

MALAYSIA TODAY

WITHOUT FEAR OR FAVOUR

TAN CHEE KHOON

edited by
Raj Vasil



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Dedication

This book like the first volume is also gratefully dedicated to my parents the late Tan Chin Ghee and Tay Kim Siew who have sacrificed so much for their children and to whom we their children owe so much.

Preface

This is the second volume of my articles which have appeared in *The Star* and *Nanyang Siang Pau*. It has given me great pleasure and satisfaction in writing them and I am happy my readers too have enjoyed reading them. In these books I have highlighted some of the problems that have confronted our country and I have touched on them without fear or favour.

I wish to thank my readers who have pointed out to me the mistakes I have made. I am not infallible and sometimes I do make factual mistakes but I have not deliberately sought to mislead the public. Whenever possible I have sought to correct my mistakes. Once again I also wish to thank Dr. M.K. Rajakumar for his invaluable help and many others who have helped in one way or another.

Dr. Tan Chee Khoon

Foreword

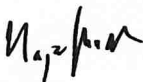


I am pleased to write this short foreword to the second volume of a collection of Tan Sri Dr. Tan Chee Khoon's series of articles published in *The Star* under the superscription **Without Fear or Favour**.

Tan Sri Dr. Tan's writings emanate from a background of rich experience in diverse areas, not forgetting of course his long involvement in the political field. There is a growing consciousness in our society of individual and collective rights and of all matters happening amongst and around us. Tan Sri Dr. Tan, in language clear, concise and easily understandable by the man in the street, delves into current affairs, contemporary events of topical interest and indeed into virtually everything controversial or otherwise that affects our society generally. In doing so he stirs our interest in seeing them from different perspectives and so stimulates discussion and consideration of things and matters that confront us from time to time.

I need hardly say that in doing so he performs a public service by enlightening the unenlightened and perhaps providing more food for thought for those already partially or wholly enlightened. Although one may not agree with all the views and sentiments expressed by Tan Sri Dr. Tan in his articles, I do not think that it can be disputed that they encourage discussion and present some very interesting and pertinent suggestions for reform, all of which we look forward to reading in *The Star* every week and which are now conveniently collected in this new volume.

Long may Tan Sri Dr. Tan's pen flourish to provide us with a continuing series of volumes of further articles in the same vein. They will no doubt not only benefit our generation but also pass down into history as a boon to posterity.



Sultan Azlan Muhibbuddin Shah
Ibni Almarhum Sultan Yussuf
Izzuddin Ghafarullahu-lahu Shah
Sultan of Perak

Introduction

Tan Sri Dr. Tan Chee Khoon is respected as a Malaysian patriot by all Malaysians irrespective of their racial origins. It is a measure of his integrity, honesty and deep commitment to a multi-racial and democratic Malaysia. To be so recognised, equally by the Chinese and the Indians as well as the Malays, in a multi-racial society as divided as that of Malaysia, is a rare achievement. Tan Sri Dr. Tan shares that unique distinction with no less a person than *Bapa Malaysia* himself, Tunku Abdul Rahman. It is one of those twists of irony that today the two erstwhile adversaries, one who led the government for the first fifteen years of independent nationhood and the other who for years was regarded as "Mr. Opposition", together represent the conscience of the Malaysian multi-racial nation. It was in recognition of that at the end of last year one of the most respected multi-racial organizations in the country, Aliran, honoured Tan Sri Dr. Tan as the Outstanding Malaysian of 1984.

Despite more than a quarter century of independence under a constitution that established a multi-racial polity, Malaysia and its nationals remain as divided as before. Even *Bapa Malaysia*, Tunku Abdul Rahman, seems to have left little lasting imprint on race relationships. The happy Malaysia, which was a source of unrestrained pride and joy to Tunku Abdul Rahman and many Malaysians, is no more. The communal explosion of 1969 and the government's response to it have drastically changed the entire environment. The non-Malays, by and large, believe that the minimal social justice and fair deal that had been assured for all by that lovable Prince from Kedah have been replaced by a singular preoccupation with the interests of the Malays on the part of the present political rulers. In the wake of the communal tragedy, basic human rights and freedoms have been curtailed to an extent that many Malaysians, especially the non-Malays, consider themselves substantially voiceless. The political organizations of the non-Malays have lost much of the leverage they once possessed within the Alliance system. They now enjoy little influence in the new Barisan Nasional and many non-Malays fear that this has further eroded their capacity to secure

redress and effectively protect themselves. Furthermore, in the present setting of intensifying racial polarisation and distrust, any dissenting voices and criticism of the government are easily condemned as racially motivated. Attitude towards the government is viewed as a test of a citizen's loyalty to Malaysia. This makes it immensely difficult for immigrant non-Malays to openly voice their criticism of government policies and action and seek to exercise their fundamental democratic rights. This has made the role of a person like Tan Sri Dr. Tan that much more valuable and critical. He occupies no official position and enjoys no political party backing. His only assets are his integrity and his commitments and the trust reposed in him by a vast majority of Malaysians. He has virtually become an unofficial Ombudsman, questioning and probing the policies and actions of the political rulers and the bureaucracy. He is increasingly being sought out by Malaysians, individually as well as in groups, to act as a spokesman of the people at large and intercede on their behalf with the Big Government.

This second volume of Tan Sri Dr. Tan's writings is presented with the hope that it would promote public discussion and consciousness and lead to a reassertion of the nation's commitment to multi-racialism and democracy, ideas so beautifully presented by the Indian poet, Rabindranath Tagore:

*Where the mind is without fear and the head is held high;
Where knowledge is free;
Where the world has not been broken up into fragments by
narrow domestic walls;
Where words come out from the depth of truth;
Where tireless striving stretches its arms towards perfection;
Where the clear stream of reason has not lost its way into the
dreary desert sand of dead habit;
Where the mind is led forward by Thee into ever widening
thought and action -
Into that heaven of freedom, my father, let my country awake.*

ALHAMDULILLAH

Raj Vasil

OUTSTANDING MALAYSIAN AWARD 1984

Citation on Dr. Tan Chee Khoon

If a government finds it necessary to continually add to the arsenal of laws that govern expression of alternative views, it would indeed take a brave and committed citizen to come forward publicly to point out the injustices and wrongs perpetrated in that society. For this reason, ALIRAN decided that the Outstanding Malaysian Award for 1984 should be bestowed on Tan Sri Dr. Tan Chee Khoon for his concern and courage. He has not failed to speak out against unjust policies and actions that had caused untold pain and suffering to the Malaysian people.

Though now far removed from the days when his father, a poor estate labourer was struggling to feed five hungry children, Dr. Tan has not forgotten the misery and desperation experienced by the poor. In fact the days, when his family's staple diet was salted coconut and rice, tapioca and yam, had engraved in his heart a burning desire to do something for the poor. Unlike many other socially mobile professionals, Dr. Tan considers it his bounden duty as an intellectual to contribute to the upliftment of those who are oppressed and in need.

Indeed, during the course of his political career, Dr. Tan had many a time found it necessary to stick his neck out, so to speak, to publicly expose certain unjust actions in order that a wrong could be redressed. When many others around him were cowed or had remained indifferently silent as their interests were not affected or because by speaking up they would lose favour with the rich and the powerful, Dr. Tan Chee Khoon had the integrity and courage to point out that an unjust act had been committed. A case in point is the issue of the female *guru agama* which was brought up for debate in the Selangor State Assembly in the late 1960s. Where the Wanita UMNO had remained conspicuously silent while the Pemuda UMNO was not in the least interested, Dr. Tan had spoken out against the cheap monthly allowance of \$60-\$70 paid to these teachers.

It is Dr. Tan's belief that Malaysians should take a wider view. Lessons from our own recent history often show that to be selfishly unconcerned about public issues is to adopt a short-sighted view in

life. For if we speak out only when someone close to us suffers the consequences of certain unjust policies, it would be too late. The recent arrest of three PAS members under the ISA is a stark contrast of tragic irony. When the issue of the ISA was discussed in Parliament, assuming that the Act will never be used against PAS, the Islamic Party voted in favour of the Act. Today, they believe differently. But alas, it is too late for expressions of regret. The Sarawak National Party (SNAP) similarly went along with the majority and only when Datuk James Wong was arrested under the ISA which his own Party had previously condoned did SNAP come out strongly against it.

To remain silent and know that a wrong has been committed is as much a sin as abetting that act of injustice. But to speak out in the face of stony silence takes a lot of nerve, integrity and commitment. These are precisely the qualities we admire in Dr. Tan, qualities manifested in his many years of service to the nation. Malaysians should be proud we have in this fine man one who is courageous and unstintingly concerned; one who is bothered enough to take pains to write a weekly column that has served to educate and publicise issues of social concern. Although this incurs the rancour of the powerful and unscrupulous and jeopardises his own comfortable position, he has the satisfaction of knowing that he has done right.

Malaysians should therefore take courage and know that what today appears to be so wrong and yet so strong and powerful will one day be destroyed and weakened. Truth and progress can be hindered or hampered but only temporarily; their victory is inevitable. The question is whether man himself is prepared to fight for truth. People like Dr. Tan, because they are not afraid to stand up against existing power structures, have earned for themselves a noble role in the march of civilization.

Contents

I. The Society	1
1. National Unity and Race Relations	5
2. The Rise of a Malay Upper and Middle Class since World War II	33
3. What Price Loyalty?	39
4. The <i>Orang Asli</i> of Malaysia and Modernization	45
5. Hell at Selancar Empat Estate	51
II. Merdeka to Serfdom	57
6. <i>Merdeka</i> to Serfdom	61
7. Return of the Internal Security Act	67
8. Release of Prisoners on the Occasion of the Silver Jubilee of our <i>Merdeka</i>	72
9. Wither Freedom of the Press?	76
10. Takeover by BERNAMA	81
11. The Legal Profession (Amendment) Act, 1983	86
12. The Review of the Amendments to the Universities and University Colleges Act, 1975	91
13. The Societies (Amendment) Act, 1982	97
14. Rethink on the Societies (Amendment) Act, 1982	102
15. Societies (Amendment) Act, 1983	106
III. The Constitution	109
16. Constitutional (Amendment) Bill, 1983	112
17. The Constitutional Amendments	117
IV. The Parliament	125
18. Reform of the Dewan Rakyat	128
19. Reform of the Dewan Negara	132
20. Walk Out in Parliament	137
21. The Big Row in Parliament	142
22. Has Parliament Gone to Sleep?	147
V. The Government	151
23. The New Morality	154
24. The Cabinet Reshuffle	162
25. Dr. Mahathir on Democracy	167

VI. The Leaders	173
26. The Tunku - His Strengths and Weaknesses	177
27. Interview with Encik Anwar Ibrahim, 5 January 1983	182
28. Interview with Tun Suffian, 23 October 1984	191
29. Interview with Tan Sri Ahmad Noordin, 10 June 1982	210
30. Interview with Datuk Mohamed Yacob	227
31. Interview with Kassim Ahmad, 6 March 1982	240
32. Interview with Datuk Rais Yatim, 18 February 1982	249
VII. Political Parties	265
33. UMNO General Assembly, 1982	269
34. Hail the Victors, Anwar and Aishah	275
35. UMNO General Assembly, 1983	282
36. Disunity within the Malaysian Indian Congress Again	287
VIII. Elections	293
37. Battle for Bandar Raub	296
38. By-Elections	302
39. The Battle for Seremban	306
40. Victory at Seremban	311
41. The Sarawak Elections	317

I. The Society

"There is no doubt that the perpetuation of ethnic politics is linked to class interests. This does not mean, however, that the abolition of classes will spell the demise of communalism. We have to go beyond that. We have to develop a spiritual conception of the human being which is so strongly rooted in one's psychology that it can transcend ethnic feelings. For ethnic consciousness has a vigour of its own which is sometimes independent of class ties. As far as the present situation is concerned, ethnicity is related to class in two ways.

"One, since our entire social system is biased towards the middle and upper classes, vested interests in these classes go out of their way to preserve and perpetuate their privileged position. Ethnicity is a powerful weapon for this purpose. By reminding the masses of their ethnic status, by interpreting and trying to resolve all social issues along communal lines, the ordinary people are prevented from realising that the real solutions to their problems have nothing to do with ethnicity. For what the middle and upper classes fear is the emergence of an awareness of their common interests among the poor and disadvantaged. This is why the poor are kept divided along communal lines.

"Two, within the middle and upper classes there is now greater competition between the Malay and non-Malay components. Consequently, communalism has become more serious as the Malay middle and upper classes mobilise the Malay masses to assert their position just as the non-Malay middle and upper classes mobilise the non-Malay masses to preserve their status. This is happening now because of a certain historical development.

"Unlike many other colonised countries, the British economic and educational system helped to create a non-indigenous middle class. This class grew in the post-*Merdeka* years, especially in the first decade after independence. At the same time a Malay middle class has been developing mainly through the expansion of educational facilities, greater social mobility and the New Economic Policy. The government itself is committed to the growth of this class. It is inevitable that at various points the interests of an emerging Malay middle and upper class would come into conflict with the interests of an established non-Malay middle and upper class. We can see this in respect of university recruitment, the role of state corporations, the activities of Multi-Purpose Holdings, the responses to the Industrialization Coordination Act and so on. What each group is fighting for is its own class interest, but both Malay and non-Malay

elites present it as vital to the well-being of their respective communities. In this way, communal sentiments have become more intense, more pervasive in the last decade."

Dr. Chandra Muzaffar in a discussion with Dr. Tan Chee Khoon,
25 March 1983.

NATIONAL UNITY AND RACE RELATIONS

I

We are fortunate to have with us this evening four distinguished academicians to discuss the problems of National Unity and Ethnic Relations. The participants are Prof. Dr. Syed Husin Ali, Dr. Chandra Muzaffar, Dr. Sanusi Othman and Dr. Tan Chee Beng. Without more ado I shall start off with the first question.

1. Dr. Tan Chee Khoon: How relevant is the *Merdeka* agreement to the present generation as far as ethnic relations go? Dr. Syed Husin Ali, would you care to respond?

Dr. Syed Husin Ali: Yes. Thank you. I presume what is referred to in this question are the compromises reached between leaders of the ruling parties before and during *Merdeka*, particularly before *Merdeka*. It is often said that at that time UMNO leaders conceded to the MCA and MIC on citizenship and, in return, MCA and MIC leaders conceded to UMNO on matters such as the official status for Islam and Malay language. These compromises were reached mainly between leaders of what then were the dominant parties, other parties having been banned or disbanded.

Dr. Tan Chee Khoon: Dominant ruling parties!

Dr. Syed Husin Ali: Yes, later they became the dominant ruling parties. At best, they reflected the positions of the parties concerned, if not only those of the leaders. Although they caused discontentment and frustrations even within the parties concerned, yet those compro-

mises were later accepted and embodied in the Constitution of the Federation. We know that the Constitution is not something that cannot be reviewed or amended with changing situations. The need for review is greater, of course, since the issues were compromised on the basis really of political calculations or even expediency. They were not really aimed at providing a strong basis for inter-ethnic harmony and national unity. Further, these did not really touch on fundamental matters. Of course, the issues were contentions then as well as now – citizenship, language and religion etc. But they did not touch on the more fundamental economic and political issues that have far more important implications for national unity. In other words, these compromises were mainly to settle immediate differences and therefore they had only short-term significance. Therefore, why should we be eternally bound by them? The present generation certainly has the right to re-examine and question them and formulate new principles that may be better suited for national unity.

Dr. Tan Chee Khoon: Now you may remember that at that time the hot issues were those of national language and citizenship. Today the issues are entirely different. Today eradication of poverty, education and special privileges of Malays are the dominant issues. As you can see, as one passes from one generation to another, the relevant issues of the day change. And certainly the government should take greater cognizance of this. I don't say that the government has not taken any cognizance at all. The government should take greater cognizance of the changing attitudes of the population. Would you care to comment, Dr. Chandra?

Dr. Chandra: It was wrong of the *Merdeka* elites to see certain aspects of the agreement as a "bargain". The position of Malay as the national and official language and the position of Islam as the official religion were important dimensions of the Malay polity of the past that had to be incorporated into the new nation. Similarly, citizenship for the non-Malays and recognition of the legitimacy of non-Malay languages and non-Muslim religions were vital for the evolution of a Malaysian nation.

The real problem in the agreement, I think, was the underlying notion that there was such thing as Malay political power as against non-Malay economic power. This meant political power for the *bumiputras* and economic power for the non-*bumiputras*. Both were essentially myths. The *Merdeka* elites tried to maintain a balance of sorts between the two myths.

It was a balance that was bound to break down with the emergence of a new generation. For a new generation of Malays began to ask: "What does political power mean if it does nothing for one's economic status?" Likewise, a new generation of non-Malays began to ask: "What does this citizenship mean in terms of actual political participation?" Instead of this balance, which was essentially a balance of interests between Malay and non-Malay elites, we should have started off on a different premise. There should have been a clear vision of a common Malaysian identity, a commitment to the evolution of a Malaysian nation. Within that vision, there should have been equitable distribution of political and economic power for all communities.

Dr. Tan Chee Khoon: Dr. Tan Chee Beng?

Dr. Tan Chee Beng: I agree that the compromises made at the time were short-term measures to reach an agreement between different groups. But I do think that certain issues agreed upon then have great significance for present ethnic relations. Take for example, the case of citizenship. If citizenship had not been given to the non-Malays then we would still have this problem today. So I see the giving of citizenship as paving the way for achieving national integration or national unity. Today we don't have the so-called Chinese problem as is to be found in Indonesia.

Now on the issue of special position of the Malays. Maybe at that time it was inevitable that a special position had to be provided for the Malays in view of various factors. How that agreement affects present-day ethnic relations depends on how the special rights are implemented and to what extent. And as you know, that has been taken full advantage of for the purpose of the New Economic Policy. The NEP has had a major impact on ethnic relations today.

I would now like to comment on the question of language. I think it was good that at that time it was put down in black and white that the national language would be Bahasa Malaysia. But we continue to have language problems. If the issue of national language had not been settled at that time, I think we would have had more problems.

On the question of Islam, I would like to say first that I do not believe that it is necessary for a state to have a state religion. But looking at the present situation, I would say that maybe it was good that Islam was designated as the state religion. With the present in-

terest in Islamic revival, if Islam had not been accorded the status of state religion we probably would have had more problems centering on the issue. At least the issue has been removed. At the same time, it must be recognised that freedom of belief is guaranteed to non-Muslims.

Dr. Tan Chee Khoon: Dr. Sanusi?

Dr. Sanusi Othman: The *Merdeka* agreement was a compromise among the Alliance party leaders. It was aimed at resolving certain issues that greatly obstructed political cooperation among them at that time. Now many aspects of the situation have changed. Since the agreement did not relate to the fundamental political and economic issues that could provide a basis for genuine national integration, we should allow our generation to discuss, review and even change it in order to strengthen the basis for our national unity.

Dr. Tan Chee Khoon: I remember, in those days, only the Alliance mattered. I was then in the Labour Party and we had submitted a memorandum to the Reid Commission. But our views did not carry much weight. The Reid Commission Report was essentially based on Alliance views.

Dr. Sanusi Othman: And the agreement was between the British and the Alliance.

2. Dr. Tan Chee Khoon: What is the significance of the colonial experience for the ethnic problems of today? Dr. Chandra, would you care to comment?

Dr. Chandra: Well, I see the colonial impact in three main areas: (1) The economy was orientated in a certain direction — towards the export of raw materials. It meant dependence upon the outside world. A substantial segment of the non-Malay immigrants became part of that economy. This separated them from the Malays who were tied down to their rural, subsistence economy. The local administrative structure, on the other hand, was mainly Malay with very little non-Malay participation. This divided the communities. It was a division that was reflected in the education system, cultural values and so on. The British colonialists maintained and perpetuated these dichotomies in a conscious manner.

(2) Colonialism also created a certain type of ethnic stratification. New roles, occupations, groups and classes emerged whose prestige and importance were determined by colonial ideology. Economic and social groups that were most useful to the British enjoyed greatest prestige. This sometimes coincided with ethnicity. Some of the ef-

fects of this stratification can be seen to this day.

(3) But, the most negative impact of colonialism has been upon the human mind. Our concepts of development and progress, of right and wrong, of the goals of life have all been influenced by the colonial experience. Their consequences are manifested in various spheres of life. Indeed, even many of the ethnic stereotypes, the cultural prejudices that are rife today, can be traced back to the colonial period.

Dr. Tan Chee Khoon: Dr. Syed?

Dr. Syed Husin Ali: I agree with most of the things that Dr. Chandra has said, I just want to add one point. During colonial rule, the British constituted the ruling power and the upper class of society. Being in such a position, they were able to manipulate to some extent the differences and create conflict between the different racial groups. One of the reasons why they created the myths and stereotypes mentioned by Dr. Chandra was to ensure that mistrust and division among the various ethnic groups continued. Through this kind of manipulation, the ruling group could retain its position. With that lesson from our colonial past, we cannot afford to have a situation which allows for the present ruling elite to prolong its rule by manipulating ethnic differences.

Dr. Tan Chee Khoon: Dr. Sanusi?

Dr. Sanusi: It is obvious that colonial rule not only created a divided society based on cultural and ethnic differences, but also precipitated great economic inequalities which have continued to this day. The British were more concerned with economic profits and political power rather than improvements in the living standards of the poor. Economic inequalities have become the crux of the ethnic problems today.

Dr. Tan Chee Khoon: Dr. Tan Chee Beng?

Dr. Tan Chee Beng: From our discussions so far, it is obvious that our ethnic problems are a legacy of colonialism. I only want to add one point. I am interested in the Straits Chinese, which is a topic of my research. We find that during the colonial period, the Straits Chinese were already loyal to this country, then Malaya. But because of colonialism, their loyalty was directed towards the colonial government. It could be said that the colonial experience resulted in a section of the non-Malay population forgetting the historical continuity of Malay civilization and sovereignty in this land. This creates some misunderstanding between the Malays and the non-Malays.

Dr. Tan Chee Khoon: And as you know *Merdeka* was handed to us on a platter and essentially to the feudalists and capitalists. The genuine nationalists who were more concerned about national issues were removed from the scene. The British saw to it that the people who were handed over power preserved their interests long after independence. To be fair to Dr. Mahathir, it is only under him that attempts have been made to put things right. When Dr. Mahathir initiated the Look East Policy, he twisted the British lion's tail and made them come to him rather than go crawling to Whitehall to get whatever concessions we needed.

Dr. Syed Husin Ali: Well, I agree that this Look East Policy may have the effect of changing attitudes of some people who were very pro-west in the past. But historically we must remember that the group which negotiated independence was made up predominantly of those who could be said to be Anglophiles, belonging to the upper class. Thus, the nature of agreement reached with the British colonial masters on the structure of society and the policies or ideologies to be followed, was influenced largely, if not totally, by what the British had themselves established as in key features of the society and the polity. In fact, this is something that has happened not only in this country but among all those who experienced colonialism throughout the world.

Dr. Sanusi Othman: Even if we follow the Look East Policy, I do not think our fundamental approach has changed. The economic and political structures remain the same. We have only turned to the East.

3. Dr. Tan Chee Khoon: How have the government policies affected ethnic relations in this country? Dr. Sanusi, would you care to lead the discussion?

Dr. Sanusi Othman: I think government policies, especially political and economic ones, have great effect on ethnic relations. For example, from the very beginning we have had multi-ethnic coalition governments. After the May 13th incident, more communal political parties joined the Alliance to form the Barisan Nasional. The ruling group consists of representatives from various ethnic groups. Therefore, we cannot say that only one ethnic group rules the country. This political arrangement lends legitimacy to the government and allows it to portray itself as a non-communal government. Another aspect of the government that affects us is its economic policy. The government has adopted the capitalist economic system

with emphasis on capital accumulation. As a result, there is a wide gap between the poor and the rich and between the urban and the rural areas. The poor who are likely to be in the rural areas are not satisfied with their economic position. Although our leaders always say that our country is a rich country and that our economic system is the best, the *kampung* people definitely are not satisfied with it as it does not benefit them. However, the middle and upper classes who benefit from this economic system strongly support it.

Dr. Chandra: Before I add to the points that Dr. Sanusi has raised, let us grant that there are some positive elements in the government's attitude towards ethnic relations. Since *Merdeka*, government leadership has shown a sense of restraint, some willingness to accommodate varying ethnic interests, even if it is done on an *ad-hoc*, short-term basis. However, the greatest problem with the government is that its ideology, its policies, are invariably linked to ethnicity. Over the last 25 years, education, economics, politics, everything is consistently interpreted along ethnic lines. Political mobilisation is along ethnic lines. Economic planning is along ethnic lines. This is the crux of the problem. Of course, it is true that in a multi-ethnic society, any government will have to respond, to a certain degree, to ethnic consciousness identification. But ethnicity does not explain everything. Take for instance economic issues. The government insists upon seeing economic differences in ethnic terms. We know for a fact that income differences within communities and between various sectors of the economy are far more serious than income differences between communities. But the government refuses to acknowledge this reality. As a result, government policies in the economy, education and other related spheres have created a lot of unhappiness, a feeling of insecurity, among all communities. After a while what happens is that people begin to believe myths and sometimes elites may not even have to consciously manipulate these myths. They become part of one's way of thinking. They become a sort of explanation of reality.

Dr. Syed Husin Ali: I would like to pursue the question of intra-ethnic difference. When we talk about poverty and concentration of wealth in the hands of a few people, very often those in authority will not be very happy and will view us with more than just critical eyes. One tragic thing about the development of political parties in this country has been that in practice the government has been more tolerant of narrow communal parties than strongly ideological ones.

The government is not very tolerant of groups or parties that take up issues such as, imperialism, exploitation and social justice. There seems to be a policy, or at least a tendency, to whitewash the existence of inter-ethnic differences and suppress parties or groups that voice the causes of such differences. The irony is that the very parties that make up the National Front talk about unity on ethnic basis - Malay unity, Chinese unity, and Indian unity. Each government party seems to be competing with its counterpart in the opposition by appealing to the sentiments of their respective ethnic group on communal bases. One wonders whether some of the government parties, or at least some of their leaders, are really committed to government policies on national unity. Being ethnically-based parties themselves, how far can they really be non-communal in their approach?

Dr. Tan Chee Beng: I think communal politics is a serious threat to national unity. It continues to widen the communal gap leading to more polarisation. As we know, political parties in the Barisan Nasional are communal parties. With this kind of structure, the government finds it necessary to proclaim that it is doing this for the Malays and that for the Chinese. This tends to lead to more polarisation. Furthermore, because of the communal structure of our society, once a policy is made, even if it is not communal, the people see it in communal terms. While politically it may be good for the politicians to win votes through this kind of communal politics, it inevitably leads to more communal problems.

Dr. Sanusi Othman: I think as long as we have political parties which are ethnically based we will continue to have a communal approach to everything. Our policies will definitely be communal.

Dr. Tan Chee Khoon: As you know, I have interviewed all the political big wigs in this country. To all of them I have posed this question: Do you think you should make a start with non-communal politics? All of them said that they should have this as a goal in the distant future. They don't say when they would make a start. If they don't make a start, how can they reach that goal?

Dr. Syed Husin Ali: Back in 1955, when the Alliance was started, Tunku made a statement saying that the ethnically-based organization was only to be a temporary feature; he expressed the hope that the Alliance was to constitute the beginning of a non-communal political party. Well, it is already nearly 30 years and nothing of that sort has happened. They are not even working towards that objective.

Dr. Chandra: If I may add to what has been said by Syed Husin Ali. If tomorrow communally-based parties decided to dissolve and form a single Barisan Nasional, I don't think we will see the end of communal politics. Some other group will emerge which will continue to play the old communal game. And it will get support from the people. Communalism is not simply the result of communal parties. It is a product of the entire social structure. It is this structure that should be changed. Economic policies should aim to provide a sense of security to the majority - not just enhance mobility for small groups within each community. This calls for an economy which fulfils the basic needs of all, which is founded upon cooperation and egalitarianism. At the moment, our economy itself promotes ethnic competition. It promotes greed and envy which often assume a communal colouring. Similarly, in politics and administration the concern should not be with balancing ethnic interests but with expanding opportunities for meaningful participation by everyone, irrespective of ethnic origin. For this, we may have to create local, grass-root communities. Of course, none of these things can be done if there isn't systematic, purposeful social education. Communal attitudes have to be demolished. Communal fears have to be assuaged. This will take a long time because communalism is deeply ingrained in the system. Perhaps, one has to fight communalism from outside the electoral process. Non-communal social education is only possible if the media is freer. The media must be prepared to let the people know the truth. They must tell the people that Malay fishermen, Chinese squatters, Indian plantation workers share common miseries, common exploitation. Their miseries cannot be resolved through communal quotas. Neither can their aspirations be met through ethnic arrangements. The media must be prepared to play this role. I don't see this happening at all.

Dr. Syed Husin Ali: The unfortunate thing is that more and more of the press is coming under control of ruling political parties.

Dr. Chandra: Yes, of course.

II

4. Dr. Tan Chee Khoon: How have opposition politics and postures affected ethnic relations? Dr. Tan Chee Beng?

Dr. Tan Chee Beng: Both the political parties in government and

those in opposition play communal politics. They talk of national unity but they all promote communalism. But to be fair, there are a few politicians who avoid playing this game. The government also tries to ensure that the game of communal politics is played within limits. It is in power and it has to make sure that there is some sort of stability, otherwise it will not be able to rule. Then talking about the opposition, I think the position and future development of PAS will have a major impact on ethnic relations. In view of the Islamic revival, the government cannot ignore the "we are more Islamic" approach of PAS. We know Islam is closely related to Malay identity and UMNO is the Muslim party in the government. So the stronger PAS is, the more the government will have to meet its challenge. And UMNO cannot be less communal if the communal approach of PAS is more successful. In this regard, the policy that is adopted by the UMNO has serious implications for ethnic relations.

Dr. Tan Chee Khoon: As you all know, Islam is non-racial. To talk of identification of Islam with Malay race is nonsense. In Sinkiang, in the middle of China, there are about 70 million Muslims. There are far more Muslims there than in this country. When we talk of being a good Muslim then we must forget the racial identity. We must regard all as brothers and sisters. And as such I don't see how PAS can exist by beating the racial drum. It can beat the religious drum. Other parties should proclaim: "We are your brothers if you are true Muslims."

Dr. Tan Chee Beng: I think the problem is that in our country there is a tendency to equate Islam with the Malays. Not only the Muslims but the Chinese also equate Islam with Malay identity. Since this kind of ethnic ideology is already there, PAS and a lot of Malay politicians are going to continue to play this game. Of course Islam does not go along with this kind of thing.

Dr. Chandra: Coming back to the main question, how opposition postures have affected ethnic relations, I would concede that opposition parties have sometimes tried to explain social issues in non-communal terms. But, on the whole, the really influential elements in both the Malay and non-Malay opposition have had an unhealthy impact upon ethnic relations. Within the influential Malay opposition, there is no attempt to reduce communalism by explaining problems of economic development, education, politics and so on in depth through vigorous analysis. What is worse, there is no desire to understand the non-Malay situation. The Malay opposition does

not want to explain even legitimate non-Malay aspirations relating to politics, the economy and culture to the Malay electorate. Indeed, the bulk of the Malay opposition does not seem to appreciate that what the non-Malay communities really want is psychological acceptance as Malaysians who have as much right as their Malay brethren to shape the destiny of the nation. The Malay opposition does not understand that equality is something that every human being is entitled to.

On the non-Malay side, too, there are similar problems. Socio-economic issues are misinterpreted along ethnic lines. The non-Malay opposition, on the whole, has ignored historical realities which have a significant bearing upon the present. Its influential segment does not want to accept the fact that there was an established Malay polity in this region with a language, religion and culture of its own. National integration will have to take this fact into account. It is what endows legitimacy upon the constitutional position of Malay language and Islam. The non-Malays must make the first move in adjusting to this paramount reality. Of course, the Malay polity of the past will have to evolve into the Malaysian nation of the future where there would be a common identity. We are not moving in that direction.

5. Dr. Tan Chee Khoon: What is the relationship between class interests and ethnic relations? To what extent is the present ethnic polarisation related to a conflict of interest between the Malay and non-Malay middle and upper classes?

Dr. Syed Husin Ali: In some countries, for instance, South Africa, there is a clear overlap between class and the ethnic or racial structure. The ideology of racism in South Africa represents an attempt by one racial group, the whites, who form the upper class, to dominate other racial groups in the lower class, particularly the blacks. It represents the ideology of the economically and politically powerful to retain their supremacy in the country. This is slightly different in the U.S., for instance, where the overlap between race and class may not be as clear. Nevertheless, there continues to exist a situation where the American blacks, by and large, occupy the position of the exploited. A few blacks may have risen high, but there exists an ethnic stratification, with the whites occupying the upper class and the non-whites the lower class.

The situation is not that clearcut in Malaysia. It may be true to say that category by category there are more Malays who can be

designated poor, statistically speaking, than the non-Malays; and there are more non-Malays in the upper income brackets than the Malays. But this does not deny the fact that there are rich Malays besides rich non-Malays just as there are poor non-Malays besides poor Malays. We have referred to the existence of intra-ethnic differences earlier. The important thing is that there exist characteristics that are commonly shared by the poor, such as poverty, exploitation and inequality of income distribution etc. These issues need to be taken up more vehemently and with sincerity in order to improve the condition of the poor. The real people who are disadvantaged and discriminated are the poor and they come from all the different ethnic groups.

Competition on racial basis is especially acute within the upper and middle classes in society, between the rich Malays and the rich Chinese themselves. Owing to the competition to gain more access to economic and political power, each group tends to resort to communal politics in order to get wider support so that what they are fighting for appears to have the support of the majority of people. Ethnic politics is in fact used to promote class interests. We can see that there is a close relationship between the promotion of class interests by the middle and upper classes and the tendency towards polarisation on ethnic basis. Even the poor are dragged into this quagmire. When this happens, issues of poverty, inequality and exploitation cease to be in the forefront; on the other hand, cultural, linguistic and other communal issues are promoted in order to justify the demands of the upper and middle classes.

Dr. Chandra: I would agree with most of what has been said just now. There is no doubt that the perpetuation of ethnic politics is linked to class interests. This does not mean, however, that the abolition of classes will spell the demise of communalism. We have to go beyond that. We have to develop a spiritual conception of the human being which is so strongly rooted in one's psychology that it can transcend ethnic feelings. For ethnic consciousness has a vigour of its own which is sometimes independent of class ties. As far as the present situation is concerned, ethnicity is related to class in two ways. One, since our entire social system is biased towards the middle and upper classes, vested interests in these classes go out of their way to preserve and perpetuate their privileged position. Ethnicity is a powerful weapon for this purpose. By reminding the masses of their ethnic status, by interpreting and trying to resolve all social

issues along communal lines, the ordinary people are prevented from realising that the real solutions to their problems have nothing to do with ethnicity. For what the middle and upper classes fear is the emergence of an awareness of their common interests among the poor and disadvantaged. This is why the poor are kept divided along communal lines.

Two, within the middle and upper classes there is now greater competition between the Malay and non-Malay components. Consequently, communalism has become more serious as the Malay middle and upper classes mobilise the Malay masses to assert their position just as the non-Malay middle and upper classes mobilise the non-Malay masses to preserve their status. This is happening now because of a certain historical development. Unlike many other colonized countries, the British economic and educational system helped to create a non-indigenous middle class. This class grew in the post-*Merdeka* years, especially in the first decade after independence. At the same time a Malay middle class has been developing mainly through the expansion of educational facilities, greater social mobility and the New Economic Policy. The government itself is committed to the growth of this class. It is inevitable that at various points the interests of an emerging Malay middle and upper class would come into conflict with the interests of an established non-Malay middle and upper class. We can see this in respect of university recruitment, the role of state corporations, the activities of Multi-Purpose Holdings, the responses to the Industrialization Coordination Act and so on. What each group is fighting for is its own class interest, but both Malay and non-Malay elites present it as vital to the well-being of their respective communities. In this way, communal sentiments have become more intense, more pervasive in the last decade.

Dr. Tan Chee Khoon: Dr. Sanusi?

Dr. Sanusi: Yes. I agree with Dr. Syed and Dr. Chandra that members of the upper and the middle classes are making use of ethnicity as a mechanism for their own interests.

Dr. Tan Chee Khoon: Should there be no elections?

Dr. Sanusi: Yes, I think they can add to ethnic polarisation.

Dr. Tan Chee Khoon: Dr. Tan Chee Beng?

Dr. Tan Chee Beng: I think class explanation is especially significant for understanding of ethnic relations after 1969, i.e. during the era of NEP when, as some scholars have suggested, state capitalism replaced the *laissez-faire* system of capitalism. This is the era when

economic competition between Malay middle and upper classes and Chinese capitalists became more intense. Increasingly ethnicity came to be used by them to pursue their class interests. This is important to bear in mind if one wants to understand why the ethnic gap is widening.

6. Dr. Tan Chee Khoon: Why have ethnic relations deteriorated in spite of the growing importance of a common language? *Bahasa Kebangsaan* as Bahasa Malaysia has been held up as the solution of many of our ethnic problems. It is suggested that if one has a common language, a lingua franca, most of the ethnic problems will resolve. I think it was Dr. Ho Seng Ong whose doctoral thesis 30 years ago postulated this view. It wasn't a Malay who postulated it. He did his doctorate at London University and he postulated that Malay should be used as the language to foster unity amongst the peoples of Malaya then. But today a common language has not proved to be a unifying force to the extent that our founding fathers had expected it to be. Why? Dr. Sanusi, would you care to lead the discussion?

Dr. Sanusi: I think the use of a common language, Bahasa Malaysia, alone cannot guarantee national unity. We cannot depend on our common language alone to unify the people in this country. We should realise that there are many countries in the world which have a common language, a common culture, in fact a common race, but they cannot have national unity simply because there is economic disparity among their people. In our country, language is still a political issue. There are certain sections of our people who continue to fight for recognition of their own languages. As such, the Chinese and Malay middle classes who are competing for economic and political power can exploit this ethnic issue for their purposes.

Dr. Tan Chee Khoon: Dr. Chandra?

Dr. Chandra: A common language is essentially a medium for facilitating communication among different ethnic groups. This is its main purpose in a multi-ethnic society. Through a common language, one could also perhaps develop common empathy for a truly Malaysian literature, drama, music. But a common language, even common cultural forms, cannot guarantee national unity especially if there is a great dividing-line separating the people. The *bumiputra* - non-*bumiputra* dichotomy prevents young Malaysians from moving towards greater integration through Bahasa Malaysia. This dichotomy influences perceptions of one another and affects

one's relationship to the political system. This means that though we may be speaking a common language our ethnic perceptions and our interests may be diametrically opposed. It therefore becomes more difficult for the new generation to unite.

Dr. Syed Husin Ali: Yes, I certainly agree that it is important for a multi-ethnic society to have a common language. I think there is need to emphasize the important positive role of the language, but it might be counter-productive to stress on it as a measure of loyalty because loyalty is not based only on the acceptance of language. The question actually emphasizes the fact that common language alone is not enough to influence ethnic relations or to guarantee national unity. Take for instance the Middle Eastern people. Most of them share a common language, besides common religion and culture, yet there is disunity among them. This is rooted in their political and social structures which tend to divide them into opposing interest groups. We have to bear in mind that if various political and economic factors in the society are geared to creating disunity and disharmony, the role that a common language can play will be minimal.

Dr. Tan Chee Khoon: Dr. Tan Chee Beng?

Dr. Tan Chee Beng: I agree that having a common language alone does not guarantee better ethnic relations even though it may promote more interaction because of better communication. However, if our political and socio-economic structures remain ethnically polarised, the thinking of most Malaysian individuals will continue to be influenced by it. They are affected by their experiences of everyday life. Based on the polarised political and socio-economic structures people will continue to interpret their social world along ethnic lines, thus promoting ethnicism or communal thinking which in turn causes more polarisation in our society. Therefore, a common language does not reduce polarisation at the cognitive level.

Dr. Tan Chee Khoon: Take Northern Ireland for example. The people are of the same race, they speak the same language and yet they tear themselves apart. All because of the differences of religion. So there are other factors.

III

7. **Dr. Tan Chee Khoon:** How will the Islamization process affect

ethnic relations? Dr. Chandra, will you care to lead?

Dr. Chandra: The Government itself is not very clear on what it means by Islamization. It appears to be linked to the inculcation of certain values like discipline, the imposition of moral prohibitions like the ban on casino-gambling for Muslims and the establishment of institutions like the Islamic University, the Islamic Bank, the Islamic pawnshop and so on. For PAS, Islamization has always meant the creation of an Islamic state. As far as ethnic relations go, Islamization whether of the UMNO or PAS-type cannot be separated from the question of Malay identity. This is because all Malays are Muslims.

Dr. Tan Chee Khoon: By law because they have no choice.

Dr. Chandra: Islamizing Malay identity, however, would not be a problem if it were not for the overall communal environment in the country. In a situation where economic, cultural and political policies tend to perpetuate communal dichotomies on behalf of powerful vested interests, Islamization is bound to be perceived as assertion of Malay identity. This will produce a negative response on the part of the non-Muslims. Already we are beginning to witness a sort of religious and cultural revivalism among non-Muslims. Indeed, the link between Islam and Malay ethnicity is very real. This is borne out partly by the fact that Islamic re-assertion in the Malaysian context became obvious around the same time as the growth of Malay urbanisation in the early seventies. Islamization, in that sense, was perhaps an endeavour to emphasise Malay identity in a largely non-Malay urban environment. Even other aspects of Islamization reveal the identity factor. It is no coincidence that Islamic re-assertion as a political stance became significant after the successful completion of the Bahasa campaign. In other words, Islam replaced language as the identity badge.

There is no better proof of the ethnic dimension in Islamization than the emphasis upon the exclusive elements in the religion. This is why there is so much emphasis upon dress, food, personal morality and so on. Emphasis on these things separates Muslims from non-Muslims. It divides, rather than unites. From that point of view it is right to argue that Islamization so far has had a negative effect upon ethnic relations. Both PAS and UMNO, though they stress upon different aspects, adopt an exclusive approach to Islam. In Islamic exclusivism of this sort, purity becomes very important. Each party tries to prove that it is purer than its rival. In this purist game,

UMNO will not be able to match PAS in the long run. For one thing, PAS does not have to think of non-Muslim partners. For another, PAS's history, its goal of an Islamic state, the Arabic rhetoric of its leaders, all conform to what is popularly perceived by a substantial number of Muslims as representing "genuine Islam". Instead of playing the purist game, UMNO should try to emphasise the universal, eternal values in Islam. It should emphasise justice, freedom, egalitarianism, compassion. It should talk of incorruptibility and integrity. It should espouse the oneness, the unity of humankind which as Dr. Tan Chee Khoo has rightly pointed out, is in accordance with Islam. But will UMNO be able to do that? What if someone turns around and asks: "You say Islam is against corruption, Islam is against communalism. What is your own record?" This is why the ruling group is in a bind. It cannot use the only weapon that is available in the fight against the exclusive, superficial approach towards Islam.

Dr. Syed Husin Ali: I agree that there is no real clear picture as regards the process or direction of Islamization pursued by the government. I am not so sure whether the idea is fully shared by all the leaders or parties in the government. There might be those who are more committed to Islam than others just as there might be those who are not happy about Islamization the way it is being pursued. As far as I can see, what the government is trying to do is only to create institutions that will have, let us say, Muslim or Islamic trade-mark. In other words it is not really thinking in terms of fundamental systematic changes based on the precepts or principles of Islam. This it cannot afford to do if it wants to remain in power. Probably PAS may aspire for such systematic changes. But under the present political structure, can it achieve political power? Even if it can, will it be able to carry out effective and total Islamization policies without threatening to alienate at least half of the country? However, we cannot deny the fact that Islamization now is a reality and it is becoming a more potent and dynamic force. Thus it needs to be understood and presented in a more positive way. I think in order to dispel non-Malay fears of Islamization, it is necessary to emphasise certain values in Islam which can be understood and shared by most people. For instance, there are verses in the Holy Quran just as there are many examples in the *Hadith* (Traditions) which show that Islam is against oppression, exploitation, usury and injustice and for social justice and egalitarianism.

These ideas do not exist only on paper. There are many instances where they are followed and defended. The history of Islam is full of examples of the struggles waged against oppression and for social justice. I think these values and principles are upheld and adhered to not only by Muslims but also by non-Muslims. All this need not be done exclusively in the name of Islam. Once they are achieved we would have established certain principles of Islam.

Dr. Tan Chee Khoon: Dr. Sanusi?

Dr. Sanusi Othman: Well, I think I agree with both speakers. If the process of Islamization is directed to achieve social justice in this country, it will certainly help our effort to foster understanding and unity in our society. We agree that our main problem that caused ethnic conflict in our country is the presence of economic inequalities among our people. I think the government is using Islamization as a political instrument to get support from the people. This has caused some anxiety among some people, especially non-Muslims. Some non-Malays regard this process as a threat to their culture and to their future.

Dr. Tan Chee Khoon: Dr. Tan Chee Beng?

Dr. Tan Chee Beng: If Islamization is introduced to promote certain selfish interests, then it is bound to have a negative impact on ethnic relations. Dr. Syed Husin Ali has said that it is not, for example, aimed at introducing Islamic laws. The non-Malays don't quite understand this explanation and are quite worried about Islamization. They don't know what is going on and I think there is a need for full explanation. For the non-Malays the first thing they have in mind about Islamization is the application of Islamic laws on them. Talking of Islamic law, the thing that comes to their mind first is *khalwat* because they have heard so much about it. So the moment one mentions about introducing *khalwat* laws, the non-Muslim Chinese get worried. This does not mean that the Chinese or non-Malays in general do not have moral rules about sexual proximity. Their views are different. They don't want things to be made rigid by laws.

Dr. Tan Chee Khoon: Now as you know, in this country, from time to time, people have become the protagonists of Islam. Islamization is presented to the non-Muslims. They say why should we not have one religion for Malaysia - Islam, where everyone is equal. Islam does not recognise differences of race. You have black Muslims as you have white Muslims and all are equal. So if you become a

Muslim then you are equal. Now that is a very attractive logic. If you are true Muslims then all of us are equal. Non-Muslims in this country look to more than that for evidence that they can have a place and when they see the corruption and all the things that we have been talking about they say I need to study it. The thought of this country turning Islamic frightens quite a number of people. I think lots of non-Muslims are heartened by the Tunku when he said that we should not become an Islamic state. He is the first person of importance who has come out clearly in no uncertain terms to say that. I didn't know that this country is a secular state. I have always thought that the Malays wanted an Islamic state. I knew it was not an Islamic state but I didn't know it was specifically written as a secular state and I thought it was only Sukarno who had the greatness of mind and heart to make Indonesia a secular state.

Dr. Syed Husin Ali: Before we go on, can I just interject. I am sure there can be more positive response and even support to the process of Islamization if the government and various political organizations are able to show, for instance, that Islam identifies itself with the fight against many of the evils that exist in society - from corruption to racialism and *dadah* (drugs). But I don't think there has been enough attempt to do this, which is rather unfortunate. Unwillingness to do this only exposes insincerity on the part of those concerned. The fundamental thing about Islam is not the prohibition on eating pork or not being able to rear pigs. There are more fundamental things than that. This is another sad thing about our society; we always pick on the peripheral issues and ignore the central issues. Most people, especially those in authority, are afraid to talk about the central issues because these will ultimately go against their own class interests. You can afford to talk about corruption and exploitation, for instance, and take strong action against them if you are not corrupt and do not belong to the exploiting class!

Dr. Chandra: If I may add, it is a fairly important point. Since it is unlikely that the religious composition of our population will change very much in the future what is the best thing to do, given a situation where Islamic consciousness among the Muslims and cultural revivalism among the non-Muslims is on the rise?

Perhaps Muslim groups outside the government and PAS should emphasize the universal, eternal elements in the religion. At the same time, non-Muslim groups should examine their religions and cultures in depth for parallel values. It will then be possible to talk of com-

mon principles, of shared values. Such values do exist in all our traditions in relation to certain notions of justice, of welfare, of the qualities of leadership. Of course, it is not enough to present them as general, abstract values. They should be given concrete meaning through application to the actual situation. This is where modern knowledge on social structures comes in. The "shared values" approach is important for it will be psychologically impossible for non-Muslims to identify with values which are articulated through the language and symbols of an Islamic tradition. Even if the values concerned are universal, it is going to be difficult for the non-Muslims if they are projected as Islamic values. Muslims will have the same problem of empathising with Hindu or Christian values, even if they are universal. After all the "shared values", "common principles" approach is compatible with Islam. There is, in fact, a Quranic exhortation on common principles between Muslims and non-Muslims.

Dr. Syed Husin Ali: They need not be presented only as Muslims or Islamic values, because they are values that are widely accepted.

Dr. Tan Chee Beng: If Islamic values are accepted in the same manner as the Christian and others, you would have more broad-based support.

Dr. Chandra: But we are not working towards that.

Dr. Syed Husin Ali: No, no, we are not because as I have just said those in power who are trying to promote this kind of thing believe that it can ultimately work against them.

Dr. Chandra: It is not just among the Muslims. Among the non-Muslims too it is the superficial, peripheral elements which are given greater attention.

8. Dr. Tan Chee Khoon: What has been the impact of the NEP upon ethnic relations? And will 1990 herald the beginning of better ethnic relations? Dr. Tan Chee Beng?

Dr. Tan Chee Beng: I will answer the first part first. The two main aims of NEP are eradication of poverty and the reduction of identification of economic function by ethnic groups. However the actual implementation causes quite a lot of discontent. The main weakness of NEP is that policies are made along the line of *bumiputra* and non-*bumiputra* ideology. NEP adopts the ethnic bloc approach, that is, it largely assumes that all Chinese are richer than the Malays and ignores the class difference within each ethnic group. So when the poor non-Malays see the richer Malays benefit from programmes designed for *bumiputra* only, they get frustrated

and express this in ethnic terms. As a result there is more and more thinking along the lines of *bumiputra* and non-*bumiputra*. Such policies may be acceptable if they were actually for the benefit of the poor among the *bumiputra*. Unfortunately, it is the middle and upper class Malays who benefit most from the pro-Malay policy under NEP. So how can we expect the so-called non-*bumiputra* to understand and accept that some ethnic discrimination is necessary in restructuring society? NEP ignores the class question and so it is unable to handle this problem. My answer to the second part is that although the NEP has achieved some success in increasing the socio-economic opportunities for the indigenous people, it has also caused more polarisation along ethnic lines. Of course, this has been made worse by the politics of ethnicity. I don't think the end of NEP in 1990 will herald the beginning of better ethnic relations unless the government clearly identifies ethnicism as a serious threat to national unity and find ways to overcome it. We cannot restructure our society along ethnic lines because this will lead to more ethnic polarisation. We have to solve our socio-economic problems of inequality through non-communal means. If we are concerned that there are more indigenous people, for example, who are poor, surely there must be ways we can introduce policies which will benefit the poor irrespective of race, giving benefit more to the indigenous than the others.

Dr. Tan Chee Khoo: Dr. Sanusi?

Dr. Sanusi Othman: Yes, I think NEP does not really tackle the crux of the problem. I think the poor people in the rural as well as urban areas are still poor and they have not benefited from the projects which have been implemented so far. There is discontentment among them. Their dissatisfaction can easily be exploited by politicians for their political purpose. The government in the implementation of the NEP seems to emphasise more restructuring of the society than eradication of poverty irrespective of race. Regarding the second section of the question, I don't think that by 1990 or after 1990 our country will have better ethnic relations even though the *bumiputra* might achieve the 30 percent target. Even if we achieve this, it won't affect ethnic relations because those who derive benefit from this are a small number from the upper and the middle classes. The poor remain poor. They have experienced little change in their position.

Dr. Syed Husin Ali: Well, as we already know, the two main objectives of NEP have been devised to achieve national unity. In fact the whole purpose of NEP has been to promote national unity. But

unfortunately, the NEP has not really forged national unity. It has created new problems which can result in national disunity. Let us take the question of reduction of poverty. There is no doubt there have been a lot of efforts to help the poor. I am not denying the fact that the Government is trying hard to improve the position of the poor. In a highly stratified society, there are certain groups which have economic and political power while there are others who do not have it. In any competition for resources, those who have economic and political power will certainly win. This is more true if the ideology or political system adopted by the society is based on capitalism. There is something inherent in capitalism which allows for exploitation that can widen the gap between the rich and the poor. As long as the society is stratified, a system which promotes free competition, such as that in capitalism, will only bring about greater inequity and more poverty. This is actually what is happening now. We know that although the majority of the poor in the villages and towns are improving socio-economically, they are still left far behind the rich who are improving at a very much faster rate. Unfortunately, discontentment of the poor may always be voiced in racial terms, thus rendering more acute the ethnic problem. As regards the restructuring of society, the concern seems to be more with the vertical kind of equity rather than horizontal. So in other words, the concern is less for the growing socio-economic gap between the rich and the poor than for more proportionate ethnic participation in business and industry; if there are so many non-Malay millionaires then let us have so many Malay millionaires. Of course this kind of restructuring is not going to solve the poverty problem. So long as the basic problems of poverty and inequality are not solved ethnic relations would remain a matter of concern. And what is worse is that in the implementation of the NEP objectives the ethnic element becomes dominant because as we have seen earlier the upper and middle classes make use of ethnic or communal appeals to further their class interests.

Dr. Chandra: If the first prong, the eradication of poverty, irrespective of ethnicity, had been emphasised, ethnic relations would possibly have been better. Instead the second prong, restructuring society to reduce the occupation - ethnicity equation, was given a particular twist which in turn has aggravated ethnic relations. As we have seen, the restructuring programme has been directed mainly towards the creation of a Malay middle and upper class to match

the existing non-Malay middle and upper class. Both these 'ethnic classes', we have argued, merely seek to perpetuate communalism for their own interests. Unless this ethnic-class structure can change, the chances are that the communal situation will get worse after 1990. Since both the Malay and non-Malay components of the middle and upper classes will want to preserve their power and privilege, they will manipulate the ethnic feelings of the masses to their advantage. Instead of ethnic restructuring, the government could have adopted a different approach. The real restructuring that post-colonial societies like ours need is a transfer in the ownership and control of natural resources, basic industries, the production system, the distribution network, the financial centres. It must be a transfer from the small groups to the majority.

Since fundamental restructuring of this sort will take time to bear fruits, we could, as a temporary measure, redress injustices in specific spheres by combining socio-economic considerations with merit. Let us take university recruitment. We need not have used ethnic quotas. We could look at performance and relate it to the socio-economic background of the applicant. Academic performance should not be the sole criterion for the simple reason that in many third world societies the consequences of uneven development during the colonial period tend to persist for a long time. Until the system as a whole becomes more equitable, socio-economic factors such as poverty, the environment, lack of access to educational facilities and so on should be given due consideration. However, the important thing is to minimise the influence of the ethnic factor. If we had restructured society in this manner we would have achieved a multi-ethnic mix in many sectors of the economy - without the pain and frustration generated by the NEP.

IV

9. Dr. Tan Chee Khoon: What are some of the specific tasks that can be undertaken immediately to arrest the increasing ethnic polarisation? What are some of the long-term measures in the quest for national unity? Dr. Chandra, would you care to lead off?

Dr. Chandra: I think the first task before the government is to recognise ethnic polarisation as a problem. Various leaders have denied there is growing polarisation in the country.

Dr. Tan Chee Khoon: Well, I have interviewed the PM, the Deputy PM and other leaders as well. When I interviewed the Deputy Prime Minister, who was at that time Minister of Education, he flatly denied that there was polarisation among university students. Yet if you go to any campus they tell you they are very concerned about polarisation.

Dr. Chandra: Because of this polarisation there is an urgent need to establish an autonomous Institute of Ethnic Relations. Actually, this is an old idea, suggested a number of times in the last 15 years. The Institute has to be autonomous so that it will not be beholden to government or any other group. It must have the freedom to study and analyse ethnic issues without interference from anyone. Its policy recommendations should be submitted direct to Parliament to be debated. Indeed, there must be much more public discussion on ethnic questions. For by keeping quiet, the ethnic problem is not going to disappear. Apart from research, it is also important to educate society. As I have already pointed out, stereotypes, prejudices and myths should be fought. Everyone should be involved in this struggle. The public should be informed for instance that 'Malay political power' is a myth. It is obvious that the interests of the vast majority of Malays who are rural and poor have not been given adequate protection. Similarly, the people should know that 'Chinese economic power' is also a myth because the vast majority of Chinese are employees, not employers, of capital.

Just as we demolish myths and prejudices, so should we make people aware of the historical and cultural background of the country and the realities of the multi-ethnic society that exists today. More important, all communities must be imbued with a profound consciousness of shared values and shared interests. These measures are possible if there is the political will on the part of our power-holders. Similarly, if our leaders had the courage they could, for a start, direct Bahasa-medium schools to cease differentiating children on the basis of ethnicity for non-Malay children who have been attending Bahasa medium schools since the implementation of the national education policy in 1970 are as fluent in the national language as their Malay friends. In some respect Malay is their first language. It would be traumatic to continue distinguishing them on an indigenous - non-indigenous basis. For, like the earlier *Babas* and *Nyonyas* and the localised non-Malay communities in Kelantan and Kedah, they have in a sense become indigenous. Their accommodation would be an

important step towards national integration. For this generation; there should be no ethnic obstacles when it comes to scholarships, university recruitment, employment opportunities and so on. A research institute, social education and non-differentiation of the post 1979 Bahasa-medium school generation, then, are some of the specific tasks that can be undertaken immediately.

In the long run, however, the resolution of our ethnic problems lies in the holistic transformation that all of us touched upon - in politics, in the economy, in culture. It would, in effect, be the transformation of man himself. What this means is that our liberation from communalism is only possible if there is the total liberation of the human being. This is what the progressive elements in all the great religious traditions are now beginning to discover.

Dr. Syed Husin Ali: Yes, I agree with the short-term measures suggested by Dr. Chandra. Certainly there is need for an independent institution that will be able to examine critically and scientifically the roots of ethnic problems. Beyond that, I think, a more democratic atmosphere should be generated. Such atmosphere would allow more free and sincere discussions and dialogues among the people and between government and the people, not only on the nature of ethnic relations as such but also on the alternative political, economic and social structures more favourable for national unity. There is genuine discontentment among various racial groups, but it is invariably expressed in racial terms. It is important to view them as genuine grievances that need to be tackled. They need to be aired and fully understood. The government cannot just shut itself up and deny any hearing to those who have grievances or worse still suppress them undemocratically.

As far as the problem of competition for university places, scholarships, licences and so forth, it is neither necessary nor wise to resolve them only on racial basis. Why not use another basis, for example, the socio-economic position of the people? Why not allocate university places more on the basis of the socio-economic background of the candidate rather than his ethnic background, provided the minimum academic qualifications are met? By providing more educational opportunity to the poor, we will be able to increase the number of Malays and at the same time satisfy non-Malays who are poor. There should be a new way of looking at the problem and a new approach to overcome it so that we are not strangled by the undesirable ethnic point of view.

Now as far as long-term measures are concerned, I think we have generally said in our discussion that there is an obvious need for comprehensive structural changes in the economic, political, social, educational and cultural spheres that can generate and foster national unity. There is no point in talking about national unity while implementing policies that are basically communal in outlook. There is need for the re-examination and alteration of some of our present policies which we inherited from the colonial past. It is important to bring about structural change in our social system. We cannot just say that only the individual must change. Of course, we can hope for people to improve their economic status through hard work and by changing their attitude towards work. But if socio-economic differences are great and the system is competitive, then naturally those in advantageous position can improve more. The majority, who are disadvantaged, can achieve very little. Of course, man is an important factor, but it is the structure of the society which is more crucial in determining whether a large sector of society can be relieved from poverty and whether greater equality and justice can be made available to the majority of the people.

Dr. Sanusi: May I add one or two points to what Dr. Chandra and Dr. Syed have already said. We accept that our country faces serious problems of ethnic relations. But, we are not allowed to discuss them openly. Since we have passed the sensitive issues legislation in Parliament, some issues which are closely related to the problem cannot be discussed in public as well as in Parliament. I agree with Dr. Syed Husin that we need more open dialogue in order to understand the problems we are facing. Once we know the problems only then can we find the solutions to them.

My second point is that our political leaders should be more dedicated and more committed to achieving national unity and not just pay lip service. They must try to work out concrete plans. Our leaders can also play a very important role in correcting some negative stereotypes or attitudes among our people. For example, we always hear that the economy of the country is in the hands of the non-Malays, especially the Chinese, while political power lies in the hands of the Malays. This is definitely not true. Our leaders should expose and explain the real situation so that there is no misunderstanding among people regarding these issues.

And as far as long-term measures are concerned I agree with Dr. Syed and Dr. Chandra that if we think that our present system and

policies cannot solve the problems which we are facing, it is high time that we think of other systems which can be implemented to achieve our aims and our targets.

Dr. Tan Chee Beng: I think the two main sources of polarisation in our country are the one arising from the political and economic structures and the other promoted by the racial ideology, the communal thinking itself. I agree with Dr. Chandra that in the short run we should first identify the problems. But there is no clear boundary between the short-term and the long-term because we are trying to change the system and it takes a long time. I just want to add one point which we haven't discussed specifically yet and which I think is important. Eventually if we really want to achieve integration, the present policy of *bumiputra* and non-*bumiputra* distinction must be removed. As long as there exists this kind of division based on ethnic lines we can never achieve integration. It is impossible.

Dr. Tan Chee Khoon: Now as all of us know, the government has a National Unity Board which seeks to study problems of race and national unity. Unfortunately, although that Board has some very good members nothing really concrete or worthwhile has come out of it. Basically the problem is that the government wants safe people, safe in the sense that they would not rock the boat. You must have people who are prepared to talk the unpleasant truth to the government and the government must be willing to take cognizance of it otherwise we have to pay a terrible price. You must have as head of that board somebody who has the trust of both the intellectuals and the masses not some politician who is hardly known beyond his own circles. So putting a safe person there is doing the government and the people disservice. They are not taking the problems seriously. This is one of the points.

The other one is that we must start with the schools. If as is evident from my interviews with the bigwigs, they want to bury their heads in the sand, ostrich-like fashion, and refuse to recognise that there is polarisation in our universities, schools etc, then I don't see how we can ever solve any problem. The young child very soon finds out that he is discriminated against on the basis of race. Once he begins to feel that way, no amount of brain-washing later on will correct that idea. So we must foster multi-racialism in schools and universities. But the few contacts that I have with students tell me unfortunately that the converse is true. They come and tell me: "Dr,

you see there are only so many books and they are reserved for one group. There are no books for us. I can't get them." It is things like these that make them very bitter. I entirely agree with the speakers that there are other ways of solving our problems. The basis of assistance should be need rather than race. I remember many a time in the Dewan Rakyat I had raised the question: "Why should the children of ministers and top civil servants earning many thousands of dollars be sent abroad at state expense?" The rich often secure financial aid to send their children for further studies while the children of the poor are denied such assistance.

THE RISE OF A MALAY UPPER AND MIDDLE CLASS SINCE WORLD WAR II

Before World War II, the peoples of Malaya were all subjects of the British Raj. The Chinese were brought to work in tin mines and the Indians in rubber estates as well as the lowest rungs of the bureaucracy. The peoples of Malaya, like the colonial subjects the world over, were literally made to be hewers of wood and drawers of water. During two World Wars, the peoples of Malaya not only gave financial support to Britain but also provided the sinews of war, the most important being rubber and tin. The British and the other *Orang Putih* occupied all the top jobs in both the public and private sectors. They were the Upper Class, the Heaven Born, who drank whisky and *stengahs* at the Spotted Dog, now the Selangor Club. Very few locals, however high-born or well educated, were admitted or welcomed into their ranks.

Towards the beginning of the outbreak of World War II in Europe in 1939 and later after the end of the war itself in 1945, some attempts were made by the British to open the upper echelons of the civil service to Malay aristocracy and selected Malays who had either studied abroad or passed through the portals of the Malay College at Kuala Kangsar. As such, it was futile to talk of a Malay upper and middle class either before World War II or in the immediate post war years.

The Chinese in fact were much better off in this respect. Some of them had made good in tin mines and rubber estates and in

business and had become rich. Quite a number of them had moved into commerce and industry. A good many had the foresight to send their children for higher studies either in Singapore or abroad. And when the younger generation returned, they entered into professions and business, even politics. The rise of the *nouveau riche* amongst the Chinese was much easier than amongst the Malays and the Indians. But success was not handed to them on a platter nor was it easy for the Chinese to succeed. It was often a tale of self-sacrifice on the part of both the parents and their children - hard work, sweat and toil and even tears before they could succeed.

In the case of the Indians brought up in the environment of a rubber estate, they had little chance to get a good education. But as I mentioned before, they had succeeded in getting into the lower rungs of the civil service. They too made the best use of the opportunities that were open to them to give their children the best tertiary education available before World War II and in the immediate post war years. Thus we saw a good number of Indians entering the professions. The Indians, however, did not move into business in as large numbers as they would have liked. Many Indians, however, made good in business.

The Malays lagged behind the other two communities in business. This may be difficult for the present generation of Malaysians to understand. I will not say that the British deliberately sought to keep the Malays out of business. They did not, but at the same time it must be said that they did not actively encourage the Malays to go into business.

The whites dominated all the business houses and because they did not want to soil their hands, they allowed the local people to dominate the retail trade. The Chinese and the Indians, especially, the former made full use of the opportunities open to them. Somehow the Malays lagged behind the other two communities.

One explanation was to be found in the opportunities for education. The Malays lived mainly in the rural areas, where they still do to this day. In the rural areas, education was restricted to the primary level and so Malay education before World War II was confined only to the study of the 3Rs. It would appear that the British deliberately confined the majority of the Malays to a primary education. One high British official was reputed to have stated that the Malays would be happier that way and that education would "spoil" the Malays. Of course, we know that education is the key to success in life and

that after *Merdeka*, and particularly after May 1969, the Government took massive steps to increase educational facilities for the Malays all the way from the primary level in the rural areas to the university in the city. In the urban centres, the British provided both primary and secondary education with English as the medium of instruction. Not many Malays went to English schools. Most of them born in the rural areas dropped out after primary school. The Chinese and the Indians, on the other hand, made better use of the educational opportunities in the urban centres. In the rural areas where there was a paucity of government schools, the Chinese built and maintained their own primary schools. In time they opened secondary schools as well. The Indians in the rural areas were worse off than the Malays as there were very few Tamil primary schools before World War II and in the immediate post war years.

Thus we see that the Malays lagged far behind the Chinese and Indians educationally. This has had a big influence on their lack of substantial participation in business. I must, however, add that although education is important it is not a *sine qua non* of success in business. One has only to read of the success stories of Chinese businessmen who became millionaires but were virtually illiterate. And so by the time of the immediate post war years, there was the *Orang Putih* upper class and a small middle class made up mainly of Chinese and Indians with a sprinkling of Malays. The bulk of the population formed the working class who enjoyed a status little better than serfs. But the Federation of Malaya Agreement of 1948, followed nine years later by independence in 1957, changed the power structure and with it the social structure of Malaya. The Malays found that they had political power and naturally they used it to improve their economic position as well. A Rural and Industrial Development Authority was set up with Datuk Onn as Chairman. It was created before *Merdeka* to improve the economic status of the Malays and when it did not quite achieve its objective, it was replaced by MARA. Then to give Malaysians, especially the Malays, a stake in the land, the Federal Land Development Authority was created. After some early teething troubles, it has now opened up hundreds of thousands of acres of virgin land for rubber, oil palm and fruit. The Government also created RISDA to help the smallholder to replant rubber, oil palm, cocoa etc, MAJUIKAN to help fishermen and Lembaga Padi Negara to assist the padi farmers of this country. Added to these, each state government had set up its own State Economic

Development Corporation, with its subsidiaries, to help the *bumiputra* in business. May 1969 was the watershed in respect of efforts by State and Federal governments to assist the *bumiputra*. Up to that time the governments were self-satisfied and complacent about the standard of living of the *bumiputra*. It is an impressive list of corporations for the *bumiputra*. But over the years since *Merdeka*, the Central Government had made many promises to the *bumiputra* which unfortunately were not fulfilled. All that the government had succeeded in creating was a small upper and middle class of *nouveau riche* while the bulk of the population continued to wallow in poverty. The result was that the frustrations of the Malays burst out in the explosion that occurred on 13 May 1969.

After that explosion, the government took urgent steps to fulfil the hopes and aspirations of the *bumiputra*, mainly the Malays. Thus was born the New Economic Policy. Today more than a decade after the launching of the NEP every Malaysian agrees with its twin objectives of the eradication of poverty, irrespective of race, and restructuring Malaysian society to reduce and eventually eliminate the identification of race with economic function. Unfortunately the NEP was launched with emphasis on race. Thus the eradication of poverty was to be achieved along vertical, racial lines, instead of horizontal class lines. In the case of poverty, if aid was given on the basis of need, the poor, irrespective of race, would naturally have secured the highest priority. Since the *bumiputra* formed a large part of the poor, naturally much of the aid would go to them. But under that approach, the poor of other races, namely the Chinese and Indians, would not have been forgotten or neglected. If this approach had been adopted at the beginning of the NEP, much of the inter-ethnic disharmony that exists today would have been avoided.

Under NEP, training and tertiary education was made available to vast numbers of *bumiputra*. After graduation they went into the civil service and the professions, even into business. Thus the post May 13 era, saw the rapid rise of a Malay upper and middle class. This coincided with a rapid rise in economic growth and prosperity. The rapid expansion of our economy could cater for the large number of the *bumiputra* entering the labour market. But now that the economic cake is not expanding as fast as during the last decade, we will be lucky if we can maintain the position.

As a result, the intra-ethnic struggle amongst the *bumiputra* at the top will become fiercer as the years go by and the economy will

not recover. As the top positions in all fields, civil service, professions, business, and politics, become filled up it will be more difficult for the Malays to get to the top than in the early post *Merdeka* years. As the plums become fewer the fight for them will be fiercer.

In the early years of our independence, it was fairly easy for the Malays to make good in life and rise to the top. But now with so many qualified Malays entering the labour market the struggle to reach the top, whether in the private or the public sector, is becoming increasingly intense. I will not say that the opportunities have dried up, they are still there, only they are fewer and the going is harder. In fact, with the NEP in full swing and a substantial expansion in educational facilities, some people argue that opportunities have increased. One has only to glance at our newspapers to see the number of Malays who have made it good in business, big and small. But that does not solve the problem of poverty in this country. I would not grudge the success of the government in creating a Malay upper and middle class provided it had at the same time eradicated poverty amongst the working class.

In the past the Malay upper and middle class arose from the ranks of the traditional aristocracy. Now it is based on those who are close to the ruling group. It may well be that a new form of nepotism is emerging! Despite the injection of billions of dollars and a multiplicity of schemes, there is no denying the hard fact that the rubber tapper, the padi farmer and the fisherman today are not too much better off than they were during the *Merdeka* era, twenty-five years ago. I will readily concede that village roads are better, rural electrification has brightened up their homes, and water taps have replaced wells, but in terms of real income they are not much better off than in 1957. They see the political and financial elites getting all the plums, while they are left by the wayside. They are asking what price *Merdeka* and the NEP? When there is restructuring of a big company, the rich Malay gets richer while the poor one remains unaffected. This creates a gap between the haves and the have nots in the Malay community. This gap is getting bigger with each passing year and in the end it could lead to an explosion. The rise of the Malay upper and middle class has also accentuated the inter-ethnic differences and brought them into conflict with their counterparts amongst the Chinese and the Indians. However the inter-ethnic differences among the working class of the three main communities have not been affected. When you share the common miseries of poverty and ex-

plotation, there is not much time to dwell on one's differences. They remain preoccupied with their struggle for survival. The Government should concentrate more of its energies on the eradication of poverty of all races and less on the creation of the Malay upper and middle class.

WHAT PRICE LOYALTY?

On Sunday, 3 October 1982, the Deputy Prime Minister and at that time Acting Prime Minister, Datuk Musa Hitam while opening the 30th MCA General Assembly made the charge that some Malaysians of Chinese origin are not all that loyal to their country. He called on all Malaysians and the Chinese in particular to be loyal to Malaysia. It is regrettable that Datuk Musa Hitam should revive the question of loyalty of the Chinese after this matter had died down for the last two decades. It must be admitted that before and after World War II the immigrant Chinese came to this country mainly to make money and they sought only temporary sojourn in this country. Many would go back to China to marry Chinese wives. And when they deemed it was time for them to retire, they went back so that they could die and be buried in their villages in China. But the conquest of China by the Communist Party of China coupled with the strict immigration laws in this country changed all that. The arrival of immigrant Chinese dwindled to a trickle and soon stopped altogether. Datuk Musa Hitam himself has stated that the Chinese are essentially a realistic and pragmatic people. They soon realised that they must be loyal to the country of their adoption and I dare say that today practically all of them are loyal to Malaysia. The overwhelming majority are born and bred in this country and know no other country but this. This country is theirs by birth-right



The Star

Datuk Musa Hitam

and not by adoption.

In a country with a polygot population it takes time to forge unity, loyalty and understanding. Datuk Musa Hitam himself admits this and I shall touch on it soon. What has drawn the ire of Datuk Musa Hitam is "that though these people pledge loyalty to this nation, at the same time they smear the administrative system, the legislature and the policies of Malaysia. This prejudice gains currency because they are Malaysians who incessantly talk of their undivided loyalty but act as thorns in the flesh, as enemies from within. They stab us from the back." He was particularly severe on those who have emigrated from this country to the four corners of the earth and since they are mainly Chinese he has adduced this as an evidence of the disloyalty of the Chinese.

Let us examine loyalty to King and Country, to the Government of the day and finally to the Ruling Party. There is no doubt that every Malaysian must be loyal to King and Country and as Datuk Musa Hitam quite rightly pointed out be prepared to die in the defence of the country if necessary. But those who in their youth express contrary opinions may not necessarily turn out to be disloyal to their country. I am reminded of the fact that in the late twenties the students of Cambridge University passed a resolution that they would not fight for King and Country in the event of any future war. Yet when World War II broke out the students of Cambridge and indeed the youth of the whole of Great Britain volunteered in their thousands to serve in the armed forces and thousands of them made the supreme sacrifice for their King and Country.

Now about loyalty to the government of the day. In a parliamentary democracy, as we profess to practice, it is the duty of the opposition to criticise and when the opportunity presents, to bring down the government by a vote of no-confidence in Parliament. The latest example is what happened in the Bundestag of West Germany. There the Christian Democratic Union, led by Helmut Kohl, combined with Free Democrat Party, to vote the Social Democrats, led by ex-chancellor Helmut Schimdt, out of office. Helmut Kohl is now the new chancellor of West Germany. Does that make Kohl disloyal to the previous Government? I say that anyone who believes in parliamentary democracy must answer with a loud NO for it is the bounden duty of the party or parties in opposition to bring down the government of the day by a vote of no-confidence in Parliament. Only members of the ruling party owe loyalty to the Government,

and both the ruling party and the opposition owe their loyalty alone to the King, the Head of State.

It is the members of the ruling party who should be loyal to their party. There is no reason why the rest of the population, particularly those in the opposition, should be loyal to the ruling party. The trouble is that some members of the Cabinet confuse loyalty to King and Country and equate it with loyalty to the government and to the ruling party. If one is not loyal to the government and to the ruling party, it does not make one a disloyal citizen. In this country, first the Alliance, and later its successor the Barisan Nasional, has been in power since 1955 when the first partially-elected Parliament came into power. Until very recently, the ruling party has been intolerant of criticism, dissent or opposition. It was only with the advent of the 2M administration that the government's tight hold on the mass media was relaxed a little. But then comes this charge of disloyalty amongst the Chinese by Datuk Musa Hitam himself.

Take my own case, for example. I make no bones of the fact that I am an opposition man and will not support the ruling party. But if the government invites me to serve on its statutory bodies or I get elected to them, I would serve them loyally and I have done so in the past. Nobody can doubt my complete loyalty to King and Country. My opposition of the ruling party does not make me a disloyal citizen.

Datuk Musa Hitam himself is aware that to secure loyalty from every resident in Malaysia is impossible. He said that and I quote: "If we want full satisfaction as a condition for loyalty, then this loyalty would never be found in Malaysia. This is because it is impossible for all social strata in this country to achieve total satisfaction. The Malay community will always be dissatisfied with many things. The Chinese will continue to be dissatisfied as a result of certain factors. The Indians too, will be dissatisfied with certain policies and issues etc." And if people are dissatisfied with the way things are being run or done in this country, it is only right for them to voice their dissatisfaction in our newspapers and in Parliament, through representatives of the opposition as well as some of the more courageous government backbenchers. And yet when these dissatisfied people voice their dissatisfaction, Datuk Musa Hitam hits out at them. He has said and I quote once again: "though these people pledge loyalty to this nation, at the same time they smear the administrative system, the legislature and the policies of Malaysia."

If the Government holds the same views as Datuk Musa Hitam on the matter of criticism of the government it means that there is no room for dissent in this country. The right to dissent is fundamental to parliamentary democracy which we profess to practice. Does Datuk Musa Hitam want most Malaysians to see no evil, hear no evil and speak no evil? In other words does he want most Malaysians to be deaf and dumb as regards their problems? If so, very soon we will be a nation of robots. Datuk Musa Hitam then went on to castigate Malaysians who emigrate from this country and who blacken the fair name of Malaysia abroad. As most of these emigrants are Chinese he reserved his ire specially for the Chinese and accused them of being disloyal and stabbing Malaysia in the back. While it is true that the bulk of these emigrants are Chinese, it must be pointed out that there is a considerable number of Indians, Eurasians and even Malays who have emigrated from this country to the four corners of the earth.

Why should these people leave this country, uproot themselves lock stock and barrel and start life anew in a foreign country? Most of them are professionals and they had a very comfortable living in this country and yet they were prepared to give all that up and face the unknown in a foreign country. Why? I have talked with many of them in the countries where they live now and I was told that the main reason was that they were concerned about the education of their children. They were afraid that when the time came for their children to enter our universities, they would find it difficult to secure places. When I interviewed the Prime Minister, Datuk Seri Dr. Mahathir, I asked him about the emigration of Malaysians and he commented that emigration takes place all over the world. People from the USA emigrate to Canada and *vice versa*. The citizens of the United Kingdom emigrated to Australia, Canada and USA etc. When I was in New Zealand last year, I found that some of the professionals there were emigrating to Australia. And this takes place in all advanced countries. But I have not heard of these emigrants being branded as being disloyal to their country of origin. These people are dissatisfied with the conditions in their country and as such they easily voice their unhappiness. Normally it is not proper for Malaysians to voice their dissatisfaction to a foreign audience abroad but sometimes one is forced to do so. Take the matter of human rights. Years ago a group of us wanted to form an association to fight for human rights in this country but we were denied registra-

tion when the application was made. When we wanted to hold a meeting to discuss human rights we were denied a police permit. Under the circumstances, it is understandable that some of these ex-Malaysians who have emigrated from this country and gone abroad became bitter critics of the government, particularly on the issue of human rights. They tend to do so as they were denied the opportunity in this country. And some of the bitterest critics in this category are not Chinese but Malays. As I have stated before, and I reiterate it again, it is not proper to criticise one's own country before a foreign audience abroad. If one has any quarrel with the government one should thrash it out locally and not wash dirty linen abroad.

The Government should have a closer look at its own policies and its performance to see what is it that causes Malaysians to emigrate. But as Datuk Musa Hitam quite rightly pointed out it cannot satisfy everyone and let us face it whatever the government does to remedy the situation, some Malaysians will still continue to emigrate. And not all these emigrants can be labelled as disloyal just because they emigrate.

Dissent and the right to complain is the inalienable right of every citizen in this country or any other country that practices parliamentary democracy. It is only in a totalitarian country, whether of the right or of the left, that all forms of dissent is ruthlessly stamped out.

The government must always remember that just as there is His Majesty's government, there is also His Majesty's loyal opposition under our constitution. Perhaps we need a peaceful change of government to occur in this country at regular intervals so that those in office can be reminded that they are only temporary holders of that office.

THE *ORANG ASLI* OF MALAYSIA AND MODERNIZATION

The *Orang Asli* of Malaysia, the *Bumiputra Tulin*, numbered 53,000 in 1970. In 1980 they probably numbered 65,000. They consist of three main groups, namely the Senoi, who according to the 1970 census numbered 30,324 and live mainly in Perak, Pahang and Kelantan. The Senoi includes several tribal groups, such as Semai, Temiar and Jah Hut. The next main group consists of the Proto-Malays who in 1970 numbered 21,000 and live mainly in Pahang, Selangor, Negeri Sembilan and Johore. The chief tribal groups amongst them are Jakuns, Temuan and Semalai. The smallest of the groups consists of the Negritos who live mostly in Perak and Kelantan.

About 60 percent of the *Orang Asli* live in the deep jungle and the remainder in the more accessible coastal and rural areas. With the passage of years more and more of them have left the deep jungle and settled in the rural and more accessible areas. Most of them are engaged in shifting cultivation, fishing, hunting, gathering of jungle produce and they lead a level of existence which is below the poverty line.

The *Orang Asli* are divided into a great number of different tribal groups. They have little contact with each other and they differ from each other culturally and linguistically. There are also differences in respect of economic and social advancement. But one thing common to all of them is that they are all poorer than their

fellow Malaysian citizens. The majority of the *Orang Asli* are well aware of this and they want the government to correct and redress these economic, educational and social imbalances that exist between them and their fellow Malaysian citizens. They welcome social change.

At the same time, they want to retain some of their customs and ways of life. Every attempt must be made by the Jabatan Hal Ehwal Orang Asli to help them to retain the better aspects of their heritage. Some of them lead a nomadic life and it would be unfortunate if they were hustled away from their natural habitat.

Let us examine what has been provided for them in the three Malaysian Plans that have been implemented. Let us take the First Malaysian Plan first. There is only a passing reference to the "Aborigines" in the plan and an allocation of \$3.8 million out of a public sector allocation of \$4,550 million. In the previous five years, from 1960-65, a mere \$2.5 million was provided for them. The aim of the allocation was to integrate the *Orang Asli* into the main stream economic and social life of this country. It was hoped that the *Orang Asli* would be persuaded to change to a more settled way of life and thereby raise their standard of living. I say that the allocation of \$3.8 million out of a total of \$4,550 million was inadequate. It is however to the credit of the Alliance government that \$4.9 million was actually spent on the welfare of the *Orang Asli* as opposed to the First Malaysian Plan allocation of \$3.8 million.

In the Second Malaysian Plan there was again a very brief reference to the "Aborigines". This time there was an allocation of \$7.38 million for Peninsular Malaysia. But this time the plan included new land development and self-help schemes and it provided money for improved education and health facilities. It should be kept in mind that this plan saw the birth of New Economic Policy geared to redress the economic and educational imbalances that existed in our country then. The *bumiputra* were promised that in 20 years, by 1990, they would own 30 percent of the corporate sector whereas in 1970 they owned only 1.6 percent. To quote the Second Malaysian Plan itself, it envisaged "the creation of a Malay commercial and industrial community in all categories and at all levels of operation so that Malays and other indigenous people will become full partners in all respects of the economic life of the nation." As I have mentioned before, the only reference to the "aborigines" can be found on page 261 which provided for an allocation of \$7.38 million, later revised to

\$7.50 million for the "aborigines". There was a plethora of schemes for the improvement of the *bumiputra* but there were very few schemes specifically designed for the upliftment of the *Orang Asli*. Why this discrimination and neglect of the *Orang Asli*, the *Bumiputra Tulin* of our country?

Let us have a look at what the Third Malaysian Plan has in store for the *Orang Asli*. Chapter IX deals with Poverty Eradication and Racial Economic Balance and Section IV sets out the various poverty groups. These include rubber smallholders, padi farmers, coconut smallholders, fishermen, estate workers, residents of New Villages, agricultural labourers, etc., but I regret to say that not a word is said about the poorest of them all - the *Orang Asli*.

Fortunately, the section on the Redressal of Rural Poverty seeks to integrate the *Orang Asli* into the mainstream of the economy. The major thrust would be on the extension of educational and training facilities, improvement of health services and opening of land settlement schemes in reserves. There are also schemes for the cultivation of rubber and coconut and other cash crops such as tapioca, bananas, vegetables and fruits.

For all these a sum of \$22 million has been allocated under the third plan. All these schemes seem very attractive on paper but have the *Orang Asli* really benefited substantially from the increased allocations and from the schemes? Some progress has been made in the quality of life for the *Orang Asli* but as for improvements in standards of living not much has been achieved. Of them it can still be said that the majority still *kais pagi makan pagi, kais petang makan petang*. The plan is fast drawing to a close and the *Orang Asli* remain much the same as in 1966 when the First Malaysian Plan was launched. Their standard of living has not improved much. In fact with inflation the little money that they earn today can buy less of some of the necessities of life that they have to buy from the outside world.

I shall now set out some of the main grievances of the *Orang Asli*. First they do not have anyone to articulate their needs and aspirations. True, they have a representative in the Dewan Negara but as far as I can see he has not spoken out loud and bold on behalf of his fellow *Orang Asli*. He is conspicuous by his silence and has served only to warm his seat in the Dewan Negara. None of the *Orang Asli* I have spoken to know who he is - neither do I.

The *Orang Asli* do not look to the Jabatan Hal Ehwal Orang Asli

as a friend to whom they can turn to when they have any problems. This is not surprising seeing that both the federal and state offices of the department are staffed almost entirely by Malays and there are very few *Orang Asli* in these offices. A few of them are to be found in the ranks of Division IV. Being isolated from the outside world, they regard all other fellow Malaysians, be they Malays, Chinese or Indians, as *orang asing*.

The question to be asked is this: 23 years after independence why is it that not a single *Orang Asli* has been prepared for a senior position in the Jabatan Hal Ehwal Orang Asli? At this stage of their development they do not ask to take over as head of that department. Experience of recent years has shown that given educational training and opportunity the *Orang Asli* can do as well as anyone else. Why has this not been done?

They do not ask to be given a share of the 30 percent of the corporate sector that the other *bumiputra* have claimed. They do not ask that they should be able to go about in Mercedes Benz. It is a scandalous state of affairs that 23 years after independence the *Orang Asli* have not been prepared to take a more meaningful role in the socio-economic life of our country.

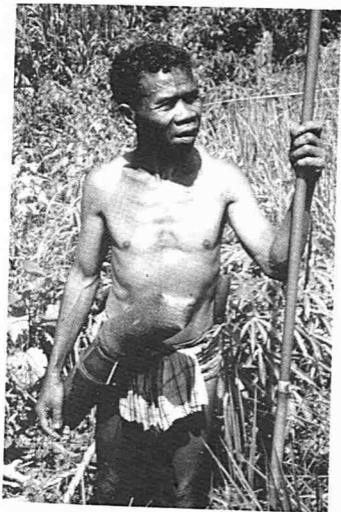
Kuasa rights given to them by the Sultans in some states have been slowly eroded by FELDA and by Malays who have settled in land reserved for the *Orang Asli*. What has the Jabatan Hal Ehwal Orang Asli done to preserve *Kuasa* rights of the *Orang Asli*?

From time to time the affairs of the *Orang Asli* have attracted the attention of UMNO backbenchers and PAS members in the Dewan Rakyat. Unfortunately, practically all of them are mainly concerned with feeding the *Orang Asli* with massive doses of Islam as a solution to their problems. They seem to want to use Islam as an opiate to dull the senses of the *Orang Asli* so that they need not ask for any improvement in their socio-economic status.

One exception is Datuk Raja Nong Chik, the former member for Kuala Selangor, and now a Senator, who has spoken and often asked the Government to improve the standard of living of the *Orang Asli*. He was genuinely keen to eradicate poverty that exists among the *Orang Asli*.

Time and again I have called on the government to take effective measures to improve the educational and health facilities as well as the overall standard of living of the *Orang Asli*. We should not treat the *Orang Asli*, the true sons of the soil in this country, as

museum pieces. When tourists come, we show them around saying, "These are the huts where they stay; they stay up in the trees." I think we should be thoroughly ashamed of showing the foreigners these primitive modes of living amongst the *Orang Asli*.



An Orang Asli

INSIDE 'HELL' ESTATE'



WOMAN: WE WERE BEATEN AND LOCKED IN CHICKEN COOPS

By P.K. KATHARASON and
A. BANGAROO

KUALA LUMPUR, Fri. —
About 40 labourers, including
being harshly treated and
worked without pay in an
oil palm scheme close to the
thick jungle of the Pahang-
Johore border.

One of the women, 13-year-old
Sarasuathiamal, ran away
in the scheme in Pahang

and sometimes locked in chicken
coops.

"At times, we were not given
enough to eat and when we needed
more, our boss or the managers will
beat us," she said. The workers were
also provided sampu by their employ-

ers.
She said none of them, including
children, could leave the scheme
which was being developed for FELDA
settlers of Pahang Tenggara.

Sarasuathiamal has lodged a report
with the Legal Aid Bureau and
sought its help to get her three-year-
old daughter out of the estate.
On Friday, Federal Counsel Yeo
Mohamed Saifuddin, Johore Bar
lecturer P. Raju and Yeo Lim

satisfied that the workers were
ill-treated.

They have submitted a report
to their investigations to the barrister-at-
law, Cik Nuan Fuzidah Ibrahim,
who said that the report would be
made public tomorrow.

The bureau has lodged a report
with the Bukit Iban and
Kerang and has also sent a
letter to the Welfare and Labour Department.

Cik Nuan Fuzidah said today
criminal division's report confirms the
allegations of ill-treatment of the
workers in the scheme.

The workers are employed by
contractors who has obtained the con-
tract from Pahang Tenggara
Sarasuathiamal, who

HELL AT SELANCAR EMPAT ESTATE

On 2 July 1983 the story of Hell at Selancar Empat Estate broke in *The Star* and since then the story has hogged the headlines of Malaysian newspapers almost everyday. The story that broke in *The Star* was revealed by Madam Saresuathiamal who had managed to run away from the "Hell Estate" after she had been sent to the T.B. Hospital for treatment. The workers of Selancar Empat and Tiga Estates had been employed by a contractor to clear the jungle for the Pahang Tenggara Felda Scheme. It is located on the Segamat-Kuantan highway on the Pahang side of the border. In conditions of near slavery the workers, their wives and children had been exploited by the sub-contractor. The workers had been employed on contract to clear virgin forest, get rid of the weeds, plant the young oil palm seedlings, and hand over the estate to the settlers when the oil palm is mature. The workers had alleged that they had not been paid their wages, had to work from dawn to dusk, been confined to the estate against their will and both adults and children had been tortured. Practically every rule in the book had been infringed by the sub-contractor but it is amazing how he had not been uncovered by the authorities for four long years until the story broke in *The Star*. To me it was not so much the Hell at Selancar Empat but the reaction by certain people connected with the scheme that is significant.

Felda has earned international and national awards and justifiably so. Hence the way the Felda reacted to the news has come as a surprise to many and to those with a social conscience it is a matter of concern. When the news broke, like Pontius Pilate, Felda washed its hands of the whole sad episode with the amazing statement, "The contractor engages the workers, it does not concern Felda staff at all." If Felda had admitted that no one had complained to Felda about the Hell at Selancar Empat and so it was completely ignorant of the conditions, then at least it would not have been so bad. But the sanctimonious attitude taken by Felda has outraged the feelings of many in this country and has become a source of concern to many more. If Felda can be so callous over the plight of its workers whether on its payroll or on contract what hope for social justice has its workers? Is Felda prepared to ride on to prosperity on the sweat and toil and tears and in this case even blood of workers who have to toil in conditions akin to those of slavery? I would have hoped that Felda would have shown more concern over the working conditions of its workers whether on contract or not. The reaction of Datuk Rais Yatim, the Minister of Land and Regional Development, whose portfolio includes Felda, is more fruitful and helpful. He stated that Felda would have to re-examine its contract system so as to eliminate the exploitation of workers working indirectly for Felda. While I agree with Datuk Rais Yatim that Felda cannot be expected to detect every infringement of the Employment Ordinance yet it cannot absolve itself completely of all responsibility for exploitation of contract workers who work on Felda Scheme. Worse still it should not show that it is insensitive to the plight of workers.

The Labour Department too must share a large part of the blame. With the vast machinery at its disposal it has been slow to react even after the story broke in *The Star* on 2 July 1983. What has the enforcement section of the Labour Department been doing during the four years that the Hell Estate has been in existence? One would have hoped that the Labour Department would react with greater alacrity and investigate fully the exploitation of the workers and submit a report to their headquarters. As it is the Labour Department took their own sweet time to investigate and submit their report. If the Labour Department is to gain the trust and co-operation of the workers of this country its enforcement agency must not go to sleep but must be alert to ferret out abuses and exploitation of workers

in this country.

In the midst of the concern for the plight of workers of Selancar, it was unfortunate that the Chief Police Officer of Pahang, Syed Mohamed Noor Khamis, on 14 July 1983 said that after a thorough investigation, lasting for six hours, the police could find no evidence of criminal wrongdoing. This has outraged the feelings of those who felt sorry for and had worked hard for the rehabilitation of the workers of Selancar. For once I saw the Malaysian Indian Congress and the Democratic Action Party working in unison. The MIC President, Datuk Samy Vellu, has called that statement "irresponsible" and the DAP has labelled it as "scandalous". For good measure the DAP promptly took four workers to Melaka to lodge a police report. Since then the Chief Police Officer has back-pedalled a bit and has explained that he has been misunderstood. The investigation has not been completed and in fact is still going on and hence it is premature to come to a definite conclusion. But what must be of interest to the Inspector General of Police and the Minister of Home Affairs is the security aspect of the affair. If it had been a Malayan Communist Party camp working under civilian cover and was left untouched by the police for 4 long years? This must be a worrying matter to the higher ups.

The army, unlike the police, range deep into the jungle to ferret out the MCP and came into contact with Selancar Empat. According to Major General N. Selvarajah of the Fourth Division based in Pahang, units of the army came across the Hell Estate and reported conditions on the estate to the Pahang Police as early as March this year. But from the look of things the police did not act on the army report. This is a sad dereliction of duty which I hope the higher ups will investigate.

The MIC forgot about their squabbles, suspensions and sackings and acted with commendable speed once the story broke in *The Star*. The whole party machinery was directed towards Selancar Empat Estate and the entire party leadership descended on the workers who must have been bewildered by the attention paid to them by the party and the mass media. One of the earliest to visit the estate was Encik S. Subramaniam, the Deputy Minister of Housing and Local Government and Deputy President of MIC. His constituency is in Segamat which is just south of Keratong. Then the MIC President Datuk Samy Vellu paid visits to the estate and promised that the whole weight of the MIC would be used to mount



The dwellings of the labourers of Selancar Empat

a rescue operation. He kept his word, for within a week the MIC had found a new haven for the workers in an oil palm estate in Kemaman. After that MIC lawyers, doctors and welfare workers arrived at Selancar bringing gifts in the form of clothes and food. As the workers admitted they had not seen so much good food and new clothes in the past.

To me one of the more pleasing side effects of the Selancar affair is the stand taken by UMNO. The party's labour bureau chairman, Datuk Hj. Suhaimi Kamaruddin, described the exploitation of the Selancar Hell Estate workers as "despicable" and contrary to the New Economic Policy. He continued and I quote: "I am surprised that such 'slave camps' exist in this country. If there is one there could very well be more which we haven't heard of." I have often clashed with Datuk Hj. Suhaimi in the past but I wish to congratulate him on the stand he had taken in this issue. It cuts across racial lines and augers well for the future of this country.

One of the reasons why the sub-contractor has been able to exploit the workers for as long as four years is the fact that most of them have only red identity cards and live in fear that they will not be able to get a job outside of their estate. They, of course, cannot be expected to know that for the kind of job that they did for the sub-contractor they could easily have secured a work permit from the Labour Department. Most of these workers, I am sure, have been born in this country but because their parents were not citizens or were late in registering their births they now possess red identity cards, to be treated like aliens in the land of their birth. There must be tens of thousands of such people in this country who are stateless in the land of their birth and who are treated as aliens and are easily exploited by people like the sub-contractor of Selancar Empat Estate. I call on the government to pass a law making it possible for people born in this country, and who have proof of it and who have lived in this country for at least two decades, to automatically qualify for citizenship.

Soon after the Selancar Empat story broke in *The Star*, Selancar Tiga Estate was uncovered and after that yet another estate was found to have exploited its workers. Hence Selancar is most likely not the end of the story. There may well be many other estates where the workers are being exploited by contractors or sub-contractors? I call on the Labour Department enforcement officers to be vigilant and ever be on the look out for exploitation of workers.

Contract work in this country has been the bane of our workers. The Malaysian Trades Union Congress has quite rightly come out with an outright condemnation of this pernicious system. If it is used, great care must be taken to see that the workers are not exploited. The contractors or sub-contractors seem to have a way to get away with every offence under the Employment Ordinance. This is where the enforcement force of the Labour Department if it is vigilant can reduce abuse of the law. The Selancar affair has stirred up the conscience of the nation as no other event in recent time. The politicians, civil servants, doctors, lawyers, welfare workers have all been galvanized into action. Let us hope that the exploitation of man by man in this fair land of ours will be reduced to enable our workers to lead a richer and fuller life.

II. *Merdeka* to Serfdom

"Less than seven months from now, we will commemorate 25 years of life as an independent nation. I say commemorate and not celebrate deliberately as from the point of view of human rights there is much to be anxious about in the context of our evolution as a people and a nation. Looking back over the past quarter of a century, I can only say with some hurt that our hopes and aspirations for a united and free society - which we dreamt of when we cast off the colonial yoke - have not been fulfilled....

"Soon after the rejoicing over *Merdeka* was over, the Emergency was declared terminated. But at the same time, with the repeal of the Emergency Regulations, the nation was foisted with harsh laws under the guise of internal security. The Internal Security Act, with its hated detention without trial, was enacted. Under its provisions, anyone deemed, rightly or wrongly, to be a threat to the nation could be detained without recourse to the courts. Systematically, all challenges to the party in power and its political philosophies could be silenced through a spell in the cooler. The ISA which originally was designed to take care of subversion has now been extended to cover trade unionists, students, academics, and in fact virtually every one in the country.

"A second major milestone in the road we have travelled occurred when the Sukarno regime started "confrontation". Elections to local councils, the very essence of a democratic system, were suspended. The then Prime Minister, our beloved *Bapa Merdeka* solemnly promised in the Dewan Rakyat that this was a temporary suspension, given the grave threat the nation faced from a ruthless and determined enemy. People of all races, it will be recalled, united in a manner which represented perhaps our finest hour and accepted the need for this curtailment in our freedom. What was supposed to be temporary became permanent. The Alliance, seeing that it could not win control of Town and Local Councils through fair and open elections, decided that the luxury of citizen participation in local affairs was unnecessary and therefore dispensed with elections at that level for all time."

Dr. Tan Chee Khoon, 3 February 1982



MERDEKA TO SERFDOM

Less than seven months from now, we will commemorate 25 years of life as an independent nation. I say commemorate and not celebrate deliberately as from the point of view of human rights there is much to be anxious about in the context of our evolution as a people and a nation. Looking back over the past quarter of a century I can only say with some hurt that our hopes and aspirations for a united and free society - which we dreamt of when we cast off the colonial yoke - have not been fulfilled.

It is not enough to blame the government. All citizens must share the blame because we the people get the government we deserve; and we deserve only the rights we are willing to stand up for. It is appropriate to take stock of where we stand and to see why we have gone the way we have, undermining the ideals of democracy and freedom while we all pay lip service to the fundamentals of that system of government which we undertook to cherish and uphold. Our new Prime Minister has asked to be given a year to be judged. I am writing on the Silver Jubilee of our independence from colonial rule, hoping that the hopes and fears I described will be included in his agenda for his first year.

Every year, since independence, has seen further erosion of our liberty, always in the name of security by governments that had won barely half the votes in general elections. Both the new Prime Minister

and his deputy have themselves come under the shadow of these oppressive laws, escaping only by a hair's breadth from the familiar cycle of imprisonment without trial, confession and release under condition of no politics. They, too, have at one time been victims of the mentality that treats the opposition as enemy. There is a great sense of hope and expectation that these new leaders will herald a new beginning to the life of this young nation.

For the benefit of our younger Malaysians let me trace the path we have trodden over 25 years of uninterrupted rule by the Alliance and now the Barisan Nasional. The saying that power corrupts and absolute power corrupts absolutely has much relevance. Soon after the rejoicing over *Merdeka* was over, the Emergency was declared terminated. But at the same time, with the repeal of the Emergency Regulations, the nation was foisted with harsh laws under the guise of internal security. The Internal Security Act, with its hated detention without trial, was enacted. Under its provisions, anyone deemed, rightly or wrongly, to be a threat to the nation could be detained without recourse to the courts.

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A second major milestone in the road we have travelled occurred when the Sukarno regime started "confrontation". Elections to local councils, the very essence of a democratic system, were suspended. The then Prime Minister, our beloved *Bapa Merdeka* solemnly promised in the Dewan Rakyat that this was a temporary suspension, given the grave threat the nation faced from a ruthless and determined enemy. People of all races, it will be recalled, united in a manner which represented perhaps our finest hour and accepted the need for this curtailment in our freedom. What was supposed to be temporary became permanent. The Alliance, seeing that it could not win control of Town and Local Councils through fair and open elections, decided that the luxury of citizen participation in local affairs was unnecessary and therefore dispensed with elections at that level for all time. A broken promise, but not the first.

Our government of the day also changed the constitution, touching on fundamentals of that sacred document. Citizenship laws and provisions were altered. The independence of the Election Com-

mission, entrenched to ensure fair play in elections, was eroded despite stiff opposition from many patriotic Malaysians such as the Seeni brothers, Datuk Asri and Datuk Boestaman. Following it there was large-scale gerrymandering and the Alliance was able to perpetuate its rule and its version of democracy. As the Alliance grew in wealth and power it was able to secure votes through the use of patronage, position and in some instances, threats. I dare say that true patriots and democrats, such as the late Tun Ismail, seeing the trend, decided to call it a day and left the Cabinet in the late 1960s. His disillusionment, I suspect, must have been deep.

The 1969 election was perhaps the last occasion on which the people of this land tried to halt the drift by electing a modest number of members representing the opposition in order to check the tide towards authoritarianism. The events of May 1969, known to every Malaysian, need no repetition or elaboration. Not all of the events that followed should be viewed negatively by right thinking Malaysians. The tragic events clearly demonstrated the need for a new beginning, particularly in removing emotional issues from political debate - special rights, citizenship and the status of our nation's Sultans. The Government's commitment to eradicating poverty and redressing the imbalances between the various races too can be applauded, although serious reservations remain on the means used.

We who were on the opposition benches had no quarrel with the goals but we questioned the means used to implement the policies. The past decade, if anything, has seen an intensification of intolerance and arrogance on the part of the Barisan Nasional. They have used the law to abuse the law. The voice of dissent has been silenced. First, it was the students who were gagged, then came the intellectuals in the universities through the Universities and University Colleges Act, 1971.

Soon afterwards we had the introduction of harsh laws in the name of national security. I refer to the controversial amendments to the Internal Security Act, whereby new forms of trial, giving the executive powers undreamt of, and denying the age-old legal adjunct that a man is innocent until proven guilty. Despite pledges that these powers would be used sparingly, we have seen the use of these powers to deal with not only to threats to national security but common criminal cases. The amended labour laws have eroded the rights of workers. The recent amendments to the Societies Act, 1981, have further stilled debate and the right of the people to organize and com-

ment on social policy.

The impact of these changes is far reaching. The Bar Council and other professional organizations which have in the past offered constructive criticism of government policies have been silenced. The Czar of the elaborate edifice, armed with all the laws, the Minister of Home Affairs, reigns supreme. His power cannot be questioned in the courts - his word is final.

The Barisan claims that these far-reaching changes have been enacted in the interests of national security and that they have been passed by the duly elected representatives of the people. This argument is patently false. With the ban on rallies and curbs on campaigning, there is clearly no opportunity for the people of this country to hear opposing arguments. Parliament itself is under the thumb of the cabinet. Laws are rushed through with little or no debate. The public has little or no opportunity to study or assess far-reaching changes. Such is the state of *Merdeka* we enjoy today.

The late Tun Ismail in the dark days of May 1969 in an address to the nation said, "Democracy is dead...." Indeed it is, but it died not at the hands of the opposition but of the Barisan. In all my years in the political arena I have pleaded with Malaysians to exercise their God-given right to vote and to vote for parties of the opposition to provide checks and balances on the excesses of the party in power. My words have been words in the wilderness. I have been called a prophet of doom, but events have justified my concerns, I now make two pleas - first, to the Barisan, and second to all patriotic Malaysians.

My plea to the Barisan is: Let us take stock. Let us restore the basic freedom of expression and debate; let us have an open society where the voices of Malaysians are once again heard. I wish the new Prime Minister a long and fruitful period at the helm. May he have the wisdom and courage to guide our Malaysia forward through the choppy seas ahead. I ask that he take stock and dismantle those features of the system that are obnoxious, unworthy of our heritage, ideals and commitment to a democratic form of government to which we pledged ourselves on 31 August 1957.

In a few months the voters of this country will go to the polls to decide on the new government that we shall have. Time and again in the Dewan Rakyat, the government has proclaimed loud and clear that the obnoxious laws that I have referred to have been approved by the people of this country at every election since *Merdeka*. This

is a hollow claim as issues of human rights have been given very little prominence at every election since *Merdeka*. In a few months' time as every voter goes to the polling booth to cast his ballot, I hope he or she will ponder on the issues I have raised before he or she casts his or her ballot. My plea to the people is - give your support to the government, but also exercise your voice through ballot box to curb their excesses and bring about change. Let not the lights of democracy be extinguished; let not our children become serfs.



Tun Dr. Ismail



The Star

Datuk Seri Dr. Mahathir Mohamad

RETURN OF THE INTERNAL SECURITY ACT

When Datuk Dr Mahathir Mohamad and Datuk Musa took office on 17 July 1981, they announced a new liberal policy regarding the Internal Security Act. There would be no "confessions" on release of detainees. These confessions, almost all of which were not made voluntarily, are offensive to human dignity and smack of those extracted by the communists out of their prisoners. They also announced that most of the detainees would be released and they have kept their promise to the detainees. Today I gather most, if not all, of the long-term detainees have been released.

On 11 June 1983, Dr Mahathir, after a meeting of the UMNO Supreme Council, announced that some members of an opposition party had been secretly meeting members of a faction of the Communist Party of Malaya. Although the Prime Minister did not name the party concerned, it was obvious that he was referring to PAS. For good measure, the Deputy Prime Minister added that even the leaders of the party were not aware that some of their members were meeting representatives of the MCP. All these goings on are most probably monitored by the Special Branch. The Prime Minister has said that the government is not thinking of arrests at the moment but warned, "if people are a threat to national security and society, it may be necessary to invoke the Internal Security Act." The Prime Minister also stated that "mere contact may not be serious enough but if these contacts became more serious, we will use it." By "it",

of course, he meant that he would not hesitate to use the ISA. That opposition party has obviously got under the skin of the Prime Minister for he went on: "We are damned if we do, and damned if we don't. That is the kind of people we are up against." It is a matter of heads I win, tails you lose. PAS, despite the fact that it is split and fragmented, is of course at the moment the main Malay opposition. The breakaway branch of PAS, being led by Datuk Asri Toh Muda, although registered has not got off the ground and has not proved its worth as yet. As such at the moment, at least, PAS forms the only credible Malay opposition to UMNO. Not being the government or part of the government and being Islamic and not caring for non-Malay support, it can afford to take an extreme position on religion and race which must be trying the patience of the government. What must be worrying not only to the government but also to non-Muslims in this country is the ascendancy of the revivalists and the fundamentalists in PAS. They are now headed by Hj Yusof Rawa who, in 1969, had the distinction of defeating Dr Mahathir Mohamad himself in the constituency of Alor Star Selatan. Later, he was posted to Teheran as our ambassador. After Datuk Asri was eased out of the presidency, Hj Yusof Rawa took over as the Acting President. PAS is now accused of advocating revolutionary methods and that means I suppose "Let Rivers of Blood Flood and Let Us Man The Barricades." If this is so, it is a departure from the normal stance of the PAS and it has called forth the stern warnings from the Prime Minister and the Deputy Prime Minister on the use of the ISA to curb extremism.

In the late forties and throughout the fifties and even in the first half of the sixties the Labour Party together with its coalition partner, the Party Rakyat, formed the main opposition to the Alliance Party. It was adamant in its opposition to the use of emergency powers to detain political opponents, especially members of the Socialist Front. The Emergency Regulations had been introduced by the British and their use had been condemned by the Alliance Party before it took office in 1955. Then in 1961, when the communist insurrection had been deemed to be over, the Emergency Regulations were not repealed but made permanent through the Internal Security Act. When the ISA was debated in the Dewan Rakyat it was opposed tooth and nail by the Socialist Front. When it was thought that the PMIP would oppose the ISA as well, it was whispered to them that the ISA would not be used against the Malay

opposition, and the PMIP supported the government on the ISA bill. Now PAS, the successor to the PMIP, knows better because over the last two decades, members of PMIP, and later of PAS, have been detained. In the past I believe members of PAS have been detained under the ISA but not on the ground of their connection with the Malayan Communist Party. This is the first time I believe that they have been warned of their alleged connection with the MCP and that the ISA would be used against them if they persisted in their link with the MCP.

PAS has also been under fire for their deviationist theology on Islam that some of them profess. Here I wish to point out that the right to dissent is fundamental in a parliamentary democracy. On such a controversial subject like religion there are many people who differ from the mainstream of any religion. Take Christianity for example. At one time, it revolved round the theology which the Pope in Rome preached. Any Christian in the Middle Ages who differed from the teachings of Rome was burnt at the stake or put to the rack. It took both Martin Luther of Germany and King Henry VIII of England to lead the breakaway from Rome and today you have Catholics and Protestants and amongst them there are a host of sub-groups which must be bewildering to the non-Christian. It is easy for any government to say that the religion that they profess is the only true religion and that any of the faithful who deviates from the straight and narrow path is not only wrong but comes under the purview of the ISA.

Coming back to the use of ISA, with the benefit of hindsight I will admit that in the late forties and fifties when violence was advocated by the MCP there might have been a case for the use of the Emergency Regulations and the ISA but with the MCP and other communist groups fighting each other and greatly restricted in their activities by our security forces there is less justification for the use of the ISA in its present form. Tun Suffian, the former Lord President, in a farewell interview with *Insaf*, the journal of the lawyers of this country, has admitted that certain sections of the law can be improved to provide greater safeguards for the public. The Amnesty International group of lawyers who visited Malaysia last year in their report have recommended that the ISA should be repealed. Many in this country, and I am one of them, fully concur with this recommendation of the Amnesty International lawyers. But I am realistic enough to realise that the ruling party, having got the

ISA on the Statute Book, is not likely to remove it. However, I do propose that the government should establish a Parliamentary Committee to study the Internal Security Act to see how it can be amended to provide greater safeguards to the detainees. Thus, under the Emergency Regulations, the Advisory Board had the power to recommend the release of a detainee and it was mandatory on the part of the government to accept that recommendation and release the detainee. But in the ISA this safeguard was removed and the Yang di-Pertuan Agong came to possess the right to reject the advice of the Advisory Board. The Yang di-Pertuan Agong is a constitutional monarch and has to accept the advice of the government of the day. This means that the government has the power to reject the recommendation of the Advisory Board in respect of the release of detainees. To my knowledge the recommendation of the Advisory Board has been rejected by the Yang di-Pertuan Agong on at least one occasion.

The Amnesty International report also is of the opinion that not only is the Advisory Committee a toothless watchdog, it is also half blind as well! Any review of the ISA should restore to the Advisory Board the power to order the release of a detainee and ensure that Board members are independent and seen to be so. Then there are people who have been detained under the ISA who have posed no threat to the security of the nation or even remotely connected with subversion, e.g. drug traffickers and smugglers. There was even one case of a person accused of treason who was detained under the ISA. Presumably the government has enough evidence before he was detained. If so he should have been charged in court and if convicted he should have been sent to the gallows. Instead a person found in illegal possession of a firearm is charged under the ISA and if found guilty is sentenced to death. Many such people have been sent to the gallows in this manner. Clearly there is a need for a re-study of the ISA to put right the injustices that the Act perpetrates and I commend this suggestion for the consideration of the Prime Minister and his Deputy. We should bear in mind that India, with vastly greater ethnic and class problems only allows Mrs. Gandhi the power to detain without trial for only one year under strict safeguards.

Quite understandably the charges made by the Prime Minister have been refuted by the Secretary-General of PAS, Hj Hassan Shukri, who said that "PAS is totally against communism and all

other foreign ideologies whether from the East or West, which are outside Islamic ideology". He went on to say that the party would continue to oppose such ideologies because they were deviationist ideologies which could influence the people, especially the Muslims. He of course denied that there were elements in PAS who were trying to overthrow the government by revolutionary means. He also denied any knowledge of people trying to foment a revolution. He emphasized that PAS had always abided by the constitution of the country. He also urged all people, both Muslims and non-Muslims, to join the fight against communism and other foreign ideologies.

At one time it was thought that the Malays because of their religion would be immune to communist appeals. But now the ruling party knows better. Experience the world over has shown that no race or religion is immune to the insidious infiltration of communism. The Middle East is a classic example where even a rich Muslim country cannot be immune from the evil effects of communism. A glance at Afghanistan is enough to show where some of the wholly Muslim population have welcomed the Russians. Iran with its Tudeh Party and virtually all Middle East countries which have either official or clandestine communist parties prove what I have said. And if I were a member of the MCP, I would infiltrate the UMNO rather than PAS. Hence it is no secret that communist propaganda has been directed at the Malays of late and it has had some success. Here I can detect some degree of complacency on the part of the ruling party that UMNO is immune to infiltration by the MCP. This may not be so and the government may well be wrong. It is only right that the government should keep an eye on the more extreme of the public and the opposition but it would do well to keep some of its more extreme members under surveillance as well.

RELEASE OF PRISONERS ON THE OCCASION OF THE SILVER JUBILEE OF OUR *MERDEKA*

On the occasion of the Silver Jubilee for our *Merdeka* in August, the Government released a number of prisoners, including some detained under the ISA and common prisoners. There was also a full pardon for Datuk Harun Idris. I congratulate and thank the Government for these acts of clemency.

I gather that the Prime Minister has decided against public confessions over TV and radio. If that is so, I must congratulate Datuk Seri Dr Mahathir on his bold and just decision. Such confessions are degrading to both the government and the confessor; it offends human dignity and smacks of the KGB; it is unworthy of any civilised modern government.

Yet until the advent of the 2M administration it was the practice of the Special Branch to ask the detainee to "confess" on TV and Radio and at a press conference to boot. For practically all detainees a "confession" was compulsory before release.

Indeed I congratulate Anwar Ibrahim for his rejection of such a condition before he could be released. Among others who refused to "confess" as a condition for their release are: Dr. M.K. Rajakumar, a former president of the Malaysian Medical Association and currently chairman of the Council of the College of General Practitioners, Malaysia, and a successful general practitioner in Kuala Lumpur; businessman Tan Kai Hee; Associate Prof. Dr Syed Husin Ali of the University of Malaya; Tajuddin Kahar, a trade union of-

ficer and former secretary-general of the Party Rakyat; and the late Hasnul Hadi, a former mayor of the Malacca Municipal Council.

After Datuk Seri Dr Mahathir became Prime Minister in July 1981, he announced that some detainees would be released. And on the occasion of Hari Raya Puasa, 21 detainees were released unconditionally. This was an unprecedented step. And more were released this year on the anniversary of *Merdeka*.

I want to bring to the attention of the Government the fact that there are still two long-term detainees behind bars. Both of them have been detained for 10 years or more. They are Siew Fatt Feng and Mah Kong Chin. I do not know the reasons for their continued detention but if the present administration will release these two as well they will have completed the good work that they began when they assumed office on July 17.

Malaysia's record on the matter of human rights can bear comparison with any country in Asia. But with regard to the Internal Security Act and the Essential (Security cases) Amendment Act 1975 we have to hang our heads in shame.

The record of the Barisan government and that of its predecessor (the Alliance) is not without blemish. The ISA of 1960 is a blot on the fair name of any government. It is ironical that in 1960 when the Emergency was deemed to have been over as the menace of communism had been destroyed, the Emergency Regulations were repealed in name and the extreme powers it gave the government were continued under a new law, the Internal Security Act.

All the loopholes that existed in the Emergency Regulations were plugged and the Minister, under the new act, was given the power to ignore the advice of the Inquiry Board. In the last two decades, amendments have been made to the act to make it a draconian piece of legislation. One amendment that I remember very well was passed in 1965, the Letter of Suitability. This amendment required all students seeking admission to our institutions of higher learning to get a Letter of Suitability from the Chief Education Officer of the relevant State. This amendment drew a storm of protest from a large cross-section of our society, in particular, university students, academicians and trade union leaders.

I was then a member of the Dewan Rakyat and was one of the most bitter critics of that amendment. I was proud of the storm of protest raised by the students, lecturers and trade union leaders. They sent telegrams to all the MPs urging them to speak against the

Amendment. The People's Action Party (of Singapore), the progenitor of the present DAP, was then in the opposition but it fully supported the amendment. Among the PAP members who spoke in support of the bill was C.V. Devan Nair, now President of Singapore. When the PAP left the Dewan Rakyat after Singapore's separation in 1965, Devan Nair remained behind and became the first DAP MP in the Dewan Rakyat. And the DAP continued to support the ISA until some of its members were detained after the 13 May 1969 disturbances.

The ISA was originally intended to counter communist subversion. In those early days it was very difficult to get anyone to come forward to testify in open court and so the government passed a law, the ISA, whereby a suspect could be detained almost indefinitely. But over the last decade the scope of the ISA has been widened to include more than just communist suspects. Anyone who disturbs the peace or is likely to do so will come within the purview of the ISA. An outstanding case is that of Anwar Ibrahim, at present a senior leader of UMNO and a member of the Barisan Nasional Ministry.

In the last few years the ISA has cast its net wider and has roped in smugglers, drug traffickers, etc. These criminals are then quietly packed off to Kamunting Camp, Taiping. This is certainly an abuse of the law and against the spirit and intention of the ISA. What the government should do is to charge these alleged wrong-doers in open court. I do hope that this matter will be raised in the coming session of the Dewan Rakyat.

Recently, two demonstrations took place in Kuala Lumpur - one in favour of the PLO and the other against the visit of the seven international lawyers who had come to Malaysia to investigate the status of human rights in this country and particularly the 31 condemned prisoners in Death Row. Why were the ring-leaders allowed to carry on with the demonstrations and why were they allowed to demonstrate for more than half-an-hour in front of Hotel Merlin with the police standing by with folded arms? It was most unfortunate that the youth wings of the three major parties of the Barisan Nasional - UMNO, MCA and MIC - should demonstrate against these lawyers who were on an errand of mercy. Why were the ring-leaders of the demonstration not arrested while they were still in the act of demonstration? I understand the Attorney-General will bring the leaders to court. But compare the tardiness of the police with

the speed and alacrity that they showed when the local lawyers demonstrated peacefully against the passage of the Societies (Amendment) Act 1981.

The right to demonstrate peacefully is a fundamental human right that citizens of Malaysia are deprived of; to gather in groups of five or more requires a police permit in this country. If that is to be our lot in life, should not the law be applied at least impartially so that we do not have a favoured category of demonstrations?

When I interviewed Datuk Seri Dr Mahathir Mohamad I made a plea that the more objectionable and harsh sections of both the ISA and the Essential (Security Cases) Amendment of 1975 be reviewed. He admitted that the laws were harsh but maintained that they were necessary and that there were adequate safeguards, e.g. the Pardons Board. However, I maintain - and many thousands of Malaysians who believe in human rights also share my belief - that both the ISA and the Essential (Security Cases) Amendment 1975 are a blot on the fair name of Malaysia.

The other blot on the face of Malaysian democracy is the strict control of the press. To publish any periodical requires a licence which is given only after prolonged Special Branch scrutiny not only of the editors but also of potential writers. The licence has to be renewed annually and such is the bureaucracy that many editors enter the new year still waiting for their licences. The printer also needs an annually renewable licence and must take out a statutory declaration undertaking to print the periodical in question. Printers are businessmen and it only requires a visit from the police for the printer to abandon a publication. The short length of additional rope given to Malaysian papers has already brought much benefit to the community in such matters as the exposure of inefficiency and corruption. It is time to free our citizens from the laws shackling their right to express their views in print.

WITHER FREEDOM OF THE PRESS?

One of the paradoxes and ironies of Malaysian politics is that under a succession of lawyer Prime Ministers we steadily lost our civil liberties to an unending series of oppressive legislation. The worst such laws were passed under a lawyer with the most kindly reputation of all, namely Tun Hussein Onn. Thus during his stewardship as Prime Minister from 1976 to 1980 the following oppressive laws were passed - the Universities and University Colleges Amendment Act, the Essential (Security Cases Amendment) Regulation, ESCAR, and the Societies (Amendment) Act, 1980. All three of them have caused a great deal of controversy and have been opposed by wide sections of the public. They are opposed even to this day. The report by the International Mission of Lawyers to Malaysia in August 1982 has categorically stated that ESCAR "deprives the defendant of a fair trial and that mandatory death sentences are not necessary to protect national security and may give rise to grievous judicial error". Many Malaysians have been tried under ESCAR for alleged possession of firearms and have been sent to the gallows.

But then under a physician with a reputation of being authoritarian, there has been a remarkable degree of relaxation, although we have still far to go - can anyone offer an explanation for this paradox? However, lately there have been signs of a revival of the fears of the pre-Mahathir era. Thus Bernama (the official

Malaysian news agency) will soon be made the sole distributor of foreign news and now the suspension of *Nadi Insan*. Do these two events herald a move towards a less liberal and intolerant attitude that existed before? How does the banning of *Nadi Insan* equate with the pledge of the government to build a more open and liberal society for Malaysians? I remember the Prime Minister, Datuk Seri Dr Mahathir Mohamad, recently told a Member of Parliament that his administration did not believe in banning a newspaper or magazine but should any newspaper or magazine go off the rails, it would be brought to court. Has he changed his mind now that *Nadi Insan* has been banned? What has that magazine done to incur the wrath of the Ministry of Home Affairs and has suffered the ultimate penalty of being banned?

Nadi Insan, the organ of the Institute for Social Analysis, was published by a group of academics, mainly from the Universiti Kebangsaan Malaysia. It was a bilingual monthly, published in Bahasa Malaysia and English. It delved into the problems of poverty, particularly of the peasantry and the rural areas, and in doing so must have trodden on the toes of the officialdom on many occasions. That did not worry the sponsors of *Nadi Insan* as it set out to be an independent monthly speaking out loud and clear on some of the important problems of our society. *Nadi Insan's* first brush with authority occurred in January this year when it was informed that its issue of December 1982 had been banned under Section 22 of the Internal Security Act, 1960. It was also warned not to publish news/articles and the like which could threaten public order or upset diplomatic relations between this country and other countries, especially close neighbours. The Ministry of Home Affairs also reminded *Nadi Insan* not to publish items beyond the approved scope of the magazine which is limited to "analyse and encourage discussion on all aspects of society and to encourage the development of progressive and scientific thought and patriotism". The article in question concerned the uprising in Brunei in December 1962. This presumably caused some unhappiness in Brunei - hence the ban.

Nadi Insan in their reply of 16 February 1983 emphasized that they had no desire to upset diplomatic relations with neighbouring countries. They also stressed that *Nadi Insan*, as an independent magazine, need not necessarily reflect the Malaysian government views. Indeed it would be foolish of *Nadi Insan* to claim to reflect Malaysian government views on any issue.

Before *Nadi Insan* could reply to the first letter, it received a second letter dated 12 February 1983, reiterating the previous warnings and claiming that some of the contents of *Nadi Insan* of February 1983 were beyond the approved scope of the magazine and could upset the government of a neighbouring country. The contents referred to were some articles and a cartoon which were considered critical of the government of Singapore. The February 1983 issue of *Nadi Insan* also omitted to include the name and address of the printer and publisher as required by Section 5 (1) of the Printing Act of 1948. *Nadi Insan* was also asked for the first time to show cause why its publication permit should not be cancelled.

Then on 27 July 1983 *Nadi Insan* received a letter from the Ministry of Home Affairs that referred to its July 1983 issue. This issue of *Nadi Insan* contained an interview with Tunku Wira, leader of the Patani United Liberation Organisation, which the ministry pointed out could upset diplomatic relations between Malaysia and Thailand. Tunku Wira, who is a Muslim of Thai origin, is related to politicians in both Thailand and Malaysia and is presumably *persona grata* to the Malaysian government for he lives in Kota Bharu and is allowed to move freely in Malaysia. The Ministry allowed *Nadi Insan* two weeks to show cause why its publication permit should not be cancelled. This same issue of *Nadi Insan* also contained the first published revelations of the Selancar Empat atrocities.

On 15 September 1983, the Minister of Home Affairs in a letter to *Nadi Insan* informed it that its publication permit had been suspended from 1 October 1983 till the end of the year. This virtually meant that the magazine has been banned for good. This must come as a great shock to all freedom loving people in this country. In the past, the papers or magazines that were banned had been published by the opposition. I well remember in the early sixties, we had a paper which was banned. When we inquired as to the reasons, for the ban, back came the crushing reply: "The minister is not duty-bound to give reasons for the decisions that he makes." If civil servants and ministers will be less arrogant and more humane, life will be less burdensome for ordinary mortals. Before the 1964 elections, the Socialist Front had its licences for its Malay and Chinese organs cancelled and it had to contest the election with only a Tamil language paper!

Nadi Insan, was run by academics who in this country at least cannot be said to be troublesome people. They were interested in expos-

ing social injustice – to focus the glare of publicity on social injustice in the hope that something is done for the victims. The ostensible reason for the banning of *Nadi Insan* is that some of the contents of the three issues could cause diplomatic repercussions. Are we to ban our periodicals to please foreign governments with dubious records on human rights? The real reason may, however, be entirely different. Could it be that *Nadi Insan* has been successful in opening the eyes of the peasants, workers, fishermen? Here for once is a magazine that has focussed on the social injustices suffered by the downtrodden masses in this country. Instead of taking steps to set right the injustices, the government takes the easy way out of banning *Nadi Insan*. Silencing it will not cure the social ills that confront our country. It is a retrograde step, after we have been promised a more liberal and open society.

The Ministry of Home Affairs must remember that freedom of the press is one of our fundamental liberties that is embodied in our Constitution. Must our newspapers and editors go on bended knees and thank the gods and the Barisan Nasional that they are allowed to publish in this country? Should they only exist through the grace of the government and not as a matter of right? Many political parties and individuals have appealed to the Ministry of Home Affairs to lift the suspension on *Nadi Insan*. But my reading is that these appeals are not likely to be successful. That being so unless *Nadi Insan* is prepared to go into oblivion its only recourse is to take the government to court. I have talked to some lawyers and they are all for testing the case in court.

Unfortunately, all the editors in this country have maintained a discrete silence over the banning of *Nadi Insan*. I must not be too harsh on them. Over the years they have been conditioned to this sort of action on the part of the Ministry of Home Affairs, hence their silence. But they must know that they must act in concert to protect their own rights. Otherwise their turn too will come.

Last month when the Deputy Prime Minister, Datuk Musa Hitam, opened a book exhibition he said that he was shocked at the small number of people, old and young, who read books, newspapers, magazines, etc. This is because it is so difficult to inculcate the reading habit in a child in this country. Besides the scarcity of books, newspapers and magazines, it is so difficult to get a permit to publish. It is virtually impossible to get a permit to publish a newspaper. I gather the government has decided not to issue the

permit to publish an English newspaper. There is such a dearth of good reading material. If the government wants to have a larger reading public, it must be more liberal in approving more newspapers and not ban magazines on flimsy excuses.

Freedom of the press in Malaysia is one of the basic human rights guaranteed under the Constitution of the Federation of Malaysia. A stranger to our country will not find that there is any erosion of the freedom of the press. But if he stays a little longer and delves a little more into the matter of press freedom, he will soon find that all is not well. He will find that our press is kept under a tight leash. Thus to print a newspaper one needs to have a permit from the Ministry of Home Affairs. To own a printing machine one needs to have another permit issued by the same ministry. And these two press laws can be as oppressive as life under a totalitarian regime: any newspaper which strays away from the straight and narrow path runs the risk of its licences being not renewed or cancelled. The result is that newspapers print what the government wishes them to print. They are thus virtual mouthpiece of the government. They are insipid and do not report what is actually happening in the country nor do they reflect the true feelings of the people. In a sense the government may be ruling in a fool's paradise. So long as freedom of the press is a boon from the government of the day, dependent on the whims and self-interest of a Minister, none of our rights can be said to be safe. Will no Malaysian test the annual licencing of our newspapers, magazines, periodicals etc in a court of law to see if it breaches our fundamental rights under the Constitution? Otherwise the Constitution must be amended to free us from one of the most controlled presses in the world.

TAKEOVER BY BERNAMA

On 3 July 1983, the Minister of Information, Datuk Seri Adib Adam, announced that from 1 May 1984 all news from foreign agencies would have to be channelled through Bernama. The newspaper editors of this country had not been consulted and naturally they were stunned, to say the least. They have sought an early meeting with the Prime Minister to clarify matters. The general manager of Bernama, Encik Ahmad Mustapha, has sought to assuage the fears and doubts of the editors by denying that the new system would involve censorship as subscribers could still get the full services of any international news agency. He added that the subscribers may in fact stand to gain as costs may be reduced for them. He was, however, candid enough to admit that Bernama would stand to gain by being the main distributor of foreign news in addition to being already the sole distributor of domestic news. He also tried to justify the takeover by Bernama by saying that being the national news agency of the country, it should have first access to incoming foreign news. He said that this is the practice in Japan where Kyodo is the national news agency. But we have been told time and again that Look East does not mean we will slavishly follow all that is Japanese. Does Encik Ahmad Mustapha also advocate that we should copy the barbarity and brutality of the knights of the *bushido*?

Then on 8 July 1983, the Minister of Information, Datuk Seri

Adib Adam issued a statement saying that he had noted the objections of the several major newspapers in this country and that his ministry would "study further" the proposal to make Bernama the sole distributor of news from foreign agencies. These editors are from the Utusan Group, the New Straits Time Group, Star Publications, *Nanyang Siang Pau*, *Sin Chew Jit Poh*, and *Tung Bau*. They expressed disappointment that on such a *kanor* move by the government they had not been consulted. On 7 July 1983, the Malaysian Newspaper Publishers Association also expressed regret that on such an important decision the owners of newspapers had not been consulted. It added that the decision was undemocratic as it would hinder the flow of news in the country.

The public is very concerned over the serious consequences that may well result from the grant of a monopoly over the distribution of foreign news to Bernama. It may well hinder the free and unfettered flow of foreign news to the public.

I am pleasantly surprised and I wish to congratulate both the editors concerned and the Malaysian Newspaper Publishers Association on their quick response to the announcement made by the Minister of Information. They were taken completely by surprise by the sudden announcement that had come like a bolt from the blue but they had not taken it lying down and had asked for an appointment with the Prime Minister himself to seek clarification. I am sure that I speak for countless newspaper readers in this country who wish to thank the editors and the Malaysian Newspaper Publishers Association who have so zealously attempted to guard the interests of their readers and with such alacrity. What the general public is genuinely concerned is that this decision may well be the thin edge of the wedge. First you muzzle and then you completely doctor what the public should read.

I will be charitable enough to say that this move on the part of the Minister of Information may lead to a subtle form of censorship. If this is his motive why should the government resort to such a subterfuge? At the moment the Ministry of Home Affairs has enough laws in the Statute Book to keep any recalcitrant editor in line. In this country to publish a newspaper one has to possess a licence and to own a printing machine one has to have another licence and both these licences have to be renewed annually. I have known of cases where although an application had been made long before the end of the year, the licence was issued not before the beginning

of the next year which meant that the newspaper operated for a short period of time without a valid licence! This has happened to some very reputable newspapers. This government believes in dangling the sword of Damocles over the heads of newspaper editors to keep them in line. And to make it doubly sure the government has made it known that the actions of newspaper editors and indeed of all connected with the editorial side of a newspaper come under the purview of the all-pervasive ISA. And indeed many editors and newspapermen have been pulled in under the ISA and made to cool their heels in the detention camp at Kamunting Camp, Taiping. Our editors have been so conditioned that they now come to anticipate the wishes of the government to a degree that news that is perfectly true but critical of the government is killed by them. It is common for discerning readers to believe that if we want to find out what is happening in this country we must read foreign newspapers. Is this the real reason for this takeover of foreign news by Bernama?

The tight rein on newspapers was loosened when Datuk Seri Dr Mahathir Mohamad took over as Deputy Prime Minister. For years on end succeeding Auditor-Generals had been making highly critical comments on the way public funds had been mismanaged or even wasted but not a word of the critical comments had appeared in our newspapers! Why? Because the government frowned on the general public reading such highly critical comments. As such very little of such comments have appeared in our newspapers. Then soon after Datuk Seri Dr Mahathir Mohamad took office as Deputy Prime Minister, he was asked about the publication of the Auditor-General's Report in the local newspapers. Quite rightly he replied that he could not see any objection to its publication and since then the misdemeanours of our public servants have been highlighted in the local press and there is now an improvement in the accountability of our public servants. Since then the tight hand of bureaucracy has been loosened and investigative reports have appeared in our press. It has also led to an improvement in the performance of some of our public servants.

Recently the 30 June issue of the *Far Eastern Economic Review* was held up for a few days. That issue of the *Review* carried several stories about the role of the Sultans in Malaysia, an issue that is usually taboo to all newspapers in this country. The *Review* normally arrives on Fridays and after examination by the Special Branch is usually released after a delay of about 2 hours. But this issue was not

released until the following Tuesday giving rise to rumours that it had been banned. When asked if that issue of the *Review* had been banned, Datuk Seri Dr Mahathir Mohamad is reported to have replied that his government did not believe in banning any newspaper or magazine, whether foreign or local. He said that if any newspaper or magazine has infringed the law it will be taken to court and if found guilty it will have to pay the penalty like anybody else. If that is the position taken by the government then there is hope for newspapers and for freedom of the press in this country. But why then this move on the part of the Minister of Information? Besides the government has just announced that it would turn over to the private sector a good part of its holdings in many public enterprises. The privatisation of public enterprises and the monopoly announced by the Minister of Information does not add up. Can it be that the right hand of the government does not know what the left hand is doing?

It is a government news agency and its presentation of news will be slanted from the government angle. If it is also given the monopoly for the distribution of foreign news then newspaper readers in this country will be fed on the slanted news as provided by Bernama. This is a practice more in line with a dictatorship or a communist country rather than a country that professes to practice parliamentary democracy. As it is Bernama cannot manage well its agency of Agence France Press alone. For the past ten years it has taken over this agency and can hardly cope with the work. Now it wants to take over the sole distributorship of all incoming foreign news. How can it cope with this new volume of work when it has shown that it could hardly cope with one news agency? And its management of domestic news is not exactly a model of efficiency.

The newspaper readers of this country are served with a dull and stereotyped diet. Take the English press for example. The reader has only a choice of two newspapers - the *New Straits Times* and *The Star*. The third member of the English language stable, the *National Echo*, is moribund if not dead. I gather the *National Echo* has been bought over by the Penang multi-millionaire developer of the LKK Holdings. If that is true let us hope that the new owner will be successful in resuscitating the *National Echo*. This country needs a more variegated diet than that provided by the *New Straits Times*, the *Malay Mail*, and *The Star*. I understand that the government has decided that it will not issue another licence for an English daily.

If this is so I cannot understand the logic behind it. As I have stated before there is not enough variety for the English readers in this country.

For the readers in Bahasa Malaysia the choice is even more restricted. The Malay reader is limited to a diet of the Utusan Group and the *Berita Harian*. Here too the readership which is increasing with every passing year will welcome more variety in their Bahasa Malaysia papers.

The Chinese language readers I feel cannot grumble. There are the big two, namely *Nanyang Siang Pau* and *Sin Chew Jit Poh*, and a number of smaller papers as well as regional newspapers especially in Penang and Ipoh, and Kuching and Kota Kinabalu. The readership of Tamil newspapers is small. I think there are enough of them to provide variety.

When the Minister of Information Datuk Seri Adib Adam made the announcement of the takeover by Bernama on 3 July 1983 he probably did not realize that he had opened a Pandora's Box. He has now promised that he would make a "further study" of the proposal. Let us hope that the proposal will be given a quiet and decent burial before more damage is done to the government. The response of the editors of the major newspapers and of the Malaysian Newspaper Publishers Association has been prompt and that is very commendable. On behalf of the newspaper reading public I wish to congratulate them for guarding our interests so zealously. The response from the public will take some time. Usually there is a short time lag before the public register their protest. However, I am glad that Aliran in a statement on 7 July 1983 warned the country against the dire consequences of such a move.

The decision already has had repercussions in Bangkok where the Foreign Editors Club of Thailand to which belong journalists from about 20 papers, radio and television stations has stated that limiting the flow of foreign news was undemocratic and a blow to the right of the people to know. The Club's President, Mr Alongkorn Ponlaboot said that Thai editors were concerned that the move would undercut democratic processes in ASEAN. Shame on Malaysia I say. Another reaction can be seen in the bitter and outspoken criticism by the *Australian*, an Australian newspaper.

**THE LEGAL PROFESSION (AMENDMENT)
ACT, 1983**

Parliament has just passed the Legal Profession (Amendment) Act, 1983. This amendment has stirred up a hornets' nest in legal circles in this country, in particular amongst the members of the Bar Council. In the past the legal profession has been conspicuous by its lack of interest and participation in public issues in this country. But at the time of the passage of the Societies (Amendment) Act, 1981, the Bar Council protested vigorously. In April 1981, its members descended from their lofty ivory tower and entered the lobby of the Dewan Rakyat to distribute their memorandum of protest against the legislation. As I stated then in an article in *The Star* that single act had warmed the cockles of the heart of the ordinary man in the street in this country. It showed that the members of the Bar were prepared to throw in their efforts behind the problems of the common man in this country. Contrast this action with their deafening silence when the Internal Security Act was amended in 1965 to require students in designated institutions of higher learning in this country to obtain a Letter of Suitability. Then I could have torn my hair with rage at this lack of a social conscience shown by the Bar Council.

I am glad that the Bar Council now has a section on human rights and it has been active. It has taken up the issue of a case of remand prisoners with the Lord President and let us hope that this action

will result in the speedy trial of these unfortunate remand prisoners. To come back to the Legal Profession (Amendment) Act 1983, quite correctly the Bar Council were up in arms over it. I think I am right in stating that in 1976 when the Legal Profession Act, 1976 was debated in the Dewan Rakyat, the then Minister of Justice and Attorney-General, Tan Sri Kadir Yusoff, gave an assurance during the debate that the legal profession would be consulted should the act be amended in the future. One tends to be rather cynical over these solemn assurances made by ministers in the Dewan Rakyat.

What sort of consultation has taken place over this bill? The Bar Council, I gather, was given a copy on 1 August 1983. The bill itself was laid in the House on 2 August 1983 and the debate took place at the tail end of the session on 3 August 1983. In the first place, it is obvious that the government did not intend to consult the Bar Council over the proposed amendment and secondly that the MPs themselves had not been given enough time to study the bill before it was debated. If the members of Parliament themselves are treated in such a cavalier fashion what hope has the humble man in the street of studying the bill before it is debated in the Dewan Rakyat? And are our legislators supermen that they are able to speak intelligently on such bills at such short notice? At the risk of being tedious I must reiterate that our MPs must be given adequate time to study all bills presented in the House before they are debated. In this case, it must be remembered that out of a House of 154 members, less than 20 percent of them are qualified in law and the non-lawyers will have to consult their legal friends if they wish to speak intelligently in the debate.

The bill was introduced by Encik Radzi Sheikh Ahmad, the Deputy Minister in the PM's Department, but the debate was wound up by the Minister of Agriculture, Datuk Abdul Manan b. Othman. This was rather unusual as the minister who introduces a bill usually winds up the debate on behalf of the government.

Amongst the amendments introduced was the clause that took away the right of the Bar Council to advise the government and the courts, where necessary in matters affecting legislation and administration and practice of the law in Malaysia. To understand this provision, we must go back to the relations between the Bar Council and the government soon after the war. Then the British, and later the Alliance Government, would privately consult the President of the Bar Council on legislation they intended to introduce.

At that time the relations between the two parties were good and close. Besides our first three prime ministers were all lawyers and at most times more than half the cabinet were members of the Bar. But now the prime minister is not a lawyer but a doctor and there has been a change of guard in the leadership of the Bar as well. It is no longer pro-establishment as it had been in the past. Hence the deletion of the privilege long enjoyed by the Bar Council.

The members of the Bar Council have been reduced from four to one in the Qualifying Board. It was felt in the past that practising lawyers should predominate in the Board, which, amongst its other duties, has had the power to admit eligible lawyers to practice law in this country. As it is now, out of a board of five, there is only one practising lawyer, namely the chairman of the Bar Council.

Under the amendments, the Bar Council can no more make any rules regulating the practice, etiquette, conduct and discipline of lawyers without the prior approval of the Attorney-General. This reduces the Bar Council to the status of a Board of Prefects of a secondary school, carrying out the behests of the Attorney-General. This, of course, is an impossible imposition on the legal profession. The Bar Council to my memory going back to more than four decades has always been a responsible body. It has also been respectable and there is no reason why the government should want to reduce it to the status of a Board of Prefects. I have been a member of the Malaysian Medical Council for more than two decades and I can say without fear of contradiction that no President of the Malaysian Medical Council would dare to accept such a status. If he were to do so, he will have a revolt amongst the elected members of the Medical Council.

The amendment that caused a great deal of heat during the debate in the Dewan Rakyat was the introduction of the Bahasa Malaysia Qualifying Examination. As from January 1984, no person shall be admitted as an advocate and solicitor unless in addition to satisfying the present requirements, he has passed or is exempted from the Bahasa Malaysia Qualifying Examination. No speaker who participated in the debate objected to this requirement. The protagonists of Bahasa Malaysia were so carried away by their zeal for the language that they branded persons not proficient in the language as being anti-national. This brought a response from Dr. Tan Seng Giaw, himself very proficient in Bahasa Malaysia including Jawi, who pointed out the inadequacies of Bahasa Malaysia. This stirred

more controversy. It is known that DAP representatives are given to speaking forthrightly, even on issues where it may cause a controversy. An instance of this was the plea by Karpal Singh to retain English as a language of the courts. He pointed out that India which attained independence 10 years before us has retained English as the language of the courts. For his advocacy of the use of English in the courts, Karpal Singh drew a great deal of flak from the UMNO MPs. But that did not worry him in the least or for that matter other members of the DAP as well. Going through the list of speakers I am surprised that not a single MCA or MIC MP took part in this important debate. It was essentially a debate between UMNO and DAP.

The debate on the Legal Profession (Amendment) Act 1983 ended on 5 August 1983 and the next day the Bar Council held an extraordinary general meeting at which several resolutions were adopted, including one which called on the Government to defer implementing parts of the Legal Profession (Amendment) Act, 1983. The meeting also decided to send a memorandum to the government. At about this time the Prime Minister stated that he would be willing to meet representatives of the Bar Council anytime after the meeting of the UMNO Supreme Council due on 21 September 1983. That meeting duly took place on 23 August 1983 and the Bar Council represented by President S. Sivasubramaniam, Vice-President Ronald Khoo and Secretary Louis Cheah met the Prime Minister, Datuk Seri Dr. Mahathir Mohamad. Press reports indicated that the Prime Minister was "very receptive" to some of the suggestions and views of the Bar Council. I myself do not see how the legal profession can maintain its self-respect if they have to obtain the prior approval of the Attorney-General everytime they want to make any rules regulating the practice, etiquette, conduct and discipline of lawyers. Surely it is not the intention of the government to bring down the stature and status of the highest officers of the legal profession?

Let me reiterate that the legal profession is looked upon by the ordinary citizen as an honourable profession and the members of the Bar Council have been elected to that high office by their peers. They are responsible men and women of character, integrity, and calibre, and are looked up to not only by their peers in the profession but also by the general public. The leaders of the Bar Council in the past and now as well are looked upon as leaders of the nation as well. And yet when the Bar Council wants to make rules regulating

the conduct and discipline of the members of the legal profession they have to go cap in hand to the Attorney-General to get his prior approval before they can act! Why must the members of the Bar Council be humbled in this manner? Although the Legal Profession (Amendment) Act, 1983 has been passed by both Houses of Parliament and now awaits royal signature before it becomes law, let us hope that wiser counsel will prevail and that the government will have second thoughts over some of the amendments that I have referred to. The government should not act in haste and repent at leisure.

**REVIEW OF THE AMENDMENTS TO THE
UNIVERSITIES AND UNIVERSITY COLLEGES
ACT, 1975**

By mid 1974 there was a wave of student unrest throughout the country following the fall in prices of our primary products, in particular rubber. The poverty that ensued was particularly severe in Baling, Kedah. The students throughout the country agitated on behalf of the rubber tappers of Baling. They demonstrated in Kuala Lumpur and in front of Parliament. This resulted in several student leaders, some ex-student leaders and some academic staff being detained under the ISA and packed off to Kamunting Detention Camp, Taiping.

The Barisan government over-reacted to this wave of student unrest by enacting amendments to the Universities and University Colleges Act, 1975. It would be true to say that up to that point, apart from the ISA, no other piece of legislation had drawn more opprobrium than the amendments to the Universities and University Colleges Act, 1975. When we debated the bill in Parliament, I stated that the Act would be used to repress our students and I predicted that the Act would turn our academic staff into glorified civil servants and stultify the growth of our universities. Many years have gone by since that Bill was enacted in Parliament and a large part of what I had predicted has come true. Unfortunately, the Alliance Government, and now the Barisan Government, is always too proud to listen to constructive criticism from the opposition. I well

remember when we debated the new Banking Bill in the late sixties I had tabled a series of amendments for debate in the committee stage. That bill was being piloted through the House by the then Minister for Finance, Tun Tan Siew Sin. I had tabled the amendments after prolonged discussions with some of the leaders of the banking world who had assured me that what had been proposed by the government would not work. When we came to the committee stage, Tun Tan Siew Sin stood up and rather imperiously said "Mr. Speaker, Sir, there is merit in some of the amendments tabled by the Member for Batu. If he will withdraw them now I will give an undertaking that the Government will give serious consideration to them." I then stood up and replied, "Mr. Speaker, Sir, I am glad that the Minister for Finance does see some merit in my amendments. It is his privilege to reject each and every one of them, but it is my duty to table all of them." And I proceeded to debate all of them and they were all rejected by the Minister. But at a subsequent meeting of Parliament a large number of my amendments were incorporated in the government amendments to the Banking Bill!

This anecdote shows clearly that the government is not always right and the opposition is not always wrong. To come back to the Universities and University Colleges Act, 1975 which was taken through Parliament by Datuk Seri Dr. Mahathir Mohamad, then the Minister of Education, if only he had listened to the views of some of us, the government would have saved itself a good deal of heartaches. However, I am glad and I wish to congratulate the former Minister of Education, Datuk Musa, and the present Minister of Education, Datuk Dr. Sulaiman Daud, who have ordered a review of the Act with a view to tabling amendments in Parliament. This move has been hailed by many, including students, academic staff and the general public as well.

The first amendment that should be considered is the office of the Vice-Chancellor. Under the old constitution the V.C. was appointed by the Council on the advice of a committee consisting of the Chancellor or his nominee, two members of the Council with two members of the Senate and non-voting assessors, not exceeding two in number (who need not be present at meetings of the Committee) appointed by the Council after consultation with the Senate. This was a high powered committee. In the case of the committee which selected the first local man as V.C., Royal Prof. Ungku Aziz, it was headed by Tun Ismail Ali and I was a member of the Council

on it. A Vice-Chancellor selected by such a high powered committee enjoyed the confidence of the Council, Senate and the general public. However, under the Universities and University Colleges Act, 1975, the V.C. is appointed by the Minister. As a result he tends to lose a great deal of credibility. In the debate on the bill in 1975, I called him a hatchetman for the Minister and events since then have proved me right. Hence, the first item that needs to be amended relates to the appointment of the V.C. Also a V.C. should be appointed by the Council on the advice of an *ad hoc* committee.

Under the old constitution the Dean of a Faculty was elected by the members of the Faculty but under the amendments to the Universities and University Colleges Act, 1975 it is no longer an elected post. Now a dean is appointed by the Vice-Chancellor. The reason for the change is that during an election for the deanship of the Faculty of Medicine, scurrilous letters were floating about not only in the Faculty of Medicine but also in the University of Malaya as well. This was most regrettable but one must accept the fact that hate letters have come to stay if there are elections not only amongst the academicians but amongst other people as well. Witness the last General Assembly of the UMNO held in April last year. In the election for the post of Deputy President there were scurrilous letters floating around throughout the country. And there was no suggestion that the post should not be an elected one but an appointed one. Of course to those in authority an appointed dean is much easier to deal with. If he proves too troublesome he need not be appointed on a subsequent occasion. If in addition to the stigma of being a blue-eyed boy of the V.C. you introduce the problem of race, then one can understand how a young, inexperienced dean will have an uphill task. In the case of an elected Dean, he has the confidence and support of the majority of the members of the Faculty and if he does not deliver the goods in an exemplary manner, then when his term of office ends he will not be re-elected by his colleagues. The appointed Deans are entrenched with power and privileges. They tend to be keen not to displease the V.C. hoping that it would guarantee better career prospects for them. All this leads to a lack of intellectual independence and objectivity, ultimately resulting in other academics losing faith in the Deans and the University system. There is no doubt that the appointed dean has caused a great deal of frustration and heartburn amongst the academic community in our universities.

When the Act was amended in 1975 the students of our universities were not consulted. I wish to tell our students that our government does not consult anyone when they want to present a bill in Parliament. Most bills are drafted in great secrecy and only when the government desires it, is news of the bill leaked out to the press. In the case of the amendments to the Universities and University Colleges Act, 1975 the universities as represented by their representatives in Council, were not consulted. This was also the case when the government provided for the Letter of Suitability by amending the Internal Security Act.

But now that the students know that a review of the act of 1975 will be conducted they should get down to work and present their views to the Ministry of Education. The students have their long vacation now and so they have time to sit down and discuss the problem amongst themselves and submit a joint memorandum on behalf of our five universities. I need hardly remind the students that it was due to their agitation that the government agreed to suspend the application of the Letter of Suitability just before the General Election of 1969.

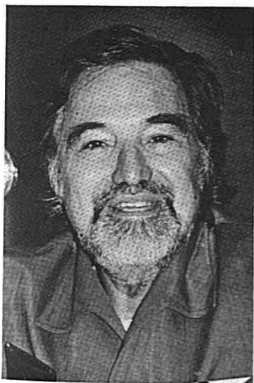
The students of today have a great deal to grouse about. The amendments of 1975 have greatly hampered their activities both inside and outside the campus as well. For every organized function that they want to hold, they have to get the permission of the authorities. There is so much red tape involved in getting permission or organize student meetings that it is a wonder that there is any activity at all. There is no doubt that the amendments to the Universities and University Colleges Act, 1975 have proved to be too repressive and restrictive to student activity in our universities.

Though the amendments were mainly designed to curb the activities of the students, the government took the opportunity to deal with the academic staff as well. There was no reason for the academic staff to be roped in. It is true that very, very few of them were involved in the student unrest but the government under the amendments have reduced the academic staff to the status of civil servants, especially where discipline and pay are concerned. The academic staff are now a frustrated lot, very sore over their pay and the red tape that they have to cope with. They want to have a say in decision-making and want to have greater representation in the Council. Here I wish to disagree with the academicians. They already have two members in the Council, which has a membership of 15 and both

their members are elected by the Senate from amongst its own members. The Senate members to Council are the only representatives who are elected and they should count their blessings that this is so.

Under the old constitution, graduates had five elected members in the Council. The amendments of 1975 not only cut this down to two but also provided for their appointment by the Minister. There is no rhyme or reason for this change as the representatives of the graduates have proved their worth in the short history of our universities. I am not advocating that the graduate representation should be increased but I do want to make a plea that they should be elected by their peers and not appointed by the Minister of Education.

After six years the time is ripe for a review of the amendment to the Universities and University Colleges Act, 1975. The government must by now be aware that the legislation has stultified the healthy growth of our universities, caused resentment amongst the students and a deep sense of frustration amongst the academic staff.



Royal Professor
Ungku Aziz



The Star

Lawyers demonstrating outside the Parliament

THE SOCIETIES (AMENDMENT) ACT, 1982

The new amendments to the Societies Act, 1966 were tabled in Parliament on 4 November 1982 and already the bill has stirred up a hornets' nest and threatens to draw a great deal of flax from its main opponent, the Conference of Societies. No bill since *Merdeka*, 25 years ago, had attracted so much opposition and controversy as the Societies (Amendment) Act 1981. Since *Merdeka* several Acts of Parliament have attracted opposition and controversy. These include:

- (1) The Internal Security Act. The ISA replaced the old Emergency Regulations and attracted opposition mainly from left-wingers who gathered under the banner of the Socialist Front. The S.F. fought bitterly against the ISA both in Parliament and outside. The Act was originally devised to curb internal subversion in this country. It has, however, cast its net much wider and now trade unionists, respectable academicians, smugglers and drug traffickers have been roped in under this Act.
- (2) The amendment to the ISA in 1965 by the late Tun Ismail, then Minister of Home Affairs, introducing a Letter of Suitability. Its aim was to keep out young subversives from our universities and other institutions of higher learning. The change aroused the opposition not only of the opposition but also of students in our universities and the trade union movement. This provided for one of the rare occasions when the entire opposition in Parliament united to

block a government bill. I took an active part in opposing the bill and I was very proud of the students when they sent telegrams to each and every MP calling on them to oppose the bill. I was real proud of the students of that generation but unfortunately during the entire episode the academicians had chosen to keep discreet silence. I was ashamed of them when they did not take the lead in opposing the bill. But their turn was to come later when some of them too were detained. The students kept up their pressure against the Letter of Suitability and at the start of the 1969 General Elections, they drew large crowds at their rallies so much so that the then Minister of Education, Khir Johari, now in honourable retirement from active politics, gave in and suspended the Letter of Suitability. It has remained suspended for more than a decade. Why should it not be removed from the Statute Book? This is a glaring example of the need for a Law Reform Commission or Committee, as was advocated by Tun Suffian when I interviewed him recently. Such a Commission can usefully advise the government to remove such an Act from the Statute Book.

(3) The amendment of the Universities and University Colleges Act, 1975. In the wake of the Baling unrest and with students taking up the cudgels on behalf of the peasants, the Barisan Government was stampeded into binding the students of our universities hand and feet through the amendments. This bill aroused the opposition not only of students and academicians but also of the MTUC and all the opposition parties. Following the student unrest in Kuala Lumpur, several arrests were made, including Associate Prof. Dr. Syed Husin Ali, Anwar Ibrahim, Ibrahim Ali, etc.

(4) Essential (Security Cases) Regulations 1975. This act amongst other things provided for hooded witnesses, thus taking us back to the Middle Ages. The opposition fought hard against it, and it is to the credit of the government that the provision for hooded witnesses was withdrawn. This act also provided for the mandatory sentence of death by a single judge for anyone found guilty of possession of arms.

All these acts are a blot on the fair name of Malaysia but the one that aroused the biggest protest and opposition not only from the opposition parties but also from a large cross-section of the Malaysian society was the Societies (Amendment) Act, 1981 which was passed by Parliament on the 7 April 1981. It attracted the opposition of such diverse groups as the Ulama's Association and

other religious organisations, the students and staff of our universities, trade unions, and sections of the ruling party itself. Even the staid and respectable Bar Council decided to abandon their wigs and gowns and, *mirabile dictu*, take to the streets to distribute their memorandum of protest. Ten of them even penetrated the lobby of the Dewan Rakyat to present their memorandum of protest to both the MPs and the Ministers. It was a day when Malaysians were really proud of their lawyers for bearing the torch of freedom to the citadel of our law-makers, namely the Dewan Rakyat. During the acrimonious debate the then Minister of Home Affairs, Tan Sri Ghazali Shafie, taunted the lawyers by saying that the laws of our country are the business of our legislators and that if the lawyers want to have a hand in it, they should abandon their wigs and gowns and enter the rough and tumble of politics. That was an unworthy cut from one who holds the lofty post of Minister of Home Affairs and who is a lawyer himself albeit one who has not practised as a lawyer. I want to remind the worthy ex-Minister of Home Affairs, now happily removed to the less turbulent post of foreign affairs, that while we accept the fact that the laws of our country are made by our law-makers in the Dewan Rakyat, nevertheless the business of law-making is not that of our MPs alone but that each and every individual should and must have a hand in it. Indeed if more Malaysians have a say in the making of the laws, Malaysia will be a much better country to live in. I say on the strength of having been involved in political life of our country for more than a quarter of a century and having served three terms as an MP and two terms as a state assemblyman in Selangor. During my term as an elected representative of the people whenever a controversial bill came before the House, I always called on the government to give time to the people to study the proposed law so that they could advise their elected representatives what to do in the Dewan Rakyat. If that is done, Parliament can truly be said to represent the will of the people. Unfortunately, the Societies (Amendment) Act 1981 was rushed through Parliament with indecent haste and the country was allowed little time to study the bill properly.

The present bill was tabled in Parliament on 4 November 1982 and will probably be debated one month later. That should allow for much more time than the 1981 bill. But I still maintain that the time for the people to study the bill is not adequate. The government must remember that in this instance it is not fighting the op-

position parties as such but a large cross-section of the Malaysian society. If the Minister of Home Affairs is not aware of this, he should consult his junior colleague Anwar Ibrahim, the *quondam* chairman of the Secretariat of the Conference of Societies. This body represents a large cross-section of the Malaysian society and includes organizations of Ulama's, teachers, students, academics, trade unions and various professionals. The government must not make the fatal mistake of assuming that because it has neutralized the former head of the Secretariat this body will be ineffectual. Leaders come and go but the Secretariat will go on for a long time until the unjust provisions of this law are removed. Last year I had called on the government to refer the bill to a Select Committee and invite the Secretariat to present its case before the latter. It would certainly have taken the heat off the issue and enabled the Select Committee to study the grievances of those affected in depth and hopefully devise a compromise solution that was acceptable to all parties. Unfortunately, my proposal was rejected by the government. Nevertheless once again I call on the government to refer the present bill to a Select Committee and invite all parties who have anything to say to present evidence, either oral or written, to the Select Committee. That way the opponents of the bill can have, we hope, a meaningful dialogue with the government. I agree that the present amendments as contained in the Societies (Amendment) Act 1982 do not remove the fears and doubts over the earlier controversial amendment passed by Parliament in April last year. Indeed what is alarming is that the government has turned the screw even tighter as I shall presently show. Or is the Government deliberately trying to bait the opponents to the Bill?

The only concession in the present bill is contained in Clause 8 which seeks to delete the whole of Part 1A which deals with Political Societies. With this amendment the societies hitherto labelled as Political Societies shall now be deemed as ordinary registered societies. This amendment removes the enforced conversion under the 1981 amendment, of ordinary registered societies into Political Societies simply on the basis that they criticised, even if constructively, the actions of government. There are thousands of such societies and they range from professional societies, like Malaysian Medical Association and the Bar Council, to clan associations, like the Kwangsi Association, and the various Chambers of Commerce and religious bodies etc. I am glad that the government has the good

sense to remove this controversial section from the new act.

Where before only the Registrar of Societies or his deputy could enter and search the premises of any society, under Clause 10 of the new amendment the noose is tightened even further, as now the Registrar can delegate his authority to other officers. What is worse, these officials can do so even without a search warrant. Bearing in mind that even the police have to obtain a search warrant from a magistrate before they can search any premises, one can see that the Registrar of Societies in this regard is now a law unto himself. What has transpired since last April that has caused the government to increase the powers of the Registrar of Societies? Has any society resisted the attempt of the Registrar to search its premises? Furthermore, all the actions of the Registrar of Societies are not subject to review by a court of law. This cuts into the very concept of the Rule of Law as embodied in our Constitution. The amendment only allows for appeal to the Minister. But that is not an adequate protection to the ordinary citizen or society that is aggrieved.

Under Clause 5 of the proposed bill, a new section 8B prohibits societies from obtaining any financial aid from foreign sources unless they are exempted by the Minister. One is entitled to ask what has happened since April 1981 to cause the government to seek new powers in this regard? Has ABIM or Aliran or any other society been receiving money from foreign sources and misusing these funds? A neater way out would have been to ask all societies receiving financial aid from foreign sources to report such aid in their annual reports.

Far from assuaging the fears and opposition of the Secretariat of the Conference of Societies and of other opponents of the 1981 Act, the government has stirred up yet another hornets' nest. In order to allow time for calm deliberation, free from acrimony, I once again propose that the Bill be referred to a Select Committee of the House.

**RE-THINK ON THE SOCIETIES
(AMENDMENT) ACT 1982**

I must congratulate the 2M Administration and Datuk Musa Hitam, the Minister of Home Affairs, in particular, for withdrawing the Societies (Amendment) Act 1982. He announced the decision after meeting the Barisan Nasional MPs on the morning of 7 December 1982. Datuk Musa Hitam was speaking to pressmen and he admitted that the bill which was tabled on 4 December 1982 was "not in line with the Government's liberal policy". He, however, warned that the withdrawal of the bill did not mean a victory for any individual, group of societies or the opposition parties. Datuk Musa Hitam went on to say that "the Government is just reacting to certain shortcomings in the bill in the public interest. We are willing to admit our mistakes and I believe this is our strength".

To be fair to the 2M Administration, the ill-conceived Societies (Amendment) Act, 1981 which aroused so much acrimony and controversy was bulldozed through the Dewan Rakyat when the 2M Administration was not in the saddle. But nevertheless, the present Barisan Nasional government must accept some blame for being a party to the bill that was passed in April last year. When Datuk Seri Dr. Mahathir took over as Prime Minister in July 1981, he set about wooing Encik Anwar Ibrahim, then President of ABIM which spearheaded the opposition to the Societies (Amendment) Act, 1981. Obviously, the 2M government had to make substantial amendments

to the Societies (Amendment) Act 1981 before Encik Anwar Ibrahim would consent to join the UMNO and be part of the 2M Administration. He had become the Chairman of the Secretariat of the Conference of Societies which represented about 115 societies. The Secretariat has organised a mass signature campaign against the Societies (Amendment) Act, 1981, collected about 70,000 signatures from members of the public and presented them to the Prime Minister. In an earlier article, I had warned Encik Anwar Ibrahim that if he changed his stand on the Societies (Amendment) Act, 1981, I would be the first to expose him. Later in November 1982, I had warned the 2M Administration that they must not make the mistake of thinking that by removing the former head of the Secretariat of the Conference of Societies, they would be able to remove the opposition to that obnoxious act.

The government must remember that opposition to the Societies (Amendment) Act, 1981 was not confined to the opposition parties but it included a formidable array of societies that represent the whole spectrum of Malaysian society. These represent a formidable force and I am glad that the government has recognised that. Datuk Musa Hitam took great pains to emphasize that the withdrawal of the bill is not a victory for any pressure group. I agree with him. It is a victory for the people. For the first time in the history of our infant nation, a vast section of our people made known their displeasure and opposition to a government legislation. This is as it should be. The government should take note of the feedback it gets from the public.

When I interviewed Tun Suffian, the most prestigious judicial figure in the country, he stated that a free independent judiciary depends on a well-informed press and a vigilant parliament. In this instance, I must congratulate the press on voicing the views of the people so that they ring out loud and clear along the corridors of power in our country. But the withdrawal of the bill must not be taken as a sign of weakness on the part of the Barisan Nasional government. It is as strong as ever. I will go further. By acting realistically and listening to the views of the people, the Barisan Nasional government has become stronger.

Datuk Musa Hitam admitted that there had been some miscommunication as certain aspects which were supposed to be included in the bill had been left out. He added that the government felt that the proposed amendments "are not as liberal as we would wish them

to be". Datuk Musa Hitam said that the government has decided that a new bill should be introduced. Circumstances have changed and therefore instead of patching the act here and there, the government has decided to draw up a new one, suited to our needs and current conditions.

Datuk Musa said he would meet various societies and organizations and also the youth wings of the Barisan parties and hear their views before the new bill was drawn up. I would like to ask Datuk Musa Hitam, why only the youth wings of the Barisan parties? Why not hear the views of the youth wings of the opposition parties as well? Are they not important, especially now that the government is starting *de novo*. And what about meeting or inviting anyone who has views on the New Societies Act to write in to the Minister of Home Affairs? That way the New Societies Act will be one that has at least taken into consideration the views of people who have anything to say. If the Barisan Nasional government does that, it will be a big milestone in the growth of parliamentary democracy in our country. The government will then lend some substance to their claim that they are a government of the people, by the people and for the people. In an earlier article, I had made the proposal that the government should refer the bill to a Select Committee. Unfortunately, my proposal was not accepted. If it had been, it would have saved the government a great deal of trouble.

The announcement by Datuk Musa Hitam has been welcomed by the main critics of the Societies (Amendment) Act, 1981, including the Secretariat of the Conference of Societies. But most others, while welcoming the liberal and realistic move made by the government, have expressed caution in respect of the new bill. The reason is simple. Last year, when the government announced that the Societies (Amendment) Act, 1981 would be amended the critics had met Datuk Musa and made known their views both orally and in writing. And they had reasonably hoped that the amended legislation would take into consideration the proposals made by them. Alas, when the Societies (Amendment) Act, 1982 was tabled in Parliament, it had made only one concession to the critics. Part 1A dealing with the division of societies into political and friendly societies had been deleted. But at the same time more restrictions were placed on the activities of societies.

The crux of the problem to me revolves round the extraordinary powers that the government wants to vest in the Registrar of

Societies. He is to become a law unto himself, if he is so inclined. The government must realize that it is dangerous to vest any civil servant with such extraordinary powers, to the extent that his actions are not subject to a review by a court of law. The man in the street is entitled to ask the Minister of Home Affairs why should the Registrar of the Societies be given such extraordinary powers? I venture to say that if the Registrar of Societies is divested of these extraordinary powers and if his actions are made subject to review by a court of law much of the opposition to the act will wilt away.

Now that the government has withdrawn the Societies (Amendment) Act, 1982, and has promised to introduce a new legislation to replace the Societies Act, 1966 together with the Societies (Amendment) Act, 1981, I call on all interested parties to hold discussions on this important subject. And then if they have constructive proposals, they should forward them to Datuk Musa Hitam, the Minister of Home Affairs. If Datuk Musa Hitam is deluged with proposals, I am sure he will have to listen to the voice of the people. The New Societies Act that he has promised to introduce in the March session of the Dewan Rakyat I hope will really reflect the new liberal attitude of the 2M Administration. If on the other hand, the people of this country adopt an attitude of apathy then they deserve to be shackled by whatever repressive measures that may be incorporated in the New Societies Act that Datuk Musa Hitam has promised us. If we adopt a *tidak apa* attitude towards national issues, we deserve the government we get.

SOCIETIES (AMENDMENT) ACT, 1983

The Societies (Amendment) Act, 1983 will be debated this week and the debate I hope will bring to a close the end of an unhappy chapter for the Barisan Nasional. The draft was tabled on 16 March 1983 and the bill could have been debated last week itself, giving the MPs and the country no time to study it.

The Alliance government and its successor the Barisan Nasional has the bad habit of not giving the MPs adequate time to study bills before they are debated in the House. I have pointed this out time and again. If the MPs themselves are not given adequate time what hope do mere ordinary mortals like us have of looking and studying these bills before they are debated in the House? Perhaps the massive majority that the Barisan Nasional enjoys in both houses makes them think that they can ignore opinions that are expressed outside the house. If this view is correct then it is a very dangerous trend and must be stopped. I will readily acknowledge that it is the job of the MPs to make laws which govern all of us but the MPs must be guided in their actions in the House by what their respective electorates desire them to say and do in the House. This is seldom if ever done in this country.

Another feature of the bill is the secrecy surrounding it. Once they are presented in the House they should be made available to the general public through the Government Printing Office or other

outlets. Let me remind the government that the more the public have access to the papers that are presented in the house and study and comment on them, the better it will be for all concerned. For one thing the government can have the feedback that they badly need and free of charge!

Let us take the present session. Amongst the bills presented in the house on 15 March was the Local Government (Amendment) Bill which empowers a local authority to control, by licensing, any trade, business or industry which is obnoxious or a public nuisance. As the MPs who took part in the debate have quite rightly pointed out the word obnoxious is subject to various interpretations. The Ministry of Local Government should come out with a list of obnoxious trades or precisely define the word. Otherwise the implementation of the act may cause injustice which I am sure is not the intention of government. This amendment, in itself is a minor one, but if wrongly applied may cause a great deal of injustice to a large number of people. It should have been widely publicised and a feedback obtained. Instead it was surrounded by a great deal of secrecy and then rushed through Parliament.

As for the Societies (Amendment) Act, 1983, I am glad that the Minister of Home Affairs has taken cognizance of the views of the Secretariat of the Conference of Societies and has removed most of the obnoxious features of the Societies (Amendment) Act, 1981. The main features of the present legislation that please me are:

1. The deletion of the whole of Part 1A. This had dealt with the classification of societies into "friendly" and "political". And as a result when the new bill is passed and becomes law all societies will be treated as ordinary societies. This will remove one of the most controversial features of the 1981 law.
2. It has also deleted the requirement by societies to obtain the prior permission of the Minister of Home Affairs before the Registrar can register a society which in the opinion of the Minister affects security or has foreign affiliation.
3. The bill is silent on the right of appeal to the courts and so presumably societies now have a recourse to a court of law if they feel aggrieved over any action of the Registrar of Societies or the minister. If my view is correct this will restore the supremacy of the law and ensure that no civil servant or politician can be law unto himself. This is a very important point not only for the societies concerned but also for the people of the country at large. Hence, I hope

when this bill is debated, MPs will get this important point clarified by the Minister of Home Affairs.

4. Clause 25 lays down the grounds and the conditions upon which the Registrar or the Assistant Registrar or the Registration Officer is empowered to enter and search a place of business or place of meeting of a registered society. Hitherto these officials could enter and search premises without permission from the society concerned or a warrant.

I see that the Secretariat of the Conference of Societies is still not satisfied with this amendment. It wants the Registrar of Societies to get a court order before effecting a search. I myself feel that the amendment is a fair one for if the Registrar does not comply with the conditions as laid down in the law or acts *mala fide* then the society concerned has recourse to a court injunction to stop the Registrar from proceeding with the search.

5. Section 11A which deals with foreign affiliation has now been completely removed. This was one of the most objectionable provisions of the earlier law.

6. A society can now change its place of meeting without the prior approval of the Registrar.

7. Societies which have changed or amended their rules now have 28 instead of 14 days to notify the Registrar of Societies of their decision.

8. The bill also introduces a new clause whereby a society shall not be held liable for contracts entered into by any of its branches or any of its office-bearers, unless such branch or official has been given clear authority to do so.

These amendments are reasonable and should be acceptable to the house and the general public. They would, as Datuk Musa Hitam himself has stated, "put the Act back" and the *status quo ante*. These still leave the Registrar with formidable powers and let us hope that they will be used wisely in the interest of justice. In future I do hope the government will take into confidence the general public and obtain some feedback to any controversial bill that it may seek to enact in Parliament.

III. The Constitution

"On 29 July 1983, the Constitutional (Amendment) Bill was tabled in Parliament and the debate on it started on 1 August. By 3 August, it was all over and the bill was passed by the Dewan Rakyat. Like all government bills this one too was shrouded in secrecy and there was no time at all for the general public to study the bill much less give a feedback to the government....

"Another milestone in our constitutional history has passed and dare we hope that should another such exercise be necessary in future the man in the street will be given an opportunity to study the constitutional amendments before they are debated in Parliament."

Dr. Tan Chee Khoon, 17 August 1983

**CONSTITUTIONAL (AMENDMENT) BILL,
1983**

On 29 July 1983, the Constitutional (Amendment) Bill was tabled in Parliament and the debate on it started on 1 August. By 3 August, it was all over and the bill was passed by the Dewan Rakyat.

Like all government bills this one too was shrouded in secrecy and there was no time at all for the general public to study the bill much less give a feedback to the government. Time and again in the past, I have commented on this lack of time for the public to study important bills like this and for it being shrouded in secrecy. As I see it, there is no need for bills of this nature to be wrapped in secrecy and then to be rushed through the Dewan Rakyat.

The Prime Minister in introducing the bill in the house was rather defensive which surprised me. He stated that laws cannot remain static and must be amended or changed to keep in step with changing times. I entirely agree with him but I would hope that MPs would be given adequate time to study all bills before they are debated in the house more so when the amendments to the Constitution of our country are being made. In the latter case not only MPs but the general public should be given adequate time to study such bills and make representations to the government if necessary.

The first amendment seeks to amend Article 1 of the Constitution to provide for the inclusion of the Federal Territory as part of the territory of the Federation of Malaysia in view of its exclusion

from the State of Selangor. This lacuna in our Constitution was raised in the High Court in Kuala Lumpur when Karpal Singh raised the question whether the Federal Territory is an integral part of Malaysia and if the High Court sitting in the Federal Territory is lawfully constituted. The Federal Court ruled that it was preposterous to suggest that the Federal Territory is no man's land. Now we know better and we have to be grateful to Karpal Singh for pointing out to the legal pundits the lacuna that had existed in our constitution. And the amendment is retrospective to February 1974 to cover all acts of omission since that day!

Our government has a vested interest in keeping alive the state of emergency in this country. I am certain that very few Malaysians, including our MPs, are aware that we have four emergencies in operation in this country. They are:

1. The emergency declared in 1963 arising out of Confrontation;
2. The emergency declared in Sarawak in 1966 to deal with the recalcitrant Chief Minister Datuk Stephen Kalong Ningkan;
3. The emergency declared as a result of the May 13 Tragedy of 1969;
4. The emergency declared in Kelantan in 1977 as a result of the break with PAS in that state.

I must emphasize that all four emergencies are long since over and no longer pose a threat. The Confrontation has been over for nearly two decades. Datuk Kalong Ningkan has been ousted as Chief Minister of Sarawak. All Malaysians want to bury the memory of 13 May and the crisis in Kelantan has been over for at least 5 years and that state is now under Barisan control. But the emergency powers still prevail!! That is why I say that the government has an obvious vested interest in keeping alive the emergency. Once it has assumed such extreme powers it is not keen to give them up.

The amendment to Article 150 of the Constitution is quite alarming. The Prime Minister can virtually promulgate emergency laws for the amendment proposes that "where the Prime Minister is satisfied that certain circumstances exist which render it necessary that immediately action be taken, he shall advise the Yang di-Pertuan Agong to promulgate such ordinances, as the Prime Minister deems necessary and the Yang di-Pertuan Agong shall then accordingly promulgate such ordinances". With such powers the Prime Minister becomes supreme. We have already seen this happening in this country before. The record of the Alliance Party, now the Barisan Nasional, on the matter of emergency powers has not

been reassuring and now the Dewan Rakyat has virtually granted the Prime Minister full powers to proclaim an emergency which may well last long after emergency situation is over.

Another amendment concerns Article 66 which allows the Yang di-Pertuan Agong or the Sultans the power to delay the implementation of acts passed by Parliament or by the various State Assemblies. Being constitutional monarchs, the Agong or Sultans naturally should not frustrate the will of the people as expressed by Parliament or State Assemblies. With this amendment to Article 66 they can now delay signing an act for only 15 days after which the act shall be deemed to have received the royal assent whether or not it has been signed by the King or by the Sultan concerned. I am all in favour of this amendment as no one should have the power to bring the business of a government to a standstill.

Article 46 of the Constitution is now amended to enlarge the membership of the Dewan Rakyat from 154 to 176. The last time this exercise was carried out was in 1973 when the membership was increased from 144 to 154. The increase of 22 seats is distributed as follows: Sabah 4; Selangor 3; two each for Federal Territory, Johore, Pahang, Penang, and Perak; one each for Terengganu, Kelantan, Melaka, Negeri Sembilan and Kedah; and none for Perlis or Sarawak. The next revision is to take place in 1985. Controversy surrounded the weightage given to rural constituencies, some of which are four times smaller than the biggest urban constituencies. But this is the practice the world over. The rural, more conservative, seats are given weightage over the urban, more populous ones. In some countries the exact weightage is spelt out, e.g. no urban constituency must have an electorate exceeding 15 percent of the smallest rural one.

It is obvious we cannot go on adding to the membership of the Dewan Rakyat. The time must come when we must call a halt to it, if nothing else there will be no place for the members to sit! The delineation of the exact constituencies will be carried out by the Election Commission.

Articles 121 and 131 of the Constitution have been amended to allow for the abolition of all appeals (including civil cases) to the Judicial Committee of the Privy Council and for the conversion of the Federal Court into the Supreme Court. This amendment met with approval all round for our Federal Court has proved itself to be capable and mature to tackle all appeals from the High Court.

in this country.

Article 43A has been amended to enable a Deputy Minister and a Parliamentary Secretary under instruction of the Minister concerned to present bills in Parliament when the Minister is unable to do so. But care must be taken to see that this privilege is not abused. Already in the Dewan Negara, our Senators have complained that our Ministers have been conspicuous by their absence during Question Time. In the Dewan Rakyat, very often after Question Time there is an exodus from the ministerial benches and very often there is literally only one minister sitting there. In the past, towards closing time very often one could see the Tunku or his successor Tun Razak sitting in lonely vigil in the government benches. What has happened to all our other ministers? Do they start their nocturnal activities that early?

Article 57 is amended to provide for the appointment of two Deputy Speakers of the Dewan Rakyat from amongst members of the House. The Deputy Speaker, the Deputy President of Dewan Negara, as well as members of the various commissions, are now allowed to participate in business. This is because of the difficulty to get persons of calibre to take on these posts if they remain full time jobs. The professional men, such as the out-going Deputy Speaker, Dr. Hee Tien Lai, find it difficult to give up their profession and tend to their constituency as well for such limited rewards.

Articles 48 and 53 of the Constitution have been amended to deal with a Member of Parliament who has been disqualified for reason of a conviction and sentence and has exhausted all avenues of appeal through the courts and the Pardons Board. If the appeal to the Pardons Board is turned down his seat shall become vacant.

The first and last time an MP had his membership of the Dewan Rakyat terminated was when the Barisan Nasional tabled a motion to terminate the membership of Fan Yew Teng of the DAP. The heated debate that ensued saw the raw power and tyranny of the huge majority that the Barisan Nasional exhibited. The whole opposition claimed that the motion was premature and that Fan Yew Teng should be allowed to exhaust all legal avenues open to him. But the Barisan Nasional was in a big hurry to expel him and of course they could do so without any difficulty as they had the majority. In double quick time the Election Commission was informed and it proceeded to hold a by-election in Menglembu. The DAP of course sought redress in the High Court at Ipoh and there Mr. Justice

Azmi ruled that Fan Yew Teng had been wrongly expelled from the Dewan Rakyat. He had not been allowed to exhaust all legal avenues open to him. His membership of the Dewan Rakyat was restored and the by-election was stopped. In this country the ordinary citizen fortunately can still find redress from the tyranny of the executive by seeking refuge with the judiciary.

This amendment spells out clearly what are the steps open to the MP who falls foul of the law. In view of Datuk Mokhtar Hashim's case, there is some urgency to get the amendment through in this session. But he resigned on 1 August thus saving the Dewan Rakyat any trouble over his case.

Another milestone in our constitutional history has passed and dare we hope that should another such exercise be necessary in future the man in the street will be given an opportunity to study the constitutional amendments before they are debated in Parliament.

THE CONSTITUTIONAL AMENDMENTS

Our country faces a constitutional crisis of the first order – the elected government is on a head on collision course with the Malay Rulers. In this unhappy situation, when UMNO Youth and Wanita are flexing their muscles, the Raja of Perlis has spoken up with wisdom and reasonableness. He has made two important points that show the way to a solution. Firstly, he declares his belief that the Rulers hold office under the law and the Constitution and must accept the advice of the Menteri Besar or the Prime Minister. Secondly, he points out that a Yang di-Pertuan Agong who misbehaves may be removed from office by the same simple majority vote of the Rulers who elected him, that is by five of nine votes. The Raja of Perlis points out that he belongs to the smallest state but we must all applaud him for the greatness of his vision. What troubles me is the intolerance of debate and dissent that this issue has once again revealed.

On 1 August 1983, the Government bulldozed through Parliament the Constitutional Amendments contained in the Constitutional (Amendment) Act 1983. The people of the country did not know that this important bill was being pushed through the Dewan Rakyat. The Members of Parliament too were not given adequate time to study the bill before it was rushed through Parliament. It was as if instructions had been given that UMNO MPs should not speak too much on the bill. Very few of them spoke at all. Not only was

the debate rushed through the Dewan Rakyat but also very little of the debate appeared in the press. It was as if the press had been told to play down the issue as well.

The bill was rushed through both houses of Parliament; it was easy enough given the lopsided majority that the Barisan Nasional has in both houses but it was only when it went up for the royal assent that it came unstuck. The King has refused to give the royal assent to the bill. And thereby lies the impasse. There was talk that the King was about to sign when fate providentially intervened; when the King was playing a game of football in Kuantan, he suffered chest pains and had to be hospitalised. He left the Hospital Besar, Kuala Lumpur only on 7 November 1983. The Conference of Rulers which met in Kota Kinabalu early last month did not give the consent of the rulers to the amendments. The Rulers are of course involved as the change would affect their position in their respective states. The controversy raged below the surface away from public gaze.

On 11 October 1983, Datuk Senu b. Abdul Rahman, a former Minister of Information and Secretary-General of UMNO, held a well-attended press conference at which he explained his views on the amendments. He stated that earlier on 3 October 1983 he had written to the Prime Minister giving his views on the constitutional amendments. These views were not on all fours with those of the government. The next day not a word of his press conference appeared in the press. The cynic may well say that Datuk Senu has been hoist on his own petard for the machine which he has helped to build up has denied him access to the media! He was getting a taste of his own medicine! But worse was to follow. There were cries from his own UMNO division, Kuala Kedah, calling him names like traitor and asking for his expulsion as well! This to an UMNO veteran who had served his party and country well. It must have been a bitter pill for him to swallow in the evening of his life. It also showed how intolerant of dissent the UMNO has become. The leader of today may well be the villain of tomorrow! UMNO being the largest and most powerful political party in this country must be more magnanimous and be able to accommodate and tolerate diverse opinions within its ranks. It has done a grievous wrong to Datuk Senu who by no stretch of imagination can be called a traitor to UMNO.

On 17 October 1983, Tunku Abdul Rahman Al-Haj wrote an article in *The Star* touching on the Constitutional (Amendment) Act

1983, in particular on Article 66 that impinges on the powers of the King and the various sultans. If anyone is qualified to write on this issue, it is the Tunku who not only is our first Prime Minister but also the person who created the institution of the elected monarch. He regretted the manner in which the amendment regarding the Agong and the other Rulers had been rushed through Parliament without proper consultation with the Rulers concerned.

Now that the Tunku is out of office he can afford to say that and though I agree wholeheartedly with him yet I must make bold to say that he is partly to blame for the present impasse. Let me hasten to explain. As father of our Constitution if he had made it more difficult to amend our constitution by the ruling party, especially by a party that had such a lopsided majority as the Alliance Party had after the 1964 elections, he should have provided more safeguards and balances in the matter of amendments to the constitution. After 1964, I entered the Dewan Rakyat in the company of Datuk Seri Dr. Mahathir Mohamad, our present Prime Minister. I had repeatedly pointed out to the ruling party and to both the Tunku and Datuk Seri Dr. Mahathir Mohamad, how in the matter of amendments to our Constitution there should be maximum consultation with the people at all levels. Adequate time must be given for debate in the Dewan Rakyat. Alas my proposals fell on deaf ears.

The present Constitutional (Amendment) Act 1983 is no exception. As I stated at the beginning the people did not know of the amendments and the next they knew the amendments were passed! This has caused Encik Abu Bakar Dewa of Johore at the recent meeting of the UMNO Youth to ask the government to seek the advice of party members before deciding any controversial issues. He continued pointedly and I quote: "Not everyone up there is smart. Sometimes they do need our views. They should not seek the views of members only when they are in a sticky situation." I might add that the government should seek the views not just of Barisan Party members but of the people of the country as well. If it had done so at the beginning, such an impasse would not have arisen.

In his article on 17 October 1983, the Tunku has made the suggestion that the amendment bill should be signed by the Agong and the government should give an undertaking that it will not gazette that clause relating to Article 66 which should be the subject of further negotiations between the Rulers and the government. This suggestion has been objected to by Mr. Lim Kit Siang in Parliament

who maintained that the constitution does not allow partial gazetting of bill. The Tunku returned to the subject again in his article of 7 November. He quoted the Constitution and reiterated that partial gazetting of an act was legal. I am inclined to agree with the Tunku. But why all this hurry to get the act gazetted? The ostensible reason is that any delay will slow down the work of the Election Commission which must complete the drawing up of the new constituencies before July 1984. This is the reason given by Encik Ghafar Baba. But both Encik Ghafar Baba and the Tunku have apparently chosen to forget about the first delineation of constituencies which was due in 1969 but was postponed to 1974. Of course, the Alliance Party then bent the rules to suit their political ends. I do not see any urgency on this score. Can it be that the real reason is that the Constitutional (Amendment) Act 1983 has unleashed forces that the government finds difficult to control?

The Tunku also pointed out that if the present Constitutional (Amendment) Act 1983 is given the royal assent in its present form, Malaysia can be turned into a republic in a matter of 15 days. A way must be found to control the right of the Rulers to refuse to give royal assent to any bill passed by the elected representatives of the people. Equally important is the necessity to check the unlimited power of the elected representatives to change our Constitution in a matter of 15 days. A *modus vivendi* is not beyond the powers of our legal draftmen and pundits.

The 13 October 1983 issue of the *Far Eastern Economic Review* had an article on the Constitutional Amendments which did not pass the censor and two pages had to be excised before that copy of the *Review* was allowed to be released for circulation. I have read that story in question when I was in Bangkok recently and I did not find anything subversive or offensive in that article. Why should the Ministry of Home Affairs want to keep the story under wraps and not allow the people of the country to read the truth about the controversial amendments?

Compare this sensitivity with the meeting of the UMNO Youth held at the Civic Centre in Petaling Jaya on 4 November 1983. Veteran UMNO leader, Ghafar Baba, did not mince words and pointedly told the audience and the rest of the country, including the Rulers, that the world is left with 20 crowned heads, half of whom are in Malaysia. He asserted that no party could govern the country without the support of the Malays. And he added that the sur-

vival of the Malays need not necessarily depend on whether or not there existed the institution of Malay Rulers. The survival of the Malays lay on the shoulders of the Malays themselves. If Encik Ghafar Baba had been well read in English and European history, he could also have added that history is replete with examples where in case of a conflict between the Rulers and the people, the will of the people had always prevailed.

Then one speaker after another warned of the enemy within UMNO and outside it as well. Many of them directed their fire on Datuk Senu. One UMNO Youth member, Zainal Abidin Ahmad, who showed his dissent after the resolution supporting the amendments had been adopted was booed and jeered out of the hall. Earlier, the meeting had unanimously adopted a resolution supporting the constitutional changes that had been passed by Parliament. Subsequently, a group of 30 UMNO Youth led by its president, Anwar Ibrahim, went to the house of the Prime Minister to present him with a copy of the resolution. The Prime Minister commended the UMNO Youth for the fine work that they had done. They had conducted the meeting in an orderly manner, apart from the booing and jeering directed at Zainal Abidin Ahmad. The meeting had obviously been orchestrated by the people at the top and had the support and blessing of the UMNO Supreme Council and the government. The Wanita UMNO too has come out with strong support for the government. In the days and weeks to come we can expect more expressions of support from other branches of the Barisan Nasional.

The haste with which the constitutional amendments were rushed through Parliament and the Rulers being presented with a *fait accompli* reminds one of the MacMichael treaties which were forced upon the Rulers by Sir Harold MacMichael soon after World War II. It was in fact the opposition to them that had brought the UMNO into existence. And it was UMNO opposition to the treaties that had caused them to be withdrawn and replaced by the Federation of Malaya Agreement. Then UMNO had led the fight to protect the rights of the Rulers. Now it is UMNO which, to some Malays at least, appears to be nibbling away at the powers of the Malay Rulers. Not only that, the manner in which the amendments have been rushed through without proper consultation must have given grave offence to the Rulers. What then is the solution? I do not pretend to have the answer but the Raja of Perlis has shown us the way, as I pointed out at the beginning of this article. But I must say this

that these amendments concern not just the Malays but all Malaysians. We are all affected and as such I am surprised that not a single MCA or MIC MP has taken part in the debate on the constitutional amendments. And why have the MCA and MIC who claim to represent the Chinese and the Indians in this country chosen to keep a discrete silence on this important issue? Have they nothing to say on an issue which is rocking the nation?

In an article written at the time that the constitution amendments were debated in Parliament in August this year, I had made it clear that in any conflict between the people and the Rulers, the will of the people must prevail. If that important principle is accepted by both parties, then it should be fairly easy to resolve the impasse. The government must understand that sabre rattling is not conducive to a negotiated settlement. Holding public meetings and passing resolutions will not help. Quiet negotiations, away from the gaze of the public, may resolve the impasse. It must be accepted that the fears of the Rulers have been aroused and that they have been offended by the manner in which the amendments have been rushed through without any consultations with them. Steps must be taken to assuage the fears and doubts of the Rulers. The Rulers have remained silent on the controversy. They have no control over the mass media (e.g. radio and TV). On 7 November 1983, the Raja of Perlis speaking at the investiture ceremony on the occasion of his 66th birthday, broke the silence of the Rulers when he stated that he and other Malay Rulers were making efforts to find a solution to the problem. He gave an assurance: "The other Malay Rulers and I are still making efforts to find ways of solving the problem, we are not keeping quiet. I am willing to meet anyone who wants to talk to me on the matter, and it is not my intention to oppose to anything. I just want to explain the actual position, it is up to them." He disclosed that at the meeting of the Conference of Rulers in Sabah recently, the Rulers decided that they would be willing to meet the government to discuss the amendments to the constitution. He also disclosed that the Rulers had decided to adopt a give and take attitude so that a closer relationship could be forged with the people. The Raja of Perlis said that he and his brother Sultans were willing to meet a delegation of the government and suggested that such a delegation could meet all the nine Rulers at a special meeting in Kuala Lumpur. The Raja of Perlis, apparently acting as a spokesman of the nine Rulers, has made a very reasonable and sensible proposal. The

bill is now at the feet of the government. At the time of writing there is a proposal by the UMNO Supreme Council to send a delegation of five to explain the Constitutional (Amendment) Act 1983 to the Rulers on 20 November 1983. The delegation includes the following: Encik Ghafar Baba, Datuk Harun Idris, Datuk Seri Haji Kamaruddin Mohamed Isa, Datuk Haji Mustafa Jabar, Puan Marina Yusof. I welcome this proposal and I do hope that the Rulers will meet this delegation in order to have a frank exchange of views.



The Star

Datuk Senu Bin Abdul Rahman

IV. The Parliament

"A walk out in Parliament is usually associated with the opposition, but in Malaysia since the middle of last year and continuing into this year, it has been associated with the ruling party - the Barisan Nasional. Walk out is a sign of protest and therefore naturally it is associated with the opposition who show their displeasure at the actions of the ruling party by walking out of Parliament. The visitor to our shores may be pardoned if he were to ask why should the ruling party show displeasure in Parliament? Against whom?

"The root of this walk out lies in the increasingly lopsided majority of the Alliance Party, now the Barisan Nasional, in the Dewan Rakyat.... The Barisan Nasional probably reached the zenith of their parliamentary power when they won (in 1983) 132 seats and the combined opposition and independents a tiny 22 seats. The independents who number 8 are in any case ex-Barisan Nasional and would vote with the government on most issues. As such the real opposition consists of 14 representatives; not enough to call for a division, which requires 15 votes. They do not also constitute a quorum which requires 26 votes.

"It is this weakness on the part of the opposition that is exploited by the ruling party. Every time a DAP representative stands up to make an adjournment speech the Barisan Nasional MPs stage a walk out and thereby they bring the proceedings of the house to a halt for lack of a quorum. The DAP and the PAS amongst them can only muster 14 votes, not enough for a quorum. A Minister or a Deputy Minister "on duty" in Parliament has been seen repeatedly to beckon to one of the backbenchers to call for quorum during all adjournment speeches last year....

"These walk outs show the tyranny of the huge majority of the Barisan Nasional. The huge majority that the governments have enjoyed since *Merdeka* have made them unresponsive to the responsibilities of their fellow MPs and what is more important to the hopes and aspirations of their fellowmen. Power has gone into their heads and they have been rendered insensitive to the needs of the people of this country... a walk out by the Barisan MPs is perfectly legitimate and legal yet it is morally and ethically wrong. A Barisan walk out denies that DAP MPs a quorum."

Dr. Tan Chee Khoon, 21 September 1983.

REFORM OF THE DEWAN RAKYAT

We have just celebrated the Silver Jubilee of the foundation of our country on 31 August 1957. It is a tribute to the members of the Reid Commission that most of their recommendations were incorporated into the Constitution of the Federation of Malaya. It is also a tribute to the founding fathers of our country that the constitution of our country is still largely intact even after the passage of 25 years. But I submit that the time has come for the country to consider whether or not there should be a reform of the Dewan Rakyat. The members of the Reid Commission were all eminent jurists from the British Commonwealth and consequently it was natural that they should recommend that we should adopt the Westminster pattern of representation to the Lower House. The British exported their model of government to all their former colonies. But after a lapse of a quarter of a century many people in this country, as in several of the other ex-colonies, have come to ask whether the Westminster model is best suited for this country.

The first-past-the-post system that we borrowed from Britain may allow a party with only minority support to assume power and become the government of the day. This country has seen how the Alliance Party, which only secured a minority of votes in the May 1969 General Election, assumed the reins of government. It was only later when Parliament was recalled and the late Tun Razak set

about forming the enlarged Barisan Nasional that the government came to represent a majority of the electorate of this country.

Is the Westminster model the best for us to copy? Over the years since *Merdeka* voices have been raised that we should not slavishly follow the Westminster model. Unfortunately, these were the voices of those who were not satisfied with the already overwhelming power enjoyed by the Alliance Party, later the Barisan Nasional. The protagonists of change wanted to further strengthen the position of the ruling party. Whether such a change was in the interest of the country or not and whether it was to strengthen parliamentary democracy did not matter. Their sole objective was to strengthen the ruling party. There are some in the ruling party who would do away with the troublesome opposition and have a one-party government!

Let us examine some of the other systems of elections and see whether they are suitable for us. One model that comes readily to mind is that of proportional representation that is used in France and Israel, amongst others. This system tends not to produce governmental stability. It also leads to fragmentation of parties. In France in the years before and after World War II, because no single party had a majority in their Parliament, it was difficult to secure a stable government. Governments in France in those days would rise and fall and it was not until Gen. De Gaulle came to power that France came to enjoy a period of political stability.

Let us look at Israel which has adopted the system of proportional representation for their Knesset, their Parliament. Israel, since its foundation in 1948, has had a plethora of political parties. Likud and its allies, who rule Israel today, have a very small majority and this does not lend itself to political stability. It does not seem likely that our ruling party with its overwhelming majority in the Dewan Rakyat will adopt the system of proportional representation.

The system that can be copied by most countries, where parliamentary democracy is new and it does not have firm roots, is the West German model. This is a combination of the Westminster model of first-past-the-post and proportional representation. One half of the members of the Bundestag are elected from territorial constituencies and the remainder under proportional representation. That allows the smaller parties to secure increased representation in Parliament.

The West German system is a better method of determining the will of the people as expressed in an election. Let us take the result

of the 1964 general election. In that election, the Socialist Front had about 30 percent of the votes but it won only 2 seats. If we had used the West German system the Socialist Front would have got at least 21 seats. This year the DAP got 20 percent of the votes cast in Peninsular Malaysia. If we had used the West German system, the DAP would have got at least 11 seats instead of the 6 it secured under our present system. A change to the West German system would allow for a much stronger opposition. The danger in this country is that the Barisan Nasional has such a lopsided majority in the Dewan Rakyat that we are in danger of degenerating into an autocracy.

I will readily concede that it is none of the business of the Barisan Nasional to hand over some of their seats on a platter to the opposition. The latter will have to earn what seats they hope to wrest from the ruling party. They will have to prove to the electorate that they deserve their votes. On the other hand, the Barisan Nasional must appreciate that a strong, effective and loyal opposition is not necessarily against its interests. The present composition of the Dewan Rakyat is the following: Barisan Nasional 132 seats, DAP 9, PAS 4 and Independents 8. The independents are mostly ex-Barisan Nasional and can be relied upon the vote with the government on practically all issues. It means the government has 140 seats and the opposition 14. Such a situation is not conducive to the healthy growth of parliamentary democracy in our country. It is important, therefore, that we should adopt the West German system. In West Germany the system did not lead to instability. It allowed for periodical change of government. Such change is necessary to remind the ruling party that they are temporary occupants of the government and that should they lose the support of the people they will have to vacate their seats and give way to the opposition. Such a system, allowing for periodic change, will nurture the tender parliamentary democracy that we have in this country.

From time to time voices have been raised that the procedures of our Dewan Rakyat do not allow a thorough debate on important issues that come before it. An example can be seen in the recent ruling by the Speaker, Datuk Zahri Ismail, that each MP is limited to a maximum of 15 minutes during the debate on the Committee Stage of the Supply Bill for 1983. One cannot be expected to make any meaningful contribution on any subject in that short period of time. In a mature Parliament, most of the work is done during the Committee Stage. It is in the Committee Stage that an MP can speak

more than once on the same subject. It is also the time when amendments can be made to a bill. The government is kept busy in this debate and it has to be on its toes all the time.

In order for our Dewan Rakyat to be more meaningful to our MPs and to the country, it is important to introduce a committee system. It would enable MPs to use their special talents and concentrate their effort in the areas of their special interest. Thus an MP could specialize in foreign affairs and be appointed to the Foreign Affairs Committee. Likewise a financial expert can be appointed to the Finance Committee. This idea of committees is not new to the Dewan Rakyat. We already have since the first Parliament the Public Accounts Committee.

It is significant that in the British House of Commons, the Public Accounts Committee is headed by a member of the Opposition. In our Dewan Rakyat he is always a member of the ruling party. Furthermore, the PAC has not been effective except under one chairman. He was an accountant who had joined the MCA from the DAP. The fear that the operations of some committees may lead to an erosion of the powers of Parliament does not hold water. Such committees have been in existence in the House of Commons ever since the 16th century. Initially, the ruling party exerted its influence through these committees. But as that influence declined such committees evolved into effective instruments of the British Parliament. These committees can play a very useful role in maintaining parliamentary scrutiny of the actions of the executive. We should have more committees in addition to the Public Accounts Committee. I commend this proposal to the Prime Minister and I do hope that he will give serious consideration to it.

REFORM OF THE DEWAN NEGARA

The Dewan Negara, like the Dewan Rakyat, was a child of the Reid Commission Report. The Reid Commission recommended that Malaya should have a bicameral parliament, consisting of the Dewan Negara, the upper house, and the Dewan Rakyat, the lower house. Both these houses are patterned after the British system. The upper house, the House of Lords, consists of hereditary nobility and the newly-created life-time lords and ladies. The members of the House of Commons are all elected and the lords and the ladies are not eligible to be candidates for election to the house. The Dewan Negara, like the House of Lords, is the upper house, and does not enjoy any real legislative power. It can only delay legislation passed by the Dewan Rakyat. In the more than a quarter of a century since *Merdeka*, it has not amended or delayed any bill passed on to it by the Dewan Rakyat. It has become truly a rubber stamp for the government of the day.

As I have mentioned before, a member of the House of Lords cannot be a candidate for election to the House of Commons. To do so, he has to renounce his title. An example was Lord Home who renounced his title to stand for election to the House of Commons; he later became Prime Minister. Another example is the radical Lord Standgate, now Mr Tony Benn, of the Labour Party.

In our set-up the Dewan Negara is a convenient place where politi-

cians who have outlived their usefulness in the Dewan Rakyat can be kicked upstairs. This makes one wonder whether the Dewan Negara has served only as a refuge for the politically destitute. Dewan Negara has also served as starting point for some of our ministers. Examples are Tan Sri Ghazali Shafie and Datin Paduka Rafidah. Even Datuk Seri Dr. Mahathir took advantage of the situation after this political rehabilitation and first entered the Dewan Negara. In 1974, he resigned to contest the general elections to the Dewan Rakyat. Often members of the ruling party who have failed to secure election to the Dewan Rakyat have joined the Dewan Negara. In the case of some of them, even when they failed a second time to secure election to the lower house, it did not prevent the ruling party from reappointing them to the Dewan Negara. The ruling party thus makes a mockery of the Upper House.

The Constitution provides for representatives of professions to be appointed to the Dewan Negara but as far as I know the professional associations have never been asked to nominate anyone to the Dewan Negara. But during the middle of last year, I gather that the government invited some professional bodies to make nominations. I am of course aware that some doctors and lawyers have been appointed to the Dewan Negara in the past but they were not the nominees of the professional associations and most of them certainly had no standing amongst their colleagues.

The working class has had one representative in the Dewan Negara. But after the late S.P.S. Nathan's second term of office expired and a dispute over the representation within the MTUC, labour has not been represented in the Dewan Negara. And I can honestly say that most people agree that the working class has not really suffered from this lack of representation.

The *Orang Asli*, as a minority, have one representative in the Dewan Negara but how many of us have ever heard the voice of the *Orang Asli* loud and clear? I am sure that very few people in this country even know that the *Orang Asli* are represented in the Dewan Negara. The reason is that only "safe" *Orang Asli* have been appointed to the Dewan Negara and they have always toed the government line. There is a move now amongst the *Orang Asli* that their representative to the Dewan Negara should be elected by them. I shall elaborate on this when I refer to the reforms that I consider necessary for the Dewan Negara.

The only people who have benefited from representation in the

Dewan Negara are the representatives of big business, including those representing the planting and mining industries. This is not surprising for these representatives had been the stalwarts in the old Federal Legislative Council. Names like E.D. Shearn, Yong Shook Lin, D.T. Waring and even Tan Siew Sin spring readily in mind. These and their successors were the more vocal in the Dewan Negara where they vociferously championed and jealously safeguarded the cause of big business.

The Constitution of 1957 provided for 38 Senators. But I suppose the rush to be Senators was so great that the Constitution was amended in 1963 to provide for 50 Senators. In 1964, there was a further amendment to provide for 60 Senators. Then in 1978, the Dewan Negara was further enlarged to provide for 68 Senators. I suppose the Barisan Nasional being made up of many component parties, all of whom want to be represented in the Dewan Negara, its membership had to be enlarged.

At the beginning, the term of office of a Senator lasted for 6 years but in 1978 it was shortened to 3 years. This of course was done to provide for a quicker turnover. At the same time, it was provided that a Senator could not serve more than two terms. Until 1978, there had been no such limit. This I suppose will enable the ruling party to remove any deadwood more quickly.

The first President of the Dewan Negara was Datuk Hj. Abdul Rahman, the Grand Old Man of Malaysian politics and the father of two ministers, the late Tun Ismail and Tan Seri Datuk Sulaiman. He was succeeded by Tan Sri Hj. Mohd Noah b. Omar who also had the distinction of being the first elected Speaker of the Dewan Rakyat. He did not stay long as he resigned to go into business where, although an octogenarian, he is now the Chairman of the Board of several large companies. He was succeeded by Tan Sri Captain Abdul Hamid Khan who had been a member of the Dewan Rakyat having served as MP for Tapah. The next president was Tun Syed Sheikh Barahkbah who had retired as Lord President. He too did not stay long and was succeeded by Tun Omar Yoke Lin Ong who has had a colourful career in politics. He started as a Municipal Councillor in Kuala Lumpur and later served two terms in the Dewan Rakyat. For sometime he was a Minister of the Crown and after leaving the government he served for nearly ten years as our ambassador in Washington. On his return to Malaysia he served as President of the Dewan Negara for 7 years. Last year he retired to go into

business. As can be seen he has had a varied and colourful career in politics. The present president is Tan Sri Ismail Khan who had earlier served as Chief Justice of Sabah and Sarawak.

Except for the representatives of the states, all the senators are nominated by the government and the Yang di-Pertuan Agong. Each state sends two members to the Senate. These senators are elected by the various State Assemblies except for the two senators from the Federal Territory who are nominated by the Yang di-Pertuan Agong. This indirect election although not quite satisfactory is still better than the nominated members who represented nobody but themselves.

It is obvious that *ad hoc* changes in the composition of Dewan Negara to enlarge its membership serve only the interests of the ruling party, first the Alliance and now the Barisan Nasional. It has also been a means of doling out perks or largesse for the boys in the party. It is not in the interest of the nation at large. If the Dewan Negara is to serve the purpose it was intended by the Founding Fathers it is obvious that drastic reforms will have to be made.

There are a number of models that we can examine. There is the Senate of the U.S. Congress. The American Senate is really powerful. A Senator serves for 6 years. The Senate, like the American Governorship, very often serves as a springboard for the American Presidency. Each State of the American Union, no matter how big or small, elects two members to the Senate. Thus Alaska and Texas send two senators each to the American Senate, the same as tiny Washington D.C. Australia has also followed a similar model. There are six states in Australia and each state sends 10 senators to Canberra. The Australian Capital Territory and the Northern Territory send 2 senators each. We can also have a look at the Filipino model as it was before 1972 when Martial Law was proclaimed. There the whole country elects a slate of senators, the same way as it elects the President.

Of the three, the Australian model is more suitable for our situation. If we adopt the model, tiny Perlis will have the same representation as Perak, Selangor or Johore etc. In that case Perlis need not be beholden to its bigger brothers - in the Federation. I propose that the thirteen states elect four members each to the Dewan Negara. This will give us 52 Senators. The Federal Territory can elect two Senators. Then I propose that the *Orang Asli* elect two members to the Senate. We have examples of special representation of the in-

indigenous people elsewhere in the world. In the New Zealand Parliament, the indigenous Maoris have four MPs, elected by the registered Maori voters. The arrangement that I have proposed would safeguard the rights of each of the constituent states of the Federation. The term of office of the senators should be 4 years. Their election could be held every two years, with half of them retiring. This would ensure the continuity of the house. The time has come for the Senate to be revamped and I make this proposal for the reform of the Senate for the serious consideration of the government.

*The Star*

Tun Abdul Razak

WALK OUT IN PARLIAMENT

A walk out in Parliament is usually associated with the opposition but in Malaysia since the middle of last year and continuing into this year, it has been associated with the ruling party - the Barisan Nasional. Walk out is a sign of protest and therefore naturally it is associated with the opposition who show their displeasure at the actions of the ruling party by walking out of Parliament. The visitor to our shores may be pardoned if he were to ask why should the ruling party show displeasure in Parliament? Against whom? To understand this double walk out by both the ruling party and by the Opposition as well, we should delve a little into the history of the Dewan Rakyat.

The root of this walk out lies in the increasingly lopsided majority of the Alliance Party, now the Barisan Nasional, in the Dewan Rakyat. In 1959, at the first general election the Alliance Party won fairly comfortably, securing over 70 seats and what was most important, a two-thirds majority as well. This magical figure enabled it to amend the Constitution. The Tunku at that time was at the helm but I suppose he was too busy to spend time to nurture a strong democratic parliament. The Opposition though not strong in numbers still had several formidable parliamentarians. Foremost amongst them were Dato Onn Jaafar, Ahmad Boestaman, Zulkifly Mohammad, Tan Phock Kin, the Seenivasagam brothers etc. This

array of talent was augmented when Singapore, Sabah and Sarawak opted to join the Federation on 16 September 1963. Right from the start, the odds were all stacked against the Opposition. Take the Public Accounts Committee for example. We are modelled after the Westminster model. There the PAC has a member of the opposition as chairman. Off hand, at that time I can think of no better choice than Tan Phock Kin for that post. But he was not even picked to serve on that important committee. In my three terms in the Dewan Rakyat, I have seen many PAC chairmen come and go, only very few of them have been effective. If right from the start, an effective chairman had been picked a good deal of the waste of public funds of subsequent years would have been avoided.

If the government had followed the suggestion of the opposition to establish committees e.g. foreign affairs, finance, defence etc, it would have enabled MPs to specialize and play a more active role in Parliament. It would also have enabled opposition MPs, if picked to serve, to play a more meaningful role in Parliament.

My experience instead has been that the government goes out of its way to deny the opposition the rightful role they should play in Parliament. Thus when I entered Parliament in 1964 very soon it became apparent to me that we were there to debate only government business. Towards the end of a debate on government business a minister would rise and propose: "Mr. Speaker Sir, I propose that this House shall rise when all government business is disposed off." This would happen despite the fact that the opposition had motions on the order paper. But as a result of the Minister's motion the House would not spend time on opposition business at all. This made most of us wild with rage and I for one vowed that I would teach the government a lesson.

My chance came in the mid-sixties during a budget session. I proposed a cut of \$1 in the salary of the Tunku as Foreign Minister. Such a motion is a parliamentary device to enable the mover of the motion to speak at some length on the ministry in question. But to the Alliance back-benchers it was *lese-majeste*. One must remember that the Tunku at that time was probably at the height of his power and popularity. He was The Tunku - he was sacrosanct. But to us in the opposition he was not sacrosanct, he was mortal. I opened the debate on the motion by reminding the government that I had been sent by the voters of Batu not just to debate government business but also to raise issues on behalf of the voters of Batu as well. I warned

the government that if the opposition were not given time to debate their business as well, I would cut the salary of each and every minister! When the Tunku replied for the government he said that in future the opposition would be given time to debate their motions.

The Tunku kept his word and Parliament became more meaningful not only to the opposition MPs but to the rest of the country as well. The exchanges between the Alliance back-benchers and the opposition MPs at times became heated, acrimonious and even personal. I remember the exchanges between the Seeni Brothers and some of the Alliance back-benchers but the Alliance back-benchers did not ever walk out. This is possibly because the Seeni Brothers themselves did not bother to make adjournment speeches.

But the arrival of the DAP MPs in the Dewan Rakyat introduced a new style into the debate. The DAP representatives are intelligent and they speak their mind fearlessly. They are tenacious and pugnacious and I would even go so far as to say that at times they are spoiling for a fight. The result is that at times debates become very personal and acrimonious. Even the Seeni Brothers at their best could not out do the DAP MPs in this respect for the simple reason that there were only two Seeni brothers. But at most times there are more than two DAP MPs in the House ready to back each other up. The DAP must have hurt the feelings of the Alliance, now the Barisan Nasional, especially on matters of race, education, culture etc. I suppose as far as the DAP representatives are concerned they could not care less and therein lies the rub. Consequently, both sides are finding ways and means of hitting hard at each other. It is a savage fight fought not under Queensbury Rules but with no holds barred.

In these circumstances, it is but natural that both sides should scrutinize the Standing Orders very carefully and try to make use of them to their own advantage. The Barisan whip must have sanctioned the walk out at one of the Barisan Nasional pre-council meetings. A walk out is perfectly within the rules and hence perfectly legal. But is it morally and ethically right? Many readers of *The Star* and elsewhere are querying the right of the Barisan MPs to walk out and so denying the fundamental right of the DAP to have their say in Parliament. On the other hand, one must remember that this is the only way that the Barisan can hit back legitimately at the DAP. But is it in the interest of nurturing a viable parliament or of the country itself? From the volume of letters that have appeared in the press,

particularly in *The Star*, I would judge that many thinking readers in this country while they may agree that a walk out by the Barisan MPs is perfectly legitimate and legal yet it is morally and ethically wrong. A Barisan walk out denies the DAP MPs a quorum. It has been possible for the Barisan to do so because of the increasingly lopsided victories that it has won over successive general elections.

I have already touched on the general election of 1959. The next one, held in May 1964, the year of confrontation, gave the Alliance Party an even greater majority. This was because the opposition campaigned on a wrong issue. They took an anti-Malaysia stance. The Tunku very shrewdly exploited this issue as being anti-national and pro-Indonesian and as a result won an even more lopsided victory. The Alliance won 89 out of the 104 seats under contest and the combined opposition won only a paltry 15 seats. The next round was in 1969 when the combined opposition won many more seats with slightly more than half the votes cast in its favour. Later on in 1974 with the formation of the Barisan Nasional, under the late Tun Hj Abdul Razak Hj Hussein, the Barisan once again got an overwhelming majority that had been denied to it in 1969. In the general election of 1974 and 1978 the Barisan Nasional further added to the already big majority that it had enjoyed. Then came the general election of 1983 when the electorate had already been "softened" by the budget of 1982. The Barisan probably reached the zenith of its parliamentary power when it won 132 seats and the combined opposition and independents a tiny 22 seats. The independents who number 8 are in any case ex-Barisan Nasional and would vote with the government on most issues. As such the real opposition consists of 14 representatives; not enough to call for a division, which requires 15 votes. They do not also constitute a quorum which requires 26 votes.

It is this weakness on the part of the opposition that is exploited by the ruling party. Every time a DAP representative stands up to make an adjournment speech the Barisan Nasional MPs stage a walk out and thereby they bring the proceedings of the House to a halt for lack of a quorum. The DAP and the PAS amongst them can only muster 14 votes, not enough for a quorum. A Minister or a Deputy Minister "on duty" in Parliament has been seen repeatedly to beckon to one of the back-benchers to call for quorum during all adjournment speeches last year. Why should there be a need for a quorum during an adjournment speech? Even if other MPs do not

want to listen to the speech, the presence of the Speaker, the Minister or his Deputy concerned and the proposer of the adjournment speech will suffice.

These walk outs show the tyranny of the huge majority of the Barisan Nasional. The huge majority that the government have enjoyed since *Merdeka* have made them unresponsive to the responsibilities of their fellow MPs and what is more important to the hopes and aspirations of their fellowmen. Power has now gone into their heads and they have been rendered insensitive to the needs of the people of this country. The solution lies in the hands of the people and the voters of this country. When the next general election comes around the voters must put an end to the gloating by the Barisan Nasional over the huge majority that they have won in the Dewan Rakyat. By all means return them to power but cut them down to size so that they cannot gloat over the power that they wield and become dictatorial and tyrannical. When they are cut down to size walk outs will be a thing of the past and the ruling party will be responsive and sensitive to the needs of the people. Then they will be a government of the people, by the people and for the people and truly serving the needs of the people. Right now despite their protestations of service they cannot claim to be the servants of the people with their love of ostentation, pomp and pomposity and their show of wealth and affluence.

THE BIG ROW IN PARLIAMENT

On Thursday, 11 November 1982, Lim Kit Siang, while speaking on the estimates of the Ministry of Housing and Local Government in the committee stage was abruptly stopped from speaking by the Deputy Speaker, Datuk Dr. Hee Tien Lai, on the ground that he had used up all the 15 minutes allocated to every participant in the debate. The Deputy Speaker was but applying strictly the ruling that had earlier been made by the Speaker, Datuk Mohamed Zahir Hj. Ismail, that for the rest of the debate of the 1983 Supply Bill in the committee stage, each MP will be given a maximum of 15 minutes. Lim Kit Siang quite naturally was very upset over this interruption by the Deputy Speaker, more especially when it was made clear to all the MPs in the house that this ruling would be strictly applied to debates on all the ministries in the committee stage. Patently that was a very unreasonable ruling and one that would reduce the highest legislature in our land to worse than a high school debate where the speakers are allowed no more than 15 minutes to speak. Such a ruling too would make us a laughing stock of any country which practices parliamentary democracy.

The Speaker, Datuk Mohamed Zahir Hj. Ismail, on the following day gave his side of the story. The time allocated for the debate was 16 days. The Speaker was clearly agitated and he said: "After three days, we have only finished with two ministries (PM's Depart-

ment and Ministry of Housing and Local Government). Therefore, under Standing Order 35 (8), I limit time for debate to not more than 15 minutes for each member to enable as many members as possible to participate in the debate." Both the Speaker and his Deputy should not be unduly worried. I well remember, many a time in some of the debates that I have participated, the debate on the PM's Department has extended into the fourth day and yet by the judicious use of cajolery and firmness the Speaker had completed the debate on the Supply Bill in the committee stage in the allocated time. The reason is simple. The PM's Department is debated first when the MPs are full of steam and raring to go! But they soon run out of steam! Towards the end of the debate the estimates of quite a number of ministries are left off without any debate at all. That way the time spent or lost on the PM's Department is made up by rushing through the ministries at the tail end of the list. What the Speaker should be very firm is to limit very severely the time taken up by the ministers.

In the house there should not be any member who is *primus inter pares*. But in the Malaysian Parliament it soon becomes evident to the newcomer that all the Ministers are more equal than other members of the house. Why should this be so? Many a time in the past, I have spoken to previous Speakers in their room, that if they want to be firm on the members of the opposition and on the back-benchers as well in the matter of speaking time, they should start by being firm with the ministers first. Some ministers love to hear their voice and they would ramble on and on. One past Minister of Agriculture that I have known would take up one and a half hours in introducing his estimates and he would need at least half an hour to sum up, thus taking two hours of the debating time. And the time allocated by the Speaker for the entire debate on the ministry is often three hours, sometimes even two and a half hours. Thus the rest of the house is given one or half an hour while the minister has taken up a full two hours. It is this sort of a situation that the Speaker should entirely attempt to avoid. I would be happier if he had, while ruling that each member will be given only 15 minutes, at the same time ruled that each minister would be given 20 minutes to wind up the debate for his ministry.

Most MPs speak at the second reading of a bill and then they lose all interest in the proceedings. This is contrary to what happens in the House of Commons. There most of the work is done in the

committee stage of a bill when the MPs examine every clause of a bill and certainly speak more than once. Our MPs, particularly those in the opposition, should keep the Government busy during the committee stage of the debate instead of letting the bill sail through without any debate.

The Speaker should not be unduly agitated because our MPs, like the MPs the world over, are not supermen. They cannot be knowledgeable in all subjects under debate. Hence they have to pick and choose the ministries that they wish to take part in and I can assure the Speaker that many MPs very often let the estimates of several ministries go by without their saying a word. Indeed some of them are not even in the chamber. I well remember many a time I have taken part in debates where the house was practically empty. But it is true that all MPs have to speak on subjects that concern their electorate and hence they have to be given adequate time to voice the needs of their voters. If they do not do so, they will be thrown out when the next round comes. In the past, the Speaker would arbitrarily rule that MPs will be given 10 or 5 minutes to speak. Rather than making a hollow mockery of parliamentary democracy and making a farce of the whole procedure, many of us would rather sit down than speak for 5 minutes. In any case in 5 minutes what useful contribution can one make?

The solution lies in the hands of the MPs themselves. If they feel that they are cramped for debating time they should resolve that the debating time be extended. I had often heard the late Tan Sri C.M. Yusof b. Sheikh Abdul Rahman say that he was a servant of the house. If members feel that the time given to them for debate is too short then they can change the rules. The first thing that can be done is to decide that the house shall be in session till say 10 p.m. instead of the present 6.30 p.m. That will immediately add 3½ hours to the debating time, double the time that is allocated now. When you consider that the first hour is devoted to Question Time, at present you are left with 3½ hours of debating time each day. If you extend till 10 p.m., you will immediately double the debating time to 7 hours each day. I had suggested this to past government whips but that was not acceptable to them because it cuts into nocturnal activities of our MPs!

I say that our MPs never have it so good. They start work at 2.30 p.m. and sit for only 4½ hours a day. The British House of Commons also starts at 2.30 p.m. and they hardly rise everyday

before midnight and very often they do not rise until the wee hours of the morning. In my three terms in the Dewan Rakyat, only once did the house rise at past midnight. Our MPs must be thankful that they have such an easy life. I see that the sitting of the house is now extended to 7 p.m. each day. That gives only $\frac{1}{2}$ hour extra of debating time. But why is the ruling party reluctant to work harder?

Coming back to the incident on Thursday, 11 November 1982, when Lim Kit Siang stormed out of the house in protest, I want to emphasize to all our MPs that Speakers the world over have an onerous and unenviable task and all our MPs should not make the job of the present Speaker and his Deputy more difficult. Both of them are new to the job and it takes some time for them to get used to their new jobs. Our MPs must remember that the Speaker is like a referee in the sports field. In the game of football, for example, the player however good he may be, must at all times obey the rulings of the referee without question. If he tries to argue with the referee the latter will show the player the red card and he will have to leave the field. If he does not do so there are enough burly policemen around to enforce the edict of the referee. Unfortunately, our Speakers do not use red cards and even if they do, I doubt whether our recalcitrant MPs will take notice of it. They will probably claim that they were colour blind at that time. Having said that, I will say that our MPs are a fairly well behaved lot. One should go to the Lok Sabha, the Indian Parliament, where the Speaker has to control more than 600 fractious MPs, speaking in a babel of tongues, namely English, Hindi and the tongue of their native state. That may be Tamil, Punjabi, Bengali etc. It can be a Tower of Babel! Or take the case of the Australian Parliament. I once attended one of its sessions when the Prime Minister, Gough Whitlam was speaking. His face was turned away from the Speaker and he had one foot on his chair, as if it was a soap box!! The Speaker was a Labour Party member from Victoria. I later learnt that he kept good control of the rumbustious Australian House of Representatives because in his younger days he was a good prize fighter.

Lim Kit Siang, then stated that he would move a substantive motion for a review of the Speaker's ruling on Tuesday, 16 November 1982. Later, after meeting with the Prime Minister, he withdrew that motion. I am glad that he has withdrawn that motion. To have persisted with it will have added more heat to an already overcharged House. A more sensible solution would have been to have a quiet

talk to the Prime Minister as he has done in this case. Or he could have proposed a cut of \$10/- in the salary of all the Ministers? That would give Lim Kit Siang and the DAP a field day and jam the time table of the House! And there are other devices that one can adopt to ensure that MPs are given adequate time to speak during the debate on the Supply Bill for 1983.



Lim Kit Siang

J. S. S. S.

HAS PARLIAMENT GONE TO SLEEP?

On 22 April 1982 the people and voters of Malaysia elected 132 Barisan Nasional MPs and 22 for the Opposition - DAP 9, PAS 5, Independence 8 — to the new Dewan Rakyat.

The next week, with commendable speed, the new Cabinet was picked by Prime Minister Datuk Seri Dr. Mahathir b. Mohamad and immediately the cabinet ministers were all sworn in before His Majesty the King. All this is very commendable and praiseworthy as I have mentioned before. The new government has lived up to its election pledge of *Cekap, Bersih* and *Amanah*. It has fulfilled its commitment to the country by getting down to work with very commendable speed. It has proved worthy of the trust that the people of Malaysia have placed on it.

But what of the Dewan Rakyat? Has it no role to play in the Barisan scheme of things? Our new MPs were sworn in on 14 June, nearly two months after they had been elected. Why this inordinate delay between the day when they were elected and the day they were sworn in? Why should there be a gap of nearly two months in between? Is it to enable many of our ministers and new MPs to have a holiday either locally or abroad before they settle down to work? Why did the Government not hold the first meeting of the Dewan Rakyat together with the swearing in? This has been done several times in the past but why this time there should be a gap of nearly

four months between the swearing in and the first session of the new Parliament? Is it to enable our new MPs to have a much longer holiday at the tax-payers' expense?

The first session of the 6th Parliament will be on 11 October 1982 when His Majesty the King will open the new Parliament. Then will follow the debate on the King's Speech and immediately following it would be the Budget debate. Why this long gap between the day our new MPs were elected and the day they will sit down to work? Is this why our MPs are given a monthly allowance of \$3000/- tax free, plus other perks as well, to *goyang kaki* for nearly six months before they get down to serious work in the Dewan Rakyat? Why has Parliament gone to sleep for nearly six months before our new MPs are summoned to K.L.? Now I will be the first to agree that the MP has much to do in his constituency even before Parliament meets. With every passing year the people of this country demand more and more from their MPs and rightly so. Thus I know of a Deputy Minister who travels from K.L. to his constituency, nearly 200 miles away, almost every week to attend to the affairs of his constituents and all that is hard work. But has Parliament no role to play in the Barisan scheme of things?

The lackadaisical way, nay the contempt with which the Dewan Rakyat has been treated by the new Barisan Government, does not auger well for parliamentary democracy in this country. It certainly shows that the government is not living up to its promise of *Cekap, Bersih* and *Amanah* made before, during and after the last general election. It shows that the Government has no need to consult Parliament before taking crucial decisions facing the people and the country right now. And there are many crucial decisions that the Government has to take right now. The deepening economic gloom threatens the very survival of the nation and the free enterprise system that the new government is committed to. The situation is so serious that the Minister of Finance is calling an urgent meeting to discuss ways and means to cut down both in the ordinary and development expenditure. Already he has announced that the development expenditure for this year will be cut by a massive 1.5 billion out of 14 billion. But if the urgent meeting is necessary for the Minister of Finance why does the Government not take advantage of the swearing in of our MPs on 14 June to debate the King's speech, the main thrust of which can be the serious economic situation facing the nation? After all on that day all our MPs are gathered in the Dewan

Rakyat and the Government should have taken advantage of the opportunity to consult Parliament on some of the vital, crucial issues facing the nation. Or has the Government, with its huge and overwhelming majority in the Dewan Rakyat come to regard Parliament as only a necessary evil, necessary for the Government to maintain a facade of parliamentary democracy for foreign consumption while domestically it can afford to ride roughshod over the wishes of the people of this country?

I myself do not think that our new Barisan Government has degenerated to that level. I believe someone has blundered. If my view is correct then the sooner the blunder is rectified the better it is for the Government and people of this country. The Government must never show any disrespect or disregard for Parliament and it should always consult Parliament whenever there is a crisis facing the nation. And we have a crisis on our hands. Our exports are falling in volume due to falling demand for them and this has resulted in a steady rise in unemployment as one factory after another cuts down its production due to a fall in demand abroad. The prices of our primary commodities are also steadily falling and all these have resulted in a marked fall in revenue. On the other hand our import bill is rising mainly due to imported inflation and this has led to a big balance of payment deficit. What is the right prescription for this serious situation? Surely Parliament should be summoned to debate the growing economic crisis but instead it is allowed to slumber until October 1982.

The Iraqi-Iran War, now hopefully drawing to a close, is causing great concern not only to the Gulf States, the Middle East, but also to the rest of the world as well. Our Foreign Minister, Tan Sri Ghazali Shafie instead of accompanying the Prime Minister to the South Pacific has flown off in the opposite direction, to the Middle East, to attend a conference to discuss a ceasefire between the two combatants and hopefully the termination of the war between these two embattled oil-producing countries. Malaysia should be greatly concerned over the outcome of this conference and the maintenance of peace and stability of the oil producing states and yet the Barisan Government has not thought it fit to call Parliament into session to discuss this vital issue. That shows that the recent overwhelming victory has gone into the head of the Barisan Government and it is now treating Parliament with contempt. That is the cross that the people and voters of this country will have to bear for the next five

years for giving such a massive majority to the Barisan in the recent general election. Before polling day on 22 April 1982 I had in my articles repeatedly warned the people and voters of our country to vote for a Barisan Government by all means but not in such massive numbers. It gives me no pleasure to tell my fellow countrymen that now we are paying a heavy price for it. The Barisan is showing indifference, nay contempt for the Parliament, by allowing it to go to sleep for almost half a year when there are so many burning issues that Parliament should be consulted about.

The Prime Minister and his Deputy have set a very good example by cutting their own salaries and that of other ministers as well. This saving is peanuts when you consider that the public expenditure for this year runs into billions. Far greater savings can be effected if most of the other perks are cut off for good we hope. And the savings will make a dent in the public expenditure if the civil servants beyond certain grades, say Division One and above, accept a small pay cut. All these and other measures can be discussed when Parliament is called into session.

In view of the urgency of the situation I call on the Government to convene the opening of Parliament in July instead of in October 1982 - nearly three months later. I do know that the opposition will want the Parliament to meet much earlier than in October 1982. But I am puzzled as to why no opposition leader has publicly voiced his concern. I also know that many of the Barisan backbenchers too are concerned that Parliament should meet nearly six months after they have been elected. But they dare not voice their concern for fear of being disciplined. But maybe it suits some of them for it means less work for them! Perhaps after the opposition leaders have read this article they will get together and call on the Government to summon the Parliament into session to discuss the issues that I have raised. In the past our new Parliaments had always been called into session usually two to three months after general elections. This is also the case with most other countries which practice parliamentary democracy. Why is it that in Malaysia this time our new Parliament has been allowed to sleep for nearly six long months?

Are the meetings of Parliament only a ritual that the Government must conform to in order to let the world know that we are a parliamentary democracy! If it is so the Barisan Government must know that the people of Malaysia will not tolerate such sham and mockery for long.

V. The Government

"The Prime Minister also spoke at length on the allocations for development. He stated that the money had been collected from the people and quite properly should be used for the benefit of the people. It was the responsibility of the government to provide whatever the *rakyat* wanted. He continued: 'The allocation that we have for development came from the efforts of the *rakyat*. The government itself does not have the money. It does not print money everyday.' I must congratulate the Prime Minister for speaking out so succinctly what I have been trying to say and impress on the people for years. Since all of us without exception pay taxes, whether directly or indirectly, we have a right to expect development even in constituencies controlled by the opposition. The Prime Minister should impress on his Ministers and *Menteris Besar* his views on the right of the people to expect development from the government of the day irrespective of race, colour, creed or political affiliation. Every time there is a general election and particularly a by-election the voters are warned by the *Menteri Besar* or by Ministers that if they vote opposition, all development would be deferred or even rescinded. This was what happened in the recent by-election in Seremban and proved to be counter-productive and the Barisan Nasional quite deservedly lost."

Dr. Tan Chee Khoo, 14 December 1983.

THE NEW MORALITY

I

With the assumption of power by Datuk Seri Dr. Mahathir Mohamad and Datuk Musa Hitam as Prime Minister and Deputy Prime Minister respectively a new morality has swept the land.

Right from the morning that he assumed office, Datuk Seri Dr. Mahathir arrived at his office sharp at 8 a.m. It was unusual for a senior civil officer to arrive sharp on time much less for a minister of the Crown. But for a Prime Minister to arrive right on the dot of 8 a.m. was rare indeed if not unheard of but the new Prime Minister soon let it be known that all his fellow ministers would soon be following suit and very soon the whole civil service would have to toe the line as well. This move of course sent shock waves throughout the civil service. Many of them would not even have left their homes by 8 a.m., let alone arrive there by that time! The usual excuse for being late is the perennial traffic jam, rain, accidents on the way etc. These excuses will not be accepted anymore and the time-clock has been introduced. Very soon these will be introduced to all ministries and departments. Right now the shortage of these instruments meant that they could not be installed in some departments.

At first there were some murmurings amongst the workers but now these murmurs have died down and rightly so. The innovation has now been accepted by the workers both in the public and the

private sectors. As has been mentioned before by me in a previous article, when I interviewed Datuk Samy Vellu in his office, he stated that the clock-in system does not affect his headquarters staff at all as he had introduced the system months earlier. Sarawak had also introduced the system way back in 1980. Indeed Sarawak has gone one step further. Senior officers are charged with enforcing the edict from the energetic and efficient State Secretary that all hippie-looking staff have to keep their hair short and clean! This means that all staff have to make regular visits to the barbers who naturally are kept very busy! Singapore had gone one step further. The Singapore Government at one time decreed that all residents, whether citizens or not, had to keep their hair short and at immigration points, barbers are on their ready with their scissors to enforce the decree.

In addition to arriving sharp on time, the morning and afternoon tea time has been cut down. In the past the canteen used to be a favourite haunt for some to have a smoke and talk sweet nothing. Whenever one rang up, the officer in question was very often at one top level meeting or was in the canteen having tea. All that has been cut down drastically. All these measures I hope and indeed I am confident will set a new tone in the civil service and result in an increase in productivity. Gone are the days when ministers and top civil servants could have a game of golf and then stroll leisurely into their office well past 8 a.m. The new Prime Minister, I believe, does not play golf. Being an ex-general practitioner, he could not find time for it and both he and his deputy now do not have time for it in the midst of their heavy schedule.

Both the Prime Minister and his Deputy also asked the country to adopt a new slogan namely *Cekap, Bersih dan Amanah*. And both of them have gone round the country trying to rouse Malaysians of all walks of life to take pride in their work. In the past the humble road sweeper or the rubber tapper did not feel that he had an important role to play in nation-building. Now every worker from the chauffeur driven top executive in his Mercedes Benz down to the lowly *pelayan* has an important part to play in the scheme of things. Every worker on the work bench is urged to have a new motivation, a new work ethic, not for his own selfish self but for his department or company and ultimately for his country. He is urged to take pride in his work and also to increase productivity and not be a clock-watcher. All this is very heady wine to the ordinary worker and it

is left to be seen how they respond to these exhortations. But at the higher level one can see that there is a positive response, a new sense of purpose and a renewed dedication on the part of the senior officers.

The new government has introduced new measures to curb corruption. But I say that it has yet to show that it really means business. It has of course asked all ministers, their deputies and parliamentary secretaries to declare their assets in writing. And now the order has been extended to all civil servants, nearly half a million of them. There has been a howl of protest from the latter but I fully support the Government's resolve to weed out corrupt civil servants and politicians. It is well known that some cabinet ministers have accumulated millions where before they were almost impecunious civil servants. Where has all this new wealth come from? Before anyone jumps on me and asks me to prove my allegations all that I will say is that this is common knowledge. A visit to the Registry of Companies will show who are the ministers, their wives and near relatives, who own not thousands or hundreds of thousands but millions of shares in some companies in this country. About foreign accounts, I cannot know. Again I ask how can ministers and politicians manage to acquire and accumulate all this wealth in such a short span of time? The evidence is there for all to see but has the National Bureau of Investigations or any Prime Minister, past or present, ordered an investigation into the possession of such huge wealth by cabinet ministers and politicians? In fact one past prime minister is reported to have remarked that if he had to take action against *Menteris Besar* on grounds of corruption - there would be very few of them left!!!

In the past we have seen how a *Menteri Besar* accused of corruption quietly resigned and then made his way to the Dewan Rakyat. Then he became a cabinet minister and later an ambassador! Yet another cabinet minister lost a case against the late D.R. Seenivasagam and by implication he was judged to be guilty of corruption but he too was appointed an ambassador to a foreign country. I do hope that the new Mahathir administration will be of a different mettle. He has already repeated time and again that his will be a clean government and he has stepped up the tempo of the war against corruption. The NBI has been revamped and new officers have been recruited. The pace of prosecutions has been increased and there has been an increase in convictions in cases of corruption and all that is most commendable.

But this is not enough. I say that if the Government is really sincere in its fight against corruption then it should take drastic action against not only those who are corrupt but also against those in whose cases it is difficult to get a conviction in court because of the lack of witnesses who are willing to testify in court. I call on the Government to amend the Prevention of Corruption Act 1961 and base it on the Hong Kong legislation which states: "Any person who, being or having been a Public Officer - (a) maintains a standard of living above that which is commensurate with his present or past official emoluments or (b) is in control of pecuniary resources or property disproportionate to his present or past official emoluments, shall unless he gives a satisfactory explanation to the court as to how he was able to maintain such a standard of living or how such pecuniary resources or property came under his control, be guilty of an offence." Stripped of its legal jargon this piece of legislation merely means that if a public officer who lives far beyond his known source of income or owns property for in excess of his known source of income he shall be deemed to be guilty unless he can give a satisfactory explanation to a court. The onus then is on the public officer to prove that his official income is adequate to maintain his high living or his huge acquisition of property or wealth.

I see that Mr. Param Cumaraswamy representing the Bar Council of Malaysia has made the same proposal in a speech on corruption at a seminar in Penang. I congratulate the Bar Council of Malaysia for their deep concern on the extent of corruption in this country and once again I call on the Prime Minister to enact the same legislation in this country. I do not say that this legislation will wipe out corruption in this country but if it is successful in getting a few convictions of the big "fish" then there will be a big drop in the incidence of corruption.

Both the Prime Minister and his Deputy also have gone round the country urging civil servants to improve their efficiency and increase productivity. As is well known, delays lead to the greasing of palms and to corruption.

II

In his New Year Message the Prime Minister called on his fellow Malaysians to throw off their colonial mentality. He himself had

cast it off long ago and he showed it as soon as he assumed office by refusing to attend the Commonwealth Heads of State Conference at Melbourne last year. But amongst some of the civil servants especially the senior ones, the Mat Salleh is still placed on a pedestal. This is understandable for some of the civil servants had spent their formative years in Britain or elsewhere and hence it is natural for them to be beholden to the Britisher. Britain with her economic and industrial woes and high unemployment is in a bad shape. Immediately after World War II it was the rubber and tin shipped from Malaya that saved her from bankruptcy. Unless Lord Carrington can convince his Prime Minister, Mrs. Margaret Thatcher, to change her policy against Malaysia and particularly against students from Malaysia, I do not see why we should change our policy to buy British.

The Prime Minister and his Deputy have set in motion a new morality for the people of this country. They have followed the adage that example is better than precept. In other words they have not just talked, but they have practised what they have preached. But I say that they will be more likely to succeed if they pay attention to the use of official cars and other facilities accorded to them. Let us take the official cars first. The official car is provided by the taxpayer for the official use of the minister etc. Yet we see the car being used to carry his children to school, going to political meetings, private visits to friends and parties, to the cinema etc. These are not official functions and to my mind it is a wrongful use of government property. I will admit that the dividing line between what is an official function and what is not is difficult to decide but often there are clear cut cases of wrongful use. I remember when Clement Attlee was Prime Minister he used to drive his small car by himself if he wanted to go to the theatre or attend a private function. Such a high standard of morality must be seen by the people, particularly if the government wants to set a new standard.

Then there must be a clean distinction between the party and the government. Very often we have seen the Barisan Nasional holding their meetings in government premises. And with the general elections around the corner we will see the ministers etc. using government facilities e.g. airforce planes, and government cars to attend party meetings, rallies, etc. Very often we see ministers with the flags flying arriving for an election rally. It must be understood that once parliament is dissolved everyone ceases to be an MP and there is

only a caretaker government; a caretaker minister, to my mind, has certainly no business to use the official car for political rallies etc. In India and Sri Lanka where the level of political consciousness is high, ministers who use government property during election are taken to court if they win and petitioners have won such election petitions. At a time when the government seeks to infuse a New Morality in the country our ministers etc. like Caesar's wife should be above suspicion.

The basic salary, allowances and perks that a minister receives have been revealed in the Dewan Rakyat by none other than the Prime Minister on 30 November 1981. The monthly benefits for our PM, DPM, Ministers and Deputy Ministers can be seen in the following table:

	PM	DPM	Minister	Dep. Minister
Basic Pay	\$8,500	7,550	6,500	5,000
M.P.'s allowance (tax free)	3,000	3,000	3,000	3,000
Housing allowance			3,000	2,500
Entertainment allowance			2,500	2,000
Servants allowance			250	200
Drivers allowance			250	250
			\$15,500	12,950

Perks and benefits include:

1. Annual overseas holiday for self, spouse, children and one personal assistant. This provides for a free return first class ticket to London or equivalent, and a \$150 daily stipend for up to one month.
2. Free water, electricity and telephone.
3. Official car and driver - Mercedes 280 for Ministers and Mercedes 250 for Deputy Ministers.
4. Servants and gardeners.
5. Appointment allowance.
6. Annual allowance for furniture and furnishing.

7. Official ceremonial dress allowance.
8. Chinaware and silverware for Ministers only.

It will be seen that apart from a luxurious Mercedes Benz 280 SE which costs the tax-payer \$90,000/- he is also provided with a driver, servant, gardener. His crockery is seen to and he has an annual allowance for furniture and furnishing. Towards the end of the year quite a number of wives of some ministers go Christmas shopping for furniture and furnishing. In addition to all this our ministers take an annual holiday for themselves, their spouses, children and one personal assistant with first class fare and a daily stipend for up to one month.

It will thus be seen that the perks far exceed the ministers' salary of \$6,500/- per month. These may well cost the tax-payer \$10,000/- per month, \$120,000/- per year!! These perks read like a story from the Arabian Nights. They are scandalous and immoral. It looks like we have a court with a King, a Crown Prince, Dukes and Duchess all with a retinue to serve the heaven born. At a time when the average humble worker ekes out an existence with \$200/- a month, our ministers cost the tax-payers in perks alone each month the equivalent of four years total emoluments of the average wage earner in this country! And all this is done by way of an administrative fiat from the cabinet for the benefit of cabinet ministers alone!! That is why I say that it is a scandalous state of affairs and thoroughly immoral.

But now the Prime Minister has given an assurance that these perks will be pared down not because the conscience of our ministers is pricked but as an austerity measure. I say that the sooner the Prime Minister makes the cut in the perks the better it is for them otherwise the humble workers may vent their righteous anger on the cabinet ministers.

This luxurious living is present not only at federal level but goes down to the state *Menteris Besar* and executive council members. There too the perks must be pared down and only then will there be social justice and our Government can preach a New Morality to the nation. Our MPs must not forget that the humble fisherman, the rubber tapper, the padi farmer etc. elect the MP and the latter may be chosen to be a cabinet minister to do a spot of work and not to be the heaven-born in our society.

I must congratulate Datuk Musa Hitam for ending the practice of young school children from primary schools lining up to wave

flags to welcome ministers. It may flatter the ego of the VIP but what a waste of thousands of man-hours or should I say children-hours, and what a torture to them. I have always been against such a practice and I was about to write an article to protest against it when Datuk Musa beat me to it. *Syabas*, Datuk.

Dr. Mahathir has asked for judgement on his administration to be passed after a lapse of one year. I congratulate him and his Deputy on the new morality that he has set for the country.



The Star

Mrs Margaret Thatcher

THE CABINET RESHUFFLE

On 2 June 1983, the Prime Minister, Datuk Seri Dr. Mahathir Mohamad, announced the second major cabinet reshuffle since he took over as Prime Minister on 17 July 1981. The first occurred in April last year after the general elections. This time the Prime Minister has four resignations in his hands, namely those of Datuk Lee San Choon, Datuk Mohamed Nasir, Datuk Mokhtar Hashim and Datuk Pengiran Othman Rauf. Two Deputy Ministers too have resigned.

From time to time a Prime Minister has to reshuffle his cabinet because of death and resignation or removing square pegs in round holes or simply to remove deadwood. In this instance the resignations that I have alluded to have forced the hands of the Prime Minister and he had to reshuffle the cabinet. Since the government is a coalition, the hands of the Prime Minister are tied to some extent. Ministries are slotted for certain parties and they have to be filled by nominees of the parties concerned. Then there must have been some hard bargaining amongst the regions represented in the cabinet. Thus if a nominee is from the north he must be balanced by another one from the south.

Let us now look at the four new ministers.

DR. JAMES ONGKILI

He has been the Deputy Chief Minister of Sabah ever since the

Berjaya swept into power in 1975. He has also been an MP and this appointment will give him the national exposure that will be necessary if he is to aspire to higher office in Sabah or at the centre. He did his first degree and a masters degree in Brisbane, Australia and got his Ph.D from the University of Malaya where he taught in the Department of History for a number of years before resigning in 1975 to go back to contest the state election under the banner of Berjaya. Following the Berjaya landslide victory he was appointed the Deputy Chief Minister. In the 1978 general election he was elected to the Parliament from the federal constituency of Tuaran. He repeated the victory in 1982 and today is Minister without portfolio in the Prime Minister's Department. At one time it was thought that he would be given the portfolio of defence. This offer was made at one time to Tun Mustapha to lure him from Sabah to Kuala Lumpur by the late Tun Abdul Razak but Tun Mustapha refused to bite. Defence as I have mentioned before is a very important ministry and in this country it has been held by either the Prime Minister or his deputy. Only once has it been held by a lesser person, to wit Tan Sri Hamzah Abu Samah. He held it for a short time before it reverted back to the Prime Minister.

DATUK CHIN HON NGIAN

He has been allocated the Ministry of Health. It is no secret that the relations between his predecessor, Tan Sri Chong Hon Nyan, and the Malaysian Medical Association had of late been deteriorating. This was regrettable for Tan Sri Chong Hon Nyan had been a top civil servant before he entered the political arena. But of late the Minister and the MMA did not seem to hit off and perhaps the Prime Minister, a medical doctor himself, sensing this decided to shift Tan Sri Chong Hon Nyan to Transport and bring in Datuk Chin Hon Ngian to Health. Prior to this Datuk Chin had been Deputy Minister of Culture, Youth and Sports in 1977 and Deputy Minister of Agriculture since the general election of April 1982. He first entered the Dewan Rakyat in 1974 and won again in 1978 and 1982 from the constituency of Renggam. He is a lawyer by profession and has been one of the stalwarts of the MCA in Johore and his appointment will no doubt strengthen the hand of the acting MCA President, Datuk Dr. Neo Yee Pan.

DATUK SHAHRIR ABD. SAMAD

He has been appointed Minister for the Federal Territory, a position

which was vacated by Datuk Pengiran Othman Rauf. The latter had been involved in a controversy that revolved round an extra holiday for the fishermen of that state. He has been accused of not doing enough for Sabah while in Kuala Lumpur.

Datuk Shahrir Abd. Samad first entered the Dewan Rakyat via the constituency of Johore Baru in 1978 and since then his rise has been rapid. He had been Parliamentary Secretary in the Prime Minister's Department and in 1980 he was appointed Deputy Finance Minister. After 1982, he was appointed Deputy Minister in the Ministry of Trade and Industry and now he is promoted a full minister.

ENCIK ANWAR IBRAHIM

The rise of Anwar Ibrahim in the ranks of the Barisan Nasional has been meteoric ever since he left the presidency of ABIM to join the Barisan Nasional in September 1981. He was picked to contest Permatang Pauh in 1982 and he won the seat with a thumping victory. Appointed Deputy Minister in the PM's Department, he became the government spokesman on Islamic Affairs. He has spearheaded the Barisan Nasional victory at the by-elections in Binjai in Trengganu and Hulu Muda in Kedah. Prior to that he had won the presidential race for UMNO Youth against the incumbent Datuk Suhaimi Kamaruddin. That gave him a seat in the UMNO Supreme Council and catapulted him into the national stage of UMNO politics. Although no UMNO Youth leader has ever achieved the position of Prime Minister, Anwar Ibrahim can use it as the springboard for the highest office in the land. When he was appointed to the present post, I told him that it was good for an aspirant to the highest post in the country to start at the bottom and work his way up. He organized anti-Soviet rallies and I could detect a degree of impatience and non-tolerance of criticism against what he was doing. This was surprising coming from one who had been virtually in the opposition until recently. In any case any aspirant for high office should learn and learn fast to see the other person's point of view.

There are to be five Deputy Ministers and the following are some comments about them:

DATUK LEE KIM SAI. New MP for Ulu Selangor, ex-Selangor State Exco member and my opponent in Kepong (then a state constituency) in 1969. He moves to the Prime Minister's Department and his appointment means that he will have to resign as Chairman

of the National Unity Board. I do hope that the Prime Minister will consider carefully before he appoints the successor to Datuk Lee Kim Sai. I myself see no virtue in appointing a Chinese to that sensitive post. If I may make two suggestions: Tan Sri Hamzah Sendut or Dr. Chandra Muzaffar. Either of them will make an excellent head of the National Unity Board.

ENCIK OO GIN SUN. He first entered the Dewan Rakyat as MP for Alor Star in 1978 and retained that seat in 1982. He was appointed as Chairman of the Public Accounts Committee. He has been appointed as Deputy Minister to the Ministry of Trade and Industry and is the first member of the Kedah MCA to hold a ministerial post. He is a lawyer by profession.

ENCIK RADZI SHEIKH AHMAD. He is the son of a former *Menteri Besar* of Perlis, Tan Sri Sheikh Ahmad. Perlis has only two MPs in the Dewan Rakyat and Encik Radzi Sheikh Ahmad is the first Perlis MP to be appointed as Deputy Minister. He moves over from the Ministry of National and Rural Development to the Prime Minister's Department. With the departure of Datuk Suhaimi Kamaruddin from the PM's Department, I presume that Radzi Sheikh Ahmad will be in charge of the desk for Law in that department.

ENCIK KADIR b. SHEIKH FADZIR. He has been Parliamentary Secretary in the Ministry of Foreign Affairs and he has been elevated to Deputy Minister in the same ministry. I had knocked into him more than a decade ago when I used to address Malaysian students in Malaysia Hall. He was active in student affairs then.

ENCIK AHMAD SHAH TAMBAKAU. The MP for Keningau has the distinction of being the youngest in the Mahathir Administration. He is only 28 years old. He graduated with a science degree from Melbourne University in 1975. He has served as political secretary to the Chief Minister of Sabah, Datuk Harris Salleh, before he entered federal politics. He has been appointed as Deputy Minister for the Federal Territory.

At the same time three Deputy Ministers have been transferred. These are Dr. Goh Cheng Teik from the PM's Department to the Ministry of Agriculture, Datuk Suhaimi Kamaruddin of the same department to the Ministry of Energy, Telecoms and Posts, and Encik Hj. Muhyuddin b. Hj. Yassin to the Ministry of Trade and Industry.

The Prime Minister has also appointed four new Parliamentary

Secretaries. These include Encik Hj. Awang Abdul Jabar whom I have already alluded to, Encik Mohamed Tajul Rosli B. Ghazali, MP for Grik and President of MYC who goes to the Ministry of National and Rural Development and is the son of the late Tan Sri Ghazali Jawi. Encik Mustapha Mohamed who contested the by-election at Sri Gading when Tun Hussein Onn resigned from the Dewan Rakyat. Mustapha Mohamed goes to the Ministry of Culture, Youth and Sports. Encik Yeoh Poh San, the new MP for Petaling. He is the elder brother of Dr. Yeoh Poh Hong the secretary-general of the MMA and they are the sons of the late Yeoh Ho Huat, a member of the Labour Party of Malaya. Yeoh Poh San, a lawyer, goes to the Ministry of Health, and presumably he now can have a dialogue with his younger brother on health matters.

There had been speculation, especially in business circles, that Tengku Razaleigh would leave the cabinet. These rumours of course were groundless and they have been laid to rest by the cabinet reshuffle.

DR. MAHATHIR ON DEMOCRACY

On Saturday, 19 November 1983, Datuk Seri Dr. Mahathir Mohamad paid a two-day official visit to his home state in Kedah. He was given a rousing welcome when he arrived at Alor Star. In a wide-ranging speech, he spoke on the democratic system of government in our country, the role of the government and of the people as well. He pointed out to the crowd that once every five years the government is interviewed by the people. He said: "If we are wrong throw us out. But if we do the correct things, we really work and bring happiness to the people then the people would give us their support. We shaped this system because we do not want our prime ministers to forget all of you. To ensure that we do not forget, we carry out an election once every five years." He also stated that in his own constituency of Kubang Pasu he is interviewed by some 50,000 voters and if he could not satisfy a large portion of the interviewing committee, he would be rejected by the voters and hence could not stay on as Prime Minister. All this is kidstuff to the people of a state which has produced our first prime minister and now has the proud distinction of having another son of Kedah as the country's fourth Prime Minister. In addition Kedah has produced the greatest number of ministers since *Merdeka*.

But why should the Prime Minister be reduced to barnstorming the country when there is no general election in the offing? At every

opportunity the Prime Minister and some of his ministers and top UMNO leaders as well have gone round the country preaching the virtues of democracy. He has stated that he will visit all the nine states where there are sultans in order to drum up support for the government. Why should the whole machinery of the government be mobilized to drum up support for the government? Is democracy threatened in this country? The reason lies in the fact that there is a serious dispute between the government and the sultans over the Constitutional Amendments passed by Parliament last August. But the government must not make another fundamental mistake: in physics there is a law which states that to 'every action there is an equal and opposite reaction.' Already we have seen evidence of the reaction - the refusal of the sultans to accept the UMNO memorandum presented to them at the meeting at Istana Bukit Kayangan on 20 November. Then recently there was a crowd of 5,000 gathered to show their loyalty to the Sultan of Trengganu. When the Sultan of Kelantan came to Shah Alam for the same meeting there was a big send off for him at the airport.

The government has now stated that it is going all out to explain the meaning and need for the Constitutional Amendments to the people. This bears out the pleas made by me all these years for all Constitutional Amendments to be given the widest publicity and adequate time so that both the people and our MPs could study them before they were brought before the Dewan Rakyat. In this particular case, the Constitutional Amendment Bill was tabled only a few days before it was debated on 1 August 1983 and passed in the space of less than three days. It was as if the government wanted to spirit the bill almost unnoticed through the Dewan Rakyat. As it is before the country knew what was happening the bill had been passed by the House. Once the dispute with the rulers is settled the people of our country must insist that in all future constitutional amendments both the people and our MPs must be given enough time to study the constitutional amendments before they are debated in the Dewan Rakyat.

The Prime Minister also spoke at length on the allocations for development. He stated that the money had been collected from the people and quite properly should be used for the benefit of the people. It was the responsibility of the government to provide whatever the *rakyat* wanted. He continued "The allocation that we have for development came from the efforts of the *rakyat*. The

government itself does not have the money. It does not print money everyday". I must congratulate the Prime Minister for speaking out so succinctly what I have been trying to say and impress on the people for years. Since all of us without exception pay taxes, whether directly or indirectly, we have the right to expect development even in constituencies controlled by the opposition. The Prime Minister should impress on his ministers and *menteri besar* his views on the right of the people to expect development from the government of the day irrespective of race, colour, creed or political affiliation. Every time there is a general election and particularly a by-election the voters are warned by the *menteri besar* or by ministers that if they vote the opposition, all development would be deferred or even rescinded. This was what happened in the recent by-election in Seremban and proved to be counter-productive and the Barisan Nasional quite deservedly lost.

The Prime Minister also categorically stated that he had no intention of stepping down from his high office. There have been rumours that because of the failure of the UMNO mission to Istana Bukit Kayangan on 20 November 1983, he would be stepping down. He said "I will not step down from my job. I did not pick myself to become the Prime Minister. I was chosen by the people and I have no right to step down from my post. If the people have decided that I am not carrying out my duty and I am no longer suitable, then at that time I will willingly step down. But no other party has the right to force me to resign. That is the right of the people. The right of the people to decide who will lead them. I am not permanent and I do not want to remain permanent. The same goes for those standing behind me. Only the people is permanent." Earlier on the Prime Minister had stated that he and his government have no intention of staying on forever. The Prime Minister is quite correct in saying that he will not step down. Why should he? He heads a coalition that has an overwhelming majority in the Dewan Rakyat, 132 out of a chamber of 154. Under the Westminster model under which we operate, the Prime Minister can only be forced to resign if he is defeated in the House of Representatives or if he loses the confidence of his own party. No other party can call on him to resign if it does not command a majority in the House.

In a parliamentary democracy where the rulers are constitutional monarchs and symbolic heads of states, it must be clearly accepted and understood that the will of the people as expressed through

parliament must reign supreme. As such I think I voice the wishes of the large majority of Malaysians of all walks of life that there must be no compromise on this basic principle. Constitutional lawyers like the Lord President, Tun Raja Azlan Shah, and even royalists like Tunku Abdul Rahman Al Haj are all agreed on this basic principle. If there is any conflict and God forbid there should be any conflict over this basic principle - it will be the rulers who will be the losers. If this is accepted by the rulers then it should not be too difficult for an amicable settlement to be reached between the government and the rulers. The compromise proposed by the UMNO delegation at the meeting of 20 November 1983 to me is an acceptable one that is eminently fair to both parties. It concedes the power of the King to review and delay legislation though only for a limited period and at the same time recognises the supremacy of the will of the people as expressed through Parliament. I myself am greatly concerned at the unfettered powers sought by the executive that has frightened large numbers of Malaysians. But the compromise formula proposed by the UMNO delegations is a fair one although I myself would be happier if more curbs are put on the unlimited powers that the ruling party now enjoys. The aphorism that all power corrupts and absolute power corrupts absolutely can be aptly applied to the near absolute power that the Barisan Nasional now enjoys.

However the Prime Minister has publicly proclaimed that he himself does not require extra power and that he is not out to grab power. He may well not want to exercise absolute power but is there any guarantee that all his successors will be such model Prime Ministers? Hence the need to curb the excessive power that the executive now enjoys. We do not want our King to be reduced to be a rubber stamp of the government of the day as has been pointed out by the Tunku in his article that appeared in *The Star* of 1 December 1983, neither do we want the supremacy of Parliament challenged by the rulers.

This unhappy episode of our history has I hope taught the government a salutary lesson that in a democracy the government must take the people into confidence. That means all bills should, with very few exceptions, be given the widest publicity before they are debated in the Dewan Rakyat. The people should be encouraged to study all bills due to be debated in Parliament, especially those relating to amendments to our constitution. Then our MPs should

be given time to study these bills and consult their constituents if necessary. Our newspapers should be encouraged to give the widest publicity to all constitutional amendment bills instead of hiding such news, such snippets as they appear, in the middle of the paper where the average reader is likely to miss reading them. If this had been done last August, the government would have been spared the sweat and tears and the agony that it has endured these last few weeks.



Tun Raja Azlan Shah



VI. The Leaders

"...my personal view and belief [is] that we can only achieve a better society for this country if we try and work on premises that cater for the interests and justice of all Malaysians.... We have been meeting union leaders, leaders of other organizations, even opposition party leaders. Of course, there should be a readiness to deliberate on issues in a frank manner and this should not be used or exploited for narrow political purposes. We should be able to transcend political considerations to enable meaningful and effective dialogue."

Encik Anwar Ibrahim, in an interview with
Dr. Tan Chee Khoo, 5 January 1983.



Tunku Abdul Rahman

THE TUNKU - HIS STRENGTHS AND WEAKNESSES

On 8 February 1984, the Tunku, as he is affectionately called by Malaysians of all walks of life, will be celebrating his 81st birthday. He will then have reached four score and a year - a ripe and venerable age for the Grand Old Man of Malaysian politics and the Father of the nation. Up to last year, his eyesight had caused some anxiety but after his operation in America for cataract and glaucoma both his eyesight and his health have greatly improved. His birthday has been celebrated by most Malaysians who have been grateful to the Tunku for his great contributions to the nation. It has become an event of national importance.

The Tunku has been rightly called *Bapa Malaysia* for having led the country to independence in 1957. Until the time when the late Dato Onn left the UMNO, the Tunku was barely known amongst Malaysians and even amongst the rank and file of the UMNO, few had heard of the Playboy Prince who was later to be our first Prime Minister. But the hour produced the man. Was it not Shakespeare who said: "There is a tide in the affairs of man, which, taken at the flood, leads on to fortune." The Tunku made the best use of the opportunities open to him at that time and he rode on the crest of fortune till tragedy struck on the 13 May 1969. But as the Tunku himself has revealed in his articles, it was not plain sailing. It was a long and arduous struggle, filled with sacrifices of the early veterans, many of whom alas have passed away. Then came the

Kuala Lumpur election when the Tunku met the Tun H.S. Lee of the MCA. They made a pact to fight the election on the same platform and thus was born the Alliance. It was later enlarged to include the Malayan Indian Congress and the Alliance became a triumvirate. Later in his pursuit of consensus, the late Tun Razak enlarged the Alliance to form the Barisan Nasional. After 1969, feelers were made to the Gerakan when I was the secretary-general. I made it clear that I did not leave the Labour Party to jump into the Alliance bandwagon and that as long as I was in the Gerakan, it would not join the Alliance. Later when I resigned from Gerakan, Dr. Lim Chong Eu made haste to join the Barisan Nasional.

It is not generally known that the Tunku was the main architect of the Constitution of Malaysia. It was he who formed the Reid Commission whose report formed the basis of the Constitution of Malaysia. The compromise of citizenship, Malay Rights, Language etc were the result of hard bargaining on the part of the partners of the Alliance but the guiding hand was that of the Tunku. I am glad that he insisted that Malaysia should be a secular state but that Islam should be the official religion.

This country was fortunate in that the Prime Minister was a sportsman in his youth and as Prime Minister he was only a patron of sports in general but became an active administrator, especially of football and racing. He was also an active golfer. I remember he had tried to get me to join the Royal Selangor Golf Club but I told him that if the RSGC were to look carefully at my pedigree, it might not approve my application for membership. He was also largely responsible for the building of the Merdeka Stadium. At that time my comrades in the Labour Party of Malaya opposed its construction as we considered it a waste of public funds. More than a quarter of a century have passed since the Merdeka Stadium was built and I will admit that we were wrong and the Tunku was right.

Malaysia celebrated the Silver Jubilee of its foundation last year and Malaysia has seen four Prime Ministers. The successors of the Tunku have freely admitted of the gratitude they owed to the foundations that were firmly laid by the Tunku. It was the Tunku who brought the three major communities together to work for the good of the country. It was the Tunku who was trusted by all the communities. Paradoxically it was racial disharmony, the tragedy of 13 May 1969, which caused the exit of the Tunku from the political arena.

The full story of that upheaval has not been written and so also the story of the retirement of the Tunku as Prime Minister. But I am sure that in the near future the story will be written in depth and so also the ouster of the Tunku as Prime Minister. It is evident from his speeches and writings that the memory of those days still rankles in the Tunku. To be Prime Minister one day and the next day to find all references to him missing in our mass media, the Radio and TV and even in our schools, must have been a bitter pill to swallow. It was as if he did not exist as Prime Minister and of course he was ignored for all official functions. But when Tun Hussein became Prime Minister, the Tunku was rehabilitated. It was left to the 2Ms, Datuk Seri Dr. Mahathir Mohamad and Datuk Musa Hitam, who had been expelled from the UMNO by the Tunku and who came close to being detained under the Internal Security Act to give due cognizance to the role of the Tunku in our history. It was also magnanimous of the present Prime Minister to apologize for any wrong he might have done to the Tunku in the past. The respect and courtesy shown by the Prime Minister and his Deputy must have warmed the cockles of the heart of the Tunku.

But any study of the Tunku, or for that matter of any great man, that dwells on the great work done by our first Prime Minister without touching on his failures or his weaknesses would not be fair to the man. Hence in this short study I shall give the Tunku warts and all.

To me one great weakness of the Tunku was his yielding to pressure to enact the Internal Security Act. Granted he was firmly committed to eradicating communism from the face of Malaysia but in 1960 when the Tunku declared Malaya to be white and communism defeated, he yielded to pressure to enact the ISA in place of the annually renewable Emergency Regulations. It is regrettable that the Tunku who upholds the Rule of Law should have enacted the ISA which greatly curtailed human rights in this country. More than 23 years have passed since the ISA was enacted and yet we are still troubled by communism. This goes to show that any repressive legislation by itself cannot and will not eradicate communism from any country. It is one of the ironies of Malaysian life that under successive Prime Ministers who were lawyers our civil liberties had steadily eroded and it took a physician as Prime Minister to reverse the trend.

The Tunku brought Singapore into Malaysia in haste without

giving the people of both countries time to debate the merger fully. And three years later from his sick-bed in London, he had to take the decision to evict Singapore from Malaysia. Prior to the formation of Malaysia he said that Malaya could not tolerate a Cuba at her door step. But it is eighteen years since the separation of Singapore and she has progressed tremendously as an independent sovereign nation.

It is regrettable that the Tunku while Prime Minister did not come down hard on corrupt politicians and civil servants. He himself is reported to have stated that if he had to act against corrupt *Mentris Besar* and Chief Ministers there would be very few left to rule the states. I myself have heard a Sultan say loudly at an official dinner that "My *Menteri Besar* is robbing my state!" One M.B. who had a clean state was eased out of office. He is Dr. Mohd. Said b. Mohamed, the ex-*Menteri Besar* of Negeri Sembilan. It was left to the Tunku's successors to come down hard on corrupt politicians and officials.

The Tunku while out of office has advocated that English should be the medium of instruction in our universities. But while he was Prime Minister, he did not pursue this objective with vigour. Many in this country would have hoped that science, medicine, engineering etc. would be taught in English as is being done in most Arab countries.

One of the weaknesses of the Tunku had been his dependence on rich Chinese friends, some of whom deserted him in his hour of need. If he had a more balanced circle of friends, including poorer non-Malays and professional people, I am sure he would have made a better Prime Minister.

Another weakness of the Tunku was his over dependence on the British, especially in the early years of our independence. This is not surprising since he was educated in Cambridge. His foreign policy was blatantly pro-Western and this had led to difficulties in our relationship with the Third World. It was left to the present 2M administration to break the dependence on British and look East.

When the Tunku was elbowed out of office in 1971, he was given a golden handshake of \$250,000/-, plus fairly substantial fringe benefits. He had bought a house in Penang where he thought he could lead an idyllic life but it was not to be. He was invited to be the secretary of the Islamic Conference, with headquarters in Jeddah. Though he enjoyed his work there he must have found the life of

austerity in Saudi Arabia a great strain on an ex-playboy prince and former fun-loving Prime Minister. My guess is that he must have been glad to be back in Malaysia after his stint in the Middle East. On his return, he did not remain idle. He became the chairman of Perkim, the national body to look after welfare needs of the Muslims of this country. Perkim was also involved in propagating Islam amongst the non-Muslims in this country. Under the leadership of the Tunku, Perkim greatly prospered and its headquarters in Ipoh Road was built. It has expanded its activities to other states as well.

But it was not all work and no play for him. He went back to the king of sports - racing - a sport which had been denied him in the Middle East. He carved out a new career for himself in journalism. He became the chairman of Star Publications and wrote a column every Monday. He has since collected several of these articles in book form. He has also helped to raise funds for charity. The latest was \$250,000/- for the cardio-thoracic unit at the University Hospital to provide for 6 intensive care beds. All told the Tunku has led a very active life after he had stepped down as Prime Minister and when one considers that today at the age of 81 years he is able to accomplish so much one must take off one's hat to him.

It is regrettable that the person most trusted by all the three major racial groups in this country and one who could have achieved racial harmony in this country should have ended his term of office as Prime Minister due to an outburst of racial violence in May 1969 in Kuala Lumpur. Before the elections of 1964, the Tunku's popularity was at its zenith and this was confirmed by the "confrontation election of 1964 when the Alliance won a landslide victory securing 89 seats as against the 15 won by the opposition. With that great victory the Tunku could have welded the three major communities closer together but did not. After independence, he failed to build non-racial political institutions and we are now paying the price.

In touching on some of the mistakes and weaknesses of the Tunku, I want to make it clear that I am not trying to detract or denigrate the role played by the Tunku in the formation of Malaya and Malaysia and the part he played in the early days of our independence. He has left his footprints indelibly in the sands of Malaysian history and like thousands of other Malaysians, I want to wish him good health and happiness in the years ahead.

**INTERVIEW WITH ENCIK ANWAR
IBRAHIM, 5 JANUARY 1983**

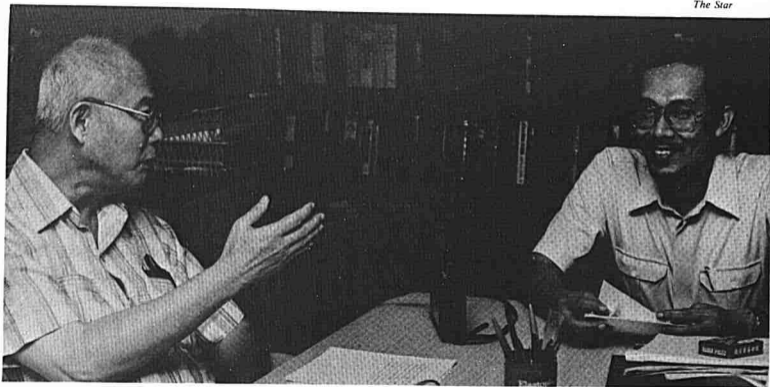
Dr. Tan: Encik Anwar Ibrahim, you have just been voted as "Malaysian of the Year in 1982" by the readers of *The Star*. As one who has been just accorded this high honour, can you tell me how you feel and will you pledge, that, as you climb up the political ladder you will think and act as a Malaysian first?

Encik Anwar Ibrahim: Although I must be thankful to the readers of *The Star*, I should in all honesty admit that many others are more qualified including you, Tan Sri Dr. Tan Chee Khoo. I think this is probably an important reminder that I should pursue my work and commitments consistent with the views I have so far expressed. These relate to the questions of freedom and justice, transcending narrow racial considerations.

Dr. Tan: Now, Encik Anwar, I have been told that of the people who voted for you, half were Malays and half were non-Malays which means that you have a considerable non-Malay constituency. This must be very heartening to you. What are your comments on this fact?

Encik Anwar Ibrahim: It is heartening and it reflects my personal view and belief that we can only achieve a better society for this country if we try and work on premises that cater for the interests and justice for all Malaysians.

Dr. Tan: Now, as you climb the political ladder and, as you know,



The author interviewing Encik Anwar Ibrahim

you are climbing it very fast, do you agree with me that when you are in a position of authority, when you make decisions, you must think in terms of Malaysia as a whole, and not on a sectional, communal angle but from the Malaysian viewpoint?

Encik Anwar Ibrahim: The major decisions undertaken by the present leadership generally do take serious consideration of all sectors and all communities including their sensitivities. This is quite clear to me after working with the present leadership.

Dr. Tan: The recent by-election at Binjai has been fought almost exclusively on problems facing Islam in this country. What role did you play in this UMNO victory and how will it influence UMNO-PAS balance of the future?

Encik Anwar Ibrahim: Binjai is basically a rural Malay constituency. Election issues mainly related to Islam, rural poverty and problems confronted by the Malays. We in the UMNO worked very hard. And I am sure many others in Terengganu deserve the credit for working very hard to explain what we mean by Islamization in the country, what we mean by programmes to alleviate the poverty of the rural poor, and where we differ with the more radical slogans of the PAS leadership. This battle was won, I think, mainly through appealing to people to reason out, and to think in the larger context of Malaysian politics. We had taken pains to say that we were not addressing only the Binjai constituents. We were addressing Malaysians at large and therefore any programmes and promises had to be seen in the larger context.

Dr. Tan: I gather that this was a very tough election with no holds barred and unfortunately some of the participants went into personal issues which is regrettable to me at least. In a political battle, one must not descend to personalities. Would you agree that compared to other political battles, Binjai was very tough?

Encik Anwar Ibrahim: I think it was considered to be quite tough and many of our colleagues in the UMNO admit that Binjai is the centre of radical leadership of PAS. The base of the new PAS leadership is around Binjai and therefore the margin of victory has been of course very encouraging to us.

Dr. Tan: And you have increased your majority.

Encik Anwar Ibrahim: From 300 to 850.

Dr. Tan: You have been credited with intervening in Parliament's Second Reading of the Societies (Amendment) Act 1982 recently, thereby making its review possible. How did you achieve it?

Encik Anwar Ibrahim: The credit should go to the Prime Minister for his earlier commitment that the laws were to be liberalised in so far as they did not disrupt the foundation of security and peace in this country. And this was followed by a statement by Datuk Musa that the Act was to be further amended. What I did was really to concur with them that this was necessary in the interest of the country and consistent with the views of the present leadership.

Dr. Tan: Yes, the leadership has committed itself to liberalisation. On the other hand, in the Amendment Act 1982, you have increased the powers of the Registrar. If you had persisted in rushing the bill through, did you realise that the credibility of the 2M Administration, and you in particular, would have been shattered?

Encik Anwar Ibrahim: On the contrary, the credibility of the leadership is further strengthened despite the withdrawal. As acknowledged by Datuk Musa, the Amendment does not reflect the thinking of the leadership and it is not considered liberal enough.

Dr. Tan: I agree with you. I do not know whether you have read the article that I have written on the Amendment when I said that the opposition parties must not think that the withdrawal of the bill was a victory for them and the 2M Administration certainly should not take it as a defeat for them. To me it was a sign of maturity. If you are prepared to admit that mistakes have been made and you are prepared to rectify them, that to me reflects the maturity of a government.

Encik Anwar Ibrahim: Maturity and magnanimity on the part of the leadership. I think it is a healthy trend.

Dr. Tan: What do you anticipate as the main stumbling block in achieving a liberalisation of the Societies Act 1966?

Encik Anwar Ibrahim: With such a firm commitment by the leadership, I do not anticipate any problems.

Dr. Tan: No more additional powers for the Registrar?

Encik Anwar Ibrahim: I am quite positive.

Dr. Tan: Because many people, particularly me, will be looking at this and will be speaking out on this issue of increasing the already considerable powers of the Registrar of Societies.

Dr. Tan: You have initiated discussion among the various Barisan youth wings. How do you think the young party leaders will open out to one another at these closed door meetings?

Encik Anwar Ibrahim: Our meetings with MCA Youth, for example, have been very open, very healthy. There were no limits to the

topics that were discussed. There were arguments and issues were discussed with frankness and in a relaxed atmosphere no attempt was made to curb discussion on sensitive or serious subjects.

Dr. Tan: Now, let me present a more radical idea which may not have occurred to you or other leaders of your party. What about knowing the views of your opponents? To me, one of the tragedies not only of this country, but of other countries as well, is that we do not know what the others are thinking on important issues. Meeting your opponents and having an exchange of views has its values although politically it may be frowned upon. In this country, we do not have good opinion polls so we do not know what the others are thinking, what the people are thinking. What do you think of this?

Encik Anwar Ibrahim: We have been meeting union leaders, leaders of other organizations, even opposition party leaders. Of course, there should be a readiness to deliberate on issues in a frank manner and this should not be used or exploited for narrow political purposes. We should be able to transcend political considerations to enable meaningful and effective dialogue.

Dr. Tan: Your efforts to bring about a greater understanding of Islam have perhaps frightened some non-Malays. The idea of compulsory courses in Islamic civilization in local universities is a case in point. In view of the scepticism and perhaps antagonism to the imposition of such a course, how do you really think that it can achieve better relations between the Malays and non-Malays in this country?

Encik Anwar Ibrahim: The general philosophy of the administration is to emphasize more on the educative process. We have to open up channels of communication with various groups, various races, various religions. We have to establish better rapport and dialogue and this needs to be emphasized. If this is done, I don't think the problems of lack of communication and prejudice would arise as much as in the past. Take for example, the course on Islamic civilization.

Dr. Tan: I gather that this is a non-examination course.

Encik Anwar Ibrahim: It is a non-examination course. It is not a course teaching Islamic religion in the narrow sense of rituals. It is an introduction to Islamic civilization in the context of Malaysian society. It would deal with the history of Islam in this region, how Islam relates to the other cultures, the Chinese and Indian cultures from the historical perspective. How we have survived for decades,

working together, living together? How we have accommodated aspects of other cultures into the Malaysian culture? What is the contribution of this culture to technology and science? These are the areas we want to emphasize and then of course there is a need to explain some of the actions being taken by the government, like the Islamic banks and other institutions, so that it will create a better understanding and atmosphere of mutual respect and acceptance. The emphasis is on knowledge and science.

Dr. Tan: I am glad you have said that because one of the tragedies in this country as well as others is that not knowing other religions one takes a very narrow view point on one's religion vis-a-vis other religions. I will give you one example. I do not know whether you are aware that none other than Datuk Asri, the former Minister of Land and Regional Development, stated that Christians in this country posed a greater danger than communists. That, to me, is a shattering statement, coming from a responsible minister of the crown. It is things like this that frighten the non-Muslims. Not only the non-Muslims in this country should know something about the impact of Islam, I hope the government will see to it that some of their leaders have an understanding of other religions in this country, Christianity, Buddhism, Hinduism etc.

Encik Anwar Ibrahim: I think your point about this understanding and tolerance is well taken. It is not only meant for non-Muslims. It is also equally meant for Muslims who sometimes take religion in a narrow sense, who seem to be intolerant of others.

Dr. Tan: Despite misgivings among non-Malays regarding some of your projects, their effect will probably be felt more by the Malays. In enforcing Islamic prohibitions on drinking and gambling, how will you balance the tenets of Islam with more liberal attitudes on individual freedoms - for which you have a strong reputation?

Encik Anwar Ibrahim: I am committed to freedom in the sense that people should feel free to express their views and to act responsibly. But there have to be certain restrictions for those who believe in the religion, one has to abide by religious precepts. For the Muslim, the Islamic code has been accepted as the guiding standard for morality. But this must not be construed only in terms of severe punishment. This is where we differ with certain quarters where they only highlight the question of punishment. We should enlighten the general public on the question of the standard of morality for the society. Malaysians generally must have a higher standard of morality

They must not be seen in any way to condone exploitation and corruption. To my mind, these are all moral dimensions and it is improper to narrow it down to certain very limited things like the *Khalwat* law. Morality must relate to the question of social and economic justice. Freedom and morality should not be judged through decadent values and permissiveness of the west. It should be seen through our own Asian values cherished by all religions in our part of the world.

Dr. Tan: How will you effect the changes you have in mind without arousing antagonism between staunch Muslims and more "relaxed" ones within the Malay community itself?

Encik Anwar Ibrahim: I think both groups need to be educated. Progress implies efforts to elevate our moral standards, but we need to be wise and discreet in its application.

Dr. Tan: You have made remarks like "Malays must work hard or face being called 'a subsidised people' dependent on a government aid." To what do you credit your ability to make such statements without making Malays so angry with you as to stop listening to you?

Encik Anwar Ibrahim: I think the Malays generally understand the wider context of my views that they should not be seen to be thinking in terms of additional subsidies or hand-outs from the government or what the Prime Minister termed as 'dole mentality'. More progressive measures and effective reforms must be undertaken to help alleviate the standard of the rural poor, to abolish poverty. The Malays have to work harder, with better discipline and dedication in order to be independent and self-reliant. I think this is important for any community to survive and compete fairly with other communities.

Dr. Tan: No government can exist or continue for long if it goes on creating this subsidised mentality or 'dole mentality' that the Prime Minister has quite rightly pointed out. The people must be told bluntly that they must work hard if they want better things in life.

Dr. Tan: The recent announcement that the government is considering a Morals Law has created much concern among many Malaysians. What are your views on this issue?

Encik Anwar Ibrahim: The Prime Minister has clarified that there is no such thing as a Morals Law being planned for this country. What we have done is to improve upon some aspects of Islamic law pertaining to Muslim personal and family law and general standard

of morality for the Muslims. We would encourage non-Muslims to present their views on this subject of morality. There is no question of introducing a morals law binding on everyone without due process of dialogue and consultation.

Dr. Tan: Yes, you would then stir up a hornets' nest which is very unnecessary to me. We should try to have a higher standard of morality that you have talked about. But to compel, for example, *Khalwat*, which is an offence among the Muslims, on the non-Muslims is bound to create problems. At best you can only urge them that they should really set a better example to the younger generation. As you have quite rightly pointed out morality does not just relate to *Khalwat*. It is what your views are on poverty and injustice.

Dr. Tan: The takeover of PAS by those described as 'radicals' has brought the battle between UMNO and PAS on Islamic issues to the fore. You have played a leading role in championing UMNO's record on Islam. What do you think of the PAS leadership change and the results of this change?

Encik Anwar Ibrahim: The Muslims have ultimately to choose between a party which has programmes and which undertakes measures recognising the context of our multi-racial and multi-religious society and a party that only harps on popular slogans and which is devoid of any programmes.

Dr. Tan: Even a person like Datuk Asri has begun to say that we must take into consideration the fact that we are a multi-racial and multi-religious country before we try to introduce extreme Islamic laws in this country. The realities of opposition and his being eased out of the leadership of PAS by the radicals, have obviously changed his attitude. This is very encouraging.

Dr. Tan: Although the Prime Minister announced the setting-up of the Islamic University and Bank Islam, it was you who has been closely identified with both projects, even to the extent of being given credit for them by PAS. What are your views on this?

Encik Anwar Ibrahim: Firstly, to set the record straight, the Prime Minister announced the setting-up of the Islamic Bank and the Islamic University prior to my entry into the government. Of course these happen to be projects that I strongly support. This probably is the reason why they are associated with me at present. We are talking about a modern commercial bank for Malaysians but operating on Islamic principles. In relation to the International Islamic University, probably only 30 percent of the students will be Malaysians.

The first two faculties will be those of Economics and of Law. Only qualified students, Muslims as well as non-Muslims, will be considered.

Dr. Tan: I am very glad that you emphasized that non-Muslims can have a place in both these institutions. If you want to encourage a better understanding of Islam and its implications in our everyday life, I can think of no better projects than these. They are bound to promote among non-Muslims a practical understanding of what Islam really means.

Encik Anwar Ibrahim: In the past, there were Christians studying in Muslim Universities and even now there are Muslims studying in Christian Universities. So I don't think we should take an exception to that situation.

Dr. Tan: Will the Islamic University start this year?

Encik Anwar Ibrahim: It will be started temporarily at the present site of the Muslim Teachers' College in Petaling Jaya. It will take in 180 students sometime in June.

Dr. Tan: This is very fast. To set up the administration and to recruit the teachers takes much longer than 6 months.

Encik Anwar Ibrahim: We are talking about the new *cekap* administration.

Dr. Tan: Oh, I see, I do hope that when it opens its doors this Islamic University will prove to the non-Muslims that they too have a stake in this country. Thank you very much, Encik Anwar Ibrahim.

**INTERVIEW WITH TUN SUFFIAN,
23 OCTOBER 1984**

Dr. Tan: Tun Suffian, looking at your long and distinguished career in the judiciary spanning over a period of thirty four years, I am reminded of Lord Denning who retired as Master of the Rolls in July this year at a time when I happened to be in England. What do you recall as your greatest achievements in the law and how do you rate some of your landmark cases?

Tun Suffian: It would be very immodest of me to say what is my greatest achievement and what are some of the landmark decisions I have made. I think, I should leave it to others to judge.

Dr. Tan: No, I don't agree with you. Now that you are retiring from the law, you can do so. You are not blowing your own trumpet. This is for posterity.

Tun Suffian: There is a Professor at Monash University who is actually working on this very topic. He used to teach law at Singapore University. He came originally from India. There is another young Chinese Professor from Penang at Monash. They are working on this very subject - a collection of essays on various aspects of the constitution to mark the 25th Anniversary of our independence. They said that they would assess my contribution to the law, such as it is. I think, I better let you wait for that book. I can say this though that I have given many judgements during the last 21 years since 1961 (251 have been reported in the Malayan Law Journal), but one which I delivered more or less off the cuff in 1963 in Alor Star,

was a very simple judgement, *Mat V. Public Prosecutor*. It has become a classic, I understand. It is used at the Law Faculty in Singapore as well as here for teaching purposes because in that judgement I attempted to describe what a Magistrate should do when considering a case, when considering the burden of proof. I shall send you a copy of the judgement. But apart from that, all the major judgements delivered by me are very technical and are only of interest to lawyers. One thing which I am very proud of is this. When I took over the judiciary, it was in good running order. There was no question that the judiciary was independent and when I leave next month in less than three weeks, I will leave the judiciary also in very good working order.

Dr. Tan: In very good hands.

Tun Suffian: Yes, also in very good hands. I would also say that the independence of the judiciary is a very important thing. As you know, Doc, in politics, facts are important but more important is what the public consider the facts to be. Now in the case of the judiciary, it is important that the judiciary should be independent. But more important is that the public should think it is independent. And when I leave, I will leave the judiciary with that reputation intact and I am very proud of that.

Outside my legal work, my greatest happiness has been with my experience as State Secretary in Pahang. I was the legal adviser at first, that was my substantive job. Then, when there was a vacancy in the post of the State Secretary I was appointed to act in that post also. I acted altogether for over a year and for a short while I was also acting as State Financial Officer. My experience working in those three posts simultaneously with Tun Razak as *Menteri Besar* gave me valuable experience in administration which later stood me in good stead when I became head of the Judiciary.

Another thing which pleased me no end was my job as Chairman of the Salaries Commission. For the first time in the history of this country, all our recommendations were implemented in toto by the government. I worked for the first time with an international team. The members of the Commission were from India, New Zealand, and the U.K. As a consequence of the implementation of our Report, thousands and thousands of people in government service now own their own homes. It gave me the greatest satisfaction to see humble clerks and so on, not only officers, owning their own homes in this country. As you know before the independence we government ser-

wants lived in government quarters and when we retired we had to spend all our gratuity on buying our retirement houses. Now it is no longer so.

Dr. Tan: What about your association with the University of Malaya? Does it give you great satisfaction?

Tun Suffian: It certainly does; it gives me a chance to get in contact with professors and young lecturers, and I am very happy principally because it gives me a chance to get to know young students and young graduates. Many of these graduates after they have qualified have difficulties in getting suitable jobs and they come and see me and I maintain fairly good relations with personnel officers of big companies in Kuala Lumpur. I push them to these people. Some of the students get into financial difficulties in the middle of their courses and I try to help them by directing them into proper quarters where there is plenty of money.

Dr. Tan: You are in the fortunate position of knowing people with excess funds who are willing to help. I too get lots of requests for aid. Some I help myself. Some I get a few foundations I know well to help. Whenever I help these people, I tell them: "You don't have to return the money to me. I don't want the interest or the money. But when you graduate, when you are in a position to help others, do think of your difficulties and do your bit for society." Regretfully, I see so few of them doing it.

Tun Suffian: P.P. Narayanan mentioned his difficulties a few days ago....

Dr. Tan: Yes, he is worse because he trusted people and he did not ask them to sign a contract. Look how ungrateful some of the children of estate workers are. Some have received help from the fund set up by the National Union of Plantation Workers. When they graduate and hold Division One jobs, four figure salaries, they refuse to repay what they owe to the NUPW. These people have no conscience and are most ungrateful.

Dr. Tan: You have on more than one occasion declared that the judiciary in this country is independent and never under government pressure. I think, that it is a tribute both to yourself and to a succession of Prime Ministers that you are listened to with respect and are actually believed when you say so. Can you suggest how we, both the judiciary and the general public, can help to preserve the independence of the judiciary in the future?

Tun Suffian: I think, an informed public opinion is very important

and we do have a fast growing and informed public opinion in this country. If you take the case of Uganda when Idi Amin took over power, they had only a handful of educated people. The Chief Justice of Uganda, a black Ugandan, gave judgement in a small case against the government. He concluded the case and went into his chambers and while he was changing from his wig and gown into ordinary working clothes, two or three burly young men burst in and took him away in a Peugeot car. He has never been heard of since. You see the public opinion of Uganda is not as informed and courageous as public opinions in this country. And I think, so long as we continue with our education policy and continue to have a vigilant press, a vigilant parliament and an independent bar we will continue, in my view, to have an independent judiciary in this country. So my thinking is, if we want to preserve the independence of our judiciary, see to it that we have a vigilant parliament, a vigilant press and an independent bar.

Dr. Tan: I agree with you partially. I hope we can agree to disagree in this discussion. Take public opinion for example. Unfortunately, as you and I know, until very recently, although the public was informed, it had no means of expressing its views. The public thinks: "Oh, I see, the ISA and the Essential (Security Cases) Regulations 1975". That is a great fear. But there are a few, like you and I, who are not afraid. We do not indulge in subversive or clandestine activities, and are not the stuff that revolutionaries are made of. But it is only of limited use. You may speak in the corner of your room or out in a rally but its influence is limited only to a few. It is only when the press is courageous enough to publish what you say that you can develop public opinion. The government should consider it a good fortune on their part to be able to know what the people are thinking. Otherwise, you live in a fool's paradise. You think everything is fine and then 'boom' something happens. A conflagration breaks out, a palace coup takes place, and you don't know. You and I agree that where we have an informed public opinion there is hope. For years as you know, I was a voice in the wilderness in parliament.

Now in our Dewan Rakyat, out of a House of 154, there are only 14 opposition MPs. What can they do? For a government to be good, you really must have more opposition MPs. Otherwise, the fact that you make a wonderful speech is of no use. I had often looked around and found myself as the only chap sitting opposite the

government benches, opposing the whole might of the government. It didn't frighten me. But after a period of time, you lose heart. You ask: "What am I fighting this for? If I remain in my dispensary, I make more money and have less trouble!!" I disagree with you because until recently this government did not have the good sense to let the press have a little more rope and allow the people to voice their views in the public.

Tun Suffian: Also, I would like to say this, the fact that our first three Prime Ministers were lawyers was a great help in maintaining the independence of the judiciary. Individually each one of them was a gentleman and, I think, they would have been ashamed to do anything which would be regarded as illegal and illiberal. They would have been ashamed to be classified in the same camp as Idi Amin. I would also like to mention President Nkrumah of Ghana. Some of the opposition members there were charged with treason, I think, and a special Tribunal was set up consisting of three judges, with the Chief Justice in the chair. They acquitted some of them and pronto President Nkrumah went to Parliament, amended the constitution to remove the security of tenure provisions relating to judges and fired the Chief Justice. Well, we are very lucky to have had lawyers as our first three Prime Ministers. Our present Prime Minister too is a career man, with a similar attitude towards the judiciary.

Dr. Tan: Who is a doctor.

Tun Suffian: Yes, who is a doctor; our PMs have not been the types of President Nkrumah or Idi Amin. The standards of politicians have risen in the last few years. I think so long as we have those kind of people in this country the independence of the judiciary is assured.

Dr. Tan: Speaking as a non-conformist all my life, and shall I say a progressive liberal as well, it saddens me to see bright young students grow into conventional old judges. How does this change strike you?

Tun Suffian: Well, I think as one progresses in life, as one grows older, one is bound to change. I hope, you don't think that I have changed too much. After all, consider my origin. I originally came from a *kampung* on the bank of the Perak River and I lived there until the age of 18 or 19 when I went to Cambridge. But ever since I came back from Cambridge, I have maintained contact with my *kampung*. I go back every year, once or twice. I know, I go to cocktail parties and dinner parties at Embassies in Kuala Lumpur

but, at the same time, I keep in touch with Malay newspapers like the *Utusan* and *Berita Harian*. Most of us judges in this country come from humble backgrounds. Admittedly most of us qualified as lawyers in England, but most of us went on scholarship. We judges are very much aware of the importance of keeping our feet on the ground, so that people who come to our courts don't feel that old so and so is not familiar with their way of life. I think, that is the best way I can answer your question, Doc.

Dr. Tan: Judges are human and are subject to personal prejudices like all of us. They are drawn from influential families, your successor for example, and mix exclusively with the rich. Since radical ideas are considered subversive in our society, they are not even exposed to the cut and thrust of radical debate either in University or in the newspapers. Do you think that this would make them out of touch with the life of ordinary people and instinctively hostile to offenders with radical ideas?

Tun Suffian: First of all you mentioned my successor, I should explain that no decision to my knowledge has yet been made as to who will succeed me. Now answering your question, judges are aware of this feeling on the part of some people that we are privileged and we try to counter-act this prejudice. This is particularly important in a country like Malaysia which is multi-racial.

Dr. Tan: Multi-racial and multi-religious....

Tun Suffian: And multi-lingual and so on. When we sit in court we may be a Malay, we may be a Chinese or we may be an Indian, we may be a Muslim, we may be a Christian, we may be a Hindu or whatever, but we try and suppress all that and decide the case before us as a human being, as an ordinary human being; and I am very proud of the fact that in a book which I gave to you to mark the 20th anniversary of our constitution, Professor Hickling, who was then teaching at the University of Singapore, said if you looked and read the judgements published in the *Malayan Law Journal* and if you covered up the name of the judge, you wouldn't know whether that judge, that particular judge, was a Chinese or a Malay or an Indian or whether he was a Muslim or a Christian or whatever. And I think this is one of the greatest achievements of the judiciary in this country so far, and I hope this will continue. Now regarding personal prejudices and biases, we all have them, although we won't admit it. For instance, some people are biased against landlords, some people are biased against money lenders and some people are

biased against improvident borrowers. When we have cases involving people of that category before us, we try to avoid any biases in our heart. In our mind we try to decide on the case solely on the evidence before us and in accordance with the law and in accordance with the constitution and if our judgement happens to be wrong there is always a Court of Appeal, the Federal Court, to correct our judgement. But we try to do the best we can in every situation. Tan Sri Ismail Khan, the former Chief Justice of Borneo now....

Dr. Tan: The President of the Senate.

Tun Suffian: He gave me very good advice when I was a young judge. He said: "Suff, give honest judgement." By honest he meant intellectually honest judgement. Some of us delay delivering judgements because we try to write brilliant judgements. He said: "People, you know, are not interested in brilliant judgements, especially the actual parties in the case. They want honest judgements and quick."

Dr. Tan: Justice delayed is....

Tun Suffian: Justice denied. I would like to repeat, we know we subconsciously have prejudices, biases, but we try to suppress them.

Dr. Tan: But what worries me is that the judges are not at all exposed to radical ideas. You know, in the late thirties the young undergraduates of Oxford stood up and proclaimed: "We will not fight for King and Country." In this country when an undergraduate stands up to say the same thing and come before our judges, the latter would say that the undergraduates should be charged under the ISA. All because our judges have not been exposed to radical ideas.

Tun Suffian: Actually it is the Attorney General who decides charges.

Dr. Tan: What is worrying is the non-exposure of our judges to radical ideas. Our judges are not trained to deal with such cases. Many of us think that life will be very dull if everyone conformed. Let us spice it up by non-conforming in a constitutional way.

Tun Suffian: I think judges are basically conservative. It is inevitable because of their training or experience. It is a good thing that judges are required by the constitution to retire at 65 before we get too dyed in the wool.

Dr. Tan: Lawyers who are successful too are also very conservative.

Tun Suffian: Yes, they are. Lord Denning on the contrary was known as a revolutionary, not in the sense of manning barricades but in

his zeal for reform of the law. He did quite a lot to reform the law. He was a great man and he was 83 when he retired a few months ago. He is regarded as the greatest judge England has produced this century.

Dr. Tan: Even greater than Lord Mansfield?

Tun Suffian: In the same class.

Dr. Tan: Do you think that a judge should be an instrument of progress and reform of the law and, paradoxical as it may sound, should he be a revolutionary in the legal sense?

Tun Suffian: I think it depends on the times. In the times of Lord Denning as a judge from 1944 until this year, it was right, I think, for a Master of the Rolls who occupies a very influential position in the judiciary, to be a revolutionary. The common law which, as you know, is unwritten customary law should evolve steadily; it had gone to sleep before his time. Now that he has gone, the time has come, as I said a few moments ago to take stock, consolidate and go slow a bit. The same applies here.

Dr. Tan: That's in U.K. I don't see any of our judges here, with very few exceptions, trying to reform the law. To them the law is passed by parliament, they merely interpret the law. Few say that is a bad law. What are our parliamentarians doing? Are they sleeping? They should do something about it.

Tun Suffian: I agree, as far as judges are concerned, if the law made by parliament is clear and unambiguous, our duty is simply to interpret it and to apply it. When there is ambiguity and in some cases, where there are ambiguities, the judges have leaned against the State in favour of the ordinary citizen.

Dr. Tan: But that is not enough to me. They should try and reform the law in the legal sense.

Tun Suffian: There should be a Law Reform Commission or Committee in this country, in my view.

Dr. Tan: I agree with you. We don't have it?

Tun Suffian: No, we don't.

Dr. Tan: Often the government does not trust the people.

Tun Suffian: Well, I think the government can employ some senior judges or....

Dr. Tan: I don't think such ideas should come from the lawyers or from the judges only. It can come from non-legal people, from people who speak up their mind. They should not hesitate to speak up their mind on what legal reforms are needed. The ideas are impor-

tant, not the legal knowledge.

Tun Suffian: We have a Commissioner for Law Revision. It is headed by Tan Sri Chang Ming Tatt, retired Federal Judge. Revising the law is important but not as important as Law Reform. We also need a Law Reform Commission or Committee.

Dr. Tan: A Law Reform Committee and it should be headed by a legal luminary but about 40 percent of its members should be non-legal people. What we want are ideas.

Tun Suffian: In this connection it is very important to have a good man as the Attorney-General. He should not only be a lawyer but also one who has liberal ideas and who could advise the government and put the brakes on when the government goes too far. In most countries in the West, and I am certain in England, Attorney-Generals do occasionally put the brakes on the government. Our Attorney-General should be a person who has the courage to say to the government "look, look, you can't do that. You are going too far." If the Attorney-General is a strong personality his words will carry some weight. If necessary, so far we have never had it here, our Attorney-Generals should occasionally resign. The Attorney-General of Australia resigned because of a dispute with his Prime Minister.

Dr. Tan: Yes, in this country a few Attorney-Generals have been ministers of the Crown. Some of them did not even appear in a court for the Crown. Can you think of any other country where the Attorney-General does not lead the government in a major case?

Dr. Tan: Do you think that a judge should be a champion of the working people and protect the poor and the weak from the clutches of bureaucracy and the police? As you know, more and more we are getting cases of police brutality.

Tun Suffian: Well, if you say a judge is a champion of the poor it sounds a bit political, you know.

Dr. Tan: No, no I don't mean that. I do not say that a judge should stand on a soap-box and champion the cause of the poor. What I say is, when a case comes before the judge, he should be sympathetic towards the poor. When you live in Damansara Heights you don't see what a squatter is like and you don't know how the poor man lives.

Tun Suffian: I think, on the whole, judges do tend to side with the underdog because they find the rich man has a good lawyer usually.

Dr. Tan: He does not need any help from the bench and is able to look after himself.

Tun Suffian: We do try to do justice to the weak, to women, to children and to the poor. And now when it comes to police brutality nobody of course countenances police brutality. When police officers are prosecuted and found to be guilty judges tend to impose severe sentences. I am very pleased with the top people in this country, particularly the Inspector General of Police. They are dead against police brutality. It must not be allowed. Police brutality should not be tolerated because once it is tolerated it spreads and the whole country then will be completely at the mercy of the police. You know in India some poor people are arrested by the police and put in the lock-up at the police station. The police, according to the Indian newspapers, poke their eyes out.

Dr. Tan: Pour acid into their eyes.

Tun Suffian: It was terrible. Well, I don't think, you need to be a judge to condemn that. Even the ordinary man in the street won't tolerate that, should not tolerate that and the government should take a very firm line on this. I would like to say that we judges hear cases which are brought before us by the public prosecutor, by the Attorney-General. If we see a policeman beating somebody by the roadside, we don't go there and then send him to prison, we have no power to do that.

Dr. Tan: The police in this country have reduced police brutality to a fine art. You can torture a person without even touching him. All that you need is for relays of officers to interrogate a suspect say for 8 hours at a stretch, preferably in the night under bright lights and in a few days the prisoner goes *gila*. As a general practitioner over the years I have seen people complaining of being tortured by the police. Unfortunately, when I examine them there are no tell-tale marks. They have come to me too late and hence I tell them that nothing can be done for them. The IGP may issue them with stern warnings, but I do not think these warnings have filtered down to the lower ranks, to the *mata mata*. But if there is evidence and the culprits are found guilty, the judges should deal firmly with them in order to protect the poor and needy from the clutches of the police.

Dr. Tan: It is not said that most lawyers, especially the successful ones, are conservative and have a vested interest in not changing the law? Any comment on this?

Tun Suffian: Most lawyers are conservative. I think, it is inevitable.

Dr. Tan: Pritt was not a conservative.

Tun Suffian: There are very few exceptions like him. There are exceptions like him here too you know.

Dr. Tan: Yes, I know.

Tun Suffian: But I think, on the whole it is not right to say that most lawyers have a vested interest in not changing the law.

Dr. Tan: Maintaining the status quo means maintaining their way of life, maintaining their income etc.

Tun Suffian: I think, not only lawyers but also doctors, most professionals are conservative and do not want a change in the status quo as you say. Nevertheless, lawyers are also interested in justice.

Dr. Tan: I agree.

Tun Suffian: They don't like injustice, particularly those who practice in the criminal courts. And they want some laws to be changed but, as I said earlier, it is difficult to get the law changed in this country because there is no Law Reform Commission or Committee to which they can make representations. The Attorney-General's department is supposed to look after this but they are short-handed and they are very busy with myriad day-to-day business. I think the government should consider setting up a Law Reform Commission or Committee, consisting, as you said, not only of lawyers but also laymen. Even if it does not include laymen, the commission should have power to consult laymen on specific subjects like say Rent Control, the Money Lending Act, Hire Purchase Law, etc. These are the laws which have immediate impact on the consumer and the man in the street. I know the relevant ministries look into this from time to time.

Dr. Tan: What do you think are the qualities necessary in candidates for high posts in the judiciary? Should they be kind and courteous to both the accused and the witnesses and to the nervous junior young barristers as well?

Tun Suffian: Yes, certainly, they should be kind, considerate, and courteous. A judge should be intelligent, it is obvious, he should be well educated and well versed in the law. He should be very patient, he should listen to both sides, listen patiently and not brush them aside. He should have the intellectual capacity to absorb new ideas. And he should have the intellectual capacity to put down his reasons in writing well and fast. Judges are unlike civil servants. Civil servants make a lot of decisions, but they don't have to justify them in public. But we judges have to justify our reasons in public and in writing. Of course judges should not take bribes; but the most

important thing is intellectual honesty. Judges should not be prejudiced against a man because he is a Chinese, because he is a Malay, a Christian or Hindu or what have you. He should not be prejudiced against the poor or against the rich. He shouldn't be prejudiced against the government or be for the government. He should decide on the issues in accordance with the evidence before him and the law. Now your question, what are the most important qualities for high office in the judiciary, well if you....

Dr. Tan: High court judges.

Tun Suffian: Yes, well, I think those qualities I mentioned cover it. But to be Chief Justice or a Lord President in addition to being a good lawyer and a good judge, you have to be a good diplomat and a good administrator, because it is a very large department, the judicial department. The head should maintain the image of the judiciary as an impartial and independent body. As an Administrator, he should be able to extract from the government from time to time the necessary money for staff, buildings, equipment and so on. And that is not easy. He also has to deal with the personnel problems of the department and when you are dealing with people, each one is different. I myself have had some administrative experience as head of a department in All India Radio in Delhi during the war and later on at the BBC, London and then as State Secretary in Pahang. I enjoyed administrative work but it is very time consuming work; answering telephone calls, meetings, writing minutes and writing letters and so on. The late Chief Justice, Tan Sri H.T. Ong said to me once: "Suff, I don't like administration, because my achievement will be judged not by my administrative work but by my judgements." But I think that is a wrong attitude. If you neglect administration the effect is not immediate. The effect will be realised probably five or ten years later and then when it comes to remedying it, it may probably take a generation. The British used to say if you let a department or service get demoralised because of neglect of pay, conditions of service, housing and that kind of thing, it takes a whole generation to remedy.

Dr. Tan: My impressions of the judiciary is based on the experience I had as a defence witness. The High Court judge treated the counsel for the plaintiff as if she was a small girl and that shocked me. He ordered the senior government counsel to sit down. It was a case of penicillin death. He had made up his mind to find the accused guilty; he did not even take down any notes of the case. His judge-

ment was upset by the Federal Court because he did not write down his notes. He had thrown away a perfectly good case for the plaintiff. Fortunately, when the case went to the Privy Council it decided in favour of the plaintiff.

Tun Suffian: I know the trial judge you are referring to.

Dr. Tan: You see, he was a very good friend of mine. But if I were a practitioner of the law, I would have challenged the judge. I would have insisted on having my say and would have also insisted on what I said for my client to be recorded. But as I have stated earlier he had already made up his mind to find the accused guilty and what both the senior government counsel and the counsel for the plaintiff had to say was superfluous to the judge.

Tun Suffian: It is unfair for a judge to make up his mind in advance of the hearing or even in the middle of the hearing. He could form a view tentatively as the case goes on, but to make up his mind at the beginning or in the middle and then close his mind completely to what the other side has to say is wrong. I have often said to magistrates in this country: "we are paid to listen to both sides quietly and patiently."

Dr. Tan: This judge unfortunately did not listen, did not want to listen. He listened to me because I was not beholden to him.

Tun Suffian: I think every magistrate, every judge should listen. Listen to both sides and listen patiently.

Dr. Tan: Yes, I agree with you.

Tun Suffian: I was very lucky as a young Deputy Public Prosecutor, full time DPP in Johore Baharu for many years, I appeared for many many years before Mr. Justice Laville, the most patient and courteous judge I have ever known.

Dr. Tan: Yes, I remember that.

Tun Suffian: I like to think that I faithfully followed his example.

Dr. Tan: Why do our judges cling on to the old colonial style? We do not have a House of Lords, yet judges insist on being addressed as 'My Lord'. This thing is unimportant in itself, but it does reflect outmoded attitudes.

Tun Suffian: Well, I don't think judges insist on being addressed as 'My Lord'. I think the Bar do it as a matter of habit. Anyway, 'My Lord' does not mean that we are members of the House of Lords - it only means *Tuan*.

Dr. Tan: Now with the new generation of lawyers coming out of the University of Malaya. They do not have the experience of the

Inns of Courts.

Tun Suffian: Even they address judges as 'My Lord'. In Australia, as you know, judges are addressed as 'Your Honour'.

Dr. Tan: I would say *Tuan Hakim Besar* or *Tuan Hakim* should be enough.

Tun Suffian: When counsel address the court in Bahasa Malaysia, they say *Yang Arif* or *Yang Amat Arif*.

Dr. Tan: In the Magistrate Court they say....

Tun Suffian: Your Honour or *Tuan Majistret*. A lot of Bahasa Malaysia is used in the Magistrates' and Sessions Courts, though not much in Kuala Lumpur, but in other towns, Bahasa Malaysia is used fairly extensively. When I was in the High Court in Alor Setar for three years, 1962 onwards, even then we were using Bahasa Malaysia in the High Court when counsel were happy to use it. There are non-Malay counsel up north and on the east coast who are proficient in Bahasa Malaysia and we carried on in Bahasa Malaysia. We judges, all support the spread of the use of Bahasa Malaysia in the courts. But it mustn't be rushed.

Dr. Tan: It will come eventually and nobody can stop it.

Tun Suffian: And no one wants to stop it. We are quite happy to let progress take its own course. When I was in Alor Setar, one of the lawyers who frequently appeared before me was Datuk Mohd. Zahir, now the Speaker of the Dewan Rakyat. On the other side we had lawyers like Mr. Tripitpal Singh; we carried on merrily in Bahasa Malaysia and nobody gave us any credit.

Dr. Tan: I agree with you that Bahasa Malaysia has come to stay and become a way of life in our country. There is no need for coercion.

Tun Suffian: I was impressed, whenever I visited the university here, with the way students discoursed on technical subjects in Bahasa Malaysia. I will be the last pre-war judge in the public service and I imagine as time goes on there will be more and more young judges rising to the top who will have Bahasa Malaysia as the only language they know.

Dr. Tan: They will be speaking only Bahasa Malaysia, unfortunately. They will regret that they did not know a second language e.g. English.

Tun Suffian: Yes, I am glad you mentioned the word "unfortunately". Well, you know my views on that.

Dr. Tan: The powers of punishment for contempt of court are ar-

bitrary in this country. In the U.K., these have been carefully circumscribed by the higher courts so that you may in fact comment on a judge's mistakes. Are the powers regarding contempt a deterrent to the proper scrutiny of the work of judges? I would like to comment on a number of judgements but then....

Tun Suffian: You can, you are free to do so.

Dr. Tan: Will it not be contempt of court?

Tun Suffian: No, not necessarily. Anybody can comment on judgements provided no appeal is pending.

Dr. Tan: In the U.K., there are precedents for comment while the case is going on. The commentator knows how far you can go without being brought up for contempt of court.

Tun Suffian: Well, our judges are frequently criticised by law teachers at the university and they are frequently criticised in the Appeal Court, but this is done professionally, in good faith. You can say, this judgement is wrong. The judge should have decided this way for the following reasons. But you can't say this judgement is wrong because the judge was not impartial, he has taken a bribe, that will be contempt of court.

Tun Suffian: Well, my judgements had often been criticised in the High Court when I was a magistrate. When I was a High Court Judge, they were criticised in the Federal Court, and now in the Privy Council. We don't take it as a personal matter, it is a professional matter. It is not wrong. We try to be right in every judgement we make but we are not right every time. But we hope that the public will say that if we were wrong we were honestly wrong.

Dr. Tan: In Malaysia, trial by jury has been abolished in some cases. It is not too much for a single judge to arbitrate on the legal points of a case as well as the facts. Traditionally, in the U.K. the latter function, that is to decide on the facts, whether that person is guilty or not guilty on the facts of the case, is taken over by the jury. I am sure most of us would want to be judged by our fellowmen/fellow-women rather than by a single learned judge. Would you care to comment on it?

Tun Suffian: Jury trial was invented by the English and it was because of their history and their character. When they had their empire they exported it only to the White countries like Australia and New Zealand. They never exported it to the coloured countries like India and Malaysia. Malaysia had it introduced for the first time after independence.

Dr. Tan: No, didn't they have it in the old Straits Settlement?

Tun Suffian: Oh yes, in Malacca and Penang, and Singapore also. Yes, that is true. I forgot that. But even in England trial by jury is on the way out. At one time even civil cases were tried by a jury but are no longer so except in a few cases. I myself don't think it is suited to this country, that's my personal opinion, because people here shrink from doing their public duty. As we know, if I am shot down in Batu Road, the by-standers will look the other way or even run away, let alone call the police. Furthermore, here in Kuala Lumpur it is very difficult to get a conviction from a jury, as they are timid and scared of reprisals.

Dr. Tan: On the other hand, you do not want to have a Hanging Judge like Judge Jeffries.

Tun Suffian: I agree with you. We don't want judges who convict in all cases, nor do we want judges who acquit in all cases. We want judges to judge impartially. My personal view is that because of the unfamiliarity of the Malaysian public with jury trial, I would rather see it go. Singapore has abolished it.

Dr. Tan: You have acknowledged that the standard of education in this country has improved, you admit that we have an informed public opinion. Surely all these factors will make a difference.

Tun Suffian: Not as far as jury trial is concerned. That is my view certainly as regards Kuala Lumpur. But the jury in Muar, which is a Malay centre, will convict rather than acquit. All you have to do there is to read the name of the accused, give his address and read the charges and the jury there will immediately say to themselves this man must be guilty. Otherwise he won't be in the court now!

Dr. Tan: Yes, but then that is the older generation. Now the *kampung* people enter university and have been to Maktab Perguruan.

Tun Suffian: If I were charged in court and if I knew I was as guilty as hell I would elect, if possible, to be tried by jury. My chances of getting off are very good. But if I were innocent, it won't matter whether I would be tried with jury or without, except in Muar of course.

Dr. Tan: I just want to point to you that under the ISA very few people have been acquitted.

Tun Suffian: Several have been acquitted.

Dr. Tan: When I interviewed the Prime Minister, he said that there are safeguards. To me there are not enough safeguards.

Tun Suffian: These ISA cases are very simple to prove from the legal

point of view. Usually a man is charged with possession of firearms and to prove possession is very easy; if he was caught red-handed, that's it.

Dr. Tan: I beg to differ. I know of one case very early in my political career. A trishaw man, who defeated me in the race for the chairmanship of the Labour Party of Malaya, Selangor Division, Mr. Chai Choon Kwee, was charged under the Emergency Regulations with possession of subversive documents.

Tun Suffian: Under the old Emergency Regulations.

Dr. Tan: Under the old Emergency Regulations. What happened is that the police went to his room and cleared out everyone. Then it would be a simple thing to plant any evidence you want. And as torture by the police is reduced to a fine art, planting of evidence is also reduced to a fine art. This is my fear. Planting of live bullets is not too difficult to perpetrate.

Tun Suffian: Planting of evidence is wicked, I agree with you. I think when the police search someone's room, the accused should be present.

Dr. Tan: No, most of the time everybody is cleared from the room. There are no witnesses. Then they will swear that this weapon was found in that room.

Tun Suffian: Yes.

Dr. Tan: And the accused cannot deny it. He can swear till he is blue in the face that the weapon is not his. But whose word is to be believed? The Chief Inspector's or that of the accused? When he is found guilty, they deprive him of his citizenship and he has to take the slow boat to China. And it can happen to me. I am a citizen by registration. My father was not born here, so I cannot be a citizen by operation of law. So you see this system is open to abuse. This is my greatest fear.

Tun Suffian: I think judges are professionally trained to sift and weigh evidence and they don't convict in every case, nor do they acquit in every case of course. They are not supposed to convict or acquit in every case. I would rather put my trust in the hands of a judge. But as I said earlier on, if I were sure I am guilty I would elect for jury trial.

Dr. Tan: I think that if you take an honest opinion poll...

Tun Suffian: Would prefer jury trial!

Dr. Tan: But what about a compromise? In cases under the ISA, for example, instead of a single judge, we have three judges. This

is a good compromise.

Tun Suffian: In Singapore, when they abolished jury trials they provided that cases which were formerly tried by a jury should be tried by two judges. Now regarding your compromise. Well, I think it will make it difficult for the judiciary because we are very short of judges. We have 34 judges and that is not enough for a population of 14 million. I was in Trinidad last month, their population is 1.4 million and they have 17 judges. In Auckland in New Zealand with the same population as Penang, they have 7 judges. Penang had one and now two. When the late Mr. Justice Fred Arulanandon came back from a conference in New Zealand, he told me this and I told the government and the government replied all right: "I will give you one more judge in Penang." You have to increase the number of judges, if you are to have trial by three judges. If the government is prepared to pay, then of course it can be done. But again I have a fear that it will be very difficult to find judges. There are many lawyers who are suitable to be judges. But the more suitable they are, the less willing they are to serve.

Dr. Tan: I tell you what, I have known a person who has been sound-ed to serve on the bench and refused the offer. He told me: "I am very senior in this profession. If I am appointed a judge now, I start from the bottom of the ladder." Now you had an exception with the appointment of Tan Sri Salleh Abbas to the Federal Court. How about making a concession to people who are senior in the profes-sion by not appointing them at the bottom level?

Tun Suffian: Well, in the case of Tan Sri Salleh Abbas, he was senior in the service; also he is an outstanding man.

Dr. Tan: What are your plans for the future? You have become the favourite of the intellectuals and you have many more years of ac-tive life in you. Now that you are retiring, do you have a vision of a Malaysian society that you wish to help to achieve? Should you not be free to comment widely on the Malaysian scene instead of being put in a straight jacket e.g. a governorship that is about to fall vacant?

Tun Suffian: Nobody has offered me a governorship. I would like of course to continue my service to the community.

Dr. Tan: You have at least 15 years in front of you.

Tun Suffian: I have made no plans. I will take it easy of course. The first three months of doing nothing, it will be heaven; after that it will be hell. I may accept a post in the private sector and I have

a number of teaching offers. But whatever I do I shall still be of service to King and Country. Retiring won't be traumatic for me, for I have never allowed my job to go to my head and I have friends who will remain friends when I no longer have official position and prestige. And I have hobbies and outside interests to keep me occupied and amused.



The Star

Tun Mohamed Suffian Hashim

**INTERVIEW WITH TAN SRI AHMAD NOORDIN,
AUDITOR-GENERAL, 10 JUNE 1982**

Dr. Tan: Tan Sri Ahmad Noordin, you were born of humble parents and you had to struggle up the bureaucratic ladder until you have now arrived in the post of Auditor-General. Your struggle has inspired thousands of young Malaysians. What do you ascribe your success to?

Tan Sri Ahmad: I do not know whether you can describe my career as a success, but since you mention that I have struggled, it is true that I did struggle in order to reach my present position.

Dr. Tan: Well, very few people from the East Coast have risen to the top of the Civil Service.

Tan Sri Ahmad: Yes, I did struggle to reach the present position in the public service. If you want to have a reason for it, I don't have any particular qualifications or quality to talk about.

Dr. Tan: Hard work? Honesty?

Tan Sri Ahmad: Maybe I have a simple faith, and the will to do the best I can in the job given to me. When I say to do the best, I mean one must know how to do the job well. I am fortunate that since my schooldays I cultivated the reading habit and a keenness to learn. So, since I have no University degree to talk about, I try to make up for the lack of qualifications by reading as much as possible, particularly about the job I am given to do. I must in the first place learn how best to do it by reading the relevant books

or literature available. This has been my usual practice from the time I got my first job until today. I am still learning and I think it pays off.

Dr. Tan: Oh yes, one must instil the reading habit into the young ones. You and I belong to the generation where we had so few distractions. You were born in the *kampung* and so was I. We had no newspapers, no radio, no T.V.

Tan Sri Ahmad: That is right.

Dr. Tan: So, I had to depend on the school library and I used to read a book a day.

Tan Sri Ahmad: That is right. I think you will agree with me if I say that there are not many people now having this trait. I think the only way to succeed is to find out all about a job. Of course, a lot depends again on time, place and opportunity. If you are in the right place and at the right time, you will be given the opportunity to move ahead. You see to a certain extent I am very fortunate because when I joined the Malayan Civil Service, I was posted to Kuantan. I went through the stint of serving in the State Secretariat first as fourth Assistant Secretary, and later on as third, second and first Assistant Secretary. Somehow when the European expatriate officer who was holding the post of State Financial Officer at that time was recalled to Kuala Lumpur, and there was nobody else available to provide the stop-gap before a senior officer could replace him, I happened to be there. The State Secretary asked me to take on the job. I didn't know anything about managing State level or Federal level finance. The first thing I did was to learn about financial work in the State Treasury from the people who were doing it regardless of their position there. I learned from the Treasurer, from his assistants and even from the clerks. At least, they know the details of the job. When we go into financial work one of the things we must understand is how the accounts are prepared. You know, for one thing, I never take anything for granted. I never sign blindly. So, to be able to ask intelligent questions, one must know roughly what would be the possible answers. Isn't it?

Dr. Tan: Yes.

Tan Sri Ahmad: To be able to know that, I suppose you must at least learn the rudiments, or the fundamentals. So I took the trouble to do a correspondence course in accountancy not for the purpose of passing examinations but to understand it. I was already too old then, almost 40 years at that time. At least I could learn the prin-

ciples and the fundamentals as to how accounts are prepared and what financial statements are supposed to reveal etc. Of course, in the case of Government accounts, they are not that complex as compared to commercial accounts. Nevertheless, there are certain things you need to know, e.g. the meaning of the balance sheet and how to interpret it.

Dr. Tan: You have emerged as a public servant whose integrity is beyond question and the government's reputation has been enhanced by your presence. What makes you persevere in this important but unpopular job?

Tan Sri Ahmad: Well, I was offered this job of Auditor-General.

Dr. Tan: After the death of the late Haji. Mohd. Zain.

Tan Sri Ahmad: Before his death. In fact, he had already left, at the end of 1975. I was then in the Federal Treasury, already due for retirement and the Prime Minister then asked me to come to the Audit Department. That was in May 1976. I think the idea was first mooted by the late Tun Razak about that time. When Datuk Hussein Onn (now Tun Hussein) became Prime Minister the then Chief Secretary at the time told me that the Prime Minister wanted me to be the Auditor-General. Well, being in the Treasury, I had a general idea of what the duties are. The first question that struck me was what had the Audit Department achieved so far? What is its objectives? Are we just writing reports?

Dr. Tan: Which very few people read.

Tan Sri Ahmad: That's right. To me any department must have a goal, a mission to accomplish, and you try to accomplish as best as you can the goal that you set for yourself. I believe that auditing is not just verifying the accounts and making critical comments. It is much more than that. The first book I read about government auditing was the one written by a former Auditor-General of U.K., named Normanton. It has become more or less the normal textbook on government auditing. I read that book. Government auditing arose out of the parliamentary system of government, and it was introduced to us by the British. The auditing profession came into public knowledge when they enacted the Companies Act about 100 years ago. Ordinary people may have the wrong notion that the Auditor's job is just to check and tick off the figures. I am sure that we can achieve a lot more through modern auditing. The audit law for instance requires that all payments must be properly authorised and that all receipts of monies must be properly accounted for. These

are normal auditing functions which people with the right training will be able to carry out. If there is any discrepancy it is reported to Parliament and then the report is referred to the Public Accounts Committee. Then we wait for the Committee to hold its enquiry. I think that is not good enough. The main objective of government auditing is to bring about a proper standard of public accountability.

Dr. Tan: Accountability is the objective.

Tan Sri Ahmad: The objective is to improve the standard of accountability. Of course, accountability can be construed in different ways. When we talk about public accountability, I feel it should be on a wider basis - whether or not government expenditure is achieving a given purpose.

Dr. Tan: For which Parliament has voted.

Tan Sri Ahmad: For which Parliament has voted money. How do you make use of the money? When I was in the Budget Division I was attracted by the idea of programme and performance budgeting system, which had for sometime....

Dr. Tan: Introduced by the Harvard Group.

Tan Sri Ahmad: By the Harvard Group, and then by McNamara in the US Ministry of Defence, and later adopted more or less by the US Government on a selective basis. Our budget estimates in those days just showed a series of figures with brief description of their purposes. Those used to reading those figures could understand them. But I could not say that every member of Parliament understood them. As budget director in the Treasury, I took a hand in introducing a supplementary document which we called Programme Budget. This was first introduced in the House in 1979. This concept focussed on the result of expenditure, not so much on the amount spent for buying things, but what benefit accrued from it. Thus one is more concerned with results rather than with the propriety of the accounts or rather the accuracy of the figures. I thought that it would be more meaningful if we in the Audit Department focussed our attention on *how* money was spent rather than *for* what it was spent. In short what good do you get out of spending? In thinking about it the first thing that occurred to me was whether the Government was prepared for this kind of audit. To introduce this reform the first thing was to make sure that the law supported me. There was already a general provision in the audit law that allowed the Auditor-General to comment on any matter arising from his audit, the actual phrase used was "to comment on any matter aris-

ing from his Audit". To me that is a bit too... vague.

After studying the various laws and practices of government audit in other countries, I proposed to the Government that we should amend the Audit Law to give the Auditor-General specific mandate to enable him to express his own opinion about the result, whether or not the money approved by Parliament for a purpose has really been used for that purpose and whether the work involved to achieve that purpose was really carried out in an efficient manner with due regard for economy and avoidance of waste. We introduced this provision in the law to give the Auditor-General the necessary legal backing to ensure that when he enquired into such a matter, he could show 'the book', so to speak, to the officers concerned who might want to challenge his authority. Having the legal power is one thing, but to achieve the result that you have in mind is another. I believe an Auditor-General in the final analysis has still to depend on the goodwill of the Government. As you are aware, when you have to report on how public servants manage certain things, you are involved in matters which are likely to be controversial.

Dr. Tan: Then you are treading on people's toes.

Tan Sri Ahmad: Yes, treading on people's toes. One of the problems in that things you have seen cannot be produced as evidence. You also have to worry what would be the effect if reported - whether it is going to improve matters or you are going to create more confusion. Unless you get the necessary backing from the Government the chances are that the result that you hope for may not be achieved.

At the same time I have to be assured that my officers accept this wider concept of government auditing. We have to organize training courses for the audit officers, so that we can do this work in a systematic manner. Of course, we cannot wait until we are skilful to do it. So what I did was to carry out a few pilot projects that got reported in the newspapers. We carried out what is known as investigative audit. Sometimes we only did test-checks to see whether we were on the right track. On the basis of our findings in a few cases I prepared a preliminary report and went to see the Deputy Prime Minister (at present Prime Minister). I showed him the report and told him that some parts may not be pleasing to read. My purpose was to hear from him whether he would support me because I expected that some Ministers might not like to read adverse comments on the performance of their Ministries.

Of course, I told the Deputy Prime Minister that it was not my

intention just to criticise about poor performance. Unless we knew where the weakness was we would not be able to improve matters. Dr. Mahathir was very open minded about it and said to me to go ahead with this kind of government audit. So I had that needed support from the Deputy Prime Minister himself. When the 1977 audit report was published, though very late, in 1980, the favourable reaction of the press supported my confidence that we were doing the right thing though it was unpopular.

In the last three years I have been given the opportunity of talking at various forums to officers in the public service trying to explain to them the wider concept of accountability in government administration, as distinct from accountability in the private sector. The significant difference is that the need for accountability in the public sector is more extensive, simply because public servants are entrusted with monies.

Dr. Tan: Which run into billions.

Tan Sri Ahmad: In billions of ringgit from taxpayers who generally have no way of knowing how to control them.

Dr. Tan: Well, what do you expect I should do?

Tan Sri Ahmad: The least the taxpayers can do is to request Members of Parliament to ask questions in the House. But then what satisfaction do you get out of it?

Dr. Tan: As you will acknowledge, the reputation of honesty of the public services has been declining steadily for many years now. How should we go about arresting this serious decline in ethical standards? Your comments about accountability do explain something. How would you like to arrest this decline in ethical standards?

Tan Sri Ahmad: I suppose you are already aware of what the government, or rather our political leaders, are trying to do in that direction. But from within the confines of my own job, I try to redress the situation by stressing the need to develop and nurture a sense of financial discipline in the public service to match up with the call for clean, trustworthy and efficient administration.

Dr. Tan: How can you check efficiently when accounts are never ready in time? You are always dealing with events that are many years old, 3 years, even 4 years sometimes.

Tan Sri Ahmad: Yes, the first point you have to bear in mind is that the audit we are doing now is what we call "post audit". Post audit means that you have authority to examine the accounts only when they are rendered. The problems we face with regard to government

accounts is that of their consolidation into the final financial statements. As you are aware we have 22 ministries and a large number of departments, and each of them is required to be accountable for that portion of money allocated to them for the given year as appropriated by Parliament. Money is appropriated to the different heads of expenditure under the control of each controlling officer who is the head of the department. This process of preparing the account is undertaken by both the Treasury and the operating departments. The procedure requires that the two sets of accounts must tally.

The Accountant-General pays out money on the authority of the Controlling Officers and maintains his records of total amounts paid while the ministries have to maintain their own records of payments they authorise. They must ensure that the sums agree with the totals. There are several accounts and this is where the troubles start. The Accountant-General is also faced with the problem of adjustments of his annual final accounts with those of the Ministries in respect of interdepartmental transactions. This is one of the several problems which the departments are facing at the moment and these must be sorted out to make it possible for the Accountant-General to render the final and completed annual accounts for audit in good time. At the moment the government is taking measures to solve these problems. But that would take time. The position is gradually improving. The Accountant-General was able to get the accounts for 1979 submitted for audit within the time as required by law.

The Audit Act provides that if I do not receive the accounts by 31 July in the year following the financial year, I have to report to Parliament to that effect. I think you are familiar with this sort of report.

Dr. Tan: Yes.

Tan Sri Ahmad: We have been able to get the Treasury accounts for 1979 and 1980, which are the summary accounts, more or less near the stipulated date. These summary accounts cannot be certified until they can be compared with the departmental accounts. As for the 1979 accounts I have already sent my report to the government. My main concern here is that the public is worried about the lateness in submitting my report to Parliament.

Dr. Tan: Is anyone finally accountable when you expose very bad shortcomings? Do any civil servants have to pay when they are responsible for the loss of millions?

Tan Sri Ahmad: This is a very difficult question for me to answer. Who is really accountable in the final analysis? If the organization and delegation of authority in a department is properly worked out, then you can pinpoint who is really accountable or responsible for the loss, and leave it to the head of department concerned to take appropriate action.

Dr. Tan: You don't have any power to take action against any civil servants.

Tan Sri Ahmad: No, I don't have the power.

Dr. Tan: But you can expose them.

Tan Sri Ahmad: Yes, I can expose the suspected party by reporting the matter to his head of department.

Dr. Tan: You can expose. The responsibility lies with the head of the department or the minister concerned. The minister has to answer queries then.

Tan Sri Ahmad: In our system of exercising delegated authority no one can really be answerable for anything that goes wrong. So long as there is a proper system of chain of command and we know who is doing what, at least we should be able to pinpoint where the faults lie. The principle is that we may delegate authority but we cannot actually delegate responsibility. In the final analysis, the controlling officer is both responsible and accountable for the proper management of funds entrusted to his control.

Dr. Tan: I was very grateful during my three terms in Parliament for the castigation by the Auditor-General. Even the Public Accounts Committee *terbiar saja*. You know *terbiar*, they roll off like water off the duck's back. That's why the same mistakes have been repeated again and again. You know, millions have been lost and will be lost again. But if the shortcomings exposed by the Auditor-General are highlighted and re-examined by the Public Accounts Committee and the head of department and others involved are disciplined, then they would be more careful in the future.

Tan Sri Ahmad: In case of actual loss of money where the suspect can be easily identified, it is the responsibility of the head of department to report the matter to the police, and from there hopefully the police will carry out their investigation to bring the criminal to book. The problem really is when we get into the disciplinary area. There is no criminal offence disclosed, but money is lost through mismanagement. Of course in the private sector, the solution is very simple - dismiss the employee concerned.

Dr. Tan: You sack the culprits.

Tan Sri Ahmad: Yes, you sack the culprits, but in government the process is more complex. It is important to instil in the mind of every public servant a strong sense of financial discipline. Through this discipline we can be assured that civil servants will practice prudence in financial matters, and thus be clean, trustworthy and efficient in their dealings with the public. Sometimes we do make mistakes, I think human nature is such that we do make mistakes, but at least we should learn to recognise our mistakes and be able to explain the reasons. That is what I understand as being accountable.

Dr. Tan: I agree, this question of re-education takes years. But I don't see any evidence.

Tan Sri Ahmad: Well, you have to be more patient. I, at least for my part, have seen a change of attitude among some officers in their response to our requests for explanation or more information on matters that we have raised. They are more co-operative. Whether or not you will see less occurrence of losses or misuse of public funds I cannot guarantee.

I must add that penalty alone is not the answer to the problem. You can judge from the various measures the government has introduced in order to fight against serious crimes, even death penalty for *dadah* trafficking. But then human nature is such that some people are still willing to take risks in order to get quick gains. I believe the removal of evil is not dependent solely on deterrent penalty. We can include amongst others a sense of public morality, good work ethics and efficiency. Pronouncements by the leadership that they are taking very seriously any breach of discipline by making examples of a few cases should help in the process. But in the long run, a process of re-education to build up a sense of discipline has a better chance of being successful.

Dr. Tan: May I explain the meaning of re-education. I think, some public servants, including ministers themselves, are the worst offenders. They do not distinguish between what is public property and private. I have written an article on the use of official cars. If you go to see a cinema show, surely that is not public or official duty. You should go in a different transport other than the official car. Public servants can sit back and say *yalah menteri kita menggunakan kereta sendiri bukan kereta kerajaan*, you see. Recently one Deputy Minister shifted into a house. He had rented a house as his private residence. When he returned from work, he was surprised

to see an army of government employees preparing to clean up the place for him. To me and to him the government employees have no place, no business to be there, because the house is strictly a private residence. So he sent them packing. Examples like this will show the other citizens, the other lower grade government workers, what this minister means when the government says *Bersih, Cekap dan Amanah*.

Tan Sri Ahmad: One example which I mentioned in the last audit report was about the supply of TV sets to certain high officials, and as a result of our protest, the privilege was withdrawn by the Government. This is what I mean by observing a standard of public morality. Public morality is something for which it is very difficult to lay a standard. It is really a matter of personal conscience. For example, when something is given for official purpose, and is used sometimes for private purpose, then it is not observing the required standard of public morality.

Dr. Tan: Then you cannot expect your subordinate to conform to whatever regulation that you said or you laid down.

Tan Sri Ahmad: This is where members of the public may play their part also.

Dr. Tan: Ya, the public must expose it.

Tan Sri Ahmad: The public must play their role to make it obvious that it is morally wrong to misuse government property. The Auditor-General is not expected to see everything!

Dr. Tan: No, I disagree, unfortunately to them such practices are *biasa, ini biasa, itu biasa*.

Tan Sri Ahmad: We must have a scope for our audit work, otherwise we dissipate our efforts and resources going outside the set limit.

Dr. Tan: No, but this is coming back to the question of accountability.

Tan Sri Ahmad: Public accountability.

Dr. Tan: The Parliament did not, has not set a sum for the private use of our ministers.

Tan Sri Ahmad: In the wider context, we have the authority to enquire anything where money is involved. The point I wish to stress is that it is important for everyone in the public service to understand the meaning of accountability in the wider context of public administration.

Dr. Tan: Yes.

Tan Sri Ahmad: This is the message I am trying to preach.

Dr. Tan: Yes, I hope you repeat it again and again.

Dr. Tan: Have you got a set of ideal procedures that would make your task easier? What needs to be done to implement your ideals? Just now you mentioned about the Lambert Report in Canada. Would you care to elaborate?

Tan Sri Ahmad: There are already in existence the required laws and basic procedures for ensuring proper accountability of the public service in regard to financial administration. What needs to be done continuously is to make every officer dealing with public monies and property really understand and appreciate the necessity for the checks and balances required in the procedures and systems. If we have to use modern technology, such as computers, in order to speed up the process, then the officers concerned must be properly trained to use them so that optimum benefit is obtained through their use. That is why I stress the need for strengthening financial discipline in the public service. This can be done by continuous training and the Audit Office is helping in this direction through the audit process.

The problem faced in Canada which surfaced in the Lambert Report I mentioned earlier is related to the question of accountability of their public corporations. The problem is more or less similar to what we are having in Malaysia - how to make our statutory bodies and public enterprises properly accountable to Parliament since they operate with public funds? One of the measures which has been taken in this regard is the enactment by Parliament of the Statutory Bodies (Accounts and Annual Reports) Act 1980, which requires all Federal statutory bodies to render their annual accounts to the Auditor-General for audit. Thus I now have the means of getting the audited accounts submitted to the responsible Ministers for tabling in Parliament within a reasonable time after the end of the financial year. This law came into effect from financial year 1981. This is one of the measures which I think will make my task easier in seeking information relating to government investments in public enterprises since the statutory bodies are the vehicles for channelling government investments in commercial activities.

Dr. Tan: Does this include the subsidiaries of statutory companies?

Tan Sri Ahmad: The subsidiaries are still audited by private accounting firms.

Dr. Tan: Yes, under this law will the subsidiaries come within your preview? As you know the statutory bodies and their offshoots swallow some billions of our budget. That is not a small sum.

Tan Sri Ahmad: Yes, as I said earlier, the statutory bodies are the vehicles for public investments in various commercial activities. These subsidiaries are registered under the companies law and as companies they are governed by that law. My jurisdiction covers only the statutory bodies.

Dr. Tan: But take the example of Bank Rakyat. They establish all sorts of subsidiaries, one to promote the Joe Bugner vs Muhammad Ali fight, they lost millions. They have no business to do that.

Tan Sri Ahmad: That one, Tan Sri, is of a different category. It operates under the co-operative law. However, statutory bodies must show their investments in the annual accounts. These may be in the form of stocks and shares, or joint ventures or wholly-owned companies. In their accounts these investments are shown to be of certain value. If these accounts are audited under my direction I have the means of analysing what happened to these investments. Of course I have to rely on the audited accounts of these companies.

Dr. Tan: Can you indirectly ask for all the accounts of the subsidiaries?

Tan Sri Ahmad: I have this facility as a matter of professional understanding between accountants and auditors since they belong to the same professional body.

Dr. Tan: But you see some of these subsidiaries have not been audited for years on end.

Tan Sri Ahmad: I am trying to remedy the situation through the process of auditing the accounts of statutory bodies. Though a number of federal bodies are still being audited by accounting firms, the audit is conducted under my direction. Even though the accounts of the companies are audited by private auditors I still have the means of calling for the audited accounts through the auditors of the statutory bodies. For example, I can report if a particular government company has not submitted its accounts for audit.

Dr. Tan: But this is still unsatisfactory.

Tan Sri Ahmad: Well, it is an improvement.

Dr. Tan: It is an improvement. Shouldn't you further improve it by saying that the subsidiaries of statutory bodies must also submit their accounts to you?

Tan Sri Ahmad: That is a matter of having enough capacity in terms of professional staff in the Audit Office.

Dr. Tan: But you can farm out the accounts to private companies.

Tan Sri Ahmad: That we do.

Dr. Tan: You are already doing it now.

Tan Sri Ahmad: This is what we are doing with effect from 1981. I have been given the authority to engage private accounting firms to carry out the audit of statutory bodies. The auditing firms report to me and therefore I have access to their working papers. These working papers should provide an analysis of the various investments of the statutory bodies in the different companies. To carry out directly the audit of government companies is beyond the present capacity of my office. There are, according to the latest information, about 900 subsidiary companies.

Dr. Tan: Tan Sri, you have made the community realise the importance of the profession of audit. As the leader of the profession, are you satisfied with professional standards of audit in Malaysia?

Tan Sri Ahmad: I am not a leader of the profession. When you say about professional standards, I suppose you include also the audit undertaken by private accountants.

Dr. Tan: Both.

Tan Sri Ahmad: I should clarify in the first place that the audit undertaken by the professional auditors in respect of companies is firstly governed by the Companies Act, and secondly by the generally accepted accounting standards and professional conventions. So long as they adhere to those then they satisfy the requirements in so far as the accountability of companies is concerned. In the case of statutory bodies at the moment the question of having enough experienced staff has yet to be solved. What I am trying to ensure for the time being is that the accounts of statutory bodies are audited to conform to the normal accounting and auditing standards as practised in the private sector and that they are submitted according to the time table required by law. I do not yet have the capacity to do investigative audits on their performance except when it becomes so obvious and urgent that a special audit is called for in regard to specific problems.

Dr. Tan: You think there is plenty of room for improvement?

Tan Sri Ahmad: There has been a move by the accounting profession to improve the standard of auditing. In this direction they have adopted the International Accounting Standards. I have seen the statements of accepted accounting standards which the local body, the Council of the Malaysian Association of Certified Public Accountants, have issued for their members to follow when they audit accounts of companies. But the legal requirements for performance

audit does not apply to the private sector. There is a difference in the concept of audit between the two as they operate under different conditions and environments. The companies' objective is to make profit. The shareholders may not question how their companies make or lose money.

Dr. Tan: Usually a handful turn up at the Annual General Meeting.

Tan Sri Ahmad: In the first place under the Company Law the board of directors are not bound to present a budget to the shareholders for approval. Their duty is to run the company as a going concern. What the shareholders are interested to see is the yearly result of the companies' operations. So their standard of accountability is based on financial grounds. Whereas in the case of government audit the standards and scope are more extensive in nature, involving many other important factors.

Dr. Tan: Yes, in the case of Government, billions have been spent and it's not enough to see that the money voted by the Parliament is well spent but whether the money is spent for the purpose it was intended.

Dr. Tan: How is it that auditors in the private sector or even the statutory bodies never make the sort of observations that you have made. I don't believe that the standards of conduct are impeccable in the private sector. Why are those auditors so silent?

Tan Sri Ahmad: I do not wish to comment on your view. However, I should say that the relationship between a private auditor and his client company is different from the relationship which I enjoy, as the government auditor, with our clients because we operate under different laws. I know that private sector auditors do make their observations and comments to the management. They do point out if certain corrections need to be made in the statements of accounts when they find significant errors or omissions. So long as there is no suspicion of fraud or no breach of the Company Law, the auditors normally do not bother too much about company matters. After all they hope to get employed again.

Dr. Tan: This is the dilemma for the private sector. I give you an example. I am a private practitioner and I act as Company Doctor to several companies. If I give too much leave to the employees of X company, the employees naturally think a world of me but the management don't think so. And vice versa if I don't give leave, the management is pleased but the workers think that I should be replaced. So I tell the workers, when they ask me for leave, that my

sympathies naturally are for the employees. I am more or less known as a pro-labour man but I cannot give you leave just because you ask for it. I must be fair to the employer; if the employer asks me why I have given this leave I must be able to tell them you are suffering from this or that. That is how I have always maintained my independence but I think very few people dare to make such a stand.

Tan Sri Ahmad: I should add, Tan Sri, that in the case of public listed companies, they employ internal auditors of their own to ensure that the companies' accounts are properly kept and checked regularly so that their external auditors who report on the companies' accounts find it easier to complete their work within a short time.

Dr. Tan: Much easier.

Tan Sri Ahmad: Much easier. In the government service, under the present salary structure we are losing in the competition with the private sector for the scarce people as we cannot afford to pay the salaries they want. It is again a question of whether or not we are in a position to employ competent people with the salaries they want in order to raise accountability standard.

Dr. Tan: Now this leads me to the next question. Your independence is guaranteed by law. Maybe private sector auditors should similarly have an independent appointment. What do you think?

Tan Sri Ahmad: The private auditors are to a certain extent already independent if they act as external auditors since they perform their functions under the Companies Law and so are protected by the law. But they carry out their work for a fee. The amount of auditing depends very much on the amount of fee the company can afford to pay. There is a choice here - pay more fee to the external auditors, or employ own internal auditors within the organizations to carry out regular checks to make it easier for the external auditors to independently express an opinion on the accounts whether they conform to the accounting standards. Thus the auditors exercise their independent judgement.

Dr. Tan: One final question Tan Sri, your term of office is for two years. Is there any reason why the Auditor-General's term of office should be limited to two years? The High Court Judge, who is also appointed by the Yang di-Pertuan Agong goes up to 65 years and then he retires. Why is your term limited to two years?

Tan Sri Ahmad: The simple answer to the question is that it is the Government's decision. The Constitution does not specify any specific term of office. It does say only that he shall be appointed by His

Majesty on the advice of the Prime Minister and after consultation with the Conference of Rulers.

Dr. Tan: The length of time....

Tan Sri Ahmad: Although in other countries e.g. Canada for 10 years and U.S. for 15 years.

Dr. Tan: In the U.K.?

Tan Sri Ahmad: I think it is not specified. The past Auditor-General served for about 6 years and retired at the age of 63. Different countries have varying terms of service.

Dr. Tan: I would have thought that in order to allow an appointee to do something useful, to initiate some meaningful reforms and see that the reforms are carried through, a term of 4 years or 5 years would be more appropriate. A short term of office of two years does not help the government or the appointee.

Tan Sri Ahmad: To comment objectively is difficult as I am personally involved. For the future I agree that the Auditor-General should be appointed for a definite term which should be longer than 2 years. From my own experience I feel 5 years would be fair as in the first two years....

Dr. Tan: You are learning the job.

Tan Sri Ahmad: You have to learn what are the present practices, where are the weaknesses, what reforms you feel should be introduced. All these things take time to learn and develop. Only in the third....

Dr. Tan: Only in the third year can you initiate and contribute to....

Tan Sri Ahmad: And then, to make the effort rewarding, you may want to see through that your idea is implemented and institutionalised, because for this type of job in particular, there is no guarantee that what you have introduced will be continued when you go away. But if members of the staff who are permanent accept that the reform is a good thing and has become an established practice, then it will be somewhat difficult for the succeeding Auditor-General to abolish it since it has been recognised as beneficial.

Dr. Tan: I think in the interest of government and of the incumbent a term of 4 or 5 years would be ideal.

Tan Sri Ahmad: It depends again on the person to be appointed since the Constitution does not restrict the appointment to civil servants. He may be a person from outside the public service. It depends on the situation existing at the time when an appointment is to be made.

Dr. Tan: Well, certain government officers can be seconded.

Tan Sri Ahmad: Once a person becomes Auditor-General he is disqualified from any other appointment in the government service.

Dr. Tan: You must sever your links. That is part and parcel of the whole concept. For example, in the case of High Court Judges it is normally expected after retirement they would not go back to legal practice. Finally I say thank you for agreeing to be interviewed this evening.



Tan Sri Ahmad Noordin

INTERVIEW WITH DATUK MOHAMED YACOB

Dr. Tan: Datuk Mohamed Yacob this is your second term as MB of Kelantan and possibly your last term as well. When the next General Election comes around your services will most likely be required at the Centre. What are your plans briefly for the next five years in Kelantan and what are your priorities?

Datuk Mohamed: Kelantan has been left behind as compared to the other states in Malaysia. So our priority of course is the development of infrastructures. We are very short of infrastructures and we will continue with the projects that have been started. In addition many more for the villages and for the State as a whole are to be initiated. I do not only refer to material development, but also spiritual development because I believe, spiritual development is equally important. We need to develop the mental thinking of the people and as you know Kelantan people are very conservative and the vast majority of them are Muslims. So we need to ensure that religious teaching is properly carried out. That is also our priority. You have flattered me to say that I might be required at the Centre.

Dr. Tan: But you have been at the Centre.

Datuk Mohamed: Oh, well, I was at the Centre but after this term, I feel, I am an old guard, that's all. I might wish to retire.

Dr. Tan: But then you are still good for another two terms.

Datuk Mohamed: No, I am already 57.

Dr. Tan: Oh, I see.

Datuk Mohamed: Yes.

Dr. Tan: Just for another term at least.

Datuk Mohamed: Well, I hope I can last this term at least.

Dr. Tan: The centre of gravity in Malaysian politics used to be in Johore, but now Kelantan is increasing in influence. What do you attribute the emergence of Kelantan as a decisive force in Malaysian politics?

Datuk Mohamed: I think, it is the fact that a vast majority of Kelantan people are Malays, 95 percent are Malays out of a population of nearly 900,000. As UMNO is a Malay political party, it is very important for it to win the support of the Kelantan Malays. So the emergence of Kelantan is quite obvious at the moment. Furthermore I think, Kelantan has been producing a good number of young persons who have graduated from local and overseas Universities. Many of them are interested in politics although some are working in the government. They might some day want to take places from some of the old guard like me. I suppose because of their presence we feel politically a bit active in Kelantan. It is also a result of the fact that the state used to be a PAS fortress. PAS is still quite a force to be reckoned with.

Dr. Tan: Now that the General Election is over and you have been returned as MB, albeit with a weaker majority, will the new State Government rule the State without regard to race, colour or creed, try to put an end to party divisions that run so deep in Kelantan and heal the wounds that have been opened by the General Election?

Datuk Mohamed: Of course, it is my sincere intention to heal the wounds that have been opened up by political differences between UMNO and PAS. The split is fairly serious in the villages and it is a big task for me to bring the people together. As to your question with regard to race, colour, creed, of course, this never occurred to me to have any discrimination on the grounds of race, colour or creed. I thought, I had always been very fair to everybody. But of course Kelantan has a peculiar situation because we are fighting against PAS. The issues, as you know, are religious and racial. Therefore, our tackling of certain problems, particularly land matters, are peculiar to Kelantan. Four fifths of the land in Kelantan is under Malay reservation so we have got to be very careful about land problems. But that doesn't mean that we are going to discriminate against other races. If possible, we must be fair. I would

refer again to the political quarrel between PAS and UMNO. Unfortunately, the religious knowledge of our people, especially the older generation, is not that deep. They tend to believe a religious teacher or a man with some religious knowledge who propagates certain ideas. This is what was being done by PAS during the election. So these older people do not, not because they are opposed to the UMNO or the National Front, support the organizations. What can they do when they are given two alternatives, either you are going to heaven or you are going to hell. If you want to go to heaven then you must support PAS which is an embodiment of Islam. It is a religion, not a political party. They give the picture that PAS is the religion itself, Islam itself. Our people have been taken in by this and that is how PAS managed to get a bigger majority this time.

Dr. Tan: As you yourself said the division runs deep into the villages, I see in the press, and as it's well known, if an UMNO chap passes away in a PAS village, he will not be buried by the PAS *imam* and vice versa. This is a very serious thing.

Datuk Mohamed: It is.

Dr. Tan: But if the State Government with all the might, the full weight of the State Government, goes out and attempts to explain things to the *rakyat* and treats everybody alike whether you are PAS or UMNO it really does not matter, things will improve. For example, I do not know if you read two articles, that disturbed me a great deal, that appeared in a local paper last year. Well, they said that in a village in Kelantan a house belonging to an UMNO supporter had electricity and water but a house that belonged to a PAS supporter just next door could not get electricity or water. It is such discrimination that increases the dissension and bitterness between PAS and UMNO. But if everybody is treated alike, if along a road you got a new water supply, it is given to everybody who wants it, then you would reduce the rift despite what PAS will say. The people would know that everyone will get water, they will get electricity and they will get the roads. Then you will erase the bitterness and enmity.

Datuk Mohamed: May I stop you there?

Dr. Tan: Yes.

Datuk Mohamed: The story in the newspapers, I think, is not quite true. Because if you go into a village which has electricity, I think everybody gets it. But there are some houses, not only PAS houses, but UMNO houses as well, which were built after the supply had

been connected. The supply is quite limited. Say originally there were only about 100 houses and the supply could connect only 115 houses or so. New houses keep coming up and they just can't connect the supply unless they expand the new generator or substation. So irrespective of whether you are UMNO or PAS they won't be able to get it.

Dr. Tan: So it just happened to be that in this case UMNO house got it and PAS house did not get it.

Datuk Mohamed: No. That is not quite correctly reported, you know.

Dr. Tan: Why did not your Information Department get to work and explain?

Datuk Mohamed: Yes, we have, we have been explaining all the time. You know, when we construct roads for example, all the *rakyat* benefit. We give subsidies and fertilisers and everybody gets it. But of course, there are allegations that we are discriminating. But we say that there are procedures that need to be followed, like one has to go to the *penghulu*, the headman. But some stubborn PAS members don't like to do so and get a certificate from the head of the village. If they do not get a certificate, they are not going to get the fertiliser. And they allege discrimination.

Dr. Tan: Is that really the case?

Datuk Mohamed: In fact since the 1978 election, the first time, the National Front won, we have always kept in mind that whether they support PAS or UMNO they are Kelantan *rakyat* and they have to be given all the help and support. We have been doing that. Of course, there have been allegations and we have been trying to explain them. Sometimes these people are quite stubborn. I shall quote an instance and this is true. This is in my own constituency, State constituency. We have got water supply through the Health Department and this is done by *gotong royong*. We identify the source of water supply from the hill. This is by gravity, a gravity system. So the system is to get the people to do *gotong royong*. One school teacher who is not on our side asked the people not to cooperate with the authority. "You don't need to do *gotong royong*, the Government will do everything for you, you know." But nevertheless the people did turn up and did the *gotong royong*. The water supply was brought to the village and when it came (the water) in front of his house, he had it connected to his house. What did he use it for? Not for drinking, washing and all that. Instead he connected the pipe from the bottom of the house to the roof of his house and he put across another

pipe with holes so that the water could come out all the time to cool his house. This was a method of air conditioning the house. This actually happened. So to say that PAS could not get water supply is not right.

Dr. Tan: Well, as you know, this interview will be published and all that you say will be given wide publicity.

Datuk Mohamed: I will be very grateful, if this is done.

Dr. Tan: It will enlighten those who say the State Government is practising discrimination. I am very glad that this categorical reply given by you shows that the Government is very aware that it must rule without discrimination with regard to race, colour or creed. If you discriminate as between Malay and Malay, what will the non-Malay naturally say? What hope have I in Kelantan when they discriminate between Malay and Malay? I don't stand a chance at all. But I can assure you all that you have said is now on tape and I will see that every word of it is published.

Datuk Mohamed: Yes.

Dr. Tan: How do you propose to deal with PAS in the future? Is there no way of healing the rift between UMNO and PAS in Kelantan? Or at least of reducing the hostility between the two camps? The stories that one hears are frightening to a non-Malay to say the least.

Datuk Mohamed: Well, are we trying our best to reduce the hostility between the two camps. At the moment *kampung* people tend to, when we go into the *kampungs* to lecture, say we are biased. So what we are doing now is to get civil servants, who are neutral, who are considered to be neutral, to go the villages to explain. In addition we are getting the *kadhi* of the district and other religious people who are quite neutral in this matter to go and tell the people the truth about religious knowledge. By doing so we hope the tension will be lowered and rift between the two camps will be what will I say....

Dr. Tan: Lessened.

Datuk Mohamed: Yes, lessened. Of course the stories that are heard are especially frightening to the non-Malays. But the rift is between the two camps, the UMNO and the PAS, who are Malays. The relationship with the non-Malays, I think, is not affected at all. You know, what I mean. The PAS people are very friendly with the local Chinese or Thai people who have been there for three or four generations. Similarly with the UMNO. So the non-Malays should not be

frightened about that. But of course, non-Malays feel that the UM-NO or the National Front should be stronger because they believe that we can deliver the goods.

Dr. Tan: What about trying to have a round table conference with the leaders of PAS to see what both sides can do to lessen the tension. Have you tried that idea?

Datuk Mohamed: Well, we have tried, we have tried. But at the meetings they say one thing but behind us they say another thing. Well, you know they were in the National Front at one time. Then they said that the National Front was good but when they were out they began to say "Oh, National Front is no good."

Dr. Tan: But as you know, in these days of modern technology if you hold a meeting with them, the whole proceeding can be video taped and so both sides cannot deny what has taken place. The video tape costs little and can be played in the *kampungs* to show what the leaders of both sides have said in trying to reduce the tension between the two camps. Both sides cannot deny what has been said.

Datuk Mohamed: Well, just to quote you an example. At the last Congress of PAS in Kuala Lumpur, the secretary general was asked a question from the floor whether the top leadership confirmed that if a Muslim supports Barisan, he is a *kafir*. To this, one of the leaders of the PAS, a member of the central executive replied, "No, you cannot say this". This was clearly stated and widely reported. But it is ignored by PAS campaigners and workers in the villages.

Dr. Tan: I know, but if that had been video taped and played in the *kampungs* they could not deny it.

Datuk Mohamed: Yes, yes. I am a bit doubtful about the effectiveness of it. Even if we show this the people in the villages will say, "Ah, of course, he was forced to say that".

Dr. Tan: Are you aware of the statements made by responsible quarters in Kelantan that areas that support PAS will be starved of development? If that is so, how do you expect to bring peace and harmony in Kelantan as between Malay and Malay, let alone between Malay and non-Malay? Is it not one of the main tasks of your job as MB of Kelantan to heal the wounds opened by the recent election?

Datuk Mohamed: Well, I answered the last question. Of course, this is one of the main tasks of my job as MB. Certain statements are alleged to have been made. Of course, there may have been statements to that effect, but they were made in anger that was pro-

voked during the election.

Dr. Tan: No, this was after the election.

Datuk Mohamed: Yes, after the election, still the fever is there, the heat is there. The anger is still there. Naturally, one made the statement to please the UMNO people and the supporters. Of course, we have got to consider the feelings of our people. But you must have read, as reported in the paper, the Prime Minister's statement that there should be no discrimination. I think we have got to follow the direction of the top leadership, you know.

Dr. Tan: Yes, Prime Minister has said that development is for everybody, even in those constituencies that have gone to the non-Barisan. Particularly in Kelantan, it is essential that you follow that advice.

Datuk Mohamed: I think, we will follow it because that is the direction of the party chief, the Prime Minister. We have to follow. We are constructing the roads, digging water canals for irrigation in padi fields, and connecting the electricity supply. We are doing it for everybody. I can't see where we are discriminating.

Dr. Tan: I am very glad of that assurance from you, Datuk.

Dr. Tan: In the past there always has been a MCA Executive Committee member in the state government. This year after the general election, the new Exco did not include a MCA member; it is an all-Malay affair. Are you not afraid that this will give the outsider and foreigner the impression that the Chinese have no place in Kelantan? And what is the reason for this denial of Chinese participation in the Government of the State?

Datuk Mohamed: You are not quite correct to say that in the past there has been an MCA Exco member. There has never been an Exco member from the MCA.

Dr. Tan: Never!

Datuk Mohamed: Never.

Dr. Tan: Oh! I am so sorry for the mistake.

Datuk Mohamed: Except before independence, during the British time. Yes, there was an MCA Exco member but since then there has not been. Of course, this was so because PAS had ruled the State since 1959 until 1978. In our case of course this decision was made by the top leadership. Even though PAS only won a few seats, it is very strong. At the same time it must be said that the population of Chinese is small. We need to consider not only the Chinese but also other nationalities such as the Thais and the Indians. Therefore,

no non-Malay was appointed to the last Exco. PAS's increasing strength has to be considered by the top leadership. We have to continue with the practice in order to secure stronger support from the Malay *rakyat*. But nevertheless, we do not forget the Chinese or the Thai minorities. We always consider their grievances. We feel that they are fairly looked after, although there is none of them in the Exco.

Dr. Tan: As you know in Penang there are 27 State Assemblymen. The MIC has only one member and he is a member of the Exco. But, of course, in Penang it is a more mixed population and the PAS has only negligible influence.

Datuk Mohamed: But Kelantan is unique in the sense that it was under the opposition for a long time. We also have to consider that the Kelantan people's mentality is different from that of the West Coast people.

Dr. Tan: It is said that UMNO in Kelantan is deeply divided and the hostility between UMNO factions is as bitter as between UMNO and PAS. Is there any truth in this?

Datuk Mohamed: There is no truth in this. Maybe there have been quarrels in one or two divisions. But these have been patched up except for one area where the head of the division fought for the parliamentary seat and he was defeated.

Dr. Tan: Rantau Panjang?

Datuk Mohamed: Yes. There is some rift there, but we hope to patch it up.

Dr. Tan: So there is no truth?

Datuk Mohamed: Yes! To say that deeply divided is not true, that hostility between UMNO factions is as bitter as between UMNO and PAS is not quite true.

Dr. Tan: How far are the issues dividing UMNO in Kelantan one of personalities scrambling for elected offices that can make them wealthy and how far is it a fight between factions supporting Tengku Razaleigh or Musa Hitam?

Datuk Mohamed: Well, scrambling for elected offices in order to be rich is also not quite true.

Dr. Tan: It happens everywhere in the world.

Datuk Mohamed: Well, I agree.

Dr. Tan: It is not limited to Malaysia or to Kelantan.

Datuk Mohamed: I agree. During the last campaign of 1978, we alleged that PAS leaders were corrupt. They have leased chunks of

jungle and forest land to private companies.

Dr. Tan: Mainly in Singapore.

Datuk Mohamed: Singapore, and some from Kuala Lumpur, Ipoh and Johore. The premium is very cheap. We alleged that the leaders were not sincere. We promised that we will not do such things if the people of Kelantan give us a chance to rule the state. We made this very clear to our party members that if they were elected then they had to be clean and honest.

Dr. Tan: There has been widespread dismay (you know, I get to hear about these things) that dubious and corrupt individuals have continued to rise and in UMNO State Government. Are you satisfied that all the individuals around you are not corrupt?

Datuk Mohamed: I am quite confident that the individuals around me now are clean.

Dr. Tan: All clean?

Datuk Mohamed: And trustworthy. But of course we have got to be on the guard all the time because temptations are there.

Dr. Tan: Oh, then of course they have to declare their assets annually.

Dr. Tan: The great social changes that are occurring in Malaysian society must affect Kelantan too. There has been rapid expansion of tertiary education and large numbers of young people from Kelantan are in our universities. T.V., radio and the newspapers have brought modern ideas into every village. What effect has there been on Kelantan society?

Datuk Mohamed: Well, there has been some effect. On the bad side one can see a little bit among the youth. I think the majority of it is on the good side.

Dr. Tan: Have they been to the University of Malaya?

Datuk Mohamed: Yes, most of them I think. As I said earlier quite a number of our students in our universities are motivated on the good side. Of course, maybe a few do not come up to our expectations.

Dr. Tan: How efficient is land administration by your land offices? In most of the other states of Peninsular Malaysia they are notoriously inefficient and in most cases they act as bottle necks to development. How have you tackled this matter?

Datuk Mohamed: Well, the first thing that I did was to reorganize the land offices. I have got senior, middle as well as junior level land officers to attend courses. They have been given intensive training. Every time I have the chance to meet them, I remind them to be

more development oriented and I am glad to say that the result is very encouraging. But of course, there is still some room for improvement. Talking about delay in land matters, I observed that the delay is not only because of the officers, but also due to the procedure itself.

Dr. Tan: When I talked to the former MB of Negeri Sembilan, Datuk Rais Yatim, he said that no file should remain in office for more than three months. If it remains in office for more than three months, then the officers responsible must give an account, must give a reason for it. Do you have a similar ruling in Kelantan?

Datuk Mohamed: Of course, we have got the same ruling but we don't specify three months or two months. I have always instructed officers and the staff to follow the procedure as in factories where they produce manufactured goods.

Dr. Tan: It moves along.

Datuk Mohamed: It moves along. I emphasized to the Senior Officers to see that files were not kept for too long, on the table for more than five or six days. And whenever I inspect the Land Office or other offices I always go the rack and pick the ones at the bottom to see how long they have been there. And I have found that they have not been there for too long.

Dr. Tan: What are your plans to open up the hinterland of Kelantan? As Kelantan is relatively poor, does your government encourage opening up of new land by FELDA or on the pattern of the Jengka Triangle, Johore Tenggara etc?

Datuk Mohamed: This is exactly what we are doing in South Kelantan. This is the hinterland you mentioned earlier, the forest that was given to the Chinese company in Singapore, about 380,000 acres.

Dr. Tan: Wow! *begitu banyak!*

Datuk Mohamed: Yah! *banyak itu satu company saja....*

Dr. Tan: Wow!

Datuk Mohamed: Several other companies 200,000 acres, 150,000 acres with a very low premium. We have managed to take back the land from the Singapore company, giving compensation to them of course. Then we opened up the land and established a federal government corporation, Kelantan South Development Corporation.

Dr. Tan: Has the Kelantan Government been successful in persuading entrepreneurs in opening factories in Kelantan? Does the State Government encourage joint venture between Kelantan Malays and non-Malays from outside of the state and even foreign firms?

Datuk Mohamed: To a certain extent we have been successful. We have got a few German companies that have started. We encourage them to come into Kelantan to develop industrial estates. We put up buildings for them. By doing these, we have managed to get things moving but of course we need a lot more. We got to work harder to persuade people to go in. With the help of the Federal Government, we are confident that we might be able to get more of them to go to Kelantan. One of the problems we have is that many of our people go to Singapore to work and gain useful experience. They will be more useful at home. We need them back. If we can get more foreign investors to go and start industry in Kelantan, then we will be able to encourage these people in Singapore to come back. We are encouraging joint ventures between Kelantan Malays and the non-Malays.

Dr. Tan: How far have you been successful?

Datuk Mohamed: I think so far we have not seen much success. Your old friend Datuk Dr. Aziz is the head of the Chamber of Commerce there. He has been meeting foreign people and also the local Malaysian entrepreneurs. Of course we cannot get results immediately, you know.

Dr. Tan: Yes, the gestation period normally needs about two, three years.

Datuk Mohamed: Yes two to three years. We have been in power in Kelantan only for the last four years. We have been doing planning but now....

Dr. Tan: But you see, confidence is very important.

Datuk Mohamed: Oh! I agree, yes, to develop confidence in Kelantan is a bit difficult because, whenever they come to Kelantan, they ask where is your nearest port and when we say, Penang or Kuantan, they say, "Oh, very far and very costly". Therefore, with the agreement of the Federal Government we are going to put up a mini port in Kelantan. With this mini port, we believe there will be more confidence and more investors will come to Kelantan.

Dr. Tan: If you build a mini port, I do hope that you will take all the precautions to prevent a fiasco that has occurred in Kuantan.

Datuk Mohamed: Oh yes, we have this in mind, we have got to be very careful on this matter.

Dr. Tan: Yes, you cannot afford another fiasco and throw money down the drain.

Datuk Mohamed: Yes, I agree.

Dr. Tan: As you know, Kelantan has a very bad reputation as being very parochial, of not welcoming people from outside the state. So naturally if you invite people to go and open up industries they are a little hesitant. They ask, will I be welcome and can I get every assistance? I am a Chinese and what chance have I when even a Malay is not welcome? These are some of the problems. You as the MB would have to overcome them apart from offering perhaps more incentives than what other states like Selangor for example are offering.

Datuk Mohamed: Well, if investors go to Kelantan they would get more incentives; this has already been agreed.

Dr. Tan: What are the incentives?

Datuk Mohamed: Tax holidays are longer than in any other parts of Malaysia.

Dr. Tan: Of course, you have the advantage that the Minister of Finance comes from Kelantan.

Datuk Mohamed: Well, in a way, but he has to get the agreement of the Prime Minister.

Dr. Tan: I know, but everything is initiated by him.

Datuk Mohamed: Oh yes, but of course he is not thinking of Kelantan alone. He has to think of other states as well. The Minister of Trade and Industry, Tengku Ahmad Rithauddeen is also trying his best to get investors to go to Kelantan. But one of the disadvantages in Kelantan is the monsoon.

Dr. Tan: Oh yes, about three months in a year.

Datuk Mohamed: About three months in a year and this hinders people from going to Kelantan, but as regards to being parochial, I don't think that's quite true. Of course, people like to say this of Kelantan people. That is our natural tendency, natural inclination. If you go to Kelantan now and meet the Manager of the Diamond Cutting Factory, and other managers from other factories, you will find that they are very happy with the Kelantan people. Even the Chinese employees from the West Coast who are working there are quite happy. Well, as long as they know how to mix with Kelantan people! Of course, Kelantan people, as people elsewhere, do not like snobbish people, you know. Oh, I am a very big man, this sort of thing Kelantan people do not like.

Dr. Tan: I was in Kelantan more than 10 years ago. I met a lot of the *mata mata* on the street as I walked along the streets. Some of them recognised me and I talked to them and they were very friendly. But perhaps that was because they recognised me.

Datuk Mohamed: They are friendly people, especially to foreigners. Sometimes they go out of their way to be helpful.

Dr. Tan: What about the future? Would you like to see a Kelantanese as Prime Minister of Malaysia? Can Kelantan UMNO be a leading force in the multiracial politics of the whole of Malaysia as Johore used to be or will be once again?

Datuk Mohamed: Of course, one would like to see a Kelantanese to be Prime Minister of Malaysia one day. But one must not be too rigid and obsessed about it because Malaysia is a small country and we cannot have parochial feelings. Of course, if opportunity arises and we have good leader from Kelantan and he is put up by the party, naturally we will be happy.

**INTERVIEW WITH KASSIM AHMAD,
6 MARCH 1982**

Dr. Tan: Sdr. Kassim Ahmad, if I may start on a personal note. With a distinguished academic and literary past why did you choose to accept the hardships and dangers of an opposition leader?

Sdr. Kassim: Well Doctor, that is a nice and flattering remark. I must admit that I like writing and I still do. But from the time I was in school I became interested in politics, I came from quite a poor and humble family and I was acquainted with the hardships of the people. I was aware of the problems faced by the peasants and the poor of our people. I felt, even during those days, an obligation on my part to do what I could to bring about changes in our country that would benefit them. I still feel that and as long as the people want me to serve them politically I shall continue to do so to the best of my ability.

Dr. Tan: Have you any regrets giving up comparatively sedate academic life to enter the hustle and bustle of politics?

Sdr. Kassim: I don't think I have any regrets on that score. Of course, I would like to be able to do more writing, because I do like writing, but at the same time I accept the fact that I have to give my service in the political field. Had our times been less violent, less beset by problems and more creative and satisfactory, I would perhaps have preferred a comparatively tranquil life of reading and writing. But given the conditions in the country I don't think I could have done

that. In times like this, one has to be up and fighting!

Dr. Tan: Has your years in detention changed your values and policies? What effect has imprisonment without trial had on your personality?

Sdr. Kassim: I think it is normal for changes to take place in the course of a man's life. When you are young, you are more idealistic and as you grow older, you mellow and modify your idealism with realism. That I think has happened to me too. But I do not think that it has basically changed my values and political views. I still stand for a just society where the people and the individual have access to the basic necessities of life, comparative freedom to do whatever work one is interested in and make one's contribution to the country in various fields. So in that sense I am still committed to those values and I still stand by that policy. At the same time, as I said, years, not only those years, but the years that I have spent in politics since....

Dr. Tan: Those years in imprisonment you mean?

Sdr. Kassim: I have been active in party politics since 1966. When I was exposed to the political struggle, the experiences I gained taught me to modify my former idealism. And the years in prison gave me the time and....

Dr. Tan: Leisure to reflect....

Sdr. Kassim: Leisure to reflect on those experiences as well as on the political situation in the country and international developments. I would say that those things have contributed to mellow one's self.

Dr. Tan: The leaders of the Socialist Front (and now the PSRM) have usually ended up in jail, under the colonial government by the British, then by the Alliance and now by the Barisan Nasional. Can you explain this?

Sdr. Kassim: Well, the short answer is of course that you should ask those people who have jailed them, because, as you know, all these people were detained either before *Merdeka* or after *Merdeka* on suspicion of being a danger to the country, suspicion that has never been proved since none of them was brought to court. If they were brought to court, the judges simply would have dismissed their cases because there was nothing which gave grounds for their detention. The late Tun Razak answered the opposition parties delegation by saying that it was Barisan policy, endorsed by the people. This position is unacceptable to us. We are very firm on that question that detention without trial is a gross violation of human

rights, and that the Internal Security Act should be repealed. Nobody should be arbitrarily arrested and detained unless he has been properly tried and convicted.

Dr. Tan: Sdr. Kassim, do you direct your policies and programmes to the non-Malays (in particular the Chinese) now that the Labour Party is no longer in existence?

Sdr. Kassim: Yes, we do. We have done that ever since we parted with the Labour Party and ever since we were on our own after the Labour Party broke up. We had no choice but to broaden our perspective to include the other communities, the Chinese, the Indians and the others. But, historically, our party has concentrated on the rural areas, working among the Malays, while the Labour Party concentrated on the non-Malays. We inherited a party whose composition and structure were related to the Malays and to the rural areas. But in our programmes we do not discriminate between the communities. We think that a policy should be drawn up only with the whole society in mind. Of course, we have to stress certain aspects due to the nature of the membership of our Party, certain issues which are seen more as Malay issues. But that is only a temporary focus and is not to constitute the permanent character of our Party.

Dr. Tan: Sdr. Kassim, how do you hope to reconcile the Islamic elements of your programme with the aspirations of the non-Malays? Would that not make you as only another version of PAS?

Sdr. Kassim: Yes, this of course poses a problem which, I think, all parties in our country face due to the multiracial nature of our society. As we are all aware, we still do not have a homogeneous all-inclusive nationalism where in we can appeal to everybody. Each party has still to stress either one of the communities. You have the Barisan Nasional coalition of the various parties and communities that agree on that arrangement and work together. In our case, the Islamic aspect of our policy and programme has of course been dictated by circumstances, but I do not see that as contradictory to the interest of the non-Muslims. I see the Islamic aspect as conforming to a commitment to the struggle for justice and human dignity. I see this as a problem more of explaining the Islamic point of view to the non-Muslims than a real obstacle, as contradictory to their interests.

Dr. Tan: Of course this Islamic plank that you have added to your programme will suit your rural voters but in a mixed multi-religious constituency you may find some difficulty in explaining it to the non-

Malays, particularly the Chinese. What preparations have you made to do so, with the big show coming on very soon?

Sdr. Kassim: Yes, that is true. As I said this poses a problem but our understanding and our approach to this question is of course different from the approach of some other parties which stress on or, let us say, which base their struggle on Islam. Our party is multi-racial I do not think it is impossible for us to make the non-Muslim in this country understand and accept our party's commitment to Islamic principles of justice. Of course, it may pose a problem in the immediate future, especially in this election, but I don't think it is as serious as all that because we are not stressing the Islamic commitment too much. One of the reasons why we have made these changes is to offset the criticisms levelled against us by the Alliance in the past.

Dr. Tan: By the Barisan?

Sdr. Kassim: Yes, by the Barisan. For several years they have been saying that we are anti-Islam and anti-religion because we don't mention that in our constitution or in our programme.

Dr. Tan: Sdr. Kassim, the PSRM has no wealthy backers and it is very weak organizationally. What chance do you have of winning enough seats to form a sizeable opposition let alone win a majority to form a government?

Sdr. Kassim: Yes, that is putting it rather mildly that we don't have wealthy backers. We face great problems of financing our election and building up our organization, apart from other obstacles. But at the same time we can manage with the limited resources that we have and we are able to maintain our organization. We are able to produce our monthly paper which needs quite a lot of money. So it's not all that bad. But of course in this election we need more money and we do have problems. But we always spend the minimum. In the 1974 election, we spent on the average about \$2,000/= or \$3,000/= at the most in each of the federal constituencies while the Barisan spent, I think, upwards of \$60,000/=.

Dr. Tan: Much more than that!

Sdr. Kassim: Much more; you should know better. In this election, as you know, we are going on a limited basis and we hope to win a few seats in Parliament and in some State Assemblies. Our aim is to achieve some representation and strengthen the opposition. Try to build up a strong, effective and responsible opposition. The second point, I think, is a very good point you raised, that is, how

we can visualise the time when we can capture power. Any party worthy of its name wants to capture power. In that respect, I think, in this country, no single party can rule by itself at the federal level; there has to be a coalition of parties as in the case of the Alliance and now the Barisan. So I think on the opposition front, there has to emerge within the next few years a coalition of parties based on a broad minimum programme aimed at bringing about change of a progressive nature. Personally this is how I would like to see things develop. There has to emerge an alternative political coalition to take over from the Barisan and try to solve the many outstanding problems that our country still faces, such as the questions of national unity and racialism, of poverty, of the widening gap between the rich and the poor, uneven development, of corruption. These outstanding major problems have to be resolved within the next decade and I think that it can only be achieved by a change of policy and system – a more progressive policy and political coalition.

Dr. Tan: What are the issues, to your mind, that will determine the outcome of the coming elections?

Sdr. Kassim: I think the Barisan Nasional is going to stress on the "new-look government" reflected by the Mahathir-Musa slogan of a clean, efficient and..."

Dr. Tan: *Bersih, Cekap and Amanah.*

Sdr. Kassim: A clean, efficient and smooth government. I think they will emphasize that and promise continuing capitalist development. But so far as our party is concerned, I think, the main issues would be those of inflation, which places a heavy burden on a substantial section of our people, and the widening gap between the rich and the poor. We would also focus on uneven development. You know you have too much development in the urban areas and not enough in the rural areas, too much development on the material side and not enough on the....

Dr. Tan: Spiritual!

Sdr. Kassim: Spiritual and moral. In concrete terms, you take the issue of education: there are still poor people who cannot afford to send their children up to Secondary School and some even cannot get to the primary stage, not to mention, tertiary education. There are still not enough universities in our country. We can easily do with two more. Then you have the issue of medical care. Of course, you have private institutions where the rich can go to, but in the hospitals you know only too well we haven't got enough hospital

beds, facilities, doctors, and so on. So this reflects the uneven capitalistic development. But the Government, not excluding Dr. Mahathir, is trying to continue with the old approach. They cannot bring about the elimination of uneven development. Then of course you have the issues of corruption which I think, is getting worse in spite of attempts by Mahathir and Musa to rectify the situation. Mahathir in fact admitted that he may not be able to wipe out corruption altogether, he may only attempt to reduce it. This does not sound very inspiring. I would urge him to try to eliminate corruption, at least 75 percent of it within his first 5 years.

Dr. Tan: It is significant that you didn't mention poverty. Don't you think the poor fisherman, the poor farmer and now the poor rubber smallholder are being badly hit by the inflation that we spoke about.

Sdr. Kassim: Yes, you are right, I missed the point. That is a major problem and it is going to be an issue in this election, without doubt.

Dr. Tan: What is your attitude to the Mahathir-Musa Administration? Do you see any common ground between you and them?

Sdr. Kassim: Well, there have been references by certain elements that Mahathir and Musa are socialists, but I think those references are made by their enemies rather than by their friends within the Barisan camp. As I see it, this new administration, as Dr. Mahathir also has stated, has a different style but not a different policy. Their policies of encouraging foreign capital and of upholding the Internal Security Act are major ones over which we differ basically. At the same time, there has been a loosening up of the atmosphere and an ability and desire to accept criticism since they came in. The newspapers are much braver now and they publish articles and news critical of government. The Attorney General's report is a good instance where much dirt has been exposed. Several newspapers carry investigative reports on topics of public importance like hospital administration, medical care, school administration and many other things which the Bar Council described today as "a breath of fresh air". I do not forget, of course, the welcome release of many political detainees recently. This aspect of the new style and the intention to bring about a clean, efficient and smooth government and to try to wipe out corruption are all welcome and have our support. Of course, one has to be careful about an efficient government that is efficient in trampling on the rights of the people! What we want is a good government that will serve the needs of the people and an efficient

government of that sort is most welcome. If it is efficient in continuing a policy which will not benefit the people, then that of course is quite meaningless. Apart from being clean and efficient, the Government should also be thrifty. A lot of money has been wasted on unnecessarily costly buildings and projects.

Dr. Tan: The leaders of the DAP and PSRM have publicly stated that they welcome an election pact or electoral understanding of the Big Three amongst the present parties in opposition in Peninsular Malaysia. As PAS is not in the least interested, what initiative has the PRSM or its leaders taken in this matter?

Sdr. Kassim: Yes, this question of having an opposition pact or electoral understanding in the coming election is an important plank in our policy. I think this is a far cry from the situation, let's say, in 1969 when opposition parties were rather sceptical about having such an understanding or to co-operate together in order to beat the Alliance. Now the situation has much improved, I should think, in that respect and quite a number of opposition parties have realised the necessity of not fighting one another and splitting opposition votes. A study of the election results of 1978 would show that several Parliamentary and State seats were lost to the Barisan because of split opposition votes. So this realisation naturally leads us to adopt a policy that would bring the opposition parties together.

Dr. Tan: Don't you agree that time is very short, bearing in mind that probably the Parliament will be dissolved very soon and the election held before the end of next month, that somebody must take the initiative. It is very well talking about it, but somebody must take the initiative and the PSRM as one of the oldest parties in Malaysia is well suited to take the lead.

Sdr. Kassim: Yes, I wish we could initiate a meeting as easily as we are talking. But there are, as you know, problems with a certain political party, which has its own reasons for fighting shy of such a pact. We are trying our best to bring about this electoral understanding among all opposition parties and we hope we can get it.

Dr. Tan: Yes, if you make a start with an agreement and understanding between PSRM and the DAP that can have an enormous effect on the voters. Mind you, I am talking, of merely an agreement on constituencies that you are going to fight without having to slit each other's throat and not an election pact which is a much more elaborate set-up. In an election pact, you got to agree on a minimum programme. Once you get into that area, you get into trouble very

soon and the discussion is likely to become acrimonious. Hence if you have an electoral understanding and as you yourself have said PSRM is only interested in 4 states - Penang, Pahang, Trengganu and Johore (Correct me if I am wrong) - and then in these States too you are going to fight on a very narrow front it should be very easy to get agreement with the DAP for example.

Sdr. Kassim: Yes, we have no problem actually with the DAP. Firstly, as you know, we are going on a limited basis and there are not many places where we clash with them.

Dr. Tan: You have to adopt a give and take policy!

Sdr. Kassim: As I said, we have no problem with the DAP. What I am worried about is PAS. That actually has been holding us back from officially calling a meeting of the opposition parties.

Dr. Tan: But you know if you do not take the initiative, the PAS will not do it, and the DAP fights shy of it, then the elections will be on and it would be too late then. The time to do it is now. I certainly know it will not be achieved overnight, it will take at least two to three weeks of intensive talks to get an electoral understanding. Leave the people who are not interested, they can come in later. What bothers me is that everybody is fighting shy of taking the initiative and then you are overtaken by events rather than taking the bull by the horns.

Let me now ask you another question. In the past the PRSM has shown that it did not place too much emphasis on election victories. It used to dissipate its strength by contesting in too many States. Now you have announced that PSRM will contest in only four States and these too on a very narrow front. Can you explain this change in strategy?

Sdr. Kassim: Yes, you are right in saying that in the past we were not too....

Dr. Tan: You were more interested in spreading your ideology than in winning elections.

Sdr. Kassim: You mentioned that in your article. I think that is true and we have modified our stand. Our position now is that our main aim is to achieve some representation.

Dr. Tan: You must have a platform be it at State level or better still at Federal level before you can try and spread your views around.

Sdr. Kassim: Our main aim now is to achieve some representation in these bodies and the reason why now we concentrate on a few States is precisely not to dissipate our strength. We want to concen-

trate on these few seats, so as to achieve some victories.

Dr. Tan: At one time PSRM had a following in Kedah and you yourself I think at one time stood in Merbok. Now why do you by-pass it? Now that you have sensibly decided to fight on a very narrow front what do you rate your chances?

Sdr. Kassim: That is true, we have left Kedah out altogether. I wish we could put in some candidates in Kedah but as I have said we want to concentrate now on a few areas so as all our manpower, our resources can be put to use in those areas where we can best achieve victory. Kedah, unfortunately, although we have some organization and manpower there, is not worth at this moment to contest in. As regards to our chances, of course, we shall do our best and I hope we can win some seats.

Dr. Tan: PSRM is fortunate to have the *Kepala Lembu* as a symbol. That is a big advantage as it means that the voters whether Malay, Chinese or Indian, can easily recognise your symbol. I would put it on a par, if not better, with the Rocket as a symbol. Have you been able to exploit the *Kepala Lembu* as a symbol particularly amongst the rural voters?

Sdr. Kassim: Well, I must admit I have not looked at it in those terms. Among a section of the electorate the Barisan, formerly the Alliance, have put some fear for the *Kepala Lembu*, associating it with Confrontation and anti-national elements. But what you say is true, it's a nice and simple symbol, easily recognisable and understood by the people.

INTERVIEW WITH DATUK RAIS YATIM,
18 FEBRUARY 1982

Dr. Tan: Datuk Rais Yatim, your term as *Menteri Besar* of Negeri Sembilan is coming to an end soon. What do you regard as your greatest achievement during the period that you have been in Negeri Sembilan?

Datuk: Tan Sri, now that is a tough question to answer because you stress on the term "greatest achievement". I would like to think that I have contributed something to Negeri Sembilan and the *rakyat* but certainly these are not great achievements by discerning standards. If at all I could consider the following as positive results that I have achieved with my colleagues: the blending of administrative as well as political talents in the state; the creation of a Code of Ethics, called the *Kanun Wakil Rakyat dan Pegawai-Pegawai Kerajaan*, under which political leaders and government servants in the State serve the common purpose of development, and pacifying political squabbles and the creation of a working team. Further, I have tried to develop a cohesive work pattern at grassroot level by having my development meetings at the various district offices. We also go around the State and hold Exco Meetings in all the district offices every other week.

Dr. Tan: By rotation?

Datuk: By rotation and I don't hold them all in Seremban. This way I get the opportunity of working with the District Officers and others

at closer range.

Dr. Tan: Do the people have a sense of participation?

Datuk: Certainly there is this sense of participation and we have sessions where we call on the various departments. A little administrative reshuffle or innovation of this nature certainly helps. We have received very good reaction at the district level and the officers as well as the *Wakil Rakyat* feel that they are part and parcel of the process of government. We have managed to get some results in terms of enhancement of performance and the creation of a sense of belonging through projects in the *Kampung* and *mukim* in the state.

Dr. Tan: Have you achieved greater productivity among the D.O.s?

Datuk: This is certainly the case. After a 3-month experiment in 1978 I began to see results. The *Ketua Kampung* and the *Penghulus* reacted favourably and I got most of the feedback needed. When I received the feedback, I put it to good use. My relationship with the District Officers improved. After that I used to call them early in the morning by phone instead of utilising the normal government memo pad which often involves the State Secretary. This has brought a lot of new vigour into the inner works of the State Government. Subsequently, we brought in a few other things which I think have been quite innovative. For example the enactment of a State Law called The Administration and Development Enactment gives performance a little more push. Under the enactment any directive for development which the *Menteri Besar* gives becomes sort of an Administrative Law. It has the effect of Law and so if the officer concerned does not carry it out then he will be answerable and he will be called by the State Secretary and the Committees concerned. Now, my main aim in doing this was to create a sense of urgency in all things and a sense of participation for the people. For example, in 3 months the land file must come to the Executive Council. If it doesn't come, they must have a valid reason for it. Things like that have been introduced through this Administration and Development Enactment and these have produced very happy results.

Dr. Tan: And has it taken effect?

Datuk: It has taken effect.

Dr. Tan: But files have stagnated not 3 months but 3 years?

Datuk: In some cases a time lag still occurs but this does not happen often. What I am saying is we have been able to utilise this as an instrument to speed things up. I have never said that all the problems have now vanished. There are cases, I think, where the land cases

files are still lying around. We have now an average backlog of 300 in each district - that's an improvement. This enactment has assisted the State Government tremendously to overcome the very tough problem of delays and backlog of land cases. Now files move very much faster. I certainly appreciate the assistance of this new administrative instrument. Politically speaking, I have been able to utilise and honour the contribution of old guards in the State. I meet them quite often. I exchange ideas with veteran politicians and they have given me very favourable feedback of some of the Government ailments as well as the good points. The other thing of course is the introduction of a certain political discipline in UMNO and BN, especially in respect of the annual target of development in the State. Ten committees have been set up under the Enactment to assist me in delivering the goods. They have been able to perform under this enactment officially. These are some of the goods that I believe I have been able to deliver in the State while I have been there for the last 3½ years.

Dr. Tan: What about development? Most States have always asked for far more money than they can actually spend. The Auditor General's Report shows that half the money that they got is not spent.

Datuk: I am quite happy to report that for the 3rd Malaysia Plan we in Negeri have spent 72.3 percent of our 3rd Malaysia budget which stood at over \$900 million. In the last State visit made by the Deputy Prime Minister, Datuk Musa Hitam, he was not totally unhappy with the State's performance. He even assisted us beyond normal bounds. There is a problem though that the projects handled by the federal agencies, over which the State has very little control, normally take a longer period of completion. Federal-State decision handling and implementation process does need a little bit more oiling.

Dr. Tan: But as you know I have interviewed some federal ministers, in particular the Ministers of Education and Works and their problem is land. They got the project but they cannot get off the ground because land is the prerogative of the State and they can't get the State to move, to acquire the land for them.

Datuk: I am quite proud to report that we have minimal problems of this nature in Negeri Sembilan itself. We sensed this as a major problem in 1978. From then on, thanks to the Ministry of Land, land acquisition procedures have been made simple. Now acquisi-

tion files don't have to go to the Executive Council anymore. I believe we have not been doing too boldly here.

Dr. Tan: Datuk Rais Yatim what do you deem to be your greatest failure? Was it the closure of the sugar cane plantation? What are the State run subsidiaries that have been closed down by you? Should they not have been closed down long ago?

Datuk: Again this question Tan Sri is a difficult one to answer. I can't be the judge, jury and prosecutor at the same time. The *rakyat* should do the judging. I merely perform with my colleagues.

Dr. Tan: They will come to judge very soon.

Datuk: Yes, very soon the *rakyat* will give their judgement. I do feel that there are large areas where I could have done better or the Government of the State should have done better. I would have liked to see State and Federal projects reach completion on time. I have not been completely successful in developing all the waste and idle land, a total of about 30,000 acres in Negeri Sembilan; that is a failure if you ask me. We formed committees and task forces. As usual there was a problem of finance.

Dr. Tan: You have committees which exist on paper and have never met.

Datuk: This is the problem of waste land or *tanah terbiar* as we call it; we have come up with a few projects in the last two years. I think it is not due to the lack of money alone or lack of drive by the Government. It is a feeling of the people themselves. There is not a sense of commitment to land in the youth. This contributes substantially to the problem of waste land in Negeri and indeed I believe in other States as well. They can always say, "I will go to Senawang or I will go to Dioh (These are the old industrial sites in Negeri Sembilan)" or "I will go to Felra or Felra". The choice is multifarious, therefore, the father's vacant padi plot is not ploughed and neither is the little *ladang* nearby put to full use. But I personally believe that this is not a segmental failure. This is a national problem. It is something which the whole system should focus in the eighties for our own survival and the resurrection of proper *kampung* values. So this is one area where I feel I have not done sufficiently well.

Now, Tan Sri, the closure of the sugar cane plantation. This is one of those legacies which I inherited when I came back from the Federal Government in 1978; and certainly this was left for me to solve. The project was so big and the amount involved was rather gargantuan, if I may use the word. So the only thing left then was

to face the reality, instead of bleeding the State or the Federal Government further. After consulting the Federal Government I made my move and closed the big Negeri Sembilan Gula project. We reallocated the 17,000-acre estate to FELDA for a sum that would go toward part settlement of a huge debt which is now public knowledge. Now, if that can be regarded as a failure then it is a failure. But to me, for the Government simply to sweep some of the things under the carpet will not be fair. We must tell the people this was a bad project, we couldn't earn profit and if we continued to transfuse blood we would have still bled it to death. So we chose to act the way we did. Sometimes we have to be cruel to be kind.

Dr. Tan: Then you throw money down the drain.

Datuk: The end result isn't exactly that. Through sale of the 17,000 acres of prime land the company got back its dues plus the machinery. Of course, all in all it was a loss. While the Receiver is busy, the State is still understandably nervous. I have closed 14 companies in all.

Dr. Tan: Long before Datuk Musa came to the State?

Datuk: Yes, long before Datuk Musa came to the State and when Datuk Musa came to the State in September 1981 there was nothing else to close. In fact, I closed all of them that needed to be closed; out of 41 subsidiaries we now have only 20. So to that extent I have received some criticism by locals for being too drastic and for being swift in closing some of these projects. One of the things they say is it is easy to close but difficult to create. To this end I replied, it is better that we have a tough system of corporate control and management rather than merely to have the glory of creating new companies. For the past 3½ years, I have only created one company, Syarikat Batu Seriting, dealing in brick production and this has made money for the State Development Corporation.

Dr. Tan: Datuk, one of the reasons as you know of the subsidiaries or State-owned is that the moment you appoint the manager or the general manager, he orders a Mercedes Benz and gets a carpet for his office, when the proper thing would be to get the project going and then if you need these luxuries to get them later. What steps have you taken in that direction?

Datuk: I don't have problem in that context as much as of inadequate management or corporate control and shallow feasibility studies. None of our SEDC subsidiary managers jump up and buy Mercedes or BMWs. They are level-headed enough. The Gula Project, for in-

stance, if only someone earlier had looked into the suitability of the soil alone, we could have saved the situation.

Dr. Tan: Soil!

Datuk: Yes, soil. We could have saved the situation.

Dr. Tan: Datuk, apart from Senawang Estate what other large industrial estates have you planned in Negeri Sembilan? Anyway haven't you considered turning the land abandoned by the Gula Negeri Sembilan into an industrial estate?

Datuk: Good question Tan Sri. We have added to Senawang at least 4 more industrial estates. We are opening up 300 acres for industrial use in Nilai bordering Selangor i.e. to catch the spillover from Bangi and the West Coast. We have opened up one more in Chembong in the District of Rembau; that's about 8 miles from Seremban. We have opened up one more in Jelebu in Simpang Pertang. We are also opening one more in Pantai near Seremban. One important feature of the industrialization programme in Negeri is that in every district we create a small industrial area where all the workshops, the welding and the little repair shops, as well as furniture shops are grouped together. Although this is still in its infancy stage it does tend to be well received. We have done this with the blessing of the Federal Government. We expect to create about 9,000 jobs in the next 5 years through the creation of these new industrial estates. We are also encouraging private developers in Negeri to have well laid out industrial estates.

Dr. Tan: Datuk, you were in federal politics before you were sent to Negeri Sembilan to clean up the mess and confusion, so to speak, that existed there. Why have you not acted against the big "fish" in the State? Have you been successful in your task?

Datuk: I would like to consider that I have done something positive here. If you mean that I should do something to stop certain groups from getting favours most of the time from the State then we have done this; for example, through the distribution of housing land to the co-operatives we have managed to benefit a larger spectrum of society. Now if you consider action against the big "fish" in the manner of the National Bureau of Investigations, then certainly the answer is quite plain. We do not have the legal authority to do this. But I have been able to set up a system whereby favouritism is not to be the order of the day. I have tried to establish a brisk and vigorous administrative system in the State. But as you know, there is still a lot to be done. There are no big tycoons getting favours

from the State. We created our own reasonable system of "cleaning ourselves". We are not ashamed to admit failures if the people are happy with our partial success. Based on the experience of my Thursday session with the public I think I can safely say we are on the right track.

Datuk Tan: Datuk, ironically the first elected *Menteri Besar*, Dr. Mohd Said, had an impeccable reputation and it was widely believed that he was the only non-corrupt *Menteri Besar* in the country at that time. Yet upon retirement, or should I say when he was eased out of office, he was allowed to languish in relative poverty, whilst corrupt *Menters Besar* continued to prosper. What sort of example is UMNO providing to the country? And what has the State Government done to give recognition to the services of Dr. Mohd Said to the State of Negeri Sembilan?

Datuk: Well, the first segment of the question belies a presumption that most *Menters Besar* or Chief Ministers then were corrupt. I am not altogether sure that I would agree with you on this.

Tan Sri: One Prime Minister is reputed to have said, "If I were to be strict with my *Menters Besar* and ease them out of office, there will be very few left!"

Datuk: Well, I will leave it at that. I would like to think Tan Sri, my predecessors have been fair and constructive leaders of the country and I certainly am not qualified to comment on the contemporaries of the eminent Tan Sri Datuk Dr. Mohd Said. In Tan Sri Datuk Dr. Mohd Said I see an example of dedication and honesty and sure-mindedness in doing what he believes. Now he is a close friend of mine. It is not true that he is languishing in relative poverty because apart from the recent assistance the State has given him through the pension scheme, we have gone out of our way to assist him in other ways so as to make his remaining years as comfortable as possible. Suffice for me to say this and not go into details. It is my fervent hope that the country will produce other leaders like him to lead the State and Federal Governments. But this is not easy. Dr. Said came up through a tedious and very exacting system of discipline and his knowledge of the administration is commendable. I myself have learnt a lot from him. In my office there is a picture of Dr. Mohd Said taken by me with my little camera and this is to prove to you that I have learnt a lot from him. He did recount to me his experiences, though reluctantly, in the few conversations we had earlier on in 1978. Now whenever there is a function, I make it a

point to invite him to come over so that he still feels like a State leader and in our list of protocol Dr. Mohd Said is treated as a V.V.I.P. of the State.

Dr. Tan: Datuk, what steps has the State Government taken to develop Port Dickson as a tourist centre?

Datuk: Tan Sri, we have a few problems with tourist development in Port Dickson. Firstly, what confronts us now is the sewerage problem of Port Dickson. The coastal dwellers freely discharge waste into the sea. So we discussed this matter with the Federal Government and it has given a grant of 1 million dollars to make a survey of the sewerage needs of Port Dickson. This has almost reached completion. After the recommendations are implemented I believe we are going to have a better sewerage system for Port Dickson. To me this is important because unless this is done we will not be able to attract international tourists. Secondly, we are going to develop a modern golf course (18 holes) for Port Dickson at the 5th milestone as you approach from Port Dickson Town. We are developing a condominium hotel, complete with recreational and sports facilities.

Dr. Tan: Near the Yacht Club?

Datuk: It is quite near the Club but it is closer to the Military Camp.

Dr. Tan: Army Camp.

Datuk: It will cost about 38 million dollars. This can be the pride of P.D. itself because it has been planned in such a way that it could cater for most of modern tourism needs. We have evolved a policy whereby we do not allow any industrialization to take place near the beach front or relatively close to the beach. Apart from that we have now a land reclamation scheme for Port Dickson in the town itself. This is to cater for some of the more sophisticated infrastructures for a tourist spot. The Federal Government is now sympathetic towards our need to have a convenient highway right up to Port Dickson.

Dr. Tan: All what you have said is very commendable but if a tourist goes there and has to be (even one day) without water, he will pack up the next day.

Datuk: We are now pumping in about 1 million gallons per day extra from Seremban. When our Linggi Phase 3 water project is completed by July 1982 I assure you that the water supply shortage to Port Dickson will be totally overcome.

Dr. Tan: Yes, but apart from water, as you know, there is the perennial question of repeated power failure?

Datuk: The Electricity Department, Tan Sri, is aware of this. Now of course there are many reasons and they are all valid. But the power failure is largely due to over-consumption in the State. I don't blame them really. But the department is aware of this and they are taking action to remedy the situation. I am positive the situation would improve tremendously this year.

Dr. Tan: The other thing is that some of the owners have been alienating land right up to the water's edge e.g. the FELDA building goes right up to the water's edge with the result that the public have no access to the beach. I think that is a very bad example of town planning.

Datuk: That was approved way back in the seventies.

Dr. Tan: I know. The State government should be more careful in alienating land or approving such plans. We must have a beach for the people, the public must be able to move about.

Datuk: The FELDA bungalow lot, I think, was given on the basis of a consideration for Federal-State relationship.

Dr. Tan: No, I think it's wrong, terribly wrong. The building goes right up to the water's edge. You cannot walk there.

Datuk: That part of the beach is now under the care of FELDA but under land law it is still State property. There is another project in P.D. at the 12th mile. The State has stopped that part of the Project which utilises the public beach. The State Government certainly has to act should developers start making use of public beach as their own resort paradise.

Dr. Tan: The beach belongs to everybody and not a select few.

Datuk: True. I forgot to add a new project. It is the creation of a Holiday Village on the 6th milestone. This is to be developed under a joint-venture scheme with Japanese expertise.

Dr. Tan: Datuk, you are identified as one of the new breed of locally trained professionals who want to modernise the Malay people and wish to get the country moving. Do you believe that such a group exists in UMNO and to what extend do you share common values with them?

Datuk: I have been trained professionally locally i.e. Singapore.

Dr. Tan: The same place as the Prime Minister and the Deputy Prime Minister. I was also trained there.

Datuk: I graduated there as a lawyer, although I had some of my education in the U.S. I do believe strongly that UMNO and the Malays should have a robust format for their social development

in the future, both physical as well as mental development. I would like to offer myself to this new breed of technocrats to assist, to speed up this process. I hate delays. I would like to do things quickly and efficiently without too much red tape. But this is all very nice on paper and pleasing to the ear.

Dr. Tan: Easier said than done.

Datuk: Easier said than done. So in my short term as *Mentri Besar* in Negeri Sembilan I have been pushing a lot of things (in fact I have also been termed as the "Mandur" of Seremban). I come in the morning, I call on some of the top officers or their deputies. I even plant trees myself. This is not uncommon, you can ask the Seremban Municipality people. At first they didn't like it very much. But they have got used to it now. One has to push and push hard to get things done. But this is not the best way to instil a sense of love towards one's surrounding, one's town, one's job. So long as we in Malaysia, the Malays or the Chinese or whoever they are, feel there is no sense of urgency, I think we are missing the point. I always urge our State politicians and officers to look for this value and to discard the old value of *Tidak apalah* and *Cukuplah*. They must absorb the new style, the new values, a new approach towards administration, agriculture and government. Now it is not so easy unless the whole infrastructure is imbued with these values and to start with the best place is the government service. I believe in a formal reorganisation of idle youth in the country, those who simply idle along the sleazy back lanes, those who strum guitars in the *kampung* while their folks are at work and those who are simply aimless. These people must be trained and be forced to work. We have a small training centre in P.D. now but that is inadequate.

Dr. Tan: Which part of Port Dickson?

Datuk: In Pasir Panjang, a bit beyond your bungalow, I think. You are welcome to inspect it when it's ready. I am most happy that the Prime Minister and the Deputy Prime Minister are highly motivated leaders. Both of them hold sure-footed views for the future and they know precisely what to do with the Malays in UMNO. I believe that we cannot imbue them with a sense of religion alone. There must be someone at the back to cajole us everyday to pierce through our inertia so that we realise where we are and where we should be. I believe Singapore has done this sheer hard work and I think they have succeeded.

Dr. Tan: But Singapore is too materialistic.

Datuk: I think they are mending that now. But one fact still remains, we in the government must push and prod the people. The Malays and Malaysians should not cry if they are pushed by their leaders for betterment. I appreciate and believe in this and I would like to be part of this catalyst during my short tenure in office. Whether such group of people and leaders exist in UMNO? I have just answered, yes, in the PM and the DPM and in a good number of his government men. I share 100 percent the values as expressed by the Prime Minister, e.g. the sense of dedication held by the Japanese or by the Koreans. Of course we must not do it blindly. We have to adjust it to our society. If one sees a group of youth doing nothing, sitting by the roadside smoking *ganja*, that shows something is wrong with the system; why are they so relaxed, so satisfied, when you have been telling them over and over again that their economy is not good, that they lack all the good things that life has to offer. It's no use telling them that they are wrong. There must be a compelling system to ask them to shed off that kind of disposition and return to reality (work hard) and to get training to do something.

Dr. Tan: At the same time relax as well.

Datuk: Relax by all means but only after hard work. Nothing replaces hard work and the right attitude to work that make up a vibrant society. You must have a sense of survival. I think the Israelites have it, and of course the Japanese and Koreans have it. We must to a certain extent have that sense. That's my belief. In order for the Malays to be at par with others there is no point in depending on constitutional provisions all the time. They must also be able to say "We can do it because we have been trained to do it." The country's present direction will produce this among the Malays.

The Malaysian sense of tolerance must be developed as an integral element of the structure of our society, including the Malays and other Malaysians and throughout the length and breadth of the country. If for one moment any group of Malaysians believe that they can exist unitarily, I think that would be a tragedy. Where do we go from here? It's quite clear, isn't it?

Dr. Tan: Datuk, the recent dispute over the appointment of the *Undang* is reputed to be the results of UMNO power politics and your name has been mentioned as being behind the scenes. Presumably there is also an element of clash between the old and new. My question is: is the breakdown of traditional institutions leading to modernization or will there be a backward looking reaction among the

Malays of Negeri Sembilan?

Datuk: Tan Sri, it is provided in the State constitution of Negeri Sembilan that the Yang di-Pertuan Besar shares his constitutional and monarchical powers with the four *Undangs* and the *Tengku Besar* of Tampin. That is clear. To say that there is a clash between the old and new, to a certain extent, it could be interpreted that way, I would like to regard this as transition period. Now an *Undang*, who is traditionally, an *adat* arbiter in the district or *luak*, I think in modern times should possess certain qualities, one of which is good education. My name has been linked with the appointment of the *Undang* of Jelebu and I have no hesitation in saying that I have given my advice as the *Menteri Besar*, just like when the British gave advice to the Rulers and the *Undangs* of the State. There is a 1934 hand written agreement, in Jawi, to say that where there was a dispute, the British Resident was called in to give advice. I did just that and perhaps in my giving some of this advice the older sections have felt unhappy. They have termed me as "one who comes and meddles with other people's business". But to them I say, I do no more than just advise. The *Adat* set-up, and I must say that the *Adat* is just like any other institution in the country, must move along otherwise it will be left behind. One thing is sure - the State maintains the *Adat* institution by providing proper allowances, the stipend and other perks. The list of *Adat* office bearers in Negeri Sembilan is perhaps longer than you can imagine. Most of them receive pension. Now they must relate their position and their capabilities to the interest of the State. What do they contribute to the State? This has not been objectively answered. The traditionalists maintain that I interfere in their affairs.

Dr. Tan: Datuk, it is mooted that you are to move into the Federal cabinet. Whether or not this happens, what sort of policies do you stand for nationally?

Datuk: Tan Sri, whether I am asked to come back to Kuala Lumpur or not is totally a decision of the Prime Minister. Wherever he puts me, I will be happy to perform. I'll be happy if my political fate has it that I have to put my remaining years of political service at Federal level. I would like to stress that I believe in and I stand for the country's socio-economic and political development. I believe in a well-organized set up of vocational training and opportunities for the young in the country, in fact, compulsory vocational training. Our policies must produce a further reduction in the unemploy-

ment rate of this country. This is one of the things I believe strongly. Further, it is important to develop a cohesive and productive line of government leaders. I would like to be a part of this. My policies would also increase productivity of the rural folks. In our country, I still consider them to be way down the ladder in terms of monthly earnings etc. We must improve their position through land reforms, proper training and practical land utilisation policies. Other than that, I believe we should have leaders who would not hang on to the post merely for the sake of popularity. If you lead, don't be afraid to speak up your inner mind. Glorification alone won't do.

Dr. Tan: Glorifying themselves?

Datuk: Perhaps. Now I would like to pose a question: why has the Chinese community adopted a negative attitude on some aspects of the New Economic Policy?

Dr. Tan: Feeling deprived.

Datuk: I think it is not the feeling of deprivation. They have not been deprived. I think the problem is the way it is presented to them through the mass media. I ask you how many bridges has the Federal government built in the last 5 years, thousands of them. How many of the projects have gone to the Malays. In terms of construction profits they have gained very little. Why don't you say so? Why don't you give the true picture so that this could be explained in its stark truth? Now we construct roads, schools, ports, government complexes and thousands of other infrastructures. The Malays hardly get 30 percent in terms of real profits. The non-*bumiputra* get them and have been getting them. Now if you see the media, day in and day out, the *bumiputras* are presented as receiving all the goodies, all the subsidiaries, all the *lembu pawah* and doing all the little projects; you might get the impression others are not getting anything. In reality other Malaysians are getting their share of the cake too! This must be told. Therefore, my view is that Malaysians would understand and appreciate the policy more if our approach in telling them is revised. I believe in telling both sides of the story. The New Economic Policy is worthy and all Malaysians should support it. We can't make everybody love our policies. That's impossible. But by portraying them realistically I think we will win half the battle.

Dr. Tan: Datuk, would the policies you advocate result in the ending of communal politics by the 1990s or will there be new communal issues to sustain in continuation of communal politics?

Datuk: Communal politics, Tan Sri, I think will go on even until

we are no longer here. But what we should do is we must consciously try, during our daily political existence to respect communal sensitivities. If I say that there will no longer be communal politics in the nineties or by the year 2,000, I think I am not talking sense because basically the communities and the people in Malaysia will always think in communal terms in one way or another. You can't escape from this. But we must decrease this as we go along, we must not funnel into it more fuel of communal insensitivities. To a certain extent, we mustn't blindly condemn a politician if he says one or two things in favour of his own ethnic community in order to be popular in his community. But this should not be at the expense of the cohesive network that we have built. However "nationalistic" a leader or politician becomes in terms of his own ethnic community he must entertain a feeling of being Malaysian. For example, by being basically an UMNO man, I'd like to do all I can for my ethnic community - the Malays. But I also consciously work at it in the context of Malaysian society as a whole.

Dr. Tan: Datuk, I do not know whether you saw a recent series of articles highlighting the relations between UMNO and PAS in the press recently, where the writer said that in one village, an UMNO household has electricity and his immediate neighbour, a PAS household, has no electricity. Now if that can happen as between a Malay and a Malay, it's really frightening to the non-Malays because if a Malay can behave like that to his own kind what chance have I a Chinese or an Indian have? So you see it is things like this that are done by the authorities that are so frightening to the man in the street. He doesn't worry whether it is PAS or UMNO who rules Kelantan or Terengganu but after the elections are over, he would like to hope that everybody is treated alike, that if my neighbour has electricity, I too would like to have it if I can afford it. But if my neighbour has it, I don't have it and I have to live in darkness, it doesn't make sense to me. So you see these are the things that heighten communal tensions.

Datuk: That has happened according to the article in the Pantai Timor?

Dr. Tan: It is very frightening.

Datuk: Well, we are not the direct witnesses to this but if that is the treatment that I may have to go through in the 90s, if I live that long, then I would rather leave now or do something so that such things don't happen. I stand for less and less of communal politics

and not more and more of it - and our constitution has all the safeguards.

Dr. Tan: Can you explain why PAS has not gained a foothold in Negeri Sembilan?

Datuk: Tan Sri, I have seriously looked into this. Because PAS has been so insignificant in Negeri Sembilan at times we tend to ignore it. Of course, they are formidable in Kedah, Kelantan and Terengganu. We have been lucky in Negeri Sembilan. The chance for PAS to have a stronghold here is slim.

Whilst PAS was in the Barisan a seat was given to it in Pasir Panjang, Port Dickson. Today, we have little segments, pockets of PAS influence in Kampong Parit, Kuala Pilah, Serting near Bahau, and Sungei Raya Port Dickson. But that's about it. I believe PAS leaders will field some candidates in the next election in my State. But I can say that their chances are very slim.

We have a system of enlightening the *kampung* folk through religious information services, which I myself have chaired in the State for the past three years. We invite enlightened religious leaders to give talks and *Surau* lectures. The Jabatan Ugama has been doing this work very well indeed. The slightest discontent that we sense among the religious element in any of the States, we rally round and try to utilise the good offices of the Jabatan Ugama Islam. I tend to believe that this has contributed very considerably in creating enlightened Muslims. The other thing that we have done is to reorientate Islamic students coming back from overseas.

Dr. Tan: Are they not enamoured with the fundamentalists?

Datuk: Oh yes, some of them are enamoured by them. But we see them as often as we can to make sure that they are still in line; and those who come back for jobs in the Religious Department they are thoroughly screened. But there are some, I must admit, who have been smitten by the fundamentalist fervour. Their number is small.

VII. Political Parties

"One tragic thing about the development of political parties in this country has been that in practice the government has been more tolerant of narrow communal parties than strongly ideological ones. The government is not very tolerant of groups or parties that take up issues such as imperialism, exploitation and social justice. There seems to be a policy, or at least a tendency, to whitewash the existence of inter-ethnic differences and suppress parties or groups that voice the causes of such differences. The irony is that the very parties that make up the National Front talk about unity on ethnic basis - Malay unity, Chinese unity, and Indian unity. Each government party seems to be competing with its counterpart in the opposition by appealing to the sentiments of their respective ethnic group on communal bases. One wonders whether some of the government parties, or at least some of their leaders, are really committed to government policies on national unity. Being ethnically-based parties themselves, how far can they really be non-communal in their approach?"

Dr. Syed Husin Ali in a discussion with Dr. Tan Chee Khoon,
25 March 1983.



The Star

Tengku Razaleigh Hamzah



Datuk Harun Hj Idris

The Star

UMNO GENERAL ASSEMBLY, 1982

The 33rd General Assembly was due to have taken place in April this year but then the General Elections intervened. With so many UMNO divisional hopefuls flexing their muscles and trying to catch the eyes of the 2Ms, the divisional meetings became too boisterous and rowdy, giving the party a bad image. As a result the meeting of the General Assembly was postponed till after the General Election. Now that the General Election has come and gone, the postponed General Assembly is to be held in the next few days. Pemuda and Wanita UMNO meetings starting tomorrow provide the curtain raiser.

Normally in an off-season election year, the General Assembly of the UMNO is usually a tame affair. But last year the contest for the Vice-Presidency of the UMNO between Musa and Razaleigh, labelled as the Fight of the Century, provided the main excitement. It was a close fight between two evenly matched gladiators. At that time I wrote that in the Byzantine underworld of UMNO politics, much of what goes on does not appear on the surface. In that fight there were no holds barred. Every trick in the book was used and many that were not in the book too were used. Thus there was the usual quota of poison and slanderous letters, character assassination, hard bargaining with the power brokers and even a royal audience thrown in. In the end, Datuk Musa won fairly easily and to-

day he is the Deputy Prime Minister and Minister of Home Affairs and is next in line in the succession. Unlike in ancient times when the Emperor usually turned his thumb down signifying death to the loser, in the case of Tengku Razaleigh, he did not have a sword thrust through his heart but on the contrary from all sides there was a concerted cry that he should stay on his job in the Treasury and remain in the Cabinet. The nation breathed a sigh of relief when he decided to stay on his job but one by one his supporters have been stripped of their power and position and thrown to the wolves. That vendetta has not stopped. It is still going on.

But what is frightening in the present fight for the Presidency of Pemuda UMNO is that when one goes about to canvass for support for Anwar Ibrahim or Suhaimi, the question that is invariably asked is "last year did you support Musa or Razaleigh"? This shows that although that contest has already been over for more than a year the embers of that conflict are still being kept alive. The UMNO Assembly itself this year will most probably be a tame one with perhaps only the role of Datuk Harun Idris casting a shadow over the conference. Now that he is being granted a full pardon on the occasion of the Silver Jubilee of our *Merdeka* it means that he will be able to play a greater role in UMNO politics and it will be difficult for the Prime Minister to keep him out of the Cabinet. If that is done I hope he will not get into Parliament and the Cabinet by the back door via a Senatorship, but will enter boldly, with head held high, through a by-election which I am sure he will win with ease should such a contest be held. I do know that there are precedents of many ministers who have entered Cabinet via the Senate. In the case of Datuk Harun Idris he should not sneak in by the back door if he aims to go far in the Government.

The Wanita and Pemuda UMNO Conferences will be held on Thursday, 9 and 10 September 1982. Then on Saturday 11 September and Sunday, 12 September when the General Assembly will be held.

SUHAIMI KAMARUDDIN

But the show piece of the conference will be the Pemuda UMNO meeting and the central stage will be the challenge to the incumbent President Datuk Hj. Suhaimi Kamaruddin, the son of an ex-Menteri Besar of Terengganu and the nephew of yet another, the former President of the Pemuda UMNO, Datuk Harun Idris. He did his law studies in one of the Inns of Court in London. On his return to

Malaysia he served for a short spell as a Deputy Public Prosecutor. Then he resigned from Government Service and plunged into politics under the tutelage of his uncle Datuk Harun Idris, then Menteri Besar of Selangor. I first met Suhaimi in 1969 when he entered the Selangor State Assembly as a freshman for the constituency of Dengkil. Many a time he and I have clashed. I remembered distinctly the occasion when he made a determined effort to find fault with me for my indirect criticism of royalty. I refused to make an abject apology which was the pound of flesh that the Alliance wanted from me. In fact, I was ready at that time to be expelled from the Selangor State Assembly, which would have made a martyr and hero of me. In the by-election, I reckon, I would have won hands down. However, better sense prevailed amongst the Alliance and they refrained from pursuing the matter and left me alone.

In 1974, Suhaimi contested the federal election and won the seat of Sepang, vacated by Tan Sri Lee Siok Yew. He became the Acting UMNO Youth Leader on the sudden death of Tan Sri Syed Jaafar Albar. In 1978, he defeated Datuk Syed Mahar, then a member of the Dewan Rakyat but now the Menteri Besar of Kedah. Then in 1980, Suhaimi won the contest for the Presidency of the Pemuda UMNO, defeating his uncle, Datuk Harun Idris, then in prison, by 198 votes to 153.

As an incumbent Suhaimi naturally has an advantage over his rivals. In addition he declared his candidacy very much earlier and as such he has been promised support from a large number of divisions, some of which have nominated him. That was when there were no others of prominence in the field. But now that Anwar Ibrahim has declared his candidacy, a large number of divisions have decided to switch sides. Thus where before Suhaimi had the support of a large number of the divisions from Penang, as soon as Anwar Ibrahim announced his candidacy, most if not all of them have switched their support to their favourite son. Suhaimi has the support of some Ministers and Deputy Ministers. His strongest support lies in the State of Johore and Terengganu. But his support has been substantially eroded by the entry of Anwar Ibrahim into the race. More and more divisions have declared their support for Anwar Ibrahim and even the Sepang Division, where Suhaimi is the serving M.P., has asked Suhaimi to withdraw himself from the race. But the race is hotting up as the supporters of both sides criss-cross the country trying to win support for their candidate. And the con-

test threatens to be a minor edition of the fight for the Vice-Presidency of UMNO that took place last year. Poison and libellous letters are floating around and money is being freely spent though on a very much smaller scale. Each division has three delegates and right now they are very important people.

Suhaimi has been abrasive in his style both in his dealings with the other Barisan partners, especially the MCA. This has caused a great deal of unhappiness and uneasiness, both within the Government as well as among the other parties of the Barisan. This explains why he has not been included in the Government while the Deputy President of the Pemuda UMNO, Datuk Mokhtar Hashim, occupies the position of a full minister.

ANWAR IBRAHIM

Anwar Ibrahim comes from a well known UMNO family in Penang. His father, Ibrahim b. Abdul Rahman, was the MP for Seberang Tengah for two terms and ended his parliamentary career as a Parliamentary Secretary in the Ministry of Health. Anwar Ibrahim entered the University of Malaya in 1967 and graduated with a degree in Malay Studies. He was an active student leader and very soon he showed qualities of leadership. He became the President of the Malay Language Society as well as the National Union of Malaysian Muslim Students in 1968. At that time I was a member of the Council of the University of Malaya and used to knock into Anwar Ibrahim now and again. I must say that I was very impressed by him. If I remember rightly he and I used to take part in public forums at the University of Malaya and he impressed me as a speaker with a logical, orderly and incisive mind. After he left the University he became the secretary-general of the Malaysian Youth Council and in 1972 he became its President. Then in 1973, he burst into the international scene when he became one of the select members of the United Nations Advisory Group on Youths.

He soon joined the Angkatan Belia Islam Malaysia and became its president in 1974. He remained the president of ABIM until last year, when he had to relinquish the post on entering the UMNO. He then contested the Permatang Pauh seat as its nominee. He won that seat with ease and was appointed a Deputy Minister without going through the ranks.

What surprised me most was that when he passed out from the University of Malaya, instead of carving out a niche for himself either

in the government service, which seems to be the goal of most university graduates of today, or of joining the private sector, he deliberately chose to sacrifice himself by founding a school for drop outs. It was a rough and heart-breaking job where the remuneration was very poor compared to the lucrative salaries in the government service or the private sector.

I know for a fact that the government made several attempts to entice him with lucrative jobs, including a job with a United Nations agency in Rome with a salary of about US\$3,000/- tax free. It is to his credit that he rejected all these blandishments. I am sure very few young men in this generation could resist such carrots of power and money being dangled before them.

In 1974, Anwar Ibrahim was detained under the ISA for his alleged involvement in a student demonstration over the Baling Hunger Unrest. I visited him while he was under detention and found that he was not bitter over his unjust detention. Later I found out that after a year's detention he turned down an offer for release because he could not agree with certain conditions that the Special Branch had imposed. He was finally released in September 1976 without having to agree to any conditions. In this he showed that he was a man of character and principle and he was in the company of such other detainees as Dr. M.K. Rajakumar and Associate Professor Syed Husin Ali.

In recognition of his contributions to the cause of Islam in this country and internationally he was awarded the *Ullama Iqbal* Centenary Medal by President Zia Ul-Haq of Pakistan in July 1979.

Anwar Ibrahim was an outspoken critic of the Societies (Amendment) Act 1981 and was elected the Chairman of the Co-ordination Committee that was organized to campaign against the Act. In this campaign he and I, together with several other leaders, appeared on the same platform to speak out loud and bold against that Act. I am glad that he made it a condition of his joining the Government that the Act would be amended. And this will be done at the coming Budget Session of the Dewan Rakyat, thanks mainly to Datuk Musa Hitam and Anwar Ibrahim. His role in the campaign against the Societies (Amendment) Act 1981 had thrown him in the company of Malaysians of all races, religions and ages. I am glad that Anwar Ibrahim has gained the trust and confidence of all of them. His appointment as Deputy Minister to the Prime Minister's Department shows that he enjoys the trust and confidence of the Prime

Minister. In this race he is believed to enjoy the support of Dr. Mahathir and the latter has invited him to address the Kedah UMNO Convention. Anwar Ibrahim also reflects the changing mood of the UMNO Youth who are tired and even apprehensive of the abrasiveness of Suhaimi.

But this is not to say that it is all plain sailing for Anwar Ibrahim. He has to overcome the image of a newcomer in UMNO. Against this he has shown that he has gained the trust and confidence of all strata of Malay society. By his behaviour while in prison, he has shown that he will not succumb to threats and hardships. And if in time he rises to the highest office in the land, it will be well deserved.

There has been a suggestion that there should be a public debate between the two main challengers, but unfortunately Suhaimi has rejected it. There is no doubt that if such a debate were held, Anwar Ibrahim will easily come out top. He has been used to such debates while Suhaimi's appearances at such debates have been few and far between.

Anwar Ibrahim's strength lies in Penang, Kedah and Kelantan but as the date for the conference draws nearer he has gathered more strength in some of the other states as well.

To these two challengers and their respective supporters the campaign is a fierce and arduous one. Compared to the General Election, this campaign of more than four weeks is a much tougher one. The General Election by comparison for both of them was a tea party.

The incumbent says that he is a tried and known warrior while the newcomer says that he will bring a breath of fresh air and a stream of new ideas and vigour to the Pemuda UMNO. Their fate will be decided by the delegates tomorrow. But there is no doubt in my mind that when the votes are counted, Anwar Ibrahim will be declared the winner by a comfortable margin.

HAIL THE VICTORS, ANWAR AND AISHAH

And so the curtain has fallen on the 33rd UMNO General Assembly and the victors of the fight for the Pemuda and Wanita UMNO are Anwar and Aishah respectively. All the political pundits in the country had hedged their bets and stated that the fight in both cases would be a close one. If anything they had said by inference that Suhaimi would be the winner. They were right in that the fight in both cases was a close one but they all had picked the wrong winner. On the other hand, I had all along predicted that Anwar would win. Anwar won only by a small margin of votes. He polled 183 votes as against his main opponent Suhaimi who obtained 173 votes. The third contender in the race, Hang Tuah Arshad, was a non-starter right from the beginning and he secured only 3 votes.

The tension in the main hall of the Dewan Bahasa was at knife-edge and when the results were announced pandemonium broke. As I stated before it was a fiercely fought fight with no holds barred. By UMNO standards it was a fairly clean fight and that is what every election should be. Perhaps I am an idealist and should not have been in politics for I have never used nor countenanced foul tactics against my opponents.

Suhaimi in his opening presidential address held out some poison letters purported to be written by him and he denied that he had ever written them. But there was no doubt that poison letters



33rd UMNO General Assembly, 1982

were circulating amongst the delegates, not only amongst the Pemuda UMNO. The gentler sex were supposed to be more decorous and would not resort to hitting below the belt but they too had their share of poison letters and character assassination in the form of booklets! The younger set of today have learnt very fast from their elders in the race for the Vice-Presidency that took place last year. In that election such underhand tactics took place on a much larger scale.

Happily vote buying on a large scale did not occur. True in every election money talks, but the younger set being on the fringes of power did not have the means to buy votes on a large scale. But I gather one delegate from the South did spend quite a substantial sum of money, if not to buy votes outright, at least to influence the voters.

This happens all the time, not just in the Pemuda UMNO elections, but at all elections, branch, divisional, state and national. And not just in Malaysia but all over the world where elections are held. In this election, I know that one delegate made a proposal to one of the candidates that he would swing his delegates behind the candidate if the latter would agree to step down after one term! Of course that offer was rejected out of hand. On another occasion one delegate agreed to support one of the candidates provided the latter would step down and the delegate would step into his shoes. In this the Pemuda UMNO has nothing to learn from the Tammany Hall bosses of New York and they may well teach the experts abroad a lesson or two.

One must remember that this election for the Pemuda UMNO is different from all the previous ones in that all the delegates now are young, most of them born not long before *Merdeka* Day. In the past most of the delegates were elderly and some of the past Presidents of the organization were grandfathers by the time they were elected to that high office! But now that is a thing of the past. Anwar Ibrahim is only 35 and victory for him may mean a long term of office with the result that other young presidential hopefuls cannot afford to wait for Anwar to move out or move up before they have a chance to step into his shoes. This was the strongest card of Suhaimi. He in fact had announced that this would be his last term of office should he be elected. That would have paved the way for the younger presidential hopefuls to scramble for the top seat by 1984. But with an Anwar victory the chances for the others would be bleak, hence a large number of the delegates swung behind Suhaimi.

Party bosses and brokers are part and parcel of modern politics and certainly this is so in Malaysia, especially in a big and powerful party like UMNO. But I gather that Anwar tended not to deal with any of them. He won the elections by appealing directly to the delegates and so he is not beholden to any of the party bosses or brokers. Anwar had a large band of young and dedicated volunteers up and down the country who worked day and night without any monetary reward and who had no hope of reaping any personal rewards for the services rendered.

In every election there are fence-sitters who wait till the last moment before they make up their minds. In the national elections they may number as many as 20 percent of the voters but when the electorate is only 359 and all of them can easily be reached, such people constitute of a small group. Suhaimi in his last presidential address departed from his prepared text and made a thinly veiled personal attack on Anwar and this drew boos from a large number of the delegates. But what was most crucial was that it swung the fence-sitters and uncommitted voters into Anwar's camp and the rest is history. If Suhaimi had stuck to his prepared text and had not made any veiled attack on his main opponent, it is likely that he would still be president today or least the result would be even closer. The following was the result:

Anwar Ibrahim	183
Suhaimi	173
Hang Tuah Arshad	3

For the ten seats in the Executive Committee the results was the following:

Said Taib	266
Ustaz Dasuki	212
Hj. Mohd Khalid Yunus	197
Tamrin Ghaffar	181
Ismail Kamaluddin	167
Mohd. Nazri Abdul Aziz	237
Hussein Mahmud	207
Muhyiddin Yassin	197
Megat Junid	169
Mazlan Idris	167

The new Exco is about evenly shared between Anwar's supporters and those of Suhaimi. But Anwar has the prerogative to appoint five members to the Exco. This will have to be done carefully so that states which are not represented are given representation.

In my article last week I stated that Anwar's strength lay in Penang, Kelantan and Kedah. It turned out that he had the majority support also in Perlis, Negeri Sembilan and Terengganu. The states where the delegates voted 50 - 50 were Selangor, Wilayah Persekutuan, Malacca and Perak. In Perak, where Datuk Harun Idris is fairly strong, it was Harun's supporters who swung behind Anwar. He lost Johore very badly getting less than about 20 percent of the votes. In Pahang he got less than 40 percent of the votes.

The meteoric rise of Anwar Ibrahim barely six months after his reactivation in the ranks of UMNO is fantastic and I am sure he must have rubbed his eyes in disbelief. From being an anti-establishment person, he is today a deputy minister and has rocketed to the Presidency of the Pemuda UMNO. He is obviously destined for higher places both in the party and the government. If he plays his cards well before the end of the century he may well end up as our prime minister. That is if along the way he does not falter and be seduced by power or get too big for his boots. But his strong foundation in Islam will I am sure enable him to withstand all the buffettings that are sure to come his way.

I must confess that his early career caused me and many others like me some concern, particularly in the issues of language and Islam. But as I got to know him better I found that he is a moderate on most issues. He realises that any government in pluralistic Malaysia must take into consideration the hopes and needs of the non-*bumiputras* as well and that unless this is done you cannot forge a united Malaysian nation. The 2M Administration has already started this process but the non-*bumiputras* look for new evidence of non-racial approach to the problems facing our country.

His involvement in the protest movement against the Societies (Amendment) Act, 1981 has thrown him in the company of non-*bumiputras* and they have readily accepted his leadership.

The wind of change has blown through the ranks of the Pemuda UMNO and very soon I hope it will affect the youth of other component parties of the Barisan Nasional as well. Anwar in his post-election speech has already stated he will get the youth of even non-

Barisan Nasional youth groups to participate in the development of youth activities in this country. In his task he is eminently well qualified as he has serviced as secretary-general and later president of the Malaysian Youth Council. And of course he has been on the other side of the political fence so that he knows and understands the opposition far better than anyone in the government. What I like most about Anwar is his non-racial approach towards most of the problems facing the country. And the non-Muslims of this country need not have any qualms about Anwar on the matter of religion. I have invited him to talk to Christian groups, even after he joined Government, and his audience has been reassured by his moderation. I expect there will be a cabinet reshuffle towards the end of the year or early next year and the newly elected president of the Pemuda UMNO will have to move up. Datuk Harun Idris too might be brought into the cabinet. Syabas Anwar Ibrahim.

While the Pemuda UMNO conference stole the thunder one must not forget that *pari passu* the Wanita UMNO too were holding their own elections. The contest was just as intense and the result just as close as their male counterpart. Here the incumbent Aishah Ghani retained her post by 154 votes as against the 137 votes obtained by her nearest rival, Zaleha. Marina Yusoff brought up the rear with 69 votes. For the post of Deputy-President, Rafidah Aziz won a runaway victory with 250 votes as against the 111 votes obtained by her challenger Rahmah Othman. Aishah Ghani had announced that this was to be her last term, and this together with the 69 votes siphoned off by Marina Yusoff, undoubtedly brought her the coveted prize.

One of the issues hotly debated by the Wanita UMNO was their under-representation in state and federal legislatures. The world over women have been under-represented in the legislatures. In Malaysia this is more so and is a relic of colonial rule when the legislature was the bastion of male chauvinism. In Malaysia this is most unjust because at every election in the case of UMNO it is the Wanita UMNO which pulls in the voters, especially the women voters to the polling booth. And look at their paltry representation at both state and federal levels. No wonder the Wanita UMNO is both frustrated and angry at this display of male chauvinism. And if this continues they will be more and more vocal until they get their just share.

The President of UMNO in a long, hard-hitting and wide-ranging speech touched on several subjects of importance — on religion,

Look East, opportunists within the party and the proper management of public enterprises which have been sprouting out in the last few years. I am particularly gratified by the way he slammed hard at those who used their position in UMNO to harp continuously at the Freemasons in this country. I want to make it clear that I am not a Freemason, for probably I am not respectable enough for them. But I do know that some of my good friends, some of whom hold high government office, are members but they are not at all guilty of the sins heaped on them by some of the bogeymen within UMNO.

And so another chapter of the UMNO has come to a close and the country can go back to work with the assurance that there is a leader who will be able and willing to lead the nation for the rest of the century - Anwar Ibrahim.

UMNO GENERAL ASSEMBLY, 1983

The UMNO Assembly has come to be an important event in the Malaysian calendar. The newspapers of our country had been full of the Assembly for days before it was due. After the blood and thunder of the fight for the deputy presidency in 1981 this year's general assembly is a tame one but the fight for next year's battles has already started and the opposing forces have started marshalling their troops at branch, divisional and state levels.

The curtain raiser was provided by the meeting of Pemuda UMNO and Wanita UMNO which were held at the Dewan Bahasa dan Pustaka and opened by the Deputy President of UMNO, Datuk Musa Hitam. He called on the second echelon of the UMNO leaders to understand the spirit of Malay nationalism in the context of Islam. He spoke at length on Islamization and stressed that its spread should not cause anxiety and misunderstanding amongst other races in this country. He called on the delegates to understand the nature of UMNO's struggle, based on nationalism, particularly Malay nationalism.

Anwar Ibrahim, the President of Pemuda UMNO in confirmity with his style of leadership eschewed any confrontation with the government or with the leaders of the party and did not raise any emotive issues which in the past would send the heart rate of the leaders of other political parties racing away. There is no doubt that

Anwar's new style of leadership which also takes into account the feelings and hopes of other races has found favour not only with the rank and file of the Pemuda UMNO but also with the leaders of other component parties of the Barisan Nasional.

The Wanita UMNO President, Datin Paduka Aishah Ghani, on the other hand, accused political opportunists in the party of using money to buy political influence. Wanita UMNO, she said, should also regard as a challenge the lack of women leaders at branch and divisional levels.

The Assembly proper started the next day at Kuala Lumpur Hilton. The highlight of the session was undoubtedly the presidential address. In a 90-minute hard-hitting speech, the President, Datuk Seri Dr. Mahathir Mohamad hit out at rumour-mongers and writers of poison-pen letters. By now the country is used to the spectacle of Datuk Seri Dr. Mahathir Mohamad speaking straight from the shoulder and calling a spade a spade. He accused the rumour-mongers of wanting to wreck the team of M and M and resorting to character assassination and not sparing the Prime Minister himself. In the last few minutes of his long speech he called on the delegates to keep the team by saying that Datuk Musa and he worked effectively together. He also warned the "lieutenants who are pre-occupied with campaigning, that their positions in government are not too secure, so be careful". His open espousal of the cause of Datuk Musa stunned a good many of the delegates who had not been prepared for such partisanship and had expected the president to stay above the din of battle by remaining neutral at least.

As soon as the speech was over, the delegates were agog and gathered in small groups to discuss the President's speech. I am sure Dr. Mahathir Mohamad himself must have sensed it and the astute politician that he is he must have been prepared for it. The next day when the presidential address was debated it was plain that most of the UMNO delegates were no respecter of persons. The high office of President of UMNO or of Prime Minister of Malaysia does not give him immunity from being bashed about by the delegates. Indeed as Dr. Mahathir Mohamad himself pointed out "delegates at UMNO general assemblies had always bashed at their leadership". This to me is a very healthy sign that the UMNO leaders are not treated as sacrosanct by the rank and file that they can question the doings of their leaders and there is room for dissent. But it baffles me as an observer that the very leaders who had allowed so much

dissent at the UMNO General Assembly allow so little room for dissent to the population at large when they act in their capacities as government leaders.

To come back to the attacks on Dr. Mahathir's speech, criticism came thick and fast when the presidential address was opened for debate. Some of the delegates went straight to the point without beating about the bush, while others perhaps more urbane and suave couched their speeches in long-winded comments and yet others resorted to *pantuns* to express their points.

The representative of the UMNO Club in Great Britain, Wan Adnan Idris criticised Dr. Mahathir Mohamad for his public endorsement of Datuk Musa. He said that the Prime Minister's behaviour was unbecoming of a party president. He should not have taken sides and should have acted wisely so as not to hurt the feelings of either party to the struggle for leadership. He lamented that government ministers often have no time to meet Malaysian students when they visit London.

But the man who stole the day was the middle-aged school teacher from Kedah, Hj. Ibrahim Ahmad, who by his wit and actions had all the delegates, including president Dr. Mahathir Mohamad and his deputy Datuk Musa Hitam, roaring with laughter. But it was not all buffoonery on his part, in the course of evoking laughter he also drove home his points. This reminds me of Hashim Gerai of PAS who in his brief spell as MP would often burst into *pantuns* that would have the whole House smiling if not roaring with laughter. It was fortunate that the Chairman allowed Hj. Ibrahim Ahmad to speak on for a full half an hour instead of restricting him to six minutes that had been allowed to each speaker.

An UMNO Youth leader, Mohamad Fahmi Ibrahim of Selangor, called for the issue of "lieutenants and generals" to be taken seriously as their activities could threaten party unity.

The next day was the time for the party leaders to reply. Although Dr. Mahathir Mohamad likes to be open, direct and blunt, I have a suspicion that he was taken aback by the very vehemence of the reply to the blunt warning he had issued to the rank and file of the delegates. Dr. Mahathir Mohamad wanted to make it clear that attacking Datuk Musa would mean going against the 'team spirit', going against Dr. Mahathir Mohamad himself. Although no names were mentioned, it is clear to all the delegates who the barbs were directed against, the lieutenants of Tengku Razaleigh Hamzah. From now

onwards the campaign for the UMNO elections of 1984 is on. In his reply, Dr. Mahathir Mohamad said that he had to speak bluntly because the attacks against Datuk Musa Hitam were poisoning the working relationship between the team of M and M and that the unseen foes were using slander and character assassination to split his administration. He stressed that he had to make his remarks directly "because not only is that my style but also I am concerned that my name will be used to split the team. I said it to you because you are the delegates and I want to see your reactions. You can also judge for yourselves whether I am sincere in what I say or not." In his anxiety to justify his actions he had to look to the West for inspiration for he had to look to the bard of the Avon, William Shakespeare whom he paraphrased when he stated: "It is not that I love Mahathir less but that I love UMNO more." He also stated that an UMNO General Assembly is an open forum and anyone can speak openly whatever he wants. "The day that UMNO members only listen to what their leaders say and are not brave enough to voice their opinions will be the day that you can write off UMNO." I agree entirely with what Dr. Mahathir Mohamad has stated about the need to speak boldly and bluntly at such conferences, especially political conferences. All too often delegates beat about the bush and do not come to the point directly. I will admit that it takes some courage to stand up and attack the president of the party who is also concurrently the prime minister of the country. After all the sycophants in the party will regard any attack on the party president as *le'se majeste'*.

Apart from the heated debate on the president's speech the General Assembly also revealed a good many titbits. It was Datuk Musa Hitam, the Deputy Prime Minister, who revealed that there are about 42,000 Malaysian studying overseas on government scholarships. He added that "the maximum fees for a varsity student in the United States is \$10,000/-. Therefore we spend a total of \$420/- million annually." This we must remember is for fees alone. The all in cost may well be more than double that figure. Overseas students cost the taxpayers of this country more than \$1/- billion annually. That is a very hefty bill to pay and one that this country can ill afford especially in this time of deep recession. The total bill for the five universities in this country amounted to less than half a billion dollars, about equal to what we spend on Malaysian studying abroad on government scholarships. As such how much

longer can we afford such extravagance the humble taxpayer is entitled to ask?

The 34th UMNO General Assembly has come and gone but although the curtain has fallen the politicking will go on despite the warning by Dr. Mahathir Mohamad. I guess it will go on until the UMNO elections for 1984 are over. Meanwhile things will cool down a little, if nothing else the contestants and their followers are exhausted by the hard work of the last few months. But after that the politicking will pick up again and will be renewed with great intensity. The reason for this is a simple one. The prize is a glittering one - control of the party and of the destiny of the nation goes to the eventual winner.

DISUNITY WITHIN THE MALAYSIAN INDIAN CONGRESS AGAIN

In the months after the surrender of the Japanese on 15 August 1945, Malaya was in a ferment politically. The British had imposed Mac-Michael Treaties on the Sultans and this was not acceptable to the Malays. In the agitation that followed was born UMNO which was first led by the late Datuk Onn Jaafar. The Chinese too were in ferment. They had been in the forefront of the fight against the Japanese and had suffered the most from the brutality of the Japanese. At the end of the war, the Malayan Peoples' Anti-Japanese Army were a formidable force and they were not prepared to go back to the status quo ante that prevailed before World War II reached our shores on 8 December 1941. In order to counter the communist influence of the MPAJA, the MCA was formed. In the case of the Indians in Malaya they were the most motivated in the fight against the British *Raj*. Even in the early years of the 20th century, the Indian Congress led by such giants like Gandhi, the Nehrus, Patel etc., fought for freedom until this was achieved in 1947.

The Indians who lived in Malaya were naturally affected by the events in India and so it was that the Malayan Indian Congress was formed in 1946 in Kuala Lumpur. It was first led by John Thivy who later joined the Indian Foreign Service and I believe later served as the Indian Ambassador in Rome.

But before I go on with the story of the MIC and its disunity,

let me complete the round up of the political scene in the late forties. There was the Malayan Nationalist Party, many of whose members had taken part in the struggle against the Japanese. Alas, most of them have faded from the political scene and many too have passed away. To mention but a few, they included such names like Dr. Burhanudin of the PMIP, Ibrahim Yacob who went over to Indonesia and Datuk Ahmad Boestaman of Party Rakyat. Because of the extreme stand, the MNP took in the fight against colonialism, it was soon banned and many of its members gravitated to UMNO, PMIP, Party Rakyat etc. The last of the parties to be formed in the late forties was the Labour Party of Malaya. It was formed by a group of trade unionists, mainly government servants and derived much of its inspiration from the Fabian Society in Britain. It was the first attempt at multi-racial politics and in the early fifties, after the formation of Party Rakyat, it formed a coalition called the Socialist Front - then the only effective non-communal opposition to the British Government and later to the Alliance after it was formed after the first Kuala Lumpur Municipal elections.

This then was the political scene in Malaya at the time that the MIC was formed. We in Malaya talk of the Indians as if they are a homogenous people. They are not. They are riven by race, religion, caste, customs and culture. Today India has a population of 800 million and its problems of race, religion and caste to an outsider like me seem to make it ungovernable. Added to all these problems it seems that nature is against the sub-continent; long periods of drought have been disastrous for her agriculture.

In Peninsular Malaysia when we talk of an Indian, we immediately think of the Tamil from Tamil Nadu. Although they form the bulk of Indians in this country, they are not the only ones. There are Sikhs (often mistakenly called Bengalis by the Chinese), Bengalis (both from West Bengal and Bangladesh), Malayalees, Telugus, Sri Lanka Tamils, and those from some of the northern Indian States like Uttar Pradesh, Bihar, Haryana etc. With such a multiplicity of racial groups following different faiths and speaking different tongues, it is no wonder that a meeting of the MIC sometimes ends in confusion with chairs being thrown about and fisticuffs thrown in. A real Tower of Babel often results.

John Thivy was followed by Booth Singh who was a railway employee with high socialist inclinations. Then early in 1950, Ramanathan Devouy served as president only for a short time. He

was followed by K.L. Devasar in 1952. He started life as a teacher and qualified at one of the Inns of Courts. He was well over six feet tall and had socialist views which he was not afraid to express. He was a nominated member of the old Federal Legislative Council but by the time the first general election was held, he had been elbowed out of the leadership of the MIC by V.T. Sambanthan (later Tun). I got to know K.L. Devasar well for after he lost the leadership of the MIC, he joined the Labour Party. By then he had passed his peak but he was still very outspoken and held on to his socialist views. I never understood why he failed to be nominated to contest the first general elections. He was from the Punjab whilst the rest of the party was dominated by the South Indians, the Tamils. It was K.L. Devasar who brought the MIC into the Alliance. He was succeeded by V.T. Sambanthan and Tan Sri M. Manickavasagam, both of whom have passed away. The former carried on a running battle with K.L. Devasar until Devasar left the MIC to join the Labour Party.

Sambanthan's greatest legacy to the MIC is the National Land Finance Co-operative Society which was started in the early sixties to prevent fragmentation of the estates. If that had happened the worst victims would have been the estate workers most of whom were of Indian origin and to make things worse, many of them were not citizens. This was to become an issue of great importance after May 1969 when red identity card holders were displaced from their jobs and many of them were repatriated back to India. Tun V.T. Sambanthan bought the estates fairly cheap and today they are worth many times their purchase value. Under Tan Sri M. Manickavasagam, who took over in 1973, the MIC prospered. I believe he got an extra Parliamentary seat for the MIC, from three to four, as well as some additional seats in the States. He also attracted a number of professionals and civil servants into the party. Two outstanding examples of such new leaders are S. Subramaniam and Datuk K. Pathmanaban. But Tan Sri M. Manickavasagam was an ailing man by 1976 and had a by-pass done in London, but all the same he contested the general election of 1978. He won by a handsome margin but soon after he passed away of a massive heart attack. If he had not contested the 1978 election as I had advised him when he visited me in hospital, he may well be alive today.

Datuk Samy Vellu succeeded to the presidency in 1979 after a great tussle with S. Subramaniam which nearly tore the vitals of the party

apart. When I interviewed Datuk Samy Vellu in July 1981, I pointed out to him the internecine warfare amongst the MIC members at their branch elections which sometimes ended in chairs being thrown about. It had made the MIC a laughing stock to the UMNO and the MCA, not to mention the other opposition parties. The delegates conference of that year had threatened to be not only a boisterous but a riotous affair as well. He promised me that he would take steps to defuse the situation and the subsequent delegates conference took place in Penang without any hitch or signs of violence. Prior to that the two main contenders for the presidency had agreed to bury the hatchet and had smoked the pipe of peace. The post of president went to Datuk Samy Vellu and that of the deputy presidency went to S. Subramaniam without a contest and the whole election was a model of decorum and propriety. Nothing could be more peaceful at that meeting. And for a period peace reigned in the MIC which must have been a relief both to the leadership and to the rank of file as well.

Then suddenly, to a non-MIC observer like me at least, out of the blue at the beginning of the year Datuk Samy Vellu accused a vice-president of the MIC, V. Govindaraj of action prejudicial to the party and using his presidential powers he suspended not only V. Govindaraj from the party but some of his followers as well. The action of the president was ratified by the Central Working Committee. But V. Govindaraj was still not satisfied as he filed *ex parte* injunction against the action of Datuk Samy Vellu. This was granted by the High Court Judge, Mr. Justice Shaik Daud Hj. Ismail. Datuk Samy Vellu was not satisfied so he filed a petition to have the *ex parte* interim injunction removed in the High Court. At the hearing of the injunction on Saturday 28 May 1983, Mr. Justice Shaik Daud Hj. Ismail reversed his earlier decision and so it was back to square one for V. Govindaraj. He appealed to the Federal Court and had the High Court decision reversed. This suspension of V. Govindaraj and his court action has raised a great deal of controversy amongst the MIC members. Many of his supporters have raised their voice of protest and many of the foes of the MIC had rubbed their hands with glee. Now I see that V. Govindaraj has virtually been expelled from the MIC and this will exacerbate the situation still further. If V. Govindaraj is expelled his followers may well follow him into the wilderness. Hence I do hope that sanity will prevail amongst the leadership and that this issue will be peacefully settled.

The MIC unlike the MCA does not have challengers for political power to represent the Indians in this country. The MCA has from time to time been challenged as the representative of the Chinese by the Gerakan, the PPP, the DAP and the Labour Party. The MIC is fortunate in that it is unchallenged by any other organization claiming to represent the Indians. However, as I have related it has been riddled from time to time by internal squabbles which at times have broken out into open warfare and ended in a court of law. This has sapped at its strength so that it has not done much to solve the problems facing the Indian community in this country.

The problems facing the Indian community have been well known to both the leadership and the rank and file of the MIC and I wish to reiterate again that the leadership fights have left the MIC so weakened that little has been done to alleviate the sufferings of the poor amongst the Indians. The main problems that beset the Indians in this country are education, economics and employment.

In education the Indians have lagged far behind the other two major communities in this country, namely the Malays and the Chinese. About 90 percent of the Indians drop out of school before they reach Form III although there is automatic promotion up to that level. As far back as a decade ago, the Murad Report had pointed out the high drop out rate amongst the Indians and had suggested that small Tamil Primary Schools should be grouped together into bigger and more viable schools. But this had not been followed presumably because the leaders were too busy quarrelling amongst themselves. Now the MIC has purchased Vanto Academy in Petaling Jaya with Dr. I. Loudesamy as director. It is doing a good job. But surely the MIC should start at the bottom, the primary schools, otherwise the stream of candidates for Vanto Academy and for our universities will dry up. The most urgent task facing the Indian Community is to group the small primary schools and improve the quality of education for the young kids.

Economically the Indians in this country are the poorest except for *Orang Asli*. Their share of the corporate sector is at a standstill - 1% which was what they possessed in 1970 whereas the *bumiputra* share has increased from 4 percent to 12 percent and the Chinese from 33 percent to 40 percent. The corporate share capital is expected to increase to \$75/- billion by 1990, only 7 years away. If the Indian share is to be increased to 6 percent, its investment in the corporate sector has to be increased from \$260/- million to

4.5 billion per year. Indian share capital will have to increase at the stupendous rate of \$550 million per year for the rest of the eighties. That is an impossible target. To maintain their share of 1 percent of the corporate wealth will require an increase of \$50 million per year and I do not see that sort of increase is possible either. The MIC has sponsored co-operatives such as Nesa and Koperasi Pekerja Jaya. It has also some smaller business ventures and a unit trust but they are piffling when compared to such giants as the Multi-Purpose Holdings. The Indians depend mainly on the government to help them out while the Chinese go about quietly with their capital accretion with hardly any help from the government.

It is said that the Indians are slipping behind the other racial groups in the rush for jobs and were it not for the National Union of Plantation Workers, the Indians would be worse off than they are at present. The NUPW has ventured into business as well but these by and large have been dismal failures. It has maintained a hostel in Kuala Lumpur for estate children and has given them scholarships and loans. But unfortunately when these estate children graduate, many of them do not repay their loans nor do they do their bit to help the underprivileged Indians.

There does not seem to be an end to the litany of troubles in the MIC ever since the formation of the party. The squabbles between the leaders, the quarrels at branch level, the fisticuffs and other acts of violence, the court actions and now the expulsion of a sitting Member of Parliament - all these are bound to weaken the MIC, or any other party for that matter. It was said that Nero fiddled while Rome burned. The downtrodden masses amongst the Indian community look towards their political leaders to lead them out of the economic morass they are in, improve their standard of education and find jobs for the vast numbers of unemployed Indians. Let the leaders stop their quarrels in pursuit of their personal advantages and their internecine warfare and get down to the job of improving the livelihood of the Indian masses. As a non-Indian observer, it saddens me to see that all this is happening to the Indian community.

VIII. Elections

"In normal times one does not see Information Department vans, especially in the rural areas, but come a by-election they suddenly spring to life and are very active and lively. They put up cinema shows and hold talks trying to entice the country yokels to see their shows which are straight forward picture shows praising the efforts of the government. In their talks also they praise the government and the ruling party and urge the voters to vote for them. If the by-election is held in a predominantly Chinese area, the officers manning the information vans forget about the importance of Bahasa Malaysia and hold their talks in the Chinese dialect used by the local people. Thus, if the voters are mainly Hokkien, the officers speak Hokkien...

"*Ceramahs* are a recent feature of electioneering in Malaysia. They were introduced after the May Tragedy as a precautionary measure to prevent disturbances during an election campaign. Prior to that open rallies were allowed and there were few disturbances. This was so because there were severe restrictions placed on open rallies. One had to obtain a police permit to hold a rally. The time and place and even the number of people attending the rally had to be stated. So also the names of the speakers and woe betide the party that tried to slip in an unregistered speaker. He was hustled off the stage at once by the Special Branch Officer who was present and who possessed a list of speakers. In addition the rallies were all taped and these tapes were used in court against those who infringed the law. The general election of 1969 was the last occasion when rallies were permitted.

"The conditions attached to the holding of rallies before 1969 are now applied to the *Ceramahs* of today. *Ceramahs* are of course a handicap to opposition parties. The buildings can only hold smaller crowds and very often it is difficult for opposition parties to rent big buildings for obvious reasons - the owners are liable to be victimised for lending the hall or home to the opposition. Such victimisation is not a figment of imagination on my part."

Dr. Tan Chee Khoon, 28 December 1983.

BATTLE FOR BANDAR RAUB

On 25 April 1983, the state assemblyman for Bandar Raub, Tan Liew Thong passed away and this set in motion another big fight between the MCA and the DAP. Bearing in mind that the MCA after their sweeping victory over the DAP in the General Election of 1982, especially in the Kinta Valley in Perak, had to work extra hard to maintain that position. On the surface of things they should have an easy task, for last year the late Tan Liew Thong had won with a good majority of 1819 votes. Besides, the Barisan Nasional in Pahang, as in Perlis and Johore, have often made a clean sweep of all the seats, both state and federal. In both 1959 and 1964, the Alliance swept all before them in Pahang and the opposition did not have a "look see".

But in 1969, the year of the opposition, the opposition parties managed to break the defences of the Alliance. The first election result announced that night was Tanah Rata and it was won by the Gerakan candidate, Wong Lok Hoi, then in the opposition. The PSRM won two constituencies in that election, one in Tanah Puteh by S. Sivasubramaniam and the other in Ulu Kuantan by Dzulkifli b. Ismail. It is a sad commentary on politics in Malaysia that all the three successful candidates in Pahang were detained soon after their election victories.

Wong Lok Hoi was detained for a while but when he rejoined

the MCA (he had been a member of the MCA previously), he was released! In 1974 he contested the same seat under the banner of the Barisan Nasional and won it uncontested. But in 1978, when he was not chosen by the Barisan Nasional, he contested as an independent and lost and has now faded into history. His chequered career shows that in Malaysian politics one's respectability depends on one's political hue. Being in the opposition, he was detained and kept company with common criminals in Pudu Jail but the moment he re-joined the Alliance, he became respectable and not only was his freedom restored but he was allowed to take his seat in the state assembly!

S. Sivasubramaniam, a lawyer, who like his colleague Dzulkipli was detained under the Internal Security Act, has been a leader of the legal profession and is today the Chairman of the Bar Council, one of the very few to be elected to that august post outside of Kuala Lumpur, and certainly the first from Kuantan. He subsequently contested in Bandar Kuantan in 1974 and 1978 but lost on both occasions. He has now left the PSRM because of its emphasis on Islam.

Last year, the Barisan Nasional stronghold in Pahang was breached once again, for the DAP won the state constituency of Triang. There is a New Village there and it has always been anti-establishment. I remember that in the late fifties and sixties the Socialist Front had a strong branch there but we were not strong enough to get into the state assembly. But last year, Lim Ong Hang from the DAP won at Triang and until yesterday he was the lone voice of the opposition in Pahang. Now he has a companion and a seconder in the person of Lip Tuck Chee of Bandar Raub.

Since the general election of 1959, Bandar Raub has been a MCA stronghold as can be seen from the results given below:

1959	Chua Yong Guan (Alliance)	1883 votes
	Abu Bakar b. Mohd Resat (SF)	1412 votes
1964	Ng Keat Ling (Alliance)	2934 votes
	Saw Chooi Lye (SF)	1966 votes
1969	Dr. Loke Kwok Kheong (Alliance)	3421 votes
	Cheong Hoy Chey (IND)	1866 votes
1974	Dr. Loke Kwok Kheong (BN)	4031 votes
	Tan Sai San (DAP)	2900 votes

1978	Tan Liew Thong (BN)	5385 votes
	Wan Sai Kai (DAP)	3105 votes
1982	Tan Liew Thong (BN)	5385 votes
	Lip Tuck Chee (DAP)	3566 votes

From the above it can be seen that both the MCA and the Barisan Nasional can usually be sure that they would be able to retain the seat with ease. They had won the seat with comfortable margins in the past and there did not seem to be anything on the horizon to upset their confidence. Did they not say that they had finished the DAP in last year's general election when in Bandar Raub itself they won by the comfortable margin of 1819 votes? What did they have to fear this time? Such over-confidence and complacency are always dangerous particularly when you are facing a tenacious party like the DAP. Very often it is a prelude to a big fall as has happened to the MCA in Bandar Raub this time. No ruling party must take the trust of the electorate for granted. The trust and confidence of the electorate must be earned all the time by deeds and not by words alone. The current MP for Raub, of which Bandar Raub is a part, Dr. Tan Tiong Hong now admits that his party had perhaps neglected some of the New Villages that abound in Bandar Raub. But he hastened to add that he was not to blame as he had been in office as MP for only about a year and so did not have the time to make improvements in the constituency.

The constituency is not as small as its name suggests. It extends as far west as the Pahang part of Fraser's Hill. Besides the town itself, it comprises six New Villages namely Kampung Sempalit (3179 votes), Kg. Bukit Koman (2301), Kg. Sg. Lui (1487), Tras (897), Chitang (485), Sang Lee (432) and Fraser's Hill (354). The total electorate is 13,378 and the racial break down is as follows: Chinese 9553, Malays 2588, Indians 1196 and others 92. With the predominance of the Chinese, Bandar Raub can be said to be a Chinese constituency hence the great effort by both the MCA and the DAP to prove their Chineseness during the campaign.

The DAP had no difficulty in picking their candidate, Lip Tuck Chee. He had been their candidate in 1982 and had lost to the late Tan Liew Thong by 1819 votes. Prior to that he had stood in Bandar Bentong in 1978 and lost there too. This was his third try for elective office and this time he has been successful. He is 39 years

old and is a graduate of Taichung College of Technology, Taiwan. He was trained in mechanical engineering and after working for 9 years in that profession he turned to insurance. He is now the manager of the United Insurance Agency, Bentong and consultant for the AIA Insurance Company in Kuala Lumpur. He told me he would shift from Bentong to Raub and be a full-time politician if he should win.

The MCA candidate is Chua Hun Kim, a new-comer to politics but an old hand in business as he runs a cigarette and milk distributing agency. He is the president of the Chinese Chamber of Commerce of Raub and is said to be in his late sixties. He is a millionaire and is considered as the personal choice of the Acting President of the MCA, Dr. Neo Yee Pan. If that is so, it shows poor judgement on the part of Dr. Neo Yee Pan and the MCA. In this country at 60 or more one should be getting out of active politics. And to pick a millionaire in a constituency noted for its poverty is to court trouble from one's opponent. When I was in Raub, I did make an attempt to meet the MCA candidate but failed to do so. But I did meet Lip Tuck Chee and he struck me as a lively and determined person.

As in all elections in this country, the opposition got off to a quick start. This was necessary as their resources are limited and scarce and only by hard and quick work can they hope to set the lead and maintain it until the home stretch. In this case the DAP got their banners and posters on the streets right from the start. On the first day itself they had their *ceramahs* going. The MCA got off to a slow start but they soon caught up with the DAP and soon the constituency was plastered and festooned with the red and blue of the DAP and the blue and white of the Barisan Nasional. I have taken part and seen most of the elections in this country since the Kuala Lumpur Municipal elections in 1954, but never have I seen so many banners, posters etc. as those that were displayed by both sides in Kampung Sempalit when I visited Raub on June 1983. The cartoons surpassed anything else that I had seen before. I had also visited some of the Malay areas. They were not so well decorated and there was much less activity as compared to what was happening in the town and the New Villages.

Both sides brought their big guns and I suppose Raub has not seen so many VIPs before nor will they be seen in such numbers in future. For the Barisan Nasional the most important VIP was the

Menteri Besar, Datuk Mohd. Najib Tun Razak, who spent almost a week in Raub. He declared the opening of an Industrial Estate for Raub and announced that he would soon be giving out 300 land titles to the residents of Bukit Koman and Kg. Sg. Lui. He also announced that the assessment levied by the Raub District Council would be reduced from 25 to 15 percent. It is a pity that the government always finds time during a by-election to make such handouts. The cynical amongst the voters may well pray for one such by-election so that there may be handouts for the voters! Not to be outdone, Dr. Neo Yee Pan, in his capacity as Minister of Housing and Local Government announced a packet of goodies to keep the voters happy.

The DAP appointed Lau Duk Kee as Director of Operations and what little I saw of his work, he did a good job of it. The DAP *ceramahs* were always very well attended, overflowing to the road and beyond. The MCA *ceramah* that I passed by on the night of 1 June 1983 could hardly fill the house while about 100 yards away the DAP *ceramah* was filled to capacity and spilt on to the road. I will readily admit that crowds at rallies and *ceramahs* are not true indications of the support of the voters. I shall give one example. In the general election of 1964, Lee Kuan Yew of the PAP drew huge crowds wherever he spoke. In the *padang* before Sulaiman Court, he drew the biggest crowds that Kuala Lumpur had ever seen or is likely to see in future but his candidate lost his deposit in Batu! Besides it is well known that the ruling party often charter buses to bring rural folks to the city to swell their crowds. However, as it turned out the crowds at the *ceramahs* of the DAP were a true indication of the support of the people, especially in the New Villages.

The DAP had one trump card in the person of Pang Foot Sang of Jinjang North. He had supported me in 1964 and 1969 and his songs in Hakka known as "San Kor" drew large crowds. The Hakkas of Kg. Koman, Kg. Sempalit and Kg. Sg. Lui had not heard such songs before and they lapped up what Pang Foot Sang sang.

Dr. Tan Tiong Hong barged into the DAP *ceramah* on the night of 22 May 1983. He sat listening to Lim Kit Siang over one hour. He wanted to speak but he did not have form E and the crowd did not allow him. On the way out he alleged he was pushed into a drain. He had no business to be in a DAP *ceramah*. As a result he said that he tore the ligament of his right knee. As a medical man, he should know that the proper treatment of such an injury is to put

the knee in a plaster of paris cast and rest for six weeks at least. But he did not do so and instead was up and about the next day and in less than a week, he threw away the use of the walking stick. His limp gave the DAP cartoonists a field day and added to the discomfiture of the MCA.

The verdict of the people was as follows:-

Lip Tuck Chee	5719 votes
Chua Hun Kim	3873 votes
Total votes cast	9741 (percent of total - 72.8)

The high percentage of the people who went to cast their votes speaks well for the good sense of the people of Raub and the hard work put in by both the DAP and the Barisan Nasional. The DAP has breached the defences of the Barisan Nasional in Raub and it is up to them to work hard and deliver the goods or else come 1987, they will be dumped as has happened to the MCA now.

BY-ELECTIONS

In a parliamentary democracy where elections are held regularly, by-elections are inevitable. They are usually caused by death, resignation or crossing of floor. In this country the ruling party takes a great deal of trouble to screen its candidates to ensure that they can last the whole five-year term once they are elected. Thus one year they sent to me a prospective candidate, an elderly doctor, for a thorough medical examination, including an electro-cardiograph which unfortunately showed some evidence of heart trouble in the past. The candidate was not selected and as it turned out quite rightly as not long after the general election he passed away of a heart attack. The opposition parties have no such problems. Their members are usually young and their candidates tend to be usually below 50 years. I know that opposition MPs like Dr. Chen Man Hin and Chan Kok Kit are well over 50 years but they form a tiny minority.

In normal times one does not see Information Department vans, especially in the rural areas, but come a by-election they suddenly spring to life and are very active and lively. They put up cinema shows and hold talks trying to entice the country yokels to see their shows which are straight forward picture shows praising the efforts of the government. In their talks also they praise the government and the ruling party and urge the voters to vote for them. If the by-election is held in a predominantly Chinese area, the officers manning the

information vans forget about the importance of Bahasa Malaysia and hold their talks in the Chinese dialect used by the local people. Thus, if the voters are mainly Hokkien, the officers speak Hokkien. I do not blame these officers, they must communicate with the voters in the language that they know and understand. But why must the Department of Information be an extension of the ruling party? That there must be a vast difference between the ruling party and the government, the Department of Information does not seem to understand or does not want to know. They seem to regard themselves as employees of UMNO or MCA.

The cynic may well say that only when the state assemblyman or MP of the ruling party passes away and a by-election is held that the people of that constituency can hope that something will be done for them. Thus when a by-election is held, all the VIPs from both the ruling party and the opposition flock to the constituency under contest and make all sorts of promises to the voters. The recent by-election in Seremban is a case in point. From the Deputy Prime Minister downwards they all descended on Seremban. They even spread the news that the Prime Minister himself would turn up in Seremban, but as he had his hands full with the crisis with the rulers, he did not turn up as promised. This was a big let-down for the Barisan Nasional supporters as it denied them of their biggest drawing card. The by-election may be held in an out of the way corner of the state where normal life is quiet and placid for the rural dwellers. But when a vacancy occurs, usually through the death of the incumbent, the whole constituency springs to life. Party VIPs including ministers, deputy ministers and other political bigwigs, begin to visit the district. These dignitaries probably may not have visited the constituency in the past. The village people who in the past probably had never met a VIP now have them visiting their homes and being very solicitous about their welfare! All because the incumbent state assemblyman MP had passed away!

After the nomination the battle begins in earnest when posters, flags and banners sprout all over the villages and along the highways and byways as well. Then the party workers begin to descend on the bewildered humble rural folk-like locusts. Overnight the humble rural dwellers have become VIPs in their own right! Never in their humble life in the past have so much attention been paid to them. Their needs in the village are examined under a microscope and there are offers of help from all quarters, particularly from the ruling party.

Naturally no opposition party in this country can match the offers of development made by the ruling party but what the opposition can offer and also implement is to voice the needs of the people in either the state assembly or the Dewan Rakyat as the case may be. But in a country with a genuine two-party system of government where the opposition party of today can be the ruling party of tomorrow the opposition can often match the offers of development by the ruling party. Often the promises made in the heat of battle are forgotten after victory is won. This leaves the simple villagers disillusioned and angry and cynicism against politicians sets in. They are often regarded as crooks and sharks.

Ceramahs are a recent feature of electioneering in Malaysia. They were introduced after the May 13 Tragedy as a precautionary measure to prevent disturbances during an election campaign. Prior to that open rallies were allowed and there were few disturbances. This was so because there were severe restrictions placed on open rallies. One had to obtain a police permit to hold a rally. The time and place and even the number of people attending the rally had to be stated. So also the names of the speakers and woe betide the party that tried to slip in an unregistered speaker. He was hustled off the stage at once by the Special Branch Officer who was present and who possessed a list of speakers. In addition the rallies were all taped and these tapes were used in court against those who infringed the law. The general election of 1969 was the last occasion when rallies were permitted.

The conditions attached to the holding of rallies before 1969 are now applied to the *ceramahs* of today. *Ceramahs* are of course a handicap to opposition parties. The buildings can only hold smaller crowds and very often it is difficult for opposition parties to rent big buildings for obvious reasons – the owners are liable to be victimized for lending the hall or home to the opposition. Such victimization is not a figment of imagination on my part. I remember in one election I borrowed several lorries to help me on polling day. These lorries were marked down by the MCA and a few weeks later the licences of these lorries were cancelled. This shows how vicious the ruling party can be. After that I found it was impossible for me to borrow lorries for election purposes. Subsequently my friends would rather make a donation to the party than lend me their cars or lorries.

To come back to the subject of *ceramahs* it is a well known fact

that whenever the BN holds a *ceramah* early in the afternoon it sends out cars and buses to ferry people to attend it. That is the only way they can get large crowds but most of these people are "foreigners" with no working right in the constituency concerned. Notwithstanding the use of cars and buses to ferry people to their *ceramahs*, it is a well known fact that opposition *ceramahs* draw bigger crowds. This is partly because they usually provide better speakers who are more daring and the crowds lap up what opposition leaders have to say.

By-elections usually cost more than general elections. A glance at the expenditure involved in two by-elections namely Bandar Raub and Seremban will prove my point. My estimate is that for every dollar that the opposition party spends the ruling party has to spend ten dollars. This is because the BN does everything on a lavish scale and has to pay for every job that is done. Amongst the opposition parties they often have to subsist below the poverty line and have to cut their clothes according to the cloth that is available. Besides all their workers are either party workers or volunteers and all are not paid for the work that they do.

Experience elsewhere shows that the ruling party usually come out the loser in by-elections. This is because being the ruling party their mistakes are well known and documented whereas the opposition is liable to make fewer mistakes. But in Malaysia, this experience does not hold good. Let us look at the by-elections that have been held since the general election of 1982. I believe I am right in saying that the UMNO has won every by-election in Malay majority areas. On the other hand, in Chinese majority constituencies, the MCA has lost three by-elections in succession by large majorities. They are Kepayang, Bandar Raub and the latest is Seremban.

The latest UMNO victory was in Rungkup near Bagan Datuk in Perak. The UMNO candidate was plainly the better of the two candidates and he won comfortably. On the other hand, in Seremban the MCA could not find a male candidate to match Dr. Chen Man Hin and had to use the strategem of putting up a female candidate and depend on the inclination of women voters to vote for their kind. In this they have failed dismally although I must say that for a beginner in politics Ms Rosie Teh did put up a good show against the veteran Dr. Chen Man Hin.

THE BATTLE FOR SEREMBAN

In June this year, Dr. Lee San Choon resigned from the Cabinet and later in October he followed it up by giving up his parliamentary seat in Seremban. This has precipitated a by-election for the Seremban constituency. Polling day will be on 19 November 1983. The DAP as expected put up its Chairman, Dr. Chen Man Hin, as candidate for the by-election. The MCA chose Ms Rosie Teh Lee Beng, aged 39. Ms Rosie Teh Lee Beng thus becomes the second Malaysian Chinese woman to stand on the MCA ticket for the Dewan Rakyat. The first being Datin Paduka Rosemary Chong, the wife of Dr. Chong Yew Chong.

In the last general election held in April 1982 there had been a titanic struggle between two evenly matched gladiators and in the end Datuk Lee San Choon won by the narrow margin of 845 votes out of an electorate of 60,769 voters. This time the electorate has risen marginally to 60,893 voters, made up of Chinese 37,704, Malays 13,421, Indians 945 and others 321. Seremban mostly has voted opposition. In 1955 it returned Mr Lim Kee Siong of the Alliance; in 1959, because of the split in the MCA, the seat went to Mr. Chin See Yin, an independent; in 1964, it returned Mr. Quek Kai Dong of the Alliance; but during the next three elections, in 1969, 1974 and 1978 it returned Dr. Chen Man Hin of the DAP. And last year saw the titanic fight between the Chairman of the DAP, Dr. Chen

Man Hin, and the Chairman of the MCA, Datuk Lee San Choon, and as I have stated before Datuk Lee San Choon won after a hard and close fight by 845 votes.

This time the MCA has chosen a lady, Ms Rosie Teh Lee Beng to be its candidate. The cynic and unkind might say that Ms Rosie has been made a scapegoat by the party and has been thrown to the lion, and in case the MCA loses it will have a ready excuse for the defeat. I have talked to both Dr. Chen Man Hin and Ms Rosie Teh and I can say without fear of contradiction that nothing can be further from truth. Ms Rosie Teh despite her gentle demeanour is as hard as nails and whilst Dr. Chen Man Hin has experience and political savvy, Ms Rosie Teh has youth and fire in her belly and is hungry for political power and office. Having served three terms both as Member of Parliament and State Assemblyman in the same area, Dr. Chen Man Hin is of course well known to a large section of the electorate.

Ms Rosie Teh on the other hand is short on experience and is not so well known but she is no push-over nor is she a novice. She has served 18 months as a member of the Majlis Perbandaran Seremban and apparently she has created a good impression there. She also works in the MCA Service Center and these two jobs bring her into contact with the people of the town. The work she has done both as member of the MCA Service Center and as a member of the MPs will be remembered by those whom she has helped. On the other hand, Dr. Chen Man Hin as a successful general practitioner for more than a quarter of a century in the heart of Seremban town must have treated thousands of families and so left a fund of goodwill amongst the voters of Seremban. Ms Rosie Teh has youth on her side and as is to be expected she has worked indefatigably since the campaign started on 3 November 1983. She plans to visit all the houses in the constituency and hopes to meet as many of the voters as possible. Being younger and vigorous she can stand the pace much better than her opponent.

Obviously having adopted a woman as a candidate, the MCA has gone all out to try and win over the female voters. To this end they have engaged the women in the constituency in as many female activities as possible. Thus they have cooking and tailoring classes. In this way they hope to win over the female voters. The DAP too are aware of the importance of the female vote.

In Seremban, I met one of my friends and helpers from my old

constituency of Kepong who was helping in the DAP campaign. She had helped me in 1964 when she was in her late teens. She and I together with yet another girl walked through the whole of Jinjang New Village. We visited each and every house in Jinjang and I am indeed very grateful for the help I received from the two young girls then. Today nearly two decades later Liew Kwee Mooi, one of the two girls, is helping Dr. Tan Seng Giaw and has campaigned with him all over the country.

To come back to the MCA candidates, Ms Rosic Teh Lee Beng. She is the proud mother of three boys and she had her tertiary education at the University of Malaya where she graduated in 1967. She is an arts graduate in History and Geography. There too she met her husband, Chan Kok Weng who graduated in Agriculture in 1968. Soon after they were married and her husband is now working as a research chemist with Guthrie Oil Palm Division in Chemerah near Sepang. He has taken leave to help his wife. He works flat out for his wife and his role is that of the Chief of Operations for the campaign. He is obviously very proud of his wife and will be prouder still if she should get elected as MP come 19 November 1983. When I first met them at Hotel Ria at Seremban for lunch, we found that we were both Methodists and as such we had many common fields. I found Ms Rosic Teh to be friendly, honest, trim, with a mission to help the poor and down-trodden masses of this country. Her sympathy for the underdog she attributed to the influence of her late mother, Mdm. Tan Long Giok. She is obviously an uncut diamond and if she does not win this round, she will be able to win in later tries and then I hope she will be of service to the poor and needy of our society.

With regard to Dr. Chen Man Hin, he joined the King Edward VII College of Medicine much later than I did. He graduated in the early fifties and has practised in Seremban ever since. When the DAP was formed, Dr. Chen Man Hin was elected its first president and in 1969 he was elected MP for Seremban Timor and State Assemblyman for Rahang. He was re-elected in 1974 and 1978 but lost to Datuk Lee San Choon in 1982. While serving as MP and State Assemblyman he took time off to study successfully for Member of the College of General Practitioners. This is no mean achievement for the busy general practitioner and politician as well.

The formal campaign started after Nomination Day on 3 November 1983 and as usual the opposition, the DAP, got off to

a brisk start. In fact as soon as Datuk Lee San Choon announced his intention to resign as an MP both sides had begun their preparations. The DAP had begun their preparations even earlier, for as soon as Datuk Lee San Choon resigned from the Cabinet they knew that a by-election would come soon and started preparing for it. They had another advantage. They had only one candidate in mind - Dr. Chen Man Hin. Other names were thrown up as a smoke screen to keep the MCA guessing. The MCA fortunately had a crop of new leaders and had no difficulty in choosing their candidate. They had two doctors Dr. Chong and Dr. Gan and a lawyer Wong Seng Chow and three ladies vying to be picked as candidate. Finally the choice settled for Ms Rosie Teh and all the competitors rallied round her instead of sulking like Achilles in his tent. This is a new and promising development in the MCA which being a big party is often difficult to control. The selection of a candidate has often proved to be a difficult task for the party; in this case it was very easy and left no bitterness in the mouth of those not selected. And the unsuccessful competitors are helping in the campaign. I met one of them, Dr. Chong, the obstetrician and gynaecologist at the Chinese Maternity Hospital, Seremban. Dr. Chong and Ms Rosie Teh would go on house to house visits together and should they come across any of Dr. Chong's patients, he would tell the mother to put her trust in Rosie. This to a certain extent would offset the big advantage that Dr. Chen Man Hin has in this area.

The town of Seremban has assumed a carnival air with posters and cloth banners strung across streets and every empty space and lamp post is plastered with the red rocket of the DAP and the deep blue *dacing* of the Barisan Nasional. In this poster war the DAP also has been off to a good headstart. On 5 November 1983 when I drove to Port Dickson, at the junction of the Seremban Highway, we saw strings of DAP posters and the same too was the case at the entrance to Membau New Village. Then in the New Village itself the DAP had on display several big rockets. The ruling party are always late starters in the poster war. But by the time I went back to Seremban three days later to interview the candidates, the MCA had already caught up with the DAP and the deep blue *dacing* posters of the Barisan Nasional could be seen everywhere. The poster war is most intense in the New Villages which have been converted into fairylands of posters by both parties and cartoons by the DAP. Never had I seen such dense displays of posters, not even in the recent Raub

by-election. Both sides have scheduled 2-3 *ceramahs* every night and they have decided to bring in their big guns from outside of the state. The DAP have called for reinforcements of state assemblymen and other leaders from Penang, Perak, Pahang, Selangor and Johore. Sdr. Lim Kit Siang has been stationed in Seremban ever since Nomination Day. The DAP has formed task forces of Malay and Tamil members to penetrate Malay and Indian areas. The MCA have brought their Ministers to help and of course they have the *Menteri Besar* on the spot and he is in a position to distribute largesse to the voters. Then there is Datuk K. Pathmanaban, MIC leader in Negeri Sembilan, whose constituency is Telok Kemiang. Both the PM and the deputy PM have helped out. Seremban has not seen such a big congregation of VIPs and probably never will in the future.

There are very few big issues at stake. The MCA is obviously being embarrassed by the absence of Datuk Lee San Choon to help in the campaign. At the beginning he stated he would help out if his help was needed but later he said that he would not be present. The MCA president, Dr. Neo Yee Pan, and the candidate Ms Rosie Teh Lee Beng have repeatedly stated that Datuk Lee San Choon is not an issue in the by-election but this is wishful thinking on the part of the MCA for the DAP bangs away at this issue at every *ceramah* and at every opportunity. It is the job of the MCA to refute the charges of the DAP. Just by saying that it does not exist will not wipe it away from the minds of the voters! The MCA say that being part of the Barisan Nasional they are able to deliver the goods. They point out to the development that has taken place since April last year. The DAP claim that their *ceramahs* are well attended and the MCA has made the same claim. The MCA has been careful not to make the silly mistake of a deputy minister being pushed down a drain.

The DAP are confident of victory and so are the MCA. It promises to be a battle royal and the result may turn out to be yet another cliffhanger!

VICTORY AT SEREMBAN

On Saturday, 19 November 1983, the DAP won an impressive victory over the MCA at Seremban. Since the last general election in April 1982, the DAP has triumphed over the MCA at Kepyang where the MCA did not know what hit them, followed by Bandar Raub and now the victory at Seremban. At the general election when Datuk Lee San Choon won the cliffhanger at Seremban, the MCA proclaimed, rather prematurely I think, that they had established the right to represent the Malaysian Chinese. Since then they have lost three by-elections in the Chinese areas, one after another and that claim now certainly has a hollow ring. After Seremban, the MCA will find it difficult to win in a by-election where the electorate has a Chinese majority.

The by-election was held because the incumbent Datuk Lee San Choon, first resigned as cabinet minister and later of Parliament. He placed the party in a quandary, for how was the party to explain his resignation both as cabinet minister and as MP? To make matters worse for the party, at the time of his resignation as an MP, he declared that he would help out in the by-election if his services were needed. Later he stated that he would not go to Seremban to help out. This mistake was compounded by the MCA leaders, including the Acting President, Dr. Neo Yee Pan, who stated that Datuk Lee San Choon's resignation should not be made an issue

in the election. This was a very foolish attitude to adopt, burying one's head in the sand, especially during an election. Merely stating that it should not be an election issue did not mean that it would be put away as an election issue. This was wishful thinking on the part of experienced politicians who should know better.

Of course the foolish mistake of the MCA was godsend to the DAP who went to town over it. At every *ceramah* and house visit, the DAP stressed on the absence of Datuk Lee San Choon from the by-election and called upon the people to demand an explanation from the MCA. It culminated in the mock public "trial" of Datuk Lee San Choon held by the DAP. It was left to a non-Chinese to try and explain the resignation of Datuk Lee San Choon to the voters. Datuk Musa Hitam, during his visit to Seremban on 14 November 1983, explained that Datuk Lee San Choon had served as an MP for 24 years, since 1959, and hence is entitled to a rest and besides he wanted to give younger members of the MCA a chance to take over. That was a weak answer but at least it was an attempt to answer the DAP but why did it have to come from the UMNO? The DAP through their cartoons, slogans and *ceramahs* extracted every ounce of propaganda from this issue, right from the very start and rightly so. To me this was one cause for the MCA debacle at Seremban.

One other issue exploited by the DAP was the BMF scandal. This issue contributed to the defeat of the MCA. Here again the MCA chose to remain silent at the beginning and it was only towards the end of the campaign that they made haste to reply to the attacks made by the DAP. By then it was too late - the voters had probably got it fixed in their minds that the MCA had again no answers to the charges made by the DAP. The DAP went to the extent of printing a booklet on the BMF scandal and sold it to the voters. They pursued this issue very vigorously and extracted every ounce of propaganda out of them.

In all my years in politics, never have I seen a more intensive poster war between two opponents. Here as usual the opposition got off to an early start but a few days later the MCA started in earnest and the deep blue *dacing* of the Barisan Nasional appeared everywhere. The whole town took on a carnival air and was festooned with strings of posters of party symbols and of the candidates as well. Cloth banners were strung across streets and between lamp posts and trees. In the town and in the new villages, every empty space was pasted over with posters of the candidates so that everywhere

you travelled in the town and the new villages you could see the smiling faces of Ms Rosie Teh and Dr. Chen Man Hin.

Both sides brought their big guns from outside the state. The BN had their big guns in Seremban, the biggest name on the spot being the *Menteri Besar*. Being the local boss he made the big mistake of making an issue of the development of Seremban. He warned that development would come to an end should Dr. Chen Man Hin be elected. Such bullying tactics are always wasted as he antagonised the voters. They cannot be coerced into voting for the government and any form of threat or bribery is wasted on them. Thus in my former constituency of Batu, later named Kepong, the voters have voted anti-government five out of six general elections. In Seremban they have voted four out of six times for the opposition and this time in a by-election they have voted opposition again. To come back to the subject of development, I am surprised that almost every minister or deputy minister who went to Seremban warned that should Seremban vote opposition it would be deprived of development. I am surprised that none of them stopped to think that such bullying tactics could be counter-productive. Against this the DAP countered that *Menters Besar* come and go and so does the Barisan Nasional Government but Seremban would go on living till the end of time. The money for development comes from the pockets of the voters of Seremban and not from the pockets of ministers or deputy ministers or even of the *menteri besar* and hence it is entitled to development whichever party represents the constituency in parliament. The Barisan Nasional must always remember that such bullying tactics like withdrawal of development can be counter-productive and will be resented by the voters.

I myself do not think that the MCA made a mistake in giving the Wanita MCA a chance to field a candidate. I also do not think that they did wrong in fielding Ms Rosie Teh as a candidate for Seremban. I myself support the choice of a woman as a candidate. I say that there are far too few of them in the Dewan Rakyat and in the state assemblies throughout the country. In some states they are not represented at all in the state assemblies although about half the voters of this country are women. In the case of the Wanita MCA far too few of them have been picked to stand as candidates in the national elections. To come back to the case of Ms Rosie Teh, I do not see anything wrong with her candidature except her lack of experience. But she has to make a start sometime and a baptism of

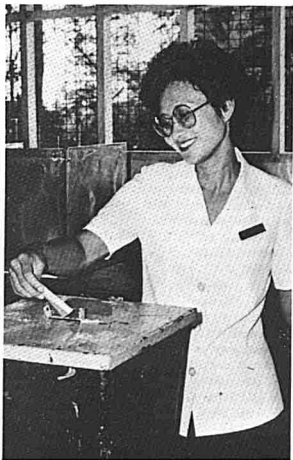
fire against a giant of the stature of Dr. Chen Man Hin is as good a start as any for her to make her debut. Voices have been raised that a male with more experience and greater stature than Ms Rosie Teh would have stood a better chance against Dr. Chen Man Hin. I do not agree. I say that any male candidate that the MCA had picked against Dr. Chen Man Hin would also have lost, perhaps by a wider margin. At least Ms Rosie Teh has no skeletons in the cupboard!! But I must confess that I had over-rated Ms Rosie Teh. I had written that the contest may well be another cliffhanger. In that assessment I was wrong. The non-Chinese voters who number more than 22,854 are more conservative than I thought and they were not quite ready to accept a woman as their MP. Thus at Ampangan Polling Station which has more than 7000 voters, most of whom are Malays, the turnout was rather poor. So was the turnout of Sungei Ujong. The voters did not go to vote as had been expected. Ms Rosie Teh should not be discouraged by her defeat. Failures are the pillars of success. As an ex-teacher, Ms Rosie Teh should be familiar with the story of King Bruce and the spider and if she perseveres I am confident one day she will be a Member of Parliament.

Officially the fight was billed as between the Barisan and the DAP but in effect it was the Old Alliance Party namely the UMNO, MCA and MIC against DAP. Some of the other partners of the Barisan although they had branches in Seremban did not lend a helping hand. That does not speak well for Barisan unity and this lesson was not lost on the opponents of the Barisan.

The counting started at about 8 p.m. and the results were announced by about 12.50 p.m. the next day. I gather the MCA ministers and deputy ministers left the hall, one after another, long before the results were announced. The margin of victory of 6393 votes meant that by about 11 p.m. the result was clear and that was probably the reason why the MCA leaders left early leaving Ms Rosie Teh to carry the baby. It was a very poor show on the part of the MCA leadership and such conduct does not inspire loyalty to the party. The party leaders should not think of their own comfort or discomfort and should stick with their rank and file to sweat it out for the party. It was left to the MIC deputy minister, Datuk Pathmanaban, to remain with Ms Rosie Teh right to the very end. Shame on the MCA leadership. I do hope that the MCA leaders will show a better example should such an occasion arise in future.

At Seremban in this by-election the DAP took on the whole might

of the Barisan Nasional and won. The latter had no excuse for their defeat. The DAP gave more than they received and showed that money, influence and threats *per se* cannot win elections. After Kepayang, Bandar Raub and now Seremban, they can now face any by-election in a Chinese majority constituency, confident that they can repeat their triad of victories. They can go to Sarawak with their heads high and their banners flying again. And the SUPP had better not be complacent but prepare to fight tooth and nail against the DAP in Sarawak.



The Star

Rosie Teh casting her vote



The Star

Datuk Amar Patinggi
Hj Abdul Taib
Mahmud



Chen Man Hin

The Star

THE SARAWAK ELECTIONS

Early in November 1983 the long awaited announcement of the dissolution of the Council Negeri of Sarawak was made by the Governor of Sarawak, Tun Tan Sri Datuk Amar Patinggi Hj. Abdul Rahman Yacob, and tomorrow is the nomination day with polling day being on 28 and 29 December 1983. Eight urban areas will go to the polls on the first day and the rest of the state will have their polling on two days. It is rather unusual for the election to be held in December, it being the rainy season. Usually it is held in September in order to avoid the rains which may cause floods. In the past, floods have often disrupted the voting on polling day.

Another feature of the Sarawak election is that three weeks have been allocated for the campaign. The reason for the late dissolution of the Council Negeri was to enable the Chief Minister Datuk Amar Patinggi Hj. Abdul Taib Mahmud to try to bring about some form of peace or at least an electoral understanding between Sarawak National Party and its break away, Party Bangsa Dayak Sarawak. But the Chief Minister has failed dismally in this task and the parties are still at each other's throat and it looks like there will be a fight to death between the two.

Sarawak has had a chequered political history since it joined Malaysia. It had an indirect form of representation to the Council Negeri and on joining Malaysia this was extended to its representa-

tion in the Dewan Rakyat. As is common to newly independent countries the people were new to politics and so there was a multiplicity of parties representing both the *bumiputras* and non-*bumiputras*. The ruling party at the time of independence of Sarawak was SNAP with Datuk Stephen Kalong Ningkan as its Chief Minister. But he soon fell foul of the centre and in a quiet palace revolution he was replaced by Encik Tawisli, another Iban. Ningkan sought redress in the high court and bounced back as Chief Minister. The Federal Government then amended the Constitution to enable the Governor of a state to ask the Chief Minister to hold a meeting of the state assembly. And soon Ningkan was once again ousted.

Waiting in the wings was Encik Abdul Rahman Yacob as he then was. He had a remarkable and meteoric career in politics both at state and federal levels having been both a Federal Minister and Chief Minister of Sarawak. Today he is Tun Tan Sri Datuk Amar Patinggi Hj. Abdul Rahman Yacob, Governor of Sarawak. He merged the *bumiputra* parties, Party Bumiputra and Party Pesaka Sarawak, under the banner of Parti Pesaka Bumiputra Bersatu (PPBB), naturally with him as head of the party. In 1970 for the first time direct elections were held for both the 24 federal and 48 state seats. For the 48 state seats there were 221 candidates and the results were the following: Sarawak Alliance - 15, SUPP - 12, SNAP - 12, Party Pesaka Sarawak - 8, and Independents - 1.

It was clear that no single party had a majority. After days of intensive negotiations eventually SUPP joined up with Party Pesaka Sarawak and the Sarawak Alliance to form the government. The party that lost out was SNAP, which went into opposition both at the state and federal levels. Tun Tan Sri Datuk Amar Patinggi Hj. Abdul Rahman Yacob became the Chief Minister and he ran the government with a tight rein until 1981 when he resigned and was appointed Governor of Sarawak and created a Tun. This then is a very brief political history of Sarawak.

Last year for the federal election, several old stalwarts of the SNAP were not adopted as candidates. They resorted to standing as independents and they won. They are Patrick Uren, Edmund Anak Langgu and Edwin Tangkun. Some Iban leaders were accused of having assisted these dissidents and there were calls for their expulsion. Late last year, at the SNAP Delegates' Conference, Datuk James Wong defeated Datuk Leo Moggie for the Presidency. This caused a great deal of dissatisfaction amongst the Ibans and mat-

ters came to a boil when Mr. Daniel Tajem, a Deputy Minister of Sarawak, was expelled from SNAP. This led to the resignation of 6 Iban state assemblymen and three MPs from SNAP and the formation of a new party only of the Ibans. There was an exodus of Iban members from SNAP to join the new party. To me the formation of a communal party is a retrograde step, more so when one leaves a multiracial party to join and form a communal party. I am fully committed to multiracialism in all walks of Malaysian life, whether in politics or sports or education. Therein alone lies hope salvation for Malaysia.

When Datuk James Wong was elected President of SNAP last year, I remarked to a friend that it would spell trouble for SNAP. And sure enough by the beginning of this year disciplinary action was taken against Mr. Daniel Tajem and finally it led to his expulsion from SNAP and there was an exodus of Ibans. The new Iban party was led by Leo Moggie, Minister of Energy, Telecommunications and Post. It mainly attracted young intellectuals.

The *pro-tem* committee of the party is composed of these intellectuals and professionals and they claim to be the cream of the new generation of Ibans. Some of them are veteran politicians, like Edmund Anak Langgu, former Secretary-General of SNAP and ex-deputy minister of Agriculture, it now has 7 MPs and 11 state assemblymen and that was the main reason why the Barisan Nasional leadership was willing to consider its application to join B.N. It was, however, blackballed by SNAP. But despite this it is confident of the coming fight with SNAP, its former comrades in arms. It is putting up 16 candidates in all the constituencies held by SNAP. Its lineup was finalized towards the end of last month. This is an advantage as it prevents squabbling and allows the prospective candidates to work well in advance before nomination day tomorrow.

Despite the short time at its disposal the party has set up a good organization. One would have thought that being a breakaway party it has to start *de novo*. But I gather that in Ibanland, in the remote areas at least, the incumbent MP or state assemblyman carries the party organization with him when he crosses over it. If this is true then it is SNAP which has to start from scratch in some areas where its state assemblyman has crossed over to the new party. The party, however, has to fight the coming election with two handicaps. Its symbol is new and will be used for the first time in an election in Sarawak. The symbol is always an important factor in any election

in a country like Malaysia. When it is new and used for the first time, the task of persuading the voter becomes more difficult. The second handicap faced by the party is finance. It is well known that the SNAP depended on one person to look after finance, Datuk James Wong. There is no one of the stature of Datuk James Wong in the new Iban party and it will probably find it difficult to finance the election campaign. Finally, it is fighting an election for the first time and hence its whole organization is yet to be tested and that is always a worrying factor in any election. However, the party is young and virile, full of hope and optimism, and raring to have a go.

Datuk James Wong is the Grand Old Man of Sarawak politics. He has been with SNAP since its birth and as at present Deputy Chief Minister. I saw a fair bit of him when he served for a term as MP in 1969. But midway through that term he was detained under the Internal Security Act. He had been recommended for release by the Review Board but the Alliance Government in its wisdom rejected that advice and so Datuk James Wong lingered in Kamunting Camp in Taiping. Once I visited him in Taiping and found him cheerful. He spent his time there writing poems which he has published in a book recently. Many detainees have spent their time studying in detention but Datuk James Wong is the only one I have known apart from Said Zahari who wrote poetry while under detention. He was not released until SNAP joined the Barisan Nasional. His was a clear case of political victimization if ever there was one. Poet, politician, businessman, philanthropist, timber tycoon, millionaire, Datuk James Wong has taken all these in his stride in his long and variegated political career. To me at least his big mistake was to challenge Leo Moggie for the Presidency of SNAP. I believe that the time is not ripe for Malaysians of immigrant races to challenge the indigenous races for the top political jobs in this country. Maybe in half a century or a century later such a challenge may be accepted by the indigenous races but not now. It makes them feel nervous and uncertain and can lead to political turmoil as has happened to SNAP.

SNAP says that despite the defection of the dissidents to form a new Iban party its organization is intact and ready for the election. It has gone on a membership drive and has been successful in recruiting a number of intellectuals and professionals. One of them is my old friend, Dr. Chong Chun Hian, a native Sarawakian born in Sibu who had his medical training at the King Edward VII Col-

lege of Medicine. He did post-graduate work in Wales and the U.S.A. and ended as Director of Medical Services, Sarawak. Then he left to join World Health Organization and served in South Korea after which he returned to Kuala Lumpur to be Professor of Obstetrics and Gynaecology at the Universiti Kebangsaan Malaysia. When he resigned from that job, he went into private practice in Kuala Lumpur for a short spell after which he returned to Kuching to resume practice there. He has a knack for languages and is fluent in Japanese, Korean, Malay and English. I was surprised to see him enter the political arena at the ripe age of three score plus. He has now joined SNAP though I do not think he will be a candidate for the coming election. SNAP is very confident of success in the election and has declared its intention of contesting the 18 seats it won in 1974.

Sarawak has always been a happy hunting ground for opposition parties, most of them small. Hope beats eternally in the breasts of these parties and their members. The moment of truth arrives for them after the counting of votes is over and they find that they have lost their deposits! I should know, for over the years, I have often tried to persuade my party not to contest in constituencies where we had not nursed it and the support for our party was poor. I have often been over-ruled and even asked to help by providing the deposit. I had to borrow money from friends to help out. When the counting is over, we find that our candidates not only lost but lost their deposits as well and I was left to carry the baby! This is especially so in Sarawak during the state elections.

Another feature of Sarawak elections is the number of independents who try their luck only to lose their deposits! The DAP will prove to be a formidable opponent in this election. In the 1979 state election, the DAP fielded 10 candidates and not a single one of them was successful. But last year it won two seats in the general election and with its recent victory over the MCA in Seremban, it will work much harder and hope that it will put up a better show this time.

It is a foregone conclusion that the Barisan Nasional will once again win the state election of 1983. The main attraction however will be the contest between SNAP and PBDS. A good showing alone will allow the party to survive. Defeat may well result in extinction for the loser. It will be a fight to death between these two with no holds barred.