of complete breakdown of security in Mengkarak where the communists could operate at will.

To secure full public confidence that every case of allegation of brutality against the police would be thoroughly investigated, without any temptation of a police cover-up to help each other in the same service, such allegations must be investigated by a completely independent body which does not come under police jurisdiction at all. It must be some sort of a Police Ombudsman with wide ranging powers to investigate into police excesses.

Call for meaningful general elections

The general elections fever is rising every day. Although the 2M leadership presents itself as more liberal and more open than the previous leaderships, it would appear that the coming general elections would be held under the most undemocratic conditions in the history of the country.

The 2M leadership had virtually indicated that the ban on public rallies, imposed for the 1978 general elections on the excuse of the 30th anniversary of the Malayan Communist Party armed struggle in 1948, would stay.

The control on the press would be even tighter than in the past, especially with the take-over of more and more newspapers by component parties in the Barisan Nasional. All sorts of difficulties continue to be placed in the way of the Opposition parties even to publish their party organs. The DAP journal, the Rocket was never able to come out regularly at the beginning of each year. In the earlier years, it was because of the delay in renewing the Rocket's KDN. In the last two years, the delay was in renewing the printing licence of the printers of the Rocket. For instance, although it is now nearly mid-March, the printing licence of the Rocket printers had not been renewed, and as a result the Rocket could not be published.

In previous general elections, the Opposition were allocated a few radio broadcasts to present their platforms and policies, although this was out of proportion to the radio and television time dominated by the Barisan Ministers and leaders for their political compaigning.

Now such radio time will also be withdrawn from Opposition parties, although Barisan Ministers and leaders would undoubtedly continue to monopolise radio and television time during the general elections to try to get votes.

This is probably a main plank in the Barisan Nasional strategy to destroy the DAP and other opposition parties, by trying to deny them access to the people. Datuk Musa had said many times that the DAP is now without issues, that the 2M administration had taken the winds out of the DAP sail.

In the first place, the government Ministers had never admitted in the past that the DAP had winds in its sail, that it was a downright irresponsible and useless political party, which is completely bankrupt. This is at least a tacit recognition of the DAP's contribution and role in the past.

But Datuk Musa's mistake is the same his predecessors had made in the past – to believe that the DAP's sail has no winds. But I think he does not really think so, for otherwise the 2M leadership would not be planning to tighten up the controls on the media and public access to block the DAP's voice from reaching the people.

Probably, this is the only way for the 2M leadership to secure a 'strong government' which the Prime Minister spoke about at the Bar Council dinner last month. I think the majority of Malaysians would agree that the Barisan Government is already too strong, which require a stronger Opposition to keep it in check.

Twelve years ago, a critic of the Alliance government wrote:

> "Secure in its absolute majority in Parliament, it was openly contemptuous of criticism. Policies were made which completely ignored public opinion . . . . In the main, Parliamentary sittings were regarded as a pleasant formality which afforded members opportunities to be heard and quoted, but which would have absolutely no effect on the course of the Government. The general feeling was that whether or not Parliament sat, the Government would carry on. The sittings were a concession to a superfluous democratic practice. Its main value lay in the opportunity to flaunt Government strength. Off and on, this strength was used to change the Constitution. The manner, the frequency and the trivial reasons for altering the constitution reduced this supreme law of the nation to a useless scrap of paper."

This diagnosis was as correct of the majority government in the 1960s, as it is today, although the critic has now become the criticised, for the writer was none other than Dr. Mahathir in 'The Malay Dilemma'.

I would end by urging the 2M leadership to allow for a meaningful general elections to be held, where the voters not merely go and cast their votes on polling day, but where the various contending parties and candidates have the fullest facilities and opportunities to explain their policies and the issues at stake to the electorate, so that the people could make an informed and intelligent choice.

Otherwise, the next general elections, instead of celebrating the democratic right of the citizens to help decide in the national destiny of the country, would merely mark another debasement of the democratic process where there is no freedom of speech and campaigning, and where the politics of money and intimidation rob the electorate of their democratic rights.

RACIAL POLARISATION

"In a multi-racial society like Malaysia, terms like 'disloyalty' should not be bandied about freely and indiscriminately, for they are so sensitive and emotive that emotions can overpower reason and sanity.

"What does 'disloyalty' mean? Is it 'disloyalty' to the Barisan Nasional, or 'disloyalty' to Malaysia? Is it 'disloyalty' to a racist doctrine, or to a multi-racial Malaysia?

"And who are the people capable of disloyalty? Are they only the so-called immigrant races"? Are Malays not capable of 'disloyalty"?"

Speech during the debate on the Royal Address on October 13, 1978.

His Majesty, in his Royal Address, called upon the people of all ethnic origins to join hands in support of the noble efforts of the Prime Minister in his task of forging a sense of solidarity among Malaysians. As the Yang Di-Pertuan Agong said: "Emphasis on ethnic, religious, cultural and political differences should not be done on such a scale as to destroy national unity. The spirit of tolerance should continuously be maintained."

Unfortunately, His Majesty's advice has not been heeded by Hon'ble Members in this House itself during the debates of the past few days. We hear the voices of intolerance, of rejection that Malaysia is a multi-racial society; we hear voices of extremism and racialism, completely insensitive to the legitimate hopes and aspirations of the various communities in the country.

After the recent general elections, where the DAP secured some 700,000 votes under the most undemocratic and unfair conditions, several

Barisan Nasional leaders expressed concern that the election results have demonstrated increased polarisation in the country.

This was taken up by the international press and weeklies, to the extent that the Minister for Industry, Dr. Mahathir bin Mohamed, became worried that it would nullify his efforts to woo foreign investors to Malaysia. Dr. Mahathir then denounced the foreign press and magazines for writing about 'polarisation' when his own Ministerial colleagues had been talking about it the loudest!

However, the problem of polarisation in Malaysia cannot be wished away either by denouncing foreign journals, or keeping quiet about it. We can only deal with the problem of defusing polarisation by recognising the problem and resolving its root causes.

Firstly, let me emphasise that polarisation in Malaysia runs along two levels. There is polarisation along racial lines, and there is polarisation along class lines.

Racial polarisation in Malaysia has been created, not by the 1978 general elections results, but by the long-standing neglect and indifference to the legitimate demands and aspirations of all the races in Malaysia.

Racial polarisation must be halted, and it can only be halted by government recognition that racial dissatisfactions exist in the country, and must be resolved.

We in the DAP are prepared to give all assistance and co-operation to help the Government and the Prime Minister to reduce polarisation in our society – but we cannot be a party or remain silent to the continued neglect and indifference to the long-standing grievances of the people which should be resolved by the government.

Let me stress that we in the DAP are no less patriotic and committed to Malaysia as our one and only homeland. We want to see a Malaysia which is harmonious, united, peaceful, prosperous, just and equal, and free.

We may have different viewpoints and opinions, but we do not expect our integrity and loyalty to be questioned by anyone.

Here, I wish to discuss four areas where new efforts and attitudes must be made and taken by Malaysians if we are to make progress to reduce polarisation in the country.

1. Politics and Political Leadership

We have the strange spectacle where component parties in the Barisan Nasional go round the country calling on the Chinese to unite as Chinese, Malays to unite as Malays, and Indians to unite as Indians, and yet pointing the finger at other people as being 'racialist and communal'.

Are all the political parties in the National Front, all the Barisan Nasional Members of Parliament and Ministers prepared to join the DAP in making a pledge that henceforth no one will go round calling on Malays to unite as Malays, Chinese to unite as Chinese, or Indians to unite as Indians, to stop talking about Chinese unity, Malay unity, or Indian unity, but only of Malaysian unity?

This probably explains which parties have been most responsible for creating and perpetuating racial polarisation in the country.

Another cause of racial polarisation is the ever-readiness of certain irresponsible political leaders to give a racial twist to every development.

An example is the mover of this motion, Shamsuri bin Mohd Salleh, Member for Balik Pulau, in his reference to the case of six DAP Perak State Assemblymen who followed the rulings of the Perak State Assembly Speaker and did not take the second oath of allegiance to the Sultan of Perak in accordance with the provisions of the Perak State Constitution.

We have already explained that we did not intend any disrespect to the Sultan of Perak, and that we apologise for any such unintended disrespect; although legally and constitutionally, the six DAP State Assembly had strictly complied with the Constitution.

Unfortunately, there are people like the mover of this motion, who wanted to give a racial twist to such an inadvertent incident, to create racial sentiments and emotions.

Recently, in Malacca, the new Malacca State Assembly started its business session without inviting the Malacca Tuan Yang di-Pertua to declare open the Assembly. It is fortunate that the Malacca State Government is UMNO-run, for if it had been a DAP government, I can imagine accusations that the DAP was trying to do away with the Sultanate system or the Governor system.

I am very shocked at the very racist speeches made in this House in the last two days.

I refer in particular to the speech by the Member for Kinabalu, Mark Koding, who, although an Independent MP, everybody knows is a Berjaya 'stalking horse', and the voice of Datuk Harris Salleh, Sabah Chief Minister. I have no doubt that every word uttered by Mark Koding was with the blessing of Datuk Harris Salleh.

Firstly, let me state that in my nine years in Parliament, there had not been a more racialist speech than the one made by Mark Koding, which is a great shame to him.

He abused the privilege of this House to fan to the most primitive racial emotions. He called for the closure of all Chinese and Tamil schools and the ban of all other languages, apart from Bahasa Malaysia, on signboards. He also called for the amendment of Article 152 of the Malaysian Constitution which guarantees 'free use' of all other languages if his proposals are contrary to this Constitutional guarantee.

In 1971, the Government amended the Constitution to make four issues 'sensitive', the questioning of which is a sedition offence, conviction of which renders the guilty person, among other things, disqualified from holding Parliamentary office. Parliamentary immunity was also removed for these four 'sensitive issues'.

One of these four sensitive issues is Article 152 of the Malaysian Constitution, on the position of Bahasa Malaysia as the National Language and the guaranteed position of the other languages, as enshrined in Article 152(1)(a) that "no person shall be prohibited or prevented from using (otherwise than for official purposes) or from teaching or learning, any other language," and in Article 152(1)(b) that "nothing in this Clause

shall prejudice the right of the Federal Government or of any State Government to preserve and sustain the use and study of the language of any other community in the Federation."

The Sedition Ordinance, as amended by Emergency Ordinance No.45 of 1970, prohibits the questioning of such sensitive matters. The amendment made it a "seditious tendency" :

> "(f) to question any matter, right, status, position, privilege, sovereignty or prerogative established or protected by the provisions of Part III of the Federal Constitution (i.e. provisions relating to citizenship), or Article 152 (National Language and other languages), Article 153 (special position of the Malays and the legitimate interests of the other communities), or Article 181 (the sovereignty of Rulers) of the Federal Constitution."

The amendment to the Sedition Ordinance further provides in effect that in respect of any such matter, right, status, position, privilege, sovereignty or prerogative, an act, speech, words, publication or other thing shall be deemed to be seditious even if it has a tendency –

> "(i) to persuade the subjects of any Ruler or the inhabitants of any territory governed by the Government to attempt to procure by lawful means the alteration of any matter in the territory of the Ruler or governed by such Government as by law established; or
>
> "(ii) to point out, with a view to their removal, any matters producing or having a tendency to produce feelings of ill-will and enmity between different races or classes of the population of Malaysia."

The Member for Kinabalu, in his speech, calling for the closure of Chinese and Tamil primary schools, the ban of the use of other languages on signboards, and the amendment of Article 152 which has entrenched the guarantees for the other languages, has clearly questioned Article 152 and challenged one of the four 'sensitive' issues. His speech comes completely within the Sedition Ordinance, for his speech, aimed at removing the constitutional guarantees for the other languages in Article 152, has

produced feelings of ill – will and enmity between different races in the country.

I call on the Attorney-General and the Minister of Home Affairs to initiate police and legal actions against the Member for Kinabalu, to demonstrate to all Malaysians that what is protected and entrenched as sensitive in Article 152 is not only the first limb on Malay as the National Language, but also the second limb with regard to the guaranteed constitutional position of the other languages. We also want to know whether the law is applied equally to Opposition MPs and also BN MPs, including BN-inspired MPs like Mark Koding. I will like the Attorney General and the Minister of Home Affairs, in winding up the debate, to inform the House, whether they are taking action on this speech by the Member for Kinabalu which openly questioned one of the four sensitive issues entrenched in the Malaysian Constitution.

In his speech, the Member for Kinabalu, described non-Malay Malaysians as 'orang asing'; and he inferred and insinuated about non-Malay Malaysians as having the attitude "What is mine is mine, and what is yours is also mine", trying to portray non-Malay Malaysians not only as irresponsible, greedy, exploitative but also no better than robbers.

I am shocked that such utterances are made in this House, which not only is contrary to Dewan Rakyat Standing Orders 36(10) prohibiting the use of "words which are likely to promote feelings of ill-will or hostility between different communities in the Federation" but because this speech of his has aroused racial emotions and ill-will. It is such speeches which polarise and divide the country.

In his speech, the Member for Kinabalu, made two substantial quotations from the Deputy Prime Minister, Dr. Mahathir bin Mohamed, although he did not enlighten this House where he quoted from.

I have now ascertained that both the quotations were derived v ord-for-word from a banned book, 'The Malay Dilemma' written by Dr. Mahathir bin Mohamed, when he was in the political wilderness after his defeat in the 1969 general elections.

This is again another abuse of privilege of this House by the Member for Kinabalu, in quoting and getting on parliamentary record passages from a banned book.

As the Committee of Privileges has not yet been set up, I formally request the Speaker to take note of this abuse of privilege and for its reference to the Committee of Privileges.

Although the Yang di-Pertuan Agong stressed the importance of 'tolerance' in our plural society, I also do not see it in the maiden speech by the Member for Ulu Trengganu, Alias bin Md. Ali.

Teaming up with the Member for Kinabalu, the Member for Ulu Trengganu, spoke of "penderhakaan terhadap cita-cita bahasa sudah sampai kepada puncak yang tidak patut lagi kita toleratekan". He also spoke of 'perbuatan mengkorap bahasa dalam Dewan yang mulia ini, and proposed that there should be changes in election laws to require every intending candidate to pass a Bahasa Malaysia test prepared by a panel of Bahasa Malaysia experts.

If there is such a Bahasa Malaysia test, I for one will not pass. But not only will I not qualify to stand for Parliamentary elections, I believe all the MCA, Gerakan, MIC, SUPP, and the non-Malay members of Berjaya, and even SNAP will completely fail and disqualify to stand as Parliamentary candidates.

I have never undergone formal study of Bahasa Malaysia because during my school-days, it was not taught as a serious subject. I believe this is the case with the overwhelming majority of non-Malay Ministers and MPs. But we do our best to learn and to be able to speak the language, because it is the national and official language. I do not expect the post-Merdeka generation and subsequent generations to have difficulty whatsoever in Bahasa Malaysia, but to make it difficult for the pre-Merdeka generation of Malaysians to take their positions in public life by requiring them to sit for Bahasa Malaysia tests prepared by language experts is intolerance to say the least.

I do not understand what Alias bin Md. Ali meant by 'penderhakaan terhadap cita-cita bahasa' when all post-Merdeka Malaysians of all races will be proficient in Bahasa Malaysia; nor do I understand about what Alias meant when he spoke of 'perbuatan mengkorap bahasa'. Is his use of the

English-term 'corrupt' in 'perbuatan mengkorap bahasa' one of these 'perbuatan mengkorap bahasa' in this House?

During the debate on the Royal Address, not a day passes without an UMNO MP standing up and questioning the loyalty of what the MP for Tumpat, Tengku Noor Asiah binti Tengku Ahmad, described as the 'immigrant races'.

This is most sad and shocking. Firstly, it illustrates more than anything else the failure of the nation-building policies in Malaysia despite 21 years of Merdeka.

Secondly, even more important, such speeches and statements more than anything else are the daily sustenance and aggravating agent of racial polarisation in the country. The distrust, suspicion and antagonism manifested by such speeches can only engender counter-distrust, suspicion and antagonism!

In a multi-racial society like Malaysia, terms like 'disloyalty' should not be bandied about freely and indiscriminately, for they are so sensitive and emotive that emotions can overpower reason and sanity.

There is nothing more inimical and a greater hindrance to national integration and Malaysian nation building than for non-Malays to feel that they are regarded as innately 'disloyal' to the country, when in actual fact, they have no other object of loyalty and their one and only home-land is Malaysia. Nor does it positively help in welding the diverse races together for the non-Malay Malaysians to be disrespectfully described as 'immigrant races'—when I for one, like the majority of non-Malay Malaysians, have never thought of ourselves as immigrant races, but as Malaysians who are born, bred and will die here. The only impression to be gathered by such terms is that those in authority are only interested in dividing the people in Malaysia into more and more groups and sub-groups, rather than dissolving these divisions into one national whole.

'Disloyalty' is a highly divisive and inflammatory word, especially when it is used as a blanket term to cover entire communities or all the non-Malays..

What does 'disloyalty' mean? Is it 'disloyalty' to the Barisan Nasional, or 'disloyalty' to Malaysia? Is it 'disloyalty' to a racist doctrine, or to a multi-racial Malaysia?

And who are the people capable of disloyalty? Are they only the so-called 'immigrant races'? Are Malays not capable of 'disloyalty'? If we look at the world stage, are Englishmen incapable of treason to England, or Italians to Italy, or Egyptians to United Arab Republic, or Indians to India, or Chinese to China, or Indonesians to Indonesia?

We know that disloyalty or treason sometimes occur in homogeneous societies too, for otherwise, 'disloyalty' and treason would have no meaning and applicability in homogeneous societies.

'Disloyalty' should only be used in relation to specific persons and specific instances – and properly should be applied to persons found guilty of treason by a court of law. If one racial group is allowed to bandy 'disloyalty charges' indiscriminately against another racial group, then unreason will sweep and sway the country!

The first point I wish to make about efforts to depolarise the country is that in the political arena, there must be efforts by political leaders and politicians to conduct themselves consciously to reduce polarisation, and not by irresponsible utterances and blanket terms aggravate racial polarisation in the country.

2. Economic Factors of Racial Polarisation

I have said earlier that there is the problem of polarisation along class lines, created by the fact that ever since Independence, national development has basically benefitted an elite few. However, I wish to confine myself today with the economic factors of racial polarisation.

This is created largely by the government propagation of the idea that the problem of poverty in Malaysia is a Malay problem; that the vast majority of Malays are poor in comparison to non-Malays especially Chinese who are seen as well-to-do. This is a travesty of the truth, for the majority of the non-Malays are poor; and in any event, the wealth of the country is in the hands of foreigners and not the non-Malays or the Chinese.

However, with the endless government emphasis and reiteration on the **Malay-ness** of the problem of poverty, about **Malay** urbanisation, **Malay** jobs, **Malay** graduates and **Malay** entrepreneurial class and so on, the net result is a more heightened communal consciousness and awareness both among the Malays and non-Malays leading to greater racial polarisation.

This is most unnecessary and tragic for the problem of poverty is not a Malay problem, nor confined to Malays, but a socio-economic problem. Both the Malay and non-Malay poor are not given the opportunity to understand the truth about poverty; that poverty and the gap between the rich apex and the poor base is essentially a problem created by the social structure; that there is nothing racial or cultural about the backwardness of Malay society; that the Chinese role in the economy is not responsible for Malay poverty; that the really significant difference in income is within each community and within sectors and not between communities; that merely urbanising Malays will not solve the problem of the Malay masses; that creating rich Malays will not help achieve national unity. The Malay and non-Malay poor are not told that the major economic challenges confronting them have nothing to do with race; that land reform, the credit and marketing system, the co-operative movement, rural social services, the clearance of slums, better wages and working conditions, proper housing, fair prices for goods and commodities, fuller employment opportunities and the elimination of corruption and greed are basically social issues which need not be coloured by race.

An important step to de-polarise our society, therefore, is for Government leaders, both inside and outside Parliament, to concentrate on the socio-economic aspects of poverty rather than the communal or Malay aspect of poverty – and to work towards greater equality in the distribution of incomes between the poor of all races and the rich of all races, rather than to work towards the creation of a new class of Malay rich to keep company with the non-Malay rich.

3. Education

Education has become the most divisive force in our society and a major factor of racial polarisation. As the Prime Minister has promised to allow time for a full debate on my motion asking for Parliamentary

approval for the establishment of Merdeka University, I have no intention of embarking on a debate on the issue here.

However, as in the last few days, many MPs had made pronouncements on the Merdeka University which clearly were based on misconceptions, I wish here to clarify these misconceptions so that they will not continue to mislead Malaysians when discussing or debating on this subject:

(1) The proposed Merdeka University is aimed at expanding higher education opportunities for all races, and not aimed at, as appears to be the conception of some Malay leaders, at the dimunition of higher education opportunities for Malay students just as the Government pledges that there will be a bigger economic cake. This is to ensure an expanding educational cake, so that the resolution of old injustices will not create new injustices;

(2) The proposed Merdeka University is not a purely Chinese media university, but a multi-media university – just as under the present education system, there are different language media of instruction in primary and secondary schools. It will provide places for students from all media institutions – including Malay students who will increasingly find that more and more of them cannot get places in the government's five local universities. It will not be a Chinese university. It will be a Malaysian university;

(3) The proposed Merdeka University is fully in accordance with the Constitutional guarantee of Article 152 for the free use of other languages, except for official purposes, and this guarantee has been entrenched as one of the unchallengeable issues – just like the National Language, Citizenship, Malay Rights and Sovereignty of Rulers.

There can be different opinions about the proposed Merdeka University, but they should not be based on misconceptions, misperceptions or completely false premises.

It is regrettable that in the Yang di-Pertuan Agong's speech, there has been no word of mention about education – when education occupies such

a central place in our national affairs; not only about the problem of dimunition of higher education opportunities, but also about the content and quality of higher education, the problem of deteriorating standards in primary and secondary schools, the problem of school drop-outs, and the problem of the direction, quality and syllabi of secondary education.

But directly bearing on the problem of polarisation is also the position and place of mother-tongue education in Malaysia – the position of the Chinese and Tamil primary schools. I call on the Education Minister to have a special fund every year for the maintenance, expansion and renewal of Chinese and Tamil primary schools, whose physical expansion needs and facilities have been greatly neglected in the past years. The Government should set aside at least $25 million a year, just for the purpose of renovating, maintaining and building school buildings and classrooms of Chinese and Tamil primary schools and providing for adequate facilities.

In Sarawak, the Chinese primary schools find many obstacles in opening up sufficient classes to cater to enrolment demands. In Kuching for instance, I understand that the Sarawak Education Department has imposed a ruling that no Chinese primary school should have more than a thousand pupils – causing great inconvenience to school pupils. The Kuching Chung Hwa Chinese Primary School I, and School III for instance, had requested for one additional class to be opened up, to meet enrolment demands. This was refused, and Chung Hwa School II, which did not ask for increase of classes, was told to open up two new classes – but as it had no more classrooms, it had to borrow two classrooms from Chung Hwa School (1). What type of bureaucratic nonsense is this?

The Minister of Education, Datuk Musa Hitam, should also see to it that new Chinese primary schools are built in areas where there is demand, as for instance in Petaling Jaya and in Sibu.

Before I leave education, I would want the Education Minister, Datuk Musa Hitam, to explain the conflicting figures he gave on university student intake this year, on 10th October in the Dewan Rakyat. During question time, in reply to my colleague, Dr. Chen Man Hin, Datuk Musa Hitem said that the total number of applicants for degree courses in the five local universities this year was 11,938, out of whom 4,400 were successful.

The racial breakdown were Bumiputras 2,881; Chinese 1,210 and Indians/others 309

However, later the same day, when speaking on my motion to introduce a private member's bill to amend the Universities and University Colleges Act, Datuk Musa Hitam said that for this year, there were 30,265 applicants for entry into the local universities, out of which 23,828 failed to get places. I hope Datuk Musa Hitam could reconcile these conflicting figures for 1978 which he gave on the very same day!

4. Cultural and Social Field

The fourth arena which I wish to speak in connection with racial polarisation is in the cultural and social field. Malaysia, with her diverse people of different races, cultures and religions, must be ever-conscious of the cultural sensitivities of all races.

Any attempt by any group to upset the cultural sensitivities of any racial group is bound to have adverse long-term consequences. The episode of the Universiti Teknologi convocation ceremony is a good case in point.

No racial group should be made to feel that it is compelled to depart from its customary way of life and cultural norms.

The allocation of TV programmes is another area where the legitimate aspirations of the various cultural and racial groups have been consistently overlooked. It is such daily incidents which sustain the sense of deprivation and denial by the different racial and cultural groups. I call on the Government to increase television time for the Chinese and Tamil language programmes for Peninsular Malaysia and if necessary by the introduction of a third television channel.

Although the situation in Peninsular Malaysia is very unsatisfactory, the position in Sabah and Sarawak is unbelievable – for ever since the introduction of Television to Sabah and Sarawak, not a single Chinese language film or Chinese language news telecast or Iban or Kadazan newscast had been transmitted. This grave omission and denial over TV Sabah/Sarawak should be rectified immediately.

The diverse cultures and customs in Malaysia have now become a source of polarisation – when they could become a source of integration. For instance, the various religions and cultures contain a commonality on a large number of issues – as to how to be good men and responsible citizens. If we teach all our citizens to be aware and cherish the common universal values to be found in the different religions, they could serve as strong bonds to bring the various races together.

Call for Parliamentary Committee to propose administrative reforms to upgrade efficiency and productivity of all Ministries and departments

The Yang di-Pertuan Agong, in his Royal Address, said that the government had launched a programme to modernize the systems and tools of the entire government machinery. His Majesty noted: "With these innovative measures, all developmental constraints will be effectively and expeditiously surmounted."

The record and history of the administrative service, however, does not hold out much promise that there would be major administrative improvements.

Only several months ago, the Deputy Prime Minister, Dr. Mahathir bin Mohamed, said that the country's administration was still largely based on "19th century methods" and that a thorough study was being carried out to upgrade efficiency and productivity in all ministries and departments. He said the Government intended to improve its administrative machinery by using modern management techniques, like the greater use of computers, accumulation of data by a centralised data-bank system and refined management techniques such as work-flow and time-span analysis.

Dr. Mahathir was not the first person to discover the "19th century methods" of the Malaysian administration. As far back as 1965, the Govern ment had commissioned a Special Report by two Administration experts, Professor John Montgomery and Professor Esman, to undertake a review of public administration in Malaysia with the objective "to improve the administrative system and achieve greater efficiency and administrative leadership in the public service to meet the needs of a dynamic and rapidly developing country."

Professors Montgomery and Esman found the administrative service a 19th century system, and recommended proposals for urgent modernisation. They commented that the administrative system was not producing "adequate results, largely because they have not incorporated many modern and progressive management practices employed by other governments."

With great fanfare, in March 1966, the Government announced full acceptance of the Montgomery-Esman blueprint to modernise the administrative system and move it out of its 19th century mould, and started implementing the recommendations of the Montgomery-Esman Report intended to "increase the speed, reduce the costs and improve the quality of government services."

The major recommendations were:

1. The creation of a Development Administration Unit in the Prime Minister's Department, staffed by professional management analysts to 'plan and guide the major programmes of administrative improvement';

2. Improvement of the government's education and training programme for all levels of the civil service;

3. Strengthen the professional competence of the MCS (Malayan Civil Service) "so that it can provide the necessary administrative leadership for this rapidly developing country."

What is the result of this Montgomery-Esman blueprint to modernise the Malaysian administrative system?

As Dr. Mahathir said in April at the National Land Council meeting, 13 years after the much-publicised modernisation programme for the administrative service, the administration is still largely based on 19th century methods.

Dr. Mahathir's reference to modern management techniques especially with regard to work-flow system were not unknown to the public administrators in the Sixties. But their implementation and modernisation had been resisted and defeated by the MCS itself

This explains why the Development Administration Unit, which was formed as the major organ for administrative modernisation, has today become a very ineffective body, with many of its responsibilities snatched away by other departments. The DAU, which was formed to abolish the Seven Deadly Sins of Administration, has itself fallen victim to one of the sins – inter-departmental jealousy and warfare.

The INTAN, which was established following the Montgomery-Esman blueprint, to upgrade the professional and administrative competence of the MCS, is a failure, for a tree must be judged by its fruits, and here the fruits are the '19th century methods' despite 13 years of modernisation.

In the past two weeks, the people of Malaysia learnt of how top civil service officers and administrators bungled from job to job, and it is frightening to find many public administrators do not have a clue as to what is happening to the vast sums of public funds under their charge.

Only an outside study, a non-civil service study, on the reasons for the failure of the Montgomery-Esman modernisation blueprint can produce results, for the MCS has a vested interest to perpetuate its '19th century methods' and colonial mentality.

I call on the Prime Minister to institute such an outside, non-civil service study into the administrative system in the country. A Parliamentary Committee would be an appropriate vehicle, for a '19th century' civil service cannot serve the modern needs of Malaysians – as is illustrated by endless examples – like the disastrous tinted glass regulations for motor vehicles; the deterioration of service and standards of administration as a backlog of 70,000 cases of transfers of ownership to heirs and survivors of deceased persons; land alienation cases still pending probably touching 100,000; letters take longer time to reach their destinations; phones and telexes ceasing to be a service and becoming a burden, etc.

People-Oriented Government should give first priority to the interests of the poor

After the general elections, the Prime Minister, Datuk Hussein Onn, announced that the new government will be people-oriented. But the actual performance of the Barisan Nasional government at all levels belie this claim.

After the general elections, in many states, there was a massive campaign against the people.

In Johore for instance, the squatters, unlicensed hawkers and agriculturists who cultivate vegetables and crops on government land without permit became the targets of government action.

In Kluang, over 50 hawkers who had been hawking for some 18 years had their stalls demolished without the authorities giving them alternate hawking sites – completely regardless of whether these hawkers and their dependants have any source of livelihood!

In Batu Pahat, in Tanjong Laboh, over 2,000 acres of vegetable farm were destroyed by the authorities who refused to give time for the farmers to harvest their crops. And in Segamat, and for that matter, in Bentong in Pahang, in Kajang in Selangor, the authorities, demolished squatter huts without caring whether these poor people have any roof over their heads!

Yesterday, the Prime Minister during question time, said that a Social Justice division is being established under the Complaints Bureau – but when I asked him where is the social justice in government action against unlicensed hawkers, squatters and farmers cultivating illegally on government land without taking into account the need to provide alternative sites, or houses or land for cultivation for them, the Prime Minister said social justice was not a passport for the people to act against rules and procedures and the laws of the land, or there would be anarchy.

I am sad that the Prime Minister does not understand that legal justice does not necessarily mean social justice. The persecution and prosecution of unlicensed hawkers may be legal justice for the Government – but it is clearly not social justice in the ordinary sense understood by common people.

A government which is people-oriented must be prepared to put social justice even above legal justice! We in the DAP are not defending law-breakers – but we stress that problems like squatters, unlicensed hawking or illegal farming are social problems and not criminal problems. These problems arise because of the failure of the economic and social

policies and programmes of the government to provide jobs, shelter and land for the rakyat.

These problems must be dealt with social justice pre-eminent in the minds of the government, and not pre-occupation with strict enforcement of laws and procedures. Even more important, these social problems should not be treated on par with criminal matters like gangsterism, drug trafficking, exploitation of yellow culture, etc.

Yet, in Johore, after the general elections, the State Government launched a campaign to rid the State of the Seven Sins of Johore, which are listed as gangsterism, drug trafficking and abuse, exploitation of sex, subversive elements, unlicensed hawkers, illegal farming and squatters.

If this is the concept of the Barisan Nasional's people-oriented government, clearly the Barisan Nasional government is not oriented to the people of the masses, but to the people of the elite!

If there is a greater sin in the country, it is corruption, especially corruption at high public and political levels – and not unlicensed hawkers. squatters or unlicensed farming. But no, there is not special campaign against corruption, but there is a special campaign against the rakyat!

I call on the Prime Minister to give this grave matter his serious attention – for our overriding concern should be how to help and improve the lives of the ordinary people, and not how to make their lives more miserable!

DAP 'OBSTACLE TO NATIONAL UNITY'?

"Dr. Mahathir has distorted my speech in the Mid-Term Review debate and made a baseless accusation in alleging that the DAP is differentiating Malays and non-Malays into first-class and second-class citizens.

"He said that patriotic citizens have a right to tell unpatriotic citizens to leave the country. Let me ask Dr. Mahathir, who decides who is patriotic, and who is unpatriotic?

"Are all critics of the Barisan Nasional all DAP MPs and the 700,000 voters who voted for the DAP in the general elections last year, 'unpatriotic', and could be told to leave Malaysia?

"Can Dr. Mahathir define 'patriotism' in this context, as to whether 'patriotism' is to Malaysia as a multi-racial nation, or to Malaysia as a land for the Malays, or for the Chinese, or for the Indians?"

Speech on the First 1979 Supplementary Development Estimates on March 29, 1979.

In presenting this first 1979 supplementary development estimates, amounting to $2,954 million, the items which stand out are the proposed increases in expenditures for defence and security purposes. The Government is asking for approval for a hefty $372 million increase for the Ministry of Defence and another $306 million for police, bringing increased expenditures for these two heads to $678 million.

These two items represent 23% of the first development supplementary estimates. This means that out of every dollar that we are spending out

of the $2,954 million we are being asked to approve today, 23 cents will be on defence and security. In contrast, education in the first 1979 development estimates is only a paltry $29 million, or 1% of the supplementary development estimates. This means that for every dollar of the supplementary development estimates, only one cent goes to education.

This clearly shows a lop-sided and misplacement of priorities on the part of the government. Is the great increase of expenditure in security and defence because of the developments in Indo-China, the Vietnamese intervention in Kampuchea, and the recent establishment of the Indo-Chinese military juggernaut bringing Kampuchea and Laos under Vietnamese control?

These are undoubtedly disturbing developments on which Malaysia must take a clear stand, and must unequivocally demand the withdrawal of all foreign troops in Indo-China, and in particular the withdrawal of Vietnamese troops from Kampuchea, where it is clearly playing the role of the new aggressor.

But the internal security, resilience and solidarity of the country cannot depend on spending more and more on defence. In fact, over-expenditure on defence can become counter-productive where it deprives expenditures in essential areas like education, social and economic development, which must build the first and most important line of defence to any threat to the integrity and sovereignty of the nation.

The allocation of 23% of the first development estimates of $2,954 million to military and security, while only 1% to education, is a great disappointment to all Malaysians who had looked forward to revision of Third Malaysia Plan expenditures to see the Education Minister, Datuk Musa Hitam, fulfilling his promise made to this House on December 11 to increase non-Malay intake into the five local universities.

The unsatisfactory reply given by the Education Minister, Datuk Musa Hitam, on March 19, to my question as to how the Government would increase the intake of non-Malay students into the five local universities, and the woefully meagre provision for increased expenditures for education, especially higher education, as seen in the supplementary development

estimates, have only raised profound doubts as to whether the Education Minister's solemn pledge on December 11 would be honoured.

The speech by the Deputy Prime Minister, Dr. Mahathir Mohd, yesterday when winding up the debate on the Mid-Term Review of the Third Malaysia Plan, attacking me for drawing the attention of the Education Minister and the Government to the importance of their fulfilling the December 11 pledge to increase the intake of non-Malay students, is even more disturbing. For the Barisan Nasional Government appeared to be preparing the ground for branding those who criticise the Government for not fulfilling the December 11 pledge to increase the intake of non-Malay students into the local universities as "anti-national"; blissfully ignoring the fact that government policies which create national division are the real enemies of Malaysia!

In fact, the entire speech by the Deputy Prime Minister yesterday was a most irresponsible and unfortunate one. He accused the DAP, and I myself, as the biggest obstacle to national unity. If Dr. Mahathir genuinely wants to find out the biggest obstacle to national unity, he should look in the mirror, and he will find the person – especially with the type of speeches that he made, like the one yesterday.

The DAP is prepared to dissolve, and I withdraw from politics, if Dr. Mahathir can convince us and the people that we are the 'obstacles' to Malaysian national unity. I challenge Dr. Mahathir to show where in my speech during the debate on the Mid-Term Review of the Third Malaysia Plan had I espoused or preached racialism.

Dr. Mahathir had given as an example my speech on the need for increased intake for non-Malay students.

This is what I said during the Mid-Term Review debate:

"The reply that the Minister of Education has given on Monday to my question as to what steps the Minister has taken to implement his assurance has not pleased anybody.

"Let me inform the Minister of Education that public expectation on his fulfilling his promise is very high. In fact, to the non-Malays, the

government decision on the intake of university students for the new academic year would be a test case of the Government's commitment to forge ahead towards a multi-racial Malaysia. In all sincerity and humility, I urge the Minister of Education to keep faith and not to break the government's solemn undertaking.

"Nobody wants to or expects the Minister of Education to reduce by one single place the government's proposed intake of Malay students into the universities. Malaysians, including non-Malays, do not begrudge the provision of special assistance to Malay students to attain university education. All that they ask is that, without depriving any Malay student of university place, the Government should provide university educational opportunities for non-Malay students. It is short-sighted and self-defeating to try to solve old injustices and inequalities by creating now injustices and inequalities."

To Dr. Mahathir, the above extract is a blatant preaching of racialism. I am very disappointed with Dr. Mahathir, for we had all hoped that he had matured and mellowed in his years of office to acquire a more multi-racial outlook and approach.

One strong plea, which has clearly been rejected by the Deputy Prime Minister, is that the restructuring of Malaysian society must work towards the objective of Malaysian-isation and not Malay-isation, or Chinese-isation or Indian-isation!

To Dr. Mahathir, those who plead for more places to be given to non-Malay students, without depriving one single Malay student of a place in the local universities, are 'racialists', but those who oppose more local university places being given to non-Malays are 'patriots'!

To Dr. Mahathir, those who urge a Malaysian, multi-racial approach to the problems of the country are 'racialists', while those who want a racial approach, like the taking down of non-Malay road names, are 'patriots'!

Let me inform the Deputy Prime Minister that if this is his approach to problems of Malaysian nation building, then as the Deputy Prime Minister and potential Prime Minister, he will become the biggest obstacle

to Malaysian national unity. I call on him, for the good of Malaysia and the people of Malaysia of all races, to examine himself as to whether his speeches, actions and policy preferences have indeed become major obstacle to the fostering of a multi-racial Malaysian identity, consciousness and nationalism.

Dr. Mahathir has tried to put the failures of Barisan Nasional's nation-building policies on the DAP's shoulders, even declaring that the DAP and I are the biggest obstacles to national unity, and that without the DAP and I, national unity would have succeeded.

If Dr. Mahathir's diagnosis of the ills of Malaysian nation-building is correct, then the solution is very easy. Ban the DAP, and put me back in the detention camp — and hey presto! like magic, national unity in Malaysia is created.

I respect Dr. Mahathir's intellect and mind too much to think he really believes in such nonsense. I have no doubt that there are people in the Barisan Nasional leadership who want to resort to such actions for short-term political considerations, and who might use these arguments as excuses.

The Barisan Nasional Government, and in particular the Deputy Prime Minister, should know that the reasons and root causes for national disunity, and failure to build national consciousness and identity, is because of the Government policies and measures of the last 22 years – which have made the people of different races and classes to become more apart from each other.

The solution lies in reviewing and modifying these policies, in educating each race towards greater Malaysian consciousness and identity.

Dr. Mahathir has distorted my speech in the Mid-Term Review debate and made a baseless accusation in alleging that the DAP is differentiating Malays and non-Malays into first-class and second-class citizens.

He said that patriotic citizens have a right to tell unpatriotic citizens to leave the country. Let me ask Dr. Mahathir, who decides who is patriotic and who is unpatriotic?

Are all critics of the Barisan Nasional, all DAP MPs, and the 700,000 voters who voted for the DAP in the general elections last year, 'unpatriotic', and could be told to leave Malaysia?

Can Dr. Mahathir define 'patriotism' in this context, as to whether 'patriotism' is to Malaysia as a multi-racial nation, or to Malaysia as a land for the Malays, or for the Chinese, or for the Indians?

If the Barisan Nasional government accepts that Malaysia is founded as a multi-racial nation, then clearly those who do not accept multi-racial policies and approaches to Malaysian development are not 'patriotic' to Malaysia; those who reject a policy of Malaysianisation as propounded by the DAP are not 'patriotic' to Malaysia. Then, following Dr. Mahathir's argument, these type of citizens should be told to leave Malaysia, so that only Malaysian citizens who accept the multi-racial basis of Malaysia are left in peace in the country.

Dr. Mahathir's speech yesterday has damaged inter-racial relations in the country. If this was Dr. Mahathir's intention, then I have nothing to add, but to let the people make their own judgement. But if that was not Dr. Mahathir's intention, then I hope he would accept the need for him and for the Government to desist from a course of confrontation, and embark on a special effort, at building a new consensus among the various peoples to foster national unity.

We in the DAP have made personal and political sacrifices because we believe that the nation-building policies and measures pursued in the country are wrong, and we believe that as citizens, we have the responsibility to try to put things right. The sacrifices that DAP leaders, members and supporters are making are the very proof of 'patriotism' and loyalty to a multi-racial Malaysia.

Dr. Mahathir should not make political capital for the sake of scoring political points and gaining greater popularity, in disregard of the harm to the future of the country.

I urge him to give deeper thought to the problems of national disunity, and find new solutions to deal with the problem. The DAP is prepared to give assistance and contribution in any search for new answers

and solutions to national unity, but we will not be cowed or intimidated into silence by threats or the tactics of political distortion or character assassination.

A DECADE OF UNITY AND RECONCILIATION

"National unity in Malaysia can only be predicated on continued inter-religious harmony and co-existence. The time has probably come for the various religions in Malaysia to establish some machinery for promoting inter-religious harmony and understanding, and I would urge the Prime Minister to take steps to establish an Inter-Religious Council where representatives of the various religions could meet regularly to exchange views and take steps to promote inter-religious understanding.

"Malaysia is living on borrowed time. We must turn the borrowed time to good use, so that the people of Malaysia become masters of their own fate through the discovery of a common national consciousness and identity.

"In this regard, I would call on the Government to introduce national service, not so much for the military reasons, but because it is a crucible to put all young Malaysians together to mould them into becoming a closer model to a Malaysian citizen – instead of merely Malays, Chinese, Indians, Ibans, Kadazans."

Speech in the debate on the Royal Address on March 18, 1980.

I rise to support the Motion of Thanks to His Majesty for His Gracious Address to both Houses of Parliament yesterday.

His Majesty, at the outset of His Gracious Address, rightly reminded us that this session takes place during a historically significant period. We are entering the decade of the Eighties. This year is also the last year of the Third Malaysia Plan and the mid-way mark of the 20-year Perspective New Economic Policy of the Government.

In closing, His Majesty exhorted Malaysians to give their fullest support to all the efforts to forge "a society that is united, strong, peaceful and prosperous governed by a clean Government."

National unity, without doubt, holds the key to Malaysia's future, for without national unity, Malaysia can neither be strong nor peaceful, nor can any prosperity of the country long endure.

Over the years, a lot of lip-service had been paid to the objective of national unity, but no serious attempt has been made by the Government to assess or ensure that government policies enhance and not undermine national unity.

It is no use the Government Ministers claiming that all government policies and measures are guided by the objective of creating national unity. These are empty words. The New Economic Policy, with its two prong approach of restructuring society and elimination of poverty, also proclaimed that its overriding objective is to achieve national unity. But any objective and impartial person must admit that certain aspects of the New Economic Policy had the effect of promoting national disunity and division, not only between the races, but also between the classes.

What is clearly needed is a separate mechanism to monitor and evaluate the national unity aspect of government policies and measures.

When the New Economic Policy was proclaimed in 1970, there was much talk about national unity. In fact, an entire Ministry of National Unity was created, but subsequently this was reduced to a National Unity Board, and today, nobody knows whether the National Unity Board still exists or has died of natural causes. Not that much good would come from the appointment of a Chairman of the National Unity Board, as the Board in all its years had completely failed to make any contribution in identifying the causes of national unity, of pin-pointing policies and measures which create disunity, or in any way make an impact in the most important subject in the country.

Regional and international developments have shown that we live in a dangerous world. The Soviet-backed Vietnamese aggression in Kampuchea and the Soviet aggression in Afghanistan, so close to our homeland, should

be strong reminders that there are predatory nations who would violate the independence, territorial integrity and sovereignty of other nations for their big-power interests.

Malaysia, like other ASEAN countries, has reacted to these developments with increased military spending. But no amount of military spending will benefit Malaysia unless the people are united and one.

Entering the Eighties, we should be frank with ourselves and search out the causes and areas of national disunity, and devise new strategies to repair such national divisions. We should not delude ourselves into thinking that nation building in terms of making Malaysian citizens identify themselves as citizens first and their racial affiliations subsidiary had been a great success.

As a complex plural society, such national divisions could stem from class differences, or racial, religious or cultural grounds.

The recent demonstration by the padi farmers in Kedah on January 23, which is reminiscent of the Baling demonstrations by the rubber tappers in 1974, is symptomatic of a New Economic Policy which could not bring the fruits of development to primarily benefit the farmers. Despite the multi-million dollar development expenditures, the inequitable structural land system where absentee landlords gain more from public development expenditures than tenant-operators on uneconomic-sized holdings, government maladministration and corrupt practices, combine to deny the peasants their rightful due.

I do not speak for PAS, but on a matter of principle, the government's use of the Internal Security Act to detain PAS officials and others for being allegedly behind the Kedah demonstrations by padi farmers must be condemned as another abuse of power by the political party in power. If the PAS officials and others had committed any offences under the ordinary laws of the land, then they should be charged in court and tried. The Internal Security Act was enacted to deal with extraordinary situations with grave security implications for the country, and not meant to deal with ordinary dissent or demonstration which could amply be dealt with by the ordinary laws.

In this connection, the indiscriminate use of the Internal Security Act in a wide variety of circumstances which do not remotely affect security must be viewed with concern by Malaysians.

In February last year the Internal Security Act was used against trade union officials and workers.

In Johore, a PSRM member who entered a caveat against the transfer of the BBC land in Plentong, Johore from being sold to a private company was detained under the ISA after the entry.

At the rate the government is misusing the ISA, it will not be long before the government begin to consider using the ISA against those who should choose to stand against key Ministers in general elections.

The human rights record in Malaysia is a disgrace to Malaysians. The Amnesty International, in a Report on the Human Rights situation in Malaysia, submitted eleven recommendations for the Malaysian Government to rectify long-standing human rights violations, whether in arbitrary detention of political opponents or critics under the ISA or detention conditions.

The Amnesty International Report was banned by the Malaysian Government, which can only confirm in national and international eyes, the truth of the indictment of human rights violations as set out in the Amnesty International Report.

Last week, the authorities executed three persons convicted of offences under the Internal Security Act and whose appeal for clemency had been rejected by the Rulers concerned.

I understand that there are some 34 condemned prisoners in the death rows on conviction under the Internal Security Act and sentenced mandatorily to death and whose pleas for clemency had been rejected. I further understand that the authorities concerned propose to carry out executions of these 34 condemned in batches every Friday. In virtually all these 34 cases, their offence is for possession of firearms. To execute persons convicted on possession of firearms, but who have not been guilty of violence of any nature is too inhumane and uncivilized for Malaysia,

and will be an eternal blot on Malaysia's conscience and irreparably tarnish Malaysia's international image and reputation.

I had last week sent an urgent telegram to the Prime Minister to appeal for a stay of execution, as an Orgy of Execution of 34 condemned prisoners in batches every Friday will create national and international revulsion, and is completely indefensible. I wish here to renew my plea to the Prime Minister to give another opportunity to the condemned and to commute the death sentences imposed mandatorily into life imprisonment.

I believe men and women of decency of all races, faiths and classes will appreciate the commutation of the mandatory death penalty into life sentences.

The Government has assumed authoritarian powers under the Internal Security Act, under the cover of Emergency Proclamations although the situations giving rise to such proclamations, have long ceased to exist. The Government should heed the voice of reason and decency inside and outside the country for greater respect for human rights, and I call on the Government to establish a Royal Commission on Human Rights, to survey the extent human rights in Malaysia had been respected or violated in Malaysia in the 23 years since Merdeka, and also to prepare a finding on the Amnesty International Report.

A national debate on the state of human rights in Malaysia is needed if the drift towards indiscriminate use of the ISA against any critic or dissenter is to be halted. Further, the use of the ISA to silence the sufferings and deprivations of workers and farmers can only accentuate class differences, and lead to greater national disunity.

I call on the Prime Minister to seriously consider the proposal of a royal commission comprising an independent panel of eminent Malaysians of all races and cross sections to examine the human rights situation in Malaysia, for no one, not even the Prime Minister or the Minister of Home Affairs, has the sole wisdom or monopoly of knowing what is good for Malaysia.

Malaysians, particularly non-Malays, are heartened by the speech of His Majesty warning against the activities of "those who believe that Islam

is intolerant and so they engage in negative activities which tarnish the image of Islam."

In the last two years, the manifestation of religious intolerance in some Islamic groups had caused grave disquiet and concern in the country. If unchecked, this could prove to be a powerful factor for disunity in Malaysia in the 1980s, bringing to Malaysia religious discord which we had so far been mercifully spared.

This intolerance towards other religions has manifested itself in several forms. The most conspicuous had been the spate of desecration of Hindu and a few Chinese temples. Another manifestation had been the objection to the construction of the Kuan Yin Buddhist statue in Kek Lok Si in Ayer Itam in Penang on the ground that it was too high.

In Malaysia, the constitution provides Islam as the official religion and guarantees freedom of worship. We find in Malaysia the great religions of the world – Islam, Hinduism, Buddhism and Christianity. The attitude we should inculculate in Malaysians should be one of open-mindedness and tolerance, rather than one which is narrow, intolerant and bigoted.

An open-minded and tolerant attitude would welcome the flourishing of the various religions in Malaysia, in a state of inter-religious harmony and co-existence, and which will rejoice at the building of the biggest mosque, the biggest temple, the biggest church, and the highest Buddhist statue in South East Asia or this part of Asia in Malaysia.

A narrow, intolerant and bigoted attitude would regard the restriction of the activities of other faiths and religions as a pre-condition for the promotion of one's own, and would be ever ready to consider the promotion of other religions as an insult to one's own.

It is public knowledge and record that non-Muslims in Malaysia contributed generously to the building of the National Mosque and other state mosques. Such activities which cut across religions promote inter-religious understanding and harmony, should be encouraged, for religious intolerance may prove to be the bane of Malaysian nation building.

The narrow, intolerant and bigoted attitude, which regards the dimunition of activities or rights of others as a pre-condition of the

promotion of one's own, can be seen in many areas of public life. This explains the recent change in broadcasting policy with regard to Thaipusam programmes, which departed from past practice on the ground that Thaipusam is not a national festival.

This is most regrettable, for it shows that in many public areas, administrative decisions are taken to interpret restrictively the freedom of worship guaranteed in the Constitution.

National unity in Malaysia can only be predicated on continued inter-religious harmony and co-existence. The time has probably come for the various religions in Malaysia to establish some machinery for promoting inter-religious harmony and understanding, and I would urge the Prime Minister to take steps to establish an Inter-Religious Council where representatives of the various religions could meet regularly to exchange views and take steps to promote inter-religious understanding.

The Cabinet Committe Report on Education has recommended that when Muslim students study Islamic Knowledge, non-Muslim students would study a new subject – Morals and Ethics; and that Islamic knowledge would be compulsory for Muslim students and Morals and Ethics would be compulsory for non-Muslim students. **In keeping with the spirit of the Constitutional guarantee of freedom of worship, instead of the new subject of Morals and Ethics for non-Muslim students, non-Muslim students should be taught the religion they profess thus Christian pupils taught Christianity, Buddhist pupils taught Buddhism and Hindu pupils taught Hinduism. I would commend this proposal for the serious consideration of the Government, and would also hope for public reactions to this proposal.**

I have sought briefly to outline some of the various potent divisive factors retarding national unity arising from class, human rights, religious, cultural and racial angles.

These problems can be ignored at the price of national disunity, which will become a grave problem in the face of external pressures and/or economic depression.

Malaysia is very fortunate economically in that our commodities have fetched very high international prices. But if we imagine a scenario

where there is a collapse of the price of our commodities, and a nation faced with external threats and challenges, I shudder to think of the national resilience and unity available to tide the country through such national crisis.

This is why it is all the more essential that we should strenuously build up national unity and resilience among the people which would be able to withstand any type of crisis or challenge whatever the eventuality.

This is why I would call on the national leaders to exert themselves in a national concerted effort to make the 1980s a Decade of Unity and Reconciliation which would unite the people of diverse origins into one people through according respect and rightful place to the people's legitimate aspirations.

Malaysia is living on borrowed time. We must turn the borrowed time to good use, so that the people of Malaysia become masters of their own fate through the discoverty of a common national consciousness and identity.

In this regard, I would call on the Government to introduce national service, not so much for the military reasons, but because it is a crucible to put all young Malaysians together to mould them into becoming a closer model to a Malaysian citizen instead of merely Malays, Chinese, Indians, Ibans, Kadazans.

THE MEANING OF MALAYSIAN NATIONALITY

"The objective of the restructuring of Malaysian society so as to reduce and eventually eliminate the identification of race with economic function is a laudable objective. But this prong of the NEP will hinder rather than promote national unity if the restructuring is regarded as a process of Malay-isation rather than of Malaysian-isation.

"If national unity is to remain the overriding objective of the NEP, then I call on the Government to demonstrate by action to establish beyond doubt in any quarter, whether among Malays or non-Malays, that restructuring is a process of Malaysianisation of all sectors of Malaysian life, and not Malayisation!

Speech on the Mid-Term Review of the Third Malaysia Plan on March 22, 1979.

Both the Second and Third Malaysia Plans have proclaimed that the overriding objective of the New Economic Policy is the attainment of national unity in the country.

Both prongs of the New Economic Policy, to eradicate poverty regardless of race and the restructuring of Malaysian society, are aimed at this single overriding objective: the attainment of national unity.

But we can search the Mid-Term Review of the Third Malaysia Plan from the first page to page 252, and find there is not a single reference to national unity. I would expect a whole chapter being devoted to review and assess the progress or lack of progress in welding national unity.

This is important because the Government's implementation of the New Economic Policy is no guarantee that national unity is being fostered or promoted. In fact, if yesterday's debate on the Mid-Term Review is any

guide, it would indicate that we are still very distant from the path of working towards national unity although we are at the stage of reviewing the Mid-Term progress of the Third Malaysia Plan.

I refer in particular to the speech by the Barisan Member for Pasir Puteh, who launched into a tirade against the DAP, accusing the DAP of being an obstacle to the success of the New Economic Policy. My first impression is that the Government leaders and backbenchers appeared to be preparing the people for failures of government policies and measures and looking for scapegoats. The Hon'ble Member went on to demand that DAP MPs, if they do not like the democracy and the policies being pursued in the country, leave the country.

I am surprised by the cheek of the Member for Pasir Puteh, for I want to know what right has the Member for Pasir Puteh to ask DAP MPs to leave Malaysia. We are not only elected representatives of the people, who despite all the unfair and undemocratic tricks of the Barisan in the recent general elections, have been elected into this House with an impressive vote and mandate, we are also all Malaysian citizens, just like the Member for Pasir Puteh.

We do not make secret of the fact that we, and the 700,000 voters who voted for the DAP, are not happy with the undemocratic goings-on in the country, and many aspects of the Government's policies. We want to bring about changes, to educate public opinion and build up pressure by the constitutional and parliamentary process to effect changes.

This is completely within our rights as citizens of Malaysia. If the Member for Pasir Puteh does not like it, does he want us to tell him to leave Malaysia and get lost?

Or does the Member for Pasir Puteh thinks that there are two classes of citizens, the first-class citizens who can tell the other citizens to leave the country, and the second-class citizens who can only be told to leave the country by the first-class citizens?

The attitude and mentality of the Member for Pasir Puteh, which unfortunately is not confined to him alone, illustrates the failure of the NEP to fulfil its overriding objective of building national unity in Malaysia.

In fact, the Member for Pasir Puteh has no concept or idea about the meaning of national unity at all, for otherwise, he would never ask another citizen, regardless of his racial origin, to leave the country for any reason whatever!

National unity must firstly mean that every citizen is equal, and accepts each other as equal before the law and in citizenship rights in the country. Secondly, it means that Malaysian citizens, regardless of their race, religion, language or culture, come together in unity on their common basis as citizens of Malaysia, subordinating their ethnic, religious, linguistic or other cultural origins or affinities.

National unity in Malaysia can only be founded on the common citizenship of the people, in instilling and inculcating Malaysian consciousness and identity. It cannot be built on Malay unity, Chinese unity or Indian unity, or Kadazan unity or Iban unity, for it is the greatest fallacy of Malaysian politics and history that such racialist unities lead inexorably to national unity.

The speech of the Member for Pasir Puteh is the product of the politics of racial unities, not the product of Malaysian national unity.

I call on the Prime Minister and the Barisan Nasional Government to join in condemning and deploring the speech of the Member for Pasir Puteh, in dissociating unequivocably from this mischievous and irresponsible speech, if great harm to inter-racial understanding and national unity is not to be caused.

The case of the Member for Pasir Puteh highlights the urgency and importance of a national movement to educate every Malaysian about the meaning of Malaysian nationality, that it must involve a conscious acceptance of himself and other fellow citizens as Malaysians, all sharing similar and equal citizenship rights as provided by the Constitution; where no one citizen can tell another citizen to leave the country if he does not like things in the land.

Datuk Hussein Onn, in his now famous interview with the Far Eastern Economic Review, in January this year, said he was naive when Malaysia got

independence in thinking that it would take ten years to achieve national consciousness and unity. Now, having grown older and perhaps wiser, he thought that this would take a generation. When asked whether this objective would be achieved at the end of the century, Datuk Hussein Onn was non-commital, saying merely, "Well, we could only pray."

As I understand it, a generation is normally understood to be a span of 20 years. This means that by the Year 2,000, Malaysia would have had two generation of Malaysians, and not one as envisaged by Datuk Hussein Onn.

This little muddle illustrates the lack of clear thinking or positive results in nation building whether by the Prime Minister himself or by the Government.

A generation of post-Merdeka Malaysians have grown up and taken their places in society, the complete products of the national education policy of the Alliance and Barisan Nasional governments. Can we say with confidence that the first post-Merdeka generation of Malaysians are imbued with more Malaysian consciousness and identity than the Merdeka generation of Malaysians?

Although the Government had not failed to proclaim national unity as its main objective, the results have been dismal. There could be no denial that the way the NEP was implemented since the early Seventies had in many areas undermined the basis of multi-racialism in Malaysia.

When the Third Malaysia Plan was announced, the Government was at pains to emphasise that the Third Malaysia Plan would correct the mistakes of the implementation of the Second Malaysia Plan.

This is what I said in this House on July 20, 1976 when we debated the Third Malaysia Plan:

> "When I read the Third Malaysia Plan, my first impression is that this is a more balanced and rounded document than the Second Malaysia Plan . . . . . I do not know whether this greater political perception of the root causes of the socio-economic problems in Malaysia, which is not as broad and deep as I would like it to be.

is accompanied by the political will to result in effective policies to eliminate such problems, or whether such perceptions have percolated down the entire government and administrative machinery and not merely confined to a handful of policy makers."

The Third Malaysia Plan has only 21 months left, but its promise had not been matched by performance. The continued unchecked emigration of Malaysian professionals is proof of this.

The emigration of Malaysian professionals is of fundamental importance because, apart from the question of loss of trained manpower for the development of the country, it highlights the central problem of national unity in the country.

Although eventually, only a small minority of Malaysians would have the means or the qualifications to emigrate, the disenchantment, discontent, alienation and bitterness which prompted and motivated this emigration flow are intensely felt by a substantial majority of Malaysians. If this alienation and bitterness among the substantial number of Malaysians are not dealt with, then it would have grave adverse consequences on national unity and resilience.

The Barisan Nasional Government's oblivious or indifferent attitude to the problem of emigration of Malaysian professionals, its refusal to lift its finger to check this emigration flow, speaks louder than words about its lack of will or commitment to find out and resolve the factors of disunity and division among the different peoples in the country. It is just not good enough to brand those who emigrate as 'disloyal', or say they are good riddance, or point to Vietnamese refugees as if to emphasise, that things could be worse!

This professional emigration is a dangerous sickness in Malaysian nation building, and must be stopped for the health and good of nation building.

In this connection, let me inform the Prime Minister that his interview with the Far Eastern Economic Review had upset many Malaysians and caused a setback in nation building. I am referring to his taking to task Tan Sri Lee Yan Lian for complaining about being 'second class citizens', and his

offer to immediately exchange his rights for the millions and 'second class citizenship' of Lee Yan Lian.

I do not hold any watching brief for Lee Yan Lian, but I find this portion of the Prime Minister's interview most remarkable. Firstly, was Datuk Hussein Onn offering to exchange his rights, together with his Prime Ministerial-post, with Lee Yan Lian's millions and 'second class citizenship'? If Datuk Hussein Onn was making this offer, then I think Lee Yan Lian would be making a pretty good bargain to accept the exchange.

Secondly, is Datuk Hussein Onn aware that his remarks implied a tacit admission on his part about the existence of 'second class' citizens in the country, but that millionaires like Lee Yan Lian should not complain about it? It of course raises the further question whether Malaysians who do not have the millions of Lee Yan Lian could then complain about such 'second class' citizenship.

The point I want to make is that the Prime Minister should be very careful in his statements and actions to ensure that they positively help towards nation building!

I have said that the Third Malaysia Plan has not lived up to expectations that it would be more rounded and balanced in dealing with the socio-economic problems of a multi-racial society.

A good example is in the field of education. The Third Malaysia Plan, for instance, ignored the grave problem of educational insecurity of Malaysians especially in the matter of higher education opportunities for non-Malay students. It was only after the people demonstrated in a clear and unequivocal fashion in the 1978 general elections their rejection of the education policy of injustice and the national response to the campaign for the establishment of the proposed Merdeka University, that the Barisan Nasional Government was forced to acknowledge the existence of this problem. The Education Minister, Datuk Musa Hitam, had promised in this Dewan on December 11 that the government would increase the intake of non-Malay students into the five local universities in the new academic year.

The reply that the Minister of Education has given on Monday in reply to my question as to what steps the Minister has taken to implement his assurance has not pleased anybody.

Let me inform the Minister of Education that public expectation on his fulfilling his promise is very high. In fact, to the non-Malays, the government decision on the intake of university students for the new academic year would be a test case of the Government's commitment to forge head towards a multi-racial Malaysia. In all sincerity and humility, I urge the Minister of Education to keep faith and not to break the government's solemn undertaking.

Nobody wants or expects the Minister of Education to reduce by one single place the government's proposed intake of Malay students into the universities. Malaysians, including non-Malays, do not begrudge the provision of special assistance to Malay students to attain university education. All that they ask is that, without depriving any Malay student of university place, the Government should also provide university educational opportunities for non-Malay students. It is short-sighted and self-defeating to try to solve old injustices and inequalities by creating new injustices and inequalities.

The gravity of the problem of dimunition of higher education opportunities for non-Malays in their own country can be seen from the figures that, during the Second Malaysia Plan 1971–1975, the share of the Malays and other indigenous people to total enrolment in domestic tertiary institutions increased from 50% to 65% or from 6,622 to 20,547 – an increase of 13,925. In the same period, the share of other Malaysian students in domestic tertiary institutions declined from 50% to 35%, or an increase in absolute terms from 6,702 to 10,982. (Source: Third Malaysia Plan).

For the academic year 1977/1978, the five universities took in a total of 5,953 students which is made up of 4,457 Malays, 1,187 Chinese, 226 Indians and 43 others, or a percentage breakdown of 75% Malays and 25% non-Malays.

The anxieties of non-Malay parents about the future of their children is amply justified when we study the figures for student enrolment into the local universities for degree courses.

Degree Course

	1975					1978				
	Malays	Chinese	Indians	Ors.	Total	Malays	Chinese	Indians	Others	Total
Universiti Malaya	3991	3554	589	160	8294	3935	3440	682	147	8204
Universiti Sains Malaysia	1218	1479	195	21	2913	1759	1302	222	16	3299
Universiti Kebangsaan	2396	134	35	5	2570	3975	276	82	6	4339
Universiti Pertanian Malaysia	539	132	24	3	698	1169	181	52	3	1405
Universiti Teknologi Malaysia	456	74	3	–	533	702	93	15	7	817
Total	8600	5373	846	189	15008	11540	5292	1053	179	18064
%	57.3	35.8	5.6	1.3	100	63.9	29.3	5.8	1.0	100

These figures of university student enrolment for degree courses from 1975 to 1978 indicate Malay students increased from 8,600 to 11,540 – an increase of 2,940; for the Chinese there has been a decrease from 5,373 in 1975 to 5,292 in 1978 – a decrease of 81.

Another way of looking at these figures for university degree courses is that Malay students increased from 40% of total enrolment in 1970 to 57.2% in 1975 and to 63.9% in 1978; while non-Malay share fell from 60% in 1970 to 42.8% in 1975 and to 36.1% in 1978.

As in 1978, the racial percentage in each of the universities is as follows:

Universiti Malaya:	Malays	48%	non-Malays	52%
Universiti Sains:	Malays	53%	non-Malays	47%
Universiti Kebangsaan:	Malays	92%	non-Malays	8%
Universiti Pertanian:	Malays	83%	non-Malays	17%
Universiti Teknologi:	Malays	86%	non-Malays	14%

According to the Mid-Term Review, there were a total of 17,513 Malaysian students doing university degree courses abroad in 1978, made up of 3,937 Malays, 11,293 Chinese, 2,086 Indians and 197 Others.

This large number of Malaysian students studying overseas is a strong argument for expansion of university places in our own country, for this will not only save foreign exchange, ensure that our students take up courses useful for Malaysia's national needs, but also help children of the poor who would otherwise be unable to go overseas to pursue higher studies.

Table 3—4, which shows the distribution of the various job categories in both the public and private sectors among the races in Peninsular Malaysia in 1975 and 1978, throws more light on this problem. The Table shows that while the overall distribution of employment remained consistent with the population composition, some changes occurred within specific job categories. A significant improvement was in the professional and technical jobs category where the share of the Malays and other indigenous people increased from 46.9% in 1975 to 53.1% in 1978. Malaysians laud this improvement of Malay participation in professional and technical job categories, but must be most concerned by the actual figures given:

Occupation

	1975					1978				
Professional/ Technical	M	C	I	O	Total	M	C	I	O	Total
(000)	87.9	75.3	20.3	3.8	187.3	116.3	75.9	23.1	3.9	219.2
%	(46.9)	(40.2)	(10.8)	(2.0)	(100.0)	(53.1)	(34.5)	(10.6)	(1.8)	(100.0)

This means that from 1975 to 1978, the number of Malays in professional and technical jobs increased from 87,900 to 116,300 — an increase of 28,400; whereas in these three years, the number of Chinese had increased by the nominal figure of 500; while Indians have increased by 2,800.

When I mention all the above figures, I want again to reiterate that no one is suggesting a reduction even by one figure the Malay statistics, but to try to open the eyes of the Government to understand why the

stagnation or even decrease of non-Malay opportunities in these fields have created deep-seated alienation and antagonism highly inimical to national unity.

While governmental efforts to give special assistance to help Malays and others an opportunity to participate in higher education or other fields get the support of all Malaysians, we should not be so obsessed with percentages as to allow the country's national unity and development to become the victim of percentages.

The objective of the restructuring of Malaysian society so as to reduce and eventually eliminate the identification of race with economic function is a laudable objective. But this prong of the NEP will hinder rather than promote national unity if the restructuring is regarded as a process of Malay-isation rather than that of Malaysian-isation.

I said during the debate on the Third Malaysia Plan that the biggest mistake of the Second Malaysia Plan was that the restructuring prong was both perceived and seen by the people as a racial programme rather than a Malaysian programme.

The greatest disappointment of the Mid-Term Review is that no earnest effort was made in this direction to rectify this defect. Although the Third Malaysia Plan acknowledged that non-Malay, and in particular Chinese, agricultural employment should be increased under the Third Malaysia Plan, very little had been done. During the period under review, some 647,500 acres were opened up for the settlement of landless families as well as for the absorption of underemployed rural labour into full time employment. FELDA and FELCRA developed about 342,300 acres and provided settlement for about 19,800 rural families during 1976 - 78.

The Mid-Term Review gives a lot of statistics and tables, but the conspicuous absence is statistics and tables about the racial breakdown of Malay and non-Malay settlement on government land schemes, whether FELDA, FELCRA or state settlement schemes.

From all available information, FELDA settlement schemes are virtually all-Malay settlements, which is contrary to the policy and

philosophy of restructuring. What has been done in these three years to multi-racialise FELDA settlements?

Out of the 647,500 acres opened up for settlement during the period under review, what percentage was given to Malays and to non-Malays?

In the Third Malaysia Plan debate in 1976, I called for the drawing up of a definite plan with time targets for the multi-racialisation of FELDA schemes, so that the new settlements would reflect, if not the national population, at least the rural population which is 65% Malays and 35% non-Malays. Can the Minister concerned tell this House what is the racial ratio of FELDA and other government land settlement schemes during the period under review, or is FELDA and government settlement schemes exempted from the restructing prong?

I also want to ask what steps the Government has taken to bear in mind the restructuring objective in the implementation of regional development schemes, like Pahang Tenggara, Johore Tenggara, Trengganu Tengah and Kelantan Selatan. From Table 5–7, it is shown that by 1980, Pahang Tenggara would have 145,000 people with 415,600 acres of land developed; Johore Tenggara would have 181,900 persons with 201,000 acres of land developed; and in Trengganu Tengah, 61,200 with 184,000 acres of land developed. What will be the racial breakdown of these regional development schemes?

The Mid-Term Review, in paragraph 108, said that the modernization and development of existing New Villages on a multi-racial basis will continue. Any government effort at multi-racialisation will have the DAP's support. But this multi-racialisation must be national and across-the-board and not selective, because it then ceases to be Malaysianisation.

We in the DAP point out these fundamental weaknesses of the Government's implementation of the NEP, not because we want to find fault or to obstruct and sabotage the NEP as irresponsibly alleged by the Member for Pasir Puteh yesterday, but because we have the interests of the nation and people at heart. We want these weaknesses and defects to be remedied, for it is these mistakes and defects which are obstructing and impeding national unity.

We know there are mindless people who will attack every DAP statement or criticism as destructive or even anti-national. We in the DAP are prepared to stand on our record in Parliament or even in the State Assemblies as to the role we have played in not only being the spokesmen of the ordinary people of Malaysia, but in highlighting deviations of Government policies.

For instance, for the last few years, the DAP Malacca State Assemblymen had repeatedly criticised the performance of the Malacca SEDC in the Malacca State Assembly, for its incompetence, inefficiency and waste of public funds. All these statements and speeches were denied by the then Malacca State Chief Minister, Ghani Ali, and the DAP State Assemblymen in Malacca were denounced by the other Barisan Assemblymen as obstructing the NEP. But today, the new Malacca Chief Minister, Adib Adam, has admitted that what the DAP State Assemblymen had been saying about the Malacca SEDC was right, and he pledged to clean up and reform the SEDC. We in the DAP therefore have seen the kind of the Member from Pasir Puteh – who will be judged by history as mere 'Yes Men' of the ruling party with no mind of their own.

If national unity is to remain the overriding objective of the NEP, then I call on the Government to demonstrate by action to establish beyond doubt in any quarter, whether among Malays or non-Malays, that restructuring is a process of Malaysianisation of all sectors of Malaysian life, and not Malay-isation!

For this to succeed, there must be greater multi-racial effort to 'restructure' thinking, attitudes and consciousness to Malaysianise the outlook of the people. Unfortunately, there are still many who regard Malaysianisation as equivalent to Malay-isation. This is wrong and against the whole basis of Malaysian nationhood, just as it would be wrong and unacceptable to regard Malay-isation as equivalent to Chinese-isation and Indian-isation.

Recently, the Petaling Jaya Municipal authorities issued a directive that the road name of a highway in Damansara Utama, Lebohraya Datuk Teo Han Sam, should be taken down because the road name was contrary to "national characteristics"

This has upset many Malaysians, for is the naming of a road after a Chinese Malaysian, or is the name of a Chinese Malaysian, contrary to "national characteristics"? By this argument, then should road names like Jalan Tun Tan Cheng Lock in Malacca, Jalan Seenivasagam in Ipoh, Jalan Lim Lean Teng in Penang, or Jalan Loke Yew and Jalan Yap Ah Loy in Kuala Lumpur, be removed and altered on the ground of being counter to 'national characteristics'?

We in the DAP believe that roads and places should be named after prominent Malaysians, regardless of race, for their contribution to Malaysia; and that such honour should be conferred only after the person to be honoured has passed away or retired from public life. But for any governmental authority to say that a non-Malay name is against 'national characteristics' is to strike at the very basis of the multi-racial foundation of the country, and to raise anew the question, "Is the Barisan Nasional Government committed to the establishment of a genuine multi-racial Malaysia?"

Redistribution of Income and Wealth

The Mid-Term Review of the Third Malaysia Plan reported that the overall incidence of poverty in Peninsular Malaysia has declined from about 44% in 1975 to about 37% in 1978. These statistics appear to be magic figures taken out of a magician's bag of tricks, for we are not told how the poverty line is drawn and how the latest figures are derived. The last three years have been good years in terms of commodity prices. The country has been blessed being endowed with such vast natural resources. Crude oil is fast becoming the country's leading foreign exchange earner, its export value having shot up from $727 million in 1975 to $2,413 million in 1978, jumping from being fourth in terms of export earnings to second place. In 1980, crude oil production is expected to increase from its present 229,000 barrels a day to 300,000 barrels a day, bringing export earnings of $3,962 million – which is expected to displace rubber for the first time as the leading foreign exchange earner. The export earnings for rubber in 1980 is expected to bring in $3,870 million.

It should be noted that the production of 300,000 barrels a day estimated to be reached in 1980 is a far cry from the Government estimates five years ago that crude oil production by 1980 would reach 500,000 barrels a day. From present projection of prices, production of

half a million barrels a day by 1980 would involve export value of $6,603 million — which would enable crude oil alone to nearly match rubber, tin and palm oil put together.

The Government's projection of 500,000 barrels a day crude oil production by 1980 was made before foreign investors shied away from Malaysia because of the Petroleum Development Act and the Industrial Co-ordination Act which the Mid-Term Review has now admitted had caused real private investment to decline significantly by 25% in 1975.

Be that as it may, the Malaysian government and nation has now a new source of revenue which by 1980 will be the No. 1 foreign exchange earner, and by 1990 probably match all the foreign earnings of the other exports added up together. The country has a great responsibility and trust to use this oil money to eliminate poverty, narrow the gap between the haves and the have-nots. We must learn from the lessons of other oil countries which use their oil revenues to enrich a small privileged class, while the masses remain poor and dispossessed, leading to social unrest and revolutions.

In this connection, Petronas will play a more and more pivotal role in Malaysian economy. There have been uncertainty as to whether Petronas is one of the institutions established by the Government to help bumiputras in commerce and industry, or whether it is an institution aimed at serving all Malaysians. I call on the Prime Minister to make a clear statement on this. As Petronas has been given responsibility and charge of the most precious resource in the country, and it is a depleting asset, there must be a clear-cut Government policy statement as to how the Government proposes to use the oil revenues to benefit the poor and needy of all races and groups in the country.

In view of the vast sums of money which Petronas will be holding or handling in trust, there must be the closest and strictest supervision of Petronas affairs by Parliament, and I am shocked that Petronas is not required to submit annual reports to Parliament. I call on the Prime Minister to take the necessary steps to bring Petronas under direct Parliamentary control. The country can ill afford another Bank Rakyat scandal — which has still not been unscrambled.

Even now, thorough investigations of the various government agencies like SEDCS, MARAs or UDAs would probably bring to light Bank Rakyat-type of scandals because of lack of public accountability of public enterprises. As billions of dollars of public funds are involved, I call on the Prime Minister to establish a Commission of Inquiry to inquire into the workings of all the public authorities and government companies like UDA, MARA, Pernas, SEDCS, Petronas, to assess as to whether the lack of public accountability of these institutions using public funds had led to more Bank Rakyat scandals, and to take remedial steps.

I want to stress here however that the vast expenditure of public funds by itself does not guarantee achievement of the NEP objective of redistribution of income and wealth to reduce economic inequalities and imbalances in the country.

From the implementation of the NEP, it is clear that by redistribution, the Government means a special kind of redistribution. When the NEP was launched, Government Ministers rejected growth as the sole economic goal in itself. But strangely enough, the Government did not at the same time reject the concomitant theory that the benefits of growth would eventually extend to all sectors of society. This is what is called the tenet of the 'trickle down effect' or more optimistically the 'spread effect' where it is argued that the diffusion of benefits however modest, would take place, and that the co-existence in sharp contrast, of wealth and poverty, is a necessary stage in the process of development.

In fact, the Deputy Prime Minister, Dr. Mahathir Mohamed, is one of the foremost exponents of the 'trickle down effect'. or to use his words, 'the spin off' effect.

Last March when opening the Bumiputra Economic Convention at Universiti Kebangsaan in Bangi, Dr. Mahathir said the Malay poor should not be envious and jealous of the rich, as the rich carried a burden which was not easy for the poor to understand. To enlighten the poor about the rich man's burden, Dr. Mahathir used the spurious argument that the poor should imagine that he earned $100 and had to give the Government $55, left with only $45. Dr. Mahathir also waxed eloquent about the 'spin off' effects of the activities, including the consumption habit of the rich, and their benefits to the poor.

The redistribution objective of the NEP is therefore a myth, for it does not mean redistribution of income and wealth to reduce poverty and inequality. What the NEP wants is an **ethnic redistribution** of wealth and income, unconcerned about the problem of distribution of wealth and income **within** ethnic communities, or whether the net result is an increased inequality of income and wealth within the Malay community.

This is best put by Dr. Mahathir himself, in the March issue of the Malaysian Business:

> "The Government says that we want to help the bumiputras. It does not mean that we are going to make bumiputras millionaires. All we say is that there should be equitability among all the different races. For example, if there is a certain number of rich non-bumiputras, there should be also a certain number of rich bumiputras. Similarly, poverty should be evenly distributed. If the bumiputras are more poor than the non-bumiputras, then we have problems. We don't mean that all bumiputras should be millionaires and the rest left behind."

The redistribution of wealth and income to a new class of politically well-connected Malays, whom I would call the UMNO-putras, is presented to the non-Malays as a prerequisite to inter-racial harmony and national unity; while explained to the Malay poor as a pre-condition for the trickling down to them of economic benefits!

Ethnic Perceptions

The Third Malaysia Plan had stressed that "it is most important that all programmes are not perceived nor construed in terms of ethnological interests." It is equally important that when programmes are perceived and construed in ethnological terms, by both Malays and non-Malays, that the Government should go out of its way to remove such misperceptions. It should not give cause to buttress such perceptions. For instance, it would not escape notice that the Government sponsored Bumiputra Economic Conventions and set up high-powered Ministerial committees to implement their resolutions; while in the case of the Chinese Economic Convention organised by the Associated Chinese Chamber of Commerce last year, the Government showed little interest or attention – either to its Conference proceedings or resolutions.

Such ethnic perceptions wield a power of their own in a plural society like Malaysia, and must be dealt with by the Government as a political fact and reality. The non-Malays perceive themselves as outsiders in the NEP and are alienated. The Malays perceive the NEP as their blueprint for economic upliftment, and when they find that it is the small class of Malay rich who benefit, there will be deep bitterness. The NEP, in its present shape of implementation, holds the dangerous potential of further polarising the people of Malaysia along both class and racial lines.

Poverty Groups

The Mid-Term Review said that the incidence of poverty among padi farmers has declined from 77% in 1975 to 74% in 1978. The Government has spent billions of dollars in gigantic irrigation schemes and in providing agricultural aids and even in terms of price supports for the padi farmers, who constitute a big group of rural Malay poor. Why have these vast expenditures of public money failed to tackle more vigorously the problem of rural Malay poverty in the paid sector? The answer is the uneconomic holdings and the tenancy position of the farmers. The DAP repeats our call for radical land reforms to ensure that the padi farmers own the land they till, and that the billions of dollars of public funds spent on the padi sector do not go to make absentee landlords even richer.

Although the Third Malaysia Plan has recognised the new village residents as a poverty group, very little has been done in the period under review to solve new village poverty.

The Mid-Term Review has completely failed to make progress with the problem of inadequate land among residents of new villages whose population have outgrown the new village limits set 30 years ago. I call on the Prime Minister to set up a National Committee on Land for New Villages, comprising the Minister for New Villages and the Mentri Besar or Chief Minister of each State, to work out a concrete programme to overcome the problem of land hunger of new villages. Although land is a state matter so long as the Central Government has the political will, it could make progress, as shown by the example of FELDA settlement schemes.

Include Portuguese settlement in Malacca as a 'poverty group'

The residents of the Portuguese Settlement in Malacca belong to the poorest of the poor in Malaysia. They have very lowly-paid jobs and very limited socio-economic opportunities for advancement. Because of their small numbers, they lack political weight to make their grievances and sufferings receive due official notice and action. I urge the Government to classify the residents of the Portuguese Settlement in Malacca as a 'poverty group' and to work out a scheme to provide for the socio-economic upliftment of the Malaysian Portuguese in Malacca.

Housing

In the battle against poverty, housing must constitute a main strategy because of the central importance of housing in the life of every person.

According to Mid-Term Review figures, there are 262,000 poor households (below the poverty line) in 1978, which will increase to 296,000 poor households in 1980 for the non-agricultural, urban sector. This means that if the government is to help them to combat poverty, it should provide them with low-cost housing. What are the government's low-cost housing programmes from now till 1980?

According to Chapter XV on Housing, there are 28,065 low-cost houses in various stages of implementation in Peninsular Malaysia, which will be less than 10% of the estimated urban poor households. This is clearly a drop in the ocean, and government low-cost housing projects must be at least greatly increased if it is to meet the housing needs of the poor. The time has come for the centralisation of public low-cost housing in one National Housing Authority entrusted with the task of building low-cost houses for the poor, and I urge the Prime Minister to give this matter priority.

Barisan National must not regard its elections victory as a blank cheque

The Prime Minister, in his speech when introducing the motion, referred to the last general elections. He said the Government had been

given a big majority and a clear mandate, and that it would carry out its promises.

Let me remind the Prime Minister that the majority is not an overwhelming majority which tantamounts to giving the Government a blank cheque. In fact, the Barisan Nasional collected only 55% of the votes.

The Government cannot disregard the hopes, wishes and aspirations of the other 45% of the voters, if parliamentary democracy is to continue to work and Malaysia to hold together as a nation.

There has been a tendency for the ruling parties to regard its 55% of votes as supporters of peace, harmony and progress; while the 45% opposition votes as enemies of peace, harmony and progress. I hope this warped and distorted thinking do not reach high up to the councils of State, for it would then give birth to policies which would set Malaysians against Malaysians.

In a parliamentary democracy, the Government must also respect the wishes of those who had voted against the ruling parties, for the simple reason that they are citizens of the country. In the same way, the DAP's views are entitled to the fullest respect for it is the views of a significant section of the people.

If we go by legitimacy to speak up and articulate the views of the people, probably there are only three parties in this House, so far as Peninsular Malaysia is concerned – namely UMNO, DAP and PAS. All the other Barisan component parties, whether MCA, Gerakan or MIC, do not have the legitimacy to represent anybody apart from themselves. The MCA represents nobody, as seen by its total rout in the recent Selangor Chinese Chamber of Commerce elections where the MCA, through the Multi-Purpose Holdings, tried to stage a take-over.

In a parliamentary democracy, the views of elected representatives who legitimately represent the voters and the people, must be given fullest respect and consideration. Such views can only be spurned at the expense of national development and unity. I hope that the DAP's views would be taken in this spirit.

THE FOURTH MALAYSIA PLAN

"Without national unity, no amount of military expenditure and hardware can defend Malaysia. This is why the paramount task for Malaysia is to promote national unity, as it is the most powerful means of building Malaysia's defences and resilience, by the removal of political, social, economic and cultural inequalities and injustices which may prove even more fatal to national sovereignty and integrity than overt external aggression.

"Internationally, there are mischievous forces which want to keep Malaysia divided by pitting one race against another as, for instance, in spreading the dangerous line that the Malaysian Chinese are disloyal and fifth-columnists of Communist China.

"What is even more deplorable is that there are Malaysians who are out to set the races apart through the expousal of extremist and chauvinist or bigoted religious doctrines. There are political leaders who, for their own personal political gain and advancement, are prepared to make irresponsible, extremist and chauvinist demands, regardless of the consequences and dangers of causing greater polarisation of the races."

Speech on the Fourth Malaysia Plan on March 30, 1981.

The Fourth Malaysia Plan (FMP) presented in Parliament by the Prime Minister last Friday, is the third five-year plan in the 20-year Outline Perspective Plan (OPP) from 1971–1990 to implement the New Economic Policy.

We must never forget that the two prongs of the New Economic Policy, to eradicate poverty irrespective of race and to restructure society to eliminate the identification of race with economic functions, are aimed to achieve one overriding objective – national unity among the various races, languages, religions and cultures in the country.

The success of the Fourth Malaysia Plan, therefore, will be judged not by how many billions will be spent on public expenditure or total investment, or how many barrels of crude petroleum will be produced a day, or how many new industries are started, or how many miles of roads are built, or how many ports and airports are built, but on whether it contributes substantively to creating a united Malaysian nation and people.

In other words, the yardstick to measure the success or failure of the Fourth Malaysia Plan, or even the Third Malaysia Plan or previous Second Malaysia Plan is whether it could inspire and commit the energies, talents and resources of all Malaysians, regardless of race, to the common national task of building a united, peaceful, just and prosperous Malaysia, or whether it sets Malaysians against Malaysians, race against race, language against language, religion against religion, culture against culture, class against class.

Or put it another way; whether the Fourth Malaysia Plan will make distinctive contribution to Malaysianise the thinking, outlook, values and ethos of Malaysians, or to further communalise their thinking, outlook and values by making them more Malay, more Chinese, more Indian, more Iban or more Kadazan – which is a direct opposite of the declared aim of the New Economic Policy to promote national unity through the two-pronged NEP objectives.

This is why I was particularly attracted to Chapter VIII of the Fourth Malaysia Plan on "Nation Building and National Unity" which concerned the whole objective of the NEP and even OPP exercise.

Para 329 of the FMP states: "The past decade was marked by rapid economic growth and structural changes enabling Malaysians to enjoy a higher standard of living. While rising income, output and employment are important in themselves, the overriding objective of development is the achievement of national unity. No nation, however prosperous, will remain viable and secure if its citizens are disunited and lack a strong sense of commitment to the nation."

Para 357 of the FMP states: "Malaysians with differing backgrounds need to further identify themselves with the nation and cultivate a sense of pride and belonging to the nation. They need to regard their diversity as a source of strength and take advantage of the wisdom and richness

of their heritage. They should emphasise more and more on their commonness in experiences and in values, such as tolerance, goodwill, accommodation, mutual respect, devotion to duty, loyalty to family and spirit of humility reinforced by the teachings of Islam and other religions."

The question of national unity is the most pressing challenge facing Malaysia in our 24-year history as we have never been confronted with such complex and intractable threats to our national integrity and sovereignty as now.

This is probably the reason for the Government's decision on the highest-ever allocation for defence and security under the Fourth Malaysia Plan, standing at $9,371.5 million or 23.8% of the total allocation.

Internationally, Malaysia lives in a dangerous age and region, with an expansionist Soviet-backed and Hanoi-headed Indo-China Federation threatening the territorial integrity and regional solidarity of non-communist countries in South East Asian states.

The Vietnamese, with the largest military might in South East Asia, and the Soviet military build up in Asia, have completely altered the military equation in this region.

Vietnam has become the hub of Soviet military operations in the Asia-Pacific region, with Soviet access to former U.S. military base at Cam Ranh Bay – which was built by the United States at a cost of US$2 million with base and adjacent port facilities sited next to one of the finest natural harbours in the world.

This base lies astride major South China Sea oil and trade routes leading to and from the Indian Ocean. Operations of Soviet aircraft from Cam Ranh Bay means that Soviet heavy bombers are within two hours of the Straits of Malacca.

A persistent question in the minds of all South East Asians is whether Thailand, the front-line state, can withstand the mounting pressure from Soviet-backed Vietnamese proddings, testings and incursions. This question is of course linked to larger international questions, i.e. China and United States' role in a new war in South East Asia. For instance, there is no doubt

that China's announced intention to administer a 'second lesson' to Vietnam had an inhibiting factor on Vietnamese expansionism.

When supporting the Prime Minister's motion on the Fourth Malaysia Plan, the Deputy Prime Minister, Dr. Mahathir, said that Malaysia had to beef up her defence capabilities and internal security in the light of political uncertainties in other countries, particularly the threat of invasion and subversion faced by our neighbours.

Malaysia is veritably in a race against time to build her national defences and resilience. However, it is a grave mistake for anyone to think that Malaysia's defences could be secured by thousands of millions of dollars of defence expenditure, for then, Saigon would have never fallen to become today's Ho Chin Minh City.

Without national unity, no amount of military expenditure and hardware can defend Malaysia. This is why the paramount task for Malaysia is to promote national unity, as it is the most powerful means of building Malaysia's defences and resilience, by the removal of political, social, economic and cultural inequalities and injustices which may prove even more fatal to national sovereignty and integrity than overt external aggression.

For Malaysia, the task of using every possible moment to constructively build up a united Malaysian nation, is the most pressing because, as one political writer recently noted about Malaysia, "for two long decades, there has been a constant feeling that the whole structure hung by slender threads which could at any moment give way".

The single most urgent task in Malaysia is to make Malaysians out of the Malays, Chinese, Indians, Kadazans, Ibans, who have made this land their home. We must convince all Malaysians that although they do not share a common past, they have a common future. Either they hang together to work out a common destiny, or their fate is to hang separately.

Internationally, there are mischievous forces which want to keep Malaysia divided by pitting one race against another as, for instance, in spreading the dangerous line that the Malaysian Chinese are disloyal and fifth-columnists of Communist China.

What is even more deplorable is that there are Malaysians who are out to set the races apart through the expousal of extremist and chauvinist or bigoted religious doctrines. There are political leaders who, for their own personal political gain and advancement, are prepared to make irresponsible, extremist and chauvinist demands regardless of the consequences and dangers of causing greater polarisation of the races.

A good example is the call by the UMNO Youth Leader, Haji Suhaimi Kamaruddin, at the UMNO Youth Conference last year, to implement Clause 21(2) of the 1961 Education Act to close and convert Chinese and Tamil primary schools into national primary schools. Again, recently, Haji Suhaimi made the extremist statement in connection with the UMBC case, which is clearly an unacceptable and chauvinist interpretation of the New Economic Policy, although the DAP is opposed to any political party taking control of any bank, whether directly or indirectly through its satellite economic organisations.

Belonging to this category of extremism is the call at the Third Bumiputra Economic Congress last year that the New Economic Policy target that by 1990, bumiputras should have 30 per cent share of commerce and industry be increased to 51%. This was followed by the call by Haji Suhaimi at the UMNO Youth General Assembly that control be imposed on the economic progress of non-bumiputras to reduce the economic gap between them and the bumiputras. Haji Suhaimi later advocated that the economic development of the country should be 'slowed down' in order to fulfil NEP targets of bumiputra participation.

But what is not normally known is that at the UMNO Youth General Assembly, a high-level campaign for the 1980s was started which would out-Suhaimi Suhaimi. The third contender for the UMNO Youth President's post, Hang Tuah Arshad, an 'UMNO-putra' par excellence being member of the privileged Malay elite who benefited from the NEP, expensively published a book with high-quality paper entitled "Revolusi Sikap & Perjuangan Grand Ekonomi Tahun 2,000 (1980–2,000)" stating the objectives and programme that should be pursued by the Malays.

Hang Tuah Arshad demanded that the NEP be replaced by Dasar Grand Ekonomi with the objective of achieving 50% bumiputra participation in commerce in the Year 2,000, and after that, to continue "mulai tahun

itu kita mesti memperjuangkan ke MATLAMAT PENGUASAAN SEPENUH NYA activiti ekonomi tanpa berperasaan uas-uas dan segan-segan" – "beginning that year, to struggle towards the objective of total control of economic activities without any hesitation or doubt."

To achieve this objective, Hang Tuah Arshad also proposed that the subject "Malay economic problems" – "Masaalah Ekonomi Melayu" – be ranked as a sensitive issue through a Constitutional amendment, making it unquestionable publicly.

Recently, in Bintulu in Sarawak, the Bintulu Development Corporation imposed the arbitrary, unconstitutional and anti-NEP regulation that before land development could proceed, 50% of the land must be extended to bumiputras or the BDA would not consider and process applications for subdivision and conversion of title of the land concerned.

The greatest irony is that all these extremist calls for the increase of Malay share from 30% to 51%, and the so-called Grand Economy objective of total 100% bumiputra monopoly of commerce and industry, do not come from the Malay peasants, workers or fishermen -- who have not benefitted much from the 10 years of New Economic Policy. These demands come from those who have benefitted most from the NEP – the UMNO-putras, who have developed a greed for more for themselves and not for the poor ordinary Malay rakyat.

While we applaud the speech by Datuk Hussein Onn when moving the motion last Friday that "greed and extremism on the part of any group will undermine and destroy the peace and prosperity we now enjoy", there is doubt in public minds whether the government leaders are referring to the above examples, or are in fact referring to those who are courageous enough to stand up and oppose such greed and extremism.

The Sixties and Seventies had been very divisive decades, which should not be allowed to go on if Malaysia is to build up the national unity and inner resilience to withstand external threats and pressures of the Eighties.

The Fourth Malaysia Plan, 1981–1985, should be a Plan of Unity and Reconciliation, to give every Malaysian, regardless of race, his or her

place under the Malaysian sun commensurate with his or her undivided loyalty and citizenship.

For the Fourth Malaysia Plan to be such a Plan of Unity and Reconciliation, as a cement to unite the races and the diverse people in Malaysia, the Government must project itself, not in words but by deeds, that it is firstly a Government for all Malaysians, for all races and groups; secondly, it is dedicated to the abolition of poverty, and its war against poverty is not weighted more favourably for any particular racial group; thirdly, the restructuring efforts of the government to eliminate identification of race with economic functions is not a selective restructuring benefitting one racial group only; and fourthly, that it cares for the problems and aspirations of all Malaysians, regardless of race, as for instance, why in the 1970s, there had been such an exodus of professional Malaysians abroad, causing not only a severe brain-drain but highlighting the dilemmas of Malaysians who wanted to fully commit their energies, talents and resources to the national well-being but were constrained to emigrate because of the unfeeling, unsympathetic policies and attitudes of those in power.

I will be dealing with some of the above points in greater depth later when considering the Fourth Malaysia Plan. But I want Government leaders to realise that one of the biggest obstacles to national unity is the attitude by certain political leaders, including several who have repeatedly expressed such views in this House, who regard non-Malays as basically disloyal and anti-national, although the overwhelming majority of them are local born and have no other country which they regard as their homeland, and like my colleagues and me in the DAP, are prepared to die in the defence of the national sovereignty and territorial integrity in the event of aggression against Malaysia from any quarter and country.

Elimination of Poverty

The FMP claims that its poverty eradication policies, coupled with the rapid growth of the economy and the favourable world prices for Malaysia's major export commodities, led to a decline in the incidence of poverty from 49.3% in 1970 to 29.2% in 1980. In the absence of a full explanation about the definition of the poverty line, such figures are most dubious.

During the debate on the Third Malaysia Plan, I raised various objections about the use of a poverty line, the details of which are only known to the government. It is imperative that the government give a full account of how it arrives at the poverty line, whether a common income is used for both rural and urban poor, although the cost of living is higher in urban areas; whether the poverty line income has been revised for the years 1970, 1975 and 1980, etc. Although the Third Malaysia Plan states that this poverty line takes account of the basic requirements of an average Malaysian household to maintain a family in good nutritional health as well as provide for minimum needs in respect of clothing, housing, household management and transport, the failure of the government to fully explain how it is worked out cannot but detract from the value of such claims.

It is to be noted that the above claims with regard to the reduction of the poverty groups from 49.3% in 1970 to 29.2% in 1980 refers only to Peninsular Malaysia. There are no figures for Sabah and Sarawak, and as a result no specific targets have been set for the reduction of poverty in Sabah and Sarawak.

This is most deplorable, and justifies the complaints by our Sabahan and Sarawakian countrymen that they were treated as step-children in the national development process. In fact, the poor in Sarawak and Sabah, the Iban shifting cultivators, are probably even poorer than their counterpart poverty groups in Peninsular Malaysia.

The attack on poverty in Sarawak and Sabah should become a priority government concern.

According to the 1977 Agriculture Census, it was estimated that 37.7% of the total households were in poverty in 1976, the incidence for Peninsular Malaysia, Sabah and Sarawak being 35.1%, 51.2% and 51.7% respectively. In absolute terms, about 879,000 households were in poverty, of which 78.3% or 688,300 were in Peninsular Malaysia, 9.5% or 83,900 in Sabah and 12.2% or 107,100 in Sarawak. I call on the Government to modify the Fourth Malaysia Plan to include within it a progressive target for the reduction of poverty households in Sabah and Sarawak, which at present only applies to Peninsular Malaysia.

The Fourth Malaysia Plan spoke of programmes implemented to help specific target groups to come out of the poverty line, namely rubber smallholders, padi farmers, coconut smallholders, estate workers, fishermen, mixed farmers and residents of new villages.

I am reminded of a visit I made to a new village in Pahang a week ago. When entering the Mengkarak new village in the Temerloh parliamentary constituency, the two-mile yellow-dirt road became a desert hit by a sandstorm when it is travelled. What is shocking is that previously the two-mile yellow dirt road was a black-tarred road.

While the country progresses with the various development plans, and now with the launching of a $40 billion Fourth Malaysia Plan, Mengkarak new village has gone backwards – where from a black-tarred road, it has got a yellow-dirt road.

Despite repeated requests for the restoration of the black-tarred road, the authorities concerned have not give them any heed. In fact, I found in Mengkarak new village the absence of the most basic care and facilities for the new villagers. The village roads are also in deplorable state, there is no dispensary as is to be found in neighbouring kampongs, no regular power supply, no Qualified Titles for the new village house lots although the villagers have stayed there for some 30 years, and while the new village population has increased, the new village land has remained static.

In fact, the retrogression in development faced by Mengkarak where a 'black-tarred becomes yellow dirt road' typifies the neglect that the 450 new villages in the country generally suffers in the country.

DAP calls for $300 million allocation under FMP for 465 New Villages

Although in the early 1970s, the DAP raised a storm in Parliament for government care of the new villages to ensure that they are included in the mainstream of development, the government has only made token gestures in this direction, like appointing a New Village Minister in the 1970s, and in the Third Malaysia Plan, mentioning new villagers as a specific

poverty group. But nothing concrete has been done to raise their very depressed socio-economic conditions.

Between 1950 to 1970, the population in the new villages doubled to over 1 million, or some 10 per cent of the Malaysian population, but the land area of the villages remained the same.

Several studies conducted on the new villages showed that over-crowding, indebtedness and limited economic opportunities were the major problems faced by the new villagers. Educational facilities were inadequate in some villages, forcing villagers to start work at a comparatively young age. Also, due to inavailability of land, farmers were cultivating uneconomic small plots, causing underemployment problems. New villages also have high drop-out rates for primary students.

The new villages were allocated about $30 million under the Second and Third Malaysia Plans, and under the Fourth Malaysia Plan, another $30 million is being allocated. This is most inadequate when considering that there are 465 new villages to improve roads, drains and playgrounds.

The DAP calls on the Government to break away from its niggardly treatment of new villages and should allocate $300 million under the FMP for the socio-economic development of the 465 new villages in the country, including the expansion of the new village boundaries to provide land for the increased new village population, and the creation of economic opportunities for the new villagers.

I was quite struck by Table 5–4 in the FMP on Selected Social Indicators, 1970 and 1980, which reflect the progress made during the decade to improve the quality of life of the people.

Although the Table is intended to show how a more equitable distribution of social services improving the quality of life, like health, transport, communications, utilities and recreation facilities, is provided as between states, it is worth nothing that in several states, there has been a deterioration of such social services.

Thus, with regard to the number of persons per registered doctor, the national position from 1970 has worsened in 1980.

In 1970, country-wide, there were 4,263 persons to one registered doctor, but in 1980, this ratio has worsened, leading to 4,321 persons to one registered doctor.

Reduced to State terms, it means that for Selangor, from a ratio of 1,801 persons per registered doctor in 1970, it had 2,293 persons per registered doctor in 1980; for Penang, from a ratio of 2,502 persons per registered doctor in 1970, it had 2,957 persons per registered doctor in 1980; and for Perak, from a ratio of 4,345 persons per registered doctor it worsened to 4,710 persons per registered doctor in 1980.

This is another instance of 'black-tarred road becoming yellow-dirt road' – where instead of development going forwards, it is a going backwards.

The root cause of this is the emigration of doctors abroad, resulting in a national rise in the doctor and population ratio.

This is also the position with dentists in regard to two states. In 1970, Penang had a ratio of 19,186 persons per registered dentist, but in 1980, the ratio went up to 19,396 persons per registered dentist. Pahang had a ratio of 22,796 persons per registered dentist, but in 1980 it became 25,619 per registered dentist.

This is also the case with the indicator on the number of persons per acute hospital bed. In the states of Selangor, Negri Sembilan, Pahang, Perak, Penang and Trengganu, as is also the case with the Malaysian position, the ratio has increased instead of being reduced, showing that the facilities concerned have worsened vis-a-vis the national population ratio.

The FMP states that the income levels of the lowest four deciles (these refer to the lowest 40% of households in the size distribution of income) of the population in Peninsular Malaysia, which formed the bulk of the poor had improved. (Para 106). As shown in Table 3–3, the mean monthly household income for these groups increased from $76 in 1970 to $142 in 1976. By 1979, it had increased to $186, about 145% above the level in 1970 without taking into the account the shrinking of the ringgit.

Thus, Table 3–3 shows:

Peninsular Malaysia: Mean Monthly Household Income of The Lowest Four Deciles for 1970, 1976 and 1979

	1970	1976	1979	Annual Growth rate (1971–1979)
	$	$	$	$
Malay	56.56	101.95	140.35	10.6
Chinese	135.93	242.27	280.11	8.4
Indian	112.48	197.21	263.43	9.9
Others	44.72	107.08	154.37	14.8
Total	75.90	142.19	186.19	10.5

In terms of income distribution among the ethnic groups, the Malay mean income continued to be below the national average. However, the Malay mean income grew at the highest rate compared with those of other ethnic groups during 1973–1979, reducing the gap between the Malay mean income and the national average from 34.8% in 1970 to 32.7% in 1979. Although the Chinese and Indian mean incomes were above the national average, the proportion of their mean incomes to the national average declined during the period.

These figures, however, conceal the vast income disparities between and especially within ethnic groups themselves.

Thus, at recent Seminar on Development in the 80s at Universiti Kebangsaan, Dr. Jomo Kwame Sundaram and Ishak Shari presented a paper on changes in income inequality between 1957 and 1976.

They said: "The income share of the top 20 per cent of households increased from 48.6% of total income in 1957/58 to 55.9 per cent in 1970 and 61.9% in 1976.

"In contrast, the income share of the bottom 40 per cent of households declined from 15.9 per cent in 1957/58 to 11.6 per cent in 1970 and 10.3 per cent in 1976."

They said income disparities appeared to be greater in urban than rural areas and among ethnic groups, which seem to be most serious among the Malays, followed by the Indians and the Chinese.

The ever concentration of wealth and income in the hands of a few, regardless of race, is unhealthy and antithecal to the elimination of poverty or the creation of national unity.

Crisis of confidence among domestic investors

The Fourth Malaysia Plan is the first official government document that I know of where the Government has admitted that the Industrial Co-ordination Act (ICA) in 1975 had caused anxiety among investors and had a depressing effect on private sector investment in 1975 and 1976.

However, domestic investors' confidence has not been fully restored, despite amendments to the ICA, which explains for the shortfall in domestic private investment.

The government must thank oil and the massive injection of public funds into the private sector to enable private investment (including oil) to expand at 12% per annum in real terms during the first decade of the OPP.

There is no doubt that there is considerable domestic funds which could be mobilized and harnessed to the development of the country, provided the Government can demonstrate that the NEP would not be interpreted in an extremist fashion, as was done by Haji Suhaimi over the UMBC case and by the Bintulu Development Corporation over the requirement for 50% bumiputra ownership of land for the land to be developed.

The UMBC case is an important principle, for once it is established that non-Malays cannot acquire majority ownership of a bank, then very soon, it would be extended to all other enterprises and undertakings, and the New Economic Policy will take on a new horrific significance.

I call on the various component parties in the ruling government, the UMNO, the MCA, the Gerakan, the MIC, the SUPP, Berjaya, to declare their stand on the important question of principle to the people.

It is no use MCA branches issuing fierce statements about Haji Suhaimi's extremist stand, while MCA Cabinet Ministers by their actions or inaction agree to the establishment of the UMNO principle of the UMNO Youth. It would appear that Haji Suhaimi is more powerful than the entire MCA Cabinet Ministers, MPs and entire party put together.

I call on the Prime Minister to take a firm stand against all forms of extremism to assure all Malaysians that the NEP is not designed to 'rob Peter to pay Paul', or to 'make any group experience any loss or suffer any sense of deprivation of his right, interest, income, privileges'.

It is cases like the UMBC and Bintulu which, if not immediately clarified by the Government as not the policy of the government, would deepen the crisis of confidence among domestic investors.

DAP calls for establishment of another two universities under FMP

Higher education opportunities for Malaysian students was a burning issue in the 1970s, and promises to be even more burning in the 1980s especially with the further increase of university fees and cost of living in the United Kingdom for foreign students.

The Education Minister, Datuk Musa Hitam, was reported to have said that he was fed up with raising the matter with the British education authorities, and that the Government was taking action to send future scholarship students to other countries apart from the United Kingdom.

Much as Malaysian parents appreciate Datuk Musa's attempt to intercede with the British education authorities on behalf of Malaysian students studying in the United Kingdom, the problem really lies at home with Datuk Musa Hitam himself and the Barisan Nasional government.

This is because it is precisely the Barisan Nasional's higher education policy which had compelled Malaysian students to seek higher educational outlets overseas.

The aspiration for higher education opportunity is a legitimate aspiration which must be entertained by a responsible government.

The Deputy Prime Minister, Dr. Mahathir, said in his seconding speech that human resources is probably the country's most important resource, but the Malaysian government appears to be indifferent to the aspirations of Malaysians to develop their talents and abilities to the fullest.

Instead of expressing his frustration with the UK Government for not being sympathetic with the problems of intending Malaysian students going abroad, Datuk Musa Hitam should understand and sympathise with the frustrations of Malaysian students who could not find university or higher education opportunities locally.

I give below the comparative figures of enrolment of Malaysian students in the five local universities in 1970 and 1980:

1970	Bumiputra	Chinese	Indian	Others	Total
Universiti Malaya	2,843	3,622	525	277	7,267
Universiti Sains	67	126	33	5	231
Universiti Kebangsaan	174	4	1	—	179
Total	3,084	3,752	559	282	7,677

1980					
Universiti Malaya	4,045	3,162	676	162	8,045
Universiti Sains	1,956	1,354	270	17	3,597
Universiti Kebangsaan	4,997	621	180	9	5,807
Universiti Pertanian	1,460	223	88	12	1,783
Universiti Teknologi	680	90	34	9	813
	13,138	5,450	1,248	209	20,045

This means that from 1970 to 1980, university student enrolment in the local universities represents a 326% increase for Malay students form 3,084 in 1970 to 13,138 in 1980; a 45.2% increase for Chinese students, from 3,752 in 1970 to 5,450 in 1980; 123% increase for Indians, from 559 in 1970 to 1,248 in 1980; while university student population increased by 161% from 7,677 in 1970 to 20,045 in 1980.

In 1970, the breakdown of students according to race for local university students were: Malays 40%, Chinese 49%, Indians 7.3%, and Others 3.7%. In 1980, the racial breakdown is now Malays 65.5%, Chinese 27.2%, Indians 6.2%, Others 1.1%.

The Fourth Malaysian Plan gave figures of students doing tertiary education overseas in 1980:

Malays:	5,194
Chinese:	11,538
Indians:	2,676
Others:	107
Total:	19,515

It would save foreign exchange and train human resources which could be harnessed to the development and progress of Malaysia if we provide university education opportunities for the 19,515 who are now in foreign universities. The government should immediately establish two more universities under the Fourth Malaysia Plan, so that we can train our own students without having to send them abroad, to beg for places or for reduction of university fees.

With the oil wealth that Malaysia is lucky to enjoy, we should put the oil money to good use. And there is nothing more productive and for the good of Malaysia's long-term future than to train to the maximum the human talents, resources and abilities we find in our people.

Apart from 19,515 Malaysians who are abroad in foreign universities, there are also 5,263 Malaysian students abroad who are doing certificate courses and 4,953 students abroad doing diploma courses.

The government should also consider expanding facilities of local technical colleges and polytechnics to provide places for local students for certificate and diploma courses without their having to go abroad.

Corruption and bribery in development expenditures

Between 1973 and 1980, a total value of $4,426.7 million of government contracts were issued. It is a well-known fact that in major government contracts, corruption and bribery is rife involving a mark-up of some 5 to 10%, which would mean a hefty sum of $300 million to $400 million of public expenditure going to line pockets of the corrupt.

Coincidentally, Time Magazine of March 16, 1981, in an article on "Big Profits in Big Bribery" reporting on under-the-table payoffs in various countries, has this reference to Malaysia:

"While the goal of bribery is the same in Asia, the style is often very different. In Malaysia, aspiring foreign businessmen reward government officials by making use of the Malaysian mania for gambling. A common approach is to invite a minister or government official for an afternoon of golf, bet heavily and then spend the next three hours swatting the ball into sand traps. A only slightly more straight-forward method is to get into an after-dinner poker game with a key civil servant and lose heavily."

In a special column on 'Big Takers' mentioning five countries, Malaysia has the honour or dishonour of being listed. Malaysia is mentioned in the company of Argentina, Indonesia, Mexico and Saudi Arabia where it is stated that the "approximate mark-up on contracts" is 5 to 10%.

As I said during the debate on the Yang di-Pertuan Agong's speech, corruption in Malaysia in high places has become so rampant that it has become a way of life, and the wonder is that there is a National Bureau of Investigations which appears to be living in a completely different world of its own.

Under the Fourth Malaysia Plan, there would be even a higher rate of governmental expenditures and contracts, with the dangers of even greater corruption.

I am particularly concerned that there must be the strictest scrutiny and integrity in expenditures involving hundreds of millions of dollars for a 5 or 10 per cent mark up can create a few millionaires overnight. This is particularly the case with defence expenditures which will hit a record of $9.3 billion for the next five years.

At the end of last year, the International Defense Review carried an article which reported the protests of defence vehicle manufacturers at the way the Malaysian Ministry of Defence was selecting defence vehicles.

The Ministry of Defence wanted to buy Fire Support Vehicles (FSVs) and Armoured Personnel Carriers (APCs) for the formation of a new Armoured Corps, needing 350 Armoured Personnel Carriers and Fire Support Vehicles.

Many European and American manufacturers of armoured vehicles submitted their vehicles for consideration by the Ministry of Defence in 1979, but the complaints by the manufacturers were the inconsistency by the Ministry of Defence with regard to the original outline requirements and subsequent changes in regard to the requirements.

According to the International Defense Review, early in the APC and FSV selection process, Malaysian officials told representatives of the manufacturers that they had two key requirements for the new vehicles:

1. The Army wanted only production models for which there was an established sales record and for which there were established data regarding reliability and maintainability;

2. The Army wanted guarantees that after the initial sale, there would be an adequate supply of spare parts during the projected life cycle of the vehicles.

In addition, four technical requirements, not all of which had been made clear to the manufacturers, emerged from the subsequent trials:

*a large interior volume for the APC to allow the transport of a maximum number of troops and equipment;

*long range capability (up to 1,000 km) to allow the use of vehicles in areas where fuel supplies are unavailable;

*a high practical road speed so the vehicles can be moved quickly to points where they are needed; and

*a fire support vehicle that mounts the 90mm Cockerill main gun in a production turret.

Various defence manufacturers sent their vehicles for trials and evaluation in Malaysia, and complained bitterly when the Ministry of Defence chopped and changed about with regard to the technical requirements, which were never specified clearly.

As the Defence Review article concluded its article:

"Whatever the final outcome, there are some obvious inconsistencies in the way the competition has evolved. Malaysian officials requested production vehicles with proven reliability and maintainability, but then established technical specifications that such vehicles cannot meet at the time. Several vehicle producers have asked the Malaysian Ministry of Defence for clarification of the Army's needs, and others have written strongly-worded letters of protest. Sending vehicles and personnel for trials is an expensive business, and some of the manufacturers feel that they have not been treated fairly. At the very least there has been a definite breakdown in communications between officials and manufacturers. This confusion needs to be cleared up soon, especially if the Malaysian Army expects to see the APCs and FSVs it hopes to order deployed in the country by mid-1983."

Following the protests of the defence vehicle manufacturers, the Defence Ministry, although it had short-listed the Belgium-made SIBMAS (costing some $900,000 for 140 FSVs) and the Brazilian-made Urutu (costing about $600,000), has after some three years of trials and evaluation, finally issued tender documents to the various manufacturers of FSVs and APCs – when this should have been done first thing some three years ago.

Can the Minister of Defence explain to Parliament and the people for this scandalous way on the part of the armed services in going around shopping for defence hardwares?

What has amazed service people is that the specification of the armoured personnel carrier (APC) is for a four-wheeler while the specification for a fire support vehicle (FSV) is a six-wheeler.

A six-wheel vehicle performs much better especially in cross-country than a four-wheeled vehicle. Furthermore, in normal battle formations, the APCs and the FSVs will be moving together, and the inferior performance of the APCs in this context will hinder operations.

$250 million TAM tanks

The proposed purchase of FSVs and APCs are not the only instances where there appears to be improprieties and irregularities.

Thus, the army proposes to purchase 56 tanks for the new Armoured Corps. The army considered the Vickers tank of United Kingdom, the AMX tank of France and the TAM tank of Germany.

These tanks were evaluated abroad and were never brought into the country for actual trials as conducted in the case of the FSVs and the APCs where the army requested manufacturers of each type of vehicles to send their vehicles to Malaysia to undergo Malaysian-type trials under Malaysian conditions.

Thyssen Henschel, the German manufacturer of TAM, had been in Malaysia, meeting Treasury and Ministry of Defence officials on the possibility of selling TAM tanks to Malaysia. The TAM tank is actually designed specially for Argentina and is produced in Argentina to meet Argentine specifications that the tank should not be more than 30 tons.

For some reason, the Malaysian army has also decided that it wants a tank which is not more than 30 tons, probably on the ground that the Malaysian bridges in the North could only accommodate up to this tonnage, ignoring the fact that a tank regiment is a self-sufficient regiment in having its own bridge-laying capabilities so as not to rely on existing bridges for crossing in times of war.

The purchase of 56 TAM tanks, at about $4.5 million each, would cost Malaysia some $252 million. It is not only an expensive tank, but an

unproven one for Malaysian conditions. I understand that the West German Government does not recognise TAM as a tank, but only as a heavy-armoured vehicle by NATO standards, which will mean that there will be a problem of obtaining export licence from the West German government if the TAM tanks are to be manufactured in West Germany and not in Argentina.

We must also ask ourselves why we want to have a tank corps. This is surely not to fight guerrilla war with the communists in the jungle, but to fight a conventional tank warfare should war break out because of Russian-backed Vietnamese aggression.

Vietnam, which not only has the third largest helicopter-borne force in the world because of the left-behinds of American military withdrawal from Vietnam, possesses both Russian and American tanks – whether the Russian-made T-54s and T-55s, or the American M-60s and M-48s, which are of about 50 tons in weight.

In a tank warfare, the lighter TAM would be out-classed by heavier T 54-s, T-55s or M-60s, or M-48s, because the ballistic immunity of a lighter tank is much inferior to that of a heavier tank.

A FSV is to have a ballistic immunity where its armour would withstand firing of 7.62 ball-round from 30 metres and 7.62 AP (armour-piercing) rounds from 100 metres. The question is whether a TAM tank has this ballistic immunity of a FSV, and when the weight of the tank is reduced, the amount of metal or steel providing the armour is also reduced, making it more vulnerable to attack.

It is pointless buying more expensive tanks which cannot match tanks which Malaysia may have to meet. I call on the Ministry of Defence to re-evaluate, in the way it has done with FSVs and APCs, all tanks under Malaysian conditions, to subject them to stringent tests such as endurance, armour protection, etc. before a purchase is made. Let us not have another repetition of the Panhard vehicles which clutter the army workshops in the country.

$314 prototype howitzers

The Ministry of Defence, in its defence build up to meet with external threats, proposes to buy 30 pieces of 155mm gun howitzers, the first time

Malaysia will be acquiring such calibre weapons which will be capable both of defensive and offensive qualities.

The army has short-listed four gun howitzers, but appears to have favoured the Swedish-made Bofors FH 77B, which is a prototype, costing some $314 million, when there is another gun howitzer which is tested and proven and cost only about half the price.

Bofors supplied the army with about 12 anti-aircraft guns, the 40L70 anti-aircraft guns about three years ago. Recently, the army found some problems with the guns, which cost about $55 million. The radar on the gun was found to be faulty, transmitting impulses and not receiving impulses; and more seriously, the problem of barrel decoppering, i.e. the barrel wear of the gun was more excessive than specified, affecting the life span of the gun. The Bofors anti-aircraft gun was also a prototype, which should warn the army about the dangers of untested, unproven prototype howitzer-guns.

Although Bofors has produced a similar calibre weapon namely FH 77A for the Swedish army, the weapon has a different barrel, different elevation, from that of FH 77B, and firing only Bofors ammunition which is not a standard NATO ammunition as required by the Malaysian army. As a result, to comply with Malaysian requirements, Bofors had to redesign the FH 77A to produce a FH 77B to meet Malaysian army specifications. But this is in fact a very major change in design, i.e. change of barrel, increase of elevation, change of breach in order to fit NATO ammunitions.

The Malaysian team which went to Sweden to inspect the gun was in fact the first team to witness a firing demonstration and at that time, the FH 77B had not completed factory-firing trials.

Another problem which Malaysia will face when it purchases the FH 77B is that in time of war, there will be difficulties of obtaining ammunition. During the Indonesian Confrontation, Malaysia was not able to obtain ammunition from Bofors directly for its naval 40L70 guns as Swedish neutrality forbid it to supply arms to warring nations in times of war. As a result, the Malaysian government had to utilise the Crown Agents in England for its supply of ammunition while, in the meantime, the Navy faced the danger of lack of stocks of ammunition.

Again, we must consider why the army is acquiring the medium-range howitzer for the first time. Malaysia has 105mm howitzers with a maximum firing range of 14 to 16 kilometres, which could be used in guerrilla war to give covering fire, and also conventional warfare. The acquisition of 155mm gun howitzers having a firing range of up to 30 kilometres is clearly in anticipation of more conventional warfare, again from the direction of Indo-China.

Bofors FH 77-B can only hit 24 km using standard NATO ammunition although they have claimed that using EFRB (Extended Full-Range Bore) ammunition, they could fire up to a range of 30 km, this is still uproven.

Vietnam has Russian-made 130 mm howitzer guns with a maximum range of 27 kilometres, which means that Bofors FH 77B would be out-gunned!

The Ministry of Defence must explain to the people why it is rejecting a cheaper, proven and tested gun-howitzer like the Austrian-made GC 45 model, which cost only about $150 million, a tested model designed for simplicity, ease of maintenance and serviceability, minimized logistical problems but a high range with a ballistic solution.

I understand no international tender in the strictest sense of the word had been issued for the purchase of the 30 pieces of 155mm howitzer guns. I call on the Minister of Defence to ensure that there is a proper tender exercise, and that the guns are selected on their merits and proven worth, as well as from the point of view of price, and that purchases for defence hardwares should not be a mysterious exercise in secrecy and backroom deals – but an above-board operation where the choice of a certain model should be explained to the people.

Let us not bluff ourselves that we should keep the acquisitions of defence weapons secret for our security interests, for the simple reason that the whole security world knows what another country is shopping in the world armaments market. The only people who would be kept in the dark will be the Malaysian rakyat themselves. Such secrecy can only benefit the corrupt.

Czar of Defence Procurements

With $9.3 billion earmarked for defence expenditures, it is essential that such massive expenditure of public funds must be subject to the closest parliamentary scrutiny, to satisfy the people and public that everything is above-board, for any deviation will not only cause millions and tens of millions of dollars of loss of public money, but may prove positively harmful to Malaysia's defences and national integrity and sovereignty in times of war when defective or far from satisfactory defence hardwares are deployed.

I understand that in Malaysia, in the defence business world, there is a person who has virtually become the Czar of all defence procurements. It is said that all foreign defence and armaments manufacturers realise that he is the man to retain if they are to succeed in pushing their merchandise of war to the Malaysian Government.

This Czar of Malaysian defence procurements, who is an ex-brigadier general, has directly through himself, or through his close associates, bid successfully for the majority of Mindef's multi-million dollar defence procurements, like the $160 million SPICA M Fast Strike Crafts, the $200 million contract to provide two Corvette ships, the $450 million contract to supply four MCMV (or Mine Counter Measure Vessels or commonly known as mine hunters), the $20 million contract to provide the Italian-made 105mm. Automorallen howitzers, the $80 million 5.56mm ammunition for rifles, the $50 million anti-aircraft Bofors system, and is behind the lobby for the TAM tank, 155mm gun howitzer, and the FSVs and APCs.

A Parliamentary Committee on Defence should be established to provide continuous scrutiny of defence expenditures to protect not only public funds but also the national interests, to ensure that every ringgit spent on defence is worth the value in terms of adding to the strength, resilience and capacity of the nation to withstand any form of external threat or aggression.

Honour essence of democracy

The FMP said that Malaysia is committed to maintaining a political framework which allows for a democratic way of life, consistent with the maintenance of peace and stability within the country.

In reality, the democratic system has been seriously truncated in the decade of the 1970s. The FMP (Para 330) referred to the amendments to the Constitution to ban the discussion of 'sensitive issues'. It went on to say:

"Discussions on these issues were conducted in the National Consultative Council, and on the dissolution of the Council, in the National Unity Board. Following the dissolution of the Board, discussions were then conducted in the Department of Rukun Tetangga and National Unity."

I find this a very curious statement, for I am not aware that 'sensitive issues' forums were the National Unity Board and now the Department of Rukun Tetangga and National Unity – for such forums clearly served no useful purpose.

What disturbs Malaysians is that 'sensitive' issues is being given a one-sided interpretation, where the challenges of the 'sensitive' issues by leaders of one party, like the UMNO Youth Leader, Haji Suhaimi, to Article 152 of the Constitution when he called for the implementation of Clause 21(2) of the 1961 Education Act was overlooked by the Attorney-General despite a police report against the offence against the Sedition Act.

Democracy is a fragile plant, but it can only survive and grow if all leaders concerned honour not only the trappings, but also the essence and content of democracy.

The government should restrain itself from resort to more and more undemocratic legislation, like the proposed amendment to the Societies Act, and allow a freer flowering of freedom of beliefs, expression and assembly as entrenched in our Constitution.

Before I conclude, I would urge the Prime Minister to give democratic play to public opinion, and before draconian amendments are introduced to the Societies Act to restrict the freedom of action and opinion of societies, give the several thousands of societies an opportunity to study and make representations to the government concerning their views with regard to the amendments to the Societies Act. The Societies Act amendments should not be rammed through Parliament next week, but should be brought up to Parliament at the next meeting in June after there is a full airing of public views on the amendments by the societies in the country.

ON DEMOCRACY, HUMAN RIGHTS AND THE CONSTITUTION

REMOVAL OF SECURITY OF TENURE OF GOVERNMENT SERVANTS

"Retrospective constitutional amendments which deprive a person of an accrued right is bad enough, but in Malaysia, the Government is also resorting to the deplorable practice of interfering with the judicial process by enacting retrospective constitutional amendments when litigation is under way.

"The Government is not only nullifying judgements of the Privy Council, it is developing a habit of amending the Constitution although litigation is before the courts to win what the Government otherwise would lose in the courts."

Speech on the 1978 Constitution Amendment Bill on December 8, 1978.

Again, Parliament has been presented with another batch of proposed amendments to the Malaysian Constitution, relating to provisions on membership of the Senate, the rights of members of the public service on certain matters, membership of the Education Service Commission and legislation against "subversion and action prejudicial to public order".

The proposed amendment to Article 135(2), which guarantees that no public servant would ever be arbitrarily dismissed, tantamounts to abolition of this guarantee.

I have followed with great care the speech by the Prime Minister, Datuk Hussein Onn, yesterday when moving the second reading of the Constitution Amendment Bill explaining why the government wants to amend Article 135(2) and take away this fundamental right of 500,000 civil servants; and why, with his legal background and training, he is asking

Parliament to do a most obnoxious thing which undercuts the whole basis of the Rule of Law – that is, asking for its retrospective legislation all the way back to Merdeka Day in 1957.

I have found the Prime Minister's arguments for wanting to amend Article 135(2) most unsatisfactory and unconvincing. As for the government intention to give retrospective effect to this amendment, the Prime Minister had not furnished a single valid reason at all.

Article 135 of the Constitution reads:

"(1) No member of any of the services mentioned in paragraphs (b) to (h) of Clause (1) of Article 132 shall be dismissed or reduced in rank by an authority subordinate to that which, at the time of the dismissal or reduction, has power to appoint a member of that service of equal rank.

"(2) No member of such a service as aforesaid shall be dismissed or reduced in rank without being given a reasonable opportunity of being heard."

Article 132 Clause 1(b) to (h) specifies the services as:

(b) the judicial and legal service;
(c) the general public service of the Federation;
(d) the police force;
(e) the railway service;
(f) the joint public services mentioned in Article 133;
(g) the public service of each state; and
(h) the education service.

The Prime Minister has admitted that this proposed amendment was the government's reaction to its reversal in the Privy Council in the case of **Mahan Singh v. Government of Malaysia** on June 22, 1978.

During the Emergency in July 1969, under Emergency (Essential Powers) Ordinances No. 1 and No. 2 of 1969, the Director of Operations, the late Tun Razak, enacted Public Officers (Conduct and Discipline)

(General Orders, Chapter D) Regulations, 1969 – or Regulation 44 of General Orders Chapter D – to enable the Government to terminate the services of any official without resorting to disciplinary proceedings.

Mahan Singh, then with the Office of the Special Commissioners of Income Tax and Sessions Court Registrar from 1961 – 1969, was informed in 1970 that his services had been terminated under Regulation 44.

Mahan Singh sued the Government, arguing that he had been dismissed within the meaning of Article 135 and as no reasonable opportunity had been given to him to be heard, his dismissal was unconstitutional and void. In the High Court, Narain Sharma J. held that the Government had acted unconstitutionally in bringing Mahan Singh's employment to an end. The Government appealed to the Federal Court and succeeded. The matter was taken up to the Privy Council which, on June 22, 1978, restored Sharma J 's judgement and held that the Government had acted unconstitutionally.

I am most shocked when the Prime Minister said yesterday that the Privy Council had 'misinterpreted' Article 135, for he appeared to have arrogated to himself the role of a Super-Judge, higher than the supreme appellate court in our judicial system. His remarks that the Privy Council having 'misinterpreted' Article 135, and the current proposal to nullify the Privy Council decision by amending Article 135 to exclude its operation in cases like the operation of Regulation 44, have dealt a grievous blow to the concept of Rule of Law, especially as it has emanated from the Prime Minister, who had strenously built up an image of fullest respect to the Rule of Law.

In trying to justify Regulation 44 (which in effect allows the Government to sack civil servants without having to give reasons), Datuk Hussein Onn said that extra powers apart from the usual disciplinary provisions in the General Orders are needed to deal with corrupt and dishonest officials.

As an example, Datuk Hussein Onn had cited an example where an official had accumulated property worth about $50,000 in a short time, or another official who had a substantial bank balance, indicating that an element of corruption was involved, but "yet sometimes the disciplinary authorities would find it difficult to dismiss the official concerned."

The problem of corruption in the public service is indeed a very serious problem, and stern action must be taken to stamp out graft in all its forms. But unfortunately, the proposed amendment of Article 135(2) is not a proper or satisfactory solution to the problem of public officials having property or pecuniary resources disproportionate to their known sources of income.

For firstly, this problem of public officials amassing property or pecuniary resources disproportionate to their known sources of income is not a problem confined only to civil servants, but is also widespread among top political leaders of the ruling party at national and state level.

Are Ministers, Deputy Ministers, Parliamentary Secretaries, Political Secretaries, Mentri Besar, Chief Ministers, State Executive Councillors, Members of Parliament and State Assemblymen who amass property or pecuniary resources disproportionate to their known sources of income to be immune from anti-corruption purges and prosecutions?

Is there in the battle against corruption, to be one law for government servants, but a different law for Ministers, Deputy Ministers, Parliamentary Secretaries, Chief Ministers, Mentri Besar and State Executive Councillors?

The problem of unaccounted wealth disproportionate to a person's known sources of income, whether among civil servants or political leaders, can be easily countered by a simple amendment to the Prevention of Corruption Act 1961 making it an offence for any public officer, including Ministers, Deputy Ministers, Parliamentary Secretaries, Chief Ministers, Mentri Besar, Exco Members, MPs and State Assemblymen and of course civil servants who had amassed property or pecuniary resources disproportionate to his known source of income, and providing powers to the Court to order forfeiture of the property or value of the pecuniary resources acquired by the accused.

In 1975, I had moved a motion in Parliament to effect such an amendment, but it was defeated by the Barisan Nasional Ministers and MPs. Now, it appears that the Prime Minister is concerned about unaccounted wealth among civil servants. But why is he indifferent to the problem of unaccounted wealth among top political leaders?

Datuk Hussein Onn said that the government needs extra powers to deal with dishonest officers, like those who are marking time. Clearly this is a case for normal disciplinary action, rather than extraordinary powers of forced retirement. Again, Datuk Hussein mentioned another category as those officers who had, for instance, clearly disclosed government secrets or carried on activities detrimental to national security.

If government servants have clearly committed such infractions, then they should be subject to normal disciplinary procedures, and not be arbitrarily sacked.

The amendment to Clause 135(2) reads:

> "Where the services of a member of such a service is terminated in the public interest under any law for the time being in force, or under any regulation made by the Yang di–Pertuan Agong under Article 132(2), such termination of service shall not constitute dismissal whether or not the decision to terminate the service is connected with the misconduct or unsatisfactory performance of duty by such member in relation to his office or the consequences of the termination involved an element of punishment; and this proviso shall be deemed to have been an integral part of this Article as from Merdeka Day."

This amendment in effect takes away the security of tenure and constitutional guarantee of civil servants that they would not be subject to arbitrary dismissal without being given an opportunity to be heard. This amendment tantamounts to repeal of Article 135.

If the Government has a good case to dismiss a civil servant, they would apply Article 135(2) and give the officer an opportunity to be heard. If the Government does not have a good case, it could still sack the officer by applying the amendment to Article 135(2) which we are being asked to enact today.

The Government clearly wants to put itself in a situation of 'heads I win, tails you lose'.

What is shuddering about this amendment is that it opens up a

Pandora's box for victimisation of subordinate officials by the heads of department.

Datuk Hussein Onn said that so far, 96 officials had their services terminated under Regulation 44.

This is not a small figure. Under Regulation 44 there is no machinery to challenge the charges preferred against the government official. He may not even know the reasons for which he was being dismissed, for his right to be heard has been completely wiped out.

What is worse a government official whose services are terminated will immediately be under a cloud that he had either been found to be corrupt or dishonest, although it could be neither.

It is no exaggeration when the CUEPACS in its protest against this amendment said that the amendment to Article 135(2) would erode the meaning given to the word 'dismissal'. In fact, I had said that this amendment virtually meant the repeal of Article 135(2).

The proposed amendment to Article 135(2) is even more objectionable because it is proposed to give it retrospective effect all the way back to Merdeka Day on 1957.

Retrospective legislation is highly obnoxious and objectionable for it makes legal what was illegal when done. It undermines public respect for the Rule of Law.

In Malaysia, it appears to have become the habit for the Government to enact retrospective constitutional amendments. In the 1976 batch of amendments to the Constitution on July 12, 1976, there were four amendments which had retrospective effect.

Retrospective constitutional amendments which deprive a person of an accrued right is bad enough, but in Malaysia, the Government is also resorting to the deplorable practice of interfering with the judicial process by enacting retrospective constitutional amendments when litigation is under way.

The Government is not only nullifying judgements of the Privy Council, it is developing a habit of amending the Constitution although litigation is before the courts to win what the Government otherwise would lose in the courts.

The Privy Council had occasion to pass a caustic comment on this deplorable practice to usurp the functions and powers of the Courts. In the case of **Iznan bin Osman v. Government of Malaysia**, dismissal of a police constable by the Chief Police Officer was held null and void by both High Court Judge Sharma, and the Federal Court on the ground that the CPO had no powers to dismiss the constable. The Government appealed to the Privy Council, and at the same time, before the case came up for hearing at the Privy Council, amended Article 135 of the Constitution in July 1976 to give powers to the CPO to dismiss members of the police force, and this amendment was given retrospective effect to Merdeka Day in 1957.

When the case went up to the Privy Council, and the Government urged on the Privy Council the new constitutional amendment, the Privy Council said that "This attempt to deprive a litigant of a right of property by retrospective legislation passed **pendente lite** (when there is pending litigation) is a step of a most unusual character."

The Government's penchant to use its Parliamentary majority to change laws in the midst of litigation to favour the Government is a most unhealthy precedent and practice.

I want to ask the Prime Minister why this amendment to Article 135(2) should be made retrospective to Merdeka Day 1957.

As far as I know, there are only seven cases pending litigation awaiting the outcome of the **Mahan Singh v. Government of Malaysia** judgement at the Privy Council as a test case. And the maximum that the government had to pay by way of compensation to these seven cases (as the other cases are time-barred) is only in the region of $500,000.

For half a million dollars, is it worth incurring the opprobrium of enacting retrospective legislation and undercutting the basis of the Rule of Law in the country, giving the people the image of an unreasonable, unfair government and giving the world the reputation of not only having a

Constitution which is amended most number of times, but also with the most number of retrospective legislation?

Here, I would like to ask the Prime Minister that as the amendment of Article 135(2) was with the view to make legal Regulation 44 of General Orders Chapter D, enacted in July 1969, why is the Government asking for retrospective effect all the way back to 1957? Are there other laws and regulations which have been made between 1957 – 1969 which governs discipline of government servants which are also illegal and unconstitutional, and now needs legalisation and regularisation?

Call on Datuk Hussein Onn to lift the emergency of 1966 and 1969

We are asked to amend a constitutional provision to validate a regulation made under emergency conditions in 1969. A Proclamation of Emergency should be made to deal with a specific emergency, and when that specific emergency had ended, the state of emergency should be ended.

If new emergency conditions require a new emergency being imposed, then a fresh Proclamation of Emergency should be made.

But it is a gross abuse of emergency powers to make use of say the 1969 Proclamation of Emergency proclaimed because of the May 13 riots to deal with completely different problems 10 years later, like what we are now discussing, disciplining government servants.

I understand that the 1964 Proclamation of Emergency because of Indonesian Confrontation is still effective.

I would call for a return to the 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 had been approved by resolution of each House, so that we do not live permanently in an emergency.

In view of the drastic inroads this constitutional amendment will make into fundamental rights of 500,000 civil servants, the DAP cannot give its support.

Call for abolition of ISA

The proposed amendments to Part XI heading and Article 149 to expand the scope for the enactment of detention without trial laws must be viewed with great suspicion and distruct, because of the long record of innocent Malaysians who have been detained for prolonged periods without the benefit of trial although they had committed no offence or crime against the country.

Even now, the Government claims that in Malaysia there are no political detainees, although the whole country and the world knows that political detention has long become a facet of Barisan Nasional rule, and political control.

The Government should respect human rights of Malaysians and release all political detainees in Kamunting and Batu Gajah detention camps or charge them in open court, to give them a chance to defend themselves.

The use of detention without trial laws has become an instrument of oppression of the government to suppress courageous and dedicated Malaysians who are prepared to sacrifice personal liberties for a better Malaysia for the people and future generations.

Instead of constantly finding ways and means of ending this denial of human rights through detention without trial in Malaysia, the Government now wants to expand the scope of such powers by including new categories for which the Government can detain people without trial indefinitely.

Thus there is to be a new paragraph (e) in Article 149(1) which empowers the Government to take actions under laws which conflict with the fundamental liberties enshrined in the Constitution on liberty of the person, freedom of speech, peaceful assembly and association, if the Government perceives that there are people who have taken or threatened action "prejudicial to the maintenance or the functioning of any supply or service to the public or any class of the public in the Federation or any part thereof" and a new paragraph (e) which is "prejudicial to public order in, or the security of, the Federation or any part thereof."

As these provisions vest very extensive powers on the Government, legislators are duty bound to know what categories of situations are envisaged in paragraphs (e) and (f). Is the Government going to detain without trial workers for instance, who go on strike, which affect the "functioning of any supply or service to the public or any class of the public"? Will this cover public service unions and also private sector unions?

Will for instance bank employees who are members of NUBE be likely to be detained without trial should they go on strike in their disputes with banks?

DICTATORSHIP BY STATE OF PERMANENT EMERGENCY

"The Bill before this House, the Emergency (Essential Powers) Bill 1979, is the latest and the most concrete and shameless embodiment of the Government's 'Heads I win, Tails you lose' mentality.

"Ever since Merdeka, the Government has developed the propensity and appetite to amend the Constitution as and when it suits its political whims and fancies. It has now developed a new propensity and appetite to amend the Constitution or enact laws with retrospective effect to win what it had lost in the courts, or to ensure a victory in courts by changing the law while the cases are still in court."

Speech on the 1979 Emergency (Essential Powers) Bill on January 17, 1979.

Parliament has been specially summoned today to do an extraordinary thing: to legalise the illegalities committed by the Government for the last eight years since February 20, 1971 by way of unconstitutional and invalid Emergency Regulations.

The cause of this is the Privy Council judgment in **Teh Cheng Poh** alias **Char Meh v. The Public Prosecutor** ruling that the 1975 Essential (Security Cases) (Amendment) Regulations are unconstitutional and void.

The Security Cases Regulations were purported to be made by the Yang di-Pertuan Agong under section 2 of the Emergency (Essential Powers) Ordinance 1969 of 15th May 1969, which were made by the Yang di-

Pertuan Agong in reliance upon the powers conferred upon him by Article 150(2) of the Federal Constitution following the Proclamation of Emergency in the wake of the May 13 riots of 1969.

Since the enactment of the Security Cases Regulations in 1975, I had twice sought to repeal them in Parliament, once on December 19, 1975, and the second time on October 24, 1977, but on both occasions my motion was defeated.

I said in the Parliamentary debate on December 19, 1975, that the Security Cases Regulations were not only unconstitutional, but tantamounts to an usurpation of Parliamentary powers and functions by the Executive.

This DAP position has now been vindicated by the Privy Council in the last case of criminal and constitutional appeal to it from Malaysia.

In its judgement, the Privy Council held that the Government could not rely on Article 150(2) of the Federal Constitution to enact the Security Cases Regulations.

Article 150(2) of the Constitution reads:

> "If a Proclamation of Emergency is issued when Parliament is not sitting, the Yang di-Pertuan Agong shall summon Parliament as soon as may be practicable, and may, until both Houses of Parliament are sitting, promulgate ordinances having the force of law, if satisfied that immediate action is required."

The Privy Council ruled: "The power to promulgate Ordinances having the force of law is expressed to be exercisable only until both Houses of Parliament are sitting. It lapses as soon as Parliament sits. . . . . Once Parliament has sat after the Proclamation, the power to legislate by Ordinance under Article 150(2) does not revive even during periods when Parliament is not sitting, unless and until a new Proclamation of Emergency is issued by the Yang di-Pertuan Agong."

> The Privy Council further said: "There are only two sources from which the Yang di-Pertuan Agong as such can acquire power to make written laws, whatever label be attached to it; one is by a

provision of the Constitution itself; the other is by the grant to him of subordinate legislative power by an Act passed by the Parliament of Malaysia in whom by Article 44 of the Constitution the legislative authority of the Federation is vested. **So far as his power to make written laws is derived from Article 150(2) of the Constitution itself, in which they are described as 'ordinances', it comes to an end as soon as Parliament first sits after the Proclamation of an Emergency; he cannot prolong it, of his own volition, by purporting to empower himself to go on making written laws, whatever description he may apply to them. That would be tantamount to the Cabinet's lifting itself up by its own boot straps.** If it be thought expedient that after Parliament has first sat the Yang diPertuan Agong should continue to exercise the power to make written laws equivalent to that to which he was entitled during the previous period to exercise under Article 150(2) of the Constitution, the only source from which he could derive such powers would be an Act of Parliament delegating them to him."

Before we proceed further, it must be emphasised that when we in this debate refer to the Yang di-Pertuan Agong, we are in fact referring to the Cabinet because the Yang di-Pertuan Agong is a constitutional monarch.

As the Privy Council put it: "Although this, (the power to promulgate ordinances under Article 150(2)), like other powers under the Constitution, is conferred nominally upon the Yang di-Pertuan Agong by virtue of his office as the Supreme Head of the Federation and is expressed to be exercisable if he is satisfied of a particular matter, his functions are those of a constitutional monarch and except on certain matters that do not concern the instant appeal, he does not exercise any of his functions under the Constitution on his own initiative but is required by Article 40(1) to act in accordance with the advice of the Cabinet. So when one finds in the Constitution itself or in a Federal law powers conferred upon the Yang di-Pertuan Agong that are expressed to be exercisable if he is of opinion or is satisfied that a particular state of affairs exist or that particular action is necessary, the reference to his opinion or satisfaction is in reality a reference to the collective opinion or satisfaction of the members of the Cabinet, or the opinion or satisfaction of a particular Minister to whom the

Cabinet have delegated their authority to give advice upon the matter in question."

The Privy Council decision has therefore made it abundantly clear that the Yang di-Pertuan Agong has no power to make Essential Regulations under the Emergency (Essential Powers) Ordinance 1969 as from February 20, 1971 when Parliament was reconvened after a suspension of 20 months, and Regulations like the Essential Security Cases Regulations 1975 and the Essential (Community Self-Reliance) Regulations 1975 – the Rukun Tetangga regulations – and the Essential (Control of the Sale, Supply, Import and Export of Rice) Regulations were all unconstitutional.

The Privy Council decision has wide and vast implications, and has put the Government in a spot as having committed illegal and unconstitutional acts from 20th February 1971 to date.

I submit that the Government's response and reaction to this Privy Council decision will be an important test of its commitment to the rule of law.

'Heads I win, Tails you Lose' mentality

Where the Government is party to a case, will it accept the judgement of the highest appellate court in the land although it suffered reverses and embarrassments, binding itself to accept judicial decisions just like any other citizen, or whether it takes the attitude that in legal cases, the government's policy is 'heads I win, tails you lose'. If the government wins the case in court, well and good; if it loses, it can always rely upon its Parliamentary majority to change the law retrospectively to enable it to win what it has lost in court.

This happened last month when the Government amended the Constitution to nullify another recent Privy Council judgement in **Mahan Singh v. Government of Malaysia** on the security of tenure of public servants under Article 135(2) of the Constitution – which amendment was given retrospective effect all the way back to Merdeka Day in 1957.

Ever since Merdeka, the Government has developed the propensity and appetite to amend the Constitution as and when it suits its political

whims and fancies. It has now developed a new propensity and appetite to amend the Constitution or enact laws with retrospective effect to win what it had lost in the courts, or to ensure a victory in courts by changing the law while the cases are still in court.

This new propensity of the Government to ensure a 'heads I win, tails you lose' result in legal cases of which the Government is a party is fraught with grave dangers to the country. Firstly, it would breed an arrogance of power, for it would nurture in the minds of Government leaders and officers that they could do no wrong, or that they have the capacity and power to change wrongs into rights. Secondly, it would encourage the Government to treat with contempt the fundamental, constitutional and legal rights of citizens or become slipshod in law-making or discharge of government responsibilities because they could always validate with retrospective effect any illegality or unconstitutionality. Thirdly, it would gravely shatter public confidence in the rule of law, in the sanctity of laws and courts, for the courts would not be able to play its role as a bulwark against unconstitutional acts, or excesses or abuses of power by the Executive, against the citizen. Fourthly, it would breed a cynical and subservient citizenry who would not dare or would not find it worth their while to stand up for their constitutional and legal rights against government encroachments and excesses, for the Government will always win with its 'heads I win, tails you lose' mentality.

The Bill before this House, the Emergency (Essential Powers) Bill 1979, is the latest and most concrete and shameless embodiment of the Government's 'heads I win, tails you lose' mentality.

The Government is the conscious author of the acts of illegalities and unconstitutionalities pronounced by the Privy Council, for it recklessly disregarded the warnings and advice of the DAP and the legal community. It has only itself to blame. However, in view of the far-reaching implications of the Privy Council decision which meant that the Government had been guilty of a host of illegal acts, no government could ignore the judgement and must devise a response to it.

But this government response must be one which not only seeks to minimise the adverse consequences of the government's illegalities, but which also strengthens public confidence in the rule of law, and in the government's sense of fairness and responsibility.

For instance, a responsible government response to the Privy Council decision could comprise the following elements:

1. Acceptance of the Privy Council decision that Essential Regulations made after 20th February 1971 by virtue of the 1969 Emergency Ordinance are unconstitutional and void;

2. Enactment of Indemnity Acts by Parliament to exclude liability of the Executive for bona fide actions taken in pursuance of these invalid Regulations, providing that no civil or criminal proceedings should be instituted for anything done under the Regulations;

3. Review of the invalid Regulations, and if the Executive is of the view that they should be made law, enact them by normal parliamentary legislative process without any retrospective application.

But from this Bill, it would appear that the Government, stung by its defeat in the Privy Council in the case of **Teh Cheng Poh v. Public Prosecutor**, has decided to flaunt its power to demonstrate to all and sundry that anybody who cross it cannot win, for it could in the final analysis resort to the power of retrospective legislation to win what it had lost in the courts. It seems to have taken the attitude: "To hell with the courts. We have the parliamentary majority and we can do what we want."

The damage this Bill will inflict on public confidence in the rule of law is immeasurable, and for so little purpose, apart from saving the faces of the Ministers and officers responsible for the Regulations.

The Government does not have the humility to admit that it has made grave mistakes in enacting unconstitutional laws. What is worse, it has decided to compound these mistakes by giving these unconstitutional laws retrospective validity all the way back to 20th February 1971 by way of this 1979 Emergency (Essential Powers) Act – when there is no justification whatsoever for its enactment as it is based on a Proclamation of Emergency to deal with the May 13 riots – in 1969 which situation had ceased to exist even before February 1971.

The perpetuation of a Proclamation of Emergency, when the emergency condition for which it was made had ceased to exist, is clearly an abuse of power and unconstitutional.

Although the Privy Council in **Teh Cheng Poh v. Public Prosecutor** did not decide on the question whether by the time the Security Cases Regulations 1975 were made, the emergency proclaimed on 15th May 1969 was over and the Emergency Proclamation of that date had ceased to be in force, a careful reading of the decision supported the view not only that an Emergency Proclamation is justiciable, but that any appeal to the Privy Council (if such appeals are still allowed) would stand a very good chance of succeeding on the ground that the 1969 Emergency Proclamation had ceased to be in force.

This is because although the question of Emergency Proclamation was not argued before the Privy Council, the question of the Security Area Proclamation made by the Yang di Pertuan Agong under S. 47 of the Internal Security Act 1960 was considered by the Privy Council.

This is the Privy Council decision on the question of the Security Area Proclamation:

> "The power to proclaim an area as a security area with the consequences that this will entail is a discretionary one. It is for the Yang di-Pertuan Agong (again, in effect, the Cabinet) to form an opinion whether public security in any area of Malaysia is seriously disturbed or threatened by the causes referred to in the Section (s. 47), and to consider whether in his opinion it is necessary for the purpose of suppressing organised violence of the kind described. But, as with all discretions conferred upon the Executive by Acts of Parliament, this does not exclude the jurisdiction of the court to inquire whether the purported exercise of the discretion was nevertheless ultra vires either because it was done in bad faith (which is not in question in the instant appeal) or because as a result of misconstruing the provision of the Act by which the discretion was conferred upon him the Yang di-Pertuan Agong has purported to exercise the discretion when the conditions precedent to its exercises were not fulfilled or, in exercising it, he has taken into consideration some matter which the Act forbids him to take into consideration or has failed to take into consideration some matter which the Act requires him to take into consideration."

The Privy Council went on to say:

> "The Proclamation is lawful because it is considered by the Yang di-Pertuan Agong to be necessary to make an area a security area for the purpose, not of suppressing violence by individuals generally but of suppressing existing or threatened organised violence of the kind described in the section. Once he no longer considers it necessary for that particular purpose it would be an abuse of his discretion to fail to exercise his power of revocation, and to maintain the Proclamation in force for some different purpose."

The Privy Council was of the view that the courts were not "powerless to grant to the citizen a remedy in cases in which it can be established that a failure to exercise his power of revocation would be an abuse of his discretion", and that mandamus could be sought against members of the Cabinet requiring them to advise the Yang di-Pertuan Agong to revoke the Proclamation.

An application for mandamus has in fact been filed in the Penang High Court against the Cabinet requiring them to advise the Yang di-Pertuan Agong to revoke the Proclamation of Security Area.

By the same arguments, there is a remedy in court against the abuse of discretion in not revoking the Proclamation of Emergency under Article 150(1), when the original circumstances giving rise to the proclamation has ceased to exist.

It is in recognition of the merit and cogency of this argument that the Government has introduced Clause 12 of the Bill which makes the Proclamations by the Yang di-Pertuan Agong non-justiciable by the courts.

Clause 12 reads: "No court shall have jurisdiction to entertain or determine any application or question in whatever form, on any ground, regarding the validity or the continued operation of any proclamation issued by the Yang di-Pertuan Agong in exercise of any power vested in him under any Ordinance promulgated, or Act of Parliament enacted, under Part XI of the Federal Constitution."

This is again another pre-emptive strike by the Government to protect

further acts of illegality and unconstitutionality from challenge in the courts by the citizens of the country.

In making the Proclamation of Emergency by the Yang di-Pertuan Agong non-justiciable, and by way of a state of permanent emergency by perpetuating the Proclamation for times completely unrelated to the original situation calling for the Proclamation, Parliament is in fact legislating for dictatorship rule in the country, undermining the whole basis of Parliamentary Government.

For instance, the 1979 Emergency (Essential Powers) Act which we are asked to pass today with retrospective effect will also confer on the Yang di-Pertuan Agong, (in fact, the Cabinet, or to be more exact the Prime Minister with at most two or three other members of his Kitchen Cabinet), the power to make regulations inconsistent with the provisions of the Constitution, including those pertaining to fundamental liberties.

As Emergency Proclamations are non-justiciable and there is no way to check abuse of Emergency Proclamations by the Executive, the Executive can, by way of regulations, make laws and amend the Federal Constitution at will. The Government will probably reply that the Executive is still answerable to Parliament – but we know that this is completely a myth. In Malaysia, it is the Executive which controls Parliament, and Members of Parliament answerable to the Prime Minister, rather than the Executive answerable to Parliament. For instance, today, which Government Member of Parliament would dare to assert that it is the Executive which is answerable to Parliament, and that individual MPs have the right to go against Executive legislative proposals?

Malaysia in January 1979 is very different from Malaysia during the times of May 13, 1969. There is no justification for institutionalising emergency measures of 1969. We should in fact be dismantling the emergency institutions of 1969.

In the 22 years of Independent nationhood, Malaysia has spent 18 years under Emergency, with the exception of the period 1960 – 1964. We live in fact in a permanent state of emergency.

We can see from Malaysia and other countries that the use of reserve constitutional powers and the introduction of a permanent state of

emergency are the means whereby authoritarian systems of Government are founded.

Instead of making Emergency Proclamation non-justiciable, we should impose 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 – with emergency legislation co-existing and even overriding parliamentary legislation.

When I said just now that this Act on emergency powers in effect confers dictatorial powers on the Prime Minister and his kitchen Cabinet, I am not suggesting that the Prime Minister, Datuk Hussein Onn, is or is going to be a dictator. But the institutionalising of dictatorial powers in the hands of the Prime Minister and his Kitchen Cabinet, without any possibility of judicial control or effective parliamentary check, must be opposed by all democrats and lovers of freedom in Malaysia – for they represent a great danger to the Malaysian state.

We have seen too many instances of abuse of power by the authorities to believe that such concentration of power would not be misused. Political

and populist leaders languish in the detention camps for no crimes apart from being thorns in the flesh of the Government. DAP MPs Sdr. Chian Heng Kai and Sdr. Chan Kok Kit have had their two-year detentions renewed on New Year's Day and falsely accused of complicity with the Communist United Front organisations -- but which the Government could not furnish one iota of evidence.

This Act before the House is the latest in a series of high-handed, government action which is contrary to the objective of building a Malaysian nation founded on multi-racialism, unity, freedom, justice and rule of law.

The hour is drawing nearer when we must make a supreme effort to foster and strengthen national unity in our country, if we as a nation are to survive the perils of the region, as highlighted by the recent fall of Phnom Penh to Vietnamese-backed forces.

This national unity must be based on democratic values and respect for fundamental rights, and not repressive and authoritarian laws. The Emergency Act 1979, to deal with the Proclamation made 10 years ago, is a step in the wrong direction. It subverts parliamentary democracy. It subverts the Rule of Law. It subverts Constitutional guarantees. For instance, in making the Essential (Security Cases) Regulations retrospective, it violates Article 7 of the Constitution which provides in Clause (1) that "No person shall be punished for an act or omission which was not punishable by law when it was done or made, and no person shall suffer greater punishment for an offence than was prescribed by law at the time it was committed."

There is no justification for passing such far-reaching emergency legislation in non-emergency times. In fact the 1969 Emergency Proclamation should be revoked. For these reasons, the DAP must oppose this Bill.

THE FOUR PROCLAMATIONS OF EMERGENCY

"Be that as it may, all the four sets of conditions giving rise to the Four Proclamations of Emergency have long ceased to exist, and there could be no justification for their prolongation, giving the impression that in Malaysia, we make Proclamations of Emergency as often as Municipalities make by-laws.

"Following the Privy Council decision in the Teh Cheng Poh case, the DAP had decided to challenge the validity of the continued operation of the Proclamation of Emergency of May 1969 in the courts but was prevented from doing so by another Constitutional amendment in January 1979 which expressly ousted the court's jurisdiction "to entertain or determine any application or question in whatever form, on any ground, regarding the validity or the continued operation of any proclamation issued by the Yang di-Pertuan Agong in exercise of any power vested in him under any Ordinance promulgated, or Act of Parliament enacted, under Part XI of the Federal Constitution."

Speech when moving a motion to annul the Four Proclamations of Emergency in Malaysia on June 28, 1979.

Firstly, let me place on record my thanks to the Prime Minister, Datuk Hussein Onn, for agreeing to allocate time for debate on this motion on the annulment of Proclamations of Emergency, although the promised three day debate has been reduced to two; and although it would be at the expense of my other motion on the establishment of an all-party Speaker's Conference on Parliamentary Reforms, which I hope and request the Prime Minister to consider granting parliamentary time at the very beginning of the next meeting of Parliament.

Mr. Speaker Sir, the motion that I am moving, with slight amendments, now reads:

"That this House resolves to annul

(i) the Proclamation of Emergency dated 3rd September 1964:

(ii) the Proclamation of Emergency dated 14th September 1966, applicable only to Sarawak;

(iii) the Proclamation of Emergency dated 15th May 1969; and

(iv) the Proclamation of Emergency dated 8th November 1977, applicable only to Kelantan;

as the emergency conditions giving rise to these Emergency Proclamations have ceased to exist."

Apart from the First Emergency, which lasted from 1948—1960, Four Proclamations of Emergency had been issued since Merdeka Day 1957, and none of them had been revoked or annulled, which means that all these four Proclamations of Emergency are still valid and in force today.

The First of these four Proclamations was promulgated on 3rd September 1964 to deal with the threat to the security of Malaysia posed by the Indonesian Confrontation during the early days of Malaysia, when Sukarno's Indonesia launched a campaign to 'Crush Malaysia' accusing Malaysia of being a neo-colonialist creation. The Indonesian Confrontation ended in 1966 with the fall from power of Sukarno in 1966, and the rise of Suharto, and Malaysia and Indonesia had been having good and close relations for the last 13 years, working closely in international forums as fellow ASEAN members. Yet this Proclamation of Emergency made during Indonesian Confrontation period is still in force, and it was on the excuse of the emergency conditions created by the Indonesian Confrontation that the Alliance Government suspended local government elections in 1965, promising to restore elections once conditions permit, but which suspension had become as permanent as the Proclamation of Emergency.

The Second Proclamation, which was applicable, only to Sarawak, was made on 14th September 1966, after Stephen Kalong Ningkan, was reinstated as Sarawak Chief Minister by the Sarawak High Court on September 7, 1966. The High Court declared that the Sarawak Governor had no power to

dismiss the State Chief Minister merely at the direction of the Federal Alliance leadership, and that the only constitutional way to dismiss the Chief Minister was through the passage of a no-confidence motion on the Chief Minister in the Sarawak Council Negeri. In order to achieve what the Alliance leadership had failed to do by unconstitutional means, namely the ousting of Stephen Kalong Ningkan, emergency was declared on the ground that "a serious situation which poses a grave threat not only to the security of the State of Sarawak but also to the whole country" had arisen, the Sarawak State Constitution was overriden by Federal emergency legislation to throw out Stephen Kalong Ningkan.

The Third Proclamation of Emergency was issued on 15th May 1969 because of the May 13 riots after the 1969 general elections. I do not propose to deal with the causes of the May 13 riots, except to say that very conflicting accounts exist as to who and how the riots started. What is relevant for the motion today is that the Emergency Proclamation was justified by the riots and total breakdown of law and order in Kuala Lumpur and its environs, but that those conditions have long ceased to exist, at least as late as February 1971 when Parliament was re-convened.

The Fourth Proclamation of Emergency was issued on 8th November 1977 after an intense UMNO-PAS party warfare in Kelantan, with Berjasa fully being made used of by UMNO. When PAS refused to agree to the Four-Point Mahathir Formula on the imposition of NOC-rule in Kelantan, which tantamounts to PAS committing political suicide, Emergency was declared, Kelantan State Constitution suspended, and NOC rule imposed nonetheless. In February 1978, snap elections were called with UMNO capturing power in Kelantan from PAS for the first time in history.

Out of these Four Proclamations of Emergency, only two Proclamations were justified by the grave emergency conditions of the times, namely to deal with Indonesian Confrontation and the May 13 riots. The other two Proclamations to topple Stephen Kalong Ningkan and to unseat PAS rule in Kelantan were misuse of emergency powers for political gain.

Be that as it may, all the four sets of conditions giving rise to the Four Proclamations of Emergency have long ceased to exist, and there

could be no justification for their prolongation, **giving the impression that in Malaysia, we make Proclamations of Emergency as often as Municipalities make by-laws.**

As far as I am aware, none of these four Proclamations have ever been revoked by the Government, nor annulled by Parliament, the only two ways under our present Constitution to bring a Proclamation of Emergency to an end. The third possibility of bringing Proclamations of Emergency to an end, by way of lapsing by effluxion of time, has not found favour with our Federal Court in the case of **Johnson Tan Han Seng v. Public Prosecutor (1977) 2.M.L.J.66.**

This is most unsatisfactory and productive of great abuse and misuse of powers, because it means that Emergency powers and legislation can continue **indefinitely** without the need for the Executive and Parliament, at fixed periods, addressing themselves to the continuing necessity for the Proclamation of Emergency.

The drafters of the Constitution, and the original Constitution on Merdeka Day, were conscious of the dangers of such open-ended and unfettered Emergency powers, and provided for a definite life span for Emergency Proclamations and emergency powers, unless renewed by Parliament. Thus Article 150(3) of the Federal Constitution on Merdeka Day 1957, stipulates:

> "3. A Proclamation of Emergency and any ordinance promulgated under Clause (2) shall be laid before both Houses of Parliament and, if not sooner revoked, shall cease to be in force
>
> (a) a Proclamation at the expiration of a period of two months beginning with the date on which it was issued;
>
> (b) an ordinance at the expiration of a period of fifteen days beginning with the date on which both Houses are first sitting,
>
> unless, before the expiration of that period, it has been approved by a resolution of each House of Parliament."

Proclamations of Emergency to last for eternity

But this two-month life-span for a Proclamation of Emergency unless approved by Parliament before the expiration period was amended by Act 10 of 1960 to allow Proclamations of Emergency to last for eternity – as our Proclamations seem to do, not only to last indefinitely, but to pile on one after another, without end.

Article 150(3), as amended, now reads:

> "A Proclamation of Emergency and any ordinance promulgated under Clause (2) shall be laid before both Houses of Parliament and, if not sooner revoked, shall cease to have effect if resolutions are passed by both Houses annulling such Proclamation or ordinance, but without prejudice to anything previously done by virtue thereof or to the power of the Yang di Pertuan Agong to issue a new Proclamation under Clause (1) or promulgate any ordinance under Clause (2)."

Under the original Merdeka Constitution, Parliament would have had to address its mind to the continued justification of the Proclamation and the Ordinances, as it should in view of the fact that Emergency situation is an unusual, extraordinary condition which can only be justified by actual existence of the facts or continued existence of the facts of emergency. But with the 1960 amendment, both Proclamation and Ordinances have indefinite life unless expressly revoked and annulled.

The perpetuation of a Proclamation of Emergency, when the emergency condition for which it was made had ceased to exist, is clearly an abuse of power and unconstitutional.

The Privy Council case of **Teh Cheng Poh alias Char Moh v. The Public Prosecutor (1978)**, which declared the Security Cases Regulations 1975 unconstitutional and null and void, has relevance to this point. Although the Privy Council did not decide on the question whether by the time the Security Cases Regulations 1975 were made, the emergency proclaimed on 15th May 1969 was over and the Emergency Proclamation of that date had ceased to be in force, a careful reading of the decision supported the view not only that an Emergency Proclamation is justiciable,

but that any appeal to the Privy Council (if such appeals are still allowed) would stand a very good chance of succeeding on the ground that the 1969 Emergency Proclamation had ceased to be in force.

This is because although the question of Emergency Proclamation was not argued before the Privy Council, the question of the Security Area Proclamation made by the Yang di-Pertuan Agong under s. 47 of the Internal Security Act 1960 was considered by the Privy Council.

This is the Privy Council decision on the question of the Security Area Proclamation:

> "The power to proclaim an area as a security area with the consequences that this will entail is a discretionary one. It is for the Yang di-Pertuan Agong (again, in effect, the Cabinet) to form an opinion whether public security in any area of Malaysia is seriously disturbed or threatened by the causes referred to in the section (s.47) and to consider whether in his opinion it is necessary for the purpose of suppressing organised violence of the kind described. But, as with all discretions conferred upon the Executive by Act of Parliament, this does not exclude the jurisdiction of the court to inquire whether the purported exercise of the discretion was nevertheless ultra vires either because it was done in bad faith (which is not in question in the instant appeal) or because as a result of misconstruing the provision of the Act by which the discretion was conferred upon him the Yang di Pertuan Agong has purported to exercise the discretion when the conditions precedent to its exercise were not fulfilled or, in exercising it, he has taken into consideration some matter which the Act forbids him to take into consideration or has failed to take into consideration some matter which the Act requires him to take into consideration."

> The Privy Council went on to say: "The Proclamation is lawful because it is considered by the Yang di–Pertuan Agong to be necessary to make an area a security area for the purpose, not of suppressing violence by individuals generally but of suppressing existing or threatened organised violence of the kind described in the section. Once he no longer considers it necessary for that particular purpose **it would be an abuse of his discretion to fail to exercise his power of revocation, and to maintain the Proclamation in force for some different purpose."**

The Privy Council was of the view that the Courts were not "powerless to grant to the citizen a remedy in cases in which it can be established that a failure to exercise his power of revocation would be an abuse of his discretion" and that mandamus could be sought against the members of the Cabinet requiring them to advice the Yang di-Pertuan Agong to revoke the Proclamation.

By the same argument, there is a remedy in court against the abuse of discretion in not revoking the Proclamation of Emergency under Article 150(1), when the original circumstances giving rise to the proclamation has ceased to exist.

Proclamations unchallengeable in court

Following the Privy Council decision in the **Teh Cheng Poh case**, the DAP had decided to challenge the validity of the continued operation of the Proclamation of Emergency of May 1969 in the courts but was prvented from doing so by another Constitutional amendment in January 1979 which expressly ousted the court's jurisdiction "to entertain or determine any application or question in whatever form, on any ground, regarding the validity or the continued operation of any proclamation issued by the Yang di Pertuan Agong in exercise of any power vested in him under any Ordinance promulgated, or Act of Parliament enacted, under Part XI of the Federal Constitution."

The fact that the Government had to further amend the Constitution to make the Proclamation of Emergency non-justiciable is proof that the Government realises that it had committed "an abuse of discretion" in failing to revoke the Proclamation when the conditions for the Proclamation have ceased to exist.

A Proclamation of Emergency is promulgated to deal with a specific emergency and should not be allowed to remain in force when the specific emergency condition has been ended.

There must be restrictions on the assumption and exercise of emergency powers, to ensure that a Proclamation of Emergency to deal with

a specific emergency is not used to cover non-emergency situation or even a different emergency. A different emergency situation require a separate and different Proclamation.

This is an important principle if democratic freedoms and the rule of law principle in Malaysia are to be respected and upheld. In fact, the courts in Malaysia should have supervisory jufisdiction to ensure that emergency powers are used only for the specific purpose for which they were granted, and that they are not exceeded.

I believe the Government, and in particular the Attorney-General's Department, is aware of this important principle, which makes the failure of the Government to revoke the Four Proclamations of Emergency even more inexplicable.

For instance, the Government had to declare a separate emergency for the State of Kelantan on 8th November 1977, before imposing NOC rule in Kelantan, although there is a subsisting national Emergency Proclamation of 15th May 1969, and the Government could have asked Parliament to make emergency legislation for Kelantan without having to make a different Emergency Proclamation.

This shows that the Government and the Attorney-General's Department are aware of the impropriety, unconstitutionality and illegality of using one Emergency Proclamation issued for one specific purpose for other purposes.

But with the amendment to the Constitution in January 1979 making the Proclamation of Emergency unchallengeable in the courts in any form, the Government and the Attorney-General would be encouraged to regard one Proclamation of Emergency as a blank cheque to do as and what they like, and to deal with situations which were never in the mind of the Government when issuing the Proclamation.

If this is not abuse and misuse of power, I do not know what is. No wonder we find in Malaysia so many instances of those in authority misusing and exceeding their powers and authorities.

Misuse of immigration powers by Harris Salleh

For instance, the Immigration Act gave the State Governments of Sabah and Sarawak power to restrict entry of West Malaysians into East Malaysia to protect Sabah and Sarawak labour market, though Section 67 provided that no restriction shall apply to a Malaysian citizen entering a East Malaysian State "for the sole purpose of engaging in legitimate political activity". The Sabah Chief Minister, Datuk Harris Salleh, has misused his immigration powers to ban me and Sdr. Lee Lam Thye from entering Sabah for fear that with our entry, Berjaya would suffer severe electoral reverses in the Sabah State general elections, to the extent that Datuk Harris Salleh would even lose his Chief Ministership!

On one occasion, Datuk Harris Salleh would say that the ban was for my personal safety and security; on another occasion, he would talk of the security of Sabah – but all Malaysians know that all his excuses are no more than political cowardice camouflaged!

Basis of Federalism could be destroyed by unfettered Emergency Proclamation and powers

It is indeed inconceivable that there could be unfettered Emergency Proclamation, in that it would be a blank cheque for the invocation of Article 150's emergency powers to deal with any situation and condition never originally envisaged in the original Proclamation. For if this interpretation is right, then any Proclamation of Emergency and invocation of Article 150's emergency powers could destroy even the basis of Federalism of Malaysia, without any remedy in the Courts.

Article 150 confers a wide range of extraordinary executive and legislative powers. For instance, Article 150 provides that while a Proclamation of Emergency is in force, the Federal Executive's authority extends to State matters and "to the giving of directions to the Government of a State or to any officer of authority thereof" (Art. 150(4)); and Parliament could legislate on any matter regardless of whether it is within the Federal List, State List or Concurrent List, and that normal constitutional requirements of consultation with a State Government or the obtaining of the consent or concurrence of any other body are inapplicable (Art. 150(5)) – although Parliament is not permitted to extend its normal powers with

respect to "Islamic law or the custom of the Malays, or with respect to any matter of native law or custom in the State of Sabah or Sarawak."

It is no use for the Government to reply that the Government is composed of reasonable and fair-minded men, for we must be more concerned with a Government of Laws than a Government of Men. I would want to get clarification from the Prime Minister, whether he is of the view that legally, constitutionally, just because there is a Proclamation of Emergency, regardless of the emergency condition which gave rise to it, the Government, through Parliament, could legislate the State powers and rights out of existence?

We should also note that the most significant power given by Article 150 is in Section 6 which empowers emergency legislation which are contrary to other provisions of the Constitution, except provisions relating to religion, citizenship or language. The fundamental liberties and all other provisions in the Constitution become **fair game!**

It is indeed a horrendous thought if we have such a Monstrosity of a Constitution in our hands.

Call for Public Inquiry into shooting of two innocent rubber tappers in Sungai Chalit

Last January, in arguing that the 1969 Proclamation of Emergency would have to continue because there still exists a 'grave emergency', the Law Minister and Attorney-General, Datuk Seri Hamzah Abu Samah, referred to recent security incidents, and I have no doubt that the front-page reports in yesterday's press about "Three Reds shot dead in estate" (New Straits Times Headline) in a rubber estate at Sungai Chalit near Raub on Monday, June 25, would also be quoted as further authority in this debate.

The reason why Parliament must constantly review Proclamations of Emergency, which in the 22 year history of the Malaysian Parliament has never been done, is to discharge our parliamentary responsibilities and duties to ensure that emergency powers have not been misused or abused, or that the emergency situation should be brought to an end in view of termination of emergency conditions.

According to press reports, the Mentri Besar of Pahang, Encik Abdul Rahim bin Abu Bakar, said the security forces shot dead three "hungry" terrorists in a skirmish in a rubber estate at Sungai Chalit near Raub, and that the killings was the biggest single success in the State so far this year.

The dead were named as a woman, Yew Kwai Chai, 20, a 60-year-old man, Lai Kwai and a 17-year-old youth, Lai Chee Kong, and the Mentri Besar said they were killed at a spot about 200 yards from where a security force member was killed by terrorists on June 2.

Encik Rahim said the incident occurred at 9.45 a.m. when a security forces patrol came across a group of five uniformed and armed terrorists. The soldiers challenged the terrorists who retreated and shot at the troops. The soldiers returned fire and dropped two of the terrorists. The security forces also recovered four haversacks containing a total of 15 hand grenades, six plastic explosives, 90 Vietnam spikes used as booby traps, 48 small torchlight batteries and several Communist documents.

Incik Rahim said it was possible that the five terrorists had emerged from their hideout to look for food.

In actual fact, the 60-year-old and 17-year old men, are father and son, and rubber tappers in that locality living in Sungai Klau nearby. The whole village of Sungai Kiau are incensed not only that both of the innocent tappers had been killed, but that they had been branded as communist terrorists.

I have caused a check on the two persons and the incident, and I am more than satisfied that the security forces have mistakenly killed the father-and-son rubber tapper couple, in their chase of communists in the area.

Both Lai Kwai and Lai Chee Kang were tapping in the small-holding of one Lai Lim, at about 9.40 a.m., when they heard shooting nearby. Lai Lim, who was mixing weedicide, then told both Lai Kwai and Lai Chee Kang to leave the area, and he himself got on a scooter and left before them, who were on bicycles. When Lai Lim came out to the Jalan Sg. Chalit, he met security forces who asked him whether he had seen any communists. Both Lai Kwai and Lai Chee Kang were subsequently announced as killed

by security forces as communist terrorists. There are some suspicious circumstances, as their tapping knives were found near the road-side, showing they were coming out from the smallholding, while their corpses were further inside the smallholding, from where the sound of shootings came, and that was where the security forces claim they were sighted and killed.

The proprietor, Lai Lim, had told the Special Branch and the OCPD of Raub about what happened, and he understandably, is very agitated by the killing of his two employees. But the whole Sungai Klau village is also very agitated, not only at the killing, but also at branding two innocent tappers as communist terrosists shot while foraging for food. I am told that on the night before the killing, Lam Kwai was at his old coffee-shop haunt in Sungai Klau playing mahjong – and could not possibly be "starving away" at some hideout because of a 24-hour curfew, as claimed by the Pahang Mentri Besar.

In all probability, the security forces sighted five communists and in the chase, both tappers were innocently killed. If this was the case, then the Government should be prepared to admit its mistakes, and pay the bereaved family just and fair compensation – and not add insult to injury by branding the term of 'communist terrorists' on to them.

For the sake of close people-security forces relationship, I call on the Government to hold a public inquiry, and to act justly and fairly. In the event of government's preparedness to pay the bereaved family a just and fair compensation, and to clear their name, I volunteer to contact the bereaved family to effect a settlement, which could conduce to the lessening of tension now fairly high in Sungai Klau.

There is also great fear in the area, for the people of Sungai Klau do not feel safe. Even with curfew permits to go to work to tap, they could be killed in the same way as Lai Kwai and Lai Chee Kong, and branded as 'communist terrorists'. I call on the Minister of Home Affairs, Tan Sri Ghazalie Shafie, to give this matter his personal attention and to restore calm and peace to the area. As for the third killed, the 20-year-old girl, nobody in Sungai Klau knows her, and the security forces may be right about her.

While fully admitting that Malaysia faces a security problem, not only from the communist challenge, but also from the refugee influx, I cannot

agree that the Proclamation of May 15, 1969, or any other of the three Proclamations should be continued, for firstly, the May 15, 1969 Proclamation was issued to deal with the May 13 situation which had been done with the restoration of Parliament in February 1971, and never meant to deal either with the communist challenge from the jungles, or to the Vietnamese refugee/illegal immigrant influx, which was never thought of in 1969.

Secondly, Government leaders had never varied from their contention whether in the country or to foreign investors abroad that the security situation was well under control.

For instance, on 19th April 1974, the Home Affairs Minister, Tan Sri Ghazalie Shafie, in reply to my question, said "the security situation is under control and not deteriorating."

On 6th February, 1976, the Prime Minister, Datuk Hussein Onn, told a press conference: "The security situation is well under control – there have been bombings and shootings but they do not warrant a state of panic."

On 13th August 1976, the Home Affairs Minister, Tan Sri Ghazalie Shafie, told a press conference that the communist terrorists were very weak – "so weak that no foreign powers were prepared to help them with arms." Tan Sri Ghazalie said at that press conference that foreign powers would only give weapons to insurgents when they had gained a certain momentum in their struggle. He said: "No power in the world is supporting the Communist Party of Malaya by sending them guns. They (the CPM) are very weak . . . we are on top!"

On 13th October 1977, the New Straits Times reported the Mentri Besar of Pahang, Datuk Muhamed as Jusuh, as saying that the security situation in Pahang had improved considerably in the last few years. He said: "We have turned the tide against the terrorists."

And of course, in May 1978, the Deputy Prime Minister, Dr. Mahathir bin Mohamed, went abroad to woo investors with the assurance that there was no security problem in Malaysia.

Thirdly, the security problem faced by Malaysia could be ably handled and tackled under Article 149 of the Constitution, conferring special powers to deal with subversion, organised violence and crimes prejudicial to the public.

Article 149, which has been amended twice, provides that: "If an Act of Parliament recites that action has been taken or threatened by any substantial body of persons (whether inside or outside the country):

"(a) to cause, or to cause a substantial number of citizens to fear, organised violence against persons or property; or

"(b) to excite disaffection against the Yang di-Pertuan Agong or any Government in the Federation; or

"(c) to promote feelings of ill-will and hostility between different races or other classes of the population likely to cause violence; or

"(d) to procure the alteration, otherwise than by lawful means, of anything by law established; or

"(e) which is prejudicial to the maintenance or the functioning of any supply or service to the public or any class of the public in the Federation or any part thereof; or

"(f) which is prejudicial to public order in, or the security of, the Federation or any part thereof

"any provision of that law designed to stop or prevent that action is valid notwithstanding that it is inconsistent with any of the provisions of Article 5 (liberty of the person), Article 9 (prohibition of banishment and freedom of movement) or Article 10 (freedom of speech, assembly and association." Such a law under Article 149 would also be valid even if it is outside the legislative power of the Federal Parliament and State Governments need not be consulted in the enactment of such law.

Article 149 is clearly meant to confer special powers on the Government to deal with a grave security situation, by passing legislation contrary to Articles giving guarantees to fundamental liberties -- but short of a 'grave emergency', where legislation can be passed under Article 150 contrary to all Constitutional provisions, except for those pertaining to language, religion, citizenship.

I ask the Prime Minister whether it is not true that all the powers that the Government needs to deal either with the communist problem or with the refugee question could be founded on Article 149, without having to resort to Article 150 under the texture of Emergency.

In asking for the annulment of the Proclamations of 1964, 1966, 1969 and 1977, I am asking that the State be divested of its powers to deal with organised violence, subversion or crimes prejudicial to the public, for these powers are founded or could be founded on Article 149 of the Constitution.

Fourthly, if the Government is of the view that either the communist problem or refugee problem is of emergency proportion, then a separate Proclamation of Emergency should be made.

In allowing four Proclamations of Emergency to continue, whose original circumstances have ceased to exist, we are not only making a mockery of Malaysia and democracy in Malaysia (for where do we hear a country living under four permanent Proclamations of Emergency), Parliament is also guilty of dereliction of duty, for Parliament is entrusted by the Constitution to be one of the two constitutional avenues to bring outdated and outmoded Proclamations of Emergency to an end.

ABDICATION OF PARLIAMENTARY RESPONSIBILITY

"Not one speaker from the Government side explained why the country needs Four Proclamations to assure peace and stability. Or do they think that the more Proclamations of Emergency we have, then the more peaceful, stable, secure Malaysia becomes? If this is the case, then the Government should promulgate a Proclamation of Emergency every day!"

Speech when winding up on the motion calling for the annulment of the Four Proclamations of Emergency of 1964, 1966, 1969 and 1977 on June 29, 1979.

Yesterday, when moving the motion that Parliament annul the Four Proclamations of Emergency now still in force, namely the 1964 Proclamation of Indonesian Confrontation, the 1966 Proclamation aimed at toppling Stephen Kalong Ningkan as Chief Minister of Sarawak, the 1969 Proclamation of May 13 riots, and the 1977 Proclamation to oust PAS from its traditional rule over Kelantan State, I said that the four sets of conditions of the Four Proclamations have long ceased to exist.

Unfortunately, during yesterday's debate, Barisan and UMNO backbenchers said a lot, but nobody really explained why for instance the 1964 Emergency Proclamation should continue when Indonesian Confrontation had ended or why the 1966 Emergency Proclamation should continue when Stephen Kalong Ningkan had been toppled as Sarawak Chief Minister and three general elections had been held in Sarawak since then, or why the 1977 Emergency Proclamation should continue when UMNO is safely in control of the Kelantan State Government. Even for the 1969 Proclamation of

Emergency, not a single Government MP dealt cogently, rationally and soberly with my argument that as it was promulgated to deal with a grave emergency, namely May 13 riots, the Proclamation should be terminated with the end of that emergency situation.

On the other hand, Parliament was treated to emotional frothings and even hysterical histrionics, largely irrelevant and unrelated to the issues involved in this motion.

Parliament will be committing a grave abdication of its constitutional responsibility if it refused to annul the Four Proclamations of 1964, 1966, 1969 and 1977 when the emergency conditions giving birth to the emergency proclamations have ceased to exist.

Unfortunately, the Barisan and UMNO backbenchers who spoke, especially those who spoke yesterday, do not seem to have a whit of understanding of the constitutional arguments and parliamentary duties and responsibilities I presented and argued.

Frankly, I have never felt so sorry for the august Chamber that Parliament is meant to be. If illiterate, untaught and unschooled people talk nonsense about constitutional provisions or parliamentary responsibilities, this is understandable, because they have no opportunity to inform or educate themselves about these matters.

But when Members of Parliament come to Parliament and talk nonsense about constitutional provisions and parliamentary responsibilities, showing them no better than the most illiterate, untaught and unschooled, then I say this is not only most shocking, but brings Parliament into disrepute and contempt in the eyes of the people.

I would seriously suggest to the Prime Minister that MPs who talk rubbish and nonsense in the House, showing abysmal ignorance about elementary matters of constitutional provisions and/or parliamentary duties should be referred to the House Privileges Committee for breach of privilege, because they expose the House to contempt and disrepute. They are a disgrace to Parliament.

I would seriously commend to the Government Whip that before Barisan and UMNO backbenchers take part in DAP motions in future, they should be required to go through a crash course to educate them about the Malaysian Constitution, about law-making and legislation, and parliamentary duties and responsibilities, so that they will not be a disgrace to the ruling government, but even more, to Parliament.

The Member for Pasir Puteh should remember that 'empty vessels make the most noise'. He made the irresponsible and contemptible charge that only the disloyal, the irresponsible groups in the country who want to see chaos and bloodshed, want the Proclamations of Emergency annulled.

Can he explain how the annulment of the Indonesian Confrontation Proclamation of Emergency of 1964 could have brought about chaos and bloodshed to the country? Or could the annulment of the 1966 Sarawak Emergency Proclamation do so? Or the annulment of the 1969 Proclamation or 1977 Emergency Proclamation bring about chaos and bloodshed, when the Government has in its possession all the security powers it needed from Article 149 of the Constitution to deal with subversion, organised violence or crimes prejudicial to the public?

Not one speaker from the Government side explained why the country needs Four Proclamations to assure peace and stability. Or do they think that the more Proclamations of Emergency we have, then the more peaceful, stable, secure Malaysia becomes? If this is the case, then the Government should promulgate a Proclamation of Emergency every day!

The Member for Pasir Puteh's irresponsible and contemptible charge that only the disloyal, the irresponsible groups and those who want chaos and bloodshed, support the annulment of Proclamations of Emergency, insults the intelligence of all thinking Malaysians, and shows what a contemptible and despicable creature he is.

The former Chief Justice, the late Tan Sri Ong Hock Thye, in a prescient article in the December 1976 article issue of INSAF, the Journal of the Bar Council (Vol. IX No. 3), entitled "Is the 1969 State of Emergency Still an Existing Fact", strongly argued that "the state of emergency which was proclaimed on May 15, 1969 had in due course died a natural death, like its predecessor of the Confrontation era

although, after example of the earlier emergency, no Proclamation was made to mark its obsequies."

Tan Sri Ong wrote: ". . . an emergency Ordinance expressly designed for countermeasures dealing with a certain state of emergency arising at a particular point of time cannot possibly be held to have survived, and retained its full force and effect, after the justification for its very existence has disappeared with the passing of the emergency itself. This statement of principle is so manifestly just and right that no authority in support need be cited."

In the article, Tan Sri Ong cogently argued that the state of grave emergency giving birth to the 1969 Proclamation of Emergency had long ceased to exist.

For instance, Tan Sri Ong wrote: "After over a year's delay, public tranquility was restored, the interrupted general election in the Borneo States was resumed and Parliament duly reconvened in February 1971. Regular sessions of Parliament have since followed, including another general election in 1974. *(This article was written in 1976).* There had been no new or fresh Proclamation of Emergency after that of May 15, 1969. No state of actual crisis, in the sense of a situation constituting a grave threat to the national security or the life of the community, had arisen during these intervening years. Throughout Malaysia, as a whole, life had been fully restored to normal in every way – the Merdeka Football Tournament has again become an annual fixture; horse-racing provides a regular week-end diversion for a multitude of people in Penang, Ipoh, Kuala Lumpur, nothing has deterred Cabinet Ministers and other high official leaving the country at all times for international conferences and other missions, or vacations abroad (which would have been unthinkable during any state of emergency); there have been neither riots nor other disturbances affecting public order and safety, nor organised violence against persons and property – against which contingencies the Internal Security Act of 1960 had already made full and adequate provision."

Is the Member for Pasir Puteh suggesting that that late Tan Sri Ong Hock Thye was disloyal, irresponsible and wanted to see bloodshed and chaos, 'perhaps on a larger scale than the May 13 incident', when he argued that the 1969 Proclamation of Emergency has ceased to have legal force because the situation of 'grave emergency' has long ended?

For the Member of Pasir Puteh's information, Tan Sri Ong Hock Thye was commended both by the Lord President, Tun Suffian, and the Law Minister and Attorney-General in a Reference in his memory in the Federal Court in Kuala Lumpur on April 16, 1977 after his death on 22nd March 1977 as being in the 'vanguard' to defend the Independence of the Judiciary, which is one of the pillars of our constitution and parliamentary system.

Speeches by the Member of Pasir Puteh and others who spoke in like vein are a slur in the memory of men like the late Tan Sri Ong Hock Thye and of other living Malaysians in great numbers, who use their intelligence and thinking cap, who sincerely hold the view that the Proclamations of Emergency should be revoked or annulled, as the original set of circumstances giving birth to them had ceased to exist, without being any less strong and unyielding in their love and dedication to Malaysia.

The Member for Pasir Puteh and other Barisan MPs, including what is the most shocking of all, the Gerakan Member of Parliament for Kepong, Dr. Tan Tiong Hong, show that they just do not know what are emergency powers and laws, and what are not emergency powers and laws. For instance, both the Member for Pasir Puteh and Dr. Tan Tiong Hong, said that the Proclamations of Emergency were still needed to deal with the many problems facing the country, including the problem of drug abuse.

I fully agree that drug abuse is a major problem in Malaysia, which the Barisan Government appear incompetent and impotent in bringing under check and control. But I want to ask the Member for Pasir Puteh and his colleague , the Gerakan Member for Kepong, what has drug abuse and war against drugs have to do with the Four Proclamations of Emergency of 1964, 1966, 1969, 1977? Is Dr. Tan Tiong Hong aware that the law which the country has to fight drug abuse and traffiking is the Dangerous Drugs Ordinance 1952, with its many amendments, and which would not be affected in any way, regardless of whether the Four Proclamations of Emergency are continued or annulled?

I do not know why Barisan MPs like the Members for Pasir Puteh and Kepong, Dr. Tan Tiong Hong, want to talk about things they know nothing about.

The Member for Pasir Puteh made another irresponsible and contemptible charge that only those who want to bring about the failure of the New Economic Policy would want the Emergency Proclamations annulled.

Can the Member for Pasir Puteh tell whether the success of the NEP is dependent on one Proclamation or Four Proclamations? And on which emergency laws or ordinances the annulment of which would spell the failure of NEP?

I have said in this House early this week that the Greatest Saboteurs of the New Economic Policy are the political and government leaders who make use of the NEP to become rich and wealthy, as exposed in the White Paper and Price Waterhouse Report on the Great Bank Rakyat Scandal requiring Parliament to approve up to now $155 million as loans to salvage Bank Rakyat – with even more sums to be required in the future. But for the Member for Pasir Puteh, the so-called great champion of the NEP, he has nothing to say about such Great Betrayals, where UMNO leaders take loans, which are money from poor peasants, fishermen and low-rung government servants, running into hundreds of thousands of dollars without paying even interest. This shows the true colours of the Member of Parliament for Pasir Puteh, the false champion of the poor peasants and fishermen!

For instance, why didn't the Member for Pasir Puteh press for the suing of the Bank Rakyat's auditors, Kassim & Chan Sdn. Bhd., for Bank Rakyat's losses through its negligence and even conflict of interest, as one of the partners Kassim bin Sulong, took a $100,000 loan without paying interest for several years, as legally, the auditors are liable for all losses incurred because of negligent auditing? Would the Member for Pasir Puteh press for legal action to be taken against Kassim, Chan & Co. so that the Government and the public recoup the $155 million from the auditors? Is he the guardian of NEP and the public purse, or he is more interested in something else?

I am shock by Dr. Tan Tiong Hong's speech for more reasons than

one. Firstly, as I have already pointed out, for his talking about things which he knew nothing about.

Secondly, his speech appeared to be more a pledge of loyalty to the Prime Minister, Datuk Hussein Onn, and UMNO, to demonstrate that the Gerakan is a more dependable and reliable component party than MCA – especially at a time when MCA leaders are quietly passing word round the country that they have issued an ultimatum to the Prime Minister to take immediate corrective action to increase non-Malay university students in the local universities or the MCA Ministers and MPs would resign and the MCA would leave the Barisan Nasional.

I remember that two days ago, in the Parliament corridor, I asked a MCA MP, whether the 'show' the MCA is staging would be as good as the 'Advertisement', but like all much-advertised shows, they are invariably over-sold!

For the past fortnight, MCA officials have been telling members and the public that the MCA Central Executive Committee had sent an ultimatum to the Prime Minister that MCA Ministers and Deputy Ministers would resign their posts and MCA pull out of Barisan Nasional should the question of non-Malay university student intake not settled satisfactorily, but yesterday, the MCA President, Datuk Lee San Choon, when asked by reporters, claimed not to know anything about such ultimatum to the Prime Minister.

I mention this, just to show that inter-party or intra-party differences, especially inside the Barisan Nasional, cannot and should not be any excuse for invocation of emergency powers, as had happened in 1966 for Sarawak and 1977 for Kelantan.

Emergency Proclamations are promulgated for a specific grave emergency, and this is all the more reason why the 1966 Sarawak Proclamation and the 1977 Kelantan Proclamation should be annulled.

Dr. Tan Tiong Hong gave many reasons why the Proclamations of Emergency should continue, like for instance, the oil crisis. If this is a valid argument, then all the countries in the world – except for the oil-producing countries in Middle East, Venezuela and Mexico – would have

to declare a State of Emergency, for they all face the problems created by increase in oil prices.

The Member for Kepong and the Member for Kuala Kangsar also spoke of the problems created by Vietnamese refugees/illegal immigrants. If they had listened carefully to my speech yesterday they would have heard that I conceded that the Vietnamese refugee influx has created security, social and economic problems for Malaysia.

If the Government thinks that the influx of Vietnamese refugees illegal immigrants have reached such a serious proportion requiring Emergency handling, then a separate Proclamation of Emergency should be declared, for this would also serve to focus Malaysian minds and the world on the problem the Vietnamese refugees/illegal immigrants have imposed on Malaysia – and not find subterfuge in a Proclamation or Four Proclamations of Emergency which have outlived their origins.

In any event, if the UMNO and Barisan backbenchers are so concerned about the problem created by the Vietnamese refugees/illegal immigrants, why then did they sabotage the holding of an emergency debate in Parliament on the problem of the unending influx of Vietnamese refugees/illegal immigrants last week.

Last Tuesday, I secured the Speaker's agreement that my motion to adjourn the Dewan Rakyat to debate the problem of the unending influx of Vietnamese refugees/illegal immigrants, and my proposal that the government establish a special fund with an initial allocation of $10 million to help the people of Kelantan and Trengganu adversely affected economically by the Vietnamese influx, fulfilled the three requisite conditions as being 'a definite matter of urgent, public importance', and there would have been an emergency parliamentary debate on this serious matter if no single MP objected.

But sad to say, the UMNO MP for Tanah Merah, Encik Hussein Mahmood, objected, ensuring that Parliament could not debate the problem of Vietnamese refugees and to establish a special fund with an initial allocation of $10 million for the fishermen and farmers of Kelantan and Trengganu who have been economically adversely affected.

Can the UMNO MP for Tanah Merah and other Barisan MPs explain why they are opposed to a debate on the Vietnamese refugees, and the proposal for a multi-million dollar government fund to help fishermen and peasants affected by the influx?

It is clear that it is the UMNO MPs, like the Member for Tanah Merah, who are playing politics with the sufferings of the people of Kelantan and Trengganu, who need government assistance in the face of the problem of the influx of Vietnamese refugees/immigrants.

I do not want to embark on a debate on the problem of Vietnamese refugees/illegal immigrants, except to say that this problem must be pursued to its source, and nothing much is going to be achieved unless Malaysia and ASEAN countries act in concert to secure international action to end Vietnam's racism and genocide, worse than South Africa's Apartheid Policy and reminiscent of Hilter's 'Final Solution' to eliminate Jews. A more appropriate time to debate the Vietnamese refugee problem would be a special debate on the subject, but unfortunately, this had been sabotaged by the UMNO backbenchers themselves.

The Member for Kuala Kangsar also referred to the security situation in South East Asia, especially arising from the Indo-Chinese situation. Undoubtedly, Vietnam's expansionist policy, together with Soviet Union, should make Malaysia alert and vigilant as to their moves, especially Soviet's use of the American-built Cam Ranh Bay as a Soviet naval base with submarines of the Soviet Pacific Fleet gliding in and out; while Soviet pilots fly Vietnamese troops in Soviet Antonov-22 transport aircrafts in the Vietnamese-dominated Indo-China Confederation, but whether we have reached a position where a Proclamation of Emergency is specifically needed to deal with this regional problem is open to debate. For if we had reached this state, then we should have mobilized the country, and implemented national service to train all youths in the defence of our country.

There have been some attempts to give the picture that the annulment of Emergency Proclamations would make Malaysia defenceless. This is nonsense, which I am sure the Minister of Home Affairs and the Minister of Defence could vouch.

The annulment of Proclamations of Emergency would not leave Malaysia naked, either against external aggression or internal subversion, for as I pointed out yesterday, Article 149 of the Malaysian Constitution provides ample powers for the Government to carry out its duty to defend the integrity of the country against both external aggression or internal subversion.

What I am saying, if I can reduce it as simply as possible for the Member for Pasir Puteh to understand, is that the government is wearing the wrong pants. It should be wearing the pants of Article 149 and not the pants of Article 150.

No one has explained or justified why Malaysia needs Four Proclamations of Emergency. I hope MPs and the Government will let reason prevail over prejudice, and vote for what is right for the country and the Constitution.

THE FINAL USURPATION OF POWERS

"With the present amendments to the Constitution, Malaysia has reached a stage where the Executive can legally abolish both Parliament and Judiciary. We have also reached the stage where the Judiciary is excluded from protecting the citizen from arbitrary government encroaching on the fundamental liberties of the people, through the multiplication of non-justiciable laws, or laws which could not be challenged in a court of law. We have therefore come perilously close to destroying the doctrine of separation of powers, the Rule of Law, designed to ensure that Malaysians live under a government of laws and not of men."

Speech on the Constitution (Amendment) Bill 1981 on April 10, 1981.

Constitutional developments in Malaysia since Merdeka in 1957 marks the progressive usurpation of the powers of the Legislature and the Judiciary by the Executive, gravely upsetting the doctrine of Separation of Powers and making a mockery of the concept of the Rule of Law, where the personal rights of a citizen, in particular fundamental rights of personal liberty, freedom of speech, assembly, association and belief, are protected by the Judiciary against arbitrary government.

With the present amendments to the Constitution, Malaysia has reached a stage where the Executive can legally abolish both Parliament and Judiciary. We have also reached the stage where the Judiciary is excluded from protecting the citizen from arbitrary government encroaching on the fundamental liberties of the people, through the multiplication of non-justiciable laws, or laws which could not be challenged in a court of law. We have therefore come perilously close to destroying the doctrine of Separation of Powers, the Rule of Law, designed to ensure that Malaysians live under a government of laws and not of men.

The proposed amendment to Article 150 will arm the Government with complete dictatorial powers, and has completely deviated from the original intentions of the Fathers of the Malaysian Constitution.

The principle of Emergency Proclamations and Powers laid down by the Reid Constitutional Commission 1956 was that "the occasions on which, and so far as possible the extent to which, such powers can be used should be limited and defined."

Conscious of the doctrine of Separation of Powers and the dangers of unfettered and undefined Emergency powers, the Fathers of the Merdeka Constitution provided a definite life-span for Emergency Proclamations and emergency powers unless renewed by Parliament.

Thus, Article 150(3) of the Merdeka Constitution 1957 states:

"3. "A Proclamation of Emergency and any ordinance promulgated under Clause (2) shall be laid before both Houses of Parliament and, if not sooner revoked, shall cease to be in force –

(a) a Proclamation at the expiration of a period of two months beginning with the date on which it was issued;

(b) an Ordinance at the expiration of a period of fifteen days beginning with the date on which both Houses are first sitting.

unless, before the expiration of that period, it has been approved by a resolution of each House of Parliament."

But this two-month life span for a Proclamation of Emergency unless approved by Parliament, which requires Parliament to address its mind to the continued justification of the Proclamation and the ordinances, was amended by Act 10 of 1960 to allow Proclamations of Emergency to last for eternity – as our Proclamations of Emergency seem to do.

In fact, Malaysia is presently in a state of permanent Emergency. where four Proclamations of Emergency are all valid, namely:

1. The Proclamation of Emergency dated 3rd September 1964 (Indonesian Confrontation);

2. The Proclamation of Emergency dated 14th September 1966, applicable only to Sarawak (to overthrow Chief Minister Stephen Kalong Ningkan);
3. The Proclamation of Emergency dated 15th May 1969 (May 13, riots); and
4. The Proclamation of Emergency dated 8th November 1977 (to overthrow the PAS government in Kelantan).

On June 28, 1979, I moved a motion asking the House to annul all the four Proclamations of Emergency as the conditions giving rise to their Proclamations have ceased to exist, but the Government vehemently opposed their annulment.

This provides for the perpetual nature of the Proclamations of Emergency, however irrelevant or different the conditions which originally caused the Proclamation to be promulgated, as the amended Article 150(3) of the Constitution provides that unless revoked by the Government or annulled by both Houses of Parliament, the Proclamation continues indefinitely.

Two years ago, the Constitution was further amended to make Proclamations of Emergency unchallengeable in a Court of Law, even though a Proclamation may have been issued mala fide, or the conditions for which a Proclamation of Emergency was promulgated to deal with had already ceased to exist, as is the case with all the four Emergency Proclamations still in force.

Today, we are asked to confer even greater powers. Whereas now a Proclamation of Emergency could only be promulgated "if the Yang di-Pertuan Agong is satisfied that a grave emergency exist whereby the security or economic life of the Federation or any part thereof is threatened", the new Article 150 (1) and (2) would empower the Yang di-Pertuan Agong to issue a Proclamation of Emergency **before** the actual occurrence of the event which threatens the security, or the economic life, or public order in the Federation or any part thereof if the Yang di-Pertuan Agong is satisfied that there is imminent danger of the occurrence of such event.

And this anticipation of imminent danger is not challengeable in a Court of Law on any grounds, regardless whether the decision was taken

mala fide or for political motives as happened in Sarawak in 1966 and in Kelantan in 1977.

Before I proceed, further, in view of the established mendacity of Barisan backbenchers to twist and distort, when we refer to the Yang di-Pertuan Agung in this context and debate, we are not referring to him personally, but to the Cabinet, because under Article 40(1) of the Constitution, the Yang di-Pertuan Agong could only act in accordance with the advice of the Cabinet.

The amended Article 150 goes on to provide that different Proclamations of Emergency may be issued on different grounds or in different circumstances, and whether or not there is or there are Proclamations in operation. It is also provided that the Yang di-Pertuan Agong has the power to promulgate ordinances while a Proclamation of Emergency is in operation when both Houses of Parliament are not sitting **concurrently**.

If 'concurrently' is taken to mean that both Houses of Parliament sitting at the same time, whether together or separately, then it happens only once a year during the official opening of Parliament when the Yang di-Pertuan Agong delivers the Royal Address. This would mean that for all practical purposes, after the present batch of constitutional amendments, the Government could issue ordinances even though Parliament could be summoned to meet at the shortest notice.

This is exactly what was declared unconstitutional by the Privy Council in the case of Teh Cheng Poh alias Char Meh v. The Public Prosecutor (1979) which ruled:

> "The power to promulgate Ordinances having the force of law is expressed to be exercisable only until both Houses of Parliament are sitting. It lapses as soon as Parliament sits . . . . Once Parliament has sat after the Proclamation, the power to legislate by Ordinance under Article 150(2) does not revive even during periods when Parliament is not sitting, unless and until a new Proclamation of Emergency is issued by the Yang di-Pertuan Agong."

After brooding over the Teh Cheng Poh case, the Government has now come out with an amendment which will allow it to continue to make

ordinances and regulations introducing entirely new legal principles, like the infamous Security Cases Regulations, without having to seek parliamentary approval.

We will then have a parallel system of government, where on the one hand, through emergency powers, new institutions and new legal principles are introduced; while on the other hand, the normal machinery of government is allowed to co-exist and even to serve unparliamentary, authoritarian laws – like the Judiciary being required to apply draconian laws originating from emergency legislation without reference to Parliament, which are unexceptional in terms of strict legality but clearly reflect an authoritarian police state and offends the Rule of Law.

Instead of limiting and defining Emergency powers, the Barisan Nasional Government is taking out all the limits and constraints. Parliament will be giving the Executive the biggest blank-cheque in Malaysian history, as the Executive will be able to invoke Article 150 to proclaim emergency, regardless of whether conditions justify such proclamation, or to use one proclamation for entirely different purposes, conditions and situations, which are all completely above challenges in a court of law.

In fact under new Clause 2C of the amended Article 150 which is one of those 'monstrosities' which the Barisan Nasional government is fond of arming itself with to enable it to exercise unlimited, untrammelled powers, Parliament and the Judiciary could both be abolished by way of an Ordinance!

Thus, new Clause 2C reads:

> "An ordinance promulgated under Clause 2(B) – (i.e. when both Houses of Parliament are not sitting concurrently), shall have the same force and effect as an Act of Parliament, and shall continue in full force and effect as if it is an Act of Parliament until it is revoked or annulled under Clause (3) or until it lapses under Clause (7); and the power of the Yang di-Pertuan Agong to promulgate Ordinances under Clause (2B) may be exercised in relation to any matter with respect to which Parliament has power to make laws, regardless of the legislative or other procedures required to be followed, or the proportion of the total votes required to be had, in either House of Parliament."

Under Article 150(5), while a Proclamation of Emergency is in force, Parliament may make laws contrary to any Constitutional provisions, including those repugnant to fundamental liberties entrenched in the Constitution.

Thus, the Executive, by way of ordinances, would be able under the New Section 2C to make ordinances and regulations contrary to Constitutional provisions, including the abolition of Parliament and the Judiciary.

In fact, in view of the provision of Section 2C that "the power of the Yang di-Pertuan Agong to promulgate ordinances under Clause 2B may be exercised in relation to any matter with respect to which Parliament has power to make laws, **regardless of the legislative or other procedures required to be followed, or the proportion of the total votes required to be had, in either Houses of Parliament**", the Executive here is even more powerful than Parliament, for it can disregard Parliament's need to secure two-third Parliamentary majority to amend the Constitution, or the special procedures to be complied with to effect constitutional amendment affecting the entrenched 'sensitive' issues of language, citizenship, Malay special rights, to proceed by way of ordinances to effect drastic changes to the Constitution – or probably even to suspend or abolish the Constitution.

There is completely no check on such absolute emergency powers as the New Section 8 of Article 150, provides that the Yang di-Pertuan Agong's satisfaction to issue a proclamation or to make ordinances under Section 2B "shall be final and conclusive and shall not be challenged or called in question in any court on any ground."

This exclusion of judicial review is further reinforced by another section which provides that "no court shall have jurisdiction to entertain or determine any application, question or proceeding, in whatever form, or any ground, regard the validity of a proclamation of emergency, the continued operation of such proclamation, any ordinance or the continuation in force of any such ordinance."

Thus, we have laid ourselves open to a situation where by Emergency decree, the Executive can abolish Parliament arrogating to itself all law-

making powers; and also abolish the Judiciary, turning judicial duties to departmental officers, as is the case with the Societies Amendment Bill vesting the Registrar of Societies with the powers of interpreting the Constitution and enforcing such interpretation.

Such powers which the Government Executive is asking is completely inimical to the elementary concepts of a democratic society and government, where the Rule of Law prevails.

The principle of the Rule of Law can only have meaning if restrictions are imposed 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;

(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.

In arming itself with such absolute, dictatorial powers subject to no checks or reviews whatsoever, the people in Malaysia and the world outside cannot but help conclude that either the Government is preparing the basis for a dictatorship in the foreseeable future, or the Government intelligence foretell national chaos, anarchy and instability arising either out of internal or international forces.

If it is the latter, then Parliament and the rakyat have a right a to know what are such intelligence to justify the Executive arming itself with such dictatorial powers. Otherwise, one can only conclude the former, namely the preparation for a dictatorship and totalitarian rule.

Threat to Fundamental Right to Property

The Constitutional Amendment Bill also seeks to amend Article 149 which empowers the Government to disregard the fundamental right to property in Article 13 of the Malaysian Constitution which states:

1. No person shall be deprived of property save in accordance with law.

2. No law shall provide for the compulsory acquisition or use of property without adequate compensation.

Under the amendment, the Government has the power under Article 149 to make laws not only inconsistent with Article 5 (Liberty of the Person), Article 9 (Prohibition of Banishment and Freedom of Movement), or Article 10 (Freedom of Speech, Assembly and Association), but also Article 13 (Right to Property).

In his speech when moving the Bill last night, the Deputy Prime Minister, Dr. Mahathir Mohamed, said that the government needed such powers to take away all property used for subversive activities that threaten the security of the nation.

However, Article 149 refers to so many different types of circumstances where special legislation is required, for instance, to stop organised violence against persons or property; the exciting of disaffection against the Government; the promoting of ill-will and hostility between different races or other classes of the population likely to cause violence; the procuring of the alteration, otherwise than by lawful means, of anything by law established; activities prejudicial to the security of the country; that the enactment of legislation inconsistent with the right to property is likely to be open to considerable abuse.

In fact, even now, Article 13 on the right to property has come under attack, not in the form of an overt constitutional amendment, but by way of back-door administrative fiat, like the case of the Bintulu Development Authority regulation that before land in Bintulu could be considered by the BDA for conversion of title and subdivision prior to development, a development company must be formed where 50 per cent of the shares should be held by Bumiputras.

This is a blatant attack on the constitutional rights of Malaysians with regard to right to property, and it is deplorable that up till now the Federal Government has done nothing to check such unconstitutional actions and excesses. It cannot but raise the question whether constitutional liberties and rights are not just empty words.

Even the recent UMBC affair is not unrelated to the Right to Property of Article 13. When the UMNO Youth shouts, the MCA shivers, and the well-advanced plan of its satellite organisation, the Multi-Purpose Holdings to acquire majority control of the UMBC is abandoned. But when the MCA Youth shouts, they could only frighten the MIC!

Because of the far-reaching consequences of the amendments to Articles 149 and 150, which will pave the way to a dictatorship, the complete usurpation of the powers of the Judiciary and the Legislature by the Executive, the end of the Rule of Law, the DAP opposes in the strongest possible terms the current constitutional amendments.

There is no need for the haste in amending Articles 149 and 150. I call on the Government to withdraw the amendments to these two Articles, and to enable a public debate and discussion as to whether such amendments are necessary, whether warranted by Malaysian conditions, and whether even more important, they are inimical to the healthy growth of Malaysia's fragile democratic plant. This is why although we support a few of the amendments, we cannot vote for the Constitutional Amendment Bill because Articles 149 and 150 overshadow the rest.

For instance, we support the proposal that the Speaker of the Dewan Rakyat, the Deputy Speaker, the President and Deputy President of the Dewan Negara and the Speakers of the State Legislative Assemblies should not be involved in any business activities, whether as a member of any board of directors or board of management, or engages in the affairs or business of any corporate, commercial, industrial undertaking.

This is to ensure that there should be no conflict of interest between political and public duties and the personal interests of those who have been entrusted with high public and political office.

The DAP feels however that more action must be taken to ensure that there should be no conflict of interest not only by the personages

provided in the Amendment Bill, but also by all MPs and State Assemblymen, so as not to degrade their elective political office and trust by making use of their positions, whether directly or through their spouse or immediate family member, to acquire government land or other government favours.

The DAP is not only opposed to Barisan Nasional MPs and State Assemblymen making use of their political positions to get government and public interests like land, permits, licences, creating a conflict of interest, we are equally opposed to Opposition, especially DAP MPs and State Assemblymen making use of their position to get government land or other government favours whether directly, or through spouse or immediate family member.

We know that it is not impossible for DAP MPs or State Assemblymen to get land for housing scheme, for instance, involving say 30 or 40 acres which would easily worth $2 or $3 million in projects — but there would be a price, namely the destruction of the DAP, from within if possible, if not from without.

We are not worried by such party traitors for we believe the people's eyes are very clear and they would be able to judge for themselves such traitorous activities.

But I am more concerned about the principle that regardless of whether an MP or State Assemblymen is from the Barisan or Opposition, there should be no conflict of interest between public duty and personal interest, and to achieve this, I suggest:

Firstly, a regulation that an MP or State Assemblymen, regardless of whatever party, is disqualified from applying for government land or other favours, whether directly, or through the spouse or immediate family; and

Secondly, the annual declaration of assets by each MP and State Assemblyman and their spouse and immediate family member publicly, so that they could be subject to public scrutiny as to whether there has been any conflict of interest in each case.

Tattered image of Elections Commission

I support the amendment to disqualify the Elections Commission Chairman from taking part in business activities, but the only way to enhance the image of the Elections Commission as an independent body is to ensure that our elections in Malaysia are clean, fair, honest, and not an exercise in mass corruption and money-power.

In the recent Sabah general elections, it has been estimated that Parti Berjaya spent an average of $1 million to $2 million in each constituency, spending very much more in Elopura in Sandakan. Even Bapa Merdeka, Tunku Abdul Rahman, in his column 'As I see it' in Star on March 30, said:

> "The Sabah election must go on record as being the most expensive election held in recent times. It has been reported that an astounding sum of money was spent, including $7 million for holding the centenary celebrations."

Tunku Abdul Rahman estimates that an average of about $10,000 was spent on each of the 324,900 registered voters in the recent Sabah general elections, which will work out to the staggering figure of $3,249 million.

The election laws impose a limit of $15,000 for election expenditures by each State Assembly candidate. If the election laws had been stringently imposed, everyone of the Berjaya Ministers and State Assemblymen, including the Chief Minister, Datuk Harris Salleh, would have been disqualified for breach of election offence laws.

Thus, the disqualifying of the Election Commission Chairman from holding business activities alone cannot enhance the image of the Elections Commission.

To salvage the very tattered image of the Elections Commission, I call on the Government to accept the proposal by Tunku Abdul Rahman that a commission be appointed to look into the infringement of the election offence laws, as otherwise elections in the true sense of the word cannot be legally carried out.

SOCIETIES AMENDMENT BILL

"The present Societies Amendment Bill represents the latest, and most serious assault, on the very attenuated rights of speech, assembly and association of Malaysians, for it would give the Registrar of Societies such new and sweeping powers which will enable him to virtually control the administration and operations of all societies in the country.

"In fact, it would seem that it would be better that Parliament, if it is to enact the present amendments, might as well enact a one-paragraph amendment bill conferring full powers on the Registrar to do anything he deems fit and assume and discharge any powers he finds it necessary with regard to societies in the country. For what we are doing is nothing less than giving the Registrar of Societies a 'blank cheque' to control and regulate societies, without any access to the courts to check his abuses of power."

Speech on the Societies Amendment Bill 1981 on April 8, 1981.

No Bill in Malaysian Parliamentary history has caused so much controversy and widespread opposition from Malaysians from all races, religions and walks of life, or from so many societies and organisations, covering a whole spectrum of activities, like ABIM, the Young Christian Workers, ALIRAN, the Bar Council, the Chambers of Commerce, the professional organisations, Chinese educational bodies like Tung Chung, Chiau Chung, consumer and environmental organisations like the Consumer Association of Penang and the Environmental Protection Society, as the Societies Amendment Bill 1981 now before the House.

And not without very powerful reasons. For if the Societies Amendment Bill 1981 in its present form is enacted into law, then today, April 8, 1981 is the blackest day in the country's history, and should be

remembered and marked by Malaysians every year as a reminder as to how Malaysians' birthright to freedom and justice were trampled upon and denied by a brute parliamentary majority, and also as a reminder that the struggle to restore their birthright in human dignity, freedom and justice, requires the eternal vigilance, dedication and courage of freedom-loving Malaysians.

When I studied the Societies Amendment Bill, I was shocked by the 'monstrosity' of its provisions, as it strikes against the very basis of a democratic society which cherishes liberty of speech, assembly and association, upsets the balance of power between the Executive, the Legislature and the Judiciary, and even more horrifying, further institutionalised a dictatorial government in the guise of a parliamentary democracy.

If the Barisan Nasional Government continues to profess itself as a democratic government which respects public opinion and bases its legitimacy on the views, opinions and consenses of the public, then I call on the Barisan Nasional Government to heed the genuine, sincere and responsible reactions of the numerous organisations and individuals these past few days since the publication of the Bill, and their appeal that given the seriousness of the effects of the proposed amendments, the Bill be referred to a Select Committee which will enable the public to comment upon its provisions.

I formally propose in this House that the Societies Amendment Bill should be referred to a Select Committee, and I give notice that I will be moving a motion to this effect at the proper time. Of course, if the Government intends to respect the requests of the numerous organisations and Malaysians for reference of the Bill to a Select Committee, then I will give way to the Minister concerned.

The Societies Amendment Bill should be referred to a Select Committee to enable the widest and most thorough public discussion and examination because the amendments in its present form, if passed, will:

(i) effectively legislate away the fundamental Constitutional liberties of speech, assembly and association;

(ii) gravely injure the doctrine of separation of powers to provide checks and balances as it tantamounts to an usurpation of the powers of the Judiciary and even the Legislature by the Executive; and

(iii) bring Malaysia nearer to an institutionalised dictatorship while keeping the outer trappings of parliamentary democratic forms.

Of course, the 48 societies and associations in their joint appeal on the amendments to the Government on Monday, April 6, had in the first instance appealed to the government not to proceed with the introduction of the Bill and to drop the proposed amendments altogether.

But from the history of the Barisan Nasional Government in ramming through bills which undercut human rights and democratic freedoms despite public protests, I should be forgiven if I do not think such a course is likely – although I am prepared to be proved wrong. Nor do I think that the Government would agree to the reference of the amendments to a Select Committee, but we will cross the bridge when we come to it.

Merdeka Constitution 1957 – the Highwater Mark of Democratic Freedoms in Malaysia

The Merdeka Constitution of 1957 represented the highwater mark of democratic freedoms which since then, had repeatedly been eroded away by a combination of constitutional, legislative and executive actions.

The fundamental liberties of freedom of speech, assembly and association as enshrined in Article 10 of the Malaysian Constitution have been so qualified, limited and eroded away by undemocratic laws and executive fiats that they cease to have any meaning altogether.

Thus Article 10 of the Malaysian Constitution provides that

(a) every citizen has the right to freedom of speech and expression;

(b) all citizens have the right to assemble peaceably and without arms;

(c) all citizens have the right to form associations.

The fundamental right of freedom of speech has been curtailed and eroded by means such as the radio and television monopoly of the ruling party and the authoritarian press laws which, by requiring annual licensing, effectively stifled dissent and criticism; by the Internal Security Act which enabled the Government to detain indefinately critics of the government who have committed no offence against the laws of the country, like Sdr. Chian Heng Kai and Sdr. Chan Kok Kit, the two DAP MPs who have been in detention for over 4 years, Sdr. Kassim Ahmad of PSRM, and previously Syed Husin Ali of PSRM, Sdr. Anwar Ibrahim of ABIM, and even I myself; and also by the removal of the parliamentary immunity of MPs and State Assemblymen in questioning certain 'sensitive issues' since 1971.

Both the fundamental right of speech and assembly were curtailed by the executive fiat of the Minister of Home Affairs in 1978 to ban public rallies, on the ground of the 30th communist anniversary celebrations, but which last till today although it is inconceivable that the communists -- whom the Home Affairs Minister had boasted as having kept them on the run – could have such great resources to celebrate their 30th anniversary for three years!

The present Societies Amendment Bill represents the latest, and most serious assault, on the very attenuated rights of speech, assembly and association of Malaysians for it would give the Registrar of Societies such new and sweeping powers which will enable him to virtually control the administration and operations of all societies in the country.

Thus, the Amendment Bill provides for three types of societies, namely political party, political society and friendly society.

A political society is defined to mean any society which

(a) by any of its objects or rules, regardless whether such object or rule is its principal object or rule, or constitutes merely an object or rule which is ancillary to its principal object or objects or to its principal rule or rules, makes provision for the society –

(i) to secure in any manner any degree of control of, or to influence in any manner, the Government of Malaysia, or the Government of any state, or the administration of any local authority; or

(ii) to influence in any manner the policies or activities or any of the policies or activities, or the functioning, management, or operation, of the Government of Malaysia, or of the Government of any state, or of any local authority, or of any statutory authority, or of any department or agency of any such Government or authority; or

(iii) to assist in any manner any other society or societies to secure such control or exercise such influence as is referred to in subparagraphs (i) and (ii); or

(b) notwithstanding anything contained in its objects or rules, conducts itself or carries on activities in a manner which taken as a whole has a tendency to urge the adoption of its principles or objectives as the policy of the Government of Malaysia or the Government of any state; or

(c) is a political party; or

(d) supports, or expresses in any manner support or sympathy for, any political party, or is opposed to, or expresses in any manner any opposition to, any political party; or

(e) supports, or expresses in any manner support or sympathy for, or is opposed to, or expresses in any manner any opposition to:—

(i) any candidate, candidates or group of candidates in any election to the Dewan Rakyat, or to a Dewan Undangan Negeri or to a local authority; or

(ii) any person in the matter of any appointment or election to the Dewan Negara; or

(f) supports, or expresses in any manner support or sympathy for, or is opposed to, or expresses in any manner any opposition to, any political party in any election or appointment referred to in paragraph (e).

Under a new Part IA in the Act, new Section 18A–18J gives absolute powers to the Registrar of Society to denote a society a political society.

Once a political society has been so denoted by the Registrar, it is prohibited from having any person who is not a Federal citizen as a member. A political society is also prohibited from obtaining any money, or any other property, or any pecuniary benefit or advantage from any foreign source without the permission of the Registrar.

In both instances, the Registrar has the untrammelled powers to cancel the registration of the political societies for contravention. These powers, together with that of denoting a society a political society, cannot be challenged in a court of law. Appeal goes only to the Minister whose decision thereon "shall be final and conclusive, and shall not be challenged, appealed against, reviewed, quashed or called in question in any court". (Section 18H).

These are indeed terrible powers.

Firstly, the definition of a 'political society' is so wide and all-encompassing that it will be very difficult to find a single society which could not be caught by it.

Even voluntary organisations like the Red Cross, the Malaysian Association for the Blind, the Malaysia Historical Society, Parents-Teachers' Associations, could be defined as 'political societies' when they invited Barisan and government leaders to grace their functions whether in the hope of getting government grants or favours for this clearly will be to "influence in any manner, the Government of Malaysia, or the Government of any state" under sub-section (a) (i) or (b) of the definition.

Secondly, such a wide and all-encompassing definition of 'political society' virtually puts all societies at the mercy of the Registrar of Societies, which will give him arbitrary powers of deciding the fate of societies

through a selective process of denoting societies – in the way we have seen how the Attorney-General's Chambers have gone about in the process of selective prosecution of those who have run afoul of the law, whether for corrupt practice, sedition or other criminal acts.

Thirdly, and most important of all, the definition and categorisation of political societies is aimed at stifling freedom of speech and association, to muzzle criticism and dissent, and to strangle the functioning of the numerous societies and associations which had contributed much to the development of healthy and constructive activity in the cultural, educational, religious and socio-economic spheres.

As the memorandum of the 48 societies pointed out, such an amendment will lead to a serious decline in public involvement in crucial social issues, since many societies would not want to be called 'political societies' for fear of being confused with political parties.

The other reason is that civil servants, teachers, lecturers and other categories of public servants who have played a very major part in pressure groups like environmental and consumer societies, reform movements, religious organisations, would probably be forced to withdraw from active involvement in these so-called 'political societies' through some new directive of the Public Services Department. This is probably one of the major unstated objectives of the Societies Amendment Bill.

The decline in public involvement of crucial social issues will be a great loss to the Malaysian society, for Malaysia's national and social health depends on greater public awareness and participation in the country's affairs and not a dimunition of awareness and participation.

The Bar Council, in its memorandum protesting against the amendments, said that the Bill failed to recognise that societies were formed to influence someone and that there was nothing wrong with this.

As the Bar Council memorandum pointed out, a society for the blind or deaf might want legislation in the interest of the disabled, a nature society would want Government to make provision for parks, a consumers society might want Government to control certain foodstuffs or impose price limits and an organisation of manufacturers might want tariffs imposed on certain imports.

As the memorandum said: "All this is in the public interest. This is how democracy works and a democratic and representative Government welcomes all these approaches, comments, criticisms and proposals.

"That is one of the ways in which it is kept in touch with society's needs. Freedom of speech and freedom of association are essential in a free society."

The memorandum of the 48 societies was of the view that such categorisation of a political society manifested so little understanding of the workings of a democratic system.

In my view, the Government Ministers and leaders fully understand the workings of a democractic system, and it is precisely to strike a blow at the democratic idea and spirit that these amendments are designed, to cripple and destroy interest and pressure groups, through stringent control by the Registrar of Societies.

As the memorandum of the 48 societies cogently put it, the serious consequences from such a crippling of pressure and interest groups, whether on consumer, environmental, social reform fields, would be:

First, interest-cum-pressure groups will not be able to provide non-partisan perspective on problems which political parties, given their concern for popular electoral support, may not be in a position to do.

Second, they will cease to serve as effective channels for the articulation of public feelings which in turn provide the sort of feedback that the government has always asked for.

Usurpation of the Powers of the Judiciary

The Societies Amendment Bill constitutes a serious shift in power relationship in the doctrine of the separation of powers in favour of the Executive at the expense of the Judiciary.

There are four separate sections involving multiple powers of the Registrar which specify that the Registrar's powers could not be challenged in a Court of Law, but only appealable to the Minister.

Section 18 for instance provides that the Registrar's powers of denoting a society 'political', to cancel the registration of 'political' societies', etc., are non-justiciable.

But the most blatant and brazen usurpation of the powers of the Judiciary, upsetting the doctrine of the separation of powers must be found in new Section 2A which provides the Registrar of Societies with power to cancel the registration of a society which fails in its duty "in carrying out its activities and in conducting its affairs to ensure that they are in accord with, and conducive to the fulfilment of and adherence to, the provision of the Federal Constitution and the State Constitutions, and where any of the activities or affairs of any society is in any manner violative of or derogatory to, or militates against, or shows disregard for

(a) the system of democratic government headed by a constitutional sovereign of the Federation, and, in the States, by the respective constitutional Rulers or Yang di-Pertuan Negeri; or

(b) the position of Islam as the official religion of the Federation with other religions, being practised in peace and harmony; or

(c) the use of the National Language for official purposes; or

(d) the position of the Malays and of the natives of the States of Sabah and Sarawak; or

(e) the legitimate interests of the other communities; or

(f) any other matter

as provided under the Federal Constitution or any of the State Constitutions".

This is a provision of far-reaching consequences, not only in shifting power from the Judiciary to the Executive, but also a back-door usurpation of the powers of the Legislature by the Executive.

Firstly, its infringes the inherent powers of the Court to determine questions of the constitution and laws, as whether there has been action

"violative of or derogatory to or militates against or shows disregard for" any of the constitutional provisions is surely a matter for the Courts to decide, based on evidence and interpretation of the Constitution, and not for the Registrar, who appears to be assuming all to himself the powers of the Privy Council! When we consider that the Registrar may have no or very limited legal experience, it is indeed horrifying to contemplate such an eventuality.

This is a serious encroachment of the powers of the Judiciary which must be resisted, if it is not to open up floodgates of a wholesale usurpation of the powers of the Judiciary by the Executive.

In 1971, the Constitution was amended to ban four 'sensitive' issues from public discussion and questioning, on the pain of charges of sedition including the removal of the parliamentary immunity of MPs and State Assemblymen for these 'sensitive' issues. At that time, the government announced that political parties whose officials have been repeatedly convicted of questioning the sensitive issues and therefore of the offence of sedition would have their registration cancelled, probably under the powers of Section 13 of the Principal Act, which provides the Registrar of Societies with the power to do so on the ground that the society was being used for "purposes prejudicial to or incompatible with peace, welfare, good order or morality in the Federation."

But now, under the new Section 2A, the Registrar can cancel the registration, not only of a political society, but a political party for activities or affairs in any manner "violative of, or derogatory to, or militates against, or shows disregard for any other matter" in the Federal or State Constitutions, apart from five specified issues.

This means by a stroke of the pen, four entrenched 'sensitive' issues of the 1971 Constitution Amendment Act involving the sovereignty of Rulers, citizenship, Article 152 on the National Language and the use and study of other languages, and Malay special rights have been expanded, through a mere amendment to an ordinary bill, to cover all issues, however minute and inconsequential, in the Federal and State Constitutions.

It means that should I stand up in Parliament or outside and advocate amendments to the Federal Constitution apart from the four entrenched

issues, my party, the DAP, could be deregistered, on the ground of acting in manner 'violative of or derogatory to, or militates against, or shows disregard for any other matter" in the Federal and State Constitutions.

Is this really the intention of the Government?

Furthermore, it cannot escape notice that the five specified issues listed in New Section 2A are somewhat different from the four entrenched 'sensitive' issues under the Constitution, which would appear that the Government is having different thoughts about what should be regarded in practice as 'sensitive' and therefore unquestionable.

For instance, one of the four entrenched 'sensitive' issues under the Constitution is Article 152 protecting both the official position of the National Language and the constitutional position on free use and study of the other languages.

But new Section 2A merely refers to "the use of the National Language for official purposes" without reference to the other languages' position as guaranteed in Article 152. Is this because the corollary constitutional position of the other languages is beginning to have different importance in the eyes of the government?

What about the 'sensitive' issue on citizenship, which has also been omitted from new Section 2A.

This is a most disturbing provision, not only because of its explicit provisions in usurping judicial and legislative powers, but also because of its underlying political philosophy and undertones.

The new Section 2A will give the Barisan Nasional government powers of life and death over political parties, which are not challengeable in a court of law. No country which claims to be democratic can have such authoritarian laws.

This is why these amendments, if passed, will bring Malaysia nearer to the day when we will have an institutionalised dictatorship while keeping the outer trappings of a parliamentary democracy.

Disqualification from holding office

Another area where the Registrar has untrammelled powers unchallengable by the Courts is in new Section 9A. This provides that a person shall be disqualified from being, and shall not become or remain, an office-bearer, adviser or employee of a registered society –

(a) if he has been convicted of any offence against this Act; or

(b) if he has been convicted of any offence under any other law and sentenced to a fine of not less than two thousand ringgit or to imprisonment for a term of not less than one year; or

(c) if there is in force against him any order of detention, restriction, supervision, restricted residence, banishment or deportation under any law relating to the security, or public order in, the Federation of any part thereof, or to prevention of crime, preventive detention, restricted residence, banishment or immigration.

Section 9A (1)(b) will catch Datuk Harun Idris who after his release from Pudu Jail, will not be able to be an office bearer for five years from the date of his release.

Section 9A (1)(c) will catch the two DAP MPs, Sdr. Chan Kok Kit and Sdr. Chian Heng Kai, currently in detention in Kamunting, from holding DAP political office, and that of PSRM Chairman, Sdr. Kassim Ahmad, also in detention.

In fact, the definition of 'office bearer' is defined so widely, that again, I cannot think of how a person could be a member of a political society without being an 'office bearer' at the same time.

Thus, new Section 9A (7)(c) defines an 'office bearer' as "any person who is appointed or authorised to represent, or act on behalf of, a registered society or any branch of such society, in any matter . . . . . ".

This would mean that an ordinary member of a political society who gives a speech or writes a letter to the press could be construed as an 'office

bearer'. Again, for a political party, a person currently under detention like Sdr. Chian Heng Kai and Sdr. Chan Kok Kit who is nominated to stand as a candidate, could be construed as an 'office bearer' in being 'appointed or authorised to represent' the party, and therefore not allowable under the amendments to the Society Act.

For if this is the intention and effect of the definition of 'office bearer', then this will be again another back-door attempt to amend the Federal Constitution without a direct and proper amendment of the Constitution by way of a two-third parliamentary vote.

Article 48 of the Federation Constitution enumerates the six conditions whereby a person is disqualified from being a member of either House of Parliament, namely if:

(a) he is and has been found or declared to be of unsound mind;

(b) he is an undischarged bankrupt; or

(c) having been nominated for election to either House of Parliament or to the Legislative Assembly of a State, or having acted as election agent to a person so nominated, he has failed to lodge any return of election expenses required by law within the time and in the manner so required; or

(d) he has been convicted of an offence by a court of law in the Federation (or, before Malaysia Day, in the territories comprised in the State of Sabah or Sarawak or in Singapore) and sentenced to imprisonment for a term of not less than one year or to a fine of not less than two thousand ringgit and has not received a free pardon; or

(e) he holds an office of profit; or

(f) he has voluntarily acquired citizenship of, or exercised rights of citizenship in, any country outside the Federation or has made a declaration of allegiance to any country outside the Federation.

In none of these conditons of disqualification from being a Member of Parliament is it stated that a person detained under the Internal Security Act is disqualified from being a Member of Parliament or standing for Parliamentry or State Assembly office.

Here it is pertinent to note the amendments to the Trade Union Ordinance 1959 which were made last year, to the definition of 'office bearer' of a political party. Thus the 1980 Trade Union Ordinance amendment defined' office-bearer' as follows:

> " 'Office-bearer', when used with reference to a political party, means any person who is the president, vice president, secretary, assistant secretary, treasurer or assistant treasurer of the political party, or who holds any office or position, by whatever name called, which is analogous to any of those mentioned above, or who holds any office or position in the political party whereby he exercises management or control of the affairs of the political party."

It can thus be seen that under the amendments to the Societies Act, the government has cast its net very wide in the definition of 'office bearer' to include almost anyone, even though an ordinary member, who is active and not passive.

International Affiliation

The fourth area where the Registrar will have untrammelled powers is Section 13A which empowers the Registrar to prohibit a society "from having directly or indirectly, any affiliation, connection, communication or other dealing whatsover, with any society, organisation or other body whatsoever outside the Federation, or with any authority, governmental or otherwise, in any country, territory or place outside the Federation...."

These amendments are studded with instances where vague and imprecise terms are used, which means different things to different people which makes it capable of great abuse. In this instance, for instance, words like 'indirectly', 'connection', 'communication', or other dealing whatseover are so vague and imprecise as could amount to anything the Registrar says.

This can give rise to arbitrary power not subject to proper checks and safeguards. In fact, it would seem that it would be better that Parliament, if it is enact the present amendments, might as well enact a one-paragraph amendment bill conferring full powers on the Registrar to do anything he deems fit and assume and discharge any powers he finds it necessary with regard to societies in the country. For what we are doing is nothing less than giving the Registrar of Societies a 'blank cheque' to control and regulate societies, without any access to the Courts to check his abuses of power.

Arrogance of Power

The only appeal from the Registrar's powers is the Minister of Home Affairs. Has the Minister the judicial temper and qualities to exercise such semi-judicial functions?

Yesterday, Bar Council officials came to Parliament House to present the Bar Council memorandum on the amendments to Ministers and MPs. The Minister of Home Affairs snubbed and dismissed the Bar Council officials and treated them with contempt. He even refused to receive the Bar Council memorandum insisting that the memorandum be sent to his office.

This is sheer arrogance of power, and with such attitudes, it is worrisome as to how the Minister could act with the judicial temper and qualities necessary to be the final court of appeal on the Registrar's powers.

The untrammelled powers of the Registrar can further be seen by two separate provisions in Section 18 where the Registrar can proceed to take action against any society for any offence under the Act, despite the fact that a conviction had not been secured in a prosecution under the Act.

This means that the Registrar can hold the Judiciary in contempt, and even though the Judiciary finds a person not to have committed an offence under the Societies Act, the Registrar can ignore such court decisions and proceed against the society on the basis that the person had committed an offence under the Act.

Communist United Front

The Deputy Home Affairs Minister, Sanusi Junid, had said that there is nothing to fear in the amendments, and that the government's purpose was to prevent Malaysian societies from being made used of by international Communist United Front (CUF) organisations for communist purposes.

If this is the government's objective, then it is easily done by the government publicly enumerating the international organisations the government regard as CUF. The Home Affairs Minister had said the purpose of the amendments is 'to call a spade a spade'. If we are to call a spade a spade, then the government might as well openly admit that with the enactment of these amendments, Malaysia has forfeited any claim to be a democratic country and that what we have is in fact an authoritarian government.

VOTING RIGHTS FOR THE YOUNG

"In Malaysia, the legal age of majority has been reduced to 18, and if a person at 18 can hold property, and be asked to lay down his life in the armed forces, there is no reason why he should be denied the right to cast his vote to help decide the type of nation he wants to build."

Speech when moving a motion to introduce a private members' bill to introduce legislation to lower the voting age from 21 years to 18 years on October 16, 1978.

I rise under Standing Orders 49 to move a motion to seek leave of the House to introduce a private member's bill intituled the People's Representation Act 1978 to lower the voting age from 21 years to 18 years.

At present, under Article 119 of the Malaysian Constitution, a citizen is eligible to be a voter only when he reaches 21 years of age. The Constitution was drafted 21 years ago, when there was considerable distrust of youth.

Great changes have taken place in Malaysia and around the world in the last decade. In Malaysia, the legal age of majority has been reduced to 18, and if a person at 18 can hold property, and be asked to lay down his life in the armed forces, there is no reason why he should be denied the right to cast his vote to help decide the type of nation he wants to build.

A quick survey of the Parliamentary institutions of the world shows that the majority allow their citizens to vote at the age of 18. These countries include Australia, Canada, Finland, France, Federal Republic of Germany, Netherlands, Pakistan, United Kingdom, the United States, Sri Lanka, Zambia and Sweden.

Even in the communist countries, their citizens at 18 are allowed to participate in the voting process to determine their representative institutions. The relevant point here is that youths in communist countries at 18 are treated as adult citizens, and share the same political rights as adults.

I am aware that there are those who think that giving the vote to eighteen-year-old Malaysians is not a wise move, who think the 18 year-olds are too young and immature.

I do not agree. I believe that a person at 18 years has become quite knowledgeable about things around him, his aspirations and expectations—and there is no better way to educate our youths about their political rights and responsibilities at a young age.

This is not a controversial issue, and I hope that on such a non controversial matter, MPs can freely express their views and preference.

CONDITIONS OF DETENTION

"If the Government claims that there are no ill-treatment of political detainees, then they should welcome such an Opposition-led all-party parliamentary investigative committee, for it would then clear the Government and the country's name of allegations of ill-treatment of political detainees."

Speech on the Development Supplementary Estimates (1979) during the Committee Stage on April 3, 1979.

In the first development supplementary estimates 1979 for the Ministry of Home Affairs, the Government is asking for an addition $1 million for the building of the Simpang Rengam Detention Camp in Johore. This follows the revision of the original estimates of $7 million to be spent on the project under the Third Malaysia Plan from 1976 – 1980 to $15 million.

Recently, the Bar Council sent a memorandum to the Ministry of Home Affairs on ill-treatment of political detainees in Taiping and Batu Gajah detention camps, on poor medical treatments, prolonged solitary confinements, hand-cuffing of political detainees going to hospital for treatment which is degrading and humiliating; deprivation of correspondence to and from home, and others. Although the Deputy Minister of Home Affairs, Datuk Syed Sheh Shabuddin, immediately denied the Bar Council allegations, the denial is not convincing or satisfactory, as it is self-serving.

These allegations of ill-treatment of political detainees in Malaysia, which is not made for the first time, greatly tarnish Malaysia's human rights record, and should be seriously dealt with by the Government.

I call on the Government to establish an Opposition-led all-party Parliamentary Investigating Committee to inquire into the conditions of political detainees. If the Government claims that there are no ill-treatment of political detainees, then they should welcome such an Opposition-led all-party parliamentary investigative committee, for it would then clear the Government and the country's name of allegations of ill-treatment of political detainees.

Government should institute prisons reforms to ensure that prisoners are not dehumanized by prison conditions

Under the Third Malaysia Plan, $28 million has been set aside for the building of a new Prison Centre in Kajang. The time has come for a high-level inquiry into prison conditions, to ensure that prisoners are not dehumanized by prison conditions. The whole purpose of prison terms is to reform and rehabilitate criminals, apart from punishing them for their crimes. There can be no justification for degrading or inhuman prison conditions which result in making prisoners more insensitive to their responsibilities as citizens and as human beings. From all reports, the conditions in the prisons in the country are most deplorable; and the time has come for a comprehensive prisons reform. This work should be initiated by a Prisons Reform Committee comprising lawyers, judges, psychologists and penal experts.

DAP wants special Government effort to accelerate intake of non-Malays into Felda schemes

According to Government figures, up till the end of February 1979, the racial breakdown of FELDA settlers is as follows:

Malays	:	96.5%
Chinese	:	1.76%
Indians	:	1.67%
Others	:	0.07%

This is most shocking, and shows how FELDA schemes, one of the major government instruments of rural development, had failed to fulfil the NEP objective of restructuring society. The Deputy Minister of Land's explanation last week that the non-Malays, and in particular the Chinese, are not interested in FELDA settlement schemes, is not acceptable at this

moment of time. I have no doubt that if FELDA maintains an Open Door Policy, the Government would find overwhelming non-Malay applications for FELDA schemes.

In the interest of ensuring that government schemes carried out with public expense reflect the country's racial breakdown, I call on the Government to mount a special effort to accelerate the intake of non-Malays into FELDA Schemes. Otherwise, FELDA would stand out as an outstanding example of government failure in restructuring society.

Call on Government and MAS to halve the internal MAS fares to facilitate cheaper air travel in Sabah and Sarawak

Air services is the most important form of travel in Sabah and Sarawak, where communications are very backward. The Government has a responsibility to improve communications in Sabah and Sarawak, and one of these measures is to ensure cheap air travel in the internal parts of Sabah and Sarawak. By ordinary standards, the MAS air fares for internal flights in Sabah and Sarawak are very expensive. I call on the Government and MAS to halve the fares for the internal flights for Sabah and Sarawak. It is public knowledge that the MAS made profits from the internal Sabah and Sarawak flights. MAS should regard its services in Sabah and Sarawak as a public service, and should not think solely in terms of profits but should take into account the essential role of promoting easy communications in Sabah and Sarawak.

Similarly, a review should be conducted to lower the MAS fares between Peninsular Malaysia and Sabah and Sarawak. This will bring West and East Malaysia closer together, and enable the promotion of greater understanding and national unity between the peoples in the two different parts of Malaysia separated by the South China Sea.

ON A CLEAN, EFFICIENT AND DEMOCRATIC GOVERNMENT

ON A CLEAN, HONEST AND INCORRUPT GOVERNMENT

"When so much money is spent to get elected, one can legitimately ask what is at issue: money or politics? Those who spent vast fortunes to get elected will spend their term in office not only recouping their expenditures, but to reap back profits many fold.".

Speech when moving a motion to introduce a private member's bill to be known as Ministers and Members of Parliament (Declaration of Assets) Act 1978 on October 18, 1977.

I rise under Standing Orders 49 to move a motion to seek leave of the House to introduce a private member's bill to be known as Ministers and Members of Parliament (Declaration of Assets) 1978 Bill requiring every Minister and Member of Parliament to publicly declare his or her assets annually, and that of the next of kin.

The Prime Minister, Datuk Hussein Onn, has a personal reputation of being opposed to corrupt practices, the country has a National Bureau of Investigations, and every now and then we read of departmental heads requiring their public servants to declare their assets. But it cannot be denied that corruption in Malaysia is a rampant problem, with many top political and public servants possessing unaccounted wealth and property.

In Malaysia, the problem is not ikan bilis corruption, but corruption in high political and public places. In my mind, there cannot be any effective war against corruption in the country unless there is an honest and incorruptible political leadership, where every political leader is prepared to subject himself regularly to public scrutiny and accountability to demonstrate that he has not abused his public or political office for personal monetary gain.

Of course, it is not possible to ensure that every political leader whether Minister or Member of Parliament is incorruptible, but there must be more satisfactory mechanism to weed out Ministers or MPs who make use of their political office for personal enrichment.

Political corruption takes many forms and has many causes. For instance, the annual allocation of $100,000 a year for Barisan Nasional Parliamentary constituencies for minor development projects is a form of political corruption. Yet the Government cannot recognise it for what it is, which showed that it had a moral blind-spot which prevented it from discerning what is morally right and what is morally wrong.

Political corruption will remain a serious problem so long as politics is seen as a short-cut to riches and fortune, rather than as a form of service and dedication to the country and people.

The Far Eastern Economic Review, in its October 6 issue, carried an article of how a Ministry of Trade and Industry scheme to widen share ownership among bumiputras had been made use of by influential UMNO political leaders, including Ministers, Members of Parliament and State Assemblymen to acquire shares at very cheap prices and become rich overnight in contravention of the Ministry's own regulations. The two share issues researched into were the East Asiatic Company (Malaysia) and the Kuala Lumpur Kepong (KLK). For instance, the book profit accruing to these special breed of highly political influential share-holders of KLK stock reached $1 million within a month of the issue in May this year.

More and more in Malaysia, politics is identified with money, to the extent that the politics of money has become a very unhealthy development, as it corrupts politics and politicians.

When I visited Sabah in February this year and Sarawak last month, I became aware of the pervasive power of money in politics. Although election laws limit election expenditures to $20,000 per parliamentary candidate, I do not think there is a single Barisan Nasional parliamentary candidate who spent less than $20,000. In Sarawak, the average election expenditure for a Barisan Nasional candidate is in the region of $200,000

to $300,000. I understand that there was a Barisan Nasional parliamentary candidate seeking re-election who spent as much as $1.5 million.

When so much money is spent to get elected, one can legitimately ask what is at issue: money or politics? Those who spent vast fortunes to get elected will spend their term in office not only recouping their expenditures, but to reap back profits many fold! They will be more interested in making use of their elected office and term to get land, timber concessions, licenses, permits, shares which are underpriced, and all other short-cuts to wealth and fortune.

The most effective way to curb such betrayal of public interest is to have a law requiring Ministers and MPs to annually declare in public their assets and that of their next of kin.

Although at present, Ministers, Deputy Ministers and Parliamentary Secretaries are required to declare their assets to the Prime Minister when they take up their posts, this is not satisfactory – as evidenced by the fact that the public is not convinced that every member of the Cabinet could explain where and how his wealth had been legally and honourably acquired.

A law requiring a regular public declaration of assets by Ministers and Members of Parliament is a pre-condition to a clean, honest, and incorrupt Government.

Corruption has led to the downfall of many countries and the decay of many societies. It is the duty of Parliament to safeguard our country from such a disaster, and to enact laws which will ensure, to the best of human ability, that our public and high political leaders are men of integrity and incorruptibility – that they are not only clean and incorrupt, but can be constantly subject to public scrutiny and accountability tc demonstrate their honesty and incorruptibility.

FREEDOM OF INFORMATION

"A secret government is by its very definition an undemocratic and autocratic government. Such a government does not become democratic just because once in five years it holds general elections under conditions whereby the people are denied opportunities to intelligently exercise a free choice, through the denial of information and access to the electorate, whether through mass media control, ban on public rallies, or the cult of secrecy hiding government information from the public."

Speech when moving a motion to introduce a private member's bill intituled Freedom of Information Act on October 26, 1979.

I move:

"That this House pursuant to Standing Orders 49(1) grants leave to Lim Kit Siang to introduce a private member's bill intituled Freedom of Information Act to ensure openness of government and to prevent the law on Government information from protecting inefficiency, maladministration or even malpractices and corruption, by

(i) drastically cutting back the present catch-all Section 8 of the 1972 Official Secrets Act by providing that only specified categories of government information, e.g. matters involving national security or personal information, are protected by criminal penalties against disclosure; and

(ii) enacting a new law compelling the government to make records available to the public on demand except in the cases of specified

categories of government information like properly-classified documents involving national security or personal information, and the provision for the Courts to decide whether such classification is justified or not."

In moving this motion, the DAP is guided by the conviction that if Malaysia is to have a meaningful parliamentary democracy, we must create a more open government, which respects and upholds the fundamental right to know of the citizens in all matters affecting the country and people.

A secret government is by its very definition an undemocratic and autocratic government. Such a government does not become democratic just because once in five years it holds general elections under conditions whereby the people are denied opportunities to intelligently exercise a free choice, through the denial of information and access to the electorate, whether through mass media control, ban on public rallies, or the cult of secrecy hiding government information from the public.

Further, we believe that a more open government makes for better and a more efficient government. For instance, if the government decision – processes had been more open and public, where political leaders and civil servants had to stand public scrutiny of their projects and proposals, we might have avoided or minimised the losses that we suffered from white-elephant projects like the multi-million dollar Senai Airport, the $250 million Kuantan Port scandal which cracked even before it opened, the $2 billion LNG Tankers which will be delivered shortly and will lie idle costing the country to lose hundreds of millions of dollars a year for the next few years; and a long list of others. This is because in an open government, all the feasibility studies of these projects or proposals would have to be made available to the public, and would have the benefit of public scrutiny and examination.

The cult of secrecy of government in Malaysia is being taken to too extreme ends. For instance, there appears to be a great competition going on between three Ministries to see who could keep their report longest away from public knowledge – the Ministry of Housing's Rent Control Act Review; the Ministry of Law's Accidents No-Fault Liability Scheme Study; and the Ministry of Education's Cabinet Review Report on Education. While the various Ministries are taking their sweet time

wondering what to do with these respective reports, can they give good reasons why these reports should remain secret?

The disease of excessive secrecy, nurturing the illusion that only an elite few are qualified to make laws or decisions merely to be rubberstamped by Parliament and accepted by the people, could be seen in the way the labour law amendments are being prepared. Government Ministers had been declaring for months that drastic amendments to labour laws are coming, and in fact the Deputy Labour Minister, Datuk Pathmanaban, confirmed two days ago in the Dewan Rakyat that the amendments would be tabled at this meeting, but the whole country, the labour movement and even Parliament are in the dark as to the nature of these amendments.

Such obsession with government secrecy has made a mockery of parliamentary democracy, for a meaningful democratic decision making process involves the fullest participation in the formulation of policy or laws by all interested parties. What the government is doing is to exclude the interested parties in the most important stage of decision-making, the formulation stage, and only bring in Parliament and the interested parties when its mind had already been made up.

Thirdly, the cult of government secrecy also provides a protective cover for inefficiency, negligence, maladministration or even malpractices and corruption.

For instance, the report of the departmental inquiry into the mass hospital deaths in the Malacca General Hospital in August 1972 because of hospital negligence resulting in the breakdown of the hospital's auto-clave (sterilisation plant) is still a secret, which serves to protect inefficiency, negligence and maladministration. How could this square with a government which is accountable to the people?

Parliament should therefore give serious consideration to provide for greater openness of government to ensure that there is a democratic, efficient and dedicated government, which does not use government secrecy laws and regulations detrimental to the people's rights and interests.

Let me make it clear that we in the DAP accept that there are some legitimate secrets in a democracy which are important enough to be

protected by criminal penalties, e.g. matters involving national security, maintenance of law and order, personal information. There is an inevitable tension between the democratic requirements of openness and the continuing need to keep some matters secret.

What is highly objectionable, however, is the use of criminal law to restrict the publication of matters of public interest – when public interests in fact demand their disclosure.

I am referring in particular to Section 8 of the 1972 Official Secrets Act, which is based on Section 2 of the United Kingdom Official Secrets Act, 1911.

For sometime, there had been considerable disquiet in UK over Section 2 of the Official Secrets Act (i.e. our Section 8), and a special committee, known as the Franks Committee, was established to inquire into this section alone.

This is what the Franks Committee said about Section 2:

> "We found Section 2 a mess. Its scope is enormously wide. Any law which impinges on the freedom of information in a democracy should be much more tightly drawn. A catch-all provision is saved from absurdity in operation only by the sparing exercise of the Attorney-General's discretion to prosecute. Yet the very width of this discretion, and the inevitably selective way in which it is exercised, give rise to considerable unease. The drafting and interpretation of the section are obscure. People are not sure what it means, or how it operates in practice, or what kinds of action involve real risk of prosecution under it." (Para 88)

And in Paragraph 17, the Franks Committee Report described Section 2 as a catch-all, saying:

> "The main offence which Section 2 creates is the unauthorised communication of official information (including documents) by a Crown servant The leading characteristic of this offence is its catch-all quality. It catches all official documents and information. It makes no distinctions of kind, and no distinctions of degree. All information which a Crown servant learns in the course of his duty is 'official' for

the purposes of Section 2, whatever its nature, whatever its importance, whatever its original source. A blanket is thrown over everything; nothing escapes."

Such a catch-all law is incompatible with the creation of an open Government. The Official Secrets Act should be confined to provisions dealing with spies, traitors and others who intend harm to the nation.

Most people think that Government secrets are about protecting the nation's security against foreign spies, and assume that laws to enforce that secrecy are for everybody's benefit. But this is true of only a very small part of the information kept secret by the Government. Most government secrets are kept from the public for reasons that have nothing to do with national defence, and one of the most important of these reasons is simply the convenience of those in power.

Government information unrelated to national security or defence should not come under the Official Secrets Act, and Section 8 of our Act should be amended to remove its catch-all quality, so as not to affect information unrelated to national security.

However, reforming Section 8 of the Official Secrets Act by drastically cutting back the present catch-all Section 8 would do almost nothing to make most Government information available to the public.

Openness of Government requires a law to encourage disclosure by compelling the Government to make most records available to the public. There would be exceptions, but they should be for reasons spelled out by law. And there must be some impartial judge apart from the Government machine to decide whether secrecy for the particular document is justified by one of those reasons.

I envisage that there would be three kinds of Government information under the law. First, most Government records should be public ones, available for inspection and copying to anyone who asks. Secondly, some information would be exempt from such compulsory disclosure. It would be up to the Ministers to decide whether to publish or not. But an official who did leak such information could not be prosecuted, although he might face disciplinary proceedings. And thirdly, some secrets, the ones that

really deserve protection, e.g. matters involving national security, would be both exempt from compulsory disclosure and covered by the criminal law.

THE UNDEMOCRATIC BAN

"In Malaysia, we seemed to have come to a stage where the pursuit of legal, constitutionally-sanctioned objectives by lawful, democratic and constitutional means has become a threat to public order and national security."

"This can only deepen the despair and disillusionment of substantial sections of the population in the legal, democratic and constitutional processes – and this clearly cannot be beneficial to economic development and progress."

Speech on the 1979 Budget on October 23, 1978

One reason why the 1979 budget did not occupy the first place of national attention is because of the unreasonable exercise of executive and police power last Thursday. The government ban on the proposed Merdeka University meeting in Kuala Lumpur on October 22 was highly unfair, undemocratic and one-sided.

As the Home Affairs Minister, Tan Sri Ghazalie Shafie, admitted to directors of Merdeka University Sdn. Bhd. when he called them up for a meeting on October 19 – and the Merdeka University directors were roused from bed at midnight or the early hours of that morning to be informed of the meeting with the Minister – the Merdeka University meeting would be lawful and disciplined. What the Minister feared was that the meeting would lead to counter-meetings which would be a threat to public order and national security.

If this was the case, then it is these 'counter-meetings' which should be banned, especially as there is no reason for any such counter-meetings at all.

For reasons best known to themselves, some irresponsible political leaders had allowed sections of the people to believe that the proposed Merdeka University constitutes a grave threat to the rights and interests of the Malays, when there is not a single iota of evidence that could be given to support this contention. The biggest threat to public order and national security are these irresponsible political leaders who fan emotional and racial feelings by picturing the Merdeka University as a threat to Malay interests.

When in the past, there had been several Bumiputra Economic Congresses, nobody objected and complained that this would pose a threat to public order or national security; why should this time, the Merdeka University meeting be treated so summarily and cavalierly?

In Malaysia, we seemed to have come to a stage where the pursuit of legal, constitutionally-sanctioned objectives by lawful, democratic and constitutional means has become a threat to public order and national security.

This can only deepen the despair and disillusionment of substantial sections of the population in the legal, democratic and constitutional processes – and this clearly cannot be beneficial to economic development and progress.

The Merdeka University Council has sent a cable to the Prime Minister, and I hope the Prime Minister would intervene to lift the ban on the meeting imposed by the Chief Police Officer who invoked the Internal Security Act regulations.

The reason given by the Ministry of Home Affairs that the Merdeka University issue would be debated by Parliament is no valid ground for imposing the ban. Parliament does not operate in a vacuum. There is no law or constitutional convention to say that issues cannot be discussed by the public just because there is a parliamentary motion on it.

In fact, if democracy means anything, it must mean that there must be opportunities and processes for the people to participate in a national debate on questions of national concern outside Parliament. to guide

Parliament, whether before or after Parliamentary deliberation or decision on the matter.

For the interests of racial harmony, it is vital and essential that immediate opportunities be furnished to allow the Merdeka University authorities to explain and communicate to the Malay community that the Merdeka University does not constitute a threat to the rights, interests of the Malays; and that the Merdeka University is not meant to threaten Malay interests. So far, this important point has never been allowed to reach the Malay community especially through the mass media.

I call on the Prime Minister to give this matter urgent attention — so that through radio, television and the Malay press, the impression that is being spread that Merdeka University is mooted to threaten Malay rights and interests can be countered and clarified. This is not only for the purpose of rectifying the misperceptions about Merdeka University; but even more important, for the longer-term understanding and harmony of the various races in the country.

Only three per cent of Malaysia's university age group receive higher education

In the Chapter on socio-economic indicators on the Quality of Life in Malaysia (Chapter VI) in the 1978–79 Treasury Report, Table IV, Malaysia compares very unfavourably with other countries in terms of the percentage of university age group who are enrolled in higher education institutes

Thus for the year 1975, only 3% of the university age group aged 20–24 in Malaysia are enrolled in the higher education institutes; compared to 8% in Singapore; 20% in Phillippines; 10% in the Republic of Korea; 22% in Australia and 25% in Japan. Only Thailand has a smaller percentage with only 2%.

Clearly, there is room and need for a doubling of higher education opportunities in our own country – either through public funds by expansion of existing universities and establishment of new universities; or the establishment of private universities.

The Government is spending $1,943 million for education from the operating expenditure of $8,709 million for 1979; but equally worthy of

note is that security itself will appropriate a comparable figure of $1,924 million.

These is clearly too massive an expenditure on the security sector, which not only has within it the seeds of a military take-over in the future, but which money could be more profitably spent on education and other social services. I am not advocating a neglect of the importance of security and defence in our country – but finally, the surest foundation and assurance of security in Malaysia is to have a united, contented and happy Malaysian citizenry, rather in the billions spent on defence hardwares and cantonments.

I believe that the siphoning of expenditures from the security sector to provide jobs for the jobless, houses for the homeless and land for the landless, and educational opportunities for the educationally denied, will do more to strengthen the national resilience than the over-massive expenditure on the security sector alone.

Pepper farmers of Sarawak

When I visited Sarawak at the end of last month, I met pepper farmers who belong to a very poor and hard-working lot. During the recent general elections, they were promised that there would be a 60 per cent reduction in the export duty of pepper to help pepper farmers. This got the Sarawak Barisan Nasional, and in particular SUPP, a lot of votes. But when the details of the change in the pepper export duty was announced, the pepper farmers found that they had been taken for a ride.

For all practical purposes, the pepper farmers had not benefited from the export duty change, but had been adversely affected by it. Although it is true that after July 20, 1978, the dutiable price for black pepper is now above $110 per picul instead of $40 per picul, while that of white pepper is above $130 compared to $55 per picul previously, this is no great improvement. The reason is that when the price of black pepper is $40 per picul or white pepper at the price of $55 per picul, the pepper farmers would not be able to recover their costs of production, and would have gone bankrupt.

Under the revised export duty for pepper, the rate went up as high as 50%, or in other words, after a certain market price, the government

collects 50 cents from every dollar. From what I understand, wnen this price level is reached attracting a 50% export levy, the pepper farmer's income is only about $250 to $300 a month. How can the government, which claims to be committed to wipe out poverty, have the social conscience to impose a 50% tax on such a category of farmers? Under income tax laws, the government imposes 50% incidence of tax only where a taxpayer's income exceeds $50,000 a year, or over $4,000 a month. But for pepper farmers, who make $250 a month, they have to pay export duty of 50% for their product – without yet deducting fertiliser and labour costs!

My meeting with the pepper farmers have convinced me that the government should give special consideration to the pepper farmers to help them stand on their own feet. Pepper cultivators face many problems and high risks in their planting efforts – the most common of which is the fatal pepper disease such as 'foot rot'. In Sarikei, the pepper death rate because of 'foot-rot' disease is as high as 40%. I met many who were previously pepper cultivators, but whose crops had been wiped out by 'foot-rot' disease, and who were lost not only their meagre savings invested in the pepper vines, but who were reduced to destitution.

As far as I know, the Government has no special grant or help for pepper cultivators whose plants have been wiped out by 'foot-rot' disease. And although there is a Pepper Subsidy Scheme in Sarawak, I understand its implementation is most unsatisfactory and irregular. There are genuine pepper cultivators who could not get subsidy because the land is not in their names – while the subsidy is distributed as if by way of lottery through chance.

Pepper takes two-years of gestation period, and if on the third year or fourth year, the pepper vines are all wiped out by disease, clearly acute poverty is caused. It is because of the high risk nature of pepper cultivation that there are no large pepper estates. Pepper cultivators put in their labour in family units to cultivate the vines – and until pepper cultivation is more secure in the sense of prevention of 'foot-rot' diseases discovered, the government should help them in all ways possible.

The pepper farmers would prefer this aid in the form of an abolition of the pepper export tax – for this accrue directly to the benefit of the

pepper farmers; rather than the pepper subsidy scheme which is sometimes inequitably distributed, and the genuine farmers do not enjoy the benefit.

Educational tax rebate for Malaysian students studying abroad

It is regretable that the Finance Minister has not introduced innovations to relate the income tax laws to the national and social needs. For instance, the Government should grant tax reliefs or an educational rebate to Malaysians with less than $15,000 annual income to meet the educational expenditures of their children abroad, where their children could not get local university places. This should be considered both on grounds of equity – as this will help remove social injustice and make the lower-income Malaysians more able to compete with higher-income Malaysians; and on grounds of national interest – as this is a valuable form of national investment in human skills. I hope that in future budgets, this proposal of tax reliefs or educational rebate for Malaysians with less than $15,000 annual income will be accepted.

The loss of revenue in the above instances could be made up by higher income tax rates for the higher income brackets and more efficient collection of income tax and combatting income tax evasion and avoidance.

Apart from the 50% reduction in the import duty on fruits, which we in the DAP welcome and had right from the very start of imposition of high duty on foreign fruits called for, the other taxation variations are either inconsequential or benefit the well-to-do class. It is probably no surprise, considering the class which Barisan Nasional MPs derive from, that the tax change which received greatest applause and table-thumping was Tengku Razaleigh's announcement that import duties for cosmetics and perfurmery was being reduced from 60% to 45%.

But I think what the overwhelming majority of Malaysians are more interested about is why the prices of essential commodities have not been brought down, especially with regard to sugar.

The Malaysian Government's sugar deal with Australia has so far been blanketed in secrecy. All that the people know is that although the world price of raw sugar has plummetted, Malaysians have still to pay 65 cents

a kati for sugar in Peninsular Malaysia and 70 cents for Sabah and Sarawak – the price reached at the height of sugar price in 1975.

According to the Treasury Report, in the first 6 months of 1978 a total of 160,615 tonnes of raw sugar valued at $85.1 million was imported compared to 157,262 tonnes valued at $101.5 million in the same period of 1977. The import unit value at about $550 per tonne was about 18% lower than that of the corresponding period of 1977 due to the general decline in the world sugar price as a result of the current world-wide sugar surplus. Yet, this saving of some $20 million in the import of raw sugar in the first six months of 1978 has not been passed on to the consumers, especially the poor.

In 1975, Malaysia entered into a long-term supply contract with Australia to buy 1.65 million tonnes of sugar from Queensland over a period of six years up to 1980 at a starting price of $814.50 per tonne. The Malaysian public were given the impression that this long-term supply agreement was a great achievement, and which was entered into to maintain the retail price of sugar.

With the fall in the world price of raw sugar, and sugar surplus, this long-term supply contract with Australia has proved to be an expensive disaster. Malaysian Ministers and officials made threatening noises about grave damage to Malaysia-Australia trade and other relations unless this long-term supply contract was re-negotiated. This was achieved in March 1978. But now, we are told that although the Australian sugar contract has been re-negotiated, and more reasonable terms obtained from the Australian sugar suppliers, the sugar retail price remains unchanged because it is the new agreement which will enable the Government to maintain the retail price of refined sugar in Malaysia. But meanwhile, the sugar refineries in the last two years, like Malayan Sugar Manufacturing Bhd (MSM) and the Central Sugar Berhad (CSB) are chalking up big profits.

The Malaysian public have a right to know whether the Malaysian Government was representing the interests of the sugar refineries, or the Malaysian people, when it re-negotiated the sugar contract with the Australian Government; as the only beneficiaries of the sugar re-negotiation are the refineries, and not the rakyat.

I call on the Minister of Trade and Industry to give a detailed explanation, with facts and figures, of prices of the sugar agreements before and after the re-negotiations, and the profit levels of the sugar refineries in Malaysia, to convince the Malaysian people that they are not paying higher price for retail sugar just to enable the sugar refineries to make bigger profits.

THE PUCHONG MINE LANDSLIDE

"In the press today, some editorials and leaders asked the question: "Why do people continue to stay there when cracks have already appeared." Nobody seemed to have asked the question, which is more appropriate, "Why does the Mining Company continue its mining activites when cracks have appeared, knowing lives and properly can be endangered?"

Speech when adjourning the Dewan Rakyat on 'a matter of urgent, definite, public importance' on March 26, 1981 to debate the Kampong Kandan Mining landslide disaster where 20 people were buried alive and about 75 houses destroyed.

I stand up to move the adjournment of the House to discuss a matter of definite, urgent, public importance, namely the mining landslide disaster at Kampong Kandan at 8½ mile, Jalan Puchong, Kuala Lumpur, where at least 20 people, including children, have been buried alive together with the collapse of about 10 houses, involving the destruction of a further 65 houses in the adjoining areas, making it one of the worst mining disaster in the country.

The Kampong Kandan mining disaster is not a natural disaster, but a man-made disaster. It is apparent that there has been negligence in many quarters involving the mining company, Capitol Mining Sdn. Bhd., the Mining Department and even the State Government of Selangor.

Mining landslips normally involve the death of mining workers, caught in the landfall, and even in these cases, proper safeguard procedures should have made them avoidable. But in the Kampong Kandan case,

some 10 houses were swept down by over 200 feet, and as a result, another 65 houses have to be demolished to make the place safe. Clearly, warning signs of impending landslide had been evident for some time, but the authorities and the mining company concerned did not pay heed.

I have been informed that there had been cracks near the mining edge for some time, and a responsible mining company would have taken immediate action and measures to protect lives and property in the endangered area, either to get the persons in the danger area to move out with adequate compensation, or to stop mining operations immediately.

In the press today, some editorials and leaders asked the question: "Why do people continue to stay there when cracks have already appeared." Nobody seemed to have asked the question, which is more appropriate, "Why does the Mining Company continue its mining activities when cracks have appeared, knowing lives and property can be endangered?"

The continuance of mining operations despite the appearance of cracks in the adjoining land and houses just to maximise profits is the height of irresponsibility which could not be condoned.

Similarly, it is the height of irresponsibility and negligence on the part of the mining department to allow the mining company to continue mining activities in such circumstances, especially as the people in the area, including one who was buried alive, had written to State Executive Councillor, Datuk Lee Kim Sai, drawing his attention to the dangers involved.

There had been a minor landslip a few months ago in the same area, and although no lives were lost, livestocks and livestock-pens were lost. This should have opened up the eyes of the mining company and the mining department.

Although there had been a resettlement of a few houses before the mining tragedy on 24th March, I understand that only one of the houses which was swept down the mine had been paid compensation, some $14,000 I am told, and was in the process of shifting, when the tragedy took place.

But for the other houses which went down over 200 feet, no notice or offer of compensation were offered by the mining company to get them out of the danger zone, nor did mining activities cease.

Furthermore, about over two years ago, some 50 houses were resettled from Kampong Kuchai to Kampong Kandan by the State Government, and many of these houses have now to be destroyed because they are in the danger zone. This clearly imply negligence on the State Government's part to resettle people onto areas which are subject to landslides in the event of mining activities. These people are not squatters, as I have seen the annual assessments they pay to the relevant authorities.

Clearly, the three parties, the mining company, the mining department and the State Government had been grossly negligent in their separate ways to create the man-made disaster and tragedy of Kampong Kandan.

An independent and thorough inquiry must be held into the Kampong Kandan man-made disaster. It is no use the mining department, which is probably a contributing party to the disaster, to conduct the inquiry. It will end up as a white-washing operation, to cover up the negligences of the mining department. It must be completely independent and open inquiry to uncover all the wrongs of omissions and commissions by all parties, so that in all other mining areas in the country, such disasters could be averted.

I must express my grave dissastisfaction with the responses and attitudes of the various authorities after the disaster. I went to the disaster site at about 11 p.m., about six hours after it happened as I was away in Klang, and there was completely no rescue operation to save the lives of those who had been buried and might still be alive. The reason given was it was night and it was dark and dangerous. I was told that next morning, at 8 a.m., an emergency meeting would be held of all relevant departments and organisations concerned to work out a rescue operation at the mining company office.

The meeting did not start the next morning until 9.30 a.m., there was no sense of urgency or about the human tragedy involved. To be fair to the various departmental heads, all of them were at the site early, some as early

as 7 a.m. But the meeting could not begin because the 'leaders' or 'headmen' had not turned up. Although the mining officials, the geological people, the police and the army were there by 8 a.m., it was only at 9.30 a.m. that the District Officer, Encik Tajul Rahim, and the Selangor Executive Councillor, Datuk V. Kandan, sauntered in, after making everybody wait for 90 minutes.

This is most deplorable, and show how lacking a sense of urgency and tragedy, that it is human lives involved, which should have governed the entire government operation in Kampong Kandan.

Why couldn't the various government departmental heads be convened for an emergency meeting Tuesday night itself, even if they have to be rounded up from various quarters, and even if they lose sleep. Surely, action is urgently needed the next morning to see whether any human lives buried under the mine could have been saved.

In the event, nothing was done yesterday in terms of trying to rescue any lives still there, and until this afternoon, the rescue operation had not started either.

Clearly, when the authorities talk about rescue operation, they do not mean saving lives, but removing corpses.

I am surprised to read in today's press that the authorities have decided that 65 houses around the disaster area had to be demolished to search for the 19 people buried in the mine. This is because at the meeting yesterday morning, the meeting was briefed that only about 10 to 15 houses had to be demolished, to enable the mine face to be reduced to 30 feet, to build a bund and start the slime-pumping out operation.

The people in the 65 houses affected are understandably agitated, because up till now there is no firm and irrevocable commitment that they would be compensated for the loss they would suffer following the demolition of their houses.

All the mining company, the Capitol Mining Sdn. Bhd., has committed itself is a vague undertaking to compensate in principle. This is surely not good enough, for it opens up loop-holes for evasions

subsequently. The mining company, the Capital Mining Sdn. Bhd., must come out with a clear-cut commitment as to the quantum it would compensate for each of the 65 houses, to remove any possibility of disputes and arguments later on.

As the mining department and the State Government of Selangor are also partly responsible in creating the man-made disaster, the Selangor State Government (probably with a grant from the Federal Government), should actively intervene to provide the 65 houses with proper resettlement, including compensation terms.

At present, it is proposed to resettle the 65 houses to another ex-mining land site. After their tragic experience on March 24, it is understandable that the 65 households are opposed to such a resettlement, for having gone through one 'hell', they are entitled to ask that they do not have to go through a second 'hell' in the event of another landslide.

I call on the Selangor State Government together with Federal Government aid if necessary, to re-locate the 65 houses to a proper land site to start a new life – not another ex-mining site subject to future landslides. The houses should be built at the expense of the mining company with the contributions, if necessary, of the Federal and State Governments.

In this connection, I want to mention that in Kampong Kandan, there are some 28 cottage industries, some 10 of which are affected by the 65-house demolition plan. Nothing is being done to help re-site and re-start their industry, like furniture making, and I call on the State Government authorities to look after their needs.

I am not happy with the uncertain state of the Kampong Kandan operation with regard to where the aggrieved people in Kampong Kandan can seek redress or ask for compensation in future. As far as I know, there is no proclamation of disaster area. I hope the Minister concerned could explain why no proclamation of disaster area was made, and whether this would be to the detriment of the interests of the people affected.

The Kampong Kandan disaster throws into sharp relief the similar dangers throughout the country with regard to houses near mining operations. I call on the Primary Industries Minister to issue a directive to

all states to immediately order an inspection of the safety of the homes, lives and property near mines, and to order and direct the halt of mining operations if necessary. It is no use ordering the halt of mining activities, as in Capital Mining Sdn. Bhd., after lives and property had been destroyed.

Invariably, disasters attract a lot of publicity, ministerial appearance, promises of inquiry, but after the news sensation had subsided, everybody forgets about it. Thus, up till now, the outcome of the investigations into a similar accident at Sungei Kuyoh mine, also in Puchong, in December 1976 where nine people died, had not been finalised yet.

Government expression of concern after each disaster and promise to investigate become a farce after repeated failure to get to the root causes of the disasters.

I call on the Minister to agree to an independent and open inquiry, because we must not have another mining disaster even worse than Kampong Kandan while still waiting for Kampong Kandan and Sungei Kuyoh mining disaster reports.

CULT OF GOVERNMENT SECRECY

"Malaysia gains no benefit by keeping such defence procurements under a cloak of secrecy, for the simple reason that they are open secret to the defence world except to ordinary Malaysians. Such cult of secrecy will only result in mothering corruption, deviations, incompetence and inefficiencies which may be more detrimental to the national security and good of the country."

Speech on the 1981 First Supplementary Estimates on April 9, 1981.

The first 1981 supplementary development estimates, in asking for an additional vote for $4,294 million, probably makes history as the biggest supplementary vote ever to be asked by the Goverment since Merdeka in 1957. This is the result of the approval of the Fourth Malaysia Plan on Monday.

It is essential that there be meaningful and effective parliamentary control and scrutiny of public expenditures, not only to ensure that every ringgit spent gets the full value, but that there is no corruption, deviations, inefficiency and incompetence.

I am very concerned that with government expenditures growing by leaps and bounds, parliamentary control in fact become even more ineffective and cease to have any meaning whatsoever.

Parliament is in fact being asked to approve billions of dollars of development expenditures, without being told what those expenditures

are about, how they would be spent, and in fact when MPs questioned the way expenditures were being made, the Government would hide under the cult of secrecy to justify a blanket being thrown over the expenditures.

A good example is with regard to the defence expenditures, which amount to $2.1 billion for 1981. During the Fourth Malaysia Plan debate, I spoke of my concern at the scandalous way in which the Ministry of Defence went about procuring defence hardware, as in the cases of the proposed purchases of Fire Support Vehicles (FSCs), Armoured Personnel Carriers (APCs), 30 pieces of 155mm gun howitzers, 56 tanks, which will all cost hundreds of millions of dollars.

The reply by the Deputy Defence Minister, Datuk Abu Hassan Omar, on Monday that the purchases of all defence equipment in the country are above board and subject to checks and balances by two Ministries, where the Defence Ministry decide on the technical specifications of the weapons to be bought while the Finance Ministry would have the final say on the financial arrangements and tenders, is most unsatisfactory and generally regarded as an 'eyewash' by all those who have experience in the field of tenders not only for defence contracts, but huge multi-million dollars contracts in other fields as well.

Datuk Abu Hassan's claim that the double-level decision system before defence equipment costing more than $5 million are made provided the check and balance and would prevent any arbitrary and high-handed purchase being made is not borne out by experience.

The Prime Minister and the Finance Minister should take note that in contracts involving hundreds of millions of dollars, whether in the defence field or in the highly costly field of telecommunications equipments, decisions appeared to have been made before the formalities of tenders are called, and specifications are written in such a way as to ensure that only a particular previously-selected make of equipment would qualify.

As expected, the Deputy Defence Minister hid under the claim of government secrecy to try to escape from public accountability. He even suggested that I should change my attitude towards revealing the nation's defence matters for the good of the country.

Let me state here that it is the Defence Ministry which, for the good of the country, must change its attitude about defence matters, in particular with regard to defence procurements.

It does Malaysia no good that the whole defence world including our potential aggressors know what defence equipments Malaysia wants to buy, what makes of equipment Malaysia is considering and which make it is favouring, except for the Malaysians for whose sake the procurements are being made.

Let me state here that what I said in the Fourth Malaysia Plan about defence equipments and procurements is open knowledge of those all over the world who are involved in defence, except the ordinary Malaysians and probably Members of Parliament.

Malaysia gains no benefit by keeping such defence procurements under a cloak of secrecy, for the simple reason that they are open secret to the defence world except to ordinary Malaysians. Such cult of secrecy will only result in mothering corruption, deviations, incompetence and inefficiencies which may be more detrimental to the national security and good of the country.

Such cult of secrecy on defence procurements, which cannot be kept secret from the defence world outside, can only benefit the corrupt and decadent in the country, and this is why the Defence Ministry must change its attitude and make itself publicly accountable to Parliament for it purchases, its choice of equipments, etc.

The DAP will be second to none in our defence of the country, and we fully agree that defence strategies and plans should be kept a secret; but we cannot countenance secrecy on purchases which serve no useful defence purpose but to protect the corrupt.

The present system whereby two Ministries are involved in finalising defence purchases has not prevented unsatisfactory equipment being bought.

For instance, the Army purchased 12 units of Bofi 40L70 Anti-Air Craft guns about three years ago, costing about $55 million. Recently,

the army found the anti-aircraft guns to be defective, e.g. the radar on the gun was found to be faulty, transmitting impulses and not receiving impulses; and more seriously, the problem of barrel decoppering, i.e. the barrel wear of the gun was more excessive than specified, affecting the life span of the gun. I understand one gun is now cracked.

Surely, Parliament has a right and duty to concern itself with expenditures it approves are properly expended, even to inquire into technical requirements and choices.

Surely, Parliament has a right and duty to ensure that problems the Ministry of Defence faced in the past about supplies in spares and ammunition in times of war do not recur in future. For instance, during the Indonesian Confrontation, Malaysia was not able to obtain ammunition from Bofors of Sweden for our naval 40L70 guns as Swedish neutrality forbid it to supply arms to warring nations in times of war. As a result, the Malaysian government had to utilise the Crown Agents in England for its supply of ammunition while, in the meantime, the Navy faced the danger of rundown of its stock of ammunition.

I don't think I have to mention the scandalous purchase of the Panhard vehicles, which are mostly in No. 1 Workshop in Sungei Besi.

The Deputy Defence Minister said that he had full faith and trust in Armed Forces and Ministry officials in the choice of weapons and tanks because they would have the safety of the users, including themselves, in mind.

I don't fully agree for it is the low rank-and-file who will be the users, and not the top generals and the Ministry officials who will decide on the weapons and equipment.

Parliament will be remiss in its duty if it allows the continuation of a situation where all it does is to issue a blank cheque for billion-dollar expenditures, without taking the trouble to check and scrutinise that every item is properly expended, both from financial and technical points of view.

Otherwise, Parliament might as well meet once every five years to give the Government of the Day the fullest liberty to spend whatever sums and raisewhatever taxes during these five years.

I therefore call on the Deputy Defence Minister not only to give a satisfactory reply to the various defence matters I raised, but that all Ministers should adopt a more responsible and responsive attitude towards Parliamentary checks on government expenditures, and not hide under the cloak of government secrecy.

In matters which genuinely affect secrecy, in the sense that even the international defence world does not know, then the Ministry of Defence should be prepared to brief Parliament in camera – and this is why I suggested that a Parliament Standing Committee on Defence should be set up, to act not only as a watchdog on defence expenditures, but also as a specialist parliamentary organ to deal with defence matters.

Selective restructuring of society

The restructuring of society to eliminate the identification of race with economic funtions is one of the two NEP prongs to create national unity. However, if the restructuring is selective, and applies to only one racial group, then it will foster national disunity and division.

In the last ten years, restructuring has been rather one-sided.

The Third Malaysia Plan (para 25) said socio-political stability could not be maintained for long in situations where, for example, a Malay farmer coming to town, even with an increased income, felt somewhat alienated, somewhat an outsider, simply because he saw so few Malays in the shops, restaurants and factories of the town. And so might the Chinese and Indians when going into a Malay dominated agricultural area.

In the last ten years, much efforts have been made towards restructuring the urban economic sector to comply with specified management and employment quotas; but nothing serious appeared to have been done to restructure the agricultural and other sectors which are identified with race, e.g. the armed forces and the public service. JUST AS A MALAY FARMER SHOULD NOT BE MADE TO FEEL AS AN OUTSIDER OR

SOMEWHAT ALIENATED WHEN COMING TO TOWN, SIMILARLY A CHINESE OR INDIAN SHOULD NOT BE MADE TO FEEL AS AN OUTSIDER AND ALIENATED WHEN HE GOES TO GOVERNMENT DEPARTMENTS AND FIND SO FEW CHINESE OR INDIANS.

For instance, in land development and settlement programmes in new areas aimed at producing viable farming communities, FELDA settled 42,200 families, FELCRA resettled 16,600 families and 4,100 youths in its fringe and youth schemes respectively. These land settlement schemes, however, are over-whelmingly of one race, despite the government's pledge to restructure society to, among other things, to promote the growth of a more balanced residential pattern!

The police and the armed services are undergoing rapid expansion, but since the start of the NEP in 1971, they are among the most visible symbols of 'unrestructured' sectors where there is a distinct identification with race.

For 'restructuring' to succeed, to serve as an agent of national unity, rather than as a force of national division, it must be seen as an impartial force to 'MALAYSIANISE' the various sectors of the Malaysian economy, and not as an instrument to MALAY–ISE the Malaysian economy, as is clearly the rationale behind the UMNO Youth stand on the UMBC case.

This is why 10 years after the implementation of the 'restructuring' prong of the NEP, it has created so much reservations and opposition, leading to a sharp fall in the domestic private investment during the Third Malaysia Plan.

It is also obvious 10 years after the NEP that the government is only pre-occupied with the redistribution of income and wealth between the communities, but has made no serious attempt at redistribution within the communities where grave disparities have appeared.

For instance, the recent government announcement of transfer of 660 million shares with an estimated market value of more than $1.5 billion from 21 trust companies to bumiputras raises the question whether in the end, it is the rich and privileged Malays, and in particular the UMNO-putras, who will benefit, aggravating the income disparity within the Malay community itself.

It is difficult to see how the paid farmer, the fisherman, the Iban shifting cultivator, or the Kadazan peasant, could benefit from the share transfer scheme.

In view of the obvious backwardness of the indigenous peoples in Sarawak and Sabah, I would like to ask the Finance Minister whether there is an allocation of certain quotas in the share transfers for the Sarawak and Sabah bumiputras, in particular the Ibans and the Kadazans, or whether there would be a 'free for all' among the bumiputras in the acquisition of the shares.

The transfer of the massive government shares should be designed to serve two objectives: to increase bumiputra stake in corporate sector of the national economy, and secondly, to help relieve the poverty of the poorest in the land whether in Peninsular Malaysia, Sarawak or Sabah.

I would suggest that the $550 million shares, or the bulk of it, should be transferred to all those below the poverty line, as the present share transfer scheme provides that all bumiputras are eligible to participate in the scheme by registering and making a payment of $10 for purchase of up to a maximum of 50,000 units.

As the government guarantees a minimum of 10 per cent bonus for ten years till 1990, until which time the shares are not marketable, these shares should be managed in trust of the shareholders by the National Unit Trust.

Control and regulation of the UMNO-putras one of the key challenges of the 1980s

Since the inception of the NEP in 1971, in the name of restructuring the economy to ensure a 30% bumiputra participation in commerce and industry by 1990, a small group of Malay politicians and technocrats whom I would for short describe as "UMNO-putras' – have concentrated in their hands control of much of the private sector of the economy.

They managed the institutions which were given the task of spearheading government efforts in the creation of a commercial and industrial community among bumiputra through direct participation in the private

sector. These institutions included MARA, PERNAS, UDA, State Economic Development Corporations, Bank Bumiputra, Bank Pembangunan Malaysia Bhd.

In the period between 1971 and 1980, PERNAS created and acquired equity capital of over $500 million through its subsidiaries and other interests in mining, construction, trading and plantation industries. Up to the end of 1980, PERNAS provided direct employment to 8,741 bumiputras out of a total employment of 16,593 at all job levels.

In addition to providing credit, training and consultancy services, MARA through its companies, including Kompleks Kewangan Malaysia Berhad, provided jobs for 9,421 bumiputras and held in trust equity shares totalling about $182.9 million up to the end of 1980.

The SEDCs undertook industrial and commercial ventures either on their own or in joint-ventures with the private sector, and they hold a total of $438 million in share capital as at the end of 1980.

Under the Fourth Malaysia Plan, PERNAS would be allocated another $200 million, MARA another $495 million and the SEDCs $1,131 million.

UDA, which was allocated $469 million from 1971 – 1980, would be given another $568.79 million under the Fourth Malaysia Plan.

Permodalan Nasional Bhd., which was allocted $500 million on its formation under the Third Malaysia Plan, would be allocated another $1.5 billion under the Fourth Malaysia Plan to buy shares in trust for bumiputras.

From 1971 to 1980, out of a total public development expenditure amounting to $34,730 million, $11.1 billion was spent on transfers to the private sector as 'disguished' private investment. For the Fourth Malaysia Plan, $5,433 million of development expenditure would be used in the private sector for the same purpose to "accelerate the restructuring process, the creation of employment as well as to correct regional imbalances."

When we take into account Petronas, Malaysian International Shipping Corporation and Malaysian Airlines System, we have a picture of billions of dollars of public money being controlled by a small group of

UMNO-putras completely without adequate methods of ensuring public accountability and disclosure. Such large concentration of economic power and decision making without the discipline of competition or adequate parliamentary scrutiny, is most dangerous.

We have seen from the Waterhouse investigations into Bank Rakyat how vast sums of public funds held in trust of the rakyat could be abused, misused and misappropriated – in that case requiring $155 million of government money to bail Bank Rakyat out of bankruptcy.

But the Bank Rakyat case came to light because of political power struggle, and if Datuk Harun bin Idris had not become a challenger to the UMNO top leadership, there is no doubt that the Bank Rakyat scandal would have remained hidden from public view.

Similarly, in the various public enterprises which collectively control billions of dollars public funds in the private sector, deviations and betrayals on the Bank Rakyat scale could not be ruled out.

A system must be devised to keep these mightly public enterprises in check. The Government argues that these public enterprises are registered as companies under the Companies Act to enable them to operate with the freedom and enterprise which is not possible as a government department. Be that as it may, it must never be forgotten that these public enterprises or public companies are controlling vast sums of public monies, and that they must be held under check and accountability.

The present system whereby a question could be asked in Parliament about these government companies through the Minister in charge is completely inadequate and ineffective to allow Parliament to discharge its responsibility to ensure that public funds are properly used and invested.

After 10 years of operation of such public companies and enterprises, who in fact are answerable to no one as the Minister in charge probably knows very little than what he is informed by the public enterprise, the time has come for the country to take stock of the proliferation of such companies, to check any corruption or abuse and to improve on their performance, and to emphasise their accountability to the public and Parliament.

This can be done by the establishment of a Parliamentary Commission to review the operation of all public companies and enterprises in the last 10 years to ensure that there have been no hidden Bank Rakyats in these institutions, and also to review the whole question of the accountability of these organisations to Parliament.

ON NEW ECONOMIC POLICY

FUNDAMENTAL NEP DEFECTS

"There are so many other states where an oil boom ended up as an oil doom for the people. What have we done to harness the oil boom to the benefit of the masses, and not to the greater subjugation and exploitation of the people?

"The oil billions represent a great opportunity to resolve the many basic economic and social injustices and inequalities in the country, but it could also be used to aggravate these economic and social injustices and inequalities."

"How can there be national unity when at every UMNO Delegates' Conference, the Malays are made to feel more Malay, while the non-Malays made to feel more non-Malay?

"How can there be national unity when the Government frowns on workers of all races finding a common class solidarity, and prefers the workers to revert to their separate racial entities, as happened in the MAS-AEU dispute?"

Speech on the 1980 Budget on October 22, 1979.

The 1980 Budget, presented by the Finance Minister, Tengku Razaleigh, has been generally well-received by the press and the people, in particular with regard to the long overdue increase of personal reliefs for individual tax-payers.

The DAP had consistently called for the upward revision of personal tax reliefs for individuals in this House, as the repeated bouts of inflation and the loss of the purchasing power of the ringgit since the formulation of

the income tax laws in the 1940s have made the reliefs derisory! **Although long overdue, we commend the Finance Minister for at long last taking heed of the crushing burden borne by the lower income brackets by revising the income tax personal reliefs to more realistic levels.**

DAP opposes reduction of tax liability of high income brackets

But what is less understandable or deserving of support is the special solicitude shown by the Finance Minister to the high-earners. The Finance Minister has reduced the tax liability of the two top income brackets. Currently, chargeable income exceeding $50,000 but not exceeding $75,000 is taxed at the rate of 50% while income exceeding $75,000 is subject to a rate of 55%. The Finance Minister now proposes that chargeable income exceeding $50,000 but not exceeding $75,000 will be subject to a reduced rate of 45% and for income exceeding $75,000 but not exceeding $100,000, the rate will be 50%. For income exceeding $100,000, the rate will be 55%.

Bearing in mind that the increased personal reliefs benefit all taxpayers, regardless of income brackets, this downward revision of tax liability is a special $2 million gift from the Finance Minister to the high income earners, whose monthly income ranges from $4,500 to $9,000 a month.

The Finance Minister justifies this special gift of $2 million to the high-income earners on the ground of "providing more incentive for work effort". If the Finance Minister is genuinely interested in "providing more incentive for work effort" to all, then, there must be a general downward revision of tax liability for all lower brackets of taxpayers.

This $2 million gift to the high-income earners is completely unjustifiable, and could only be explained as the Finance Minister looking after his own class of people. In fact, if the Finance Minister is so set on making this $2 million gift to those whose chargeable incomes range from $50,000 to $100,000, then he should further increase the tax liability of those above the $100,000 income level to re-coup this $2 million.

I call on the Finance Minister to reconsider this $2 million gift to the high-income earners, and to amend his proposal when the Bill on changes to the income tax law is presented to this House in December. The Finance Minister should consider reducing the tax liability of those at the lower

rungs of the income bracket — for such reduction will benefit all, including the high income brackets. At the same time, the Finance Minister should consider increasing the tax liability of those with incomes of $100,000 or more, so as to make the income tax laws in Malaysia more progressive and equitable.

The regressive feature of the Finance Minister's income tax revisions could be seen from the following table, which gives a comparison of tax liability under the present and proposed reliefs for individual and wife at various income levels:

TAX PAYABLE ($)

Income	Present	Proposed	Tax saving to taxpayer
5,000	nil	nil	nil
10,000	345	120	225
20,000	2,085	1,560	525
30,000	4,885	4,110	775
50,000	12,410	11,410	1,000
75,000	24,550	22,400	2,150
100,000	39,010	35,710	3,300

The principle of progressive taxation postulates that the better-off and higher-earning sections of the community should bear a proportionately heavier taxation burden as a means of achieving a fairer distribution of wealth and income. If this progressive principle is applied in the proposed income tax changes, then the higher-income groups should proportionately get lesser benefits than the lower-income groups, as it is the lower-income groups who are the most financially crushed.

But this is not the case. Thus a person with $10,000 income gets a tax saving of $225, while a person whose income is 10 times more gets a tax saving of $3,300, which is 15 times more than the tax saving of the $10,000 income-earner. Here, a higher income earner benefits propor-

tionately even more than the lower-income brackets, which makes it very retrogressive!

This exercise clearly runs counter to the Government's declared objective of wanting to narrow the gap between the rich and the poor.

DAP proposes that allowance for children educated abroad be increased to $8,000 to $12,000 a year depending on country of study

Compare this unsolicited generosity of a $2 million gift to the high-income earners and the rather niggardly doubling in the increase of allowance for children educated abroad. Under the 1980 Budget, the allowance for children educated abroad which currently is double the amount of children's relief is now to be quadrupled, which will work out to only $1 million of foregone revenue.

Firstly, let me state that although personal reliefs for individual and wife have been increased, together with the introduction of a $1,000 relief for dependants, it is most disappointing that the reliefs for children have not been revised upwards to more realistic levels.

The present relief for children is:

1st child	$800
2nd child	$700
3rd child	$600
4th child	$500
5th child	$400

During the Parliamentary debate on the 1975 budget on 20th November 1974, I had suggested that the relief for children should be increased, especially to benefit children from low-income groups, to $1,500 for the first child, $1,000 each for second and third child, and $600 each for fourth and fifth child. I commend these proposals again to the Finance Minister for consideration.

Education expenses now constitute one of the biggest demands on the financial resources of the taxpayers, especially for the education of their

children abroad because of the lack of university and post-secondary places in the country.

A New Sunday Times article yesterday gave the following approximate cost of overseas education for a Malaysian student per year:

Country	University/College	Post-Graduate
Australia	$12,000	$14,400
Britain	12,500	14,000
Canada	9,000	9,000
India	1,800	1,800
New Zealand	8,000	8,000
Singapore	2,400	2,400
United States	15,000	18,000
Malaysia	2,400	2,400

I understand that the approximate cost of a student studying in Taiwan is about $8,000 a year.

Education is a human investment leading to greater national productivity and a major determinant of growth. Furthermore, to deny the people the means, through education, to develop their full human potential, leads not only to personal frustration, unhappiness, but also national division.

The citizen's investment in the education of their children, is not only a personal investment, it is also an investment for national progress and development.

The Finance Minister's proposal that allowance for children educated abroad, which is currently double the amount of children's relief, should be quadrupled, is too meagre a proposal. For instance, the present maximum child's relief for the first child is only $800, and four times this figure is only $3,200 – which is a far cry from the average annual expenses of from $8,000 to $15,000 per student, excluding countries like Singapore and India.

The DAP proposes therefore that for the sake of our children's educational future and the country's economic development, so long as Malaysia could not expand adequate higher education places to meet demands locally, the Government should increase allowance for children educated abroad to $8,000 to $12,000 a year, depending on the country of study.

Furthermore, the present form of allowance for children educated abroad discriminates against the very poor, who are not caught by the income tax net. Children of the very poor, who are not caught by the income tax net, will not be able to get any form of government assistance – and this is manifestly unjust.

The DAP calls on the Government to devise a special educational assistance to enable children of the very poor who are not caught by the income tax net to avail themselves of overseas education opportunities through a Scheme of Loan for Education Abroad, so that no one is denied of opportunities for higher education, even abroad, because of the lack of funds.

Malaysia's strong economic showing cannot conceal the fact that Malaysia is living on borrowed time

It is public knowledge that more and more Barisan Nasional leaders are sending their children overseas for secondary and primary education, at an ever younger age. There is no reason why the public should support these well-to-do Barisan Nasional leaders, who have no confidence in their own education system which they regard as good enough for ordinary Malaysians but not for their children. When these children of Barisan Nasional leaders get up to university level, they will probably be getting government scholarships of one form or another.

The proposal I made earlier that allowance for children educated abroad be increased to $8,000 to $12,000 a year, depending on country of study apply only with regard to college or university education.

Furthermore, to ensure that this allowance benefits those who are in real economic need, there should be a cut-off point in the income brackets where the well-off are not entitled to this allowance.

Otherwise, the Malaysian taxpayers will only be subsidizing the rich and wealthy Barisan Nasional leaders to educate their children abroad at secondary and primary level.

In his Budget speech, the Finance Minister said:

> "3. I am happy to say that despite the international economic strains and monetary turmoil in the last few years, the Malaysian economy has performed remarkably well. This is ample testimony to our economic **resilience** and a **tribute**, not only to the sound and pragmatic socio-economic policies pursued by our Government, but also to the high endeavours of all sectors and levels of our society. This is why our economy performed so well this year with an estimated growth of over 8%."

Malaysia's present strong economic showing, however, cannot conceal the fact that Malaysia is living on borrowed time. Instead of basking on Malaysia's current strong economic performance, we should make use of this opportunity to come to grips with some of the fundamental problems of the country's economy and policy to lay a firm and solid foundation for a united and progressive Malaysia, to enable it to withstand whatever stresses and strains that may occur in an economic depression or slump.

Oil boom or oil doom?

Firstly, we must recognise the fact that Malaysia's strong economic position is largely the result of oil money coming on-stream in a big way.

For instance, in 1979, the Government is estimated to net a total of $1,041 million of direct tax from petroleum – made up of $877 million being petroleum income tax and $164 million being petroleum royalties/cash sales. This is a hefty increase of $155 million of direct taxes from petroleum as compared to 1978, which netted a total of $886 million of direct taxes from petroleum. When we consider that as recently as in 1971, the Government netted only a meagre $20 million of revenue from petroleum,

the pivotal role of petroleum, which in 1979, will bring in $1,041 million to Treasury coffers can be fully appreciated.

In fact, by 1980, petroleum will not only overtake rubber as the biggest foreign exchange earner, but become the biggest revenue earner for the Government. In 1980, the total direct taxes to be earned by petroleum for the Government would be the staggering figure of $1,478 million – made up of $1,233 million petroleum income tax, and $245 million petroleum royalties/cash sales, representing 13% of the entire Government revenue from all sources.

The Government explained that the energy shortage created by the Iranian situation and the substantial price increases for the OPEC crudes, were the main factors that led to a strong growth in export value for crude petroleum in 1979. In the first six months of 1979, the export volume of crude petroleum amounted to 40.34 million barrels compared to 29.56 million barrels exported in the corresponding period of 1978, an increase of 36% in volume.

Domestic crude oil production in 1979 is currently estimated to increase by 29% to 280,000 barrels per day compared to 217,000 barrels per day in 1978. With a higher production of crude oil in 1979, Malaysia's export earnings from crude petroleum in 1979 are expected to have increased substantially by about 67% over 1978, to reach $3,767 million. This represents 18% of total export earnings in 1979.

Next year, in 1980, crude oil production is estimated to increase further by at least another 13% over 1979 to reach 116 million barrels per annum or 317,000 barrels per day. With the export price estimated at $25.00 per barrel, the export value of crude in 1980 is estimated at $5,400 million – making petroleum the highest foreign exchange earner for the first time, and representing 24% of total export earnings estimated for 1980.

What is worrisome however is whether we are properly conserving our oil resources for our future generations, and properly utilising our oil revenue. This is because Malaysia's petroleum reserves are expected to run out within 13 years at the average rate of production of 200,000 barrels a day. This was admitted by the Prime Minister, Datuk Hussein Onn,

in Parliament last October. This means that at the estimated production of 317,000 barrels a day next year, Malaysia would run out of our petroleum reserves by the late or mid Eighties – which is a very brief span of time in the life of a nation and people.

The golden era of Indonesian oil production has come and gone, hardly touching and affecting the lives of the masses of people – except to produce the great Pertamina scandal of corruption, mismanagement and misuse of power and funds.

There are so many other states where an oil boom ended up as an oil doom for the people. What have we done to harness the oil boom to the benefit of the masses, and not to the greater subjugation and exploitation of the people.

The oil billions represent a great opportunity to resolve the many basic economic and social injustices and inequalities in the country but it could also be used to aggravate these economic and social injustices and inequalities.

This is why it is vital and essential that the Government give a full and frank accounting as to what and how it proposes to spend the oil billions, and how Petronas is to carry out its trust as the national oil corporation.

There appears to be a complete veil of mystery surrounding the operations and activities of the billion-dollar Petronas empire.

Parliament, to which Petronas is finally acountable, knows next to nothing as to what Petronas is doing, and has no means to check and prevent Petronas from becoming a second Bank Rakyat, or worse, a second Pertamina.

Nobody really knows whether Petronas, though the national oil corporation, is being operated as one of the bumiputra enterprises in the country to achieve the 30% objective of the New Economic Policy with regard to industrial and commercial participation of the economy, or whether Petronas is a fully national organisation catering to the interests and needs of all Malaysians, regardless of whether Malays or non-Malays.

Parliament will be committing an abdication of responsibility if it allows the present unsatisfactory situation where there is no means whatsoever to call Petronas to account, to continue, and I call on the Prime Minister, who is responsible to Parliament over Petronas, to take the initiative to ensure that there is a meaningful Parliamentary check and control over Petronas activities.

One immediate step which the Prime Minister should take is to take action, including amendment of existing laws if necessary, requiring Petronas to submit an annual report to Parliament of its activities and operations for debate and approval.

The Government appears to be aiming for high economic growth based on rapid exploitation of non-renewable resources. This can only lead to economic disaster for future generations. Petroleum exploration is a good example. Another is the rape of the forests where excessive logging, denuding our forests at the rate of two acres per minute, may result in timber disappearing within a decade.

Tin is another fast-depleting natural resource, as the States of Malaya Chamber of Mines recently stated that established ore reserves of tin would run out in 10 years at current levels of annual production.

Rubber Industry in Crisis

The rubber industry in Malaysia is also facing a crisis. The rise in petroleum prices and their effect on synthetic rubber production costs should have improved the competitive position of natural rubber vis-a-vis synthetic rubber and increased the world demand for natural rubber. But for next year, Malaysia's volume of export of rubber is estimated to be the same as this year's, although total export earnings in 1980 would amount to about $4,092 which is $417 million less than this year's rubber export earnings. In fact, this would be the first time that rubber export earnings would suffer a fall in five years.

Palm oil and palm kernel oil are also facing difficulties next year from the point of price. World production of major oil-seeds and copra in the 1979/80 crop year is estimated to increase by 10% over the last crop year, but due to slackening in demand, the prices of palm oil and palm kernel oil are estimated to suffer a general decline of 6% in 1980.

The long-term problems faced by Malaysia's major export earners, in particular the non-renewable resources, which could have grave consequences for Malaysia's economy in five, ten or fifteen years' time, should be a reminder to the country's leaders to husband the country's resources and earnings for effecting radical changes in the people's livelihood, rather than spawning ostentatious living, extravagance, waste and a new regime of the haves over the have-nots.

Malaysia's high GNP is affluence for the few while proverty for the many

This brings me to the second basic problem in Malaysia which should be earnestly tackled, especially during 'buoyant' periods of the economy. I am referring to the great gap between the haves and have-nots and the need for a meaningful redistribution of income and wealth in the country.

A high GNP is no indication of improved welfare for the masses of people, as a high GNP may be the result of affluence for a few while poverty for the many. A high GNP could be the result of the growth of oil extraction and revenues and the growth of a military industrial complex without denting the problems of malnutrition, disease, illiteracy and homelessness.

A good pictorial illustration of the disparities of wealth and income, unaffected and in all probability perpetuated by a high GNP, can be provided by any perceptive reader of the local press.

For instance, recently the press reported of the plight of the homeless in Sungei Udang, Klang, who were moved by their desperation to take over low-cost houses; and the plight of the 152 families in Lubok Kundang, 11 miles from Banting, Selangor, who had for years applied unsuccessfully for land, and were forced to cultivate illegally, but had their crops destroyed by the Selangor State Government authorities. These are the pictures of privation, hardships and poverty, under the New Economic Policy of the National Front. But together with these stories of privation and human suffering, we read of other notable 'achievements' of the NEP. For instance, the local press recently reported that a world-renowned maker of bejewelled watches had come to Malaysia to set up shop, and was holding an exhibition in a local hotel worth $3 million of display. According to the local press report, the most expensive Patek Phillippe gent's set, which comprises a

set of cuff links, a ring and watch, is priced at $291,000; while the most impressive ladies' set, comprising a set of earrings, watch, ring and pendent, is priced at $249,700.

The above contrasts between obscene wealth and desperate poverty represent vividly NEP's Malaysia.

A decade of NEP implementation has shown that the NEP is more interested in creating a new class of Malay bureaucratic capitalists to match the Chinese compradore-capitalists best represented by the MCA, rather than to eliminate poverty. The Perak Mentri Besar said in August that the Perak Government planned to create 2,000 bumiputra millionaires under the NEP.

And if we follow Dr. Mahathir Mohamed's definition as to who is a millionaire in the Dewan Rakyat on June 15, these are 'millionaires' who not only have a million dollars worth of property, but whose annual earnings amounted to $1 million or more!

With such an official NEP policy to make a privileged class of bumiputra millionaires, the people who have to be sacrificed will be the millions of both Malay and non-Malay poor.

It is precisely this get-rich-quick philosophy of the NEP, as given official endorsement not only by Government but also by UMNO, as in the semi-UMNO party philosophy enunciated in the work 'Revolusi Mental', which is the cause of repeated deviations and betrayals of the people's rights and interests – as for example in the case of Bank Rakyat!

The rapid exploitation of the country's non-renewable resources and the high commodity prices they fetch have given rise to more and more examples of colossal waste or misuse of public funds, and to more and more examples of shoddy, slip-shod planning involving losses of hundreds of millions of dollars of taxpayers' money.

For instance, in 1974, the MISC hastily and ill-advisedly ordered five LNG tankers from French shipyards at a cost of some $2 billion, deliveries to begin end of this year, to transport natural gas from the Bintulu LNG complex. However, the Bintulu LNG production is now not expected

to come on-steam until late 1983 or even very much later. This will involve annual losses running into hundreds of millions of dollars arising from keeping the tankers idle.

The scandal of the $250 million Kuantan Port is another case in point. Either due to bad siting, poor design or faulty construction, the much-vaunted Kuantan Port had to postpone its opening five time. I understand that the experts had recommended Kemaman in Trengganu as the most appropriate place for a East Cost port, but owing to political considerations, the decision was taken to site it in Kuantan.

But what is most shocking is the attitude shown by the top government leaders, including the Prime Minister, who appeared to have adopted the philosophy that such deviations in multi-million dollar projects are to be expected. In fact, when visiting the Kuantan Port in August in the wake of public concern and criticism about the Port, the Prime Minister even claimed that the construction of Kuantan port was an 'achievement' as "we turned a swamp into a port within four years, something which was not deemed possible on the East Coast 20 or 30 years ago."

What the Prime Minister did not seem to realise was that even 20 or 30 years ago, if the Government was prepared to dump $200 million or $300 million, some sort of a port could have been built in Kuantan.

But what the people of Malaysia want is not a $250 million white-elephant of a port, which has cracked even before it was opened, but an operational port, and to see that every public dollar is put to good use.

I am very concerned that the Government leaders, dazzled by the billions of dollars of oil money and other export earners, may be getting into the frame of mind that wasting a few hundred millions here or misspending a few tens of millions of dollars there was of no great matter, for this is the route to national economic ruin especially when petroleum reserves run out and other non-renewable resources get depleted.

We see everywhere around us mis-planning or mis-allocation of scarce resources. We have in Penang the most modern international airport but its state of abandonment is only matched by another famous White Elephant, the Senai Airport.

These are all reminders that 'more is not necessarily better'. At present, there is a massive exercise known as 'Operasi Isi Penuh' to fill over 40,000 jobs in the various government departments. But can the people be assured that the filling of these 40,000 government vacancies will lead to a qualitative improvement in efficiency, service and courtesy on the part of the Government service?

Ever since the sixties, the Government's expansion in staff appeared to go hand in hand with a decrease in efficiency.

In the early days, it was regarded as extraordinarily protracted and unjustifiable for an application for citizenship to take three years to be processed. But today, applications for citizenship have not been processed after some 10 years. When asked in Parliament for the reasons for the delay, the Home Affairs Minister, Tan Sri Ghazalie Shafie, declared that citizenship is a privilege and not a right, and the Government has the right to take as long as it wants. This is utter nonsense, and must be repudiated in no uncertain terms, for it is a justification for government inefficiency and incompetence. There can be no right on the part of the Government to drag its feet on any matter for as long as it wants. Even if citizenship is a privilege and not a right, the applicant, even if not a citizen, has the right to expect that the Government will deal with his application efficiently, competently and civilly.

Delay is inefficiency and maladministration, and it is indeed a sad day that we have reached a stage in Malaysia where Ministers stand up in Parliament to defend delay as deliberate government policy and be proud of it.

1980 Budget does not hold down prices or fight inflation

Although the 1980 Budget is aimed at promoting economic growth and to restrain inflation, it has not done much to keep down prices. The Finance Minister's personal reliefs for income tax will restore somewhat the purchasing power of the ringgit in the hands of the consumers, but what action has the Government taken to prevent a further spiral of inflation which will reduce the real benefits of the reliefs to nought, and make the plight of the poor even worse as they would have not benefitted from the tax reliefs?

Malaysia is blessed with diverse natural resources, but unless we can make the best use of the wealth brought in by these resources to solve the basic problem of class inequality, and even more important, to lay the basis for national unity from among the diverse races making up Malaysia, we may not have another such opportunity to carry out such basic changes without too high a social and national cost.

The country's wealth and income should be concentrated in eliminating class disparities, rather than widening these disparities as is happening now.

As the Finance Minister said in his budget speech, in three months' time, Malaysia will cross over into the beginning of a new decade, "a decade that will decide whether we loyal citizens of all races will live as a united nation, dedicated in will and purpose to the pursuit of the ideals of the New Economic Policy of creating the necessary conditions that will advance our country to greater economic equality and prosperity; or whether we shall live as a society divided within itself in mutual intolerance and at cross-purposes, creating tension and instability that would dash all hope of making Malaysia a land of promise, in which all citizens could live in peace, harmony, prosperity and security."

The New Economic Policy was proclaimed as having as its overriding objective the creation of national unity in Malaysia.

After a decade of operation, and on the eve of the Fourth Malaysia Plan, the DAP calls for review and correction of fundamental New Economic Policy implementation defects which aggravate racial tension, generate class bitterness and undermine national unity.

The problems of polarisation of class and of race could be more easily tackled at times of economic buoyancy and strength, with high prices for our commodities. If these problems of class and racial polarisation are allowed to deteriorate, then they will not only become more intractable in times of economic crisis, but likely to reach flashing point with awful consequences.

The NEP, in its present form of implementation, cannot reduce class inequality nor promote national unity.

The NEP, for instance, is regarded as the cause for the dimunition of higher education opportunities for the non-Malays, whether at the university or pre-university level. The NEP, when it was announced a decade ago, was conceived as a plan which will help the Malays to catch up with the other races especially in the higher education fields.

It is now seen as a plan to hold down the other races, in particular educationally.

Nobody objects to the more backward groups catching up, but it is clearly unjust and unacceptable to hold down the progress and advancement of any group which involves the fulfilment of its capabilities.

This is why education, and in particular, higher education, has become such a divisive issue in Malaysia, and why this problem deserves immediate attention and solution if it is not to be the single biggest cause retarding national unity.

The miserable increase of 2% in the non-Malay intake of university students into the five local universities in the current university year had roused non-Malay disenchantment and frustration to even greater heights.

These disenchantments and frustrations have been compounded by the ever-rising cost of higher education abroad, as evidenced by the repeated increase of tuition fees in UK by 33% in September and possibly by another 150% next year if the Conservative Government's announcement to make overseas students pay the full cost of higher education is implemented.

The Education Minister's solemn promise last year to significantly increase non-Malay student intake into the five local universities wear thin, not only from the breach in implementation this academic term, but also from the large number of non-Malay students who are denied places into Form Six classes.

The breakdown of students given Form Six places in 1979 for the science and arts streams are as follows:–

Peninsular Malaysia (Form Six students taken in for 1979)

SCIENCE

English stream	Malay	Chinese	Indian	Others	Total
	4126	3800	348	15	8289
	(49.8%)	(45.8%)	(4.2%)	(0.2%)	
National stream	2155	185	83	15	2438
	(88.4%)	(7.6%)	(3.4%)	(0.6%)	
Sub-total	6281	3985	431	30	10727
	(58.6%)	(37.1%)	(4.0%)	(0.3%)	

ARTS

English stream	Malay	Chinese	Indian	Others	Total
	3525	2489	268	49	6331
	(55.7%)	(39.3%)	(4.2%)	(0.8%)	
National stream	2273	17	12	2	2304
	(98.7%)	(0.7%)	(0.5%)	(0.1%)	
Sub-total	5798	2506	280	51	8635
	(67.2%)	(29%)	(3.2%)	(0.6%)	
Grand Total	12079	6491	711	81	19362
	(62.4%)	(33.5%)	(3.7%)	(0.4%)	

The 1978 MCE/SPM results for fully-assisted government schools are as follows:–

	Total No. of Candidates	Grade I	Grade II	Grade III	Fail
MCE	62,526	11,053 (17.7%)	12,599 (20.1%)	19,108 (30.6%)	19,766 (31.6%)
SPM	53,466	1,198 (2.3%)	4,350 (8.1%)	19,746 (36.9%)	28,172 (52.7%)

These figures show that while the Government is giving Form Six places for a large number of non-first grade MCE/SPM Malay students in the deserving programme to increase Malay students in higher educational levels, a very large percentage of non-Malay first graders are unable to find Form Six places.

For instance, taking into account that the Form Six (national stream) had a total of 4,742 science and arts places in 1979, and that in the SPM examination last year, (which feed students into the Form Six national stream), there were 1,198 First Graders and 4,350 Second Graders, this means that virtually all SPM First Graders and Second Graders have been absorbed into Form Six classes. We can safely reach this conclusion when we take into account that many good Malay performers in MCE/SPM examinations do not proceed to Form Six, but join pre-university courses at the local universities which take MCE/SPM Malay students direct to prepare them for medical, engineering or other degree courses, or MARA or many other governmental colleges and institutions, or sent abroad for pre-university studies – all facilities which are not open to non-Malay students.

On the other hand, I would estimate that at least 40% of the non-Malay First Graders are not able to get places in Form Six, when good Second Graders should also be entitled to Form Six education.

The dimunition of non-Malay students in the local universities cannot be redressed without redressing the dimunition of non-Malay students in Form Six classes.

The problem of higher education opportunities for Malaysians of all races is now not merely an educational problem, it is a problem affecting national unity and nation building.

So long as the Government fails to resolve this problem of dimunition of higher education opportunities, so long will national unity be a distant dream.

In the interest of national unity to remove the deep-seated causes of national unity, I would seriously urge on the Government to take a Policy Decision to greatly increase Form Six places, so that all First Graders at MCE/SPM and good Second Graders can get Form Six places. Secondly, the Government should make good use of the oil money to strengthen the basis of national unity in the country by building two new universities to significantly expand higher education places in the country for Malaysian students.

The DAP is ever prepared to co-operate and work with the Government to broaden the areas of inter-racial understanding and national unity because we are Malaysians whose only home is Malaysia.

But we are also prepared to criticise and oppose policies and measures which retard national unity, because we want to make Malaysia a better, happier and more united country for all citizens. Let not anyone therefore, question the right of the DAP or any citizen to criticise and oppose Government policies within the democratic framework, or else he would be questioning the very basis of Malaysia itself.

If the Government is sincere in wanting to forge national unity, then the Government must be able to rise above partisan politics and behave as the Government of all Malaysians and not as a Government of a section of Malaysians.

For instance, the Government should stop discriminating between Barisan and Opposition areas. For several years, Barisan MPs are given $100,000 a year for development projects for their constituencies but this is denied to Opposition MPs.

How can there be national unity if the Government discriminates against citizens for exercising their constitutional right of electing the MP

of their choice, and the Government treats public funds as if they are Barisan party funds?

How can there be national unity when at every UMNO Delegates' Conference, the Malays are made to feel more Malay while the non-Malays made to feel more non-Malay?

How can there be national unity when the Government frowns on workers of all races finding a common class solidarity, and prefers the workers to revert to their separate racial entities, as happened in the MAS-AEU dispute?

We are on the threshhold of the 1980s but these fundamental questions have still to find an answer. What is even more important, is the NEP helping to evolve an answer and solution or is the NEP making an answer and solution even more difficult and impossible?

The search for this answer constitutes the biggest challenge to loyal, patriotic Malaysians.

ROLE OF A BUDGET

"It is not that Malaysians have no confidence in the national language media of education. What they lack confidence is that their children would be given an equal opportunity to develop their capabilities and potential."

"Ever since the Seventies, Malaysia appeared to have turned her face against the pursuit of excellence in any field. While Malaysia must redress the historical imbalances, the pursuit of individual and professional excellence must not be sacrificed, for we are then sacrificing national excellence and greatness."

Speech on the 1981 Budget on October 22, 1980.

The Finance Minister, Tengku Razaleigh, in his 1981 Budget, prides himself for presenting a 'smallman's budget'

Compared to previous Budgets, the 1981 Budget has given more thought to the plight of the smallman, for which I commend the Finance Minister. However, the 1981 Budget has not gone far enough to give the smallman his rightful place under the Malaysian sun.

Land reforms in padi sector

The Finance Minister, for instance, announced increase of the subsidy to padi farmers on the purchase of padi by way of coupons by raising the coupon value from $2 per picul to $10 per picul. The Finance Minister said this increase, which is equivalent to an increase in the price of medium

length padi grains from $28 to $38 per picul and for long grains from $30 to $40 per picul, will take effect from 16th July 1980. It will cost about $128 million for this year and $328 million for the whole of 1981.

Clearly, the demonstrating farmers of Kedah in Alor Star in January this year, whatever the cause and effect, or the legal rights and wrongs, have achieved results in forcing the government to be more sympathetic to the hardships and poverty faced by the padi farmers.

The increase in subsidy is also a confirmation that despite the $300 million spent on the gigantic Muda Irrigation Scheme to double-crop, plant high-yield varieties and increase the productivity and incomes of the padi farmers, the problem of poverty and backwardness remain as intractable as ever.

The Deputy Prime Minister, Dr. Mahathir bin Mohamed, said in Jitra on Monday that the government would be paying the increased padi subsidy from the oil revenues from Trengganu's off-shore oil.

But the question which must be answered is whether the increase in padi subsidy is the best way to alleviate the poverty and hardships of the padi farmers, or whether the $128 million subsidy this year, the $328 million subsidy next year and each subsequent years, could be more effectively spent in resolving the root causes of padi farmer poverty and backwardness.

A recent study of the Muda Region from 1955–1976 has shown that the hundreds of millions of dollars infrastructural developments in the Muda Region have benefitted the absentee landlords and prosperous large farmers at the expense of small farmers and tenant-operators.

This study found a rapid polarisation where "at one end is the growing number of large farmers cultivating an increasing proportion of the land, at the other, also growing number of small farmers operating a decreasing proportion of land."

This study, by the Centre for Policy Research at the Universiti Sains Malaysia, found that large landowners (holdings above 2.8 hectares) numbered only 11% of the Muda farming population, but their lands spread

to 42% of the total acreage. The smallholders (below a hectare) accounted for 62% of the farmers, but owned only 22% of the padi land.

The tenant operators, who are the poorest of the poor in Muda, have been the hardest hit by the Muda Irrigation Scheme. About 7,000 or so tenant-households had been displaced by the prosperous farmers in the last decade to become agricultural labourers or to migrate to towns to become the proletarian poor.

The study said: "We can safely say that many of the tenants and small landowners must be poised on the brink of marginalisation. The on-going and inter-related processes of mechanisation of padi production and accummulation of large padi farms are likely to aggravate the already difficult situation of the small farmers in the Muda region in the decade ahead."

The study estimates that there are about 700 big landlords with land over 9.5 hectares. About half of this is operated by small tenants. Another 8,600 large farmers own padi lands of 2.8–9.5 hectares. If ownership of these large holdings is redistributed among tenants, average small farm size could rise to around a hectare. With rents representing one-third of padi output for a tenant, a land-to-the-tiller programme would immediately raise the incomes of the tenant farmers by 30%.

The study estimates that it would cost the government some $45.6 million to redistribute land in Muda at market value. I do not know whether this is an accurate valuation, but even if it is in the region of $300 million, such a redistribution would still confer greater and more lasting benefits to the small padi farmers and tenants and at a cheaper price. The costly $328 million a year subsidy would only increase the income of the padi farmers by some 30% for each of the two crops per year, while the redistribution of land in Muda, even if it, costs $300 million, would increase the incomes of tenant farmers by 30% for all crops, apart from incentives for increased productivity and higher incomes.

Without a land-to-the-tiller programme, the main beneficiaries of public development expenditures and subsidies will be the 'big man' and not the 'smallman'. The tragedy of Malaysian economic development is that many programmes launched in the name of helping the 'smallman' had ended up in benefitting the 'big man'.

I know that politically, it is difficult for the government to launch such a land-to-the-tiller programme in Muda, as the absentee landlords and large prosperous farmers comprise the backbone of UMNO. However, as what is proposed is not outright expropriation but land redistribution accompanied by market-value compensation, such a programme would enable the landlords to make use of their compensation funds to participate in other commercial and industrial ventures.

If the Finance Minister is truly concerned about the plight of the 'smallman' then he should get the government to adopt such a 'land-to-the-tiller' programme which would be a real benefit to the 'smallman'.

Inflation

Inflation is what the Malaysian 'smallman' suffers from most. The Finance Minister said the Consumer Price Index is estimated to increase by about 7% this year, as compared to the earlier budget estimate of 5 – 6%. The CPI has ceased to be a reliable index for most Malaysians, in particular the long-suffering housewives, who find a galloping inflation eating away the purchasing value of the Malaysian ringgit and who would think the Finance Minister was making a joke when he spoke of 7% inflation.

The ready approval by the Ministry of Trade and Industry of price increases in essential items like sugar, petroleum and oil products, following the creation of artificial shortages, have not convinced Malaysian consumers that the Government is zealous in protecting consumer from exploitation and profiteering by manufacturers and their agents.

Although Ministers every now and then call on consumers and consumer organisations to be more outspoken of their rights, it is the Government which is the first to deny consumers and consumer organisations the right to help determine the validity of any price increase by participating in the decision making.

The DAP reiterates our call for the establishment of a Prices Justification Tribunal to protect the consumers from unscrupulous pricing and profiteering by manufacturers and their agents.

The private sector work force are disappointed that the Finance Minister had not taken the opportunity of the Budget speech to restore

their **real** wages, in line with the 14% – 28% salary increases for the 700,000 public servants.

Attempts by private sector unions and workers to secure wage increases to keep in step with inflationary developments have in fact been frowned upon by the Government. This can only generate industrial unrest and instability as highlighted by the stoppages in the union-banned sector of Bayan Lepas Industrial Free Trade Zone in Penang recently.

The Government should advise the private sector to revise the salary structures on their employees, whether in the form of a payment of a Special Relief Allowance or otherwise, to ensure that workers do not suffer in the form of a lower standard of living because of the ravages of inflation.

In this connection, the DAP calls on the Government to seriously consider introducing legislation to provide for Indexation of Wages to the Cost of Living, whereby every year, there is an automatic adjustment of worker salaries to keep in step with inflation.

The increase in the rate of contribution to EPF from 13% to 20% of the wages of the workers, of which 11% will be contributed by the employer and 9% by the employee is welcome, provided it does not lead to a reduction in the **real** take-home pay of the workers. In the absence of compensatory wage adjustments upwards for the lower-income groups in the private sector, such an increase of EPF contributions on the part of the workers would cause hardships.

I would therefore call on the Finance Minister to proceed with the 11% contribution on the part of the employer and to suspend the 9% contribution on the part of the employees until such time as there is a wage revision which would not lead to a reduction of take-home pay of the worker.

The Government's consideration of a scheme to enable EPF contributors to utilise some part of their savings at EPF to own homes is to be welcomed.

However, I must say that the Government's performance on the housing front has been one of the greater failures of the Third Malaysia Plan.

The Government cannot be unaware that housing is one of the basic human needs, and that housing development in the past few years have virtually made cheap and decent housing beyond the means of the majority of Malaysians who come from the low income groups.

Yet apart from Ministerial speeches and statements calling on the people to be patient, the Government has done practically nothing to break the back of the problem of housing shortage in the country.

The announcement of increase of allocation of housing votes for the various State Governments in the Budget does not herald any new era in housing seriousness, as the implementation capacity of the State Governments is probably among the lowest, if not the lowest, of all public sector developments.

And where a few low-cost houses have been built, they do not go to the genuinely needy, but are parcelled out as a form of political patronage among party hacks and local leaders of the component ruling parties, as happened in Kulim in Kedah recently.

A Government which is concerned about the "smallman" must recognise and respect the human right to a roof over his head with minimum standards of amenity, security of tenure and location within reach of employment opportunities.

The slums and squatters especially in the urban areas in Malaysia, are a physical illustration of the poverty of the smallman, and a visual reflection of inequalities of income and wealth.

A Government of the 'smallman' must launch a nation-wide public low-cost housing crash programme to clear the slums and squatters, and provide decent shelter for every Malaysian.

Until the Government has built adequate public low-cost housing for the poor, the Government must use its legislative and enforcement powers to protect the security of tenure of the poor from eviction by unscrupulous and unconscionable landlords.

The Government cannot claim to understand or sympathise with the sufferings and hardships of the poor for a decent shelter when it could sit

on the Ministerial Committee Report on the 1966 Rent Control Act for some five years doing nothing. Every day of inaction on this matter is a day of licence to unscrupulous and unconsionable landlords to throw poor tenants out onto the streets.

Until there are enough public low-cost housing for the poor, the Rent Control Act 1966 must be extended to provide protection for houses built after 1948. I hope that the Finance Minister can live up to his new concern for the 'smallman' in the context of the total housing needs of the poor, including security of tenure for the low-income tenants.

The blatant abuses in the housing industry, the demand for under-the table money, the bottlenecks at the State Government level in conversion and subdivision and processing of plans, leading to the fantastic increase of house prices, and corruption and malpractices in the various stages of housing approval stage, have become so scandalous that it is only matched by the even greater scandal of Government apathy, indifference and inaction.

The entire housing industry must be shaken up, but to do that, the country needs a Housing Authority vested with all powers and authority to get housing, and in particular low-cost public housing, moving. All the Housing Ministers in the country have proved to be only good in making beautiful speeches and forecasts, but abysmall in delivering goods.

Budget should be used as an instrument of unity to weld diverse races into one people to face the challenges of the Eighties

The budget should not only be an annual fiscal and economic exercise, it should be used as an annual instrument of unity to further unite the people of Malaysia, especially to face the challenges and dangers of the Eighties.

Malaysia is living in a dangerous decade of the Eighties. Externally, Malaysia faces the threat of an expansionist and Soviet-backed, Hanoi-headed Indo-China, which is even now testing the will and territorial integrity of neighbouring Thailand.

Should Thailand fall or crumble from within, then Malaysia will be next in the forefront facing the Indo-China juggernaut. It is on this excuse

that the Government is yearly devoting such a large chunk of public expenditure to defence and security.

However, there should be enough lessons in recent history to tell us that military build-up alone cannot assure defence capability in the absence of national unity, solidarity and will to be a nation.

Internally, Malaysia faces the dangers of chauvinism and racialism rearing their ugly heads, and a new danger of religious fanaticism and bigotry as recently exemplified by the madness perpetrated at the Batu Pahat police station.

Every government action, and in particular the budget, should be aimed at contributing to greater national unity among the diverse peoples in Malaysia.

The national budget has never been approached from this standpoint, and I would commend to the Finance Minister to formulate the national budget in the light on how national unity could be fostered in future.

Undoubtedly one of the greatest causes of national disunity in Malaysia in the Sixties, even more so in the Seventies, had been educational opportunities for the young generation of Malaysia.

This had been the cause of the emigration of some 25,000 Malaysians to Australia, involving a loss of precious brain drain of some 7,000 Malaysian professionals, like doctors, engineers, dentists, accountants, etc.

I met a cross-section of these Malaysians during my recent visit to Australia, and the single most compelling reason for their migration is their concern about the educational future of their children, and not because they wanted to seek higher remuneration or greener pastures overseas. In fact, I have met many who are unhappy in Australia, but who are sticking on with their unhappiness for the sake of their children.

It is indeed a sad commentary on the outlook and mentality of those in authority who refuse to see the legitimate worries and anxieties, not only of the 7,000 – odd professionals who had emigrated to Australia, but the entire Malaysian people who have not and will not emigrate abroad.

Recently, the Minister of Education condemned Malaysians who send their children abroad for primary education as people who have no confidence in the education system of the country, but who are blinded by colonial education.

The irony is that the majority of the Cabinet Ministers ever since Merdeka have had their children educated abroad, many from primary levels upwards.

It is not that Malaysians have no confidence in the national language media of education. What they lack confidence is that their children would be given an equal opportunity to develop their capabilities and potential.

In fact, if the government can assure every Malaysian regardless of race, that through the national language medium of education system, apart from special assistance for Malay students to fully participate in the higher reaches of education, all students who have the requisitie academic ability, qualifications and inclinations would be able to have a fair opportunity to pursue the educational and professional attainments of their choice, then this Crisis of Confidence as evidenced by the outward flow of the flower of the Malaysian generation would not take place.

Twenty years ago, normally the best and cream of each batch stay behind to continue and complete their higher studies. But ever since the Seventies, among the non-Malays, large numbers of the best and the cream of each batch go overseas at the pre-University level because of lack of confidence about fair recruitment chances into the courses of their preference in the universities.

Isn't it time that we pause and ask ourselves as to what type of a nation we are building, what type of a commitment we are inculcating among the young generation of Malaysians?

Extremists and bigots can take the easy way out by dismissing Malaysians who have emigrated as 'good riddance', for they would not want to admit that it is precisely their extremism and bigotry which have driven Malaysians abroad.

But Malaysians of good sense and rationality must search themselves to find out the causes of this migration and brain drain, instead of going

round our neighbouring countries scouring for their doctors, dentists, and specialists when our neighbours need them even more!

There is no single act which can unite Malaysians of all races into one people than the courageous defusing of the bitterness, alienation and antagonism caused by deprivation of higher education opportunities in their own homeland.

Last week, when I asked the Education Minister during question time whether the government proposes to increase the intake of non-Malay students into Universiti Kebangsaan, Universiti Pertanian and Universiti Teknologi, to ensure a more multi-racial campus in line with the second prong objective of the New Economic Policy to restructure society, the Education Minister criticised me for deliberately refusing to understand and accept the government's higher education policy.

Let me state that it is not me alone, or my colleagues on the DAP paliamentary benches, who do not accept the government's higher education policy. Sufficiently large numbers of Malaysians do not accept the higher education policy to warrant the government to rethink and reconsider its policy if it believes in participatory democracy.

Higher Education in Malaysia must be liberalised through:

1. Assistance to Malay and indigenous children to participate fully in the higher reaches of education to rectify their historical under-representation in the professions be continued and expanded;

2. The great expansion of university places in the five local universities and establishment of new universities to provide places for the bulk of Malaysian students in tertiary institutions abroad, which could be financed not only by the tens of millions Malaysian students are spending overseas but also from the oil revenue.

3. To supplement government efforts in provision of higher education opportunities for Malaysian students at home, the approval for the establishment of private universities.

A budget aimed at the expansion and liberalisation of higher education opportunities at home would go a long way to promote national unity, which is more important and effective than a similar expenditure on defence and security.

Malaysia must make use of the bounty of nature, and in particular, oil export earnings which will become the No. 1 export earner beginning this year displacing rubber for the first time, to lay a strong and resilient basis of national unity and solidarity. There is no more productive investment, especially from the point of view of nation building, than in the liberation of higher education opportunities, both in creating national unity and in providing for the human skills and expertise to take Malaysia onto a higher plane of development.

Ever since the Seventies, Malaysia appeared to have turned her face against the pursuit of excellence in any field. While Malaysia must redress the historical imbalances, the pursuit of individual and professional excellence must not be sacrificed, for we are then sacrificing national excellence and greatness.

It must therefore be a matter of national importance that Malaysia should seek to conserve national brain power, which have been trained at great public expense, and to persuade Malaysian brain power emigrated overseas to return to serve the country. If Dr. Mahathir is prepared to lead delegation after delegation overseas to attract foreign investment, why is it the government is not prepared to consider a scheme to attrack Malaysian brain power to return to Malaysia to help develop the country?

Malaysia is short of qualified expertise in many fields. For instance, although Malaysia has been producing oil for over a decade there is not a single Malaysian who is qualified in the technology of oil production.

This brings us to the question as to how Malaysia could possibly protect her oil rights and interests, ensure that contracting parties keep to the fine letter of the production-sharing agreement with regard to production and control?

That Malaysia is abysmally backward in oil expertise and experience is best illustrated by what happened in 1973. As disclosed by the Public

Accounts Committee Report of the Dewan Rakyat just tabled with regard to its Report on the Auditor General's Report on the 1974 Federal Government Accounts, the Federal Government lost some $26 million due to gross negligence, incompetence and ignorance of top Federal officers in charge of petroleum.

$26 million loss because of lack of expertise, experience and competence in field of petroleum

As the Auditor-General commented in his 1974 report, the Government of Malaysia and Sarawak Shell had an agreement whereby Sarawak Shell was granted the sole right to explore, produce and dispose of any petroleum from the State Sarawak, its territorial waters and from the Continental Shelf, in return for royalty on all crude oil produced. In January 1974, the Ministry of Primary Industries then in charge of petroleum decided to collect the government's royalty in kind instead of in cash, and because of the operation of income tax laws, caused the government to lose over $20 million. Although Sarawak Shell had offered to pay this $20 million of lost revenue, in two letters to the Ministry of Primary Industries, this was not pursued, and as a result, till this date, Sarawak Shell had not paid this $20 million.

Further, as a result of the receipt of the royalty from Sarawak Shell in kind, the Ministry of Primary Industries in October 1973 executed a ten year agreement on behalf of the Federal Government with an oil purchasing company based in the United States, namely Shaheen Company, for the sale of the crude oil received as royalty. Although one of the conditions of the agreement stipulates that payment for the crude oil should be made by the Shaheen Company by an irrevocable letter of credit not less than 10 days before shipment, this condition was never complied with, and as a result, the Federal Government eventually lost more than $6 million following the backruptcy of the oil purchasing company. The officer in charge of the petroleum division said he did not know what was a letter of credit nor how it operated!

The 1974 Auditor-General's Report also pointed out in Paragraph 11 that although the mining leases between the Federal Government and the Sarawak Shell provided for the Government to station its officers during the measurement or weighing of crude oil, which determines the royalty

payable to the Government, the Ministry has not made arrangements to ascertain that the procedures adopted were adequate to safeguard Malaysia's oil interests.

The big gap in the expertise of Malaysians in oil technology, is most disturbing when we consider the billions of dollars involved, in the oil industry.

In 1979, Malaysia exported a total of 90.4 million barrels of crude oil valued at $4,210 million. This is expected to decrease to 89 million barrels of 243,250 barrels per day in 1980, although average export prices are expected to increase markedly by 43% compared with 1979.

The decline in the crude oil production in Malaysia in 1980 by 3% from 103 million barrels of 283,000 barrels per day (bpd) in 1979 to 100 million barrels of 275,000 barrels per day in 1980, and that of associated natural gas, is the result of the adoption of a National Oil Depletion Policy to decelerate the exploitation of crude and gas resources in the country. The National Oil Depletion Policy imposed further control on crude oil production besides the two earlier measures, namely the Gas-to-Oil Ratio and the Maximum Allowable Production Rate for each field.

According to the Economic Report, under the oil depletion policy, production control has to be applied to major fields in the form of limiting production from these fields to a ceiling of 1.75% of oil-in-place in any one year, as otherwise, 23% to 60% of the recoverable reserves would be depleted within the next five years and Malaysia would then be a net importer in the second half of the decade.

The big question is what expertise and control could the Government, through Petronas, the wholly-owned government company in charge of oil, exercise to ensure that the restraints on production and other controls are observed by the oil producing contractors.

STATE REVENUE GROWTH GRANTS

"The Government should not play politics with development, with eliminating poverty and backwardness. It is the country's misfortune that there are political leaders who are so narrow-minded and obsessed about their political interests that they forget their larger national responsibilities.

"Where the NBI or the forces of law and order are seen to be used as bargaining counters in some power plays, whether at Federal or State level, there cannot be much public confidence in the earnestness of the Government to stamp out corruption, deviations and betrayal of development funds and objectives."

Speech on the Revenue Growth Grants Amendment Bill 1979 on October, 11, 1979.

One of the economic imbalances in the country is the imbalance of economic growth between the states, and any Federal Government effort to rectify the economic imbalance between states will get full DAP support.

At present the most economically backward states, from the standpoint of per capita Gross Domestic Product for each state is Kelantan, which has only a ratio of 0.38 of the Malaysian per capita GDP, Kedah/Perlis which has a ratio of 0.54 of the Malaysian average, and Trengganu which has a ratio of 0.60.

The Barisan National never tires of blaming Kelantan's economic backwardness on PAS rule in Kelantan until last year though it did not accept the same logic that Kedah/Perlis' economic backwardness must similarly be attributed to the Barisan Nasional, and previously Alliance, rule in these two states since Merdeka.

The Government should not play politics with development, with eliminating poverty and backwardness. It is the country's misfortune that there are political leaders who are so narrow-minded and obsessed about their political interests that they forget their larger national responsibilities.

For instance, there were calls in this House yesterday that development should be denied to areas under Opposition control or that these areas should be discriminated against. Why don't these speakers also suggest that general elections should be scrapped, and Parliament closed down as well?

It is indeed very sad that there are political leaders, who have become MPs, who still do not understand simple things about the duties and responsibilities of Government.

The ruling party, the Barisan Nasional, is a different concept and entity from the Government. The Barisan Nasional got some fifty percent of the votes in the last elections, but as a Government, it is its duty to look after the interest of 100% of the population including those who voted against the Barisan in the elections.

The Government has a duty to carry out development projects and spend development funds for the interest of all Malaysian citizens and not discriminate between Barisan and Opposition areas.

This is because, firstly, public funds do not come from the pockets of Barisan Ministers, MPs or leaders, but come from the people themselves.

Secondly, the people in Opposition areas have the right to question the moral and political right of a Government to collect taxes and rates from them, if the Government does not regard itself as a Government for all Malaysians, but discriminates against opposition areas.

What is the use of the government leaders making speeches on national unity, when the Government acts as if it is not a Government of all Malaysians, but only of a portion of Malaysians?

For the interest of the future of Malaysia and the future generations of Malaysians, I call on all political leaders to rid themselves of such petty,

divisive and anti-national attitudes, and to dedicate themselves to creating larger bases for making Malaysians feel themselves as one people, rather than making Malaysians separate and divided.

While fully supporting increased provision of funds for state development purposes, the DAP is greatly concerned by the absence of effective mechanism to prevent deviation and even betrayal of development objectives.

A good example is the case of Syarikat Sri Lingga in Malacca. In 1975, Malacca state had a total of 418,000 acres of land suitable for agriculture, 349,000 acres of which had been alienated, leaving behind only 22,000 acres unalienated. In 1975/76, the Barisan Nasional State Government of Malacca alienated some 4,000 acres of land, some 20% of the remaining unalienated arable land, to half a dozen of UMNO leaders in the name of creating the first Malay estate in Malacca in line with the New Economic Policy to restructure Malaysian society.

I had raised this matter in this House, and my colleagues and I had raised it also in the Malacca State Assembly, but we were accused of being against the New Economic Policy. Let me state here that if the NEP means that some 20% of the remaining unalienated arable land in Malacca should be granted at give-away prices to six UMNO officials making them millionaires overnight, without any benefit to the Malay masses, we in the DAP are opposed to the NEP.

The DAP received no support or help in our attempt to try to prevent this betrayal of the Malay masses by a handful of UMNO-putras in the name of New Economic Policy.

I am glad that there is now an attempt by the new Malacca Chief Minister, Adib Adam, to undo the harm, by buying into the Syarikat Sri Lingga. As far as the DAP is concerned, the entire 4,000 acres of land should be taken back by the State Government, as they had been alienated to Syarikat Sri Lingga in betrayal of the development objectives, involving also abuse of power and trust of those in authority.

Last week, two directors of the Syarikat Sri Lingga were charged in court for doing business when they were government servants. The question that I want to ask is why weren't they charged in the last four years?

Where the NBI or the forces of law and order are seen to be used as bargaining counters in some power plays, whether at Federal or State level, there cannot be much public confidence in the earnestness of the Government to stamp out corruption, deviations and betrayal of development funds and objectives.

With more money being provided for states for development purposes, the absence of effective mechanism to prevent development deviations and betrayals become even more acute.

The NBI, must be given wider powers, and completely removed from the charge of a Minister and Executive, and made a fully autonomous body answerable only to Parliament charged with the power to carry out it tasks, regardless of political position or status. It is only through such reform that the public can be satisfied that development funds and projects would filter down to benefit the people, and not just to line the pockets of a few political leaders and their associates.

Call for the launching of massive low-cost housing in all the states

This Bill provides for a new category of grants to be given to States whose per capita gross domestic product is lower than the national average of the per capita gross domestic product, utilised for specific development purposes such as water supply, public housing, industrial estate development, minor works, etc.

Public housing is one of the biggest failures of the Barisan Nasional Government whether at Federal or State levels. The recent case where some 300 squatters in Kampung Sungei Udang took over the government low-cost houses highlight the plight of the ever-increasing masses of homeless in the urban areas.

There is no seriousness of purpose among Federal and State governments to deal positively with the housing shortage crisis for the poor. Firstly, too few low-cost houses are being built. Secondly, the genuinely homeless are denied houses while the propertied are allocated houses. Thirdly, there is widescale inefficiency and maladministration, where low-cost houses completed are not alloted and occupied for years at a stretch.

The DAP calls on the Government to launch a massive low-cost housing programme in all the states to house the homeless.

In carrying out development projects, the Government should not be heartless and unsympathetic, as happened recently in Banting, where the State authorities destroyed the crops cultivated by 152 families in Lubok Kundang, 11 miles from Banting, which are mainly oil palm, banana, yam and maize, covering some 500 acres of land.

Although this is illegal cultivation, this act is not like theft, but involved the honest sweat and toil of the farmers over the years. The State government should have allocated the land there to the cultivators. Provision of development funds to states would not serve much purpose if state governments continue to trample over the legitimate rights and aspirations of the poor.

THE BANK RAKYAT BETRAYAL (1)

"The Price Waterhouse Report teems with so many examples of mismanagement, malpractices and downright dishonesty on so colossal a scale that it defies the imagination. Transactions of Bank Rakyat were carried out to benefit individuals rather than the Bank and its members.

"For instance, Bank Rakyat or its subsidiaries would buy over companies which resulted in losses to Bank Rakyat, though huge profits for individuals."

Speech on the Second Development Supplementary Estimates 1979 on June 24, 1979.

Reading the Government White Paper on the Bank Rakyat, and the even more revealing Price Waterhouse Report on the Bank Rakyat, I am reminded of the judgement by the Chief Justice, Raja Tan Sri Azlan Shah, when convicting the former Selangor Menteri Besar, Datuk Harun Idris, of corruption in the Hongkong and Shanghai Banking Corporation case in May 1976, that the hearing of the case suggested "a frightening decay in integrity of some of our leaders." He added: "It has given horrible illustrations of Lord Acton's aphorism 'Power tends to corrupt and absolute power corrupts absolutely,' and has focussed concern on the need of some avowed limitations upon political authority."

The Government White Paper, and even more so, the Price Waterhouse Report, tells a sordid tale of malpractices, mismanagement and misuse of public trust and funds, causing Bank Rakyat to pile up losses amounting to $65.233 million up to 31st December 1975, although there were attempts to cover up the losses by manipulating the accounts to alter its loss position to show profits, by for instance, including multi-million dollar management charges as income of the Bank for which there was no proper basis.

The betrayal of the Bank Rakyat, and in particular, the betrayal of the 27,314 members and the 1,000 co-operative members, must be mercilessly exposed and condemned, for it constitutes one of the greatest betrayals of the New Economic Policy, particularly bearing in mind that the members were mostly from the low-income group comprising farmers, fishermen, petty traders and lower rung government servants.

The Bank Rakyat is a good example of how those in control of the institution could create wealth and instant millions, not only for themselves but also for their relatives and their close friends.

For instance, according to Section 2.12 of the Price Waterhouse Final Report, Bank Rakyat advanced in 1973, $570,238 to Encik Abdul Aziz bin Haji Idris and Encik Mohamed Noor bin Mohamed for the purchase of three pieces of land in Kajang, which also cost $570,238. Subsequently, the Bank purchased from Encik Abdul Aziz bin Haji Idris and Encik Mohamed Noor bin Mohamed the three pieces of land concerned for $751,006 – leaving Encik Abdul Aziz and Encik Mohamed Noor with a profit of $180,769, without having to spend a single cent, on a transaction financed wholly by the Bank.

Again, for a housing project at Kuala Muda, Sungai Petani, Kedah (as reported in Section 13.10 of the Price Waterhouse Report), Rakyat Corporation Sdn. Bhd., a wholly-owned subsidiary of Bank Rakyat, acquired a piece of land at Sungai Patani for $435,149 on August 3, 1973, from the 'registered proprietors', Chin Tet Yen @ Cheng Tee Lian and Ow Siew Pun, who had themselves bought the land only six weeks ago on 28th June 1973 for $110,000. This means that in a matter of six weeks, the proprietors who bought the land only on June 28 made a profit of $325,149! What is even more intriguing is that on 27th June 1973, the Bank Rakyat Sungai Petani branch manager, Muhsain bin Mohamed, wrote to the Bank Rakyat general manager on the purchase of the land. And it was after the Bank Rakyat Corporation Sdn. Bhd. directors on 7th July 1973, agreed in principle to purchase the land at the final sale price, that the land was registered into the names of the Chin Tet Yen @ Cheng Tee Lian and Ow Siew Pun on 18th July 1973.

The Price Waterhouse Report teems with so many examples of mismanagement, malpractices and downright dishonesty on so colossal a scale

that it defies the imagination. Transactions of Bank Rakyat were carried out to benefit individuals rather than the Bank and its members.

For instance, Bank Rakyat or its subsidiaries would buy over companies which resulted in losses to Bank Rakyat, though huge profits for individuals. As a result, out of its 10 subsidiaries, Bank Rakyat has run up losses amounting to $37,948 million.

The loan policy of the Bank Rakyat was the height of irresponsibility, with cases of bank officials having personal interest in the approval of loan applications and, in one case, the bank's Credit Controller, whose duty it was to appraise loans for approval and to follow-up repayments, obtained a loan from the Bank by using the name of a relative.

As pointed out by the White Paper, the Managing Director, Abu Mansor bin Basir; the Credit Controller, Khairuddin bin Haji Musa; and several officers of the Bank including Mazlan bin Datuk Harun and Jalaluddin bin Jalil directed the loan operations of Bank Rakyat virtually with blatant disregard for any established rules and procedures.

Price Waterhouse & Co. reported in Section 16.22 that it requested each loan debtor at the Alor Star, Bagan Serai, Kuala Lumpur, Malacca, Johore Bahru, Kuantan and Kota Bahru branches and the larger loan debtors at the other branches to confirm direct to it the balances outstanding as at 31st December 1975. The loans circularised amounted to $48,976,654 out of the total branch loans of $52,481,935 and represented 5,514 accounts. 2,406 loan debtors responded to Price Waterhouse inquiries but no replies were received from the remaining 3,108 loan debtors who owed a total of **$30,916,913.**

The list of loan defaulters of Bank Rakyat constitutes a UMNO roll call. Even the Malacca Chief Minister, Mohd. Adib bin Haj.Mohd. Adam, has an honoured place in the list of loan defaulters of the Kuala Lumpur branch of Bank Rakyat, whose debt balance stood at $357,839 on 31st December 1975 and which increased to $414,826 in June 1977.

Although in the 'remark' column, it is stated that this loan had been restructured, I do not know what it means, although this is one of those rare causes in the Price Waterhouse report on 'restructuring of loan'

There are so many loans outstanding as at 31st December 1975 which had higher balances outstanding as at 31st December 1977, which showed that there had either been no repayments during this period, or that the repayments made were insufficient to repay the interests charged during the period.

As a result, Bank Rakyat has now to write off the staggering sum of $19,391 million for doubtful loans and bad loans.

While I commend the Prime Minister, Datuk Hussein Onn, and the Minister of Agriculture, Datuk Shariff Ahmad, for tabling and making public the Price Waterhouse Report on Bank Rakyat, it is most **fortuitous** that there were any investigations into the Bank Rakyat mismanagements in the first place.

This is because if the UMNO leadership was not involved in a power struggle in 1974/1975, the Bank Rakyat scandal would definitely have been hushed up. It is an open secret that the investigations on Datuk Harun and the Bank Rakyat was politically motivated – and although it led to an expose of a massive scandal, and to corrective measures, which is welcomed by all right-thinking Malaysians, Malaysian citizens are entitled to know why exposes of malpractices and misuse of public funds involving tens and hundreds of million of dollars of public money, must depend on one UMNO political leader falling out with the UMNO government leadership.

What must have disturbed many Malaysians is that the malpractices and misuse of public funds as highlighted by the audit inquiries are also prevalent in other public enterprises and companies which are entrusted with public funds, and that there are many other Bank Rakyat-like scandals in public enterprises and companies like MARA, PERNAS, UDA, Bank Bumiputra.

What the Bank Rakyat officials did, although wrong, was not unusual in that it was also being done in other government and semi-government bodies. For instance, five years ago, Bank Bumiputra gave a $2 million loan to a Deputy Minister just to buy shares.

There is an urgent need, not only to bring home the enormity of the crime and betrayal represented by the Bank Rakyat affair, but also to

expose and weed out other Bank Rakyat-like scandals in other government enterprises and companies.

The DAP calls for a public inquiry, in the form of the Price Waterhouse inquiry, into all public enterprises and companies, to safeguard public funds and protect public interest, especially since hundreds of millions of dollars of public funds have been entrusted to these bodies.

It is these top officials who abuse their position to make themselves and their near ones rich at public expense, who are the Great Saboteurs of the New Economic Policy to abolish poverty and restructure society.

If the New Economic Policy objective of eliminating poverty and restructuring society, to benefit the masses and not a handful, is to succeed, then the Government must concentrate efforts on weeding out these Great Saboteurs of the NEP from public enterprises and companies.

THE BANK RAKYAT BETRAYAL (2)

"UMNO and Barisan backbenchers, who usually have a lot of things to say, for instance taking three days on the Sports Council, had very little to say on the colossal Bank Rakyat scandal which has necessitated expenditure of $155 million of public funds to rescue it. Is this because they do not want to damage their chances to secure loans, not only from Bank Rakyat, but from other government or semi-government institutions like MARA, Bank Bumiputra, Pernas, etc. where a million-dollar loan can be taken without having to repay or even to pay interest, as in the case of Y.B. Zainal Abidin bin Johari?"

Speech during the Committee Stage of the Second Development Supplementary Estimates 1979 on June 26, 1979.

Last September, the Prime Minister, Datuk Hussein Onn, scolded the UMNO General Assembly because no one had raised the question of Bank Rakyat's bankruptcy and betrayal of its members who are mostly poor fishermen, farmers, and low-rung government servants.

Yesterday, in the policy debate on the request by the Finance Minister, Tengku Razaleigh, for another $55 million to bail out Bank Rakyat, I was shocked at the speeches of UMNO and Barisan Members of Parliament. There was no sense of outrage, anger or even concern at the catalogue of crimes, malpractices, mismanagement, misuse of public trust and funds fully documented in the Price Waterhouse Report on the Bank Rakyat.

Is this because the Bank Rakyat loan defaulters read like a UMNO roll call, including the Chief Minister of Malacca, Mohd. Adib bin Adam, who on 31st December 1975 owed Bank Rakyat $357,839, which sum

increased to $414,826 in June 1977? And which include the Kedah Executive Councillor, Zainal Abidin bin Johari, who took a $800,000 loan from Bank Rakyat in March 1975 to be repaid in 18 months, but until June 1977, there had not only been no loan repayments, but no payments of interest since the loan was disbursed. As at 30th June 1977, the balance outstanding from Y.B. Zainal Abidin had increased to $1,084,672. It also included former UMNO Kedah Assemblyman, Haji Sapirol bin Haji Hashim, who took a loan of $170,000 for a period of one year, but which on 30th June 1977, was still outstanding at $128,820?

UMNO and Barisan backbenchers, who usually have a lot of things to say, for instance taking three days on the Sports Council, had very little to say on the colossal Bank Rakyat scandal which has necessitated expenditure of $155 million of public funds to rescue it. Is this because they do not want to damage their chances to secure loans, not only from Bank Rakyat, but from other government or semi-government institutions like MARA, Bank Bumiputra, Pernas, etc where a million-dollar loan can be taken without having to repay or even to pay interest, as in the case of Y.B. Zainal Abidin bin Johari?

I want to ask UMNO and Barisan backbenchers where is their sense of responsibility, morality and integrity that they could feel no sense of outrage, anger or even concern at the colossal betrayal of the New Economic Policy in the Bank Rakyat scandal, where loans are given out to close friends and relatives with no security or even no requirement to repay, resulting in Bank Rakyat having to write off $19.391 million for bad and doubtful loans; where Bank Rakyat undertake transactions to benefit individuals rather than the Bank. Is this because they are conscious of the adage that those who live in glass houses should not throw stones? In fact, the Bank Rakyat scandal can be aptly described as the Greatest Swindle of the Rakyat, but listening to UMNO and Barisan MPs, they seem not only to be quite smug and complacent, unmoved and unconcerned, but even trying to play down the enormity of the crime and betrayal of the NEP and the masses of farmers and fishermen.

The Member for Pasir Puteh for instance said that if the DAP is in power, we will also do the same thing as happened in Bank Rakyat, wanting to create the impression that the Great Bank Rakyat Betrayal is in fact a common-day occurrence. And the Member for Pasir Puteh is probably

right, because as I said yesterday, the corruption, malpractices, misuse of public funds and trust, and mismanagements exposed in the Price Waterhouse report in Bank Rakyat also equally afflict other government corporations and public enterprises and companies.

For instance, yesterday I said that five years ago Bank Bumiputra gave a $2 million loan to a Deputy Minister just to buy shares and make millions, which is a great betrayal of the NEP. Nobody is interested or brave enough to challenge me on the veracity of what I said, because they all know it is true.

I say shame to UMNO and Barisan Members of Parliament, who have not heeded the Prime Minister's fury expressed at last September's UMNO General Assembly for trying to ignore or cover up the Bank Rakyat scandal. And it is the great misfortune of the House and the country to hear such a sycophantic and snivelling speech by the Gerakan Member of Parliament for Kepong Dr. Tan Tiong Hong, who could be so bereft of indignation and anger at the betrayal of the farmers and fishermen as to criticise the Opposition. He may be better advised to emulate his MCA colleagues in the House, who are behaving like the traditional three monkeys, who see not, hear not and know not what is happening in the House or in the country by keeping completely silent.

Let me tell the Member for Pasir Puteh that the DAP will not be like UMNO and Barisan MPs, in that we would not countenance corruption, malpractices, misuse of public funds and trust, and mismanagement in government corporations, public enterprises and companies, and if we were in power we would have a full-scale public inquiry to expose and weed out Bank Rakyat-like scandals in MARA, Pernas, UDA, SEDCS, Petronas, Bank Bumiputra, and other public enterprises and companies to bring to book the Great Saboteurs of the NEP in the top echeleons of these organisations. But the Member for Pasir Puteh is opposed to such a public inquiry, to weed out the Great Saboteurs of the NEP.

With the present allocation of $55 million, the Government would have given $155 million loan to Bank Rakyat to save it from bankruptcy. I want to know for how long this salvation period is to take, and when the $155 million loan would be repaid to the Government. I also want to know whether even more public funds would be needed for the future to salvage Bank Rakyat.

In moving the Bank Kerjasama Rakyat Malaysia Berhad Special Provisions Bill in the Dewan Rakyat on Dec. 19, 1977, which provides for the Government take-over of the Bank, the Prime Minister said that during the Government take-over of Bank Rakyat, he and the Finance Minister are entitled to a quarterly report from the Bank. I am disappointed that in his speech yesterday, the Finance Minister has not given the House and country a report on the latest banking operation and position of Bank Rakyat, of which the House is entitled to know, considering that the House is approving $155 million to Bank Rakyat.

In my view, during the period of Government take-over of Bank Rakyat, Bank Rakyat should come under the purview and jurisdiction of the Public Accounts Committee of the Dewan Rakyat, to ensure that public funds are properly accounted for and used, and I hope that the Minister of Agriculture would take up this matter with the Prime Minister and the Cabinet, and make the necessary legislative changes.

The House is also entitled to know what Bank Rakyat is doing about the long list of loan defaulters, and wants an assurance that regardless of position, status, or party affiliation, legal action would be taken against such defaulters, because public money is involved.

What action has been taken against Bank Rakyat's auditors, Kassim Chan & Co. whose negligence have contributed to Bank Rakyat losses?

One of the sorriest episodes in the Great Bank Rakyat Betrayal is the role played by the Bank's auditors, Kassim, Chan & Co. As stated in the White Paper on Bank Rakyat:

> "The malpractices in the Bank were largely attributable to the Managing Director and certain officers of the Bank. However, if the Chairman, the Board of Directors, the Registrar General of Co-operative Societies and the external auditor had properly discharged the functions and responsibilities imposed on them, they could have prevented the management from perpetuating the malpractices and thereby could have reduced the losses to be borne by members of the Bank." – Para 45.

The auditors, Kassim, Chan & Co. failed to comment on a number of important issues in the 1973 and 1974 accounts. Price Waterhouse investigations also revealed that the auditors did not sufficiently comment on:

(a) the maintenance of proper accounting records;

(b) the provision of doubtful loans;

(c) the valuation of investments in stocks and shares when the market price was substantially below cost.

There is also a clear conflict of interest, in that Mohd. Kassim bin Sulong of Kassim, Chan & Co. took a $100,000 loan from the Kuala Lumpur branch of Bank Rakyat on 31.1.1974 and although the loan is to be repaid in three years, there was not a single repayment in 1975. As on 30.6.1977, the balance outstanding on this loan is $146,485, which means that one of the auditors of the Bank belong to the long category of loanees who not only do not repay, but also do not pay interest.

In other countries, such negligence and conflict of interest could have resulted in professional action being taken against the firm of auditors, and I want to know what action has the Government taken against Kassim, Chan & Co. for its professional negligence and conflict of interest, leading to such colossal losses.

Such conflict of interest, and inability to differentiate public responsibility from personal interest, to know right from wrong, pervade the entire Bank Rakyat scandal, giving poignancy to the comment by the Chief Justice, Raja Tan Sri Azlan Shah, in the conviction of Datuk Harun Idris in the Hongkong and Shanghai Banking Corporation case, of "a frightening decay in integrity of some of our leaders."

Unfortunately, this 'frightening decay in integrity' not only afflicts political leaders, but also political parties. I refer to the unauthorised kick-back received by Selangor UMNO from Bank Rakyat amounting to $82,500, which is one of the items adding to the $65.233 million losses suffered by Bank Rakyat.

On 3rd September 1974, Bank Rakyat paid $82,500 to UMNO Selangor as a kickback in the form of an additional interest at the rate of

½% on fixed deposit of $26.5 million lodged with the Kuala Lumpur branch of Bank Rakyat by the Selangor State Government. This ½% interest was in addition to the rate of interest stated on the fixed deposit receipts, and the Price Waterhouse investigators were informed by a Bank Rakyat official, Mohd. Ghazally Shahabudin, that this was agreed verbally between Datuk Harun and Abu Mansor Basir. Mohd. Ghazally Shahabuddin also said that he received verbal instructions from Abu Mansor Basir, the Managing Director, to pay the interest to UMNO Selangor.

Section 20.8 of the Price Waterhouse Final Report states:

> "In November 1976, the General Manager of the Bank instructed the Bank's solicitors to write to UMNO Selangor for a refund of the $82,500. In his reply to the solicitors, Tuan Haji Ahmad Razali bin Haji Mohd. Ali, the Liaison Secretary of UMNO Selangor and Federal Territory (Setiausaha Perhubungan UMNO Selangor dan Wilayah Persekutuan), confirmed that UMNO Selangor had received the $82,500 as a donation by the Bank to the UMNO Selangor Liaison Fund (Tabung Perhubungan UMNO Selangor). He said that UMNO Selangor was not aware how the funds were obtained by the Bank and that UMNO Selangor was of the opinion that the sum of $82,500 was received in good faith as a donation and would not, therefore, refund the money to the Bank or any other persons."

I am shocked by the stand taken by UMNO Selangor, and in particular, by its Liaison Secretary, Haji Ahmad Razali bin Haji Mohd. Ali, who is in effect the Deputy Mentri Besar of Selangor, for it shows a complete inability to understand or possess political and moral integrity, that makes him completely unfit to be a State Government leader, let alone Deputy Mentri Besar.

How could Haji Ahmad Razali have the cheek to claim that "the UMNO Selangor was not aware how the funds were obtained by the Bank", when during the operative period, the Chairman of UMNO Selangor was none other than Datuk Harun Idris, who was also Selangor Mentri Besar and Chairman of Bank Rakyat.

In the Hongkong and Shanghai Banking Corporation case, Raja Tan Sri Azlan Shah said it was 'incomprehensible' how a man of Datuk Harun's

position 'could not recognise corruption for what it is'. It is now clear that this is not an isolated lapse, but this inability to recognise 'corruption for what it is' afflicts the Deputy Mentri Besar of Selangor, Haji Ahmad Razali bin Haji Mohd. Ali, all the Selangor UMNO leaders, and even Members of Parliament from the Barisan Nasional in this House, unless they are prepared publicly to admit that this $82,500 is **tainted** money, a kickback which is derived by corruption.

How could there be an effective war against corruption in Malaysia, how could the NBI have effectiveness, when top political leaders in the nation and in the states could not recognise 'corruption for what it is', and even MPs like the MP for Tanah Merah, Hussein Mahmud, could stand up in this august chamber and defend corruption!

This $82,500 belongs legally and morally to Bank Rakyat and Selangor UMNO must refund this money to Bank Rakyat if it is not to be guilty of aiding and abetting corrupt practices and of robbing poor farmers and fishermen of their money and become a Saboteur of NEP.

As the Government is asking for another $55 million to help Bank Rakyat meet its losses, which include the $82,500 unauthorised kickback to Selangor UMNO, this means that we are being asked to subsidise this $82,500 kickback to Selangor UMNO. This is unacceptable, and this is why I will move an amendment to reduce the $55 million by $82,500, which must be coughed out by Selangor UMNO. I call on every Selangor UMNO Member of Parliament, including the Deputy Finance Minister, Datin Rafidah Aziz, and the MP for Sepang and UMNO Youth Leader, Haji Suhaimi, to declare their stand, on whether they support and condone such corrupt practice, or whether they oppose.

I will be calling for a division on the vote on my amendment, because a fundamental question of political integrity of political parties, especially the ruling party, is involved, and I hope that this division call and my amendment will get the support of MPs, whether from UMNO, Barisan or PAS, who treasure the principle of political integrity as a higher principle than even party affiliation.

DOMESTIC INVESTMENT SHORTFALLS

"To make up for this short-fall in domestic private investment, the Government has decided under the Mid-Term Review of the Third Malaysia Plan, to increase public sector financing of investment in the private sector by $4,271 million, bringing the total of government investment in the private sector to a total of $10,616 million – which is more than the domestic private investment of $10,236 million."

Speech on the Inaustrial Co-ordination Act (Amendment) Bill 1979 on June 21, 1979.

On December 12 last year, my colleague, the MP for Seremban and DAP National Chairman, Dr. Chen Man Hin, sought to move a private member's bill to repeal the Industrial Co-ordination Act as "the investment climate, already clouded by a world recession, has worsened because of the ICA."

The DAP bid was defeated, with the Deputy Minister of Trade and Industry, Datuk Lew Sip Hon, painting a rosy picture of expanding investments in Malaysia.

The DAP's contention, however, was vindicated three months later by the Mid-Term Review of the Third Malaysia Plan, which was tabled in the March meeting of Parliament this year.

The Mid-Term Review of the Third Malaysia Plan revealed a gaping shortfall of domestic private investment for the Third Malaysia Plan to the tune of $6,224 million. Under the original Third Malaysia Plan projections, domestic private investment under the Third Malaysia Plan period was expected to reach $16,460 million in 1980. The Mid-Term Review however has revised this downwards by a hefty $6,224 million, reducing it to $10,236 million.

I am surprised that yesterday, in a written reply to the DAP MP for Bukit Bendera, Sdr. Peter Paul Dason, the Finance Minister, Tengku Razaleigh, tried to deny the undeniable in disputing that there had been this downward revision of $6 billion for **domestic** private investment under the Mid-Term Review of the Third Malaysia Plan. I would ask the Finance Minister, Tengku Razaleigh, to refer to Table 8–1 in the Mid-Term Review on **"Malaysia: Estimated Private Investment and its Financing 1976–80"** where he would find the figures I quoted above. I am surprised that the Finance Minister is not aware of this $6 billion downward revision of **domestic** private investment.

To make up for this short-fall in **domestic** private investment, the Government has decided under the Mid-Term Review of the Third Malaysia Plan, to increase **public sector financing of investment in the private sector** by $4,271 million, bringing the total of **government investment in the private sector** to a total of $10,616 million – which is more than the **domestic** private investment of $10,236 million.

The government has been able to increase government expenditure in private investment because of the bonanza from Malaysia's oil production, which next year, 1980, is expected to become Malaysia's No. 1 foreign exchange earner – outranking rubber. Oil, however, is a depleting resource, and it is arguable whether the government's use of oil revenues for this purpose is justifiable.

Also to partly off-set this short-fall in **domestic** private investment, the Government has in the Mid-Term Review revised upwards the projected targets for **foreign** private investment from the original $3,650 million to $6,669 million – an increase of $3,019 million. Hence the sending of ever bigger and bigger investment promotion missions abroad to attract foreign capital – with not much visible results.

It would have been more productive for the Government to concentrate on making good the $6,224 million short-fall on **domestic** private investment by generating and mobilising investible local private funds, and to find out why the Government has failed to mobilise a very highly liquid money market.

Thus, although the total private investment is supposed to have been revised upwards under the Mid-Term Review to $27,521 million as

compared to the original Third Malaysia Plan figure of $26,545 million, this is brought about through the massive injection of government funds from oil money, and after taking into account a shortfall of domestic private investment of $6,224 million.

When the Third Malaysia Plan was launched in 1976, the Government announced that private investment would provide the major source of capital formation during the 1976 – 1980 period in contrast to the experience in the Second Malaysia Plan when the main role was played by public investment. The Third Malaysia Plan has clearly failed in this respect, where the Government had to publicly finance, through MARA, UDA, Pernas, Petronas, MISC and MAS, etc. **private investment** to a sum which is even bigger than **domestic private investment**, creating a situation where **government private investment** is even more than **genuine local private investment**.

I submit that the Industrial Co-ordination Act is the single biggest cause for the $6,224 million short-fall of **domestic private investment** projections under the Third Malaysia Plan, the single biggest cause for creating the loss of confidence among domestic Malaysian investors. If local Malaysian investors harbour grave doubts about the investment climate in the country, then it is putting the cart before the horse to try to woo foreign investors, when local investors should first be won over and wooed. This also throws into doubt the revised Mid-Term Review target of $6,669 million for foreign private investment could be achieved.

In 1975, when Vietnam was re-united with the fall of Saigon, investment climate in South East Asia was bleak because of the prevalence of the question as to which country in South East Asia was going to fall as the next domino. Although this phase has passed, the latest developments in Indo-China, arising from the unending Vietnamese refugee exodus and the consequent destabilising effects on the ASEAN countries as part of the large, long-term Vietnam design in cohoot with the Soviet Union, has again clouded the investment climate of Malaysia and the ASEAN region.

Apart from the these external factors, the Government should also realise that there is a crisis of confidence causing the shortfall of domestic private investment, arising from the government's nation-building policies. There is an urgent need for the Government to take a new deep look at the nation building policies being pursued in the country, whether at the

political, economic, educational, social or cultural field, for it is the entire spectrum of life's experiences which determine's one outlook and attitudes and perceptions about the future.

The government should be sensitive to the legitimate aspirations of all races and classes which make up Malaysia, and should never be tempted to label critics and dissenters of the government's policies as 'anti-national' or 'disloyal' – for this throws up the fundamental question of the basis and nature of nation building in Malaysia.

It is for this reason that I have grave doubts that the present batch of amendments to the Industrial Co-ordination Act could resolve the basic problem of lack of confidence which has caused the gaping short-fall of $6,224 million in **domestic private investment.**

In this connection, I would like to ask the Minister of Trade and Industry whether in formulating the present batch of amendments to the ICA, the Government has taken into account the grievances and representations against the ICA made by the Associated Chinese Chambers of Commerce and Industry of Malaysia at its Malaysian Chinese Economic Conference in April 1978?

The ACCI, in a Report prepared by the Malaysian Chinese Economic Conference Organising Committee, declared that it "accepted the rationale behind the NEP and were prepared to play an active role together with others in building a fair and progressive nation in which peace and prosperity would be shared by all." However, the ACCI stressed that the NEP was based on the premise of an expanding 'economic cake'.

The ACCI called for the repeal of the ICA because the Act had many 'constraints to investment'.

I want in particular to know whether the following five-point objections of the ACCI to the ICA had been given due consideration by the Government as contained in the Report of the Malaysian Chinese Economic Conference Organising Committee of the ACCI :

" 13. The Industrial Co-ordination Act is now applied. Under this legislation existing industries have to apply for manufacturing

licences in addition to their trade licences. Though licences are supposed to be automatically granted, such licences under the ICA have 12 common conditions attached. These are 1. Location; 2. Equity; 3. Employment Structure; 4. Distribution; 5. Professional Services; 6. Companies going Public; 7. Board of Directors; 8. Machinery; 9. Pollution Control; 10. Agreement; 11. Compliance with other Laws; 12. Use of local materials. There are further 17 additional conditions for relevant industires. Each of the conditions itself has a host of regulations and specifications. Any contravention of any of the dozens of regulations or specifications under one or more of the common conditions can result in the cancellation or suspension of a manufacturer's licence.

14. Chinese enterprises with more than $250,000 share-holders funds are required to have a work force of at least 50% bumiputras. This raises employment prospects difficulties for the Chinese in addition to practical problems. The Chinese are unable to find similar employment opportunities in the public sector, the local authorities and statutory bodies and national corporations. The consequences of these diminishing employment opportunities are therefore serious.

15. When a piece of land is acquired for industry, one of the conditions on the land title is invariably the employment of bumiputras in the industry for which the land is intended. This ranges from 25% – 50% of the total labour force. Where industrial lands are lease-hold, the renewal of the lease is subject to a number of conditions, again the employment of Bumiputras in the factories on the leasehold land can range from 25% – 40% of the labour force. For the Chinese whose factories were built on such leasehold lands in long established industrial areas, there is little choice but to comply with these new conditions when the lease has to be renewed. In the relation to employment conditions, some Chinese businesses have, where the Bumiputra labour supply is available, employed more than 50% Bumiputra workers in the spirit of co-operation. However, where the Bumiputra labour supply is scarce, it is impracticable and unfair to make the conditions inflexible.

"16. Under the ICA, manufacturing enterprises with more than $500,000 shareholders funds may be required to divest at least 30% of their equity to Bumiputras. A feeling of injustice can arise if this is imposed only on profitable ventures. This feeling is further enhanced by the absence of similar imposition on Bumiputra enterprises to part 30% of their equity to the others.

"17. Another condition in the manufacturing licence under the ICA is to have at least 30% of the locally manufactured products to be allocated for distribution by Bumiputra firms whose selection must be made in consultation with the Government. This means that the existing Chinese dealers will have to be deprived of 30% of their market thus giving rise to a sense of deprivation among the existing Chinese distributors."

This brings us to one of the fundamental issues, namely, that the NEP pledge that in its implementation "no particular group experiences any loss or feels any sense of deprivation" appears over the years to have been overlooked or forgotten.

In higher education, for instance, between 1976 to 1978, the first three years of the Third Malaysia Plan, the number of Malaysian Chinese students in the five local universities actually decreased from 5,373 to 5,292. This is a breach of the cardinal tenet in the NEP that "no particular group experiences any loss or feels any sense of deprivation."

This is also perceived in the industrial and economic field, and it is time for a Commission to be established to determine whether the NEP pledge that in its implementation "no particular group experiences any loss or feels any sense of deprivation" has been overlooked, ignored or forgotten, as an important strategy to restore confidence in the implementation of the NEP and the investment future as a whole.

It is to be regretted that the second batch of amendments to the ICA has been brought to Parliament without proper consultation and discussion with the interested parties and interest groups. This was the basic problem of the ICA when it was suddenly thrust on Parliament in 1975 and in double quick time, made into law with the Barisan majority, despite DAP objections.

As the present batch of amendments would not be able to resolve the basic problem of restoring local investor confidence, the wisest thing to do is to repeal the ICA. Alternatively, the ICA should be suspended, and a conference of interested parties and groups be held with the Government to draft a new Act which would take into account the legitimate complaints and rights of all groups in the country, so that the plentiful private funds in the country could be unlocked for the development of the country.

LOP-SIDED PAY INCREASES FOR PUBLIC SERVANTS

"And, what is a common complaint, in areas where VIPs like Ministers and other big shots stay, water supplies are never cut off, benefitting the lucky neighbours! Ministers and big shots should be the first to have their water supplies cut off for them to understand the agonies of the residents."

Speech in the debate on the 1979 and 1980 Supplementary Supply and Development Estimates on June 12, 1980.

We are asked to approve another batch of supplementary estimates for 1979 and 1980 for supply and development purposes:

1.	1979 Second Supplementary Supply Estimates	$619,628.705
2.	1979 Fourth Supplementary Development Estimates	$ 82,178,795
3.	1980 First Supplementary Supply Estimates·	$272,208,456
4.	1980 First Supplementary Development Estimates	$404,391,422

making a total of $1,378,461,378.

This is a pretty big sum of money being requested as supplementary expenditures. If we look at the 1979 supply estimates, the first and second supplementary estimates represent 20% of the original estimates. This makes nonsense of proper budget planning and forecasting of the national requirements.

The request for $272 million to supplement the 1980 supply estimates does not include the recent pay increases for the 750,000 public employees, which from initial estimates, would add another walloping $60(

million to the annual government wage bill. Nor does the supplementary estimates include the reported 100% increase of allowances for elected officials whether national or state, such as Ministers, Parliamentary Secretaries, Members of Parliament, State Ministers and State Assemblymen.

I want the Finance Minister to explain to this House why the present batch of supplementary requests do not include such big increases; and even more important, why the top government servants get such great disproportionate increases as compared to the medium and lower categories of government employees.

We are living in very inflationary times, and the Government, instead of being in the forefront of the fight to combat inflation, appears to be promoting an 'inflation psychology' among the people – which will further inflame prices and reduce the purchasing power of the ringgit, and any pay increases will be eaten away by price increases.

While the Government is growing by leaps and bounds, both in terms of government salaries and other government expenditures, such increases in the burdens of the taxpayer have not been accompanied by a similar increase in efficiency, competence and courtesy of the civil service in its dealings with the public.

If recent events are of any guide, it would appear that there has been steady deterioration in courtesy and standards of public service to the public.

Whenever there is gross inefficiency, there is also gross discourtesy. A good example is the long-standing grievances of the people in Petaling Jaya and certain areas of Kuala Lumpur over the water supply, with the constant disruption of water supplies. The favourite reasons given by the authorities concerned is that there is no rain or rain fell in the wrong place.

Surely, this is not good enough as an explanation for the prolonged agonies suffered by housewives, school children and residents to re-order their lives according to the whims and fancies of the water tap and the water authorities.

If there is to be water rationing, then there must be an efficient and fair system of rationing. All residents must know from what time to what

time water will be cut off, and when water will be re-supplied. More often then not, the residents in PJ and KL find that water does not come back despite the end of the rationing hours, or water cut off without pre-announcements or reasons given.

And, what is a common complaint, in areas where VIPs like Ministers and other big shots stay, water supplies are never cut off, benefitting the lucky neighbours! Ministers and big shots should be the first to have their water supplies cut off for them to understand the agonies of the residents.

When I and my colleague, Sdr. Lee Lam Thye, wanted to see the Selangor Waterworks Director, Chin Litt Siang, on these problems, the Director refused to meet us on the ground of a ruling from the Prime Minister's Department that civil servants are not obliged to meet MPs over complaints from the public, as reported in the Malay Mail yesterday. This was announced by no less a person that the public relations officer of the Prime Minister's Department, Encik Ahmad Iqbal.

This is most shocking. Mr. Chin Litt Siang and Encik Ahmad Iqbal are all going to get huge increases in salaries at public expense, and when the public ask for efficient service which is their right as taxpayers, they are told that they are not answerable to the public. This probably explains the widespread complaint that when members of public ring up the Waterworks Department, they find either the phone had been disconnected, or they are answered rudely.

I say that the people of PJ and KL have suffered enough from the incompetent, inefficient and discourteous service of the Selangor Waterworks Department. They have suffered long enough. As the Selangor Waterworks Department has shown such disregard of basic public rights to a competent utility service which they had regularly paid for, not only in general taxes, but for the specific utility I call on the housewives and residents of PJ and KL, to gather in their thousands to the Selangor Waterworks Department in Jalan Pantai Baru opposite the Taylor's College on Monday, June 16, 1980 at 10 a.m. to demand an explanation and satisfaction from the Waterworks authority to their long-standing grievances about the atrocious water supply service.

I will be there on Monday at 10 a.m., and Sdr. Lee Lam Thye will be there, to demand that the public grievances on water supply be ended.

It is not for the Director of the Waterwork Department to explain to us but to explain to the long-grieving, long-suffering ratepayers of PJ and KL.

I am not going to ask for appointment to see the Director of Selangor Waterwork anymore. If he wants to see me, he can make an appointmrnt with my Parliamentary office.

Let the Selangor Waterworks Director explain to the residents of PJ and KL on Monday. Or let the Mentri Besar or the whole Selangor Exco explain to the ratepayers on Monday. If Mr. Chin can't do so, then he should get out and resign. The same applies to the Mentri Besar and the Exco.

The people have suffered enough in the hands of tin-pot dictators who forget that they are servants of the people, and not their masters. If the officials and government servants are incapable of changing their attitudes of inefficiency, incompetence and discourtesy, then let the people change it for them.

Call on NBI and the Prime Minister to take action against the Sabah State Government for corrupt practices in the ABC Land Distribution Scheme

It is no use approving increases for government salaries and other expenditures, if there is waste, extravagance and corruption.

Although the NBI has now been transferred back to the Prime Minister's Department, it is evident that the NBI has not gained much power of independent action against the corrupt in high political places.

Yesterday, the Deputy Law Minister, Datuk Abdullah Abdul Rahman, in reply to my question as to what action the NBI had taken in connection with the Berjaya State Government of Sabah's ABC land distribution scheme where 800,000 acreas of timber concessions were distributed to three categories of Berjaya party officials where those in the A category got 1,500 acres, B categories 1,000 acres and C categories 500 acres each, said that neither he nor the NBI knew anything about this ABC scheme.

This ABC scheme of the Berjaya State Government of Sabah distributing 800,000 acres to their party officials is not only an open knowledge, but

has been repeatedly defended by Berjaya leaders in Sabah and even in this House – when I attacked it at the end of 1978.

But the NBI and the Government do not know anything about it. How much credibility does the government thinks it is getting by hiding its head in the sand like ostriches when corrupt practices are rampant and widely-known. Let me state here and now that this ABC system of the Berjaya State Government is clearly corrupt practice which should be dealt with by the NBI, if the NBI is to be a anti-corruption agency and not a cover-corruption agency.

No amount of explanation by the Sabah Chief Minister, Datuk Harris Salleh, or his subordinates could turn what is a corrupt practice into a clean practice, and the NBI will itself be condemned as failing in its duty, so long as it closes it eyes to such blatant corrupt practices.

I call on the NBI and the Prime Minister to take action against the Berjaya State Government for corrupt practices, in the ABC land distribution scheme for Berjaya party officials, and to stop aiding and abetting such corrupt practices.

STATE ADVANCES FUND

"Where State Governments' face financial difficulties because of financial waste, extravagance, mismanagement, inefficiency and malpractices, then the State Governments must put their financial houses in order before they could expect any financial help and relief from the Federal Government.

"The Auditor-General's Reports for the various State Governments finances reveal a frightening catalogue of financial irresponsibility, presenting a picture of State Governments squandering millions and millions of dollars of public funds without regard for accountability, effectiveness or meeting the purpose for which they were made."

Speech on the motion to establish a States Advances Fund under the 1957 Financial Procedure Act on October 16, 1981.

The Deputy Finance Minister, Datuk Najib Tun Razak, yesterday moved a motion to propose the establishment of a States Advances Fund under Section 10(4)(a) of the Financial Procedure Act 1957 to help States having financial difficulties. The Deputy Finance Minister said that with the expected increased tempo of development in the country, the government was of the view that such a Fund would play an ever important role.

In emphasising that financial support for the states from the Central Government is very important to speed up development in the states, the Deputy Finance Minister is attempting to present the debate on the States Advances Fund as whether one was for development or against development.

Naturally, from this angle, Barisan MPs responded by one after another asking for even bigger allocation for the States Advances Fund than the $50 million disclosed by the Deputy Finance Minister as the initial allocation. For if the debate on the establishment on the States

Advances Fund is along the line of whether one is for or against development, then clearly, the debate will end up with various proposals as to whether the Fund should be $50 million, or $100 million or even $1,000 million!

This, I submit is not what the debate on the proposed establishment of the States Advances Fund should be about. There is no argument about the country and the people's support for development to bring Malaysia to a higher level of socio-economic standard of living. The debate on the States Advances Fund is not a debate between pro-development and anti-development for the States, but should be a debate as to the desirability and rationale and need of such a Fund to promote development in the States.

I ask Parliament to address its mind on this, so that we do not lose our way, and even worse, allow some irresponsible Members of Parliament of distorting what I am going to say in this debate as opposing developmental progress for the various states and the country.

The Deputy Finance Minister has not given convincing reasons why there is need for the establishment of a States Advances Fund. When introducing the motion, Datuk Najib said that the Fund would help states in financial difficulties, and that it would be essential to ensure developmental progress of the States.

It is clear from the name of the Fund described as revolving and the $50 million originally allocated to it that it is not its task to decide whether a State should have more funds for development, which would still be decided by the usual financial and budgetary processes, in the light of the regular five-year development plans, but to bail out State Governments in financial trouble by giving them an advance which would have to be readjusted subsequently. In other words, it is meant to be a temporary financial relief.

There is already at present constitutional provision for such a contingency to enable the Federal Government to financially bail out State Governments in trouble. Thus Article 109(6) of the Federal Constitution provides for the establishment of a State Reserve Fund from which the Federal Government, after consultation with the National Finance

Council, may make out grants to any State "for the purposes of development or generally to supplement its revenues."

Grants from the State Reserve Fund are not governed by any specific rules and have been made at irregular intervals mainly for the purpose of assisting states which have been unable to balance their budgets through no fault of their own.

The Deputy Finance Minister mentioned yesterday that the State Reserve Fund is not an appropriate vehicle for helping States facing financing difficulties, although he failed to give any reasons for it.

The establishment of the States Advances Fund under the Financial Procedure Act 1957 would in practice make Article 109(6) of the Federal Constitution, the State Reserve Fund, and the National Finance Council's role in deciding on the payment of contingency grants to states in trouble, redundant. As such, proper reasons must be given in Parliament, and not just a bald statement that the State Reserve Fund is not operating satisfactorily for the very purpose for which it was provided in the Constitution.

The establishment of the States Advances Fund when there is already adequate Constitutional provision for the Federal Government to bail out States in financial trouble requires therefore a fuller and more satisfactory explanation than had been given by the Deputy Finance Minister.

Unless the Deputy Finance Minister can give Parliament satisfactory reasons, I have grave reservations about the States Advances Fund.

This is because the establishment of the States Advances Fund, when there is already a State Reserve Fund, seems to be completely at variance with the spirit and tone of the new Mahathir-Musa political leadership with its emphasis on a 'berseh, cekap and licin' administration, with particular stress on public accountability for government actions, and especially with regard to the expenditure of public funds.

It is public knowledge that there is considerable waste, mismanagement, extravagance, inefficiency and downright financial malpractices

at the State Government levels, whether with regard to operating expenditures or development expenditures.

While the DAP fully supports the Federal government giving all maximum financial grants to the various states to ensure their maximum development progress, the DAP cannot support the Federal government throwing good money after bad money, for they will end up as bad money as well.

Where State Governments face financial difficulties because of financial waste, extravagance, mismanagement, inefficiency and malpractices, then the State Governments must put their financial houses in order before they could expect any financial help and relief from the Federal Government.

The Auditor-General's Reports for the various State Governments' finances reveal a frightening catalogue of financial irresponsibility, presenting a picture of State Governments squandering millions and millions of dollars of public funds without regard for accountability, effectiveness or meeting the purpose for which they were made.

Johore State is a good example, where because of financial mismanagement, the Johore Government had a deficit of $23 million in 1978 according to the Auditor-General's latest report on the Johore State Accounts for 1978. The accummulated deficits of the State Government of Johore as at December 31, 1978 was $65,164,944.

Financial mismanagement in Johore State reached such a stage where payment cheques totalling $24 million payable in 1978 were only prepared in January 1979. In January 1979, cheques prepared for payment, including the outstanding $24 million, totalled $31.3 million when the State Government had only $8.6 million in hand. As the State Government had inadequate funds, most of these cheques were not issued to the recepients. When the cheques became invalid, fresh cheques were issued.

As the Auditor-General, Tan Sri Ahmad Nordin, said in his Report on the Johore State's Accounts for 1978: "Such practice violate all budgetary and annual accounting principles." (Para 7).

Such financial mismanagement and malpractices can in fact lead the Government to take anti-development actions, like the Johore State Government's unconscionable seizure of 20,000 acres of land at Kuala Kabong which had been opened up and cultivated by some 1,500 squatter farmers for some 20 years. When the time came for the 1,500 squatter farmer families to harvest the fruit of their labour, sweat and toil for some 20 years, in planting rubber trees and oil palm, etc., the State Government of Johore on March 16 evicted the squatter farmers, cordoned off the area, and took over the harvesting of the rubber trees and oil palm planted by the farmers.

Has the Johore State Government become so financially desperate that it has been forced to such anti-development actions just to bring in money into the state coffers?

In this connection, I would urge the Johore State Government, and in particular the Mentri Besar, Tan Sri Othman Sa'at, to legalise the cultivation of the 20,000 acres of land at Kuala Kabong in Johore by the 1,500 squatter-farmers as they had applied for titles ever since their first settling in Kuala Kabong.

Yesterday, the first speaker in the debate, the Member for Matang, asked for more development funds for Perak, pleading the need for greater development of the state.

I fully support the Member for Matang's plea for more development for Perak and for other States, but I may not agree that the solution is to give more development funds for Perak, which in any event, is not the task of the State Advances Fund. In fact, we should consider whether Perak is entitled to relief from the State Advances Fund when established.

The Auditor-General's Report, year after year, state after state, has one common theme and burden: that there is gross under-capacity on the part of the States to spend the development funds allocated to them. The problem therefore is not to give the states more development funds, but to improve their development implementation capacity to spend the development funds already allocated.

Thus, the Auditor-General's latest Report on Perak for the year 1978, (Para 36) shows the following figures:

Development Fund	Original Allocation	Revised Allocation	Actual Expenditure
1976	52.53 million	52.70 million	22.41 million
1977	55.76 million	56.48 million	24.47 million
1978	62.55 million	64.39 million	29.92 million

Thus, Perak's implementation capacity to spend the development funds is only 43% in 1976 and 1977, and 46% in 1978, of the final allocations for development for each year.

According to the Auditor-General, in 1978, there were nine sub-heads under development expenditures for 1978 amounting to a total allocation of $3.7 million where not a single cent was spent.

As Perak's development implementation capacity had not changed, it surely is not in need of grants from the States Advances Fund to speed up development projects, because its problem is not with inadequate allocation of development funds, but inability to spend even half of the development funds allocated to it.

Perak, however, is not an isolated case in its inability to spend most of the development funds allocated to it every year.

I give below the latest available figures for some state's development allocation expenditures as given in the Auditor-General's Reports:

State	Year	Original Allocation	Revised Allocation	Actual Expenditure	Percentage Expenditure
Penang	1978	44.74 mil.	53.14 mil.	24.70 mil.	46%
Kedah	1977	62.27 mil.	75.57 mil.	43.68 mil.	58%
Trengganu	1978	102.23 mil.	106.26 mil.	32.93 mil.	31%
Selangor	1977	157.90 mil.	162.33 mil.	81.63 mil.	50%
Pahang	1978	60.73 mil.	63.31 mil.	24.48 mil.	38%

State	Year	Original Allocation	Revised Allocation	Actual Expenditure	Percentage Expenditure
Sarawak	1978		227.06 mil.	81.62 mil	40%
Johore	1978	46.05 mil.	60.49 mil.	30.20 mil.	50%
Malacca	1977			6.97 mil.	27%

It is therefore abundantly clear that the problem with the states is not lack of development funds, but lack of development implementation capacity. With a $50 million allocated to the State Advances Fund, the government envisages the need to give emergency 'financial help of a few millions to each state, but from the above statistics, the states have tens of millions of dollars, and in cases like Sarawak, Selangor, nearly or over $100 million of unspent development funds in their kitty.

In fact, this deplorable state of affairs had been the constant subject of comment by the Auditor-General in his State Reports.

Thus, in the 1977 Report on Malacca, the Auditor-General commented:

> "Pada pendapat saya, oleh kerana anggaran bagi sesuatu rancangan merupakan satu alat yang penting bagi kawalan perbelanjaan, ianya hendaklah disusun seberapa tepat yang boleh dengan mengambil pertimbangan kepada punca-punca kewangan serta keupayaan melaksanakan projek-projek itu dalam tahun berkenaan." (Para 26).

In his 1978 Report on Johore, the Auditor-General said:

> "Walaupun semenjak beberapa tahun yang lalu Kerajaan Negeri telah menyediakan peruntukkan yang banyak untuk projek-projek pembangunan tetapi kebanyakan projek-projek berkenaan tidak dapat dilaksanakan. Nampaknya, ini adalah disebabkan Kerajaan Negeri tidak mempunyai keupayaan yang seimbang sama ada disegi kewangan maupun kakitangan teknikal." (Para 32).

In his 1978 Report on Penang, the Auditor-General commented:

"Anggaran tahunan merupakan satu alat yang penting untuk mengawasi pelaksanaan dan perbelanjaan. Pegawai-pegawai Pengawal yang berkenaan patut merancang dan menyusun anggaran mereka dengan lebih tepat, berpandukan kepada punca kewangan yang ada dan keupayaan melaksanakan projek-projek itu dalam tahun berkenaan."

These comments of the Auditor-General, however, seemed to have fallen on deaf ears. I submit that if the State Advances Fund is to be established, then only those States who have heeded the Auditor-General's comments should be entitled to receive grants from the Fund.

The gross incapacity of the States in development implementation capacity is highlighted by the case of the maintenance of roads grants given out to Trengganu State for 1978. According to the Auditor-General's Report (Para 19), $3.7 million was given to Trengganu as maintenance of road grants on the basis of 604.21 miles of road maintained by the Public Works Department. The State was only able to spend $2.2 million, or 59% of the grants.

Another area of gross incapacity of development implementation of the States is in the field of water supplies.

For instance, for the State of Johore, the allocation for waterworks projects for 1978 totalled $21.38 million, but the actual expenditure was only $5.95 million, or 28% of the sum allocated.

A result of such incapacity of development implementation is what has been described as 'the thirsty town scandal' of Muar, where because of unbelievable bad planning, bureaucratic bungling and mismanagement, over 300,000 people in Muar had been deprived of proper water supply for some 10 years. Progress on the $10 million civil works under the $27 million Water Supply project to resolve the Muar water supplies crisis initiated as far back as 1973 under the Second Malaysia Plan as a matter of urgent priority had come to a halt, although we are now in the Fourth Malaysia Plan.

This is a project which is jointly funded by the Asian Development Bank (61 per cent) and the Johore State Government, but it has come to

become the badge of incompetence and inefficiency of development capacity of the Johore State Government.

The incapacity of the various states to carry out their water-works development programmes are equally atrocious. For instance, the following states' track record is nothing to be proud about:

Waterwork Projects

State	Year	Final Allocation	Actual Expenditure	Percentage of Expenditure
Perak	1978	18.15 mil.	5.74 mil.	32%
Pahang	1978	29.74 mil.	11.94 mil.	40%
Trengganu	1978	11.27 mil.	1.66 mil.	15%

Another area of shocking development incompetence of the State Governments is in the area of low-cost housing. For instance, according to the Auditor-General's Report on Johore for 1978, as on 31st March 1980, a total of $94 million was allocated to the Johore State Government under the Third Malaysia Plan for low-cost housing. According to the Ministry of Housing and Local Government, as of that date, a total of $84 million of loans had been approved, out of which $36.5 million had been made out to the Johore State Government. Out of this sum, $24 million was loaned by the Johore State Government to the Johore SEDC to carry out low-cost housing projects.

As at 31st March 1980, only 2,832 low-cost housing units were built, as compared to 9,059 units approved for this period. There are low-cost housing projects which have been delayed for as long as five years!

This short-fall in implementation capacity of development plans is the greatest problems of the States, which is not going to be resolved by the establishment of a State Advances Fund.

The State Economic Development Corporations is another area where a lot of waste of development funds are taking place. A reading of any one of the Auditor-General's Reports cannot but give one the feeling that

some of the SEDC projects are 'bottomless pits' where public funds are repeatedly dumped in, only to create ever and ever bigger accumulated losses. The marvel of this 'bottomless pit' is that while public money are being dumped into it which disappear immediately from sight, individuals close to the component parties, in particular the UMNO-putras, get rich and wealthy from the SEDCs' losses.

A good example is the fully-owned company of the Pahang State Government, Syarikat Perdagangan Pahang Sdn. Bhd. set up on 24th September 1973 as a trading and construction materials supplies company. The Pahang State Government invested $750,000, and as at the end of 1977, its accumulated losses stood at $1.1 million. Despite its financially hopeless position, the State Government acceded to the company's request for another $250,000 investment in the company, bringing the total state government investment to $1 million!

The Pahang State Government, and the taxpayers, clearly stand to lose the investments, but I have no doubt that there were individuals who would stand to benefit greatly from the losses of Syarikat Perdagangan Pahang Sdn. Bhd.

The new administration of Mahathir which preaches a BCL (berseh, cekap dan licin) administration must put the state governments finances and development efforts in good order, so that the rakyat benefits from the development expenditures. The State Advances Fund must not be seen as a refuge for states which had squandered away development funds for instant replenishment. On the contrary, I would suggest that the State Governments must meet three criteria before they are entitled to receive grants from the States Advances Fund:

1. that each state should overhaul its financial, budgetary and management practices as to conform with the comments of the Auditor-General;

2. that each state fully utilise its development funds first, and should at least reach the development fund implementation capacity of 80% before seeking aid from the State Advances Fund;

3. that each state should put a stop to waste, inefficiency and malpractices in all its development programmes and activities, especially in SEDC efforts, which are finally financed by the Federal Government.

SUGAR-COATED ELECTION BUDGET

"The breakdown of the concept and system of accountability has led to public institutions – the best example are the State Development Corporations and their subsidiaries – running wild, incurring huge government losses.

"I would dare say that Datuk Musa's 'warning' to all other SEDCs that their debts derived from the Federal Government would be written off if they flop, would be welcome by most if not all SEDCs in the country, which would probably compete with each other to be administered the biggest 'warning' in having the biggest Federal 'write-off' of their debts!"

Speech on the 1982 Budget on October 27, 1981.

The 1982 budget is clearly an election budget sugar-coated to win votes in the next general elections expected early next year. Those who have doubts about the general elections being held next year need doubt no more with such a budget, especially with the way the fears of the people were created and manipulated that there would be a tough budget, followed by the relief of a soft budget.

With the euphoria generated in the country post-Budget, one could be forgiven for thinking that Malaysia's economy today is at its most buoyant period, instead of going through its most difficult times since the launching of the New Economic Policy in 1970.

The DAP welcomes the review and reduction of import duty, surtax and sales tax on consumer items to increase local supplies and help restrain price increases of these goods, which are of course subject to the caveat that these tax reductions filter down to the consumers and not blocked and siphoned off by the manufacturers, agents or dealers half-way.

The review and reduction of import duty, surtax and sales tax on consumer items amount to a total tax reduction of some $167 million comprising:

Review of import duty on essential consumer items	—	$53.0 million
Abolition of import duty on cameras, watches, pens and lighters	—	$ 4.2 million
Review of surtax on essential consumer items	—	$68.0 million
Abolition of surtax on cameras, watches, pens and lighters	—	$ 2.0 million
Exemption of excise duties on consumer items	—	$30.0 million
Review of sales tax on essential consumer items	—	$ 7.0 million
Abolition of sales tax on cameras, watches, pens and lighters	—	2.8 million
Total		$167.0 million

The 1982 Budget can be described as a sugar-coated election budget which gives away $167 million in reduced taxes on consumer items in return for a blank cheque to spend $31.95 billion in operating and development expenditures, without anybody inquiring too closely as to how the money is going to be raised or how they are going to be spent.

The Finance Minister appears to have tried to gloss over the difficult economic conditions, faced by the country, especially:

1. That Malaysia is having a merchandise account deficit, estimated to be at $127 million in 1981, increasing to $820 million in

1982. The current accounts of the Balance of Payments also show a deficit of $542 million in 1980, an estimated deficit of $5,578 million in 1981 and an estimated deficit of $6,476 million in 1982.

2. That the overall balance of Malaysia's Balance of Payments is expected to show a deficit of $780 million compared with a surplus of $1,002 million in 1980, leading to the rundown of Malaysia's net international reserves from $10.3 billion to $10.1 billion at the end of 1981, sufficient to finance about 4½ months of retained imports at the current level as compared to the international reserves in the 1960s which were sufficient to finance an average of eight months' retained imports. In 1982, Malaysia's balance of payments is expected to deteriorate further by $350 million, and our net external reserves would decline by that amount to about $9.8 billion or equivalent to 4 months of retained imports at the current level.

3. That in the Balance of Payments, there is an unusually large amount of short-term private capital outflow for 1981 and 1982 respectively at $1,846 million and $1,174 million, totalling $3,020 million, when under the Fourth Malaysia Plan, 1981 – 1985, (Table 11-6), a total of $6,000 million was estimated for the "Short-term private capital and errors and ommissions" (modal kewangan swasta jangka pendek dan kesilapan dan ketinggalan) for the five years from 1981–1985. Clearly, this calls for a government explanation for the substantial short-term private capital outflow, which at this juncture of the country's economic development, is highly detrimental; whether this reflects inadequate confidence in the country's investment future, etc.

4. That to meet Malaysia's budget deficit, we are embarking on a scale of internal and external borrowing unprecedented in Malaysia's history. For instance, for 1981, Malaysia will borrow $2,891 million externally and $3,300 million from domestic sources, totalling a net borrowing of $6,191 million, the single largest borrowing in a year so far.

When we take into account the 1982 budget, with revenue expected at $17,497 million (after taking into account the 1982 revenue proposals), and a budget of $17,319, million (leaving a puny current account surplus of $178 million), the bulk, virtually the entirety of the development budget of $14.6 billion will have to come from internal and external borrowings. This means that the 1981 rate of external and internal borrowing would be exceeded!

The Fourth Malaysia Plan estimates that it would need to borrow from external sources, both market and project loans, an amount of $4,000 million. At the rate of the Treasury's external borrowing in 1981 and 1982, it is likely that this FMP's target of $4,000 million external borrowing would be exceeded in 1982 itself, may be as high as 50%

5. According to the Fourth Malaysia Plan (Para 599) with the amount of external borrowing targetted, namely $4,000 million during the five year period, the average external debt service ratio would be 2.4%, which is already exceeded in 1981 itself, with the foreign debt service ratio standing at 2.6%.

The FMP target of a foreign debt service ratio of 2.6% may be doubled at the present rate of external borrowings.

It is fortunate that Malaysia's oil finds and productions have been able to help considerably in tiding Malaysia over her economic difficulties.

Malaysia's revenue from petroleum production has increased from $3,458 million, or 22.67% of total revenue in 1981 to an expected $4,073 million or 23.23% of total revenue in 1982, comprising:

	1981	1982
Income Tax – Petroleum	1,854 mil.	2,387 mil.
Petroleum Royalties	398 mil.	418 mil.
Export Duties – Petroleum	1,216 mil.	1,268 mil.
Total	3,458 mil.	4,073 mil.

From 1975 – 1981, the total revenue which Malaysia had netted from petroleum production reached the sum of $8,842 million, which would exceed the ten billion-dollar mark to total $13 billion including next year's petroleum revenues.

However, the question that is being urgently asked by thinking Malaysians is whether we are conserving our petroleum resources, which is expected to run out by the end of 1990 in the absence of new discoveries, in the best interest of the nation and our future generations.

Although the government has announced a National Policy on Oil Depletion, which fixed the average production rate at 260,000 barrels per day for 1981, there is no doubt that production rate for 1981 would have exceeded 275,000 barrels per day if not for the world oil glut forcing down the price of petroleum. In the first half of 1981, despite the National Oil Depletion Policy, the Government directed Petronas to increase its output to 270,000 barrels per day in order to make up for the loss of revenue arising from the poor prices for the country's primary commodities.

However, oil prices declined, and the government directed Petronas to cut down production to an estimated rate of between 220,000 and 230,000 barrels per day in the second half of 1981, after Petronas had difficulty in disposing of the increased output at a period of international oil glut.

This shows that it is not the National Oil Depletion Policy which determines the rate of output of Malaysia's petroleum resources, but the needs of the government of the day for more revenue.

The present stewardship of the petroleum resources by Petronas and by the Government, away from public scrutiny and accountability, is most unsatisfactory, especially as petroleum has become the mainstay of Malaysia's revenue, bringing in export revenue of $1,268 million for 1982 as compared to rubber's $804 million and palm oil's $208 million, and tin ore's $329 million.

Ever since its establishment in 1974, Petronas had made profits after tax totalling $4.55 billion, comprising:

1976	$ 250.7 mil.
1977	662.6 mil.
1978	674.7 mil.
1979	761.4 mil.
1980	2,203.3 mil.
Total	$4,552.7 mil.

In view of petroleum's critical role in the Malaysian economy, especially in the Eighties, it is essential that Parliament exercises meaningful control and responsibility over Petronas.

The present arrangement whereby the Prime Minister is answerable to Parliament on Petronas, and where he offers minimal information even when asked, is not conducive to the government's profession of wanting to have a government which is 'berseh, cekap dan lichin' which upholds public accountability.

I therefore call on the Prime Minister to review the present situation, where Parliament's understanding, control and responsibility over Petronas is so unsatisfactory as to be non-existent, and to take action to institute meaningful Parliamentary supervision of Petronas. For a start, Petronas, though a company registered under the Companies Act, should be required to submit an annual report of its activities to Parliament which could serve as a basis for Parliamentary debate if circumstances warrant it.

The Finance Minister, Tengku Razeleigh, in his budget speech, said the government would further improve project management and accountability, and the overall implementation capacity of the government's development plans.

At one time, the idea of 'public accountability' of public servants and organisations was virtually regarded as a dirty word. I am glad that this concept has become more acceptable, but the test of its acceptance must be seen in action rather than lip-service. This is why I hope that a right start to ensure 'public accountability' of such a key institution as Petronas could be made by none other than the Prime Minister himself, to set an example to all his other subordinates.

Malaysia has still a long way to go to hold public servants and institutions fully accountable to the people and country. The Auditor-General's Reports both on the Federal and State Government Accounts are ample testimony of the large number of cases involving top government leaders and officials who are most alien to the concept of accountability.

In fact, one reason for the delays in the State Governments, and sometimes the Federal Government, to submit their accounts to the Auditor-General on time for his examination, audit and report stems from the inadequate understanding of top government officers concerned of their responsibility to the concept of accountability.

The breakdown of the concept and system of accountability has led to public institutions – the best example are the State Development Corporations and their subsidiaries – running wild incurring huge government losses.

Although the State Development Corporations and their subsidiary companies are technically directly the responsibility of the State Governments – although they are eventually funded by the Federal Government through loans to the State Governments concerned – the system of holding them to account by the respective State Assemblies have completely broken down.

Firstly, most State Economic Development Corporations do not present their annual reports, as they are required statutorily, to their respective State Assemblies.

According to the Auditor-General, Tan Sri Dato Ahmad Noordin bin Haji Zakaria, his 1978 Report on the Johore State Accounts, the Johore State SEDC had never presented its annual reports to the Johore State Assembly. In Malacca, as a result of repeated DAP pressures, the Malacca SEDC finally presented, in one combined version, the annual reports from 1972 to 1975 in 1978, and after that, the Malacca SEDC lapsed into inertia, and is now in arrears with its annual reports since 1976!

Secondly, the system of holding the State Government to account through the Auditor-General's Report and the examination of the State Public Accounts Committee have virtually become an exercise in history.

as, for instance, the Malacca Public Accounts Committee is now currently examining the Auditor-General's Report on the 1972 Accounts — which is clearly a big waste of time, and unless the Federal/State Governments and the public enterprises could be held to account for their irregularities, malpractices and improprieties of contemporaneous where there is chance of requiring the officers concerned to answer directly for their misdeeds, then the whole system of accountability takes on an air of a historical search involving personalities long passed away from the scene, either because of transfer, resignation or retirement.

In this regard, the Federal Government and the Parliamentary Public Accounts Committee must set a good example for all the State Governments and Assemblies to follow. At present, the PAC's Report for the Auditor-General's Report for the 1975 and 1976 Federal Government Accounts had not yet been tabled in Parliament, although I understand they are ready. The PAC recently completed its examinations into the 1977 Federal Government Accounts Report by the Auditor-General, but if the PAC's Report on the 1977 Accounts are to wait its turn until its 1975 and 1976 Reports are printed and tabled in Parliament, it would probably have to wait for another one or two years.

If the government is sincere in wanting to pull up the government machinery by its boot-straps and expose it to the concept of public accountability, then I call on the Prime Minister to direct that the tabling of the PAC's 1975, 1976 and 1977 Reports should be given the topmost priority, and that they should all be tabled in the present meeting of Parliament. Time should then be allocated by the government for a full-scale parliamentary debate on the PAC reports to give public accountability to Parliament of government departments full flesh and substance.

Otherwise, there are government departments which still take a most indifferent attitude to the Auditor-General's queries and the PAC examinations. A good example is in connection with the Auditor-General's 1977 Federal Government Report on the 'instant mee' scandal, where the contract price of 'instant mee' in Sabah and Sarawak for the armed forces in 1977 and 1978 was fixed at $4.90 and $3.90 a packet respectively compared with the average contract price of about 14 cents a packet in Peninsular Malaysia, involving a loss of $962,000 to the public coffer.

What is shocking is that it was after the PAC had its examination on that item that the Ministry of Defence announced that it was setting up a board of inquiry into the 'instant mee' scandal. Clearly, before that, despite the queries by the Auditor-General from 1978 onwards, the Ministry of Defence just ignored or disregarded the matter as irrelevant.

What is equally shocking is that despite the fact that the matter was reported to the NBI as far back as 1978, no action has yet been taken by the NBI on the matter. This does not speak well for an effective, fearless and competent anti-corruption agency as promised by the new Mahathir-Musa administration.

Johore Bahru customs holding the public to ransom

Despite Dr. Mahathir's Hundred Days as Prime Minister, I do not think that the concept of public accountability has sufficiently seeped down and permeated the thinking and approach of all government servants and departments.

What happened at the Johore Bahru customs last week, causing over a mile long traffic foul-up on the eve of Deepavali, is a good illustration.

As a result of NBI action against two Customs officials who were found to have cash of a few hundred dollars on their persons, contrary to service regulations, and the NBI search of a tourist bus, the Johore Bahru customs retaliated by virtually conducting a 'go slow' – on the ground of conducting a thorough search of every passenger or car entering the Johore Bahru customs complex. According to the New Straits Times, apples were being counted and lychee tins taxed.

It is clear to everyone that this is a Customs retaliation for the NBI action in arresting custom officers who were corrupt, despite the attempt by Customs officers to camouflage it as an act of special conscientiousness by customs personnel.

In holding the public to ransom, the Customs in Johore Bahru have shown that they care not a hoot for 'public accountability' of their actions, but merely to carry out a departmental war with the NBI.

What is surprising is that the Johore Bahru customs were allowed to get away with such a shameless demonstration of their power of inconveniencing the public if they are not allowed the franchise to have their takings from the public.

Customs officers who were responsible, either directly or indirectly in allowing the Johore Bahru customs foul-up to take place last week should be disciplined publicly, for they have put the interests of individuals in their department above the interests of the public.

This is why the mere clock-in and clock-out of government servants will not bring about a more 'berseh, cekap and licin' government service without a reorientation of the attitude, mentality and philosophy of government servants. Otherwise, forced to be in office punctually from 8 a.m. to 4.30 p.m., the government servants would take out their resentment on the helpless public, as happened most blatantly in Johore Bahru customs last week.

Call on Prime Minister to require Ministers and top government servants to declare their foreign incomes and property

I welcome the Prime Minister's statement in his interview on his Hundred Days in Office that his government would wage a serious campaign against corruption, and the proposal to revert the NBI into an Anti-Corruption Agency.

The Prime Minister's pledge to root out corruption is still to be matched with deeds, and time will only show whether the Fourth Prime Minister of Malaysia is any different from the other three Prime Ministers as far as the battle against corruption is concerned.

In this connection, I note that in the form distributed to Ministers, Deputy Ministers, Parliamentary Secretaries, Mentri-Mentri Besar, Chief Ministers, State Executive Councillors and senior government officers to declare their assets to the Prime Minister, there are loop-holes for evasion.

For instance, the Prime Minister's Declaration of Assets form require the declarant to declare the fixed assets, like land and houses, and also their shares in companies and banking accounts.

However, the way the Declaration of Assets form was drawn up, there are various loopholes which would allow for evasion of a proper declaration arising from:

1. A declarant is required to declare the assets of houses and land, owned locally or abroad, and also of wife/husband, and children under age/charge. This excludes assets of houses and land held by children who are of age, which will provide a escape clause for the deposit of ill-gotten gains.

2. Although a declarant is required to declare the company and corporate shares owned, this applies only to local shares and not foreign shares.

3. Although a declarant is required to declare the cash and banking accounts held, including savings and fixed deposits, there is no need for declaration of such banking accounts in foreign countries. This would give legitimacy to Ministers, Deputy Ministers, Parliamentary Secretaries, Mentri-Mentri Besar, Chief Ministers, State Exco Members and Senior Government servants to stash away their ill-gotten gains not only in unnumbered Swiss accounts, but in any foreign account, for they need not declare. Although it is not possible to check the veracity of foreign accounts kept by a declarant, such a declaration is needed to provide fullness of declaration. Otherwise, all that a declarant need to do is to dispose his property and transfer them abroad either in foreign banking accounts or in the acquisition of foreign shares.

4. But the biggest loophole of all is that the declaration does not backdate for any period of time. This means that before a declarant makes the declaration of assets to the Prime Minister, he or she could dispose of whatever assets and put them in the names of grown-up children, or other relatives except for spouses and under-aged children, and they would be able to escape any truthful declaration. Clearly, such a Declaration of Assets must be required to be backdated for two or three years, in order to provide a proper picture of a declarant's state of assets.

The greatest weakness of the Declaration of Assets as announced by the Prime Minister is that it is made only to the Prime Minister himself. The Prime Minister said that he would not be able to stamp out corruption, but that he would "put the fear of God in those people who are corrupt."

I am not very convinced that such "fear of God" could go a long way to combat corruption, for up till now, top political and government leaders who are known by all and sundry to be corrupt, as they had assets and income grossly disproportionate to their known sources of income, strut around freely in impunity.

It is not that there is lack of knowledge that they had acquired their wealth and assets by corrupt means, but the lack of the political will-power to clean up the Augean's Stable of corruption, for it would shake up the whole system of political power in the Federal and state government levels.

However, we wish the Prime Minister's efforts to combat corruption well, for corruption,rampant and unchecked,can only lead to the ruination of the moral fibre and political will of the country.

The Finance Minister had said that to improve the Government machinery, the Cabinet Committee on Implementation had introduced a whole range of measures to streamline administrative procedures and to haste the process and quality of decision-making. But this does not seem to be reflected by this year's development performance.

The Treasury Economic Report 1981/82 said that of the total appropriation of $14,627 million for development for 1981, the first year of the Fourth Malaysia Plan, actual development expenditure is estimated to reach $9,190 million, an increase of 23% over the 1980 actual development expenditure of $7,463 million.

But in the Finance Minister's budget speech, which could not have been separated in time with the Economic Report by more than a month, a downward revised estimate of actual expenditure was given for development at $8,611 million – a difference of $579 million. This means the implementation capacity of development projects by the Government for 1981 is merely 58.8% of the total development allocations.

This puts the Federal Government almost on par with the State Governments' development implementation capacity, which had been the constant subject of criticism by the Auditor-General in his reports. It is clear therefore that the Cabinet Committee on Implementation's measures had still to make an impact to upgrade the development implementation capacity of the governemnt.

The need to upgrade implementation capacity of development projects, however, should not be an excuse to justify the wanton waste of public funds in projects through bad planning, inadequate feasibility study or downright inefficiency or incompetence.

The announcement by the Deputy Prime Minister, Datuk Musa Hitam, when he visited Negeri Sembilan in early September that the Federal Government has decided to write-off the $23 million Federal Government loan to the Negri Sembilan State Government over the losses of Gula N.S. is one good example.

Datuk Musa had said that the write-off of $23 million to the N.S. State Government should not be seen as the Federal Government condoning the losses, but should serve as a warning to all other SEDCs that they should conduct proper studies before venturing in any projects.

I was so concerned by Datuk Musa's statement that I wrote to him urging him to reconsider the write-off as the circumstances it was announced would set a most unhealthy precedent for other state governments and public enterprises.

I would dare say that Datuk Musa's 'warning' to all other SEDCs that their debts derived from the Federal Government would be written off if they flop, would be welcome by most if not all SEDCs in the country, which would probably compete with each other to be administered the biggest 'warning' in having the biggest Federal 'write-off' of their debts!

A write-off by the Federal Government of such a vast sum of money without a public accounting of the reasons for the failure of the Gula N.S., a government enterprise, will have no instructive effect to prevent future Gula N.S. disasters from recurring again Negeri Sembilan or other states.

There clearly must be a proper criteria for the write-off of Federal government loans to state governments as it involves the taxpayers' money. At the minimum, there must be a public accounting of the reasons for the failure of the public enterprises, what lessons should be learnt from all government agencies and officials, and whether those responsible for the failure of the enterprise and the loss of vast sums of taxpayers' money have been brought to book because of their negligence or incompetence.

The financial position of some SEDC companies are in a very bad state. According to the Auditor-General's 1978 Report on the Johore State Government Accounts, the Johore State Government invested $3.95 million in five fully-owned subsidiary companies, advancing $4.26 million to two of these five companies for their operating expenses. As at 31st December 1978, the 'asset backing' of these five companies were merely $1.25 million!

A firm proper set of criteria must therefore be worked out, incorporating the element of public accountability, before any Federal loans to SEDCs, through State Governments, are written off, to ensure a higher standard of competence and performance, and that SEDCs do not become 'bottomless pits' where more and more public money must be dumped without returns.

At this period of economic and financial stringency, the Government should ensure that public expenditures are spent productively, that the people get the value of every dollar spent.

In this regard, wasteful and unproductive expenditures, like the $5 million Arch separating the Federal Territory and Selangor (financed from the Federal Government's compensation money to Selangor) is a colossal monument of public money misspent and all the other Boundary Arches in various parts of the country should be halted.

The Government should launch an austerity drive to cut down on non-essential expenditures and increase productivity by workers both in the public and private sectors.

Tengku Razaleigh said in his budget speech that the 1982 Budget will not slacken in the government's efforts to achieve the socio-economic objectives of the New Economic Policy.

The recent inflationary spiral has gravely affected the poverty groups, especially in areas of essential consumer items and housing.

There is dispute between economists and government officials about the actual rate of inflation, with university dons claiming that inflation is some three points above the Consumer Price Index figure, which would bring Malaysia into double-digits inflation in the second quarter of the year.

Apart from the reduction of import, surtax and sales tax on consumer items, the Government must ensure that the measures would reduce inflation which had reduced the purchasing power of the poor and the low-income, especially through the establishment of an effective Consumers' Department with the task of ensuring that the reduction in the import, surtax and sales tax on various consumer items are reflected in retail prices.

In view of the Prime Minister's Hundred Days in Office interview today, I think it is necessary for the DAP to reiterate our stand on the New Economic Policy.

The DAP, and the large number of Malaysians who support the DAP, agree with the New Economic Policy objectives of achieving national unity through the two-pronged process of eliminating poverty regardless of race, and the restructuring of the Malaysian society to eliminate the identification of race with occupation, vocation and location.

We also accept the NEP pledge that in its implementation, "no paticular group experiences any loss or feels any sense of deprivation of its rights, privileges, income, job or opportunity."

When the Second Malaysia Plan was debated in Parliament over 10 years ago, I said on behalf of the DAP in this House on July 14, 1971 that the DAP supported both prongs of the NEP to reduce and eventually eradicate poverty by raising income levels and increasing employment opportunities, for all Malaysians irrespective of race, and the acceleration of the process of restructuring the Malaysian society to correct economic imbalances, so as to reduce and eventually eliminate the identification of race with economic function.

What we do not support however, is any attempt at selective restructuring, or the repudiation of the NEP pledge that there would be no discrimination against any racial group.

A review of the NEP shows that there had been selective restructuring, as illustrated by the refusal of the Government to restructure FELDA scheme participation to reflect the population, and to reduce and eliminate FELDA's identification with any one race.

During the Second and Third Malaysia Plan, FELDA resettled 42,200 families predominantly of one racial group, flying in the teeth of the restructuring objective of the NEP.

Every year, there had been new attempts to disregard the NEP pledge of 'no loss or deprivation' for any racial group. In 1980, it was the Bintulu affair, where the Bintulu Development Authority introduced a regulation that before applications for the development of land in Bintulu would be considered, there must be 50% bumiputra equity share-holding of the land concerned.

The Bintulu regulation is a gross violation of the New Economic Policy pledge of 'no loss or deprivation' for any racial group, apart from a violation, of the Constitution of the right to property and protection from 'back door expropriation.

This year, 1981, the further breach of the NEP pledge comes from the Sungai Abong and Tanjong Agas affair in Muar.

In 1972, the State Government served notice that it intended to acquire land in Sungai Abong from Chinese owners. The acquisition was made in 1976. A scheme for low-cost housing was planned for the area, and in 1979, the area was gazetted as Malay Reservation Area. As a result, when the public were invited to apply for the 578 low-cost housing units there, the non-Malays were turned away on the ground that the Sungai Abong low-cost housing scheme stood on Malay Reservation Area. The same applies to Tanjong Agas low-cost housing scheme involving 542 low-cost housing units.

By this expedient, non-Malays are denied allocation for public low-cost housing, and this is clearly a breach of the New Economic Policy

that there would be no 'loss or deprivation' of their legitimate rights and opportunities to public low-cost housing.

In fact, the Sungai Abong and Tanjong Agas affair violate also the second prong objective of the New Economic Policy to restructure society to reduce and eliminate the identification of race with location. Surely, if the objective of the Government is to create a multi-racial living environment, then it should cease to create housing schemes or estates which are reserved exclusively to one particular race.

.Furthermore, if the rights of the other races to fair allocation of low-cost housing could be deprived by this expedient of declaring a piece of land, originally acquired from non-Malay owners, as Malay reservation, then similarly the rights of the other races in other socio-economic fields could be deprived.

This is why the DAP demands that there should be established a Commission on the New Economic Policy which could receive and adjudicate on complaints of violation of the NEP pledge of 'no loss or deprivation' for any racial group in the implementation of the NEP, to ensure that national unity, which is the overriding objective of the NEP, is not defeated.

If there is such a NEP Commission to hear and adjudicate on NEP complaints, then the Bintulu violation in 1980 and the Sungai Abong and Tanjong Agas violations in 1981 could be referred to it for proper resolution.

Defence Spending Call for a fundamental review of Malaysia's Defence Policy

The increase of defence expenditures by leaps and bounds these past few years is a matter of great concern.

From the year 1975 onwards, the defence expenditures in each budget had been:

	Operating Expenditure	Development Expenditure (in millions)	Total Expenditure	Percentage of Total Budget
1975	939	116	1,055	15%
1976	780	338	1,118	13.6%
1977	973	351	1,324	12.5%
1978	1,090	316	1,406	11.9%
1979	1,174	530	1,704	11.9%
1980	1,443	812	2,255	10.7%
1981	1,700	1,619	3,319	13.8%
1982	2,150	2,700	4,850	15.57%

On the Prime Minister's assumption of office, he said the Government does not regard Vietnam as a direct threat to Malaysia. If this is the Government's defence perception and policy, then clearly it must be accompanied by a great reduction of defence expenditures to concentrate on the socio-economic development of the country, which is itself an important element in building up the defence resilience of the people and country.

The Government's proposed $9.3 billion defence expenditures on defence hardwares under the Fourth Malaysia Plan, like A4 Skyhawks or Corsairs, tanks, Armoured Personnel Carriers and Fire Support Vehicles, 155 mm howitzers, are arsenals meant not to fight the traditional guerrilla and jungle warfare, but for a conventional battle.

At this moment of time, the only likely enemy object is Vietnam, with her Russian-supplied armaments and the vast arsenal left behind by the Americans.

Even if the Malaysian Government perceives Vietnam as a likely threat in a conventional military battle, the question that must receive the consideration of policy makers and Parliament is whether Malaysia on her own could stand up to a possible Vietnamese onslaught on her own resources, or whether there should be a pooling of military resources of the ASEAN nations for a start, which will also reduce the defense costs to be borne by each ASEAN country.

Malaysia must also consider the dangers of growing militarisation in the country, which could lead to a military coup de tat as had happened in other countries which have taken the road of ever increasing military expenditures.

Furthermore, the role of an expanded military in nation building must be given proper perspective, for surely the military services should be used as an important crucible to make Malaysians out of all Malaysian soldiers, sailors and airmen. Towards this end, a deliberate policy to restructure the armed services to reduce and eliminate its identification with any one particular race must be embarked upon.

Caution against abuses in an election budget

Being an election budget, I must caution the government not to misuse public funds just for the purpose of catching votes.

We have seen in the past how the pre-election year witness the great expenditure of public funds on a variety of projects in the hope of getting the vote.

National and governmental resources are used by the various political party leaders in the government as if part of their party property, for disbursements to the people.

I understand that beginning with June this year, the minor development funds for each constituency had been increased from $100,000 to $200,000 a year, which are spent on the recommendation of the incumbent Barisan MP.

I would like to ask the Prime Minister what happened to the minor development funds allocated each year for the Opposition constituencies, as to whether he would be prepared to set an example of fair play by allowing Opposition MPs to make use of this minor development fund for each constituency.

After all, the voters in Opposition areas are also taxpayers, and are entitled to development funds in the same way as voters in other areas. If the $200,000 development fund comes from the Barisan treasury, then

of course, there is no cause to complain. But since these funds come from the Federal treasury, the people have a right to expect even-handed approach and fairplay. I hope the Prime Minister would be able to give a satisfactory reply to this long-standing grievance of the electorate in Opposition areas.

Call on government to look after interest of trawler fishermen

At the end of July, the Minister of Agriculture, Datuk Haji Abdul Manan bin Haji Othman, granted a three month extension till November 1, 1981, for the enforcement of the new Fisheries Regulations 1980 which prohibit the use of net whose mesh size is less than 1.5 inches, as compared to the existing 1 inch mesh size, by trawler fishermen.

This followed the demonstration by the over 1,000 trawler fishermen in the Pantai Remis and Dindings area who refused to go out to sea as they would have very poor catches and suffer grave economic hardships.

The other regulation prohibited trawler boats of 40 tons and below from fishing within five miles of the shore as compared to the three-mile limit previously.

The November 1 deadline expires in another four days, and the trawler fishermen in the Dindings area and elsewhere in the country are in the grip of a panic.

Fisheries officials in Perak had gone out to sea with the trawler fishermen and have found out what the trawler fishermen had been complaining, that the 1.5 inch mesh size net would easily slash their catch by half or more, making it uneconomic for them to continue their livelihood.

The present trawler fishermen were encouraged by the Fisheries Department to convert from traditional fishing methods to trawler fishing in the mid-1960s, and now with the new Fisheries Regulations, the trawler fishermen are left high and dry, and literally placed between 'the devil and the deep blue sea'.

This is because their boats and gear would be too uneconomic for use for traditional fishing inshore, and would also be too small and inadequate for deep-sea trawling, or even for trawling five-mile and beyond.

As the government had in the first instance encouraged them to convert to trawling, the government has a moral duty and obligation to them to ensure that they are not placed in a position where they suffer great financial losses and hardships, as many of them are still in the process of trying to complete their payments for their trawler boats and gears. Furthermore, the expected life span of such trawler boats are about 8 to 10 years, and to abandon them now, as would be the case with the strict enforcement of the new Regulations, would mean a total loss of their investments without hope of recoupment.

If it is the policy of the Government to phase out small-scale trawler fishing from the three-mile to five-mile zone, as permitted previously, then the government must work out a comprehensive scheme and provide a reasonable time for the phasing out, and not to impose and implement Regulations without regard to the hardships caused to the trawler fishermen, who had contributed to the fishing industry and export earnings of the country.

The trawler fishermen should be given at least three years to phase out, and with government help, convert to larger and highly capitalised trawler fishing in the deep seas, or be given other forms of government assistance to seek alternative employment, as taking up freshwater breeding or other forms of aquaculture.

It is most unfair on the part of the Ministry of Agriculture and Fisheries Department telling the trawler fishermen to either go for deep – sea fishing or revert to traditional methods of fishing, especially as deep-sea fishing is still a very new thing in Malaysia.

According to the Treasury Report, MAJUIKAN is only now planning to study the possibility of deep-sea fishing, and towards this end, a research ship capable of operating in waters more than 60 miles offshore is expected to be ready in 1982.

I would therefore urge the Minister of Agriculture to extend the November 1 deadline for implementation of the Fisheries Regulations to allow time for the Government to phase out trawler fishing from 3 miles to 5 miles off shore, so as t o be able to draw up a comprehensive scheme to look after the economic interests of trawler fishermen who would be badly affected by it. The Government should be ready to offer the trawler fishermen with incentives and convert to bigger-scale trawler fishing in terms of financial assistance, or concrete schemes to switch to alternative employment as in aquaculture or even land settlement schemes.

To pass and carry out a death sentence on a group of Malaysians who had been lawfully carrying out their economic pursuits contributing to the national economy without giving them assistance and an opportunity to switch to other forms of economic pursuits is most inhumane and cruel, and most out of keeping with a government committed to the welfare of the people.

BINTULU-ISATION OF NEP

> **"One can be a 100 per cent Malaysian nationalist and Malaysian, who is prepared to die in the defence of Malaysia against aggression from any quarter, whether it be the Vietnamese communist variety, Russian communist variety, or even Chinese communist variety, accept Malay as the national and official language, and yet be completely attached to Chinese language, education and culture.**
>
> **"For anyone to regard Malaysian Chinese who are deeply attached to Chinese language, education and culture as being pro-communist, is not only a travesty of the truth, but even worse, to write off almost the entire Chinese community as disloyal, anti-national elements of which they are certainly not. Such a myopic attitude would in fact strengthen the cause of the communists, for the government would be compelling such an identification of the two groups which does not exist."**

Speech on the Royal Address on March 18, 1982.

We are entering the second decade of the New Economic Policy, and on the threshold of launching the Fourth Malaysia Five Year Plan. Central to the success of the New Economic Policy as the government's basic strategy to create a united, peaceful and prosperous Malaysia is the strict adherence of the government at all levels to the NEP's cardinal tenets that "no particular group would experience any loss or feel any sense of deprivation of its rights, privileges, income, job or opportunity" and that there would be no 'robbing Peter to pay Paul'.

If it gains general currency that these cardinal tenets of the NEP are not respected, then irreparable harm would be done to the entire process of nation building in Malaysia.

This is why what happened in Bintulu, Sarawak, is very important to the entire question of confidence in the NEP, and why the Federal Government must intervene to allow for no doubt in anyone's mind about its seriousness and sincerity to honour the NEP's cardinal tenets.

In Bintulu, since July last year, the Bintulu Development Authority, which has been vested with the duties and powers of being responsible with the development of Bintulu, introduced a shocking regulation which not only violate the constitutional rights of Malaysians, but destroy the very basis of the New Economic Policy.

Since July 1980, the Bintulu Development Authority, in response to applications by land-owners in Bintulu for sub-division and variation of title, invariably answered these applications with the following reply:

"I refer to your application for the sub-division and variation of title condition for the above parcels of land and am directed to advise you to form a Development Company with a fifty per cent Bumiputra equity shareholding before the application can be considered for approval.

"Would you please supply to the Bintulu Development Authority all relevant documents in respect of the said company."

This letter, to all applications for subdivision and variation of title from agricultural to commercial/residential use, was signed by a BDA official.

This decision of the Bintulu Development Authority has far-reaching implications. For it means that before an application could be considered by the BDA for sub-division and viaration of title condition of land in Bintulu from agricultural to residential/commercial purposes, which is necessary before development plans are submitted for approval, the landowners must extend 50 per cent ownership of the land to bumiputras through the formation of a Development Company.

This is firstly a violation of the Constitutional right to property which protects Malaysians from expropriation of property without compensation. What the Bintulu Development Authority seeks to do is nothing less than a back-door expropriation of property of Malaysians.

It is secondly an attempt to nullify the constitutional rights of Malaysians, not through an amendment to the Constitution in Parliament through a two-thirds parliamentary majority, but by administrative fiat which is

both unconstitutional and illegal. Such a method of 'amending' the Constitution not by the proper process of parliamentary amendment but by administrative fiat cannot be allowed to go unchallenged in Parliament if the constitutional rights of Malaysians are to have any meaning and protection.

Thirdly, such a BDA regulation constitutes a gross abuse of power, for whether applications for sub-division and variation of title conditon of land should be approved or not should depend not on the whims and fancies of any bureaucrat or bureaucracy, but on the Master Plan in Bintulu with regard to the various land use and development needs.Such applications should be considered strictly on the basis of their merit, as to whether they conform with the development Master Plan, and not on irrelevant and extraneous issues completely unrelated to land development and use.

Such a Master Plan should be available for inspection and study by the public so that there is no room for abuse of power and corruption. Otherwise, the people will be completely at the mercy of the bureaucrats, who can one day insist that before subdivision and conversion of title is considered, 50 per cent of the land should be contributed to the ruling party.

Fourthly, and most important of all, the BDA regulation violates the entire basis of the New Economic Policy that in its implementation the government would ensure that "no particular group experiences any loss or feels any sense of deprivation of its rights, privileges, income, job or opportunity" or in the spirit of "robbing Peter to pay Paul."

The people of Malaysia, in particular the non-Malays, fully support every measure by the government to help the more economically-backward bumiputras to catch up economically, but this must not be done by depriving the non-Malays of their constitutional rights.

And there can be no dispute whatsoever that to require non-Malays to give up 50% of their property, through whatever forms of coercion or duress, in order to secure approval for conversion, subdivision and development is a clear cut deprivation of their property rights in the name of restructuring society.

The BDA regulation is the thin end of the wedge which if allowed, would open up the Pandora's box of the Eighties, where the NEP would be implemented in utter disregard to the cardinal tenet that "no particular group experiences any loss or feels any sense of deprivation of its rights ....."

Let me declare here that the DAP has raised the Bintulu case not because we are championing the landowners in Bintulu, but because an important principle of constitutional right is concerned.

This is because if it is permitted to impose by administrative fiat a deprivation of a constitutional right of a Malaysian, then in future, the Bintulu ruling would be extended to all other spheres of economic life, and not just confined to land development, e.g. in the issuing of permits, licences, etc., and even to other spheres in national life, as in educational opportunities, etc.

The people have a right to know the Federal Government's position as to whether in the 1980s, in the second decade, there is going to be a full-scale Bintulu-isation of the New Economic Policy, where in all spheres of economic and national activities, conditions like the BDA regulation are going to be imposed.

In the interest of securing the fullest public confidence in the NEP before the launching of the Fourth Malaysia Five Year Plan, I call on the Acting Prime Minister, Dr. Mahathir Mohamed, to dispel the apprehensions created by the Bintulu affair, and to give the people a clear-cut assurance that the Government is not the process of Bintulu-isation of the NEP in the 1980s. The government should also intervene in the Bintulu affair and have the unconstitutional and anti-NEP regulation repealed.

The Samad Ismail line

After twenty four years of Merdeka in 1957, the task of nation building, of making one people out of the diverse races, is still as distant as ever.

Malaysia has one of the most difficult tasks in nation building in the world, with the diversity of races, languages, cultures to be found here.

The only sure way to build such a plural society into one nation is to honour and respect the diversities, but channelling them into one common national goal. Any attempt to suppress any aspect of Malaysia's diversity, whether it be race, language or culture, is condemned to failure and futility, and even worse, national discord.

It is important that the national leaders, and more and more Malaysians, must understand Malaysia's pluralistic nature, and to respect the people's legitimate and natural attachment to their mother-tongues or way of life.

Thus, I view with great concern the television statement of the former New Straits Times managing editor, Samad Ismail, before his release from detention who suggested that those who cherish and want to see Chinese language, education and culture have their rightful place in Malaysia as playing the communist line.

To succumb to such a suggestion is to deal a grievous blow to Malaysian nation building.

At one time, there were many in authority who look at Chinese schools as the seed-bed of communism, and those who fight for Chinese educational, language and cultural rights in the Malaysian polity as communists or fellow-travellers.

For the sake of Malaysia's future and successful nation building, such myopic attitudes must be banished from those in authority, for there must be a clear distinction between Chinese education, language and culture one the one hand, and communism on the other.

One can be a 100 per cent Malaysian nationalist and Malaysian, who is prepared to die in the defence of Malaysia against aggression from any quarter, whether it be the Vietnamese communist variety, Russian communist variety, or even Chinese communist variety, accept Malay as the national and official language, and yet be completely attached to Chinese language, education and culture.

For anyone to regard Malaysian Chinese who are deeply attached to Chinese language, education and culture as being pro-communist, is not only a travesty of the truth, but even worse, to write off almost the entire

Chinese community as disloyal, anti-national elements of which they are certainly not. Such a myopic attitude would in fact strengthen the cause of the communists, for the government would be compelling such an indentification of the two groups which does not exist.

Although the communists are exploiting the issues of Chinese education, language and culture, the best way to undercut communist ground is to accord to Chinese education, language and culture the constitutionally-guaranteed position in the country, which is also in accordance with the deeply-held aspiration of the Malaysian Chinese. This is why recent incidents like the Klang District Council decision not to allow Chinese characters to be used on a arch donated by the Chinese Chamber of Commerce in honour of the birthday of the Sultan of Selangor has again raised doubts about the place and position of Chinese language in multi-racial Malaysia.

In fact, incidents like those in Klang show that it is government officials who do not have a rounded Malaysian approach and multi-racial values, who keep creating incidents which agitate the Malaysian Chinese community, who seemed to be placed in a position where their rights with regard to Chinese education, language and culture in Malaysia are subject to perpetual erosion and harassment.

The DAP calls on the Government to conduct a campaign where all government leaders and officials are sufficiently imbued with Malaysia's multi-racial values and perceptions, and avoid trampling on each other's sensitivities. Government officials should be aware that they must set the example to all Malaysians that they think and act as Malaysians, and not as Malays, Chinese or Indians, for more than anything else, it is from the people's relationship with the government that influence their view whether we have a government for all Malaysians, or otherwise.

Let me also advise political leaders to stop doubting the loyalties of non-Malay communities in Malaysia, and even more important, to stop using words which segregate them apart, like 'orang asing' or 'kaum pendatang', for such attempt to perpetuate separateness not only run counter to the process of national integration and Malaysianisation, but actively promotes division and alienation.

Malaysia belongs to all Malaysians, regardless of their ancestral origin, and if we want a united Malaysia, then government leaders should stop highlighting their separateness, like being Malays, Chinese, Indians, Kadazans, Ibans, or bumiputras and non-bumiputras, but as Malaysians.

PARLIAMENTARY REFORMS

"We talk of our system of government as a parliamentary government where the Executive is controlled by Parliament. In actual fact, it is the Executive which controls Parliament through the exercise of majority power.

"Parliament in Malaysia has never exercised any legislative initiative and this is an area which parliamentary reforms should give serious consideration to rectify, to restore to Parliament its law-making powers rather than just law-legitimating powers."

Speech on the motion to form a Speaker's Conference on Parliamentary Reforms on June 17, 1980.

I move:

"That this House resolves to set up a Parliamentary Committee, under the Chairmanship of Mr. Speaker, to be known as the Speaker's Conference on Parliamentary Reforms, to make recommendations to the House on reforms to parliamentary procedures and practices to make the Dewan Rakyat a more effective legislative and deliberative chamber and to give substance to the important principle of parliamentary control of the Executive."

I first gave notice to table this motion for parliamentary reforms at the budget session last year, but the motion lapsed as no time was provided for its debate. In fact, for some years now, I had inside and outside the House, spoken of the need for parliamentary reforms to upgrade the effectiveness of the Dewán as a legislative and deliberative chamber.

I was glad when last week the Malaysia Branch of the Commonwealth Parliamentary Association organised a three-day seminar on parliamentary procedures and practices, where MPs had the opportunity to listen to an exposition of the modernisation of parliamentary procedures in the House of Commons by the Clerk of Committees at the House of Commons, Mr. David Pring.

This motion is not the result of Mr. Pring's exposition, but as I said, was tabled as early as last year. Nor am I suggesting that we should imitate all the reforms to parliamentary procedures and practices in the House of Commons, although our Standing Orders was partly drafted by Mr. Pring and based on the Westminster model.

We should not be slavishly imitative of House of Commons practices, but we should not be unthinkingly outmoded either in our parliamentary practices and procedures.

We must bear in mind that our Standing Orders, for instance, was based on the parliamentary practices and procedures of the House of Commons of the fifties, just before the start of two decades of active, vigorous and continuous parliamentary reforms in Westminster.

Parliaments in other Commonwealth countries have also played a vigorous role in parliamentary reforms, so as to make their legislatures more effective and more in keeping with changing times and needs.

In Malaysia, however, although there had been several amendments to the Standing Orders, these were designed more to restrict opportunities for effective control of the Executive, and there were no overall, comprehensive review of the parliamentary procedures and practices in Malaysia after 23 years of operation.

Parliament must be a living, dynamic institution capable of adapting itself to the needs of changing times and popular demands, and this is why I am making this proposal contained in my motion.

Before I proceed further, I want to make one clarification and one plea. The clarification is that I am moving this motion, not because I am from the DAP, but from the standpoint as a Malaysian Parliamentarian.

In this chamber, with MPs coming from different political parties, we are bound to have differences of views based on party beliefs. But we also share one common quality, that we are all Members of Parliament and should have a common concern that there is effective parliamentary control over the Executive regardless of party affiliation.

There is a need, on matters affecting the interests, rights and powers, vis-a-vis the Executive, that MPs whether from the ruling party or opposition should find a common united stand to jealously safe parliamentary rights and privileges from any Executive encroachments.

My plea therefore is that on this motion before the House, that we discuss and approach it bereft of our party affiliation, but strictly from the viewpoint of Parliamentarians concerned at preserving and enlarging Parliament's role as the bedrock of our system of government.

We talk of our system of government as a parliamentary government, where the Executive is controlled by Parliament. In actual fact, it is the Executive which controls Parliament through the exercise of majority power. This is a problem which is not peculiar to Malaysia, but to all parliamentary forms of government, and it is urgent and imperative therefore for Parliamentarians to review and examine anew their true role in the system of government, so that the effectiveness of Parliament in the Eighties could be assessed.

Although the functions of Parliament are usually described as legislative, control of finance, and deliberative, its principal function in all these spheres is not to act as a governing body, but as a critical forum, 'the sounding board of the nation'.

For instance, although Parliament is said to be a law-making body, our Parliament is not a law-making body except in the most formal sense. If we picture the legislative process as involving four interlocking and overlapping functions: 1. Inspiration; 2. Deliberation and Formulation; 3. Legitimation; 4. Application, we will find that Parliament is not involved in Stage 1 or 4, very formally in Stage 2 and only involved in Stage 3. Hence, it may be more correct to say that Parliament does not legislate, but merely legitimizes what the Executive has decided should be legislated.

A timely article on Malaysian Parliamentarians in last weekend's Sunday Mail reported that most MPs appear to be ill-equipped to follow intelligently much of the proceedings, especially when it comes to the debate on new laws or amendments.

The Sunday Mail report continued: "MPs maintain they do not get adequate briefings. The reply is that many back-benchers don't read the bills given to them and therefore are incapable of following the pre-council briefings.

"The wakil rakyats maintain they don't have the time or resources to comprehend the implications of the various bills.

"Because most of the back-benchers maintain a docile profile, there seems to be some justification in the cynic's label that the Dewan is nothing more than a rubber-stamping body."

The limited capacity of Parliament to examine and scrutinize government legislation, finances and policies is aggravated by the poor grasp and understanding of parliamentary procedures and practices.

For instance, yesterday, when my colleague, the MP for Menglembu, Sdr. P. Patto, moved a $10 cut during the committee stage of the supplementary estimates on the Lembaga Beras Negara, to express censure for the unsatisfactory way the LPN was carrying out its padi subsidy scheme, a backbencher criticised Sdr. P. Patto for proposing a cut, when he should be asking for a raise.

This Hon'ble Member clearly does not know that a proposal to cut $10 for a particular provision does not mean literally a desire to cut $10, but merely a parliamentary device to highlight a problem affecting the particular vote. Parliamentary procedures do not permit an amendment to increase votes, and if any MP wants to highlight that the money provided is too meagre, then it would be by way of a proposal to reduce the allocations by a nominal sum.

Erskine May's Parliamentary Practice, 19th Edition, Page 713, for instance, spoke of the "well-known rule of supply that no amendment is in order except a simple reduction of the amount demanded; and the

practice became established of moving a 'token reduction as a 'peg on which to hang an argument for the increase or extension of a service."

Parliament in Malaysia has never exercised any legislative initiative, and this is an area which parliamentary reforms should give serious consideration to rectify, to restore to Parliament its law-making powers rather than just law-legitimating powers.

One of the most unsatisfactory features of the parliamentary process of legislation is the inadequate time given to MPs to study and debate bills, reinforcing the view that the Executive regards Parliament as a mere rubber stamp. This is a matter which should not concern merely the Opposition, but all Parliamentarians, for this undermines public respect for parliamentary institutions.

The same problems are presented when we consider Parliament's important function to control government finances. In fact, it may be questioned whether Parliament in fact possesses this control.

Once presented, every estimate would be approved as a matter of course; so much so that it could be claimed that it is the Treasury, rather than Parliament, which decided the Estimates; and as Parliament voted what the Executive demanded, Parliament is governed by officials.

One persistent problem is the lack of sufficient supply days, whether for the main budget debate or the supplementary estimates, for adequate examination of the various government departmental expenditures.

For instance, Parliament has just spent two days on Friday and yesterday to deal with 18 Ministries' supplementary estimates for 1979 and 1980 totalling over $1,000 million. As a result, there could only be the most cursory discussion of estimates for a few minutes by each Member involving items of expenditure running into tens and hundreds of millions of dollars.

Despite these limited opportunities for an adequate debate and scrutiny of government finances, the Executive continued surreptitiously to unilaterally alter practices which reduce even further parliamentary time for scrutiny of government finances.

Until very recently, supplementary estimates, whether for supply or development, for each year are taken separately, but this time, the 1979 and 1980 supplementary supply and development estimates are treated as one omnibus item, effectively reducing debate time by half if the 1979 and the 1980 estimates had been debated separately as was the practice in the past.

It is with the objective of restoring the imbalance in the relationship between Parliament and Executive, to reassert Parliamentary control over the Executive, that in various countries, specialized Select Committees overseeing various government departments and Ministries had been formed I understand the latest innovation in the House of Commons is the establish ment of a Specialised Committee for almost every Ministry.

This means that there is not only an expansion of parliamentary time to scrutinize government finances and policies, it also enables Parliament to exercise more meaningful control over the Executive.

The Committee system is new and foreign to Malaysia, and had been regarded by some government leaders as an American system. In fact, it has become a feature of most Commonwealth Parliamentary institutions. I am not suggesting that we in Malaysia should introduce overnight a full-fledged Committee System, where there is a Parliamentary Committee to oversee each Ministry We should however experiment with this system, and for a start, establish Parliamentary Committees for selected Ministeries, like Agriculture, Education, Defence, Transport.

Such a Committee system will make a great difference in the effectiveness of each individual Member's work in Parliament, as members would gain real knowledge of certain subjects and become truly effective in those spheres.

There is also a need to review and assess the performance of existing Standing Committees, like the Public Accounts Committee, which is operating most unsatisfactorily in controlling public expenditures. The PAC is at present dealing with the accounts for 1975, and its proceedings have the air of a exercise in past history which has no relationship or relevance with present-day problems. Nobody in Malaysia has ever been interested with the PAC reports, and unless there is a review of this area of

parliamentary control of government expenditures, it may be wondered whether the whole PAC is not a entire waste of parliamentary time and public funds.

Parliament should seriously consider reforms to the PAC operations which will enable the PAC to deal with finances of very recent years so as to maintain relevance and topicality. Furthermore, Parliament should consider having an Expenditure Committee, whose terms of reference would be to look at all future government spendings, not only for the annual departmental estimates, but also look at all government spending and the five year projections as set out in the Five-Year Development Plans, to examine the methods by which the government plans and controls spending.

These reforms will make Parliament become a more effective watch-dog over public expenditures than at present.

The third function of Parliament, as the national forum, is not often understood or appreciated. During my years in the House, I have often heard statements by many Ministers and MPs that the House should not be turned into a political forum. The fact is Parliament is the highest political forum in the land.

There is a need for a greater appreciation that Parliamentary business does not mean merely government business, but includes Opposition business and all other private member business.

In the past, before the meetings of Parliament, a Parliamentary spokesman would announce the pending business, being the bills to be tabled, and the number of questions, but such announcements emanating from the Parliamentary Office never mention Opposition business, whether motions or private member's bills.

The right of the Opposition to initiate parliamentary business must be accorded due recognition, by procedural provisions for instance, that on every Friday sitting, there should be at least two hours reserved for non government business; and that during the long budget meeting and the debate on the royal address, at least two days should be set aside for Opposition business.

Here, I wish to stress that there is no incompatibility between a strong government and a strong opposition. There is no necessary contradiction between having a strong Executive and an efficient and effective Parliament.

The more powers the Government commands to do things affecting all aspects of people's lives, the greater the need for effective parliamentary scrutiny and criticism of these activities.

What all Members of Parliament seek should be an alert and effective Parliament, which would be a help and not hindrance to good government.

At present, there are billion-dollar spending government creatures, like Petronas, Pernas, MARA, Bank Rakyat, which are not subject to any form of effective parliamentary control. One cause for the recent Bank Rakyat scandal where some $150 million were squandered away could be traced to the weak system of parliamentary control.

I have not sought to list out an exhaustive catalogue of specific proposals for parliamentary reforms, but to draw attention to areas where after 23 years of operation, weaknesses had been highlighted and a deep look with a view to parliamentary reforms should be instituted.

The Speaker's Conference on parliamentary reforms should study the experiences and examples of other parliamentary institutions for guidance for our Parliament.

We should not confine ourselves to the House of Commons because we have a lot to learn from other Commonwealth Parliaments. The Indian Parliament, Lok Sabha, for instance, has pioneered several new procedural concepts.

For instance, the Lok Sabha has a notable procedural innovation in the form of 'calling attention notice'. It enables a Member to draw the attention of the Government to sudden developments of urgent public importance and to elicit their stand thereon, and requiring the Government to come out with a statement straight away, or ask for time to make it.

With this handy device, Members do not have to resort to an adjournment motion of definite, urgent public importance, which involves a certain measure of censure.

There is also the innovation in the Lok Sabha rules for a Member who wishes to bring to the notice of the House any matter which is not a point of order to do so after giving due notice and with the consent of the Speaker. Using this provision, Members are usually allowed on the last day of the Session to raise various miscellaneous matters they had no opportunity to bring to the notice of the House through other means.

There are many other areas and specific procedures, like question time, adjournment motions, time for debates, etc., facilities for information and research for MPs which could be discussed and reviewed, but I do not propose to go into them one by one.

Having sketched the major areas requiring parliamentary reforms, I hope that Members will at least support the proposal that 23 years after Merdeka, a new deep look at this question is called for. It is not necessary that they should agree with everything or every proposal I made, nor does it mean that the Speaker's Conference on Parliamentary Reforms should be tied down to the matters I referred to.

ON PARLIAMENT AND PARLIAMENTARIANS

100% INCREASE OF PARLIAMENTARY ALLOWANCE

However, as MPs, the elected representatives of the people, we have to set an example to the rakyat, and there is no doubt that although MPs' remuneration should be increased in keeping with inflationary times, the present proposed increase by 100% is excessively steep."

Speech on the Members of Parliament (Remuneration) Bill on June 18, 1980.

Last month, the Government announced salary increases for the 750,000 government employees, which would add an additional salary bill of some $600 million. The salary increases for government employees was unfavourably received because of the disproportionately big increases for those in the upper and top government grades as compared to those in very much bigger numbers in the middle and lower grades.

I understand that the increases for government employees range from 14 to 28%, with those in the top scales getting the biggest jumps.

Today, we are to revise the remuneration for Members of Parliament, Ministers, etc.

Before I proceed further in this debate, as provided under the Standing Orders, I want to declare my pecuniary interest in this Bill. In fact, all Members of Parliament have a pecuniary interest in this Bill.

Secondly, I agree that there is a case for upward revision of MPs' remuneration. Thirdly, being human beings, everyone will be pleased to have more money and the sky is the limit.

However, as MPs, the elected representatives of the people, we have to set an example to the rakyat, and there is no doubt that although MPs' remuneration should be increased in keeping with inflationary times, the present proposed increase by 100% is excessively steep.

Can the Government explain why government employees get 14 to 28% increase, while Members of Parliament and Ministers are voting for themselves a 100% increase. There must be a rational basis for such an increase, and I hope the Government can provide for a rationale.

The first in a series of articles in the Sunday Mail on June 8 asked a pertinent question, which we should ponder when we debate this Bill:

> "The question is, would increased monetary benefits necessarily bring about a better performance from the current batch of MPs, especially in areas where they have never really even begun functioning, like being opinion makers or being effective legislators who would rise above, what cynics call, the level of being a mere choir that only voices out approval?"

The review of MPs' remuneration should be part of an overall review of MPs' role and function in Parliament, as to how to make them more effective and efficient in the discharge of their multiple duties.

It was precisely to ensure that MPs could be more effective and efficient in their Parliamentary duties that yesterday I proposed the establishment of a Speaker's Conference on Parliamentary Reforms, but my motion was not only defeated, there was a complete absence of intelligent discussion on the issues involved. I had the distinct feeling that I was completely wasting my time in raising in Parliament issues which were clearly beyond the depths of large numbers of MPs.

I had asked just now, what is the rationale for such a huge 100% increase in the remuneration for MPs and Ministers.

Increase in allowance would not make MPs more efficient and effective in Parliament. There must be reforms in procedures and practices. I do not wish to repeat what I said yesterday. But what is urgently needed is to review what facilities are available to MPs to take part intelligently

in debates on bills or national issues, for at present, there is a complete absence of facilities in providing MPs with the necessary information or research services. Money spent on providing such facilities and back-up parliamentary services would be of more benefit to serious MPs than just merely increasing their allowances.

Yesterday's New Straits Times carried a report that the Deputy Director General of the NBI, Datuk Abdul Aziz bin Ahmad, "lashed out at heads of departments, MPs and State Assemblymen and others in authority who abused their powers."

Datuk Abdul Aziz was reported to have said: "There are some who use their position and influence to bargain for commissions when making approvals."

Datuk Abdul Aziz has cast a serious reflection on this House, and he should be summoned to appear before Parliament to name the MPs who are guilty of such corrupt practices so that other MPs with clean records will not be tarnished by the same brush. This will also enable Parliament to take action against such erring MPs.

However, this incident raises the question, whether the Government's proposal to raise the remuneration of MPs by 100% is aimed at ensuring that MPs are honest, incorrupt, and do not use their position to make money and accumulate fortunes as mentioned by the Deputy Director of NBI.

Clearly, the mere doubling of remuneration of MPs would not stop MPs who peddle their influence to make money and get government licences, permits or other privileges from turning over to a new leaf. In fact, the mere doubling of remuneration may have the opposite effect of increasing the appetites of such MPs to utilise their parliamentary positions to build up a personal fortune.

In return for doubling remuneration of the MPs' and Ministers, is the Government prepared to introduce legislation to require all Ministers and MPs to publicly declare their assets, to demonstrate to the people that they are dedicated to the service of the people, and not to their own personal fortunes?

I call on the Prime Minister to give this serious thought, and introduce legislation requiring public and annual declaration of assets by every Minister and MP.

In the House of Commons, Members of Parliament are required to furnish to Parliament their pecuniary interests, grouped into nine specific classes:

(1) remunerated directorships of companies, public or private;

(2) remunerated employments or offices;

(3) remunerated trades, professions or vocations;

(4) the names of clients when the interests referred to above include personal services by the Member which arise out of or are related in any manner to his membership of the House;

(5) financial sponsorship (a) as a Parliamentary candidate where to the knowledge of the Member the sponsorship in any case exceeds 25 per cent of the candidate's election expenses, or (b) as a Member of Parliament, by any person or organisation, stating whether any such sponsorship includes any payments to the Member of any material benefit or advantage direct or indirect;

(6) overseas visits relating to or arising out of membership of the House where the cost of any such visit has not been wholly borne by the Member or by public funds;

(7) any payments or any material benefits or advantages received from or on behalf of foreign Governments, organisations or persons;

(8) land and property of substantial value or from which a substantial income is derived;

(9) the names of companies or other bodies in which the Member has, to his knowledge, either himself or with or on behalf of his spouse or infant children, a beneficial interest in share-holdings of a nominal value greater than one-hundredth of the issued share capital.

We need not be slavishly imitative of Westminster practices, but this is one practice which we can, with benefit, adopt, if we want our MPs to be seen and held in high regard by members of the public with regard to their integrity and probity.

As the increased allowances are so excessively steep, out of keeping with increases for government employees, and in view of the failure to make provisions to ensure that MPs are not only effective and efficient in parliamentary duties, but are dedicated, incorrupt and held in high regard by the public as to their personal integrity, the DAP cannot support this Bill.

CALL FOR CUTS IN MINISTERS' ALLOWANCE

"I understand that Ministers and their families are entitled to such king-sized allowances as a tips allowance of $200 a day, which is clearly unjustifiable when we consider that a few million Malaysians are trying to survive on less than $200 a month per household.

Speech on the 1980/1981 Supplementary Operating and Development Estimates on December 4, 1981.

Yesterday, Parliament had just approved the 1982 estimates totalling $31,951 million for both operating and development expenditures.

We are asked today to approve four sets of supplementary estimates, namely:

Fourth 1980 Supplementary Operating estimates:	$1,975,819,169
Fourth 1980 Supplementary Development estimates:	$ 76,705,010
First 1981 Supplementary Operating estimates	$ 863,137,879
Second 1981 Supplementary Development estimates:	$1,855,227,960
Total:	$4,770,890,018

This is a very big sum of money especially at this period of economic difficulties Malaysia is going through with low prices for our primary export commodities and sluggish economic growth.

The fourth supplementary operating estimates for 1980 to the tune of $1,975 million is particularly huge when compared against the original 1980 operating estimates of $10,867 million, which is more than 10% of the original estimates.

Out of this increased estimates, $95 million will go towards paying interests arising from additional National Debt, which were committed because of the shortfall in private investment, in particular private investment; $77 million to meet shortfalls for pensions and gratuities; and a $1,800 million transfer to the Development Fund. The first supplementary estimates for operating expenses for 1981, which amounts to $863 million, is also a very big sum, when we consider that this is only the first supplementary vote. Going by past record, there will be another two or three supplementary votes, each of which would exceed the first supplementary estimates. Unless a tight rein is exercised on operating expenditures, it would appear that the total supplementary operating votes for 1981 would even exceed previous years, both in terms of absolute figures and their percentage of the original estimates.

This is the time for the Government, under the new leadership of Dr. Mahathir and Datuk Musa, to exercise austerity and economic stringency.

In this connection, the recent announcement by the Prime Minister that he and the Deputy Prime Minister are studying the possibility of reducing the salaries and allowances of Ministers, Deputy Ministers and Parliamentary Secretaries is most welcome.

There have in fact been too much secrecy about the various allowances and perks drawn by Ministers, Deputy Ministers and Parliamentary Secretaries, which is against the whole tenor of a more 'open' government advocated by the 2–M leadership. In fact, the Prime Minister himself was most evasive in the current meeting of Parliament from providing the full details of the Ministerial allowances and perks.

For instance, I had put down an oral question on the very first day of the current parliamentary meeting on October 12 to elicit more specific information on the various Ministerial allowances and perks, and the burden on the public exchequer.

But my question to the Prime Minister to find out what are the allowances and perks which a Minister and his/her family are entitled to when on leave overseas, and the total public money involved in meeting the vacation overseas for all Ministers and their families for 1980 and the first nine months of 1981, was put at the bottom of the questions of the day.

Normally, even if the Prime Minister did not answer the question during question hour, his answer would be available in written form. But this was not the case.

Again, on 30th October 1981, my colleague, the MP for Menglembu, P. Patto, had a question on the same subject when he asked the Prime Minister "to state the allowances and facilities besides the salary and t allowances as indicated in the Member of Parliament (Remuneration) Ac. 1980 for the Prime Minister, Deputy Prime Minister, Ministers, Deputy Ministersaand Parliamentary Secretaries."

Dr. Mahathir gave the various allowances and perks which Ministers, Deputy Ministers, and Parliamentary Secretaries were entitled to, like Ministers are provided with official houses, servants, official cars, drivers, crockery, free water and electricity, entertainment and appointment allowances, an annual allowance for furniture and an allowance for furnishing and for official ceremonial dress. Dr. Mahathir said Ministers were also given allowances to entertain visitors, their expenses for overseas leave and vacation were met, payment of tips while working overseas reimbursed, and that they got official travel expenses for their wives or husband.

But when asked by Sdr. P. Patto to give the actual amount of the respective Ministerial allowances and perks, Dr. Mahathir evaded the question and asked for prior notice to be given.

I understand that Ministers and their families are entitled to such king-sized allowances as a tips allowance of $200 a day, which is clearly unjustifiable when we consider that a few million Malaysians are trying to survive on less than $200 a month per household.

I am glad, however, that although Dr. Mahathir had evaded the DAP questions about the Ministerial allowances and perks, he had been made uncomfortable and uneasy by such DAP questions, as he could evade the questions once or twice, but not always.

The DAP will support not only a reduction in the salaries and allowances of Ministers, Deputy Ministers and Parliamentary Secretaries, but also in the allowances of Members of Parliament, State Assemblymen, Chief Ministers. Mentri-Mentri Besar and State Executive Councillors.

It is clear that since Dr. Mahathir's announcement, strong resistance to the proposal had set in, especially among Ministerial and State governmental ranks. I call on the Prime Minister to proceed with such reductions, which would set a good example to both government and private sectors, and not to bow down to pressures to forgo the idea.

In fact, the Government should also review other aspects of entitlements of Ministers, Deputy Ministers and MPs. For instance, the provision with effect from last year that an MP is entitled to pension after three years' of service is clearly unfair and unjustifiable, when we consider that government servants have to serve 10 years before becoming pensionable. The DAP will support any proposal to revert to the previous pension provision which confers pensions rights only after nine years of parliamentary service.

PAC Chairman ignorant of his duties, powers, functions and responsibilities

When the Government comes to the House for such a large sum of supplementary votes for the 1980 and 1981 operating and development expenditures, it must convince Parliament and the people that it had exercised responsible financial control and management of public funds.

This, the government has failed to do, especially from the series of Auditor-General's Reports, whether on the Federal Government Accounts, or State Government Accounts, or on the various statutory bodies and public enterprises, like the Lembaga Padi Negara, the Telecoms, the State Development Corporations, etc.

The attitude of the Deputy Finance Minister, Datuk Najib Tun Razak, during question time yesterday, had not increased parliamentary or public confidence in this regard.

When replying to the question by the DAP MP for Bruas, Ting Chek Ming, on what action the government had taken on the Auditor-General's

Report about the various financial improprieties or irregularities, or as one local paper described it 'horrors', the Deputy Finance Minister said the Government's action would depend on the findings of the Public Accounts Committee (PAC) of the Dewan Rakyat.

This is a most irresponsible answer and attitude. Firstly, the government has a duty independently and separately to take action on the Auditor-General's Report where financial irregularities, improprieties and even where fraud or corruption had taken place, immediately on the publication of the report, and not await the outcome of investigations and reports of the PAC.

This is because the Government must have its own internal checks and mechanisms to put right whatever is irregular or improper. The PAC, acting on behalf of Parliament, acts as an external check and mechanism, and when it had to make adverse comments on governmental irregularities and improprieties, it means also the failure of the internal government checks and mechanism.

Secondly, does the Deputy Minister mean that the Government could ignore the Auditor-General's report on the various irregularities, improprieties, malpractices, fraud or corruption, until the PAC had met and reported? Does this mean that if the PAC is an indolent one, which does not meet or report diligently, being in arrears say for 10 years, as happened in the Malacca Public Accounts Committee, that the Government would also do nothing for ten years?

This attitude is so shocking that I could not believe it being articulated by a responsible Deputy Minister. This is particularly so when the Parliamentary Public Accounts Committee, for instance, had been so slow in its work, its report on the 1975, 1976 and 1977 accounts still in arrears, not mentioning the other reports of the Auditor-General on the various statutory bodies and public enterprises.

In fact, we have a Chairman of the PAC who does not know his elementary duties, functions, powers and responsibilities. I had referred Datuk Lee Boon Peng to the Privileges Committee for breach of privilege in his capacity as Chairman of the PAC in disclosing what transpired at the PAC proceedings before a report had been made to Parliament, and I hope

the Privileges Committee could act promptly on my reference, as this is a simple open-and-shut case.

A responsible Government would separately and independently take action on the matters brought up in the Auditor-General's Report, and when the PAC meets on the Auditor-General's Report, to report to the PAC that remedial action had already been taken. In such circumstances, there would be no need for the PAC to spend a lot of time on items which had already been rectified or remedied.

In any event, the Deputy Finance Minister's assurrance that the Government would act on the PAC's recommendations is a hollow one, when we consider the Government's record vis-a-vis past PAC recommendations and on the Auditor-General's Report.

In fact, according to the Auditor-General, as of 30th August 1980, there were some 100 items which were still outstanding from previous audit reports going all the way back to 1970 which the Government had not taken action.

Also, as of 30th August 1980, there were at least 14 recommendations and observations of the Parliamentary Public Accounts Committee which had not yet been implemented or dealt with by executive action. These dealt with the Public Accounts Committee Reports for the 1966 – 1971 Audit Reports, and not with the 1972–1974 Audit Reports, which if included, will make an even longer list of PAC recommendations ignored by the Government.

The Prime Minister, Dr. Mahathir, on his accession to the present office, emphasised the need for greater accountability and responsibility of the government to the people. I suggest that this area of financial accountability, especially with regard to the Auditor-General's Reports and the PAC recommendations, should be the subject of an overall review to make the Treasury and various Ministries more responsive to the Auditor-General's Report and PAC recommendations.

The present attitude that the Government and the various Ministries could afford to ignore the Auditor-General's Report until called up by the PAC must end, so that even before the PAC meets, remedial measures

are taken. The instance of where the Ministry of Defence set up a board of inquiry into the instant mee scandal, where a packet of mee was contracted at $3.90 and $4.90 in Sarawak and Sabah when it could be contracted at 14 cents a packet, only after the PAC had several futile meetings on the subject, is most ridiculous and shocking.

I cannot end this subject without calling on the PAC to buck up and come out with its 1975, 1976 and 1977 Reports. The PAC Chairman, Datuk Lee Boon Peng, had said sometime in August that these Reports would be tabled in Parliament during the present session. The present Budget meeting has two more days of sittings left, but we have no sign of any PAC report yet.

If the PAC Chairman cannot get the PAC reports out promptly and for contemporary relevancy, then he should not hang on to his office just for the name and honour.

Call on Government to launch an economy drive to slash wasteful and extravagant expenditures, increase productivity and efficiency, and wage war against corruption

The 2-M leadership advocated a BCL government — berseh, licin dan cekap. The new administration started off with the much-publicised clock-in and clock-out system.

At the time, I had pointed out that the mere clocking-in and clocking out of government servants would not bring about a 'BCL' government, if there is no change in the entire attitude, outlook and philosophy of government servants, that they are servants of the people and not their masters!

The regular clocking-in and clocking-out, while ensuring punctuality, would not by itself ensure efficiency, productivity or even public integrity.

The Permatang Tinggi rail/bus disaster, where 18 were killed and 30 injured, is the best example, where but for a modicum of efficiency, competence and responsibility on the part of the Minister of Transport, or the Railway Authorities, gates would have been installed at the crossing after four fatal incidents, to prevent the disaster from occurring.

The public are now thoroughly disgusted with the Minister of Transport, the railway authorities and the Penang State Government, who seem to be engaged in a circus of 'passing the buck' as to whose responsibility it is to put up railway gates at the crossing, while the public are exposed to danger to life and limb every day, everytime the rail crossing is used!

Again, the recent complaints and reports about police brutalities against members of the public are jarring notes in an administration which preaches BCL! In this connection, I regret very much the most unworthy statement by the Inspector-General of Police, Tan Sri Haniff Omar, that there are people who wanted to magnify cases of police brutalities for their personal or political interests.

The police forces must be humanised, so that members of the public who go to police stations to report against police personnel for brutality or assaults would not feel as if they are entering the lion's den, liable to be eaten up anytime.

Police officers should realise that it takes enormous courage, or enormous sense of outrage at being publicly humiliated or brutalised when one is innocent, for anyone to pluck up courage to lodge a report against the police. The present police attitude of regarding such persons with undisguised hostility, treating them virtually as anti-social elements out to besmirch the good name of the police, must be altered.

While I agree that it is only a small group of black sheep in the police forces whose actions bring the police into disrepute, the police forces should not act as if everyone of their members is a certified angel!

I would therefore call on the Government to carry out a campaign to 'humanise' the police forces, in fact, the entire civil service.

The government should mount a campaign to improve productivity in the civil service and wipe out corruption. The country will stand to gain, not only economically, but morally and socially, from such a campaign.

Corruption must be tackled at its roots, with the top political and government leaders setting an example of incorruptibility. In this

connection, I note that my suggestions during the debate on the Budget about loopholes in the forms despatched by the Prime Minister to Ministers, Deputy Ministers, Parliamentary Secretaries, and other top government and political leaders, would be looked into. I would like to know whether such loopholes had been plugged, where the declarant could avoid declaring his or her real assets and income by four expedients:

1. the declarant need not declare houses and land of children who are of age;

2. the declarant need not declare the company and corporate shares owned and held overseas;

3. the declarant need not declare cash and banking accounts, including savings and fixed deposits, in foreign countries.

4. The declaration does not require retrospective declaration, which allows a declarant to dispose of whatever assets or income on the date making the declaration, without technically committing a false declaration or perjury.

There is another weakness in the declaration, which appears to be a one-shot affair, and not an annual declaration. If it is a one-shot affair, then a declarant could arrange to dispose of his assets before the date of declaration, and to acquire back the assets after he had made the declaration, without committing any false declaration.

However, the most effective way to fight corruption is not by the use of such forms of declaration, but by convincing the public that the government would not discriminate in the prosecution of the corrupt, regardless of his political status or influence.

If we conduct a national opinion poll, I have no doubt that the overwhelming majority of Malaysians would state positively that the battle against corruption is a selective one, that the law is only thrown against those in high political office in the Barisan if they seek to defy or challenge the political leadership. Otherwise, they would be allowed to benefit from their ill-gotten gains.

I am confident that if we can improve on the efficiency, productivity and public integrity of the political and government machinery, either we would not need so much public expenditure, or what we have budgetted would take us very much farther than is the case at present.

PARLIAMENTARY STANDING ORDERS

"In this connection, there has been certain unhappiness at the way questions were placed for each day. I would suggest that this matter should be discussed, and all MPs given clear understanding as to the criteria used for the numbering of oral questions a day, so that there would be no suspicion that certain questions which would be embarassing to the government were deliberately put well down the list, so that they would not come up for answering, and be lost in the limbo of the Government Printers for the next three years!"

Speech on the motion to amend the Standing Orders of Dewan Rakyat on October 30, 1981.

The proposed amendments to the Standing Orders, as moved by the Prime Minister, are part of the ad hoc and piecemeal tinkering with the Standing Orders ever since Merdeka, sometimes to correct technical mistakes and at other times, to restrict the opportunities for the Opposition to play a full part in initiating parliamentary business..

The time has come for a comprehensive review of the Parliamentary Standing Orders and procedures to give greater vitality and meaning to parliamentary democracy.

This is why the DAP had suggested, and I reiterate our proposal today, that there should be an all-party Speaker's Conference to study and review parliamentary standing orders and procedures to keep abreast with changing times and needs to make Parliament a contemporary institution, and not, as is the case with certain aspects of Parliamentary life, an outmoded institution.

This could been seen from Standing Orders 24(2) which is being amended today.

Standing Orders 24(2) provides that if an oral question is not asked during question time, "the Minister to whom the question is addressed shall send copies of the answer to the Setiausaha, who shall cause that answer to be printed in the Official Report."

The purpose of questions in Parliament is to elicit information from the Government, and there is clearly a time factor for the questions concerned to be answered if such answers are to be of use to the Member asking it, or to Parliament and the public as a whole.

At present, an oral question which is not asked during the daily question hour whether under Standing Orders 24(2), or 22(3) or 25(5) is in effect killed for all practical purposes, although the Standing Orders provide for the publication in the Official Report.

This is because the Official Hansard is not printed until some three years later, which means that a MP whose oral question does not get answered during the question hour would have to wait for three years to get the answer in the Hansard, by which time he or she may no longer be a Member of Parliament.

The latest official Hansard printed by the Government Printers is the historic one for 15th December 1978 – and this is not the full official Hansard, for there are six or seven Hansards before 15th December 1978 which had not yet been printed!

If Parliament is to be the apex of the political system in the country, then its official reports should be easily available to MPs and the public within a short period of time, in any event, not later than two months. It is a crying shame showing the lowly place Parliament rates in the eyes of the Executive that its Hansards take three years to get printed.

I understand that one reason for the delay for the printing of the Hansard, apart from the Government Printers' inefficiency, is the delay on the Ministers concerned to send their answers to Parliament.

Thus, we have just received the written answers to parliamentary questions asked in last year's Budget meeting from October to December 1980. As MPs had to submit their questions not less than 14 working days

before the commencement of each meeting, MPs are entitled to receive their written answers in the same Parliamentary meeting itself.

But what is happening now is that MPs have not received answers to their written questions submitted during the March, June and the current Parliamentary meetings.

What is the reason for the various Ministries taking such an inordinately long time to come up with answers to Parliamentary questions?

What I cannot understand is why answers to oral questions are being withheld from Parliament and MPs. Answers for questions marked down for oral answers are all prepared for the day they had been set down, and even if the question was not answered orally during the Question Hour, the Minister or his Deputy would have the answer with him.

All he need to do is to send his answer to Parliament, with a copy extended to the MP who asked the question. However, I understand that there have been cases where Ministries withheld answers already prepared for question hour for as long as several months.

A good example is my question to the Prime Minister on the first day of the current meeting, "To ask the Prime Minister to state the allowances and the other perks a Minister is entitled to when he or she is overseas on leave; whether such entitlements extend to the family of the Minister; and the total amount of public money involved in meeting the vacation overseas of all Ministers and their families for 1980 and for the first nine months of 1981."

This question was put down as the last question on the first day, and was not reached. Am I going to take three years before I could get this answer from the Prime Minister, who, on 12th October, had already the answer?

In this connection, there has been certain unhappiness at the way questions were placed for each day. I would suggest that this matter should be discussed, and all MPs given clear understanding as to the criteria used for the numbering of oral questions a day, so that there would be no suspicion that certain questions which would be embarrassing to the govern-

ment were deliberately put well down the list, so that they would not come up for answering, and be lost in the limbo of the Government Printers for the next three years!

Also related to the importance of making Parliament a contemporary institution is the long delay of the Public Accounts Committee in presenting its report. The Auditor-General is already late in submitting his Annual Report on the Federal Accounts – the last one being for the year 1977, which is three years behind time. But the Public Accounts Committee is even later, as it had not yet submitted its report for 1975, 1976 and 1977 on the Federal Accounts. Unless the Prime Minister gives his personal attention, it is likely that the PAC may not be able to table its 1975, 1976 and 1977 Reports before the dissolution of the present Parliament!

As the Public Accounts Committee is appointed for the life of each Parliament, if the PAC fails to table its 1975, 1976 and 1977 Reports before dissolution of Parliament, then all its work, examination and recommendations for these three years would lapse, and the new PAC for the next Parliament would have to go back over the Auditor-General's Reports for 1975, 1976 and 1977 all over again – as I do not think that the PAC for the next Parliament would be acting responsibly in just adopting the lapsed recommendations of the present PAC!

Call for extension of time for budget debates

The Prime Minister has proposed that for Fridays, the Dewan Rakyat should meet from 3 p.m. to 7 p.m. as compared to 2.30 p.m. to 6.30 p.m. for the other days.

Parliamentary meeting hours per day, should, in fact, be lengthened to allow for more time for MPs to take part in debates, especially the Budget debate.

Since 1963, there had been an increase of Parliamentary membership from 104 MPs to the present 154 MPs. In the early 1960s, the total Federal budget expenditure per year did not even reach $1 billion, but this year alone, the Government is asking for a Federal Budget for 1982 amounting to $31.95 billion!

Both in terms of membership and subject-matters, there is a grave need for more Parliamentary time for MPs to take part in debates, as every year, there are many complaints, especially from my party colleagues, that they did not get enough time for debate, especially during the major Parliamentary debates on the Budget and the Royal Address.

Call for the provision of Opposition Business Days in Parliament

The Opposition in Parliament is an integral part of Parliament, and Opposition business must be regarded and accepted as part of Parliamentary business just as Government business.

In this regard, I note that before each Parliamentary meeting, Parliament officials who announce to the press the Parliamentary business for which notice had been given, always disregard Opposition business, like Opposition motions. I hope that Parliament officials will take note of this and rectify accordingly.

I would urge the Prime Minister to consider, whether formally or informally, the acceptance of Opposition Business Days in each Parliamentary meeting, which could be one, two or three days depending on the length of the Parliamentary meeting, where the Opposition has the initiative to bring before the House parliamentary business it regards as important, and not as at present, dependent on the tender mercies of the Government of the Day.

For instance, I have given for the current Parliamentary meeting notices for three motions; one, on the declaration publicly of assets by Ministers, Deputy Ministers and MPs; two, on the Public Accounts Committee and the Auditor-General's Reports, and three to condemn the extremist and chauvinist speeches and demands of UMNO Youth Leader, Haji Suhaimi Kamarrudin, whose actions gravely undermine national unity. There must be parliamentary procedural conventions which permit the Opposition to initiate parliamentary business during what should be termed as Opposition Business Days.

BIASED REPORT OF COMMITTEE OF PRIVILEGES

"By the logic of the Committee of Privileges, an MP who is absent for one sitting of Parliament would have gone against the 'spirit' of the Constitution, committed a fundamental breach of the Constitution. It is fortunate that the authors of the Committee of Privileges Report have no mandate to run rampant at the Parliamentary and Federal level, or even the Prime Minister, the Deputy Prime Minister, and the entire Cabinet, would every now and then have to have their Parliamentary seats declared vacant, as none of them attend every sitting of Parliament."

Speech in the Malacca State Assembly on September 29, 1981 on the Report of the Committee of Privileges that he (Lim Kit Siang) has been absent without leave from the Assembly for six months.

The House is asked to accept the Report of the Committee of Privileges tabled on 28th April 1981 with the finding that as I was absent from the State Assembly meeting on 23rd September, 1980, under Article 17 of the Malacca Constitution, I had been "without the leave of the Assembly absent from every sitting thereof for a period of six months" and that my Assembly seat of Kubu may be declared vacant.

I reject the Report of the Committee of Privileges. I reject it not because I am personally involved or because I am afraid of a by-election, but because I am shocked by the influence of the personal bias and prejudice of the members on the Report, who were more interested in drafting a report to support the pre-determined conclusion of the members, in utter disregard of general parliamentary practice and the Malacca Constitution.

The members, and signatories to the unanimous Report of the Committee of Privileges are the Chairman, Mohd. Adib bin Haji Mohd. Adam (Chief Minister), Exco Members Ahmad Nordin bin Mohd. Amin (Tanjong Minyak) Lim Soo Kiang (Batang Melaka), Md. Di bin Abd. Ghani (Ayer Molek) and Chan Teck Chan (Tranquerah).

Bias and Prejudice

All the five members are not qualified to sit in judgment over this issue because they have individually their separate bias, prejudice, personal interest and pre-conceived views on the matter well before their meetings.

Ahmad Nordin bin Mohd. Amin, for instance, the only lawyer on the Committee of Privileges, who prides himself as the Constitutional expert in the Malacca State Government, does not seem to be aware of the time-honoured rules of natural justice that anyone sitting in judgment on others should be disinterested, impartial and have no personal bias or prejudice or pre-conceived views on the matters he had been entrusted to give his judgment.

Anyone who has pre-conceived views and personal bias, prejudice or personal interest on the matters he is to give judgment should disqualify himself, **so that justice must not only be done but seen to be done.**

Ahmad Nordin did not sit on the Committee of Privileges with an open and independent mind, for his views were already made up even before the reference of the matter to the Committee, and his views – which I would show in the course of the debate to be wrong and misconceived – were so unreasonable as to qualify to be described as 'rabid' and 'diseased'.

It was Ahmad Nordin who, on November 26, 1981, moved the motion in this House that the question whether I had been absent without leave "from every sitting for a period of six months" for not attending the one-hour sitting of the Assembly on 23rd September, 1980, should be referred to the Committee of Privileges.

But when Ahmad Nordin introduced the motion, it was obvious that the reference to the Privileges Committee was going to be a mere formality,

for he made it very clear that I had infringed Article 17 of the Malacca Constitution in being absent from the Assembly without leave for six months. In fact, in several parts of his speech, he even went to the extent of declaring that I had 'betrayed' the Malacca Constitution, and that I had committed a grave sin, which was unforgivable.

Thus, in his speech on November 26, Ahmad Nordin said "kesalahan yang dibuat oleh Ahli Yang Berhormat dari Kawasan Kubu itu dibawah Article 17 Perlembagaan Negeri Melaka mestilah ditakrif sebagai telah melakukan satu dosa yang besar yakni saperti dikatakan orang "tiada maaf bagimu."

In another part, Ahmad Nordin even excelled his usual hyperbolic self by declaring that I had committed "a fundamental breach of the Constitution of the State of Malacca."

With such open and palpable bias and prejudice, how can Ahmad Nordin approach the matters referred to the Privileges Committee with an open mind and impartiality required of those who are to pass judgments on other people? As the Constitutional expert of the Malacca State Government, I would expect Ahmad Nordin to disqualify himself, but no, his constitutional knowledge does not include knowledge of the rules of natural justice.

Another Exco Member on the Committee of Privileges, Lim Soo Kiang, had also shown his personal bias and prejudice on the matters in his seconding speech to Ahmad Nordin's motion on Sept. 26, when he was virtually unable to control himself in demanding for my punishment!

The third and fourth member, namely Md. Di and Chan Teck Chan, have a personal interest in the outcome of the findings, for they had both been absent from the State Assembly meeting without proper leave. I had contended in the House that if, by being absent from the one-hour State Assembly meeting on September 23, 1980, I am to be construed as having been absent from the Assembly without leave for a period of six months, then all the other Assembly Members and Exco Members who were also absent from the September 23 meeting should be given the same treatment. Those who were absent from the September 23 meeting include Barisan Exco members Datuk Haji Abdul Aziz bin Haji Alias (Serkam), Abdul

Razak bin Alias (Taboh Naning), Mohamed Jais (Sungei Baru), and Assemblyman Abd. Jalil bin Abd. Rahman (Kelemak).

None of them had ever been given leave by the Assembly. The Barisan argued that there is no need for the Assembly to grant leave, and that the Speaker's leave is adequate. This is in open contradiction of Article 17 of the Malacca Constitution. This was an issue referred to the Privileges Committee. Surely, the rules of natural justice require that Assemblymen who are likely to be affected by such findings would disqualify themselves – and that includes all those who had been absent from the State Assembly without leave from the Assembly since general elections, like Mohd. Di and Chan Teck Chan.

The 31.25 acres Waton Saga

The Member for Tranquerah, Chan Tech Chan, is of course a special category by himself. During the Assembly debate on November 26, 1980, when he was still inside the DAP though as a Barisan mole , he attacked the Barisan for its political motives in trying to force a by-election in Kubu, and declared inside and outside the Assembly, that he would never compromise with the Barisan to use its brute majority in the Assembly to misinterpret Article 17 of the Malacca Constitution.

But in this Report of the Committee of Privileges, we see the signature of Chan Teck Chan giving full support and agreement to the perverse interpretation of Article 17 by the Barisan and the Privileges Committee. The people of Malacca will not be surprised, however, for they have seen enough of his self-edited, self-produced, self-acted drama like the burning of joss-sticks in a temple, the so-called 97% support for his joining the MCA by the people of Malacca and of course, the famous Waton Sdn. Bhd. and Malim Jaya 31.25 acres saga. This is of course an excellent opportunity for him to 'use public occasions to take personal revenge.'

Be that as it may, Chan Teck Chan's personal interest, bias and prejudice, malice and venom, completely disqualify him from the Privileges Committee deliberations on the matters before the House.

This leaves us with only the Chairman, the Chief Minister, Adib Adam, who is similarly afflicted with pre-conceived views on the issue

involved which he had made public in the newspapers. Having his own pre-conceived views to uphold, which were made public, Adib Adam did not have the impartiality and openness of mind to sit in judgement on this matter.

This is why those who read the Report must get the impression that it was written to tailor pre-determined views, where arguments are selectively marshalled to support such a predetermined conclusion, while facts and arguments which undermine it are abandoned.

The Report of the Committee of Privileges and its finding that I have been absent without leave of the Assembly for six months just because of my absence at an one-hour meeting, is a most shocking and disgraceful document.

Legal Rojak

As the self-acclaimed Constitutional expert in the Malacca State Government, and the only lawyer on the Committee of Privileges, Ahmad Nordin is chiefly responsible for fathering such a document, with all its perverted logic, unconstitutional notions and legal rojak!

Ahmad Nordin, who invented the notion of 'fundamental breach of the Constitution' – must have got lost somewhere between the law of contract with its principle of fundamental breach of contract, and constitutional law.

I have never come across a case as flimsy and insupportable as the Report of the Committee of Privileges, which must shame any layman with common sense and the faculty of straight thinking.

Article 17 of the Malacca Constitution reads:

> "If a member of the Legislative Assembly is without the leave of the Assembly absent from every sitting thereof for a period of six months the Assembly may declare his seat vacant."

The facts of the case are very simple and straightforward. I attended the Malacca Assembly meeting on April 8 and 9, 1980, after which the

Assembly adjourned. It next met on September 23 for one hour, which I did not attend as I was away in New Zealand to attend a conference of the Socialist International. I attended the next Malacca State Assembly meeting on November 25 – 27.

Clearly, my absence from the Malacca Assembly first began on September 23, as I could not be absent when the Malacca Assembly was in full recess from April 10 to September 22. If for six months beginning from September 23 – the first day I became absent – I did not attend everyone of the Assembly sittings without leave of the Assembly, I would run afoul of the Malacca Constitution's Article 17.

In fact the wording in Article 17 envisages the defaulting member being absent from more than one sitting, thus the words 'absent from every sitting thereof'.

The Barisan members, however, are giving a most artificial and perverted interpretation to Article 17 by claiming that I had been absent from the Malacca assembly from April 10 to November 10, although the Malacca Assembly met for one hour only during this period on September 23, and my first absence started from September 23.

Ahmad Nordin had contended in this House last November that the words in the Malacca Constitution must be given their ordinary meaning, but he is guilty of rendering to the words in the Malacca Constitution a most extraordinary meaning and usage!

Of course, if the Barisan wants to use its brute Assembly majority to give any interpretation of the Constitution it fancies, it is at liberty to do so. But if it believes in the rule of law where there is no arbitrary abuse of power, especially in interpreting the Constitution, then it must produce a strong and convincing case. This, the Committee of Privileges had failed to do. This also explains why the Barisan Government dare not refer Article 17 of the Malacca Constitution to the High Court for an interpretation.

The Committee of Privileges made no attempt to refer to other parliamentary practices. I had in fact drawn the attention of the Privileges Committee to Indian practices, as reported in the book, "Parliamentary

Procedure in India" by a clerk of Lok Sabha, A.R. Mukerjee, which states that in India:

> "The House may declare a member's seat vacant if he absents himself without leave of the House for more than sixty days. In computing the period of sixty days no account is taken of days during which the House is prorogued or adjourned for more than four consecutive days."

In other words, apart from normal weekend recesses, plus public holidays joining the weekend recess, the period to be computed to determine absence without leave does not include periods when the House is in full recess – as is the case with the Malacca Assembly from April 10 to September 22, 1980.

Again, the Privileges Committee was aware that I had contacted the Commonwealth Parliamentary Association Headquarters in London – as Malacca's constitutional provisions and parliamentary practices are based on House of Commons and other Commonwealth practices – and the CPA officials had expressed amazement at an interpretation where a Member could be construed as having begun to be absent without leave when the House is in full recess. 'Unheard of', is their reaction from Commonwealth parliamentary practices.

The Committee of Privileges had completely ignored and disregarded these precedents and practices as inimical to the pre-conceived and predetermined conclusion it has decided to reach.

The Committee of Privileges said in its report that it had discussed the matter with the Speaker of Dewan Rakyat, Tan Sri Syed Nasir, giving the impression that its finding was the result of the views and opinions of Tan Sri Syed Nasir.

Let me state here that I had myself discussed the matter with Tan Sri Syed Nasir, who expressed shock that Article 17 could be interpreted in the way the Privileges Committee is doing. I had not mentioned this before, for I believe that if the views of the Speaker of Dewan Rakyat is to be sought and used officially, then the Speaker's view must be in official form, forming part of the Report of the Committee of Privileges. In this

way, the Speaker's opinion will not be used, without his knowledge and authority, to prop up the Committee's weak case.

I suggest that the Committee of Privileges should write officially to the Speaker of Dewan Rakyat and ask for his official opinion, which should be formally presented to Assembly. Otherwise, the Speaker of Dewan Rakyat should not be dragged into the Committee's Report in any manner.

The Privileges Committee's justification for finding that I had been absent without leave for six months was to tack along Article 19(1) of the Malacca Constitution, which reads:

> "The Yang di-Pertua Negeri shall from time to time summon the Legislative Assembly and shall not allow six months to elapse between the last sitting in one session and the date appointed for the first sitting in the next session."

The 'mad' Constitutional Lawyer

The Privileges Committee argues that Article 19(1) means that if the Assembly does not meet within six months in one stretch, then it must be dissolved. (Para 6). Further, Articles 17 and 19(1) are illustrative of the spirit of the Constitution giving importance to the attendance of Members in every Assembly sitting except with leave of the Assembly.

Frankly, I cannot understand the very confused and constitutional illogic of the Privileges Committee inspired by Ahmad Nordin. A special prize must be given to him for his 'quirky originality' without any foundation in constitutional law or legal reasoning. In the field of science, we have the term 'the mad scientist'; the time has come for a similar appellation of 'the mad constitutional lawyer'.

Firstly, if the intent of the Malacca Constitution is that every member must attend every sitting of the Assembly if not to violate the spirit of the constitution and commit a 'fundamental breach' of the Constitution, then Article 17 would be phrased differently. It would have provided that any Member who is absent from 'any sitting' without leave of Assembly would be disqualified – and not to permissive provision of Article 17.

Secondly, the Federal Constitution has a similar provision as Articles 17 and 19(1) of the Malacca Constitution, and nobody had the 'originality' and 'courage' to suggest the type of interpretation advanced by the Privileges Committee.

Thus Article 52 of the Federal Constitution reads:

> "If a member of either House of Parliament is without the leave of the House absent from every sitting of the House for a period of six months the House may declare his seat vacant."

Article 55(1) of the Federal Constitution reads:

> "The Yang di-Pertuan Agong shall from time to time summon Parliament and shall not allow six months to elapse between the last sitting in one session and the date appointed for its first meeting in the next session."

By the logic of the Committee of Privileges, a MP who is absent for one sitting of Parliament would have gone against the 'spirit' of the Constitution, committed a fundamental breach of the Constitution. **It is fortunate that the authors of the Committee of Privileges Report have no mandate to run rampant at the Parliamentary and Federal level, or even the Prime Minister, the Deputy Prime Minister, and the entire Cabinet, would every now and then have to have their Parliamentary seats declared vacant, as none of them attend every sitting of Parliament.**

Fundamental Nonsense

The former clerk to Parliament, Ahmad bin Abdullah, had written a book on our Parliamentary practice with regard to the absence of Members without leave.

In his book, 'Malaysian Parliament – Practice and Procedure', Page 53, Ahmad Abdullah wrote:

> "A member, if he so desires, is free to absent himself from the meetings of the House, but the Constitution has provided that –

he must not be absent from any sitting of the House for a period of six months or more without leave of the House."

Ahmad Nordin's theory of 'fundamental breach of the Constitution' for absence without leave for a day is therefore 'fundamental nonsense'. To be absent from sittings of the Assembly or Parliament, without leave, without exceeding a six-month period, is constitutionally proper, and implies no discourtesy, and even less so, involves no offence or breach.

Ahmad Nordin's 'fundamental nonsense' is further reinforced by Article 17 of the Malacca Constitution which provides that even if a Member had been absent without leave for six months, the declaration of the vacancy of the seat is not automatic and mandatory. Article 17 provides that the seat 'may' be declared vacant, and not 'shall' be declared vacant.

Paragraph 6 of the Report is unsupported by law, constitution and political and parliamentary practices — especially the argument that the Malacca Assembly must be dissolved if it does not meet at least once every six months.

Such an Assembly would be doing something unconstitutional, as had happened in the Malacca Assembly several times before, but how is a dissolution of the Assembly to take place? The Yang di-Pertua cannot dissolve the Assembly on his own initiative, but only "at the request" of the Chief Minister according to Article 7 of the Constitution.

Surely, a Chief Minister who is responsible for not calling State Assembly meetings as required by the Constitution at least once in six months is unlikely to advise the Yang di-Pertua Negeri to dissolve the Assembly.

For the information of the constitutional expert in the Malacca State Government, the Trengganu State Assembly once breached this constitutional provision that the Assembly should meet at least once in every six months.

I refer to a Front Page Report in Straits Times of 20th September 1961, headlined: "The Patient Sultan and PMIP – by the Tengku":

"The Prime Minister, Tengku Abdul Rahman, today confirmed that the Sultan of Trengganu had complained to him about the inactivity of the Pan-Malaya Islamic Party Government to the State.

"This had led to a feeling of frustration throughout the state, especially among civil servants, the Tengku said.

"Unfortunately, the Prime Minister said, the Federation Gvernment could not help the Sultan, the state or the people. For one thing, there is no provision in the Federation Government whereby the State government can be suspended, the Tengku said. 'It is a pity such a provision was overlooked at the time the Constitution was drafted'."

This was after the Trengganu State Assembly had not met since February 25, 1961, exceeding the constitutional six-month period.

Paragraph 7 of the Report of the Privileges Committee that it has become a convention for the Speaker to grant leave instead of the Assembly is another dangerous Constitutional idea, especially as Article 17 is very specific in referring to 'leave of the Assembly' and not 'leave of the Speaker'. Although Ahmad Nordin argued in November last year that there must be a 'strict legal interpretation', it would appear that such 'strict legal interpretation' is also dependent on his whim and fancy.

For Ahmad Nordin to suggest that an illegal practice could be elevated to a 'convention' which would override a specific Constitutional provision is indeed a shocker of shockers.

As the State Assembly, unlike Parliament, had not adopted a motion to delegate the powers of granting leave from the Assembly to the Speaker, the present belief that the writing of a letter to the Speaker tantamounts to getting leave of absence is a complete misunderstanding of the Constitution and parliamentary practice.

Constitutional conventions are not created by misunderstanding of the Constitution, but through the conscious creation and acceptance of political rules to facilitate the operation of constitutional provisions – and not to negate and nullify them.

Furthermore, constitutional conventions must have the qualities of certainty and acceptance, and the fact that the Chief Minister admitted in the November meeting of the Assembly that this matter be considered by the Privileges Committee show that there is no such convention at all. If there is such a convention, there will be no need for considering it or even the recommendation by the Privileges Committee that a motion to be adopted to delegate the powers of granting leave to the Speaker. Such a recommendation is itself an admission that what is being done at present is irregular and unconstitutional.

Let it not be forgotten that although powers may be delegated to the Speaker to grant leave, the final powers are still with the Assembly which could reject the Speaker's granting of leave.

Tengku Razaleigh's contempt

Finally, the Privileges Committee, in its Report, referred to press reports and claimed that I was casting aspersions on the integrity of the Privileges Committee, suggesting disciplinary action against me on this score.

In making this recommendation, the Privileges Committee Members are in fact exposing their unfitness to sit on the Committee. Surely, the constitutional expert on the committee should know the other rule of natural justice, that no one should be condemned without being heard. What are these press reports which I am 'guilty' of. Why wasn't I called to confirm, explain correct or deny such press reports?

During the November Assembly debate, the Member for Tranquerah condemned the Finance Minister, Tengku Razaleigh, for contempt of the Assembly and the Privileges Committee in publicly declaring that he had directed that the Kubu seat be declared vacant. The Member for Tranquerah demanded that Tengku Razaleigh should be summoned to appear before the Committee within three days to explain himself or purge himself of his contempt. I want to know whether Tengku Razaleigh was ever summoned to appear before the Committee of Privileges?

Why is the Committee of Privileges so soft on Tengku Razaleigh and so hard on me, even without asking for my clarification and hear what I have to say?

The Report of the Privileges Committee will do the Malacca Assembly no credit. I would suggest that a completely new Committee, without a single person who has any personal bias, prejudice or interest in the matters examined, be established, to come out with an impartial finding based on the Malacca Constitution and general parliamentary practice. Otheriwse, we are only making ourselves the laughing stock in the parliamentary world, instead of setting historic precedents.

This is what the State Assembly must do if it cherishes constitutional propriety and its own dignity. If what the Barisan wants and interested in is to harass and hound the Opposition, and want to force a by-election in Kubu, then I challenge the Barisan to declare the Kubu seat vacant, and end this charade!

ON EDUCATION, HEALTH AND LABOUR

THE MAHATHIR REPORT ON EDUCATION (1)

"This study showed that a common syllabus, common medium of instruction, common examination and a common roof need not necessarily lead to national unity, but could instead exacerbate ethnic relations.

"Theoretically, at the most fundamental level of national integration is the development in individuals of a subjective feeling of loyalty to the nation. This involves complex psychological processes of individual change, and the outcome depends on the ideals of the society and the political process as much as, if not more, than the educational process itself."

Speech on the motion to establish a Parliamentary Select Committee to review the Mahathir Cabinet Committee Report on Education on June 9, 1980

I rise to move:

> "That this House resolves to establish a Parliamentary Select Committee to examine and study the Cabinet Committee Report on the Implementation of the National Education Policy as well as to make an assessment of the recommendations made by the Cabinet Committee as to whether the recommendations will ensure the national education system will produce a united and disciplined society and fulfil the manpower needs of the country."

In September 1974, the Cabinet established a Committee under the then Education Minister, Dr. Mahathir Mohamed, as Chairman, with the following terms of reference:

> "Mengkaji semula matlamat dan kesannya sistem pelajaran sekarang, termasuk kurikulumnya, dalam rangka dasar pelajaran kebangsaan yang wujud, dengan tujuan untuk mempastikan bahawa keperluan tenaga rakyat negara dapat di penuhi sama ada dari segi jangka pendek mahupun jangka panjang, dan lebih-lebih lagi untuk mempastikan bahawa sistem pelajaran itu dapat memenuhi matlamat negara ke arah melahirkan masyarakat yang bersatupadu; berdisiplin dan terlatih."

The Cabinet Committee originally gave itself one year to complete its Report, but it eventually took over five years, and the Report was made public in December last year.

During the intervening years, educationists, parents and Malaysians generally were expecting an important document reviewing the national education system's achievements or otherwise in nation building and in meeting the country's manpower needs.

Apart from the initial press publicity during its publication, there has been very little public interest, including from the government side.

I had in fact expected the Government to present this Report which had taken a Cabinet Committee over five years of work, to Parliament for debate, as was the case with the Razak Report and the Abdul Talib Report.

But for reasons best known to the Government, it did not think this Report rate such importance, and I had today to move a motion to enable Members of Parliament, not only from the Opposition but also the Government side, to have an opportunity to debate a subject which is of such fundamental importance to Malaysians.

After studying the Cabinet Committee Report, I probably understand the government's attitude, for the Report had in fact failed in its twin objective of assessing the success or otherwise of the education system in nation building, or in assessing whether it meets the short and long-term manpower needs of the country.

It is more an administrative report, produced by government officials in the name of eight Ministers who make up the Cabinet Committee.

That the Cabinet Committee Report is more the work of officials can be gleaned from the Report itself. The Cabinet Committee set up a Committee of Officials, which, according to Paragraph 2 of the Report, defined the terms of reference for the Cabinet Committee.

The Committee of Officials in turn set up two sub-committees, Unity Sub Committee and Manpower Sub Committee.

According to Chapter 1 of the Report, the Committee of Officials and the two sub-committees studied the 302 memoranda received by the Cabinet Committee. The Committee of Officials then presented views and proposals to the Cabinet Committee for consideration and decision.

It would appear therefore that the Cabinet Committee of eight Ministers did not study the 302 memoranda, and directly consider the representations of organisations and individuals who sent in their views on the education system.

This raises the question of the use of having a Cabinet Committee if the work is to be done by officials. It would have been more desirable to have a separate commission to study and make recommendations, to publish its report, and then for the Report to be considered by the Cabinet, which could issue a Cabinet paper on the Report.

Be that as it may, I am sure that all those who were responsible for sending in the 302 memoranda are very disappointed that the Cabinet Committee had not directly read, studied and considered their views.

Before I leave the subject of the Committee of Officials and two sub-committees, I want to express my dissatisfaction with the composition of the Committee of Officials and the two sub-committees, which should reflect the multi-racial composition in the country.

A study of the composition of the Committee of Officials and the two sub-committees shows that they are too lop-sided and do not reflect the multi-racial make-up of the country.

Although the Cabinet Report made various proposals which are educationally acceptable, it suffers from major defects. I have already

mentioned two of these major defects, which is its failure to fulfil its two specific objectives to assess the education system's achievements or otherwise in nation building and in meeting the national manpower needs.

Why no assessment of how far the education system has created a 'united, disciplined and trained' society?

In view of the fundamental importance of nation building in Malaysia, I will deal with this objective first.

Although the Committee of Officials defined the terms of reference of the Cabinet Committee as to "review to what extent the national education policy through its education system at present had . . . . . succeeded in producing a united, disciplined and trained society", I searched the 310–page Report, which took the Cabinet Committee more than five years to complete, in vain for such an assessment.

There should have been a complete chapter on the education system's results in creating national unity, giving an assessment as to whether after 23 years of the national education policy, the diverse races and their children are being more united into one distinct Malaysian people.

It is interesting that in its definition of the key words in the Cabinet Committee's term of reference, the Committee of Officials defined "masyarakat bersatu padu" as "masyarakat majmuk Malaysia yang mempunyai keazaman, kesanggupan dan kesediaan untuk hidup bersama dengan rukun dan damai serta mempunyai kesedaran, keperibadian dan nilai-nilai sebagai rakyat Malaysia . (Para 3(b) (i))

The Cabinet Committee should then have presented to Malaysians a Report as to how far the national education policy and system had produced such a people with Malaysian consciousness, identity and values as a Malaysian citizen, distinct from their racial identities whether as Malays, Chinese, Indians, Kadazans or Ibans.

Here and there in the Report, there are scattered references to national unity in connection with curriculum and discipline, but this does no justice to the central theme of the establishment of the Cabinet Committee.

In fact, the terms of reference of the Unity Sub Committee appeared to be more concerned with private schools than with the evaluation of how national unity had been advanced by the national education system.

I had expected not only a separate and long chapter on the effects of the national education system on national unity, but also the commissioning of studies and papers on this crucial question by experts, educationists, researchers, which are also published with the Report for public study.

But there is completely nothing in the Report about this. This is the biggest blemish of the Cabinet Report.

Are we to believe that when we talk about education and national unity, the only problem is private schools? Can we assume that the national education policy and system had in fact produced a united Malaysian people with distinct Malaysian consciousness, identity and values?

I have said in this House before that education has become the most divisive issue in the country, and instead of contributing to national integration, has the opposite effect of causing national disunity and furthering racial polarisation.

In 1968, in a survey of 34 Secondary Schools in the country, it was found that, contrary to accepted belief, students in racially-mixed schools were far more alienated and more distrustful of other ethnic groups than those in racially homogeneous schools. **(John C. Bock – Education and Nation Building in Malaysia): A study of institutional effect in thirty-four secondary schools', unpublished Ph. D. thesis, Standard University, 1970)**

Thus, Bock wrote:

"The Chinese pupils fear that their academic performance will not be sufficient to assure their selection – that Malays will be selected over them on the basis of ascriptive criteria. The Malays, on the other hand, express fear that they will not be able to compete successfully with the high level of Chinese performance norms. They also anticipate the application of ascriptive selection criteria for jobs

within the Chinese-dominated private sector of the economy. Hence, both the Chinese and the Malays tend to feel that the examination system, as the most visible and the most pertinent extension of the formal adult status selection system, is serving to sponsor the mobility of the rival group."

This study showed that a common syllabus, common medium of instruction, common examination and a common roof need not necessarily lead to national unity, but could instead exacerbate ethnic relations.

When we bear in mind that this study was made in 1968, it is more than likely that any such similar study today would in all probability show an even more aggravated case of ethnic relations in the schools among our students.

It is remiss on the Cabinet Committee's part not to have made such a study, for our school children, who are the inheritors of tomorrow, cannot be allowed to remain distrustful and hostile to other ethnic groups, if national unity is to be the goal of the national education system.

That the national education system has been productive of intense division, antagonism and alienation, is an acknowledged fact in the country.

The evidence can be seen everywhere. One such evidence is the migration of professionals overseas. A recent study by the Malaysian Medical Association Council through a Committee headed by Dr. M.K. Rajakumar, reported that there had been an increase of registered medical practitioners from 2,064 in 1972 to 3,168 in 1979. The total number of doctors eligible to register for the year 1979 should have been 4,017. However, the actual number registered was 3,168, showing a deficit of 849 doctors between 1972 and 1979. The net loss reflects the losses from deaths, retirement, resignation of contract doctors and finally migration of our doctors. The MMA study, entitled "The Future of the Health Services in Malaysia" stated that there is reason to believe that the majority of losses were due to those who migrated to other countries.

The MMA report found that out of all the doctors surveyed, 16.3% or 161 doctors had expressed the intention to emigrate, while 34.6% or 340 doctors were not sure. The MMA report found that there is not much

variability in the reasons given by doctors in government and private practice for intending to emigrate, and that the two most frequently mentioned reasons are uncertain future and their children's education.

Another evidence is the large number of Malaysian parents including Barisan leaders who send their children abroad for primary and secondary education.

The causes of the disintegrative effects of the national education system are many, and it is beholden on us, as the elected representatives of the people, to discuss these problems dispassionately, rationally, motivated by our love and unquestioned loyalty to Malaysia. If we as Parliamentarians cannot discuss this urgent national problem without resort to racist emotions, then there is little hope for successful nation-building in Malaysia.

I will outline below the main causes for the disintegrative effects of the national education system.

(i) Barisan Nasional's deviation from national education policy

A primary cause of national disunity is the Barisan Nasional government's own deviation from the National Education Policy.

The basic education policy document in the country is the Razak Report of 1956, later enacted as the Education Ordinace, 1957. The Razak Report education policy, defined in Section 3 of the Education Ordinance, reads:

> "The educational policy of the Federation is to establish a national system of education acceptable to the people as a whole which will satisfy their needs and promote their cultural, social, economic and political development as a nation, with the intention of making the Malay language the national language of the country **while preserving and sustaining the growth of the language and culture of the peoples other than Malays living in this country.**"

The conclusion of the Razak report emphasised:

> "We believe that an education policy acceptable to the people as a whole must provide for at least two things: It must satisfy the

legitimate aspirations of each of the major cultural groups who have made their home in Malaya and it must offer the prospect of a place in a school for every child born in this country."

The Cabinet Committee Report quoted the preamble to the Education Act 1961 to define the national education policy:

"WHEREAS the educational policy of the Federation, originally declared in the Education Ordinance, 1957 is to establish a national system of education which will satisfy the needs of the nation and promote its cultural, social, economic and political development;

AND WHEREAS it is considered desirable that regard shall be had, so far as is compatible with the policy, with the provision of efficient instruction and with the avoidance of unreasonable public expenditure, to the general principle that pupils are to be educated in accordance with the wishes of their parents;

AND WHEREAS further provision is required for securing the effective execution of the said policy, including in particular provisions for the progressive development of an educational system in which the national language is the main medium of instruction".

It is significant that the Cabinet Report did not quote Section 3 of the Education Ordinance 1957, because the Abdul Rahman Talib Report had deviated from the national education policy laid down in the Razak Report, especially with regard to the education policy's role to preserve and sustain the growth of the languages and cultures of the non-Malays.

The Razak Report, in paragraph 72, regard the introduction of a syllabus common to all schools in the Federation as the "crucial requirement" of an education policy in Malaya. It said:

"It is an essential element in the development of a united Malayan nation. It is the key which will unlock the gates hitherto standing locked and barred against the establishment of an educational system acceptable to the people of Malaya as a whole, a common syllabus."

The Report continued:

"Once all schools are working to a common content syllabus, irrespective of the language medium of instruction, we consider the country will have taken the most important step towards establishing a national system of education which will satisfy the needs of the people and promote their cultural, social, economic, and political development as a nation."

As a result, the Report stated:

"We can see no reason for altering the practice in Chinese secondary schools of using Kuo Yu as a general medium provided that these Chinese schools fall into line with the conditions mentioned in the previous two paragraphs. (i.e. Malay and English compulsory and common final examination). We see no educational objection to the learning of three languages in secondary schools or to the use of more than one language in the same school as the medium of instruction."

The Rahman Talib Report 1960, later embodied in the 1961 Education Act, deviated from this principle in the Razak Report and withdrew government aid to Chinese secondary schools which did not convert to National-type Secondary Schools discontinuing Chinese as a medium of instruction.

The Rahman Talib Report went further, for the Education Act 1961, under Clause 21(2), empowered the Minister of Education to convert Chinese and Tamil primary schools into national primary schools when he should deem fit.

Thus, the then Education Minister, Abdul Rahman Talib, when presenting the 1961 Education Bill, said in the Dewan Rakyat on 19th October 1961:

"Saya berhajat mengadakan aliran bahasa kebangsaan di dalam sekolah-sekolah rendah Kerajaan jenis kebangsaan, dan di bawah Fasal 21(2) dalam Rang Undang-undang ini saya berkuasa mengarahkan perubahan sekolah rendah jenis kebangsaan kepada sekolah rendah kebangsaan apabila saya puas hati bahawa peratoran ini sesuai dijalankan."

When he presented the 1961 Education Bill, Abdul Rahman Talib, promised that in Chinese secondary schools which convert to national-type secondary schools, "sahingga 1/3 daripada waktu kanak-kanak itu di sekolah-sekolah boleh, dengan undang-undang, ditumpukan kepada pelajaran bahasa dan kesusasteraan China."

The MCA President, Datuk Lee San Choon, then serving his first term as Member of Parliament, said in the Dewan Rakyat on 20th October 1961 that "with the introduction of the National-type secondary school, people will be able to send their children to those schools where Chinese language and Chinese literature will be taught."

But these promises are today a dead letter.

Another major deviation from the national education policy as laid down in Paragraph 12 is with regard to medium of instruction. Paragraph 12 of the Razak Report said:

> "We believe further that the ultimate objective of educational policy in this country must be to bring together the children of all races under a national education system in which the national language is the **main medium** of instruction, though we recognise that progress towards this goal cannot be rushed and must be gradual."

The important word here is that the national language will be the **main** medium of instruction in the national education system, and not the **sole** medium of instruction.

This policy was reaffirmed in the Preamble to the Education Act, 1961. Today, apart from primary education, the national language is the sole medium of instruction including university education by 1983.

The future of Chinese and Tamil primary schools are also uncertain with the existence of Clause 21(2) of the Education Act, 1961, empowering the Minister of Education to convert them into national primary schools with a stroke of the pen, without even having to refer back to Parliament.

Paragraph 31.1 of the Cabinet Committee Report recommended, with regard to Chinese and Tamil primary schools, that "memandangkan keadaan

sekarang ini, adalah diperakukan supaya sistem persekolahan peringkat rendah yang sedia ada diteruskan."

This recommendation is very eloquent in its implication that Chinese and Tamil primary schools are tolerated for the present, but pending the right timing, they are to be converted into national primary schools through the invocation of Clause 21(2) of the Education Act 1961.

This runs counter to the Razak Report, and even Article 152 of the Malaysian Constitution, which reads:

"152(1) The national language shall be the Malay language and shall be in such script as Parliament may by law provide:

Provided that –

(a) no person shall be prohibited or prevented from using (otherwise than for official purposes), or from teaching or learning, any other language; and

(b) nothing in this Clause shall prejudice the right of the Federal government or of any State Government to preserve and sustain the use and study of the language of any other community in the Federation."

Use of any other language must include its use as a medium of instruction, as envisaged by the Razak Report and the 1961 Education Act when they refer to Bahasa Malaysia as the 'main' and not 'sole' medium of instruction.

Clause 152(1)(b) of the Constitution must be considered in the light of the Razak Report policy, subsequently embodied in the 1957 Education Ordinance, that the national education policy is also aimed at "preserving and sustaining the growth of the language and culture of the peoples other than the Malays living in this country."

This means that "to preserve and sustain the use and study of the language of any other community in the Federation" is not only a right, as understood in Clause 152(1)(b), but a duty of the Federal Government in the light of the Razak Report and the 1957 Education Ordinance.

This duty will be violated in the event of the closure of Chinese and Tamil primary schools, and that is why, it is a question of keeping faith with the Malaysian Constitution and the national education policy as laid down in the Razak Report that Chinese and Tamil primary schools should be integral and eternal parts of the national education system.

It is the declared policy of the DAP that Clause 21(2) of the Education Act should be repealed to restore to Chinese and Tamil primary schools their integral and eternal place in the national education system.

In the sixties and seventies, in response to demands for the repeal of Clause 21(2) of the 1961 Education Act, UMNO and MCA leaders were fond of stating that the people have nothing to fear from Clause 21(2) because it would never be invoked.

But after the release of the Cabinet Committee Report, MCA leaders went round the country claiming that the MCA had waged a great and successful battle to prevent 'extremists' from having their way to close Chinese and Tamil primary schools. In the words of one of these MCA leaders, the MCA succeeded in ensuring that Chinese primary schools maintain their present position and therefore fulfilling the aspirations of the Malaysian Chinese.

This post-Cabinet Report MCA claim begs the question as to what victory the MCA had scored, if, as UMNO and MCA leaders had repeatedly claimed in the sixties and seventies, Clause 21(2) would never be invoked.

Secondly, the MCA is completely wrong when it claimed that it had fulfilled the aspirations of the Malaysian Chinese, for the aspirations of the Malaysian Chinese is not to maintain the status quo as far as Chinese primary schools are concerned, where they could be converted into national primary schools with the stroke of the pen of the Education Minister, but to repeal Clause 21(2) of Education 1961 so that Chinese primary schools are fully recognised as an integral and eternal part of the national education system.

This is also fully in conformity with the Razak Report policy that the education policy should be 'acceptable to the people as a whole', meaning that "it must satisfy the legimate aspirations of each of the major cultural groups who have made their home in Malaya."

Let us state here and now, firmly and categorically, that the policy of having Clause 21(2) of the 1961 Education Act is not "acceptable to the people as a whole" in the sense that it does not satisfy the "legitimate aspirations" of two of the major cultural groups in Malaysia, namely the Chinese and Indians.

Why, then, has the Government refused to repeal this clause. I have a private member's bill on June 20 seeking the repeal of Clause 21(2) of the 1961 Education Act, and I hope that the government parties, and in particular, the MCA, Gerakan, SUPP, MIC and Berjaya, would support my motion.

This is all the more imperative in the light of the Cabinet Committee recommendation of temporary reprieve for Chinese and Tamil primary schools.

The Government should be guided by the Razak Report principle that the national education policy in a multi-racial society like Malaysia must be acceptable to the people as a whole, which means, among other things, that it must satisfy the legitimate aspirations of each of the major cultural groups who have made their home in Malaya.

The Malaysian Chinese, for instance, have demonstrated beyond a question of doubt that it is their legitimate aspiration to have their children receive mother-tongue education in the Malaysian context although enrolment in Tamil primary schools showed the beginning of a decline. This is best seen from the enrolment figures for Chinese and Tamil primary schools.

Enrolment in Chinese and Tamil primary schools

	Chinese primary school	Tamil primary school
1947	139,191	33,954
1957	310,458	50,766
1967	355,771	79,203
1970	394,166	79,278
1971	413,270	77,192
1972	435,266	78,758

1973	450,903	78,854
1974	465,541	79,674
1975	480,984	80,404
1976	487,877	80,103
1977	493,809	78,841
1978	498,311	76,446

These figures show that as in 1978, 87.9% of Malaysian Chinese children are enrolled in Chinese primary schools, while 49.2% of Malaysian Indian students are enrolled in Tamil primary schools – clear-cut proof of the 'legitimate aspirations' of each of the major cultural groups in Malaysia.

Over the years, however, the Chinese primary schools, through the boards of managements and parents-teachers associations, have experienced disinterest from the Education Ministry about a fair and equitable share of the government's educational expenditures in the upkeep and expansion of the Chinese primary schools.

The practical problems faced by Chinese schools is best put by the Memorandum submitted to the Cabinet Committee by the All Malaysian Chinese Guilds and Associations on January 27, 1975, which reads as follows:

"Section II: The Building and Maintenance of School Premises (Chapter II).

Application for grants to Chinese medium schools for purposes of renovation and expansion of school premises have often been proved to be of no avail, despite the fact that the Deputy Director of Education, Encik Murad, has asked the Chinese Teachers' Association and the United Chinese School Boards to furnish more details for due consideration and in some cases, the previous Minister of Education, Datuk Hussein Onn, has even approved the building projects in public. Moreover, some projects under construction have been suspended without much valid reason. All these should not have happened under normal circumstances. We therefore list out our requests as follows:

(1) School funds for all various types of schools should be provided on an equal basis. We request the Government to provide the Chinese medium schools with a certain sum of money annually for purposes of renovation and expansion of school premises.

(2) We request the Government to build school halls for all various types of schools for purposes of school assemblies and other celebrating occasions.

(3) We request the Government to give grants to those Chinese medium schools which require additional classrooms to accommodate the 'awaiting' students.

(4) We request the Government to announce the number of additional schools built after Merdeka for the various types of schools so that the public are well-versed with the educational development of our country.

(5) We request the Government to take care of the maintenance of the school premises especially in painting and renovation works.

(6) We appeal to the Government to put up new school buildings to replace those old and about-to-collapse buildings of the Chinese medium primary schools especially those in rural areas.

(7) We appeal to the Government to provide funds for building a library for each of the Chinese medium primary schools so that students can borrow books in quest of knowledge.

(8) We appeal to the Government to provide funds for the building of headmaster's room, staff room, canteen, store room, science laboratory, art and craft room and music room so as to improve the facilities and equipments of the various types of schools.

(9) The furniture and fittings in the classrooms and in the staff room should be supplied annually by the Education Department according to requirements.

(10) All Standard-type and National Type schools, irrespective of whether the school land belongs to the State Government or

Board of Trustees, should be exempted from quit rent, assessment rates and so forth. Renovations of school premises, building of school roads and application for purchase of school equipment should be on a first-come first-serve basis.

(11) To minimise school expenditure, no postage should be charged to all school official correspondence.

(12) The Government should provide sufficient school buildings with adequate facilities to all various types of schools.

(13) All donations given to the non-profit making educational organisations should be exempted from taxation."

It is to be deplored that the Cabinet Committee, despite the presence of MCA Ministers, should completely ignore and disregard these legitimate requests and grievances of the Malaysian Chinese community for fair treatment for Chinese primary schools.

The problems and grievances of Chinese primary schools have been accummulated over the years from general indifference from the Education Ministry. A good example is the refusal of the Education Ministry to build new Chinese primary schools and expand existing ones to cope with increased enrolment demands.

In Petaling Jaya, for instance, where there are some 100,000 residents, and 80% of whom are Malaysian Chinese, there are altogether 15 primary schools, out of which only one is a Chinese primary schools. Every year, a large number of school-going children flock to the Chinese primary schools outside Petaling Jaya only to find that these schools had been filled to capacity. Why has the Ministry of Education been perverse in refusing to accede to the legitimate aspirations of the parents in Petaling Jaya to have another two or three Chinese primary schools? Thus, although the total number of Chinese primary school students have increased by some 60% in 1978 as compared to Merdeka 1957, the number of Chinese primary schools have actually been reduced from 1,012 to 988.

Another problem is the shortage of trained teachers for Chinese primary schools. The government should, as a matter of policy, announce

that it would absorb all the temporary teachers in Chinese primary schools, and give them training to be appointed to the teaching service.

Teachers to be trained to teach in Chinese primary schools should be taught in courses which use Chinese as a medium of instruction, so that these teachers would acquire a sufficiently high standard of the Chinese language to ensure a proper standard of the Chinese language in the schools.

In concluding this section, I want to reiterate that there is a need to understand clearly without distortion the national education policy. The preamble to the 1961 Education Act must be read with the Razak Report and the 1957 Education Ordinance, and there would be no misunderstanding or deviation from the national education policy, creating alienation, antagonism and national disunity.

Viewed in this proper perspective, all right-thinking Malaysians would even agree that the proposed Merdeka University is not only in conformity with Constitutional guarantee of Article 152, but also in line with the Razak Report.

It is in this context that the various proposals made by the Cabinet Committee Report, ostensibly to bring private schools under greater control, have raised considerable controversy in so far as they affect Chinese Independent Secondary Schools.

I have already explained why, with a true rendering of the national education policy as laid down by the Razak Report, the Chinese Independent Secondary Schools should have been brought within the national education system and framework and continued to receive . government financial aid.

Now, in the name of reviewing the national building objectives of the national education policy, greater interventions are contemplated by the Education Ministry through the Chief Registrar of Schools and Teachers.

There is no coherent statement in the Cabinet Report about the result of the Committee's review of the question of national unity and private schools, although various recommendations pertaining to private schools are to be found scattered about in the Report. This is most

unsatisfactory, and we cannot escape forming the impression that the Cabinet Committee was deliberate about this. I hope that the Government could supply this omission in this House, especially in regard to the Government's attitude to Independent Chinese Secondary Schools as it is public knowledge that the Cabinet Committee and the National Unity Sub-Committee spent considerable time over the future of Chinese Independent Secondary Schools.

To increase the powers of the Minister of Education over private schools, the Cabinet Committee has recommended, among other things;

*To empower the Examinations Syndicate Director to prevent any private educational institution from conducting any examination that is considered not beneficial to local students or is contrary to national interest;

*The Chief Registrar of Schools and Teachers shall have the power to supervise the levying of private school fees and oversee the conduct of examinations;

*The Registrar shall also supervise the curriculum and the medium of instruction used in all private schools.

*The Registrar of Schools is now to be empowered to close down any private school that has failed to register itself or infringes any of the conditions laid down in the registration permit.

The Chinese Independent Secondary Schools, which conduct a private joint examination for their students, are understandably upset by these recommendations, although the MCA President had claimed that these proposals would not affect them.

I want a clear-cut statement from the Government that Chinese Independent Secondary Schools are to be exempt from these control measures, which should be embodied in statute. Otherwise, the Chinese Independent Secondary Schools appear to be beset with a new era of even greater challenges to their existence, when the Government should more equitably restore them to the mainstream of the national education system by according recognition to Chinese Senior Middle Three (Government or

private) qualification as equivalent to MCE/SPM for further studies or employment and resumption of government grants.

The deviation by the government from the national education policy is a cause why in our schools we are not succeeding in nation building. What is urgently needed is a review of the national education policy and system in line with the Razak Report principle that such an education policy must be "acceptable to the people as a whole", meaning that it must satisfy the legitimate aspirations of **each** of the major cultural groups in the country.

The previous general elections have demonstrated conclusively of this fact, and it is only a question of whether the Government leaders want to see it or not.

(ii) **The strident policy that in Malaysia, 'ultimate loyalty is racial, not national'**

Another reason for the failure of the education system to foster a Malaysian one-ness among children of various races, despite their having a common medium, syllabus, examination and environment is because of the strident demand and policy that in Malaysia, ultimate loyalty is racial and not national.

Malaysia is faced with the formidable task of creating a nation out of the disparate ethnic groups whose differences in language, religion, history, culture and conflicting perceptions provide few natural bases for national integration.

In this task of nation building, education is a primary instrument, the central aim being to replace primordial group (whether Malay, Chinese, Indian) loyalties with an overarching national identity.

Theoretically, at the most fundamental level of national integration is the development in individuals of a subjective feeling of loyalty to the nation. This involves complex psychological processes of individual change, and the outcome depends on the ideals of the society and the political process as much as, if not more than, the educational process itself.

It is clearly not possible for Malaysian children in schools to be socialized into one Malaysian identity, consciousness and values, when everyday and everywhere they are subject to the unrelenting, strident demand that in Malaysia, the ultimate loyalty is to race, and not to nation.

The recent Third Bumiputra Economic Congress, with its demand that the 30% bumiputra participation in commerce and industry should be raised to 51% displaying an utter disregard to the sensitivities and legitimate aspirations of other races, must have by itself undone ten years of nation-building efforts by the schools – even among the school children themselves.

Or the recent speech by the Director-General of the Socio-Economic Planning Unit in the Prime Minister's Office, Dr. Mohd. Nor bin Abdul Ghani, at the Malacca UMNO Convention in April this year in a paper entitled "Apa akan terjadi jika matlamat dasar ekonomi baru tidak tercapai di dalam tahun 1990" where he said that if the NEP fails in 1990 "kegagalan kaum bumi itu akan merupakan kejayaan bagi kaum bukan bumi" and that "peluang yang diujudkan oleh DEB untuk orang Melayu memperbaiki taraf ekonomi mereka adalah merupakan peluang utama dan terakhir. Peluang ini tidak akan muncul lagi kerana di masa-masa hadapan pihak bukan bumi akan lebeh tahu bagaimana untuk menyusun tindakan sendiri bagi memperkukuh kedudukan mereka;" and that if the NEP objectives failed in 1990 "ia akan meletakkan bangsa Melayu begitu rendah didalam dunia yang dikuasai oleh kebendaan pada hari ini, sahingga kita tidak ada jalan lain melainkan untuk mengenepikan prinsip demokrasi bagi memulihkan tempat yang sah di negara sendiri."

Such speeches will clearly undo all integrative effects of the education system.

In the ultimate analysis, how can the education system succeed in displacing ethnic loyalties with an overarching national identity, or how could a Malay, Chinese or Indian, think of himself first and foremost as a Malaysian, when he is repeatedly told by UMNO, MCA and MIC, with all the state resources of media monopoly at their command, that his ultimate loyalty is to race and not to nation, that he must unite with members of his own community first if he is not to be a traitor of his community?

In fact, every time the UMNO General Assembly, UMNO Youth and Bumiputra Economic Conventions are held with their fierce speeches

and resolutions, ethnic alienation and distrust among our children in the schools are intensified.

It is most regrettable that the Cabinet Committee completely ignores this important aspect of nation building and the educational system.

(iii) **Weak commitment to the policies of multi-racialism**

Another important reason for the failure of the national education system to unite the racial groups into one Malaysian people is the weak commitment by those in authority to the policies of multi-racialism.

The study by Boch which I mentioned earlier indicates that in the goal of national unity, it is not common educational socialization that is crucial, but rather the larger forces (political, social, economic) that impinge on the individual, particularly how he perceives his prospects in life and the justness or otherwise of the forces that determine these prospects.

One of the most deeply-felt and held, and immensely powerful, perception in our country, common to all racial groups, is the weak commitment by those in authority to the policies of multi-racialism.

In this connection, an interesting insight into the objectives of the education policy is thrown by an education lecturer at Universiti Kebangsaan, Ibrahim Saad, in his book "Pendidikan dan Politik di Malaysia" published by Dewan Bahasa dan Pustaka, where he praised the Barness Report on Malay Education 1951 as the 'approach of assimilation' "dalam bentuk formula A + B + C = A, di mana A, B dan C adalah kumpulan-kumpulan sosial yang berlainan dan A adalah kumpulan yang utama", and decried the Fenn-Wu Report on Chinese Education 1951 for its approach "dalam bentuk formula A + B + C = A + B + C".

What Malaysia needs is an integration approach, and what we want is A + B + C = D where D is the new Malaysian identity, separate and distinct from Malay, Chinese or Indian affinities or ties.

It is a fundamental prerequisite to the success of nation building in our schools that the school children do not perceive that the government employs racial or communal categories or criteria as a basis for national development and national unity.

But such perceptions are common to our children whether in schools or universities, because of placement policies, selection for Form Six classes, university intake or subsequent employment.

Form Six, pre-university and university educational opportunities have indeed become a very divisive area in nation building, but there is absolutely no reference to this problem in the Cabinet Committee Report.

Non-Malay students in schools, for instance, are painfully aware that they stand very little chance in getting places for Form Six. For 1979, out of 19,362 Lower Six students, 62.4% or 12,079 were Malays, 33.5% or 6,491 were Chinese, 3.7% or 711 were Indians and 0.4% or 81 others.

I would estimate that as high as 40 per cent of the non-Malay First Graders are not able to get places in Form Six in schools, when good Second Graders should actually be entitled to Form Six education.

For Malay students, Form Six education is only one of three avenues for pre-university education. The best Malay students are creamed off at the MCE/SPM level and sent overseas for higher studies. The second best group are taken into matriculation courses organised by the local universities for direct entry. Only the third group, after two processes of creaming, join the Form Six classes in the schools. This is why we have the phenomenon where Malay schools score 100% passes in MCE/SPM, but when that batch of students sit for the HSC/STP, they score 100% failures. This is because the best and second best have already been creamed off!

I understand that for the 1980/1981 academic year, the university student intake into the five local universities make a total of 5,454 students, comprising bumiputras 3,398 or 62.3% and 'non-bumiputras' 2,056 or 37.7% as compared to the previous academic year's figures of bumiputras 3,384 or 64.3% and non-bumiputras 1,881 or 35.7%, making a total of 5,265.

This means that as compared to the previous year, there has been an increase of 14 bumiputra students and 75 non-bumiputra students, which are too meagre and too irrelevant.

The DAP reject this type of university intake approach and policy. We do not suggest that Malay students' intake should be reduced by 2%,

implying that we want to see less Malay students in the local universities, as mischieviously twisted by one UMNO backbencher in a Parliamentary question this meeting.

The DAP seriously proposes that for the sake of national unity and national development, Malaysians should break away from the prison of percentages, and stop seeing university education as a zero-sum game where what one community gains must be at the expense of the others.

The higher education policy should be guided by the principle that while full governmental assistance is given to help eligible bumiputra students to benefit from higher education, eligible non-Malay students should not be barred from higher education opportunities.

The government, which recently approved $600 million pay increases and other allowances to the public sector employees, cannot convince Malaysians that there is no public money to establish another two or three universities to cope with the demands of higher education locally, especially in view of the shutting of the doors of higher education abroad, whether because of restriction of places or inflating costs.

The Government should also publicly invite and welcome the establishment of private universities to help in relieving this problem, although this would mean the amendment of the Universities and University Colleges Act 1971.

I think I can do not better in concluding this section than in quoting the Memorandum to the Government from the Associated Chinese Chamber of Commerce and Industry of Malaysia submitted on 31st January 1980 entitled "Towards Faster Economic Growth and Greater National Unity", which in its chapter on "Manpower and Training", ended with the following views:

"The Government has announced a two per cent increase in non-bumiputra enrollments in tertiary institutions for the coming academic year. This minor adjustment hardly scratches the surface of the problem.

"The Government has also announced that it plans to undertake further expansion of tertiary education, in the course of which it will

gradually bring about an enrollment pattern that will reflect the racial composition of the national population. The fulfilment of that promise would take care of the future, but more must also be done immediately.

"It should be clear that the quantitative aspect of the problem is not the whole problem. The basic need is for selection systems that go some way towards meeting NEP objectives without totally outraging the sense of justice of non-bumiputras. Unless such systems are devised, and made known to the public, ad hoc adjustment to student intakes in one year or another will not remove the present feelings of resentment. We suggest:

> THAT a publicly declared and substantial percentage of places at all levels of education where candidates exceed vacancies be filled on the basis of academic merit, leaving the balance for restructuring adjustments;
>
> THAT the Government announce as a matter of policy that the scope of the merit system will be progressively enlarged as the handicaps facing bumiputra students are removed.
>
> THAT a target date be fixed for making a single merit system the central system for selecting students for higher education."

The Director Public Services Department recently announced that promotion in the civil service will be based on merit. This is indeed welcome for it will go a long way to help nation building process in the schools and universities.

For instance, it cannot escape student notice that in the five local universities, there had never been a single non-Malay Vice-Chancellor. Are there no non-Malay academicians or administrators in Malaysia who are qualified or eligible for appointment as Vice-Chancellor of one of the five universities?

(iv) Failure to educate our teachers and educators in a multi-cultural approach

Teachers, traditionally, have been called 'carriers of culture'. They are seen as the primary professional social agents responsible for passing culture from adults to the next generation. By culture here, I mean "the total ways

of living built up by a group of human beings and transmitted from one generation to the next" and considered in the broadest sense embrace influences on life style that reach beyond biological heredity to include environmental factors.

If Malaysia is a unicultural society, the assignment of teachers as 'carriers of culture' to imbue children with the values and perspectives of a single tradition could be readily understood and carried out. But as diverse cultural patterns prevail in Malaysia, Malaysian teachers must maintain a multi-cultural approach in their professional duties. Implicit in such an approach is the responsibility to transmit the tradition of all cultures found in Malaysia – equally and respectfully. Students must be taught not only to cherish their own ways of life, but also to respect those of others. Thus, teachers must take the responsibility of creating and maintaining learning situations that nurture and preserve the cultural traditions of all.

It is because of such failure to maintain a multi-cultural approach and lack of a multi-cultural vision among educators that we had deplorable incidents like the Universiti Teknologi dress affair for graduates at its Convocation.

The school, next to the home, is the major socializing agency. The individual student learns those behaviours, values, and norms espoused by the home and school; when such are congruent, there is no conflict. But when cultural traditions and priorities of the home differ from that imparted by teachers and educators, then the teachers have failed to help students live in a multi-cultural society.

Equally important here is the need for teachers and educators to maintain a multi-racial approach. There has recently been an attempt to rewrite history and downgrade the contributions made by noted non-Malay personalities, like Yap Ah Loy, in the making of modern Malaysia. Primary school curriculum for history, for instance, had been revised, whereby a chapter on Yap Ah Loy in the Std. Four history book was removed, with now no or passing reference to him.

In the light of nation building, these are mal-integrative developments. This is another cause of the failure of the national education system in promoting national unity.

It is a major defect of the Cabinet Committee Report that it failed to make an assessment as to whether our education system is making bridges between the diverse culture and customs to be found in the country.

There are very few, in fact hardly any, reading materials or literature which could socialize students into a multi-racial, multi-cultural, Malaysian viewpoint.

Even the Dewan Masyarakat, the official publication of the Dewan Bahasa dan Pustaka, is not performing this role, as many articles in the magazine, in particular a recent one on 'Kaum Pendatang', is most offensive to non-Malays and their cultures.

250,000 drug addicts — another failure of national education policy

Another facet of failure of the national education policy and system, conspicuously ommitted in the Report, is the huge drug addict population of 250,000. This major problem, described by the Minister of Home Affairs as the No. 1 national problem, should have occupied a central place in the Report, especially in regard to the terms of reference in having a 'disciplined' society.

When announcing the establishment of the Cabinet Committee Report, Dr. Mahathir Mohamed said at a press conference on 9th October 1974, a review is necessary because "we are not convinced that we are producing a society which is compatible with our beliefs in the democratic process and other values."

But again, there is no reference or evaluation to the education system's role in promoting democracy, as to whether the system encourages the development of people with independent minds and sharp critical faculties, or cultivate unthinking respect for hierarchies.

Assessment of manpower needs -- another report failure

Apart from its specific objective to assess nation building results of the national education system, the Cabinet Committee's other specific objective is to ascertain whether the system has met the national manpower needs.

In this field, the Cabinet Report is another big disappointment.

As mentioned earlier, the Report completely excludes from its consideration university education. How can there be a sensible study of the education system's role in meeting national manpower needs when the university level of education is excluded?

Again, in this specific term of reference, I had expected Specially researched studies of various aspects of national manpower needs, not only as guides for the Cabinet Committee, but for study by the public. But there is none.

Apart from very sketchy and flimsy three pages of tables about the stocks and needs for professional and technical personnel in 1975 and 1985, the question as to what are the manpower needs and how to meet them were completely dismissed!

Paragraph 16 of the Report tried to seek an excuse for this:

> "Untuk mempastikan dengan tepat sejauh mana perkembangan sistem pendidikan kebangsaan kita dapat memenuhi keperluan tenaga rakyat negara adalah satu perkara yang sukar. Antara sebab-sebabnya ialah kurangnya kajian-kajian dibuat yang khusus meneliti kedudukan dan keperluan tenaga rakyat bagi negara ini."

This is no justification for virtually the whole subject of what are the manpower needs and how to meet them to be ignored so out of hand! What is even more surprising is that the Cabinet Report has completely ignored another Cabinet Education Report, the Report of the Higher Education Planning Committee 1967 under the Chairmanship of the then Minister of Education, Encik Mohd. Khir Johari.

The Mahathir Cabinet Report should have been an updated Report of the Khir Johari report. The Khir Johari Report had 69 'Relevant Papers, Articles and Memoranda to guide it in its deliberation, but the Mahathir Report did not appear to have commissioned a single study.

As a result, this area of post-secondary and university education is a dark area which needs the illumination of a comprehensive study.

In its terms of reference, the Cabinet Committee was given the task of determining the education system's fulfilment of the "short term and long term needs."

As the Cabinet Report did not assess the manpower needs and how to fulfil them, there is also no treatment, let alone separate treatment, of the short-term and long term manpower needs. This particular term of reference might as well not have existed! In passing, it is to be noted that the Committee of Officials spent some time to define 'short-term' to mean five years and 'long-term' to mean more than five years. As the Cabinet Committee took more than five years to complete its finding, probably it had exceeded its own 'short-term' span of time, and this distinction became academic!

This is not to say that there is nothing worthwhile in the long list of 173 recommendations made by the Cabinet Committee, like the extension of 9-years to 11-years schooling for every child, the abandonment of streaming of pupils into Arts and Science streams after the SRP examination, an open certificate system, but these specific educational matters and other administrative changes do not add up to the fulfilment of the Cabinet Committee's terms of reference.

There can be many views as to the 173 recommendations. Because of the shortness of time, I will comment on some of them only This is why I am proposing that there should be a Parliamentary Select Committee to consider these proposals so that MPs could have more time to think and deliberate on them.

Automatic promotion

It really boggles the mind why the Education Ministry has taken so long to recognise and remedy the defects of the automatic promotion system. This is a strictly educational problem, and if such problems could only be rectified only after a Cabinet Committee has been formed, then the educational system in our country is too rigid and inflexible.

Although the Cabinet Committee recommended rehabilitation programme for the slow learners, we really do not know how effective this programme is going to be.

With the proposed extension of 9-years to 11-years schooling, the problems of automatic promotion becomes even more compelling. It is indeed unthinkable that we should have a system whereby a student is promoted year after year for 11 years, although after a few years, he had already been left behind, and is unable to read or even write.

In 1978, about 70% of the 1,000 Std. V and VI pupils of 22 rural Malay primary schools in Negri Sembilan were found to be still unable to grasp the basic requirements of mathematics – many could not even multiply 3 x 9. This was the result of a survey conducted by the Negri Sembilan Education Department through a common mathematics test.

What is significant is why the Education Department needs a special test to find out the educational backwardness of pupils, which were meant to be revealed by the Std. III and Std. V. Assessments Tests. Clearly, both these Tests are not performing their functions.

Revision of Bahasa Malaysia syllabus for Chinese and Tamil primary schools

In this connection, there is a need for revision of the Bahasa Malaysia syllabus for Chinese and Tamil primary schools. At present, pupils of all primary schools, regardless of medium of instruction, take the same Bahasa Malaysia paper.

As a result, we have every year shockingly high rate of failures. In the 1978 Std. V. Assessment Test for instance, the failure rate of the Chinese primary schools and Tamil primary schools in the Bahasa Malaysia paper are as follows:

1978 STd. V Assessment Test
(Failure Rate)

	Chinese Primary Schools	Tamil Primary Schools
Johore	88%	82.8%
Selangor	83.8%	92%
Negri Sembilan	81.9%	77.6%
Malacca	60.6%	76.1%
Pahang	83.2%	53.2%
Trengganu	55.8%	

Kelantan	49.3%	100%
Perlis	71.5%	50%
Kedah	61.7%	81.5%
Penang	77.4%	71.8%
Perak	88%	91.6%
Total	81.5%	84.8%
Sabah	63.3%	
Sarawak	87%	
Grand Total	81.3%	

It is clearly uneducational to expect Chinese and Tamil primary pupils to sit for the same Bahasa Malaysia paper as national primary school pupils whose media of instruction is in Bahasa Malaysia. This is why Chinese and Tamil primary schools pupil go to an additional Remove Class on entry into secondary national schools to catch up on the language.

Apart from bureaucratic inertia, I have not heard a single reason justifying this system requiring a common Bahasa Malaysia paper for all primary schools. I commend on the Ministry therefore the proposal that there should be a revision of the Bahasa Malaysia syllabus for Chinese and Tamil schools.

Review of the remove class system.

The time has also come for a thorough review of the Remove Class system, to ascertain whether it has helped Chinese and Tamil primary school pupils adjust to national secondary schools.

The Cabinet Committee should have made such a study, but there was no word about this matter in the Report.

It is general knowledge that the problem of adjustment of Chinese and Tamil primary school pupils to national secondary schools had been many and complex, and this educational weakness of the system must be rectified.

Mother-tongue learning

Although the Education Act provides that at the request of at least 15 pupils, a Tamil or Mandarin language teacher will be provided, from

Std. III upwards to secondary schools, this provision is observed more in the breach.

There is no systematic P.O.L. (Pupil's Own Language') education so as to make this provision a farce.

All over the world, there is a greater emphasis on mother-tongue education. The DAP proposes that the Education Act should be amended to provide that where there are at least 15 pupils asking for Mandarin or Tamil instruction, the government is obligatory in providing such instruction, as is the present case with Islamic instruction in schools.

Ethics and Morals

The Cabinet Committee recommended that while Malay pupils receive religious instruction, non-Malay or non-Muslim students should be taught ethics and morals.

The DAP suggest that the non-Muslim students, in accordance with the Constitutional guarantee of freedom of worship, should be taught the religion of their choice.

There is room for all Malaysian students, regardless of their religion, to be taught a common subject to learn about each other's beliefs and cultures, which make them appreciate the universal values of the great religions and the commonality of the humankind.

Are gifted children being catered for?

An important challenge to our education system is that it should provide an education that will allow the least advantaged, the most gifted, and the ordinary to grow together, to learn to communicate, to be able to work and live in communities marked by tolerance and mutual understanding.

A question that is often asked is whether in Malaysia, quantitative education is being pursued at the expense of qualitative education.

The fundamental weakness in our education system is the lock-step system of schooling - every child is placed in a particular grade according

to his chronological age. It ignores differences among individuals and differences within individuals. Administratively, the lock-step system is ideal and convenient but professionally it is unsound and ignores the reality of individual differences. This aspect of education has not been studied by the Cabinet Committee Report.

No basic re-thinking of the aims of education

A major critique of the Cabinet Committee Report is that it provides no new re-thinking of the aims and functions of education. It should have undertaken a deeper scrutiny and understanding of the educational life of our country and probe far beyond the well-trodden trends of being mainly concerned with quantitative aspects of education.

I will broadly discuss two major areas which should engage our educational thinking:

1. **A New Vision of Education**

In an age of rapid scientific and technological changes, there is a need for a new vision of education which conceives of it as an enterprise transcending the framework of schools and universities. We must aim for a learning society, where the guiding principle for educational policies is the idea of lifelong education. Every individual must be in a position to keep learning throughout his life.

Such a concept of lifelong education should radically change promotion and certification procedures, stressing the value of real competence, aptitude and motivation over and above marks, class ranking and list of credits obtained.

Education must cease being confined within school-house walls. All kinds of existing institutions, whether designed for teaching or not, and many forms of social and economic activity, must be used for educational purposes.

Each person should be able to choose his path more freely, in a more flexible framework, without being compelled to give up, using educational services for life if he leaves the system.

2. A National System of education for pre-school age children

Education must broaden its activity from schooling to learning, and from the traditional age groups (primary and secondary pupils and university students) to learning at every stage. If no one is too old to learn, no one is too young either.

Research has shown that about 50 per cent of the variation in measured intelligence occurs by the age of five, and about 80 per cent by the age of eight. It is argued that differences in the environment are a cause of variations in IQ and that the quality of children's experiences during the first four or five years of life are therefore of great importance.

Studies have shown that far more can be learned at an earlier age than was formerly supposed. The educational investment in the very early years yields the largest dividends in developing talent, skills, perceptivity and creativity as well as in encouraging independence and self-discipline. The acquisition of these attributes by children in their early years will make them more receptive and effective learners later on.

The provision of learning facilities for children of pre-school age of socially deprived classes will go a long way to rectify social injustices.

The Government, therefore, should seriously consider developing a national system of education for pre-school age children.

The Cabinet Committee Report and its recommendations, for the length of time it has taken to prepare, deserve a serious study. And in view of the fundamental importance of education, it is appropriate that the Dewan Rakyat should set up a Parliamentary Select Committee to consider these educational questions and issues, and others omitted by the Cabinet Committee, with powers to hear and receive views and representations, so that there is a more representative and considered national opinion on educational matters in the country.

THE MAHATHIR REPORT ON EDUCATION (2)

"When we raise educational problems, we are not siding any one race. We want all the races, Malays, Chinese and Indians, to get the best education possible we can give them. We want every race to get a fair opportunity and this does not mean that we disregard the reality of ours as a multi-racial society, that mother-tongue education is a right which is not only entrenched in the Razak Report and the Constitution of Malaysia, but also in the Universal Declaration of Human Rights."

Speech when winding-up the debate on the Mahathir Cabinet Committee Report on Education on June 10, 1980.

I regret that on a debate on such a vital issue as education, which would determine the future of our children and the nation, no Barisan Nasional MP showed any interest or took part in the debate – apart from the reply read out by the Deputy Education Minister. We know that MPs are deeply engrossed with the rumoured new increase of allowances, which I hear would be a 100% increase. If there is to be a 100% increase in allowance for MPs, then at least MPs should show a 100% increase in their interest of issues affecting the nation and people, and a 100% increase of their sense of responsibility.

Last night's Parliamentary Report over TV did not mention a single word of the debate yesterday on my motion although over two hours were spent yesterday debating such an important issue as the Cabinet Education Report. This shows the attitude of government servants who had just got a pay rise but yet cannot understand or are unaware of important issues.

Yesterday, the Hon'ble Deputy Minister of Education said I was wasting the time of this House in making my speech. Yesterday, I spoke on many problems of education, whether the national education system had created national unity, whether the automatic promotion system is desirable, whether Chinese and Tamil primary schools are getting a fair amount of financial allocation from the government, the inadequacy of classes and schools for Chinese primary school students, the quality of education, the problem of our children, whether Malays, Chinese or Indians, who go to school for six or nine years and yet are unable to read or write – but all these are a waste of time to the Hon'ble Deputy Minister of Education.

DAP Backbencher: Hear! Hear!

Lim Kit Siang: I want to know what is it that is not a waste of time? Is it to get more money, to get more positions -- all these are not a waste of time?

P. Patto (interjection): Multi-purpose!

Lim Kit Siang: Yes, multi-purpose — licences — that is not a waste of time but discussing the people's problems is considered a waste of time!

Actually Mr. Speaker, Sir, in my many years in this House, I have had the opportunity to know the style of the Hon'ble Deputy Minister in giving answers or making speeches – and I have long felt sick whenever he stands up to reply or speak because he is irresponsible, does not know things yet 'pura pura' to show that he knows, always does not .....

Chan Siang Sun: Mr. Speaker, Sir, I request that he withdraw the word 'pura pura' – unparliamentary!

Lim Kit Siang: Even now he 'pura pura' – pretend!

Chan Siang Sun: Unparliamentary – withdraw!

Deputy Speaker: Hon'ble Member, please withdraw the word.

Lim Kit Siang: 'Pura Pura' means 'pretend'. How can it be unparliamentary?

Deputy Speaker: Yes, if you follow it properly, it is not unparliamentary, but not when you insinuate.

Lim Kit Siang: It is true and if evidence is needed, I can refer to the Hansard. I stand by that word because it is true.

Deputy Speaker: Hon'ble Member, it is difficult to point out who is pretending and who is not from the speeches or debate in the House. I hope the Hon'ble Member will withdraw the word.

Lim Kit Siang: Mr. Speaker, Sir, just now the Hon'ble Deputy Minister made allegations that I inflamed (api-apikan) issues which retard national unity. That is even more serious an allegation. Other allegations too were made, but were allowed. Is the word 'pura pura' not permissible?

Deputy Speaker: No, Hon'ble Member, if you go by loghat, 'api-api . . *(commotion in the House)* Hon'ble Members, please respect this House. If you go by the word 'pura pura', there is insinuation that person is not clean at heart. 'Api-api" means to inflame people only. So, I hope the Hon'ble Member understands the meaning from the point of loghat and to maintain order in this House, please withdraw (the word).

Lim Kit Siang: Mr. Speaker . . . . .

Shaari Jusoh: Mr. Speaker, just now the Member for Petaling used the word 'bodoh' also.

Deputy Speaker: Thats what I remember, please tone down a little.

Lim Kit Siang: I can substitute the word.

Chan Siang Sun: Mr. Speaker, Sir, I ask that he withdraw the word 'pura pura'.

P. Patto: This is also 'pura pura' too.

Deputy Speaker: Member from Menglembu, please respect the House. I now call on the Hon'ble Member from Petaling to withdraw the word 'pura pura'.

Lim Kit Siang: That 'pura pura' is unparliamentary? All right, I do not agree but since the Speaker has so decided, I shall withdraw the word 'pura pura' but he (the Deputy Minister) had pretended . . . . .

Chan Siang Sun: Pretend what?

Lim Kit Siang: Pretend. P-R-E-T-E-N-D! Pretended in this House, what he does not know – he pretended that he knew.

Deputy Speaker: Please proceed with your speech.

Lim Kit Siang: Yes. If I am not wrong – I am not so fluent in Bahasa Malaysia – 'pretend' in Bahasa Malaysia is 'pura pura'. (*Laughter*).

Chan Siang Sun: Mr. Speaker, I ask that he withdraw the word.

Lim Kit Siang: I am only making a definition.

Deputy Speaker: Hon'ble Member, please respect this House a little, and withdraw (the word).

Lim Kit Siang: When I said that he 'pura pura', a decision was made that it was unparliamentary. The word in Bahasa Malaysia I withdraw. But he did pretend and if I am not mistaken, 'pretend' in Bahasa Malaysia means 'pura pura' – or is there another word for it, if so I hope I can learn. Is there another word for it?

Deputy Speaker: Please proceed with your speech!

Lim Kit Siang: All right . . . . .

Chan Siang Sun: Mr. Speaker, Sir, Standing Orders 36(1). The Hon'ble Member has deviated and is not confining himself to the debate.

Deputy Speaker: That is why I asked the Hon'ble Member from Petaling to continue with the debate. Please do not deviate. That is all.

Lim Kit Siang: That is the attitude that I mentioned just now – being a circus clown. Whenever the Deputy Minister stands up, we feel so sick,

three-member Coordinating Council was to be created consisting of Dr. Lim Chong-eu, Abdul Razak and Tan Siew-sin. This extra-legal body was to formulate policies for Penang and to facilitate cooperation between the state and federal government.[59] The promise of increased federal assistance for development projects in Penang was acknowledged to be a major factor in the Gerakan decision to join in coalition with the Alliance. Several months later a similar agreement was concluded between the Peoples Progressive Party and the Alliance, except that the PPP, joined in coalition with the Alliance in the Perak State Assembly in return for Alliance participation in the PPP-controlled municipal government of Ipoh.[60] At first the terms of the PPP-Alliance coalition arrangements were ambiguous concerning relations at the federal level, but later the PPP was accorded full status as a government coalition party in Parliament.

The moves to incorporate non-Malay opposition parties into the fold of the Alliance structure generated strong pressures in the Malay community for a similar accommodation with the Pan-Malayan Islamic Party. Finally, after several months of exploratory talks, the terms of a coalition were agreed to in September 1972 by Prime Minister Abdul Razak and the PMIP leader, Dato Haji Mohamed Asri. Substantial opposition within the PMIP prolonged the negotiations, but the terms of coalition were finally approved at the PMIP annual congress by a vote of 190 to 94 with 19 abstentions.[61] Under the terms of the agreement, Mohamed Asri was appointed Minister of Land Development in the Federal Cabinet, while a number of PMIP leaders were appointed to lesser federal posts and the PMIP gain representation on a wide variety of government boards and councils. At the state level, Alliance-PMIP coalition governments were formed in Kelantan, where the PMIP was in control, and in Trengganu where the Alliance had a slim but unstable majority, and faced a very strong PMIP contingent.[62]

The inclusion of the PMIP into the government marked the end of coalition overtures to opposition parties. Prime Minister Abdul Razak appeared to be acknowledging some of the difficulty in making a coalition government work when he explained: "There will still be opposition within the Government. With the national front a vast majority of the people will be represented in the Government. . . . Our object is to seek a solution to this problem."[63] What was left unsaid was that those parties which, in the eyes of the Alliance leadership, were too intransigent or strayed too far from the Rukunegara political mode were to be relegated to the political wilderness.

By the beginning of 1973 the identifiable opposition was demoralized and in disarray. In Parliament it consisted of the Democratic Action Party, the Sarawak National Party and Pekamas. The latter party had come into existence in mid-1971 after a paroxysm of fratricidal conflict between two factions in Gerakan. Leading one group was Dr. Lim Chong-eu, the Chief Minister of Penang, who was primarily concerned with the interests of his Chinese constituents in Penang. The other faction had as its nucleus a small inter-ethnic group of Gerakan members in Parliament who followed the leadership of Professor Syed Hussein Al-Atas and Tan Chee-khoon. In the

struggle for the control of the party each faction attempted to discipline and ultimately to "expell" from the party the leaders of the other faction. Although the struggle appeared at the time to have arisen from personal rivalries, it may also have involved issues of party responses to the behind-the-scenes overtures for a possible coalition agreement with the Alliance. Dr. Lim's Penang-based faction emerged the victor, and shortly thereafter did negotiate with the Alliance the coalition agreement described earlier. The defeated faction left Gerakan to form a new party called the Social Justice Party (Partai Keadilan Masharakat), which was abbreviated into the acronym "Pekamas".[64] The manifesto of Pekamas was very similar to the earlier Gerakan manifesto for the 1969 elections, except that it promised to honor Rukunegara and offered to "cooperate with all constitutional political parties".[65] Because Pekamas was not brought within the Alliance coalition system, such cooperation was possible only with the other opposition parties.

Opposition parties have nearly always expressed their support for the idea of a united front, but actions along this line have usually been minimal and ephemeral. During 1972 PMIP, Pekamas, PPP and SNAP agreed to form an opposition united front, and nominated Dato Haji Mohamed Asri of PMIP as the official opposition leader in Parliament. The DAP refused to be represented in the front because, as the opposition party with the largest delegation in Parliament, it insisted that the opposition leader should be selected from among its ranks. When the PMIP and PPP left the ranks of the opposition to join the government coalition, a new opposition united front was formed with the DAP, Pekamas and SNAP. This time Lim Kit-siang of DAP was agreed upon as opposition leader, but he was specifically denied the authority to speak for the opposition on policy matters, but could represent the opposition parties on matters of parliamentary procedure.[66] These restrictions placed on the role of the opposition leader merely reflected the fact that the opposition was hopelessly divided on many policy questions, the most vexatious being those having communal implications.

Because one of the major objectives of the Rukunegara strategy was to de-politicize the country by avoiding the visible and public aspects of politics, the public and parliamentary role of the opposition parties provided one measure of the success of that strategy. By 1974 a few opposition spokesmen still spoke out on some significant public issues. However, they received slight attention because most Malaysians acknowledged their impotence and were well aware that government policies which were crucial in shaping their future were made, not in Parliament, but in the informal bargaining processes of the ruling coalition or within the higher structures of the bureaucracy. Paternalistic leadership and controlled politics were assumed to be essential for the resolution of the country's communal imbroglio.

The New Economic Policy

The new political strategies of Rukunegara were acknowledged by the government to be only one aspect of a long term program of reconstruction following

that if possible we do not want to ask him any questions or to hear anything from him. I have never had such a feeling towards anyone in this House in the last ten years. His attitude and style is so offensive and sickening that he is not fit to be a Deputy Minister. It is very important that our nation does not have a Deputy Minister who is so useless and good-for-nothing.

In this House which practices democracy, we can have differences of opinion, but at least, we can respect each other too. But in this case, the Hon'ble Deputy Minister does not deserve any respect.

Yesterday, he told me to read Recommendation No. 103 of the Report carefully as answering all my points. I had made two major criticisms. Firstly, the Report had failed to assess whether the education system has met the manpower needs; and secondly, that it had failed to assess whether we have created a united nation. The Deputy Minister said everything is in the Report and told me to look at Recommendation No. 103. Let us look at Recommendation 103, and see whether here again is another instance of his pretending to know what he really doesn't. Now what is Recommendation 103?

Chan Siang Sun: Mr. Speaker, Sir, clarification!

Deputy Speaker: (to Lim Kit Siang) Yes?

Lim Kit Siang: Can (give way), anytime! We do not pretend.

Chang Siang Sun: Yesterday I said there were 103 recommendations, a lot of them – read all of them.

Lim Kit Siang: 103?

Chan Siang Sun: All 103. *(Laughter).*

Lim Kit Siang: Oh! Is it true that there are a total of 103 recommendations? Is the Hon'ble Minister saying that there are 103 recommendations and not 173 – 1-7-3? *(interruptions).* (To Deputy Education Minister) Don't know? He wants to pretend, again. If we read Recommendation 103, it does not say anything. O.K. read or show one paragraph which has recommendations

on manpower needs or national unity? Come, let us know! Cannot? Now we see. This is again 'pura pura'.

Chan Siang Sun: Mr. Speaker Sir, please withdraw the word.

Deputy Speaker: Yes, the Hon'ble Member has withdrawn the word.

Lim Kit Siang: (The Deputy Minister) is not qualified, does not know anything. Only knows how to read the written speech of the civil servant, and everything becomes a circus. Education is a serious matter, and not something to play around with. Unfortunately, it has not received the government's serious attention.

Yesterday, the Deputy Minister complained that I only referred to the short-comings and defects of the system, but said nothing about its successes, like the raising of the standard of education. What does this mean? It means the Deputy Minister acknowledges the shortcomings and defects I spoke about yesterday, but he is only complaining that I had not touched on the achievements. If this be so, all the more why we should have a Parliamentary Select Committee to look into the whole question, and that I had not been 'wasting time'.

The people elected us to do what? To waste time? Is to discuss the people's problems to waste time? Whoever has such an attitude is not fit to be a Member of Parliament, let alone a Deputy Minister. This attitude is also not that of a democract. It is most fortunate for our country that he is only a Deputy Minister and completely without power, just to be directed and pushed at. If he has real powers, then our education system is finished. We know that he is only a rubber stamp, a puppet, to come here to talk only! *(Laughter).*

Mr. Speaker Sir, just now when I challenged the Deputy Minister to show one paragraph where there is a recommendation concerning national manpower needs or on national unity, he kept quiet and just sat there. Probably, he has not himself read the Report. (To Deputy Minister) Have you read it? I am asking, have you read it? Do you understand? 173 Recommendations, and he says 103! How could he have read the Report? He himself had not read the Report. He dare not (say anything). If he says

he has read, I want to know what is inside it. So he better not pretend. *(Laughter).*

Mr. Speaker, Sir, this is serious when a Deputy Minister himself has not read the Report. This a measure of the problem we are facing.

Yesterday, he used the opportunity of the adjournment speech by my colleague, the Member of Ipoh, (Sdr. Lim Cho Hock), to restrain UMNO, MCA, MIC, Gerakan leaders from sending their children overseas for primary and secondary education, to attack the DAP – that I sent my son overseas, that the MP for Seremban sent his son overseas.

The Hon'ble Deputy Minister has the temerity to come to the House to say they have the mandate from the people to continue with the education system, when Ministers and Barisan Nasional leaders sent their children overseas for primary and secondary education. This shows that they do not themselves have faith in their own education system created by them.

True, my colleague from Seremban has his son overseas for higher education. But this education system is not created by the DAP. It is a system which we had been the strongest critics. We are not hypocrites, unlike people who created this education system, and yet adopt the attitude, 'your sons study here, mine go overseas' even for primary and secondary education.

True, my son is overseas to obtain university education, as are the sons of many other Malaysians because they could not obtain places locally. Whose mistake is this?

Minister of Youth, Culture and Sports (Datuk Abdul Samad Idris): Mr. Speaker, Sir, I seek clarification.

Lim Kit Siang: Yes, of course.

Abdul Samad Idris: I know this speech is in retaliation to the Deputy Minister of Education. Now, who is lecturing? The Hon'ble Member has already lectured for two hours yesterday. This is not the time to lecture. He asked for clarification but he continued lecturing, giving irrelevant

reasons. Now the Hon'ble Member must reply to the points that he raised yesterday, but now he is lecturing again. I hope the Speaker can act.

Deputy Speaker: Hon'ble Members, I had stated just now that the aim in allowing the Hon'ble Member from Petaling to wind up is to give views with regard to matters and statements that were made yesterday. But I ask that matters which affect the personality of the Deputy Minister be cut down.

Lim Kit Siang: When I wind up, I have to refer to matters raised during the debate. It has not been my habit to be personal in debates. But this was started by the Hon'ble Deputy Minister first. I must be given an opportunity to explain and when the Hon'ble Deputy Minister speaks, he speaks on behalf of the Barisan Nasional, including the Minister, and when I clarify to him, he together with the Hon'ble Minister have to listen to what I say. If they don't like it, they can get out. *(Hear! Hear!)*

Deputy Speaker: Hon'ble Member, please confine yourself to matters pertaining to education, on the education policy stated yesterday.

Lim Kit Siang: Yes. He had stated that I sent my son overseas for university education. Why can't I do so? Yesterday I criticised the lack of local university places, which he described as a 'waste of time'. Yet the Deputy Minister's own elder brother has emigrated precisely because of this question, Isn't it? *(Interruption by P. Patto: Deny it!)* Yes, (to Deputy Education Minister) stand up and deny it! Oh, now getting quite 'smart' – having lost all your energy?

Deputy Speaker: All right, Hon'ble Member. I ask that you heed my request that you do not touch on personality.

Lim Kit Siang: I hope next time he won't do this again so that I need not reply in this fashion. Let this be a lesson to him.

Mr. Speaker, Sir, just now the Hon'ble Deputy Minister stated that he doubted the role of the DAP and our qualification to talk about national unity. He accused me of siding one racial group in my speech. Talking to him is quite useless, as he pretends that he knows or understands when he doesn't. I had, in my speech, mentioned many problems of education,

including the survey of 12 Malay primary schools in Negri Sembilan which showed that their achievements in mathematics was most unsatisfactory. Is this for one racial group, the Chinese, only? We in the DAP are Malaysians – unlike the MCA which says Chinese unite, UMNO which says Malays unite. We are even more Malaysian than the Hon'ble Deputy Minister although he is not qualified to be Deputy Minister.

Deputy Speaker: Hon'ble Member. I have given you more than 10 minutes to wind up. I now give a limit of another 10 minutes. Please wind up.

Lim Kit Siang: All right, I shall wind up in 10 minutes. When we raise educational problems, we are not siding any one race. We want all the races, Malays, Chinese and Indians, to get the best education possible we can give them. We want every race to get a fair opportunity and this does not mean that we disregard the reality of ours as a multi-racial society, that mother-tongue education is a right which is not only entrenched in the Razak Report and the Constitution of Malaysia, but also in the Universal Declaration of Human Rights.

If we demand that mother-tongue education be protected, does this mean 'wasting time'? It is these attitudes which are the precise causes of division in our nation. We in the DAP want to save Malaysia from such unMalaysian attitudes. We want Malaysia to progress. We in the DAP are unlike those Barisan Nasional leaders, especially those from the MCA who have money and should anything happen in Malaysia, they have the money to migrate to other countries like the elder brother of the Hon'ble Deputy Minister. (To Deputy Minister). Want to deny it?

And when there is chaos in the country, we shall still be in Malaysia, and our children shall still be in Malaysia! We want to save Malaysia from this eventuality. But the Hon'ble Deputy Minister does not understand all this, or does not want to understand, although he has been in Parliament for more than 10 years – although he is a Deputy Minister – hoping he can be a full Minister. I am aware .....

Chan Siang Sun: Mr. Speaker, Sir, for information, I am already a fifth termer.

Lim Kit Siang: Oh, that is even worse! *(Laughter)*

Chan Siang Sun: I want to let you know.

Lim Kit Siang: I understand. Five terms and still cannot become a Minister.

Mr. Speaker, Sir, yesterday, I suggested that we should have a national system of pre-school age education where our children can receive education during the most formative period of their life. If the Government introduces such a scheme, those who would benefit most would be the rural Malays, as this will develop the intelligence of the rural children which will enable them to continue to school and university in later life.

Yet, the Deputy Minister said I want to side one racial group only.

Finally, I believe that if we are to have a education system which can create a united nation, it is most important that the narrow thinking and attitudes of people like the Deputy Minister should be 'cleansed' – for how can we develop a united nation through our education system when we have such a Deputy Education Minister, who is ignorant of his own special field, does not read the Education Report itself, and could only 'pura pura' that he is a know-all. That is all.

Chan Siang Sun: Mr. Speaker, Sir, I ask that it ('pura-pura') be withdrawn again.

Deputy Speaker: The context of 'pura pura' here is somewhat different from just now. *(Laughter)*

PRIVATE UNIVERSITIES AND COLLEGES

"I urge that this problem of expanding higher education opportunities in keeping with the legitimate demands and aspirations of Malaysian parents and their children should be seen from a national perspective, and not from a racial viewpoint. The important criteria should be how more educational opportunities could be made available to Malaysian students, regardless of their racial origin."

Speech when moving a motion to introduce a private member's bill to amend the Universities and University Colleges Act 1971 to clearly provide for the establishment of private universities and university colleges on October 10, 1978.

I rise under Standing Orders 49 to move a motion to seek leave of the House to introduce a Private Member's Bill intituled Universities and University Colleges Act (Amendment) 1978 Bill to clearly provide for the establishment of private universities and university colleges.

Although the Universities and University Colleges Act 1971 did not specifically prohibit the establishment of private universities, the Act has been interpreted by Government Ministers and National Front leaders as disallowing the establishment of private universities.

For instance, the Education Minister, Datuk Musa Hitam, at the recent UMNO General Assembly where he announced the government's rejection of the petition to establish the Merdeka University, gave as one of the three reasons, that the Merdeka University would be run by private bodies without government assistance.

Or as the Deputy Education Minister, Datuk Chan Siang Sun, put it in his prepared text in the last meeting of the previous Parliament: "Juga oleh kerana adalah menjadi dasar Kerajaan pada masa ini tidak membenarkan penubuhan universiti persendirian 'private university' maka itu Kerajaan akan terpaksa menolak permohonan penubuhan Merdeka Universiti yang dikemukakan oleh pihak Merdeka Universiti Sendirian Berhad." Datuk Chan Siang Sun was scheduled to deliver this speech in April in the Dewan Rakyat this year, on my motion calling for parliamentary approval for Merdeka University, but at the last minute, he was saved from having to deliver it through sabotage of the motion by denial of time for its debate.

In April this year, in an exclusive interview with Nanyang Siang Pao, the MCA President, Datuk Lee San Choon, declared that the Universities and University Colleges Act 1971 does not allow the establishment of a private university.

In Malaysia today, the single most divisive issue in our society is the problem of the dimunition of higher education opportunities for our children.

Last year, over 20,000 of our students were turned away from our five local universities although they have the requisite academic qualifications. Those who are rich can afford to send their children overseas for higher education, but the majority of the poor are condemned to see their children waste away their abilities and potential. And in two years time, this problem will become even more acute, with the switch from MCE to SPM – for by then, the road for our students to go abroad for higher education opportunities will be closed, for they will not be able to get automatic access and entry into Commonwealth universities and colleges because of their poor command of English.

Today, in our society, there is deep-seated and widespread bitterness about the denial of higher education opportunities for our children. In two years' time, this bitterness will become even more aggravated.

One immediate solution is for the government to establish at least two new universities, one in Peninsular Malaysia, and the other in East Malaysia, most preferably in Sarawak.

This however would not be sufficient, when we take into consideration the tens of thousands of Malaysian students currently abroad. It is in this light that the Government should clearly allow the people themselves, through their own financial contributions, to establish private universities and university colleges to complement and supplement government educational efforts to assure a higher percentage of qualified manpower to take the country into greater progress and distributive justice.

I wish to emphasise that development of a country is brought about by people, and not by money or other material resources. Investment of human capital, whether by the government or by the private sector, is a worthwhile investment which will pay the country great dividends!

I urge that this problem of expanding higher education opportunities in keeping with the legitimate demands and aspirations of Malaysian parents and their children should be seen from a national perspective, and not from a racial viewpoint. The important criteria should be how more educational opportunities could be made available to Malaysian students, regardless of their racial origin.

Malaysians of all races, especially non-Malays, are conscious of the fact that the Malays are educationally backward, and they support all government assistance to rectify this historic imbalance.

However, I do not think any rational, Malaysian-minded leader would advocate that the non-Malays should be held back, and that large numbers of non-Malay students denied higher education opportunities just to correct this historic imbalance – for this will not only work to the detriment of the non-Malay students, but eventually to the Malaysian nation which embraces both Malays and non-Malays, sharpen racial consciousness and bitterness, and seriously aggravate racial polarisation in the country.

In fact, it is no understatement should I say that the bitterness felt by large sections of the people in Malaysia over denial of higher-education opportunities for their children is one of the chief causes of racial polarisation in the country today. I want to stress again, that it is not the thought of anyone that the Malays should have less higher education opportunities – but that there must be expansion of higher education

opportunities to cater for the demands of more Malaysian students, in particular non-Malays.

This proposal of mine, to amend the UCCA to clearly allow private universities and university colleges to be established, is very fair and sensible. It will go a long way to remove bitterness in our society, reduce racial polarisation, and make a great contribution to national development by training more qualified manpower and save government funds for other purposes.

The 1978 General Elections is over, and all MPs should put aside party interests, and think and be guided by the interests of our country and our children. In conclusion, I wish to stress that this proposal is made not with view to have any confrontation, but to find a solution to a situation which if allowed to continue, can do no good for our country or for nation building.

ON CHINESE AND TAMIL PRIMARY SCHOOLS

"Let me caution those who are minded to invoke Clause 21(2) of the Education Act to convert Chinese and Tamil primary schools into national primary schools, if not now, but in the medium term ahead, for such measure will destroy overnight all possibility of successfully creating a united nation out of the diverse races, languages, cultures and religions in Malaysia."

Speech on a motion to introduce a private member's bill to repeal Clause 21(2) of 1961 Education Act on June 20, 1980.

I rise to move:

> "That this House pursuant to Standing Orders 49(1), grants leave to the Hon'ble Lim Kit Siang to introduce a Private Member's Bill intituled the Education (Amendment) Act 1980 to amend the Education Act 1961 to provide for:
>
> (i) the repeal of Clause 21(2) of the Act which empowers the Minister of Education to convert a national-type primary school into a national primary school;
>
> (ii) the enactment that where there are fifteen or more pupils in a class or standard/form in a national primary school or national secondary school being Malaysians of Chinese or Tamil descent, such pupils shall be instructed in their mother tongue for a period of at least 3 hours in each week within the hours of general instruction of the school."

This motion seeks to repeal Clause 21(2) of the Education Act 1961 which reads:

> "Where at any time the Minister is satisfied that a National-type primary school may suitably be converted into a National

primary school, he may by order direct that the school shall become a National primary school."

On Tuesday, the Minister of Education, Datuk Musa Hitam, was quoted as having given an assurance at a meeting with a MCA Youth Delegation that the Chinese primary schools would not be converted into national schools as long as they are in demand.

It is significant that this reported assurance was not announced by the Education Minister to the Press himself, but was made by the MCA Youth leader, Datuk Lee Kim Sai, after the meeting.

What is even more significant is the failure of the MCA Youth Leader to explain why the Minister of Education and MCA, UMNO, Gerakan, SUPP, Berjaya Ministers and MPs refuse to repeal Clause 21(2) in order to given substance to the reported Ministerial assurance that 'Chinese primary schools would not be converted into national schools as long as they are in demand."

That loyal Malaysian Chinese wants to exercise their constitutional right to have their children receive mother-tongue education is easily demonstrated from the phenomenal increase in the enrolment of Chinese primary schools, as when we see the figures below:

Enrolment in Chinese primary schools

1947	139,191
1957	310,458
1967	355,771
1978	498,311

These figures show that as in 1978, 87.9% of Malaysian Chinese children are enrolled in Chinese primary schools. For the same year, 49.2% of Malaysian Indian students are enrolled in Tamil primary schools.

It is also not clear what the Education Minister means, assuming the correctness of the report, when he assured that 'Chinese primary schools would not be converted into national schools as long as they are in demand.'

Who is to decide whether the Chinese primary schools are still "in demand"? Is this to be decided by the Malaysian Chinese themselves, or by the MCA allegedly claiming to represent the Malaysian Chinese, or by UMNO Big Brother?

When we consider that in 1961, when Chinese secondary schools were in great demand and this fact did not prevent UMNO and MCA Ministers and MPs from withdrawing government funds to Chinese Secondary Schools unless they comply and convert themselves into national secondary schools, the latest reported Ministerial assurance is not assuring at all.

The Education Minister's reported assurance can mean one thing for the Minister, another thing for the MCA, and a completely different thing for Malaysian Chinese who want to exercise their constitutional right to have their children receive mother tongue education, and have Chinese and Tamil primary schools entrenched as an integral and eternal part of the national education system.

There must be no ambiguity on the position of the future of Chinese and Tamil primary schools.

The Mahathir Cabinet Committee on Education Report's recommendation on Chinese and Tamil primary schools had perpetuated this ambiguity, and highlighted its transitional and temporary nature.

Thus Paragraph 31.1 of the Cabinet Committee Report recommended that, with regard to Chinese and Tamil primary schools, that "memandangkan keadaan sekarang ini, adalah diperakukan supaya sistem persekolahan peringkat rendah yang sedia ada diteruskan."

What is this 'keadaan 'sekarang', and when will this 'keadaan sekarang' cease and the invocation of the Minister's powers under Clause 21(2) to close Chinese and Tamil primary schools begin?

The repeal of Clause 21(2) of the Education Act 1961 will be a clear test of the Government's sincerity in accepting Chinese and Tamil primary schools as an integral and eternal part of the national education system.

There is no doubt that Clause 21(2) was enacted with the objective of being used against Chinese and Tamil primary schools – for if the target is merely to convert the formerly English primary schools into national primary schools, then there is no reason for the great resistance by UMNO, MCA, MIC, Gerakan, SUPP, Berjaya Ministers and MPs to its repeal, as it would be now completely redundant with the full conversion of the English primary schools into national primary schools.

Let me caution those who are minded to invoke Clause 21(2) of the Education Act to convert Chinese and Tamil primary schools into national primary schools, if not now, but in the medium term ahead, for such measure will destroy overnight all possibility of successfully creating a united nation out of the diverse races, languages, cultures and religions in Malaysia.

Such an act will also violate the constitutional guarantee enshrined in Article 152(1) on the free use, teaching and learning of any other language; and the government's duty to preserve and sustain the use and study of the language of any other community in the Federation. It will also violate the Razak Report which lays the national education policy on the basis that the national language is to be the main medium of instruction, and not the sole medium.

So long as Clause 21(2) of the 1961 Education Act is not repealed, it represents a hangman's noose, the Sword of Damocles, for Chinese and Tamil primary schools.

The very existance of the provision, not yet applied, represents the policy that it is to be applied at some not too distant date. This attitude and mentality is itself detrimental to the healthy growth and development of Chinese primary schools, for what is the purpose of spending too much money or attention on schools which are one day to be closed down and converted by the government? Why develop and expand schools, or build new ones, despite the great demand for them, as this will make it more difficult to close and convert them later?

Hence, the long history of neglect and discrimination against Chinese and Tamil primary schools, as could be seen from the plight of these schools in trying to cope with an expanding enrollment without corresponding

physical and school expansion, the negligible amount of government funds allocated to Chinese and Tamil primary schools as compared to national primary schools, shortage of trained and qualifed teachers for Chinese and Tamil primary schools, the indifference to complaints that teacher-training for Chinese primary schools must be held in the Chinese medium' to ensure a high level of language command for the teachers; government indifference to the shockingly low level of passes in Bahasa Malaysia in Chinese primary schools; lack of educational teaching programmes in Chinese and Tamil languages over television for Chinese and Tamil primary schools.

Chinese and Tamil primary schools could only get equal and proper government attention if the Government clearly and unambiguously discard any notions of converting Chinese and Tamil primary schools 'at an appropriate time and situation", and this is why, I am seeking the House's support for the move to repeal Clause 21(2) of the 1961 Education Act.

Compulsory teaching of Chinese and Tamil for Malaysian Chinese and Tamil students

Clause 36 of the Education Act 1961 provides that where there are fifteen or more pupils professing the Islamic religion, such pupils shall be instructed in the tenets of that religion.

I propose that where there are fifteen or more pupils in a class or standard/form in a national primary or secondary school being of Chinese or Tamil descent, such pupils shall be instructed in their mother tongue for a period of at least 3 hours in each week within the hours of general instruction of the school.

This will be a signal contribution to nation building in according the languages in the country their rightful Constitutional place.

At present, the Education Act provides that at the request of at least 15 pupils, a Tamil or Mandarin teacher would be provided from Std. III upwards to secondary schools.

But this P.O.L. (Pupil's Own Language) education is a complete farce as the majority of students are not taught P.O.L. although they want

it. Although the Education Minister has said that the government proposes to increase allowances for P.O.L. teachers, and this is to be welcomed, this would not solve the problem. There is no proper organisation and gradation of the P.O.L. classes to enable a student progress year by year, or for a student who has a higher standard to continue his language studies by joining students of otherwise higher forms.

MEDICAL PLACES FOR NON-MALAY STUDENTS

"I understand that Universiti Kebangsaan does not have a reserve list for non-bumiputra students, e.g. although 19 medical places were offered to non-bumiputra students, should five or more students decline the offer because they have gone overseas or switched to other courses, their places would not be offered to other non-Malay students. On the other hand, the Universiti Kebangsaan maintains a reserve list for eligible bumiputra students so that places not taken up are offered to others. This is most unfair."

Speech on the motion to extend the Parliamentary resolution requiring new doctors to perform three years of compulsory government service on June 8, 1981.

The requirement of new doctors to perform three years of compulsory government service was introduced 10 years ago as a measure to counter the acute doctor shortage in the hospitals and government service.

Although ten years ago, the Health Minister then was talking about planning for solving the doctor shortage in the next decade – just as the present Health Minister, Tan Sri Chong Hong Nyan, had been talking about ending the acute doctor shortage by 1990, – the government faces the most acute shortage of doctors in recent times, caused by the double migration, firstly, of doctors leaving the government service for private practice, and secondly, doctors migrating abroad.

The failure of the government's planning to solve the doctor shortage problem in the country could be seen from Table 5–4 of the Fourth Malaysia Plan which showed that the number of persons per registered

doctor has worsened in 1980 as compared to 1970. Malaysia's doctor training programme is literally going backwards.

Thus in 1970, country-wide, there were 4,263 persons to one registered doctor, but in 1980, this ratio has worsened, becoming 4,321 persons to one registered doctor.

Reduced to state terms, it means that for Selangor, from a ratio of 1,801 persons per registered doctor in 1970, it had worsened to 2,293 persons per registered doctor in 1980; for Penang, from a ratio of 2,502 persons per registered doctor in 1970, it had worsened to 2,957 persons per registered doctor in 1980; and for Perak, from a ratio of 4,345 persons per registered doctor it worsened to 4,710 persons per registered doctor in 1980.

Every year, Malaysia has to recruit doctors from Indonesia, India and Bangladesh, countries which need doctors even more than Malaysia, to help fill some of the vacancies in Malaysian hospitals.

The time has come for the Government to deal frontally and seriously with the grave problem of medical brain drain, both from the government service and from the country, for otherwise, one day the Minister of Health would have to come to Parliament to ask that new doctors be required to serve 6 six years of compulsory government service to help overcome the acute doctor shortage in the country.

It is most regrettable that the Malaysian Medical Association Report on the 'The Future of Health Services in Malaysia' headed by Dr. M.K. Rajakumar, which dealt extensively with the problem of medical brain drain had been thrown into the waste-paper basket by the Minister of Health. This does not augur well for close co-operation between the medical profession and the Health Ministry to work together to solve the medical and health problems in the country.

One of the ways to overcome the acute shortage of doctors in the government service is to improve on the conditions of service of the doctors and specialists, in particular with regard to their promotional and higher education prospects.

The promotional prospects of medical officers are far inferior to those of MCS officers. Although there were some rectification exercise in recent years, the promotional gap between medical officers and MCS officers are still too great to induce medical doctors to remain in service.

In fact, I understand that certain promotional exercises to rectify glaring injustices to long-serving medical officers approved before the death of the former Director of Medical Services, Tan Sri Dr. Pillay, had been frozen, causing further discontentment in the medical services.

Another way to overcome the acute shortage of medical doctors is to increase the intake of medical students locally and overseas. In this connection, there is a need to have a greater intake of non-bumiputra students for the medical faculties of University of Malaya and Universiti Kebangsaan.

The local university intake of the two medical faculties for the last academic year were:

	Bumiputras	**Non-Bumiputras**	**Total**
Universiti Kebangsaan	173 (90.1%)	19 (9.9%)	192
Universiti Malaya	80 (62.5%)	40 (37.5%)	128

I understand for the new academic year 1981–1982, the same ratio of bumiputra-non-bumiputra students in both medical faculties remain unchanged, with the Universiti Kebangsaan taking in some 190 students of which some 10% were given to non-bumiputra students; while the University of Malaya has places for 160 students, of which one-third were given to non-bumiputras.

I understand that Universiti Kebangsaan does not have a reserve list for non-bumiputra students, e.g. although 19 medical places were offered to non-bumiputra students, should five or more students decline the offer because they have gone overseas or switched to other courses, their places would not be offered to other non-Malay students. On the other hand, Universiti Kebangsaan maintains a reserve list for eligible

bumiputra students so that places not taken up are offered to others. This is more unfair.

For the last ten years, the University of Malaya had limited itself to recruiting 128 students a year although it had the capacity of taking 160 students on the ground that there were not enough Malay students. This is preposterous especially as there is acute doctor shortage in the country. Furthermore, why can't the University of Malaya medical faculty expand its capacity to match that of Universiti Kebangsaan's?

The intake of non-bumiputra students into the medical courses locally is clearly too low and inadequate, and should be trebled. I hope that the Minister of Health would draw the attention of the Education Minister to this grave imbalance of student intake and rectify it.

This is all the more important with continuing reports of school fee increases for foreign students in the United Kingdom and in other countries. Even before the further university fee increase, medical education in the United Kingdom would cost a student some $250,000, and if all the present doctors had been required to pay $250,000 before they could qualify, then probably there would have been very few doctors in Malaysia today.

Public Services Department discriminating between unscheduled medical degrees

The recent furore between the Malaysian Medical Council and the Administrative and Diplomatic Services Association over the PSD decision to send 20 students to the unscheduled Catholic University of Leuven in Belgium for medical studies has highlighted the arrogant attitude of certain government officers, who are not only discriminating between unscheduled medical degrees, but usurping the powers of the Malaysian Medical Council given by Parliament on the recognition of medical degrees.

I want to know whether the Minister of Health was consulted on the sending of Malaysian students to the Belgium medical faculty, whose degrees are not recognised, and why the Malaysian Medical Council, which was set up by Parliament specifically with this function, was not consulted at all. If one or two PSD officials can arrogate to themselves the powers

entrusted to the Malaysian Medical Council, then there is no need for either the MMC or even Parliament itself to function.

The PSD has been advising Malaysian students not to study in unrecognised universities and colleges when they go abroad. Why is the PSD breaking its own advice?

In the Belgium university, Malaysian students had to learn Walloon a type of French. The PSD assures the people that Malaysian students can acquire proficiency in Walloon language in six months' time which will probably make them come out with double-Dutch!

Here I want to make it clear that I am not disparaging the medical degrees or standards of the Catholic University of Leuven in Belgium, for although it is an old university with high academic standards, nothing is known about its medical standards.

Does this incident mean that the PSD is now going to decide, even before the Malaysian Medical Council knew anything about it, what unscheduled medical colleges and universities it is going to favour and recognise? This is completely unacceptable, and a stop must be made. More medical degrees of foreign universities with international repute and standards must be recognised, but this must be done by the proper process through the Malaysian Medical Council and not by one or two PSD officials who may know nothing about medicine.

In this connection, the new ruling that the government would not recognise post-graduate medical degrees and qualifications if the first degree is not recognised, even though the post-graduate qualifications are recognised in the country, is inexplicable and indefensible.

Thus, a Malaysian who takes his first medical degree, whether in India, Taiwan or Indonesia, which is not recognised, but proceeds to the United States, the United Kingdom or Australia and attain higher or post-graduate qualifications which are recognised in Malaysia would still remain unrecognised.

I do not know whose idea this is, but this form of self-denial of qualified talents in Malaysia is short-sighted and self-defeating, and I urge

the Government to revert to the previous sensible position where regardless of whether the first medical degree is recognised or not, recognition is given where higher or post-graduate qualifications are themselves recognised. Surely, those who have been unfortunate enough to study in unscheduled universities through no fault of their own, should be encouraged to regularise their position by seeking recognised post-graduate qualifications, which will also be of great contribution to the medical service in the country.

College of Physicians, Surgeons, and other Post-Graduate studies

For a considerable time, there has been talk of the establishment of post-graduate medical studies in the country.

In June last year, the Health Minister, Tan Sri Chong Hong Nyan, said a Bill providing for post-graduate studies in local institutes of higher learning in the various medical specialties would be tabled in Parliament soon. He also said that consultations were being carried out with professional bodies and colleges of physicians, surgeons and general practitioners.

This is now even more pressing with the great increase of fees and costs of living in the United Kingdom, where most Malaysians go for their post-graduate medical studies.

However, I understand that the establishment of post-graduate medical facilities locally have been blocked by the medical establishment at the Universiti Kebangsaan for reasons best known to themselves.

The Health Minister should explain the reasons for such obstruction and dilatory tactics, for it is by creating new local opportunities for Malaysian doctors to gain post-graduate qualifications that we can attract more Malaysians to remain in government service and in the country.

Reports of specialists leaving the government service have become normal reading diet. For instance, at the Kuala Lumpur General Hospital, many doctors and specialists have resigned. There is there a shortage of specialists especially for Neurosurgery, Anaesthesia, Plastic Surgery, Ear-

Nose and Throat Surgery, etc. In fact, the ENT department at the Kuala Lumpur General Hospital has been closed. At one time, 'cold' surgery (i.e. relatively less urgent cases) was stopped because of shortage of surgeons and anaesthetists. The general hospitals in other parts of the country face similar if not bigger problems.

ROYAL COMMISSION OF INQUIRY INTO HEALTH SERVICES

"The MMA study also conducted a survey of the doctors in the country and found that out of all the doctors surveyed, 16.3% or 161 doctors had expressed their intention to emigrate, while 34.6% or 340 doctors were not sure. The MMA study found that there is not much variability in the reasons given by doctors in government and private practice for intending to emigrate, and that the two most frequently mentioned reasons are uncertain future and their children's education."

Speech when introducing a motion to establish a Royal Commission of Inquiry into the Health Services.

I move:

> "That this House takes note of the recent report of a Committee of the Malayan Medical Association Council under the Chairmanship of Dr. M. K. Rajakumar on 'The Future of the Health Services in Malaysia' and resolves that a Royal Commission of Inquiry be established to study, and make recommendation for the realization of the health needs of Malaysians for the next two decades."

In April this year, the Malaysian Medical Association released a report which it commissioned a committee, under the chairmanship of Dr. M.K. Rajakumar, former MMA President, and comprising as members, Dr. Abu Bakar bin Dato Suleiman, Dr. Lee Choong Hing, Dr. Molly Cheah and Dr. Yeoh Poh Hong, on "The Future of the Health Services in Malaysia."

As stated in this report, for the past ten years, the successive Presidents of the Malaysian Medical Association had asked for a Royal

Commission on Health. In 1979, a delegation of the MMA met the Minister of Health, Tan Sri Chong Hon Nyan, when he first took office, and raised the matter of a Commission on Health. The Minister was agreeable to the idea and proposed that terms of reference be worked out with the Director-General of Health. Since then, the MMA had been unable to obtain further action by the Ministry on the matter.

In view of the urgency of the matter, the MMA Council decided to make its own study. At the end of the Report, the Committee returned to the call for a Royal Commission of Inquiry.

I here quote the concluding portion of the Report:

"Malaysia is most fortunate in having a rapidly expanding economy, a permanent surplus and our current account at extremely bright prospects for the future. We also have rising standards of literacy and a better informed and sophisticated problem.

"If we plan ahead carefully, it is possible for us to achieve extremely high standard of health care and avoid many of the bad consequences to health from industrialisation and urbanisation.

"This twin targets of access to health care irrespective of geography and social class may not be fully achievable in this century but a whole-hearted and determined effort will make a great difference in the life of the great majority of the people.

"We cannot succeed if we carry on stumbling from problem to problem, reacting in ad hoc fashion to new problem and fixed in the current pattern of health care by mechanical incremental response to demand.

"It is time to take a fresh look at the problems of health in our country. A Royal Commission on Health is needed to undertake a review and to point new directions. A Royal Commission will provide an opportunity for the community to make known its views. It will also provide an opportunity for those in the Ministry, the EPU, the Treasury and in the profession to introduce new social objectives in health planning and to find ways of achieving it. A Royal Commission is long overdue and is

greatly needed. We urge the appointment of a Royal Commission of Health without further delay."

I do not understand why the Minister of Health, having agreed to the MMA proposal for the establishment of a Royal Commission on Health in 1979, had sat on the matter, and up till now, there are no signs of such a Commission being established.

The Report of the MMA study reinforces the call for the establishment of a Royal Commission on Health. The MMA committee made 52 specific recommendations relating to health problems of the community, reforms to the health service, primary health care, hospital services, maintaining health by preventing diseases, etc., and these deserve to be studied in greater depth together with other problems relating to the future of health needs of Malaysians for the next two decades.

Chapter 9 on the problem of Brain Drain of Doctors, not only from the Government Service, but from the country, by way of emigration, has reached crisis proportion – and threatens to gravely affect the health services of the country.

For instance, there has been a reduction of 849 doctors between 1972 and 1979 in the country, which must be accounted principally by migration abroad.

The MMA study also conducted a survey of the doctors in the country and found that out of all the doctors surveyed, 16.3% or 161 doctors had expressed their intention to emigrate, while 34.6% or 340 doctors were not sure. The MMA study found that there is not much variability in the reasons given by doctors in government and private practice for intending to emigrate, and that the two most frequently mentioned reasons are uncertain future and their children's education.

The MMA study also found that among the government doctors, at least 56% were contemplating resigning from the government service. Of those intending to resign, half had not made definite plans to do so, but 24% were about to resign within a year and the rest on the completion of their compulsory service. Their reasons for resigning appear to be no different from those who had already resigned, suggesting that the situation had not

improved very much. The main reasons for dissatisfaction of government doctors are: 1. no proper financial incentives; 2. unsatisfactory promotional prospects; 3. unsatisfactory working hours.

These problems have been accummulated over the years, and as medical education is a very expensive form of investment, the country and government must wake up from their indifference to this loss of precious qualified manpower to retain doctors in government service, and to remove the causes of emigration overseas.

In fact, the government should seriously consider sending a mission to Australia and other countries to invite Malaysian doctors to return to Malaysia to serve the country, by allaying their fears about the uncertain future and the educational future of their children.

I do not propose to go into detail the views and recommendations of the Rajakumar Report, except to point out some of the highlights.

The Government should take note of the Report's comments on the hospital services, in particular to the Report's reference to the building of the Kuala Lumpur General Hospital, as an example of hospitals growing in size in an unplanned manner. The Kuala Lumpur General Hospital was planned to have 900 beds but ended with 2,300 beds in 1979, and this is expected to grow to 3,000 beds in the next few years -- which has been described as a 'monumental blunder'. The Report recommends decentralisation of the hospitals so that they could be more responsive to the needs of the individual patients and be of greater service to the different parts of the city, for instance.

The Report expressed surprise that after 23 years of independence, there is still no accumulation of expertise to effectively plan, design and supervise the building of hospitals and other related facilities either in the Ministries of Health, Public Works and Utilities or in the local consultancy firms in Malaysia.

There is also a need for a study as to how private doctors could be tapped to help to contribute to the public health services, where they could work not only in close co-operation with the hospitals, but in the hospitals. This will be of mutual benefit both to the private practitioners

and the hospitals, for the private practitioners could gain greater experience and professionalism, while the hospitals would gain from the service and contribution of the private practitioners.

An important proposal is the suggestion for the institution of a national health insurance scheme, aimed in particular at the upliftment of health standards and care in the rural areas. We in Malaysia have a situation where half of the people subsist below the poverty line, and if we are to provide more than nominal health care and services to the masses, then such a national health insurance scheme is necessary.

A Royal Commission of Inquiry into the Health Services should look, not only into the areas covered by the Rajakumar report, but also other areas, like the question of medical education, whether we are producing enough doctors to meet our national needs, the matter of the Third Medical Faculty whichis to be sited in Kota Bahru, whether this is the most desirable choice of place, etc.

RESTORATION OF WORKERS' POLITICAL RIGHTS

"By denying trade union officials the right to hold key political posts, the National Front Government is in fact denying workers their right, not only to play an active and leadership role in the politics of the country, but to participate in determining the nature of the society they live and work in, as it is politics and political forces which make laws and create conditions directly affecting workers and their lives."

Speech when moving a motion to introduce a private member's bill to amend the Trade Union Ordinance on June 11, 1979.

I rise to seek leave of the House to introduce a private member's bill, and my motion reads:

> "That this House pursuant to Standing Orders 49(1) grants leave to Lim Kit Siang to introduce a private member's bill intituled Trade Union (Amendment) Act 1979 to amend the Trade Unions Ordinance 1959 to
>
> (i) allow an officer or employee of a political party to be a member of the executive of a trade union or any branch; and
>
> (ii) to provide that before the Registrar of Trade Unions exercises his powers to order trade unions to strike off members from the Union's Register for taking part in illegal strikes, the Registrar shall comply with the rules of natural justice in first giving the union members to be affected an opportunity to be heard."

Mr. Speaker, Sir, the first amendment seeks to amend Clause 27 of the Trade Union Ordinance 1959 which lists out five categories of persons

who are disqualified from holding office in trade unions, by removing the disqualification attaching to party political officers or employees.

Clause 27 of the Trade Unions Ordinance reads:

"Any person shall not act as a member of the executive of a trade union or any branch thereof, or of any federation of trade unions, and shall be disqualified for election as such member, if:–

a. he is not a citizen of the Federation;

b. he is not engaged or employed in the trade, occupation or industry with which the trade union or federation is connected at the time of election and if he has not served a period of at least three years in such trade, occupation or industry;

c. he has been a member of the executive of any trade union the registration of which has been cancelled or withdrawn under the provisions of paragraph (b) (iv) or (vi) of sub-section (1) of section 15 or under any law repealed by this Ordinance; or

c.i. he is an officer or employee of a political party; or

d. he has been convicted by any court of law of criminal breach of trust, extortion or intimidation, or of any offence which in the opinion of the Registrar renders him unfit to be an officer of a trade union:

Provided that the provisions of paragraph (a) and (b) of this sub-section shall not apply in the case of a union which in the opinion of the Minister is required by its objects to represent persons or the interests of persons who are not resident in the States of Malaya."

It will be seen here that party political officers and employees are equated with convicted criminals and non-citizens as being equally disqualified from holding trade union office.

This provision is highly obnoxious, undemocratic and a violation of the fundamental right of freedom of association, for in banning trade union

officials from holding key posts in political parties, the Government is denying the working class and its leaders in the trade unions the right to help shape political movements and in creating conditions more favourable to the workers.

This ban on trade union officials from holding key political posts reflects the anti-labour nature of the ruling National Front, and its predecessor, the Alliance, for this amendment was made in 1969 as an emergency measure and later enacted in Parliament in 1971 after the Alliance suffered electoral reverses in the 1969 general elections.

By denying trade union officials the right to hold key political posts, the National Front Government is in fact denying workers their right, not only to play an active and leadership role in the politics of the country, but to participate in determining the nature of the society they live and work in, as it is politics and political forces which make laws and create conditions directly affecting workers and their lives.

Only a government and a political party which has no sympathy for the legitimate aspirations of workers, and has a innate distrust of the working class as a whole, could enact such an anti-labour law as banning trade union officials from holding political office. It is to be noted that to date, no Cabinet Minister in the history of Malaysia has had any trade union background or experience, and that the class interest represented in the ruling parties come from the moneyed, landed and capitalist section of society, but these are not sufficient justification for the enactment of laws to emasculate the political strength of workers.

There is no legal prohibition of committee or members or other office bearers of Farmers Associations, for instance, or Employers' Association, from holding political party posts, and I do not see why trade union officials should be picked out for discriminatory treatment!

This present proposal to amend the Trade Unions Ordinance 1959 to remove this disqualification attaching to trade union officials from holding office in political parties will not only restore to workers and their leaders their fundamental right to help shape political movements and conditions more favourable and sympathetic to the working class, but even more important, end the discriminatory policies against trade

union officials as compared to officials of other functional organisations, like Farmers' Associations or Employers' Associations.

The ban on employees of political parties from holding trade union office is also highly anti-labour, for this means that employees of political parties cannot band themselves into a trade union to protect their industrial rights like salaries and working conditions – for how can they form a trade union, say of Employees of Political Parties Union, when none of them could hold trade union office?

This shows how the bias and prejudices of the National Front Government has made it to pass laws which defy reason and logic, justice and equity.

Curb on powers of Registrar of Trade Unions to deregister union members without inquiry

The MAS-AEU dispute has brought to light one undesirable aspect of the powers of the Registrar of Trade Unions, which must bear the blame for turning a simple employer-employee wage dispute into an international crisis, involving deregisteration of a national union, the grounding of MAS services, the arrests of trade unionists under the Internal Security Act, the boycott of MAS international services and the tarnishing of Malaysia's image in the world.

This is the Registrar of Trade Unions' untrammelled powers to strike off union members from the union register for allegedly taking part in illegal industrial action, **without** having to comply with the rules of natural justice in giving those union members to be affected a chance to defend themselves before such drastic action is taken.

For instance, in the MAS-AEU dispute, when negotiations were resumed in January and both sides were making satisfactory progress at the negotiating table, the Registrar unilaterally ordered the union to deregister 874 members for allegedly taking part in an illegal industrial action last December, not only derailing the MAS-AEU negotiations and forcing a series of confrontations and escalations; but even worse, acting solely on the MAS management report, without giving the 874 persons concerned a chance to defend themselves.

The MAS-AEU dispute is not the only case where the Registrar has exercised his powers to strike off union members from the Union register under Clause 26(3) of the Trade Union Ordinance. Many trade union leaders have complained to me that invariably, the Registrar would get a report from the managements or employers on alleged illegal strike by union members, and without checking with the union or the members concerned, the Registrar would order a deregistration.

This is gross abuse of power, and I am proposing an amendment to provide that before the Registrar could order the striking out of union members from a union register, the Registrar must hold an inquiry and observe the rules of natural justice in giving the union members a chance to be heard and defend themselves. This is because union membership is a important right of freedom of association, which should not be removable at the complaint of a prejudiced party, like the employer.

Although under the present provisions, those aggrieved by the Registrar's order to be struck off from union register could appeal to the Registrar himself, this is most unsatisfactory. There should be a provision for appeal against the Registrar's action – but surely not to the Registrar himself!

I hope this very reasonable proposal would get the support of the House as it would be a positive contribution to industrial justice in Malaysia.

SECURITY OF WORK

"People build much of their lives around their jobs. Their incomes and prospects for the future are inevitably founded in the expectation that their jobs will continue. For workers in the majority of instances, not only dismissals, but also proper termination of service, is a disaster. It may involve the uprooting or even the breaking up of homes and families."

Speech when moving a motion to introduce a private member's bill to provide job security to workers on June 13, 1979.

I move.

"That this House pursuant to Standing Orders 49(1) grants leave to Lim Kit Siang to introduce a Private Member's Bill intituled Employment Act (Amendment) 1979 to amend the Employment Ordinance 1955 to provide:

(i) that the notice to terminate the services of a person who is employed under a contract of service shall not be less than

(a) one month's notice if he has been so employed for less than two years;

(b) two months' notice if he has been so employed for two years or more but less than five years; and

(c) three months' notice if he has been so employed for five years or more;

(ii) that an employee who has been in continuous service with an employer for three years shall be entitled to retrenchment benefit on the termination of his service by the employer on the ground of redundancy or by reason of any re-organisation of the employer's profession, business, trade or work;

(iii) that an employee who has been in continuous service with an employer for five years shall be entitled to retirement benefit other than sums payable under the Employees' Provident Fund Ordinance on his retirement."

The purpose of the first proposed amendment, which seeks to amend Section 12(3) of the Employment Ordinance 1955, is to confer on the worker security of tenure in his job, which is sorely lacking at present.

Under the present law, a worker has no job security as his services can be properly terminated provided the employer complies with the requisite minimum notice stipulated by Section 12(3) of the Employment Ordinance 1955 which reads:

" 12(3) The notice to terminate the services of a person who is employed under a contract of service shall be not less than –

(a) one week's notice if he has been so employed for less than two years;

(b) two weeks' notice if he has been so employed for two years or more but less than five years; and

(c) four weeks' notice if he has been so employed for five years or more;

Provided that the provisions of this section shall not be taken to prevent either party from waiving his right to notice on any occasion."

Thus, an employer can properly terminate the services of an employee who had spent, say, 15 to 20 years in his employment by four weeks' notice of termination as provided by Section 12 of the Employment Ordinance.

This is clearly unfair where an employee has not been guilty of either incompetence or misconduct. There can be no comparison between the consequences for an employer if an employee terminates the contract of employment and those which will ensue for an employee if this service is terminated by the employer.

In reality, people build much of their lives around their jobs. Their incomes and prospects for the future are inevitably founded in the expectation that their jobs will continue. For workers in the majority of instances, not only dismissals, but also proper termination of service, is a disaster. It may involve the uprooting or even the breaking up of homes and families. Old workers will find the greatest difficulty in getting work at all.

We in Malaysia must recognise what is really at stake for an employee when his job is involved.

It is with this view to confer greater security of tenure of job for workers that I propose amendment of Section 12(3) to extend the legal minimum period of notice for termination of service.

Retrenchment and Retirement Benefits

The Ministry of Labour and Government had used to claim that they had never taken away the legal rights of workers pertaining to their wages and conditions of service, but in these two cases, the Government has been guilty of taking away from workers legal rights which they previously enjoyed.

In July 1976, the then Labour Minister, Datuk Lee San Choon, proposed a batch of amendments to the Employment Ordinance 1955, among which, repealed Sections 60G and 60H, which gave to workers who have worked for three years or more the legal right to retrenchment benefits and for those who had worked for five or more years, the right to retirement benefits.

The workers had secured this legal right after fighting the interpretation of Sections 60G and 60H in court, but after this victory in the courts, the victory was snatched away from them by this amendment in 1976 which must have delighted the employers no end.

can and frequently have been awarded with some consideration to the mobilization of political support for the Alliance. In Malaysia's federal system, the Federal Government provides the bulk of the funds spent by the states. It is no mere coincidence that when opposition parties have controlled state governments, the Federal Government has been less generous with its funds, arguing that cuts were necessary because of mal-administration and waste by state authorities. The allocation of federal funds has been cleverly employed to secure state compliance with federal policies and to improve the political fortunes of the State Alliance organization. When federal authorities have intervened in state politics, a settlement according to a "federal formula" is usually accompanied by announcements of new federal expenditures for local development projects.[21] In response to one such announcement, an opposition politician asked, "Are these simply arbitrary amounts of taxpayers' money, handed out to us—like sweets to children—by a Father Christmas in a songkok?"[22]

The Social Foundations of Politics

In most Western democracies, pluralism is primarily a product of functional specialization and diversification within society. In such modern urban-centered societies, social and group structures are characterized by complex overlapping membership and loyalty patterns. With a social structure of this sort, each political issue is likely to generate the mobilization of a unique configuration of political forces, so that the axis of conflict on one issue tends to bisect the axes of conflict of other issues. Compromise and adjustment may be effected, since all issues are not fought along the same axis and "enemies" in one contest become "allies" in the next. Furthermore, with overlapping membership and loyalty systems, the individual citizen is likely to give his support to a political party on a very limited and contingent basis. Substantial numbers of citizens are willing to change their support from one party to another in response to slight shifts of position by political parties because of their contingent loyalties and cross-pressures which arise out of their identification with diverse and frequently conflicting interest groups. With no sharp social, economic or ethnic-cultural cleavages in society, party success depends upon competing actively for wide popular support among nearly all elements of the population. Consequently, where the social structure reflects great functional pluralism, democracy is facilitated, for overlapping loyalties tend to reduce the intensity of political conflict and political change can occur through shifting loyalties of voters.

By contrast, Malaysian society, similar to that of many emerging nations, is composed of multiple communal structures which are a product of diverse ethnic and cultural-linguistic traditions. Society is not as functionally diversified as that found in the West. But more important, what functional diversification has developed tends to be confined within communal compartments. Each community tends to dominate or monopolize certain skills, professions and economic activities required for the maintenance of total

social order. The communal structure of society exhibits some features of a caste system, in that certain functions are performed by groups traditionally acknowledged to have ascriptive rights (and perhaps duties) to provide certain services, and are generally believed to have "natural abilities" or skills which are inherited as an ethnic trait.[23] This form of "communal pluralism" (as opposed to functional pluralism) intensifies conflict since the boundaries of functional and economic interest groups tend to coincide with cultural-ethnic divisions in society. Therefore, few overlapping loyalties bridge the fundamental cleavages along communal lines. Such a social structure gives the political system a far more rigid and inflexible character than the more diffuse and diversified pluralism of modern industrial societies.

A party system based on communal politics tends to acquire the rigid character of the social structure. Formed along communal lines, the parties reinforce communal barriers, and hence inhibit or prevent the shift of voter allegiances from one party to another. So long as democratic institutional forms are followed, the allocation of power within society is determined essentially by two kinds of activities: (1) through the formation of inter-communal coalitions; or (2) through manipulating the "rules of the game" by shifting political boundaries or tampering with the constitution. In the first method, politics is essentially a game of intrigue and behind-the-scenes bargaining played by a small number of charismatic leaders who represent, in a rather autocratic way, the communal organizations which they head. Those who are in office can preserve existing inter-communal coalitions by skilful use of the persuasive, distributive and coercive powers at their command. If that fails, and some new inter-communal political alignment shows promise of success, those in office have a more powerful weapon in their political arsenal. Opposition can be effectively undercut by alteration of the "rules of the game" in the form of boundary adjustment or constitutional amendment. Under such conditions, politics acquire a rigidity which makes it difficult to achieve changes in the allocation of power since those who have power can control the political environment to perpetuate their supremacy. Therefore, the rigidity of the communal structure of society provides little nourishment for the growth of a truly viable democratic system in which political change and the allocation of power depends upon the shifting loyalties of voters.

Perhaps the most vexing of the predicaments of transitional politics is this: nation-building depends upon firm and decisive political leadership to integrate and unify a polymorphic society. To the degree that the leadership succeeds in this task, it creates the political base for its monopoly of power. Such a monopoly of power undermines the democratic process in a most deceptive and insidious way since the forms of democracy may be retained without its substance. It is obvious that a responsible and effective opposition is a *sine qua non* of a functioning democratic system. Yet, such a unified and responsible opposition seems unlikely to emerge in large measure because of the communal social structure. Instead, the opposition tends to fragment, form at the extremes of the political spectrum, and respond in a negative way to sustain common political institutions, particularly if those institutions

are to be patterned on the democratic model. So long as power is hopelessly monopolized by a ruling party or coalition, opposition will tend to be expressed by means of anomic actions which threaten the orderly processes of the democratic system.

We have seen that under circumstances of political stress, democracy and constitutional order are subject to serious threats from at least two quarters: first, from opposition parties willing to employ any tactics, including those which threaten the basic fabric of society—communal rioting, insurgency and the reliance upon foreign support, all in the pursuit of political power heretofore denied at the polls; and second, from a government that could become so preoccupied with meeting these crises that it might decide that democracy and constitutional processes are luxuries which can no longer be tolerated during such a national emergency. Even in an established and stable country the distinction between a "loyal opposition" and a "disloyal opposition" is difficult to make with precision. In a country only just beginning the process of nation-building such a distinction is even more obscure and, in any case, too subtle to be appreciated by most of the population who have yet to think in terms of loyalty to the political entity which is Malaysia.

Ultimately democracy will be on firm ground only after power is shifted from one party to another as a consequence of free and meaningful elections. The opposition will then have a significant stake in making the democratic process function effectively so that it may once again assume power in an orderly way. Furthermore, significant numbers of the opposition leaders will have had experience in elective office and will be much better equipped to perform the functions of providing responsible criticism and a realistic alternative to the Government of the day. Experience in public office provides a practical education in the limits of power and the complexities of translating political ideals into workable public programs. In a like manner, past performance in office becomes a most important yardstick to hold against future promises, thus providing an effective check on irresponsible opposition. The legitimacy of the constitutional system will then be much more secure, since consensus about the "rules of the game" will be more widely shared.

The rather dismal prospects for an open democratic system with competitive parties and active public participation in politics does not mean that Malaysia has not made substantial strides in adapting democratic institutions to indigenous conditions. Over the years increasing numbers of newly independent former colonial states in Asia and Africa have succumbed to "benevolent authoritarianism" or military rule after some rather frustrating and unhappy experiences with government based on transplanted democratic structures to societies with fundamental communal, ethnic or tribal cleavages. Despite the traumatic shock of the 1969 crisis, Malaysia still appears to be dedicated to the task of adapting the basic institutions of democracy to a multi-cultural society having very fragile bonds of social trust and consensus across the major communal-ethnic divisions. Despite the manipulative aspects of government strategies, Malaysia continues to hold free and honest elections

to Parliament and state assemblies.[24] A moderately independent judiciary continues to function effectively, and, except for the most politically sensitive issues, to provide impartial justice. The domestic press, although timid and cautious because of government licensing, does keep the government responsive to public opinion on most issues.

Patterns of Leadership

During the two decades after the war, the English-educated were the primary source for the recruitment of political leaders for both Malaysia and Singapore. While English-educated elites may have possessed certain skills for operating the basic institutions of government, they found it difficult to mobilize any mass popular support to back their claim to power. During the colonial era, many of them had lost contact with their ethnic communities of origin. When they decided to enter elective politics, a number of them made a valiant effort to re-establish contacts with the masses in their own community. For their political survival, they had to cultivate close ties with the more traditional and communal segments of society. Nearly all those who survived and acquired positions of power did so because they acquired leadership positions in communal-based organizations which relied to a large extent upon the traditional institutions and the primordial loyalties of particular ethnic-cultural communities. By such techniques, modern and westernized elites tapped traditional sentiments to build a power base, usually within a single ethnic community, which was then utilized as political currency for participation in the overarching political system.

The role of the English-educated has been a critical one in the operation of the political system. The communal barriers of society have been less formidable and less important for them than for the remainder of society. This has been true even for those who have become outspoken advocates for one ethnic-cultural community. With the progressive mass mobilization of the population after the war, deep communal fissures in society were exposed. Yet, because the English-educated elites were more likely to have continuous and meaningful contact with each other regardless of communal origins and because they shared many values and perceptions, they provided the main links by which a communally fragmented society was held together. It was they who were largely responsible for working out the major communal compromises which preserved the peace. They also provided the main channel of inter-communal communication, and gave far more than ordinary intellectual and professional services for society. A fractured society was being insecurely bound together at the top by its very small English-speaking westernized elite.[25]

Malaysian political elites have tended to hold ambivalent attitudes toward democracy. In public rhetoric and ideological statements the *ra'ayat* (peasant or commoner) is depicted in glowing and idealized terms. Yet, elites frequently treat the public very patronizingly and give evidence that they have a low opinion of the ability of the public to participate rationally and sensibly in

Although under the July 1976 amendments, the Minister is given the power to make regulations "prescribing entitlement to and payment of retrenchment benefit" to workers, under new paragraph (da) to sub-section (2) of section 102 of the Ordinance, some three years have passed but no such regulations have been prescribed.

In trying to justify such repeal of Sections 60G and 60H in 1976, the then Minister of Labour said workers will stand to benefit from such an amendment. This is of course utter nonsense, because for three years, workers who would otherwise be entitled to retrenchment benefits after working for three years or entitled to retirement benefits after working for five years, have lost these rights. This, I submit, is open robbery of the retrenchment and retirement benefit rights of workers, and unless the Government is prepared to agree to their restoration, it must stand condemned as a government which is only interested in finding ways to deprive more and more of the limited rights of workers.

EMPLOYMENT (AMENDMENT) ORDINANCE

"For instance, the proposed Regulations makes no provision for what is known as 'constructive termination', i.e. where owing to the actions of the employer which make it impossible for the employee to reasonably continue to work, the employee terminates the employment himself. Although the employer can claim with all feigned sincerity that he still wanted the employee to continue in service, this is clear case of 'constructive dismissal' or 'constructive termination' which should be covered by the Regulations."

Speech on the Employment Ordinance (Amendment) Bill 1980 on June 20, 1980.

The Deputy Minister for Labour, Datuk K. Pathmanaban, said when moving the second reading of the Employment Ordinance (Amendment) Bill 1980 yesterday that the amendments proposed in this Bill are "progressive advances in labour standards and social legislation" in Malaysia.

His self-praise is rather extravagant and unrelated to the facts. Although I concede, and welcome, several improvements in the Employment Ordinance provisions, like the proposal to include bonus as part of 'wages', the extension of period of notice of termination of service, triple pay for overtime on rest days, increase of paid public holidays from 7 days to 10 days in a year, increase of paid sick leave for another four days for those with two years service to five years service, another eight days with more than five years service; increase in paid annual leave, etc., they are rather nominal and in many cases, had not even measured up to the demands we in the DAP had in the past made inside and outside the House.

The workers must probably be thankful for the 'little mercies' although the amendments certainly do not qualify or justify the Deputy Minister's claim to "progressive advances in labour standards and social legislation".

Law needed to make bonus of at least one month's salary payable to every employee

Yesterday, the Deputy Minister, in his speech, said that with the amendment to Clause 2(1)(g) of the Bill to include bonus as part of "wages", it would be mandatory for employers to include the element of contractual annual bonus when working out the 'ordinary rate of pay' for his employees for the purposes of calculating maternity allowance, annual leave pay, sick pay, overtime pay, holiday pay, and for payment for work on rest days, leading to the enhancement of the quantum of such payments.

The Deputy Minister claims that the minimum standards laid down in the Employment Ordinance are meant to benefit the 2½ million wage earners not unionised or covered by the 500 or so collective agreements.

If this is the case, then this provision on bonus would not benefit the overwhelming number of workers at all.

The Government should introduce legislation to make the payment of bonus mandatory, and for a start, the bonus payment should be not less than one month's salary. At present, bonus payment is discretionary, and with the enactment of this amendment, employers would be tempted to withdraw bonus payments, even in cases where collective agreements provide for it.

To forestall such management attempts to evade the provisions of the law, there should be an urgent amendment to the Employment Ordinance to provide that in cases where bonus are being paid, the quantum of bonus should henceforth be fixed as to be the minimum bonus payable for the category of workers concerned.

The legislation of mandatory bonus for workers would be a significant measure to help unorganised workers, especially in these inflationary times, to secure a living wage.

I find the way the definition of 'wages' is being amended to include bonus as rather strange.

Thus, the definition of 'wages' in Section 2 of the principal Ordinance, is defined to mean "all remuneration which is payable to a labourer for work done in respect of his contract of service" with a list of exclusions, to now include "(f) any annual bonus or any part of any annual bonus which is not payable under the contract of service."

This would mean that the Ordinance envisages that there is a category of bonus which is paid to a labourer but which does not come within the 'contract of service', as for instance, discretionary bonus, which clearly provides an escape route for all employers in all new collective agreements to term bonus payable as belonging to this category (f).

This would defeat the entire purpose of this amendment, and I hope the Deputy Minister would be able to elucidate on it.

Period of Notice inadequate

Clause 6 of the Bill seeks to increase the period of notice of termination of service by either party, where no specific provision in this regard is contained in any contract of service.

The period of notice for those with less than two years of service will now be 4 weeks, as compared to one week under the old law; for those with 2 to 5 years service, 6 weeks as compared to two weeks; and for those of over 5 years service, 8 weeks as compared to one month.

Although this is an improvement, the period of notice of termination of an employee is inadequate. In this case, with the inequality of bargaining strength between the employer and employee, they should not be put on a basis of equality. In other words, I advocate that while employers should be required to give adequate notice before terminating the services of an employee, an employee should not be required to have to give an equal period of notice.

During the debate on the Employment Ordinance amendments in July 1976, I had suggested in Parliament that the period of notice of termination which an employer should be required by law should be: one month's notice for workers with less than two years' service; two months' notice for workers with two to five years' service; and three months' notice for workers with more than five years' service.

The period of notice which employees should by law be required to give employers should be as provided in the new amendment on Section 12.

Call for Legislation to Guarantee Security of Job Tenure

In July 1976, I had urged in this House, while seeking to introduce a private member's bill entitled "Employment (Unfair Dismissal) Bill 1976" that we should legislate to guarantee security of job tenure to the workers.

It is unfair for an employer to terminate the services of an employee, who had spent say 15 to 20 years of his employment, by eight weeks' notice of termination under the present amendment to Section 12 of the Employment Ordinance.

The Government has not yet accepted the concept of security of job tenure, that just as the employer has the interest in planning production and in being protected against its interruption, similarly, workers have the equivalent interest in planning his and his family's life and in being protected against interruption in his mode of existence through the loss of his job.

It is only when the Government has accepted concepts like security of job tenure for workers that it could claim to have made "progressive advances in labour standards and social legislation."

I urge that the Government give this matter serious consideration. Workers who are members of strong unions can use their industrial power to protect themselves against terminations, including proper terminations under Section 12, but not the majority of workers who are not unionised.

Termination and Lay-Off Benefits

Even provisions for termination, lay-off and retirement benefits are not answers to the need for acceptance of the concept of job security for workers.

The Bill incorporates in Clause 29 a new Part XIIA dealing with termination, lay-off and retirement benefits for employees.

In July 1976, I protested vehemently against amendments to the Employment Ordinance deleting Sections 60G and 60H, which remove the legal entitlements of workers to retrenchment and retirement benefits. The 1976 amendments gave powers to the Minister of Labour to make Regulations to prescribe conditions for payments of retrenchment and retirement benefits.

The Labour Minister then, Datuk Lee San Choon, in reply said the workers would not lose what rights they had enjoyed. But the fact is that for four long years, workers lost their legal right to retrenchment and retirement benefits – and in these four long years, my colleagues and I had pressed the Labour Ministry without any let up as to why the Regulations on retrenchment and retirement benefits had not been made to restore the rights to the workers.

At long last, the Labour Ministry has finalised the Employment (Termination and Lay-off Benefits) Regulations, 1980, which will be gazetted to be brought into force simultaneously with the coming into force of this Bill. I must deplore the fact that the question of retirement benefits have not been finalised, and at the rate of the Ministry's productivity, it may be the 1990s before we see any Regulations pertaining to retirement benefits.

The Employment (Termination and Lay-Off Benefits) Regulations 1980 provides for the payment of termination and lay-off benefits to an employee whose employment is terminated for whatever cause, other than termination on grounds of misconduct, retirement, expiry of fixed period contracts and voluntary resignation.

The benefits provided are a minimum of 10 days' wages for every year of employment if the employee has been employed for a period of less than two years; 15 days' wages if employed for a period of two years or more but less than five years; and a minimum of 20 days' wages if he has been employed for more than five years.

I have two comments to make on these Regulations at this initial stage

The Deputy Minister said, in seeking justification for the four long years the Ministry has taken before finalising the Regulations, that his

Ministry had carefully studied the legislation and procedures of other countries in this region and in advanced countries, as well as the problems encountered in regard to their implementation, and that this study was one of great depth.

I am surprised therefore that the scope and circumstances of termination giving rise to termination benefits is not as comprehensive as it should be, if the experiences of other countries had been taken into account.

For instance, the proposed Regulations makes no provision for what is known as 'constructive termination', i.e. where owing to the actions of the employer which make it impossible for the employee to reasonably continue to work, the employee terminates the employment himself. Although the employer can claim with all feigned sincerity that he still wanted the employee to continue in service, this is a clear case of 'constructive dismissal' or 'constructive termination' which should be covered bythe Regulations.

The Regulations, as presently drafted, do not cover such a situation. The Regulations should be amended to specify clearly that situations of 'constructive termination' would also attract payment of termination benefits.

The second comment on the Regulations is that the quantum is too low, and for a start, it should be revised to two weeks' wages for every year of employment with less than two years' service; four weeks' wages between two to five years' service; and eight weeks' wages for those having more than five years of service.

DAP condemns Labour Ministry for merely paying lip service to check the abuses of contract labour system

In 1976, the Employment Ordinance was amended by a new Section 2A which enables the Minister to prohibit by order the employment, engagement or contracting of any person or class of persons to carry out work in any occupation in any agricultural or industrial undertaking, constructional work, statutory body, local government authority, trade, business or place of work other than under a contract of service entered into with the owner or principal of such undertaking, constructional work,

trade, business or place of work, or with that statutory body or local government authority.

On the making of any such order, all persons or classes of persons specified in the order would become employers and employees for the purposes of the Employment Ordinance and other written laws.

In the previous Parliaments, I had many a time spoken on the exploitation of the working class in Malaysia through the pernicious use of contract labour system, as this permits the employer to get cheap labour by enabling him to avoid his other responsibilities to a regular worker, such as security of employment, medical benefits, EPF, leave and other fringe benefits.

The new Section 2A of the 1976 amendment to the Employment Ordinance was presented as a powerful weapon to be wielded by the Government to check the abuses of contract labour system.

But to date, four long years later, as far as I know, the Minister of Labour had never used this section to prohibit contract labour system in any economic sector. This must be condemned as the Government is merely paying lip-service to the fight against contract labour system and its abuses.

This, more than anything else, demonstrates the indifference of the government to the exploitation of contract labour.

I want the Deputy Minister of Labour, who should have a deep understanding and awareness of the abuses of contract labour system, to explain why contract labourers remain the 'untouchables' in the labour market. I say, let us take legislative steps to make contract labourers the 'harijans', in the way that Gandhiji dedicated himself to the cause of the harijans.

INDUSTRIAL RELATIONS (AMENDMENT) BILL 1981

> **"There should have been a third amendment to provide that an award or collective agreement should continue to be in force until a new award had been made even after the expiration of the period specified in the old award.**
>
> **"This is because wily managements are now resorting to the deplorable practice of withdrawing benefits contained in awards or collective agreements after their expiry pending re-negotiation of a new award, and this clearly is unfair and inequitable."**

Speech on the Industrial Relations Amendment Bill 1980 on April 4, 1980.

What is most offensive about the amendments to the Trade Union Ordinance and the Industrial Relations Act is the way the Government went about amending these labour laws.

As these labour laws intimately affect workers and trade unions, a government which respects trade unions and workers' role in national development would have fully and intimately involved trade unions in every stage of the review of the labour laws.

This however is not the case. The government, from their internal recesses, which is completely inaccessible to trade unions but open to the influences and approaches of employers and management representatives, finalise amendment proposals and present them to the labour movement virtually in the form of an ultimatum, on a take-it-or-leave-it basis.

So long as the Government behaves so abominably in its relations with the trade unions, and refuses to involve the trade-union movement at

every stage of deliberation and formulation of policy and laws affecting workers, then so long must the Government stand convicted of being inherently anti-labour and unsympathetic to the legitimate aspirations of the working class.

The tendency of the Government in labour laws has been to concentrate ever-increasing powers in the hands of government officials, whether the Labour Minister himself, or the Registrar of Trade Unions or Director-General of Industrial Relations – with a minimum of check on the exercise of these powers. This have often worked to the disadvantage of the workers.

For instance, one of the most vexing problems in the field of industrial relations is the problem of recognition of trade unions by employers for purposes of collective bargaining.

Originally, disputes relating to recognition matters came under the jurisdiction of the Industrial Tribunal and later the Industrial Court, but the 1969 amendments to the Industrial Relations Act took away the jurisdiction from the Industrial Court and assigned it to the Minister. It is an awful and sorry tale how the Minister of Labour had handled recognition disputes.

For instance, in the case of the Assunta Hospital Senior Staff Association, a trade union registered under the Trade Unions Ordinance, this union had been waiting for nearly four years for the Minister of Labour to decide on the recognition issue although the Ministry of Labour officials had years ago completed all checks on the union membership.

Thus, under the law, employers are required to accord or refuse recognition of a trade union within 21 days after the service of claim of recognition by a trade union. In the event of refusal of recognition by the employer, the matter is referred to the Minister of Labour, who can then sit on the matter for four years doing nothing!

It is now proposed to amend Section 9 of the Industrial Relation Act, which governs recognition claims and disputes, to refer such disputes to the Director General in the first instance, and for its reference to the Minister if the Director-General could not resolve the matter.

This amendment does not have the virtue of expediting resolution of recognition issues, but by intervening another step, will probably make such disputes take a longer time before any decision – to the detriment of workers and unions!

The failure to take a decision after four years, as in the Assunta Hospital Senior Staff Association case, is an abuse of power. The Minister of Labour and his officials are clearly conscious of this, and hence the attempt to protect themselves from judicial review for their unlawful acts.

The government had proposed to make a decision of the Minister on recognition matters, like other decisions of the Minister in other fields, completely beyond challenge or review in the court of law, regardless as to whether it is unlawful or improper.

Hence this terrible provision in the amendment bill:

> "A decision of the Minister under sub-section (5) shall be final and conclusive, and no such decision shall be challenged, appealed against, reviewed, quashed, or called in question in any court and shall not be subject to certiorari, prohibition, mandamus or injunction (whether interim, interlocutory of final) in any court on any account, and no court shall have jurisdiction to entertain any question, on any ground, regarding the validity or propriety of any such decision, or of the continued operation of any such decision, or otherwise in any manner relating to any such decision."

For the Minister of Labour to claim yesterday that it was not the intention of the Government that improper and unlawful acts of the executive branch of government should enjoy immunity from correction and be placed beyond the reach of the inherent jurisdiction of our Courts of Law, is nothing but a gross deception, as anyone reading the above proposal to oust the court's jurisdiction will agree. That this provision is being amended merely to state that the Minister's decision shall be final and conclusive goes to show that the Ministry had originally tried a coup-de-tat against the courts! The very fact that government Ministers have seriously tried to completely oust the jurisdiction of the courts to make even their unlawful acts unquestionable in the courts must be a cause of grave concern, although this attempt has been abandoned. This must be condemned

unreservedly, so that it would not surface in any other form or any other law in future – although it is arguable whether such a tightly-drafted 'ouster' clause could in fact protect blatantly unlawful executive acts.

Before I leave the subject of recognition claims, I want to stress that the proper way and forum to resolve recognition claims fairly is to restore to the Industrial Court its original jurisdiction with a procedure for expeditious hearing and award on recognition claims.

The amendment of Section 8 of the Act so as to enable complaints of contravention of Sections 4, 5, or 7 of the Act to be made in the first instance to the Director General before referring it to the Minister if he is unable to resolve the complaint himself, is purposeless with the new Section 8A, which undermines Section 4, and in particular Subsection 2, aimed at protecting workers from harassment by employers.

New Section 8A reads:
"Nothing in this Act shall be construed as preventing an employer from conveying to his workmen, in such manner as he may deem appropriate, any information on any matter pertaining to any collective bargaining or trade dispute involving such workmen and the trade union acting for them."

This undermines Section 4(2) of the Act which reads:

"No trade union of workmen and no trade union of employers shall interfere with each other in the establishment, functioning or administration of that trade union."

New Section 8A will provide legal justification for employers to go behind the back of trade unions to interfere with the functioning of trade union's conduct of negotiations and collective bargaining, and will be productive of a lot of employer-trade union tensions.

This amendment is designed to help employers, and illustrates how one-sided are many of the labour law amendments before this House today, and earns the epithet of being anti-labour.

New Section 33A which makes provision for the Industrial Court to refer to the High Court a question of law, and limits the appeal to the High

Court, requires deeper consideration. At present, a point of law could be taken all the way to the Federal Court and Privy Council.

The Industrial Court is given the discretion to decide whether to refer to the High Court a question of law --

(a) which arose in the course of the proceedings;

(b) the determination of which by the Court has affected the award;

(c) which, in the opinion of the Court, is of sufficient importance to merit such reference; and

(d) the determination of which by the Court, raises, in the opinion of the Court, sufficient doubt to merit such reference.

New Section 33B seeks to make apart from New Section 33A, all awards decision and orders of the Industrial Court, including the decision of the Court whether to grant or not to grant an application under Section 33(A) non-justiciable. This is most objectionable in giving to the Industrial Court the power to decide whether to allow their decisions or awards to be tested and challenged in the High Court.

This New Sections 33A and 33B have been introduced at a time when the organised labour's confidence in the Industrial Court President, Mr. Matthews Abraham, had been greatly shaken by his impropriety and clear breaches of the General Orders.

I had in the budget meeting of Parliament last December brought to the attention of this House and the country the several cases where Mr. Abraham had personally heard where he would very likely bring his private interests into conflict with his public duty, which will be a breach of Section 3(c) of the Public Officers (Conduct and Discipline) (General Orders, Chapter D) Regulations 1969. In these cases, Mr. Abraham had taken loans from several banks and was repeatedly in default in payment, and while in this situation of pecuniary embarrassment, heard and decided on cases involving these banks.

Apart from breaching Section 3(d) of the General Orders, Mr. Abraham had also breached four other General Orders:

They are firstly, Section 3(d), which reads:

"An officer shall not conduct himself in such a manner as he knows, or as can reasonably be expected to know, that such conduct is likely to cause a reasonable suspicion in the minds of the public that:–

(i) he has allowed his private interests to come into conflict with his public duties and thereby impair his usefulness as a public officer; or

(ii) he has used his public position for his private advantage."

Secondly, he has breached Section 3(e), which reads:

"An officer shall not conduct himself in such manner as to bring the public service into disrepute or to bring discredit thereto."

Thirdly, he has breached Section 9 of the General Orders which provides that "No officer may borrow either as principal or as surety from, or in any manner place himself under a pecuniary obligation to, a person (whether in the Public Service of the Federation or of the State or otherwise), being a person –

(c) with whom the officer has or is likely to have official dealings."

Fourthly, he has breached Section 10(2) of the General Orders which provides that serious pecuniary embarrassment from whatever cause will be regarded as necessarily impairing the efficiency of an officer and rendering him liable to disciplinary action. Section 10(1) defined 'serious pecuniary embarrassment" to mean the state of an officer's indebtedness which, having regard to the amount of debts incurred by him, has actually caused serious financial hardship to him; and the General Orders went on to define that "if the aggregate of his unsecured debts and liabilities at any given time exceeds the sum of three times his monthly emoluments", this constitute "serious pecuniary embarrassment."

Although the Deputy Labour Minister, Datuk Pathmanaban, defended Mr. Matthews Abraham in Parliament, a great number of trade unions had cabled to the Prime Minister expressing their lack of confidence in the Industrial Court President, and expressing their decision not to allow any of their cases to be heard by Mr. Abraham .

What is pertinent is that there had been no attempt to deny the allegations I made in this House, or even to challenge me to repeat what I said outside the Chambers to afford Mr. Abraham the opportunity to clear his own name should he feel that he had been slandered.

Mr. Abraham had since then been taken off from virtually all cases he had originally scheduled to hear, including part-heard cases, and he is now confined to the duties of an elevated Registrar doing purely administrative court work.

This is itself admission on the part of the Labour Ministry and the Industrial Court President of the veracity of my allegations. But the trade union movement and the Malaysian people want to know why the Industrial Court President still continues as President despite these clear breaches of the General Orders. This has not only greatly added to the case load of the other Industrial Court Chairman, but undermined public confidence in the industrial court system.

To restore trade union and worker confidence in the Industrial Court system, it is imperative that a new Industrial Court President be appointed in Mr. Matthews Abraham's place – unless the Government wants to have a President of the Industrial Court usurping the Court Registrar's work for the next two years!

I welcome two amendments to Section 30 in the form of new Sub-section 5A, which would enable the Court, in making its award, to take into consideration any agreement or code relating to employment practices between organisations representative of employers and employees respectively where such agreement or code had been approved by the Minister. The other is the new Sub-section 7 which provides that the retrospective date of an award for the reinstatement of a workman may be earlier than six months from the date on which the dispute was referred to the Court.

There should have been a third amendment to provide that an award or collective agreement should continue to be in force until a new award had been made even after the expiration of the period specified in the old award.

This is because wily managements are now resorting to the deplorable practice of withdrawing benefits contained in awards or collective agreements after their expiry pending re-negotiation or a new award, and this clearly is unfair and inequitable.

THE MAS-AEU INDUSTRIAL CONFRONTATION

"By deploring the action of the Australian airport workers in protest against the detention of AEU officials for union activities, as an interference in the domestic affairs, are we not at the same time deploring our action vis-a-vis South Africa and Israel too, unless we want to have double standards in our national and international life."

Speech on the Prime Minister's motion on March 20, 1979.

The prolonged and unresolved dispute between Malaysian Airlines System (MAS) and the Airlines Employees' Union (AEU) together with the events accompanying it, have caused great damage to Malaysia's economy and international image.

It has caused, and is still causing, disruption and suspension of international air services of MAS entailing multi-million dollar financial losses to both MAS and Malaysia.

It has again exposed Malaysia as a country which has no respect for human rights and the fundamental liberties of its citizens, by extending government encroachments against human rights and fundamental liberties into the workers' arena, as in the use of detention without trial laws of the Internal Security Act against trade union leaders and activists for their trade union activities.

It has also threatened to put Malaysia in the centre of an international industrial confrontation, involving not only the air services but also shipping and other transportation, which would cause irreparable damage to Malaysia's open economy.

It is the duty of Parliament to find out why a simple employer-employee dispute between the MAS and AEU involving a new collective agreement had assumed such a proportion, and to help seek ways to resolve the MAS-AEU dispute, as the relevant Government Ministries and officials responsible for solving such a dispute had in fact magnified it into a national and international crisis.

The Government's motion, presented by the Prime Minister, should have been a contribution in this direction, in breaking new paths to resolve the MAS-AEU impasse. I am very disappointed that the Prime Minister's motion does not do this.

The Prime Minister's motion reads:

"Bahawa Dewan ini –

(i) mengambil perhatian berat di atas perkembangan yang telah berlaku akibat pertikaian Syarikat Penerbangan Malaysia (Malaysian Airline System – MAS) dengan Kesatuan Pekerja Penerbangan (Airline Employees Union – AEU);

(ii) memandang berat di atas tindakan kesatuan-kesatuan sekerja dan gabungan-gabungan kesatuan sekerja luar negeri dan antara-bangsa yang telah campurtangan dalam pertikaian domestik antara MAS-AEU;

(iii) menyokong segala tindakan Kerajaan dalam usaha untuk memelihara dan memajukan MAS sebagai sebuah perkhidmatan udara nasional termasuk mengujudkan suasana yang sesuai bagi membolehkan pihak pekerja dan pihak pengurusan MAS menyambung semula perundingan perjanjian bersama mereka;

(iv) menyesali serta mengecam segala campurtangan pihak kesatuan sekerja luar negeri dan antarabangsa di dalam urusan dalam negara Malaysia."

This motion completely misses the central point of how and why a simple employer-employee dispute in MAS has escalated into a national and international crisis. It is irrelevant and a red horring because it projects

the untrue picture that the whole problem of the MAS-AEU dispute is because of the so-called interference by foreign and international union organisations. No fair-minded person could deny that the foreign and international union organisations got involved in point of time well after the MAS-AEU dispute had escalated into a full-scale confrontation, with the de-registration of 874 AEU members, the attempt to deregister the Union, the ban on negotiations, mass suspensions and dismissals and the detention of AEU officials and activities under the Internal Security Act.

What then is the cause of the escalation of a simple MAS wage dispute into a national and international crisis? If there is a national opinion poll to find out what the public thinks is the most important cause of such escalation, it is the persistent mishandling and mismanagement of the dispute by the Minister of Labour and his officials.

Yet this motion, as it stands, unbelievably asks Parliament to give approval and endorsement for such government mishandling and mismanagement of the dispute!

A newspaper editorial had said that "the MAS dispute is a classic example of how not to conduct good industrial relations." It is also a classic example of failure of crisis management by the Ministry of Labour, in superadding on a MAS crisis a larger international crisis!

I do not propose to discuss the merits of the union's claims for wage increases, although they clearly have strong grounds to ask for upward salary revision, bearing in mind for instance that the basic salary for MAS' lowest paid worker is only $154, which is much lower than the $195 bottom scale for Government workers. These would be more properly dealt with either in negotiations or arbitration. I propose to deal with the manner and style of the Labour Ministry's intervention in the dispute, for it is this intervention, together with possible collusion with MAS management, which must bear responsibility for the MAS crisis.

The decision of the Registrar of Trade Unions on January 8 to deregister 874 AEU members stands as the single most important cause which derailed the MAS-AEU dispute from the track of negotiations and peaceful settlement and precipitated the chain reaction of confrontation

and escalation which must have been forseen by any person experienced in industrial conciliation or crisis management.

The MAS and the AEU had returned to the negotiating table for a second round of talks, having met on 3rd, 4th and 5th January; and had fixed for more meetings on 9th, 10th and 11th January. Out of the blue, came the Registrar's directive to deregister 874 AEU members which completely sabotaged the talks.

The Minister of Labour, Richard Ho, had sought to defend the Registrar's January 8 action. For instance, the Minister, in a written answer to my question yesterday on the MAS-AEU dispute, said: "The Registrar of Trade Unions requested the AEU to remove the names of 874 of its members from its membership register because he was satisfied that they had taken illegal industrial action in contravention of the law. He was therefore acting correctly and properly when he did so on the 8th of January, 1979."

The Registrar of Trade Union's January 8 directive must be faulted on the two grounds of dubious legality and as a gross misjudgement which precipitated a chain of escalation and confrontation with national and international repercussions.

The Registrar's action is of dubious legality because in deregistering the 874 AEU members of their right to union membership, which is a deprivation of their fundamental liberty of association and to join unions, the Registrar acted against the rules of natural justice in not giving the workers affected the opportunity to defend themselves as to whether there had been "illegal industrial action from December 5 – 13" and whether they had been involved. On the contrary, the Registrar exhibited considerable bias in relying solely on the one-sided report of the MAS management, which submitted a list of names which was accepted without reservation by the Registrar, which according to one report, included those on annual leave, maternity leave, sick leave, even those who had worked overtime and even one dead person.

The dubious legality of the Registrar's action further compounds the gross misjudgment of the decision. I want to ask the Registrar of Trade Unions and the Minister of Labour whether they were aware and conscious

that in ordering the deregistration of 874 AEU members under such circumstances of dubious legality and timing, they could jeopardise the on-going negotiations between MAS and AEU at that time, and lead to quick escalation of the conflict overspilling into new dimensions? If the Registrar of Trade Unions and the Minister of Labour were conscious of these consequences, then I would want to know why they disregarded them. If they were not aware or conscious of these consequences, then they are not fit to occupy their important offices.

The role of the Ministry of Labour in any industrial dispute is to seek to conciliate and mediate, to bring the disputing parties to the negotiating table and create conditions for a negotiated settlement, and wherever necessary to create a 'cooling-off period' for feelings to subside and prevent avoidable industrial confrontation.

But what the Ministry of Labour did on January 8 was the exact opposite. Instead of dampening and putting out industrial fires, the Ministry of Labour started an inferno.

Did the Minister of Labour envisage and anticipate what type of reaction the Registrar's directive would have on the AEU, its officials and members? Clearly the natural reaction would be that the Ministry of Labour, possibly in collusion with the MAS management as both are part of the same government, were teaming up to undermine and even wreck the union, by deregistering its members. For without its members, a Union's very existence and survival is threatened, making wage claims and negotiations completely secondary and unimportant. The art of crisis management is not to force anyone of the disputing parties over the brink into the precipice, but this was exactly what the Ministry of Labour did on January 8 with the Registrar's directive.

Was it any wonder and surprise that the Registrar's unjustified, arbitrary and ill-considered decision of January 8 started off a chain of events which appeared like the unfolding of a Greek tragedy; the break-off of negotiations, the unrest in MAS, the disruption of MAS services, the show-cause notice to the AEU on deregistration, the Prohibition Order, the detention of AEU unionists under the ISA extending to escalation on an international scale?

This chain series of provocation, confrontation and escalation could have still been prevented by skilful and experienced handling by the relevant Minister concerned. For instance, had the ultimate stage been reached by January 27 whereby the Registrar of Trade Unions had no choice but to issue a show-cause notice why the AEU should not be deregistered?

Couldn't the Minister of Labour invoke instead Clause 34 of the Industrial Relations Act and appoint a Board of Inquiry to investigate into the MAS-AEU dispute?

Can the Minister of Labour explain why he did not invoke Clause 34 of the IRA unless he was personally influenced by the tension of confrontation and escalation and wanted to demonstrate his Ministerial power and teach the AEU a lesson?

Again, what was the necessity for the issue of the Ministerial Prohibition Order accompanying the Registrar's Show Cause Order prohibiting the AEU from all union activities except to reply to the 'show cause' notice?

We have later the ridiculous spectacle of the Minister lamely saying that the AEU could write to him to apply for variation of the Prohibition Order to allow them to negotiate with the MAS, when his Ministerial Prohibition Order on all AEU activities, apart from showing cause, was total – and which includes writing to the Minister to vary the Order. The Minister now prides on being a stickler to legality. But to get himself out of a corner which he had put himself in, he is prepared to ask the Union to break legal rules!

Again, what was the justification for the detention of the AEU officials and activists under the Internal Security Act? On the day of their arrest, the authorities said that they were being detained for suspected tampering with the aircrafts. On that day, all MAS planes were also grounded.

The government's case for their arrests falls to the ground when the Internal Security Act, which allows detention without trials, is used. For if the AEU unionists and activists are arrested because of tampering with the aircrafts, then they should be arrested under the ordinary laws of the land and charged in court. The resumption of MAS flights after a two-day

suspension shows how frail are the allegations of tampering, as also the failure of the government to charge the AEU detainees after over a month of detention.

The MAS-AEU dispute, therefore, is a sorry tale of mishandling and mismanagement by the Ministry of Labour and other relevant authorities. A simple employer-employee dispute should never have been allowed to escalate into an international crisis, as evidenced by the 10-day stranding of the MAS DC-10 in Sydney, Australia. Although the DC-10 has returned from Sydney, the situation still holds the potential for an international industrial confrontation not only in civil aviation, but also in other transportation and communications fields, which would be highly inimical to Malaysian economic interest and greatly damage Malaysia's investment image and climate.

The government motion wants Parliament to give the stamp of approval for this long list of government mishandling and mismanagement of the MAS-AEU dispute, when it is precisely this mishandling and mismanagement which created this present international crisis. The government motion also wants Parliament to approve the use of the Internal Security Act against unionists for their union activities. I don't see how Parliament could do this. In fact, Parliament should deplore the mishandling and mismanagement of the dispute, call for the resignation of the Minister of Labour, and also deplore the use of ISA against trade unionists and the International Transport Workers Federation Asian Representative, Donald Uren.

The government motion, in emphasising on 'interference by foreign and international unions in the domestic affairs of Malaysia' has tried to divert attention from the basis causes and steps necessary to resolve the MAS-AEU dispute.

The government leaders who find their strong-armed tactics to crush the AEU and airport workers highlighted by the protest actions of Australian airport workers are understandably inflamed. They are entitled to denounce such foreign actions. But to ask Parliament to denounce such an action is another proposition altogether.

As Parliamentarians, we must no allow emotions to cloud our judgement and reason. While it is an acceptable general principle that nobody wants anybody to interfere with their domestic affairs, we must accept too that there are certain issues and principles which transcends national barriers, issues like respect for human rights, respect for human dignity and worth.

Over violation of some of these fundamental rights, Malaysia had in the past taken actions, not only in speeches in the United Nations, but also positive action, as breaking off diplomatic relations and boycotting trade with South Africa in protest against its apartheid policies. Malaysia did this in protest against the laws of South Africa and in interference with the domestic policies of South Africa, and rightly so, because there are certain rights which every human being is entitled to, not because he is a citizen of any country, but simply because of his human personality, which every other human being in any other country has the right to protest in the event of violation. Dare any Barisan Nasional member stand up and say that our policies and actions vis-a-vis South Africa is wrong and should be deplored because it is an interference with the domestic policies of South Africa?

Or take the case of Israel, where Malaysia joined in international protest action against the denial of the right of self-determination by the Palestinians in their homeland. Dare any Barisan Nasional MP stand up and say that our policies and actions in support of the Palestinians is wrong and is an interference with the domestic affairs of Israel?

We in the DAP are not prepared to say that Malaysians should be forfeited the right, to including the right of action, to protest against gross violation of human rights in any part of the world, for this is what part (iv) of this motion tantamount to.

By deploring the action of the Australian airport workers in protest against the detention of AEU officials for union activities, as an interference in the domestic affairs, are we not at the same time deploring our action vis-a-vis South Africa and Israel too, unless we want to have double standards in our national and international life?

The Government therefore should not put Parliament in such a position by proposing this motion in the shape of Paragraph 4, and in any

event, they do not materially affect the nub of the problem of the MAS-AEU dispute.

I know what I have said would be distorted and perverted and there would be those unprincipled and unscrupulous enough to try to say that I am not nationalistic. Let me say that a true nationalist is not a person who would do foolish things exposing the country to international ridicule and getting angry at the world, but one who would remove the causes of such ridicule. We in the DAP lose to nobody in this House in our preparedness to lay down our lives in the defence of our country, so let no one bark up the wrong tree in the course of this debate.

This motion, if passed, will do no credit to Malaysia's image, nor help in solving the MAS-AEU dispute.

Parliament should concern itself with the guidelines which can form a basis for the immediate resolution of the dispute.

It is in this light that I propose an amendment to the Prime Minister's motion, and which reads:

"DELETE sub-paragraphs (ii), (iii) or (iv) and SUBSTITUTE instead:

"(ii) Resolves that the following guidelines be accepted as a basis for the immediate resolution of the MAS-AEU dispute by all parties concerned:

(a) Full restoration of the rights of the AEU to operate as a Union to represent the interests of its members;

(b) Immediate release of AEU officials and members detained under the Internal Security Act, and the ITWF Asian Representative, Donald Uren;

(c) Reinstatement of all MAS employees suspended or dismissed during the MAS-AEU dispute;

(d) Appointment of a Board of Inquiry under Clause 34 of the Industrial Relations Act under a Chairman respected

by both parties to investigate into the MAS-AEU dispute, and to report to Government and Parliament on recommendations which would not only restore industrial peace and harmony in the MAS, but also lead to greater efficiency, productivity and profitability in the national airline."

APPENDIX

RISALAT DEWAN BIL. 3/5 TAHUN 1981.

Laporan Jawatankuasa Hak Keistimewaan Ahli-ahli Dewan Undangan Negeri Melaka

1. Jawatankuasa Hak Keistimewaan Ahli-ahli Dewan telah ditugaskan oleh Dewan Undangan Negeri ini yang telah bersidang pada 25hb. November, 1980 mengikut usul yang telah dikemukakan dan diputuskan oleh Dewan yang bersidang pada tarikh tersebut. Usul berbunyi:—

> "Dewan ini mengambil ketetapan, mengikut Perkara 17, Perlembagaan Negeri Melaka yang berbunyi 'Jika seseorang Ahli Dewan Undangan Negeri tidak hadir pada tiap-tiap Persidangan Dewan itu selama tempoh enam bulan tanpa kebenaran Dewan itu maka bolehlah Dewan itu mengisytiharkan kerusinya sebagai kosong', supaya Jawatankuasa Hak Keistimewaan Ahli-ahli Dewan membincangkan di atas ketidakhadiran Wakil Rakyat Kawasan Kubu di Persidangan Dewan Undangan Negeri Melaka yang Kedua Penggal Ketiga Dewan Undangan Negeri Yang Kelima pada 23hb. September, 1980 tanpa kebenaran Dewan dan membuat laporan kepada Dewan."

2. Jawatankuasa Hak Keistimewaan Ahli-ahli Dewan telah bersidang sebanyak empat kali, yang pertama pada 3.3.81, kedua pada 25.3.81, ketiga pada 10.4.81 (telah ditangguhkan kerana tidak cukup korum) dan yang keempat pada 24.4.81. Ahli-ahli Jawatankuasa Hak Keistimewaan Ahli-ahli Dewan terdiri daripada:—

Y.A.B. Ketua Menteri, Melaka Encik Mohd Adib bin Haji Mohd Adam.	—	*Pengerusi.*
Y.B. Encik Ahmad Nordin bin Mohd. Amin, AMN. PPT.	—	*Ahli*
Y.B. Encik Lim Soo Kiang, PBM, PJK.	—	*Ahli*
Y.B. Datuk Haji Md. Di bin Abdul Ghani, DMSM, AMN.	—	*Ahli*
Y.B. Encik Chan Teck Chan	—	*Ahli*
Y.B. Penasihat Undang-Undang Negeri Encik Mohd. Noor bin Haji Yahya, KMN.	—	*(turut hadir)*

3. Jawatankuasa apabila mengkaji kes di hadapannya tidak ada panduan kes-kes yang telah diputuskan serupa ini dengan ketiadaan authority-authority yang khusus yang boleh dimuatkan dalam acuan itu maka Jawatankuasa banyak berasaskan kepada penafsiran semangat Perlembagaan Negeri Melaka pada keseluruhannya selain daripada panduan-panduan yang biasa.

4. Jawatankuasa ini juga telah mengadakan perbincangan dengan Y.B. Tan Sri Syed Nasir, Speaker Dewan Undangan Rakyat, untuk meninjau pandangan-pandangan beliau mengenai tugas Jawatankuasa Hak Keistimewaan Ahli-ahli Dewan ini. Jawatankuasa Hak Keistimewaan Ahli-ahli Dewan dalam sidangnya telah membincangkan beberapa perkara pokok antaranya ialah untuk mempastikan bahawa ada atau tidaknya "absence" mengikut Perkara 17 Perlembagaan Negeri. Dalam perbincangan ini Jawatankuasa juga telah mengambil perhatian pandangan Y.B. Penasihat Undang-undang mengenai istilah-istilah pokok dalam perkara ini pertamanya, taarif 'sitting' dan kedua taarif 'jangka waktu enam bulan'. Selepas perbincangan dengan Y.B. Tan Sri Syed Nasir, Jawatankuasa juga mengambil kira Perkara 19(1) Perlembagaan Negeri Melaka.

5. Jika ditinjau Perkara 17 bersendiri (in isolation) Jawatankuasa menerima taarif Y.B. Penasihat Undang-undang bahawa ketidakhadiran Y.B. daripada Kubu itu tidak bersabit dengan Perkara 17. Tetapi jika ditinjau semangat Perlembagaan pada keseluruhannya lebih-lebih lagi perkara ini mestilah dikaitkan dengan Perkara 19(1) maka Jawatankuasa menetapkan bahawa Y.B. daripada Kubu telah tidak hadir kerana semangat Perkara 19(1) yang menyatakan:—

> "Yang di-Pertua Negeri hendaklah memanggil Dewan Undangan Negeri bermesyuarat dari semasa ke semasa dan tidak boleh membiarkan jarak enam bulan antara persidangan yang akhir dalam satu penggal dengan tarikh yang ditetapkan untuk mensyuarat pertamanya dalam penggal yang kemudiannya."

6. Implikasi dalam Perkara 19(1) ialah jika Dewan tidak bersidang lebih daripada 6 bulan, maka Dewan itu mestilah dibubarkan. Dengan ertikata yang lain tempuh 6 bulan itu tidak boleh terlebih walau pun satu hari, Dewan tidak bersidang maka kewujudan Dewan tidak sah lagi dan terpaksalah dibubarkan. Kedua-dua Perkara 17 dan 19, memperlihatkan semangat Perlembagaan yang mementingkan kehadiran Ahli-ahli Dewan pada tiap-tiap kali mesyuarat kecuali ketidakhadiran itu mempunyai kebenaran daripada Dewan.

7. Masaalah "kebenaran" daripada Dewan telah juga dibincangkan. Jawatankuasa juga telah mengambil kira masalah kebenaran ini dan dari segi lazimnya atau convention. Ahli-ahli Dewan yang tidak dapat hadir dalam Persidangan Dewan selalunya menulis surat kepada Y.B. Datuk Speaker dan surat ini memadai sebagai kebenaran terhadap ketidakhadiran dalam Dewan. Walau pun Jawatankuasa ini telah memikirkan cara mematuhi peraturan ini perlu diperbaiki, tetapi perkara ini akan dibincangkan sebagai rumusan laporan ini nanti.

8. **Kesimpulan**

(i) (a) Jawatankuasa berpuas hati bahawa mengikut Perkara 17 Perlembagaan Negeri, ketidakhadiran Y.B. wakil Kubu pada 23.9.80 dalam Persidangan Dewan Undangan Negeri adalah disabitkan.

(b) Jawatankuasa telah mempastikan bahawa Y.B. wakil Kubu telah tidak hadir pada persidangan 23.9.80. Oleh kerana Setiausaha Dewan mengesahkan bahawa tidak ada apa-apa surat daripada Y.B. wakil daripada Kubu itu maka kesimpulan ketidakhadiran Y.B. wakil daripada Kubu ialah dengan tidak ada kebenaran daripada Dewan.

(ii) **Cadangan:**

Dalam kes ini Jawatankuasa Hak Keistimewaan berpendapat bahawa peraturan mengenai kehadiran Ahli-ahli Dewan dan kebenaran Ahli-ahli Dewan perlulah diperbaiki lagi supaya peraturan mengenai perkara ini lebih jelas dan lebih mudah dipatuhi oleh Ahli-ahli Dewan.

Satu perkara yang jelas dalam masaalah ini ialah soal kebenaran. Dalam siasatan Jawatankuasa ini walau pun convention merupakan satu peraturan tetapi adalah lebih wajar Dewan memikirkan supaya untuk memutuskan satu penurunan kuasa kepada Y.B. Datuk Speaker untuk memberi kebenaran kepada Ahli-ahli Dewan untuk tidak hadir dalam Dewan pada bila-bila masa. Dengan kebenaran Y.B. Datuk Speaker ini adalah merupakan syarat yang memadai untuk kebenaran bagi ketidak-hadiran tersebut dengan tidak bercanggah dengan kehendak-kehendak perbekalan Perkara 17 Perlembagaan, tanpa prasangka.

(iii) **Tindakan Tatatertib.**

Dalam perbincangan untuk menentukan tindakan-tindakan yang setimpal terhadap kesalahan yang dilakukan oleh Y.B. daripada Kubu Jawatankuasa juga telah mengambil kira tindak-tanduk Y.B. daripada Kubu itu yang membuat kenyataan di akhbar-akhbar yang menyinggung kewibawaan Jawatankuasa ini dan juga Dewan yang mulia dengan cuba mencemuh-cemuhkan kemuliaan Dewan dan dibawa ke khalayak ramai untuk di 'debat' perkara ini walau pun Dewan belum lagi menerima dan menimbangkan laporan penuh mengenai keputusan Jawatankuasa Hak Keistemewaan ini. Jawatankuasa memandang berat sikap angkuh dan tidak bertanggungjawab Y.B. daripada Kubu itu dan dalam menentukan tindakan yang wajar keatasnya, oleh kerana adanya publisiti ini, maka Jawatankuasa lebih suka menyerahkan kepada Dewan untuk memikirkan apakah tindakan yang wajar dalam perkara ini.

(MOHD ADIB BIN HAJI MOHD ADAM)
Pengerusi,
Jawatankuasa Hak Keistimewaan
Ahli-Ahli Dewan.

.....

(Y.B. ENCIK AHMAD NORDIN BIN MOHD. AMIN, AMN, PPT)
Ahli. .....

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(Y.B. ENCIK LIM SOO KIANG, PBM, PJK.)
Ahli.

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(Y.B. DATUK HAJI MD. DI BIN ABDUL GHANI, DMSM, AMN.)
Ahli.

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(Y.B. ENCIK CHAN TECK CHAN)
Ahli.