

INTERNAL SECURITY ACT - Part 1

[ISA]

INTERNAL SECURITY ACT, 1960

(Act 82)

An Act to provide for the internal security of Malaysia, preventive detention, the prevention of subversion, the suppression of organised violence against persons and property in specified areas of Malaysia, and for matters incidental thereto.

[West Malaysia - 1st August. 1960;
East Malaysia - 16th September. 1963.]

WHEREAS action has been taken and further action is threatened by a substantial body of persons both inside and outside Malaysia-

- (1) to cause, and to cause a substantial number of citizens to fear, organized violence against persons and property; and
- (2) to procure the alteration, otherwise than by lawful means, of the lawful Government of Malaysia by law established;

AND WHEREAS the action taken and threatened is prejudicial to the security of Malaysia;

AND WHEREAS Parliament considers it necessary to stop or prevent that action;

Now therefore PURSUANT to Article 149 of the Constitution BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Ra'ayat in Parliament assembled, and by the authority of the same, as follows:

PART I
PRELIMINARY

1. Short title.

This Act may be cited as the Internal Security Act, 1960.

2. Interpretation.

In this Act unless the context otherwise requires-
"Advisory Board" means an advisory board constituted

under Article 151 (2) of the Federal Constitution;

"ammunition" means ammunition for any fire-arm as hereafter defined and includes grenades, bombs and other like missiles whether capable of use with such a fire-arm or not and any ammunition containing or designed or adapted to contain any noxious liquid, gas or other thing;

"Chief Police Officer" includes a Deputy Chief Police Officer and any police officer for the time being lawfully authorized to exercise the powers and perform the duties conferred or imposed upon a Chief Police Officer by this Act and in the application of this Act to Sabah and Sarawak references to a Chief Police Officer shall be construed as references to a Divisional Superintendent of Police;

"controlled area" means any area declared to be a controlled area under section 49;

"danger area" means any area declared to be a danger area under section 48;

"document" includes any substance on which, is recorded any matter, whether by letters, figures, marks, pictorial or other representation, or by more than one of those means;

"entertainment" means any game, sport, diversion, concert or amusement of any kind to which the public has or is intended to have access and in which members of the public may or may not take part, whether on payment or otherwise;

"exhibition" includes every display of goods, books, pictures, films or articles to which the public has or is intended to have access, whether on payment or otherwise;

"explosive" shall have the meaning assigned thereto in the Explosives Ordinance, 1957, and includes any substance deemed to be an explosive under that Ordinance;

"fire-arm" means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged or which can be adapted for the discharge of any such shot, bullet or other missile and any weapon of

whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing, and includes any component part of any such weapon as aforesaid;

"Inspector-General" means the Inspector-General of Police and, in relation to Sabah and Sarawak, includes the Commissioner in control of members of the Royal Malaysia Police in each of those States;

"Offence against this Act" includes an offence against any regulations made under section 71;

"periodical publication" includes every publication issued periodically or in parts or numbers at intervals, whether regular or irregular;

"Police District" has the same meaning as "police district" in the Police Act, 1967;

"police officer" includes a reserve police officer, an auxiliary police officer and a special police officer appointed in accordance with any written law for the time being in force;

"promoter", in the case of an entertainment or exhibition promoted by a society, includes the secretary and officials of the society and, in the case of a society organised or having its headquarters outside Malaysia, the easels in Malaysia of the society;

"proprietor" includes the owner, tenant or other person in possession or control of premises and any person who receives payment for the use of premises;

"protected place" means any place or premises in relation to which an order made under section 50 is in force;

"publication" includes all written, pictorial or printed matter, and everything of a nature similar to written or printed matter, whether or not containing any visible representation, or by its form, shape or in any other manner capable of suggesting words or ideas, and every copy, translation and reproduction or substantial translation or reproduction in part or in whole thereof;

"public place" includes any highway, public street, public road, public park or garden, any sea beach, water-way, public bridge, lane, footway, square, court, alley or passage, whether a thoroughfare or not, any unalienated land, any rubber estate, any plantation, any land alienated for agricultural or mining purposes, any theatre or place of public entertainment of any kind or other place of general resort admission to which is obtained by payment or to which the public have access, and any open space to which for the time being the public have or are permitted to have access, whether on payment or otherwise;

"public road" means any public highway or any road over which the public have a right of way or are granted access, and includes every road, street, bridge, passage, footway or square over which the public have a right of way or

are granted access;

"security area" means any area in respect of which a proclamation under section 47 is for the time being in force;

"security forces" includes the Royal Malaysia Police, the Police Volunteer Reserve, the Auxiliary Police, persons commissioned or appointed under the Essential (Special Constabulary) Regulations, 1948, the armed forces, any local force established under any written law in force in Malaysia, and any force which is a visiting force for the purposes of part I of the Visiting Forces Act, 1960, and in respect of whom all or any of the powers exercisable by the armed forces or their members under this Act have been made exercisable by an order made under any such law.

"supplies" includes ammunition, explosives, fire-arms, money, food, drink, clothing, medicines, drugs and any other stores, instruments, commodities, articles or things whatsoever;

"terrorist" means any person who--

- (a) by the use of any fire-arm, explosive or ammunition acts in a manner prejudicial to the public safety or to the maintenance of public order or incites to violence or counsels disobedience to the law or to any lawful order;
- (b) carries or has in his possession or under his control any fire-arm, ammunition or explosive without lawful authority therefor; or
- (c) demands, collects or receives any supplies for the use of any person who intends or is about to act, or has recently acted, in a manner prejudicial to public safety or the maintenance of public order;

PART II

GENERAL PROVISIONS RELATING TO INTERNAL SECURITY

CHAPTER 1

Prohibition of Organisations and Associations of a Political or Quasi-Military Character and Uniforms, etc.

3. Prohibition of uniforms of political or quasimilitary organisations.

The Minister may from time to time by order prohibit the wearing in public places or at meetings or gatherings to which the public or any section of the public have access,

of-

- (a) any uniform or dress which signifies association with any political organisation or with the promotion of any political object; or
- (b) any uniform, dress or emblem by members or adherents of any organisation or association specified or described in the order, whether incorporated or not-
 - (i) when, in the opinion of the Minister, members of that organisation or association are organised or trained or equipped for the purpose of enabling them to be employed in usurping the functions of the police or of the armed forces; or
 - (ii) when, in the opinion of the Minister, members of that organisation or association are organised or trained or equipped for the purpose of enabling them to be employed for the use or display of physical force in promoting any political or other object or in such a manner as to arouse reasonable apprehension that they are organised or trained or equipped for that purpose.

4. Penalty.

Every person who wears any prohibited uniform, dress or emblem in contravention of an order made under section 3 shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding one year or to both.

5. Prohibition of quasimilitary organizations.

(1) If the members or adherents of any association of persons, whether incorporated or not, are-

- (a) organised or trained or equipped for the purpose of enabling them to be employed in usurping the functions of the police or of the armed forces; or
- (b) organised or trained or equipped either for the purpose of enabling them to be employed for the use or display of physical force in promoting any political or other object, or in such a manner as to arouse reasonable apprehension that they are organized or trained or equipped for that purpose,

then every member or adherent of the association shall

be guilty of an offence and shall, on conviction, be liable to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding one year or to both; and any person who promotes or conspires with another to promote, or who takes part in the control or management of, the association, or in so organising or training as aforesaid any member or adherent thereof, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding five years or to both:

Provided that in any proceedings against any person charged with the offence of taking part in the control or management of such an association as aforesaid it shall be a defence to that charge to prove that he neither consented to nor connived at the organisation, training or equipment of any member or adherent of the association in contravention of this section.

(2) No prosecution for any offence under this section shall be instituted except with the consent of the Public Prosecutor.

(3) If upon application being made by or on behalf of the Public Prosecutor it appears to the High Court that any association is an association of which members or adherents are organised, trained or equipped in contravention of this section, the Court may-

- (a) make such order as appears necessary to prevent any disposition without the leave of the Court of property held by or for the association;
- (b) direct an inquiry and report to be made as to any such property as aforesaid and as to the affairs of the association;
- (c) make such further order as appears to the Court to be just and equitable for the application of that property in or towards the discharge of the liabilities of the association lawfully incurred before the date of the application or, with the approval of the Court since that date in or towards the repayment of moneys to persons who became subscribers or contributors to the association in good faith and without knowledge of any such contravention as aforesaid, and in or towards any costs incurred in connection with any such inquiry and report as aforesaid or in winding up or dissolving the association; and
- (d) order that any property which is not directed by the Court to be so applied as aforesaid shall be

forfeited to the Government.

(4) In any criminal or civil proceeding under this section proof of things done or of words written, spoken or published (whether or not in the presence of any party to the proceedings) by any person taking part in the control or management of an association or in organising, training or equipping members or adherents of an association shall be admissible as evidence of the purposes for which, or the manner in which, members or adherents of the association were organised or trained or equipped.

(5) If a Magistrate or Chief Police Officer is satisfied by information that there is reasonable ground for suspecting that an offence under this section has been committed, and that evidence of the commission thereof is to be found at any premises or place specified in the information, he may, on an application made by a police officer not below the rank of Inspector, grant a search warrant authorising any such officer with or without assistance to enter the premises or place at any time within one month from the date of the warrant, if necessary by force, and to search the premises or place and every person found therein, and to seize anything found on the premises or place or on any such person which the officer has reasonable ground for suspecting to be evidence of the commission of such an offence as aforesaid.

(6) No woman shall, in pursuance of any warrant issued under subsection (5), be searched except by a woman.

(7) Nothing in this section shall be construed as prohibiting the employment of a reasonable number of persons as stewards at any public meeting held upon private premises with the permission of the owner of those premises, or the making of arrangements for that purpose or the instruction of the persons to be so employed in their lawful duties as such stewards, or their being furnished with badges or other distinguishing signs.

6. Illegal drilling.

(1) Any person other than a member of the armed forces or the police or of a volunteer force or local force constituted under any written law in force in Malaysia, or of any other force which is a visiting force for the purposes of Part I of the Visiting Forces Act, 1960, or of any organization or association specially exempted by the Minister, who-

- (a) is present at or attends any meeting or, assembly of persons for the purpose of training or drilling themselves to the use of arms or of being so trained

or drilled, or for the purposes of practising military exercises, movements or evolutions; or

- (h) is present at or attends any such meeting or assembly for the purpose of training or drilling any other person or persons to the use of arms or the practice of military exercises, movements or evolutions,

shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding one year or to both.

(2) Any person other than a member of the armed forces or the police or of a volunteer force or local force constituted under any written law in force in Malaysia, or of any other force lawfully present in Malaysia under any law for the time being in force relating to visiting forces or of any organisation or association specially exempted by the Minister who -

- (a) trains or drills any other person to the use of arms or the practice of military exercises, movements or evolutions: or
- (b) takes part in the control or management of any association or organisation whose members are trained or drilled in the practice of military exercises, movements or evolutions,

shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding five years or to both.

7. Prohibition of uniforms emblems, etc.

(1) The Minister may, if he considers it in the national interest so to do, by order prohibit the manufacture, sale, use, wearing, display or possession of any flag, banner, badge, emblem, device, uniform or distinctive dress or any part thereof.

(2) Any person contravening any provision of an order made under this section shall be guilty of an offence.

(3) Any article in respect of which an offence has been committed under this section may be seized and destroyed or otherwise dealt with as the Minister may direct, whether or not the identity of the offender is known and whether or not any prosecution has been commenced in respect of the offence.

CHAPTER II

Powers of Preventive Detention

8. Power to order detention or restriction of persons.

(1) If the Minister is satisfied that the detention of any person is necessary with a view to preventing him from acting in any manner prejudicial to the security of Malaysia or any part thereof or to the maintenance of essential services therein or to the economic life thereof, he may make an order (hereinafter referred to as a detention order) directing that that person be detained for any period not exceeding two years.

(2) In subsection (1) "essential services" means any service, business, trade, undertaking, manufacture or occupation included in the Third Schedule.

(3) Every person detained in pursuance of a detention order shall be detained in such place (hereinafter referred to a place of detention) as the Minister may direct and in accordance with any instructions issued by the Minister and any rules made under subsection (4).

(4) The Minister may by rules provide for the maintenance and management of places of detention and for the discipline and treatment of persons detained therein, and may make different rules for different places of detention.

(5) If the Minister is satisfied that for any of the purposes mentioned in subsection (1) it is necessary that control and supervision should be exercised over any person or that restrictions and conditions should be imposed upon that person in respect of his activities, freedom of movement or places of residence or employment, but that for that purpose it is unnecessary to detain him, he may make an order (hereinafter referred to as a restriction order) imposing upon that person all or any of the following restrictions and conditions:

- (a) for imposing upon that person such restrictions as may be specified in the order in respect of his activities and the places of his residence and employment;
- (b) for prohibiting him from being out of doors between such hours as may be specified in the order, except under the authority of a written permit granted by such authority or person as may be so specified;
- (c) for requiring him to notify his movements in such manner at such times and to such authority or

person as may be specified in the order;

- (d) for prohibiting him from addressing public meetings or from holding office in, or taking part in the activities of or acting as adviser to, any organisation or association, or from taking part in any political activities; and
- (e) for prohibiting him from travelling beyond the limits of Malaysia or any part thereof specified in the order except in accordance with permission given to him by such authority or person as may be specified in such order.

(6) Every restriction order shall continue in force for such period, not exceeding two years, as may be specified therein, and may include a direction by the Minister that the person in respect of whom it is made shall enter into a bond with or without sureties and in such sum as may be specified for his due compliance with the restrictions and conditions imposed upon him.

(7) The Minister may direct that the duration of any detention order or restriction order be extended for such further period, not exceeding two years, as he may specify, and thereafter for such further periods, not exceeding two years at a time, as he may specify, either-

- (a) on the same grounds as those on which the order was originally made;
- (b) on grounds different from those on which the order was originally made; or
- (c) partly on the same grounds and partly on different grounds:

Provided that if a detention order is extended on different grounds or partly on different grounds the person to whom it relates shall have the same rights under section 11 as if the order extended as aforesaid was a fresh order, and section 12 (1) shall apply as if for the words "such person was detained" the words "his detention order was extended" were substituted.

(8) The Minister may from time to time by notice in writing served on a person who is the subject of a restriction order vary, cancel or add to any restrictions or conditions imposed upon that person by that order, and the restrictions or conditions so varied and any additional restrictions or conditions so imposed shall, unless sooner cancelled, continue in force for the unexpired portion of the period specified under subsection (6) or (7).

*8A. No detention order shall be invalid or inoperative by reason-

(a) that the person to whom it relates-

(i) was immediately after the making of the detention order detained in any place other than a place of detention referred to in section 8 (3);

(ii) continued to be detained immediately after the making of the detention order in the place in which he was detained under section 73 before his removal to a place of detention referred to in section 8 (3), notwithstanding that the maximum period of such detention under section 73 (3) had expired; or

(iii) was during the duration of the detention order on journey in police custody or any other custody to a place of detention referred to in section 8(3); or

(b) that the detention order was served on him at any place other than the place of detention referred to in section 8(3), or that there was any defect relating to its service upon him."

[*Inserted by the Internal Security (Amendment) Act 1988 - for full text of this amending Act, see below.]

**8B. (1) There shall be no judicial review in any court of, and no court shall have or exercise any jurisdiction in respect of, any act done or decision made by the Yang di-Pertuan Agong or the Minister in the exercise of their discretionary power in accordance with this Act, save in regard to any question on compliance with any procedural requirement in this Act governing such act or decision.

(2) The exception in regard to any question on compliance with any procedural requirement in subsection (1) shall not apply where the grounds are as described in section 8A.

**8C. In this Act, "judicial review" includes proceedings instituted by way of-

- (a) an application for any of the prerogative orders of mandamus, prohibition and certiorari;
- (b) an application for a declaration or an injunction;
- (c) a writ of habeas corpus; and
- (4) any other suit, action or other legal proceedings relating to or arising out of any act done or decision made by the Yang di-Pertuan Agong or the Minister in accordance with this Act.

**8D. (1) Sections 8B and 8C shall apply to any proceedings instituted by way of judicial review of any act done or decision made by the Yang di-Pertuan Agong or the Minister under this Act, whether such proceedings were instituted before or after the coming into force of the Internal Security (Amendment) Act 1969.

(2) A reference to proceedings in subsection (1) shall not include a reference to proceedings which had concluded and in respect of which final decision of the court had been given before the coming into force of the Internal Security (Amendment) Act 1989, or to any appeal or application to appeal against such final decision."

[**Inserted by the Internal Security (Amendment) Act 1989
- for full text of this amending Act, see below.]

9. (Repealed)

10. Suspension of detention orders.

(1) The Minister may at any time direct that the operation of any detention order be suspended subject to all or any of the restrictions and conditions which he is empowered by section 8(5) to impose by a restriction order, and subject, if the Minister so directs, to the requirement that the person against whom the detention order was made shall enter into a bond as provided in section 8 (6).

(2) Where a detention order is suspended as aforesaid

section 8 (8) shall have effect as if the restrictions and conditions on which the detention order is suspended were restrictions and conditions imposed by a restriction order.

(3) Where a detention order is suspended as aforesaid the Minister may permit the person against whom the detention order was made to return to the country to which, he belongs or to go to any other country of his choice provided that the Government of that other country consents to receive him.

(4) The Minister may revoke the suspension of any detention order if he is satisfied that the person against whom the detention order was made has failed to observe any restriction or condition imposed upon him or that it is necessary in the interests of security that the suspension should be revoked, and in any such case the revocation of the suspension shall be sufficient authority to any police officer to re-arrest without warrant the person against whom the detention order was made, and that person shall as soon as practicable be returned to his former place of detention or, if the Minister so directs, sent to another place of detention.

(5) The suspension of any detention order as aforesaid shall, subject to section 8 (8) as applied by subsection (2) and subject also to subsection (4), continue in force for the unexpired portion of the period of the detention order specified under section 8 (6) or (7).

11. Representations against detention order

(1) A copy of every order made by the Minister under section 8 (1) shall as soon as may be after the making thereof be served on the person to whom it relates, and every such person shall be entitled to make representations against the order to an Advisory board.

(2) For the purpose of enabling a person to make representations under subsection (1) he shall, at the time of the service on him of the order -

(a) be informed of his right to make representations to an Advisory Board under subsection (1); and

(b) be furnished by the Minister with a statement in writing-

(i) of the grounds on which the order is made;

(ii) of the allegations of fact on which the order is based; and

(iii) of such other particulars, if any, as he may in the opinion of the Minister reasonably require in order to make his representations against the order to the Advisory Board.

(3) The Yang di-Pertuan Agong may make rules as to the manner in which representations may be made under this section and for regulating the procedure of Advisory Boards.

12. Report of Advisory Board.

(1) Whenever any person has made any representations under section 11 (1) to an Advisory Board, the Advisory Board shall, within three months of the date on which the person was detained, consider the representations and make recommendations thereon to the Yang di-Pertuan Agong.

(2) Upon considering the recommendations of the Advisory Board under this section the Yang di-Pertuan Agong may give the Minister such directions, if any, as he shall think fit regarding the order made by the Minister; and every decision of the Yang di-Pertuan Agong thereon shall, subject to section 13, be final, and shall not be called into question in any court.

[Section 12 has been amended by the Internal Security (Amendment) Act 1988 by:

substituting the words "representations are received by it, or within such longer period as the Yang di-Pertuan Agong may allow" for the words "person was detained" in subsection' (1).]

13. Review.

(1) Every order or direction made or given by the Minister under section 8 (1), (5) or (7) or under section 10 shall, so long as it remains in force, be reviewed not less often than once in every six months by an Advisory Board:

Provided that in the case of a detention order against which representations have been made the first of such reviews, whether of a detention order made under section 8 (1) or of a detention order extended under section 8 (7) to which the proviso to the last mentioned subsection applies, shall be held not later than six months after the completion of the hearing of the representations by the Advisory Board to which they were made.

(2) The Advisory Board shall on completing every review under subsection (1) forthwith submit to the Minister a written report of every such review, and may make therein such recommendations as it shall think fit.

14. Power to summon witnesses.

Every Advisory Board shall, for the purposes of this Act, but subject to section 16, have all the powers of a court for the summoning and examination of witnesses, the administration of oaths or affirmations, and for compelling the production of documents.

15. Member of Advisory Board deemed to be a public servant.

Every member of an Advisory Board shall be deemed to be a public servant within the meaning of the Penal Code, and shall have in case of any action or suit brought against him for any act done or omitted to be done in the execution of his duty under this Chapter the like protection and privileges as are by law given to a Judge in the execution of his office.

16. Disclosure of Information.

Nothing in this Chapter or in any rules made thereunder shall require the Minister or any member of an Advisory Board or any public servant to disclose facts or to produce documents which he considers it to be against the national interest to disclose or produce.

17. Power to order removal.

(1) The Minister may by order direct the removal of any person detained in pursuance of this Chapter from any place of detention in Malaysia to another place of detention in Malaysia to be specified in the order, and may by arrangement with the Government of Singapore direct the removal of any such person (not being a citizen) to Singapore, to be there detained for the whole or any part or parts of the period for which it has been ordered that the person shall be detained.

(2) Any person in course of removal under subsection (1) shall be deemed to be in lawful custody.

18. Power to order production of detained person.

(1) On proof to his satisfaction that the presence at any place of any person detained under this Chapter, or lawfully in the custody of the police or confined in any prison whether in pursuance of this Chapter or under an order of any court or otherwise howsoever, and notwithstanding any order of any court or other authority whatsoever, is required in the interests of justice, or for the purpose of any public or other inquiry, or in the national interest,

or in the interests of the person detained, in custody or confined, the Minister may order that such person be taken to that place.

(2) Any person in course of being taken to any place in pursuance of subsection (1) and whilst at such place shall be kept in such custody as the Minister may direct and whilst in that custody shall be deemed to be in lawful custody.

19. Enforcement of warrants, etc., made in Singapore.

(I) Any document which purports to be a warrant or an order made in Singapore under any written law in force in Singapore and similar or equivalent to section 8 and which has been received from any police officer or other Government officer of Singapore shall be enforceable as if it were an order which had been duly made under section 8, and if the person named therein enters or is within Malaysia shall be enforced accordingly by arrest and detention under this Chapter

Provided that no such document shall be so enforceable unless the Minister shall have signified his approval thereto by endorsement thereon.

(2) Where any person is arrested under this section he shall be returned in custody to Singapore unless the Minister is satisfied that there are special circumstances which warrant his detention in Malaysia.

(3) Without prejudice to section 8, where any person arrested and detained under this section satisfies the Minister that he is a citizen such person shall be forthwith released.

(4) Whenever a request is made by a Minister of the Government of Singapore that a person detained in Singapore under any written law in force in Singapore and similar or equivalent to section 8 should be transferred to Malaysia there to be detained, the Minister may direct that such person, when delivered up in Malaysia by the Government of Singapore, be received into the custody of such police officers as the Inspector-General shall appoint for the purpose; and such person shall thereafter be detained in Malaysia, as if the order under which he was detained in Singapore had been duly made under section 8:

Provided that a copy of any objection made by that person against the order for his detention shall be lodged by the Minister with the appropriate authority in Singapore, and that person shall for the purpose of prosecuting his objection be returned to the custody of the appropriate police officers of Singapore.

(5) The Minister may, either at the request of a Minister of the Government of Singapore or otherwise, order any person who is not a citizen and who is detained in Malaysia under subsection (4) to be returned to Singapore, and may for that purpose direct such person to be delivered into the custody of police officers of Singapore.

(6) This section shall have no application in East Malaysia.

20. Enforcement of orders issued in Singapore.

(1) Any person who is not a citizen and who has been lawfully ordered to leave and remain out of Singapore is, unless the Minister shall otherwise direct, prohibited from entering or residing in Malaysia so long as the order ordering him to leave and remain out of Singapore remains in force; and such person brought in custody to Malaysia may be detained in custody by any police officer or immigration officer in such place as the Minister may direct until he can conveniently be placed on board any ship, train, motor vehicle or aircraft, and any such person may be lawfully detained on board so long as such conveyance is within the territories and territorial waters of Malaysia.

(2) Except in the case of a citizen or a person detained under subsection (1), any person who having left Singapore in pursuance of any lawful order enters Malaysia, or is found therein whilst such order is in force shall be guilty of an offence and, whether or not a prosecution for that offence has been instituted against him, may be detained on board any ship, train, motor vehicle or aircraft for the purpose of removing him from Malaysia.

(3) Any person who has been detained in accordance with subsection (1) or (2) shall be deemed to be in lawful custody.

(4) This section shall have no application in East Malaysia.

21. Saving in respect of prosecution of persons detained.

The detention of any person under this Chapter shall be without prejudice to the taking of any criminal proceeding against that person, whether during or after the period of his detention.

CHAPTER III

Special Powers relating to Subversive Publications, etc.

22 Prohibition of printing, sale, etc., of documents and publications.

(1) Where it appears to the Minister charged with

responsibility for printing presses and publications that any document or publication -

- (a) contains any incitement to violence;
- (b) counsels disobedience to the law or to any lawful order;
- (c) is calculated or likely to lead to a breach of the peace, or to promote feelings of hostility between different races or classes of the population; or is prejudicial to the national interest, public order, or security of Malaysia,

he may by order published in the Gazette prohibit either absolutely or subject to such conditions as may be prescribed therein the printing, publication, sale, issue, circulation or possession of such document or publication.

(2) An order under subsection (1) may, If the order so provides, be extended so as-

- (a) in the case of a periodical publication, to prohibit the publication, sale, issue, circulation, possession or importation of any past or future issue thereof: and
- (b) in the case of a publication which has or appears or purports to have issued from a specified publishing house, agency or other source, to prohibit the publication, sale, issue, circulation or importation of any other publication which may at any time whether before or after the date of the order have or appear or purport to have issued from the specified publishing house, agency or other source.

23. Objections against orders under section 22.

The proprietor or a agent in Malaysia of the proprietor of any publication which is the subject of an order under section 22 may, within one month of the date of publication of the order in the Gazette, make an objection against the order to the Yang di-Pertuan Agong, whose decision thereon shall be final and shall not be called into question in any Court.

24. Printing publishing, etc., in contravention of order under section 22.

Any person who prints, publishes, sells, issues, circulates or reproduces a document or publication which is the subject of an order under section 22, or any extract therefrom, shall be guilty of an offence and shall, on conviction,

be liable to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding three years or to both:

Provided that no person shall be convicted of an offence under this section if he proves to the satisfaction of the court that the document or publication in respect of which he is charged was printed, published, sold, issued, circulated or reproduced, as the case may be, without his authority, consent and knowledge, and without any want of due care or caution on his part, and that he did not know and had no reason to suspect the nature of the document or publication.

25. Possession of documents, etc., in contravention of order under section 22.

(1) Any person who without lawful excuse has in his possession any document or publication the possession of which is prohibited by an order under section 22, or any extract therefrom, shall be guilty of an offence and shall, on conviction, be liable in respect of a first offence to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one year or to both and, in respect of a subsequent offence, to imprisonment for a term not exceeding two years.

(2) In any proceedings against any person for an offence against this section the person shall be presumed, until the contrary is proved, to have known the contents and the nature of the contents of any document or publication immediately after the document or publication came into his possession.

26. Importation in contravention of order under section 22

Any person who imports or attempts to import or abets the importation of any document or publication or without lawful excuse has in his possession any document or publication imported in contravention of an order under section 22 shall be guilty of an offence and shall, on conviction, be liable in respect of a first offence to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding two years or to both and, in respect of a subsequent offence, to imprisonment for a term not exceeding three years.

27. Posting of placards, etc.

Any person who posts or distributes any placard, circular or other document containing any incitement to violence, or counselling disobedience to the law or to any lawful order, or likely to lead to any breach of the peace,

shall be guilty of an offence.

28. Dissemination of false reports.

Any person who, by word of mouth or in writing or in any newspaper, periodical, book, circular or other printed publication or by any other means spreads false reports or makes false statements likely to cause public alarm, shall be guilty of an offence.

29. Possession of subversive documents.

(1) Any person who without lawful excuse carries or has in his possession or under his control any subversive document shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding five years or to both.

(2) Any person or any office bearer of any association or any responsible member or agent of any organisation who receives any subversive document shall deliver the same without delay to a police officer; and any person, office bearer, member or agent who fails to do so, or who, unless authorized so to do by a police officer not below the rank of Superintendent of Police, communicates to any other person, or publishes or causes to be published the contents of any such document, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding five years or to both.

(3) In this section "subversive document" means any document having in part or in whole a tendency-

- (a) to excite organised violence against persons or property in Malaysia;
- (b) to support, propagate or advocate any act prejudicial to the security of Malaysia or the maintenance or restoration of public order therein or inciting to violence therein or counselling disobedience to the law thereof or to any lawful order therein; or
- (c) to invite, request or demand support for or on account of any collection, subscription, contribution or donation, whether in money or in kind, for the direct or indirect benefit or use of persons who intend to act or are about to, act, or have acted, in a manner prejudicial to the security of Malaysia or to the maintenance of public order therein, or who incite to violence therein or counsel disobedience to the law thereof or any lawful order therein.

(4) Every document purporting to be a subversive document shall be presumed to be a subversive document until the contrary is proved; and where in any prosecution under this section it is proved that a person was carrying or had in his possession or under his control a subversive document he shall be deemed to have known the contents and the nature of the contents of such document:

Provided that no person shall be convicted of an offence under this section if he proves to the satisfaction of the court -

- (a) that he was not aware of the contents and the nature of the contents of the subversive document which he was carrying or had in his possession or under his control; and
- (b) that he was carrying or had the subversive document in his possession or under his control in such circumstances that at no time did he have reasonable cause to believe or suspect that the document was a subversive document.

30. Powers of search and seizure of documents.

(1) Any police officer not below the rank of Inspector may, without warrant and with or without assistance -

- (a) enter and search any premises; or
- (b) stop and search any vehicle, vessel, train, aircraft or individual, whether in a public place or not,

if he suspects that any document, publication, material or article being evidence of the commission of an offence against this Chapter is likely to be found in that vehicle, vessel, train, aircraft or on that individual, and may seize any document, publication, material or article so found.

(2) Any document, publication, material or article seized under subsection (1) shall be destroyed or otherwise disposed of in such manner as the Inspector-General may order.

(3) The Inspector-General shall, on making an order under subsection (2), if he has reason to believe that the owner, or person who was in possession immediately before the document, publication, material or article was seized, is in Malaysia, cause a notice to be served on that person informing him of the terms of the order.

(4) Any person aggrieved by an order made under subsection (2) may appeal against the order to the Minister:

Provided that no appeal against an order shall be allowed unless notice of appeal in writing, together with the reasons for the appeal, is given to the Inspector-General and to the Minister within fourteen days of service of notice of the order under subsection (3).

(5) Where an order has been made under subsection (2) it shall only be carried into effect if the order has not been appealed against or if any appeal against the order has been dismissed or abandoned.

(6) No woman shall be searched under this section except by a woman.

31. Disposal of subversive documents, etc.

(1) Where proceedings are taken in respect of, any offence against this Chapter the court by or before which the alleged offender is tried shall, on the request of any police officer not below the rank of Assistant Superintendent, on the final determination of those proceedings order that any document, publication, material or article being an exhibit in the proceedings be delivered to the officer for disposal under section 30(2).

(2) For the purpose of this section proceedings shall not be deemed to have been finally determined so long as there is any appeal pending in the matter of the proceedings; and an appeal in the matter shall be deemed to be pending during the ordinary time within which an appeal may be lodged, and if an appeal be duly lodged the appeal shall be deemed to be pending until it is decided or withdrawn.

CHAPTER IV

Control of Entertainments and Exhibitions

32. Power to require information.

(1) The promoter and every person concerned in the promotion of any entertainment or exhibition and the proprietor of any premises upon which any such entertainment or exhibition is held or is intended to be held shall upon the order in writing of the Minister or of any officer authorized by the Minister in that behalf furnish to the Minister or the officer such information as he may specify relating to the following matters:

- (a) particulars of persons concerned in the promotion of the entertainment or exhibition and the interests represented by those persons;

- (b) particulars of the persons who have agreed to participate or have participated in the entertainment or exhibition or have been invited to do so and the interests represented by those persons;
- (c) the purposes to which any profits from the entertainment or exhibition are intended to be or have been applied; and
- (d) such other matters as the Minister may direct.

(2) Any person furnishing as true information required under subsection (1) which he knows or has reason to believe to be false or incomplete shall be guilty of an offence and shall, on conviction, be liable to the penalties set out in section 41.

(3) In the event of any entertainment or exhibition in respect of which information has been furnished under subsection (1) being conducted in any manner contrary to the information so furnished the person by whom the information was furnished shall be guilty of an offence and shall, on conviction, be liable to the penalties set out in section 41.

33. Power to impose conditions

(1) The Minister may, if he is satisfied that it is necessary to do so in order to ensure that any entertainment or exhibition shall not be on entertainment or exhibition to which section 35 would apply, by order in writing require the promoter and every person concerned in the promotion of the entertainment or exhibition and the proprietor of any premises upon which any such entertainment or exhibition is held or is intended to be held to observe such conditions relating to the holding of the entertainment or exhibition as he may specify.

(2) Every person who commits any breach of or fails to comply with, any condition imposed under subsection (1) shall be guilty of an offence and shall, on conviction, be liable to the penalties set out in section 41:

Provided that no person shall be convicted of an offence under this section if he proves that the breach of or failure to comply with the conditions in respect of which he is charged was done without his authority, consent and knowledge, and without any want of due care or caution on his part.

(3) The Minister may, if in any particular case he shall think it necessary, require any person in respect of whom an order under subsection (1) has been made to enter into a bond, with or without sureties, in such sum as the Minister

may direct, that the conditions contained in the order shall be observed.

34. Promoter, etc. to be in attendance at entertainment or exhibition.

(1) The promoter and every person concerned in the promotion of any entertainment or exhibition which is the subject of an order under section 33 and the proprietor of any premises upon which any such entertainment or exhibition is held shall severally, and either personally or by a duly authorised agent approved in that behalf by a police officer not below the rank of Inspector, be present throughout the period of every performance or display of every such entertainment or exhibition.

(2) The Minister may by writing exempt any person either absolutely or subject to such conditions as the Minister may prescribe from the provisions of sub-section (1).

35. Power to prohibit certain entertainments or exhibitions

(1) The Minister may by order prohibit the holding of or may direct the closing of any entertainment or exhibition-

- (a) if he is satisfied that the entertainment or exhibition is or is likely to be in any way detrimental to the national interest;
- (b) if there has been in respect of the entertainment or exhibition any refusal of or failure to furnish any information required to be furnished under section 32, or if any information so furnished shall be false or incomplete; or
- (c) if there has been in respect of the entertainment or exhibition any breach of or failure to comply with any condition imposed under section 33.

(2) The promoter and every person concerned in the promotion of any entertainment or exhibition which is held or continued in contravention of an order under subsection (1) and the proprietor of any premises upon which the exhibition is held shall be guilty of an offence and shall, on conviction, be liable to the penalties set out in section 41:

Provided that no person shall be convicted of an offence under this section if he proves that the entertainment or exhibition in respect of which he is charged was promoted or continued without his authority, consent and knowledge and without any want of due care or caution on his part.

36. Powers of entry and investigation.

(1) Any police officer not below the rank of Inspector or any person authorized by the Minister in writing in that behalf may without warrant enter any premises upon which any entertainment or exhibition is being held or is intended to be held with a view to ascertaining whether the provisions of this Chapter or of any order made thereunder are being complied with, and may make such investigation and inspection of the premises and call upon any person to produce such articles, books, accounts, tickets or other documents or things and to furnish any information as that officer or person may consider necessary for the purpose:

Provided that any person not in uniform purporting to exercise any powers under this subsection shall on demand produce his written authority to exercise these powers to any person lawfully demanding the same.

(2) Any person who -

- (a) obstructs any officer or authorized person lawfully exercising any powers conferred on him by or under subsection (1) in entering or inspecting any premises or delays to produce any articles, books, accounts or other documents or things which he has been called upon by the officer or authorized person to produce and which are or ought to be in the ordinary course of business in his power to produce;
- (b) refuses to furnish any information which he may be required to furnish by the officer or authorized person or who, being required to furnish information by the officer or authorized person, furnishes false or misleading information; or
- (c) obstructs the seizure of any document or other thing under section 38, or the closure of any entertainment or exhibition under section 39,

shall be guilty of an offence and shall, on conviction, be liable to the penalties set out in section 41.

37. Search.

(1) Any officer or person authorized to exercise the powers of entry or investigation under section 36 may without warrant and with or without assistance enter any premises if he considers it to be necessary and has reason to believe that an offence under this Chapter or any order made thereunder has been committed and may search the place and any person whom he reasonably believes to be concerned in the management or promotion of any entertainment

or exhibition or to be a servant or agent of the promoter or of the proprietor of these premises.

(2) No woman shall be searched under this section except by a woman.

38. Powers of seizure.

Any officer or person authorized to exercise the powers of entry or investigation under section 36 may seize any document or other thing in respect of which he reasonably believes an offence to have been committed under this Chapter or any order made thereunder or which he reasonably believes to be or to contain evidence relating to such an offence:

Provided that nothing in this section shall be deemed to affect the powers of a police officer under the Criminal Procedure Code.

39. Powers of closure.

Any officer or person authorized to exercise the powers of entry or investigation under section 36 may, without prejudice to the exercise of the powers conferred on him by that section, forthwith take such steps as he may consider necessary to close any entertainment or exhibition which he is satisfied is kept open in contravention of any order under section 33 or 35.

40. Liability of principal for acts of servant.

For the purposes of this Chapter and any orders made thereunder every person shall be liable for every act, omission, neglect or default of any agent or servant employed by him, as fully and effectually as if the act, omission, neglect or default were done or committed by the person; but so that nothing in this section shall affect the liability of the agent or servant, and provided that the liability of a principal shall not extend to imprisonment unless he is privy to the offence.

41. Other offences against this Chapter and abetment.

Any person who contravenes or fails to comply with any provision of this Chapter or any order made or any condition imposed thereunder, or abets the contravention or failure, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding three years or to both.^a

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CHAPTER V

Other Powers for the Prevention of Subversion

41A. Powers relating to appointments.

(1) Where any written law confers any power relating to any appointment upon any person, body or authority constituted under such law, the Minister may by order require that before making any appointment, that person, body or authority shall submit to him -

- (a) a list of the names of the persons from whom the appointment will be made; and
- (b) such other information as may be specified in the order.

(2) Such person, body or authority shall not appoint or recruit any person whose appointment is in the opinion of the Minister prejudicial to the interests of Malaysia.

(3) No person otherwise than in the course of his official duty shall disclose to any person any communication which he may have received from the Minister under subsection (2).

41B. Power to close schools or educational institutions.

(I) The Minister, if he is satisfied at any time that a school or educational institution is being used--

- (a) for a purpose detrimental to the interests of Malaysia or of the public;
- (b) for the purpose of instruction detrimental to the interests of the public or of the pupils; or
- (c) as a meeting place of an unlawful society,

and that the circumstances so require, may make an order closing the school or educational institution for such period. not exceeding six months at any one time, as may be specified in the order.

(2) The board of managers or governors or other authority in charge of any school or educational institution, aggrieved by any order made under subsection (1), may within one month of the date of the order make an objection against the order to the Yang di-Pertuan Agong whose decision thereon shall be final and shall not be called into question

in any court.

(3) In this section, "school" and "education institution" have the same meanings as in the Education Act, 1961.

41C. Control of admission to institutions of higher education.

(1) Notwithstanding anything in any other written law, no person shall be admitted as a student to any institution of higher education to which this section applies unless he holds a certificate of suitability for admission thereto issued to him in accordance with the following provisions of this section:

Provided that this subsection shall not apply to-

- (i) any person ordinarily resident outside Malaysia whose admission to any such institution is recommended by any person or body designated for the purposes of this section by the Minister charged with the responsibility for education;
- (ii) members of the teaching staff of that institution who intended to do post-graduate work;
- (iii) persons not being students already admitted, who propose to attend extra-mural classes organised by the institution; and
- (iv) such other persons as the Minister may at his discretion exempt from this section.

(2) Any person requiring a certificate of suitability for admission to any institution of higher education shall apply therefor in writing to the principal education officer of the State in which he ordinarily resides or, if he is ordinarily resident outside Malaysia, to the Chief Education Adviser; and the principal education officer or Chief Education Adviser, as the case may be, after making such enquiries as he may consider appropriate, shall issue the certificate unless there appear to him to be reasonable grounds for believing that the applicant, if admitted to the institution in question, would be likely to promote, or otherwise participate in, action prejudicial to the interest or security of Malaysia or a any part thereof.

(3) Any person whose application for a certificate under this section is refused may, at any time within the period of twenty eight days beginning with the date on which he is notified of the decision, appeal against it to the Minister; and on any such appeal, the Minister-

- (a) if he is satisfied of the existence of the grounds referred to in subsection (2), shall confirm the decision; and
- (b) in any other case, shall direct the issue of a certificate.

(4) The decision of the Minister on any appeal under subsection (3) shall be final, and shall not be called into question in any court.

(5) The institutions of higher education to which this section applies are as follows:

- (a) the University of Malaya; and
- (b) any other institution of higher education which the Minister may designate for the purposes of this section by a notification in the Gazette,

and references in this section to a person's admission as a student to any such institution are references to his registration or enrolment for attendance at any course of study provided by the institution.

(6) Nothing in this section shall exempt from this section any student whose studies have been interrupted for a period of one year on disciplinary or other grounds, notwithstanding that the student has previously been admitted or that his name still remains in the register of the institution.

42. Powers in relation to pupils, etc., visiting Malaysia.

(1) The Minister may from time to time by order in writing forbid, except in accordance with the written permission of the Inspector-General first obtained, all or any named or any class of pupils, students, teachers or members of any school, college, educational institution or students' union or association, specified in the order and -

- (i) situated or established outside West Malaysia entering into or travelling therein; or
- (ii) situated or established outside Sabah and Sarawak entering into or travelling in those States or either of them,

as a group, or as one of a group of five or more such pupils, students, teachers or members, or, for the purpose of effecting as one of a group of such persons some common object within West Malaysia or within the States of Sabah and Sarawak or either of them, as the case may be, other wise to enter into or travel therein.

(2) The Inspector-General may grant the permission under subsection (1) subject to such conditions as he may think fit to impose, and, as a condition precedent thereto, he may require the pupil, student, teacher or member concerned or the parent of the pupil, student or member, or such other person as he thinks satisfactory, to furnish such security by bond or otherwise as he may think sufficient to secure the due observance and fulfilment of the conditions imposed.

(3) Where any Chief Police Officer has reason to believe

(a) that any person is a pupil, student, teacher or member affected by an order made under subsection (1), and that he -

(i) has entered West Malaysia or Sabah or Sarawak from a place outside and has not since the date of such entry continuously remained therein for a period exceeding three months;

(ii) is not the holder of a valid identity card issued to him in, and bearing an address within, West Malaysia or Sabah or Sarawak in accordance with the written law relating to identity cards for the time being in force; and

(iii) has contravened or intends to contravene any such order; or

(b) that any person having obtained written permission under subsection (1) has failed to observe any condition imposed upon him under subsection (2) in respect of such permission,

the Chief Police Officer may by order in writing -

(i) direct that the person be required to leave West Malaysia or East Malaysia, as the case may be, within such time as may be specified in the order and thereafter remain out of that territory for a period of six months from the date of the service of the order upon him, or for such lesser period as the Chief Police Officer may specify; or

(ii) direct that such person be taken into custody and, as speedily as may be, conducted across the frontier, and such person may lawfully be detained for so long as may be necessary for his removal to take effect; and such person so removed shall remain out of the aforesaid territory for a period of six months from the date of the removal.

(4) Any person who contravenes or fails to obey any order made under this section or who commits a breach of any condition imposed under subsection (2), shall be guilty of an offence.

(5) This section shall not operate to authorize the removal from West Malaysia of any person who is a citizen or from East Malaysia of any person who is a citizen by virtue of paragraph 2 of Part I of the Second Schedule to the Federal Constitution.

(6) The powers of the Inspector-General under subsections (1) and (2) may be exercised by any police officer not below the rank of Superintendent authorized in writing in that behalf by the Inspector-General.

CHAPTER VI

Miscellaneous

13. Attempts to commit offences and assisting offenders

(1) Without prejudice to the operation of Chapter V of the Penal Code of the Federated Malay States or the corresponding provisions of any Ordinance of Sabah or Sarawak, as the case may be, any person who attempts to commit, or does any act preparatory to the commission of an offence against this Part shall be deemed to be guilty of that offence and shall, on conviction, be liable to the penalties provided for that offence.

(2) No person knowing or having reasonable cause to believe that another person is guilty of an offence against this Part shall give that other person any assistance with intent thereby to prevent, hinder, or interfere with the apprehension, trial or punishment of that person for that offence.

44. Other offences under this Part and abetment.

Any person who contravenes or fails to comply with any provision of this Part or any order made or any direction or instruction given or requirement imposed thereunder or abets such contravention or failure not otherwise declared to be an offence shall be guilty of an offence.

44A. General penalty under this Part.

Any person guilty of an offence against this Part for which no special penalty is provided shall, on conviction, be liable to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one year or to both.

45. Arrest.

Any police officer may without warrant arrest any person suspected of the commission of an offence against this Part or of being a person ordered in pursuance of this Part to be detained.

46. Enforcement of bonds.

(1) Where any person is required to enter into a bond under section 8 (6) or under section 10 (1), or under section 33 (3), such bond may be enforced by any Magistrate on the application of any police officer not below the rank of Inspector, in the same manner as under the Criminal Procedure Code the Court of the Magistrate may enforce a bond required by that Court to be executed under such Code.

(2) Nothing in this section shall be deemed to prevent the penalty or any part thereof of any such bond from being recovered by suit or action in a court from the person entering into the bond or from his sureties, in accordance with any law for the time being in force relating to Government proceedings.

PART III

SPECIAL PROVISIONS RELATING TO SECURITY AREAS

CHAPTER I

Proclamation of Security Areas

47. Proclamation of security areas.

(1) If in the opinion of the Yang di-Pertuan Agong public security in any area in Malaysia is seriously disturbed or threatened by reason of any action taken or threatened by any substantial body of persons, whether inside or outside Malaysia, to cause or to cause a substantial number of citizens to fear organised violence against persons or property, he may, if he considers it to be necessary for the purpose of suppressing such organised violence, proclaim that area as a security area for the purposes of this Part.

(2) Every proclamation made under subsection (1) shall apply only to such area as is therein, specified and shall remain in force until it is revoked by the Yang di-Pertuan Agong or is annulled by resolutions passed by both Houses of Parliament:

Provided that any such revocation or annulment shall be

without prejudice to anything previously done by virtue of the proclamation.

(3) A proclamation made under subsection (1) shall be published in such manner as the Minister thinks necessary for bringing it to the notice of all persons who in his opinion ought to have notice thereof and shall have effect as soon as such notice has been given, without publication in the Gazette.

(4) A copy of every proclamation made under subsection (1) shall be published in the Gazette and laid before Parliament as soon as possible after it has been made.

CHAPTER II

Powers relating to Preservation of Public Security

48. Danger areas.

(1) The Minister, if he considers it necessary or expedient in the public security so to do, may, by order to be published in the Gazette, declare any area within a security area to be a danger area.

(2) The limits and extent of every danger area shall be demarcated at the site by such means as will, in the opinion of the Minister, make apparent to persons in or about the area concerned that the area has been declared a danger area.

(3) No person shall enter or remain in a danger area, and any person who fails to comply with this subsection shall be guilty of an offence:

Provided that this subsection shall not apply to members of the security forces in the performance of their duty or to any person accompanied by any such member.

(4) Any member of the security forces may within a danger area take such measures, including means dangerous or fatal to human life, as he considers necessary to ensure that no person prohibited from entering or remaining in a danger area shall enter or remain in the area.

(5) No claim of any kind shall accrue to, or in respect of any injury sustained by any person as a result of his having entered or remained in a danger area in contravention of subsection (3):

Provided that this subsection shall not preclude the award of compensation under any regulations made under section 71 if, in the particular circumstances under which a

person sustaining the injury entered or remained in a danger area, the authority empowered to award compensation thereunder considers it equitable to award such compensation.

(6) Where any land, building or other immovable property is within a danger area, a claim for compensation in respect of the land, building or other immovable property may be made in the manner prescribed by regulations made under section 71.

49. Controlled areas.

(1) The Minister may, if he considers it expedient in the public security so to do, make an order, which shall be published in the Gazette, declaring any area within a security area to be a controlled area, and in the same or any subsequent order may declare any specified part of that controlled area to be a residential part.

(2) Every such order shall declare -

(a) that after the expiration of a period to be specified in the order (which shall not be less than seven days from the date thereof) and subject to any exemption for which provision may be made by the same or by a subsequent order and to any conditions upon which such exemption may be granted, no person shall reside or continue to reside in any part of a controlled area other than a residential part; and

(b) that between such hours or at such times as may be specified in the order and subject to any exemption for which provision may be made by the same or by a subsequent order and to any conditions upon which such exemption may be granted, no person shall enter or remain in any part of the controlled area other than a residential part.

(3) Any person who contravenes an order made under this section shall be guilty of an offence.

(4) No order under this section shall apply to -

(a) the Yang di-Pertuan Agong, a Ruler or Governor;

(b) any member of the security forces when acting in the course of his duty; and

(c) any person or class of persons exempted from the order by the Chief Police Officer or the Officer in Charge of the Police District.

50. Protected place.

(1) If, as respects any place or premises in any security area, it appears to a Chief Police Officer to be necessary or expedient in the interests of public security or order, or for the maintenance of supplies or services essential to the life of the community, that special precautions should be taken to prevent the entry of unauthorized persons, he may by order declare the place or premises to be a protected place for the purposes of this Part; and so long as the order is in force, no person shall, subject to any exemptions for which provision may be made in the order, enter or remain in that place or those premises without the permission of such authority or person as may be specified in the order.

(2) Where, in pursuance of this section, any person is granted permission to be in a protected place, that person shall, while acting under that permission, comply with such directions for regulating his conduct as may be given by the Chief Police Officer or by the authority or person granting the permission.

(3) Any police officer, or any person authorized in that behalf by the Officer in Charge of the Police District may search any person entering or seeking to enter, or being in, a protected place, and may detain any such person for the purpose of searching him.

(4) If any person is in a protected place in contravention of this section, or, while in such a place, fails to comply with any directions given under this section, then without prejudice to any proceedings which may be taken against him, he may be removed from the place by any police officer or any person authorised in that behalf by the occupier of the premises.

(5) Any person who is in a protected place in contravention of this section or who on being challenged by a police officer wilfully fails to stop or who unlawfully refuses to submit to search shall be guilty of an offence.

(6) It shall be lawful for the Chief Police Officer to take or cause to be taken such steps as he may deem necessary for the protection of any protected place, and such steps may extend to the taking of defensive measures which involve or may involve danger to the life of any person entering or attempting to enter the protected place.

(7) Where any measures involving such danger as aforesaid are adopted, the Chief Police Officer shall cause such precautions to be taken, including the prominent display of warning notices, as he deems reasonably necessary to prevent inadvertent or accidental entry into any protected place, and

where such precautions have been duly taken, no person shall be entitled to compensation or damages in respect of injury received or death caused as a result of any unauthorized entry into any such protected place.

(8) For the purposes of this section "police officer" shall include-

- (a) any member of the security forces;
- (b) any prison officer; and
- (c) any other person performing the duties of guard or watchman in a protected place, the appointment of whom has been either specially or generally authorized by a Chief Police Officer.

(9) No woman shall be searched under this section except by a woman.

51 Exclusion of persons.

The Officer in Charge of a Police District may by order in writing exclude any person or persons from the Police District under his charge or from any part thereof, the District or part being part of a security area.

52. Curfew

(1) Every person within any Police District or part thereof within a security area which may be designated by order by the Officer in Charge of the Police District shall remain within doors, or within such area as may be defined in the order, between such hours as may be specified in the order, unless in possession of a written permit in that behalf issued by a police officer of or above the rank of Sub-Inspector.

(2) No order under this section shall apply to -

- (a) the Yang di-Pertuan Agong, a Ruler or Governor;
- (b) any member of the security forces when acting in the course of his duty; or
- (c) any person or class of persons exempted from the order by the Chief Police Officer or the Officer in Charge of the Police District.

53. Power to take possession of land or buildings

(1) The Minister may if it appears to him to be necessary or expedient so to do in the interests of public security, or

for the accomodation of any security forces, take possession of any land or of any building, or part of a building in any security area and may give such directions as appear to him necessary or expedient in connection with the taking of possession of that land or building.

(2) Any police officer may take such steps and use such force as appears to him to be reasonably necessary for securing compliance with directions given to any person under subsection (1).

(3) While any land or building is in possession of the Minister by virtue of this section, the land or building, may, notwithstanding any restriction imposed on the use thereof (whether by any written law or other instrument or otherwise) be used by, or under the authority of, the Minister for such purpose, and in such manner, as the Minister thinks expedient in the interests of public security or for the accommodation of any security forces; and the Minister, so far as appears to him to be necessary or expedient in connection with the taking of possession or use of the land or building in pursuance of this subsection

- (a) may do, or authorise persons using the land or building as aforesaid to do, in relation to the land or building, anything any person having an interest in the land or building would be entitled to do by virtue of that interest; and
- (b) may by order provide for prohibiting or restricting the exercise of rights of way over the land or building, and of other rights relating thereto which are enjoyed by any person, whether by virtue of an interest in the land or otherwise.

The owner or occupier of any land or building shall, if requested by or on behalf of the Minister so to do, furnish to such authority or person as may be specified in the request such information in his possession relating to the land or building (being information which may reasonably be demanded of him in connection with the execution of this section) as may be so specified.

(5) For the purposes of this section there shall be one or more advisory committee consisting of persons appointed by the Minister; and any such committee may make rules for the conduct of its proceedings.

(6) Any person aggrieved by reason of the taking possession of any land or building under this section may within fourteen days after possession has been taken give notice of his objection thereto to an advisory committee appointed under subsection (5).

(7) The chairman of an advisory committee to which such notice has been given by an aggrieved person shall inform any person on whose behalf possession of the land or building has been taken, and the advisory committee shall thereupon consider the objection made by the aggrieved person and any grounds which may be put forward against the objections by the person on whose behalf possession has been taken, and shall forward its recommendations to the minister.

(8) The Minister after considering the recommendations of the advisory committee shall give such directions thereon as he may think fit.

54. Power to order destruction of certain unoccupied buildings

(1) Where in any security area any building or structure is left unoccupied by reason of the operation of any order made under this Chapter, the Officer in Charge of the Police District in which the building or structure is situate may if it appears to him -

- (a) to be likely that the building or structure will if left standing be used by any person or persons who intend, or are about, to act or have recently acted in a manner prejudicial to public security or by any other person who is likely to harbour any such persons; and
- (b) to be impracticable in any other way to prevent such use,

destroy or authorize the destruction of that building or structure.

(2) Compensation shall be payable in respect of the destruction of any building or structure under this Section if the claimant satisfies the Minister -

- (a) that the building or structure was erected by or with the consent of the person lawfully entitled to the land on which the same was erected; and
- (b) that the building or structure was not liable to forfeiture under any regulations made under section 71:

Provided that compensation may be paid to the owner or occupier of any building or structure erected by or with the consent of the person lawfully entitled to the land on which it was erected, notwithstanding that the building

or structure is liable to forfeiture under any regulations made under section 71, if the owner or occupier satisfies the Minister that the building or structure was used by persons who intend, or are about, to act or have recently acted, in a manner prejudicial to public security or that those persons were being or had been harboured by his servant or agent, as the case may be, without his knowledge or consent, and that he exercised all due diligence to prevent the building or structure being so used or the harbouring of those persons as the case may be.

(3) Any compensation payable under this section shall be assessed in accordance with regulations made under section 71.

55. Power to control roads, etc.

(1) Any Officer in Charge of a Police District or any person duly authorized by any such Officer may by order, or by giving directions, or in any other manner, regulate, restrict, control or prohibit the use of any road or water-way in any security area by any person or class of persons or any vehicle or vessel or type or description of vehicle or vessel or close any road or water-way in the area.

(2) Any Officer in Charge of a Police District may, by the issue of permits to which conditions may be attached or in any other manner regulate, restrict, control or prohibit the travelling by any person or class of persons in any train, motor car, motor bus or vehicle of any description in any security area, and may similarly regulate, restrict, control or prohibit the travelling by any person in any vessel in such area.

56. Power to seize rice and other food.

(1) When on duty, any police officer of or above the rank of Corporal or any member of the security forces of or above the rating or rank of leading rate of non-commissioned officer, as the case may be, or any person authorized in writing so to do by the Officer in Charge of the Police District may seize any rice or any other article of food in any security area which by reason of its quantity or its situation is or is likely to or may become available to any persons who intend or are about to act or have recently acted in a manner prejudicial to public security or to the maintenance of public order.

(2) Any such police officer or member of the forces as aforesaid may without warrant enter and search any premises if he suspects that any rice or any food liable to seizure under this section is likely to be found on those premises.

(3) When on duty any police officer or any member of the security forces or any person who is authorized in writing so to do by the Officer in Charge of the Police District may stop and search any vessel, vehicle, or individual in any security area, whether in a public place or not, if he suspects that any rice or any food liable to seizure under this section is likely to be found on the vessel, vehicle or individual.

(4) No woman shall be searched under this section except by a woman.

CHAPTER III

Offences Relating to Security Areas

57. Offences relating to fire-arms, ammunition and explosives

(1) Any person who without lawful excuse, the onus of proving which shall be on that person, in any security area carries or has in his possession or under his control -

- (a) any fire-arm without lawful authority therefor; or
- (b) any ammunition or explosive without lawful authority therefor,

shall be guilty of an offence and shall, on conviction, be punished with death.

(2) A person shall be deemed to have lawful authority for the purposes of this section only if he -

- (a) is a police officer or a member of the security forces, or any person employed in the Prisons Department of Malaysia, and in every such case is carrying or is in possession of or has under his control that fire-arm, ammunition or explosive in or in connection with the performance of his duty;
- (b) is a person duly licensed, or authorized without a licence, under any written law for the time being in force to carry, possess or have under his control that fire-arm, ammunition or explosive; or
- (c) is a person exempted from this section by an Officer in Charge of a Police District, or is a member of any class of persons so exempted by the Inspector-General by notification in the Gazette:

Provided that no person shall be licenced to have lawful authority for the purposes of this section or to be exempt

from this section if he carries or has in his possession or under his control any such fire-arm, ammunition or explosive for the purpose of using the same in a manner prejudicial to public security or the maintenance of public order.

(3) A person shall be deemed to have lawful excuse for the purposes of this section only if he proves -

- (a) that he acquired the fire-arm, ammunition or explosive in a lawful manner and for a lawful purpose; and
- (b) that he has not at any time while carrying or having in his possession or under his control the fire-arm, ammunition or explosive, acted in a manner prejudicial to public security or the maintenance of public order.

(4) A person charged with an offence against this section shall not be granted bail.

58.- Consorting with person carrying or having possession of arms or explosives

(1) Any person who in any security area consorts with, or is found in the company of another person who is carrying or has in his possession or under his control any fire-arm, ammunition or explosive in contravention of section 57, in circumstances which raise a reasonable presumption that he intends, or is about, to act, or has recently acted, with that other person in a manner prejudicial to public security or the maintenance of public order shall be guilty of an offence and shall, on conviction, be punished with death or with imprisonment for life.

(2) Any person who in any security area consorts with, or is found in the company of, another person who is carrying or has in his possession, or under his control any fire-arm, ammunition or explosive in contravention of section 57, in circumstances which raise a reasonable presumption that he knew that that other person was carrying or had in his possession or under his control any such fire-arm, ammunition or explosive, shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding ten years.

(3) Where, in any prosecution for an offence under this section, it is established to the satisfaction of the court that the accused person was consorting with or in the company of any person who was carrying or had in his possession or under his control any fire-arm, ammunition or explosive, it shall be presumed, until the contrary is proved, that the

last mentioned person was carrying or had in his possession or under his control the fire-arm, ammunition or explosive in contravention of section 57.

59. Supplies.

(1) Any person who whether within or outside a security area demands, collects or receives any supplies from any other person in circumstances which raise a reasonable presumption that he intends, or is about, to act, or has recently acted, in a manner prejudicial to public security or the maintenance of public order, or that the supplies so demanded, collected or received are intended for the use of any person who intends or is about, so to act, or has recently so acted, or for the use of any terrorist, shall be guilty of an offence and shall, on conviction, be punished with death in cases where the supplies in respect of which he is convicted consist of fire-arms, ammunition or explosives, or with imprisonment for life in other cases.

(2) Any person who whether within or outside a security area is found in possession of any supplies for which he cannot satisfactorily account in circumstances which raise a reasonable presumption that the supplies are intended for the use of any person who intends, or is about, to act, or has recently acted, in a manner prejudicial to public security or the maintenance of public order, or that the supplies are intended for the use of any terrorist, shall be guilty of an offence and shall, on conviction, be punished with death in cases where the supplies in respect of which he is convicted consist of fire-arms, ammunition or explosives, or with imprisonment for life in other cases.

(3) Any person who whether within or outside a security area provides, whether directly, or indirectly, any supplies to any other person in circumstances which raise a reasonable presumption that that other person intends, or is about, to act, or has recently acted, in a manner prejudicial to public security or the maintenance of public order, or that the supplies so provided are intended for the use of any person who intends or is about, so to act, or has recently acted, or that the supplies are intended for the use of any terrorist, shall be guilty of an offence and shall, on conviction, be punished with death in cases where the supplies in respect of which he is convicted consist of fire-arms, ammunition or explosives, or with imprisonment for life in other cases:

Provided that no person shall be convicted of any offence against this subsection if he proves that prior to being arrested by a police officer or a person in authority he voluntarily gave full information of the offence to a police

officer.

(4) In any charge for an offence against this section it shall not be necessary to specify the person or persons from whom any supplies were demanded, collected or received or to whom any supplies were provided or intended to be provided.

60. Failure to report offences or to give information.

Any person who whether within or outside a security area, while any proclamation under section 47 is in force -

- (a) knowingly or having reasonable cause to believe that another person has committed an offence against this Part fails to report the same to a police officer; or
- (b) having in his possession any information as to the present or intended movements or whereabouts of any person whom he knows or has reasonable cause to believe to be a terrorist fails to report the same to a police officer,

shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding ten years:

Provided that no person shall be convicted of any offence against this section if he proves that prior to being arrested by a police officer or a person in authority, he voluntarily gave full information of that other offence or of those movements or whereabouts to a police officer.

61. Attempts to commit offences

Without prejudice to the operation of Chapter V of the Penal Code of the Federated Malay States or the corresponding provisions of any Ordinance of Sabah or Sarawak, as the case may be, any person who whether within or outside a security area, while any proclamation under section 47 is in force attempts to commit, or does any act preparatory to the commission of an offence against this Part shall be deemed to be guilty of that offence and shall, on conviction, be liable to the penalties provided for that offence.

62. Assisting offenders.

No person, knowing or having reasonable cause to believe that another person has committed an offence against this Part shall, whether within or outside a security area, give that other person any assistance with intent thereby to prevent, hinder or interfere with the apprehension, trial or

punishment of that person for the said offence

63 - Other offences under this Part and abetment.

If any person contravenes or fails to comply with any provision of this Part, or any order made or direction given or requirement imposed under any such provision or, whether within or outside a security area, abets such contravention or failure not otherwise declared to be an offence shall be guilty of an offence.

63A. General penalty under this Part.

Any person guilty of an offence against this Part for which no special penalty is provided shall, subject to any special provision contained in this Part or any regulation made under section 71, be liable, on conviction, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding three years or to both.

Powers of Police and Others

64. Arrest.

(1) Any police officer may without warrant arrest any person suspected of the commission of an offence against this Part.

(2) The powers conferred upon a police officer by subsection (1) may be exercised by any member of the security forces, by any person performing the duties of guard or watchman in a protected place, and by any other person generally authorized in that behalf by a Chief Police Officer.

65 - Powers of search.

(1) When on duty any police officer or any member of the security forces or any person who is authorized in writing so to do by the Officer in Charge of a Police District, may without warrant and with or without assistance stop and search any vehicle, vessel, train, aircraft or individual, whether in a public place or not, if he suspects that any article or material being evidence of the commission of an offence against this Part is likely to be found in the vehicle, vessel, train, aircraft or on the individual and may seize any article or material so found.

(2) When on duty any police officer of or above the rank of Corporal or any member of the security forces of or above the rating or rank of leading rate or non-commissioned officer, as the case may be, or any person authorized in writing so to do by the Officer in Charge of a Police District

may without warrant and with or without assistance enter and search any premises or place if he suspects that any article or material being evidence of the commission of any offence against this Part is likely to be found on the premises or place and may seize any article or material so found.

(3) No woman shall be searched under this section except by a woman.

66 - Power to dispense with inquests. etc.

Notwithstanding anything to the contrary in any written law, in any security area-

- (a) a Magistrate or a Coroner may dispense with the holding of a death inquiry or inquest on the dead body of any police officer or of any member of the security forces; and
- (b) where the Magistrate or Coroner responsible for holding a death inquiry or inquest into the body of any person is satisfied that the person has been killed in a security area as a result of operations by the police or by the security forces for the purpose of suppressing organised violence, the Magistrate or Coroner, as the case may be, may dispense with the holding of a death inquiry or inquest on the body of the person.

67. Medical officers of armed forces to be regarded as Government medical officers for purpose of inquiries.

Chapter XXXII and section 399 of the Criminal Procedure Code of the Federated Malay States and the corresponding provisions of the written laws in force in any Part of Malaysia shall, in respect of any inquiries into any death in any security area, have effect as if reference therein to a Government Medical Officer and to a Medical Officer included reference in each case to a medical officer of the armed forces when acting in the course of his duty:

Provided that -

- (a) it shall not be necessary under section 330 of the Criminal Procedure Code of the Federated Malay States or the corresponding provisions of the written laws in force in any part of Malaysia to inform a medical officer of the armed forces of any death in any such area if it is possible to inform the nearest Government Medical Officer, other than a medical officer of the armed forces, without undue delay; and

- (b) no medical officer of the armed forces shall, without his consent, be required by any order or otherwise to perform a post-mortem examination of any body.

CHAPTER V
General

68. Compensation.

(1) Where in the exercise of the powers conferred by section 53 or by any regulations made under section 71, possession is taken of any land, building or other structure or of any immovable property or of any space or accommodation in any vessel, aircraft, train or vehicle, compensation in respect of the possession shall be assessed in accordance with regulations made under section 71.

(2) For the avoidance of doubt it is hereby declared that no compensation shall be payable to any person in respect of any damage or injury to his person or property caused by or consequent upon any act authorised by this Part or any regulations made under section 71, unless provision for such compensation is made by this Part or any regulations made under section 71.

69. Application of section 94 of the Penal Code.

Section 94 of the Penal Code (which relates to an act to which a person is compelled by threats) shall have effect as if offences punishable with death under this Part were offences included in Chapter VI of the Penal Code punishable with death.

70. Extension of right of private defence.

The right of private defence of property conferred by Section 103 of the Penal Code shall be deemed to extend to any mischief by fire or explosive committed on a railway engine, railway rolling stock or a motor vehicle in any security area, as it applies to mischief by fire committed on a building used as a human dwelling or as a place for the custody of property.

CHAPTER VI
Power to make Regulations

71 . Power to make regulations.

(1) When a proclamation has been made under section 47 it shall be lawful for the Yang di-Pertuan Agong to make in respect of any security area any regulations whatsoever which he considers desirable for the public security.

(2) Without prejudice to the generality or scope of the powers conferred by subsection (1), regulations may be made under subsection (1) in respect of any matters coming within the classes of subjects hereinafter specified:

- (a) the assessment and payment of remuneration, compensation and allowances in respect of all matters done under this Act or in respect of injuries occasioned by or resulting from any proclamation under section 47;
- (b) the restriction of the movement of persons in any security area;
- (c) processions and meetings in any security area;
- (d) the supply and distribution of food, water, fuel, light and other necessities in any security area;
- (e) the declaration of fences or barriers surrounding any area in a security area as perimeter fences, and the regulation of trade and supplies from within and outside any such area
- (f) the eviction of persons unlawfully in occupation of land within any security area;
- (g) the seizure, occupation and forfeiture of land, buildings and other structures and movable property within any security area belonging to or used by persons who intend or are about to act or have acted in a manner prejudicial to the public security of Malaysia, or belonging to or used by persons who are harbouring or have harboured or who by their servants or agents are harbouring or have harboured any such persons;
- (h) the appropriation, control, forfeiture, disposition and use of property in any security area;
- (i) the requisition of space or accommodation in any vessel, aircraft, train or vehicle within any security area;
- (j) the destruction of buildings and other structures within any security area;
- (k) the clearance of lands within any security area, the recovery of the costs of and the payment of compensation in respect of such clearance;
- (l) the payment of gratuities to workmen injured or

to the dependents of workmen killed by acts of terrorism in any security area;

- (m) the restriction and prohibition in any security area of foodstuffs and other supplies;
- (n) the registration of persons or any class of persons and the control of occupations and industries within any security area;
- (o) the control of the movement of rubber and the protection of rubber plants in any security area;
- (p) the modification, amendment, supersession or suspension of the provisions of any written law for the time being in force in any security area;
- (q) the powers of the Mentri Besar or Chief Minister of any State under any regulations made under this section;
- (r) entry into and search of premises or other places and the arrest, search and interrogation of persons within any security area;
- (s) the formation of tribunals and other bodies for the purpose of deciding any matters specified in such regulations, but having no powers to inflict fines or imprisonment;
- (t) the prescription of fees and other payments; and
- (u) any other matter in respect of which it is in the opinion of the Yang di-Pertuan Agong desirable in the interests of public security that regulations should be made.

(3) Any regulations made under this section may provide for the infliction in the event of a contravention thereof of a fine not exceeding two thousand dollars or of imprisonment for a term not exceeding three years or of both such fine and imprisonment.

(4) Any regulations made under this section shall -

- (a) unless the Yang di-Pertuan Agong otherwise directs, come into force on the day on which they are made, and shall then continue in force so long as the proclamation under section 47 is in force, unless sooner revoked; and
- (b) have effect only within the security area or areas to which the said proclamation applies.

(5) All subsidiary legislation under this Act in force in any security area immediately before the revocation or annulment of any proclamation under section 47, shall cease to have effect in the area upon the revocation or annulment, but without prejudice to the taking or continuance of any proceedings in respect of anything previously done or omitted to be done, or to the payment of any compensation or allowance thereunder.

PART IV
MISCELLANEOUS PROVISIONS

72 . Seizability and bailability of offences.

(1) Every offence against this Act shall be seizable for the purposes of the Criminal Procedure Code.

(2) Every offence against this Act punishable with imprisonment for a term exceeding three years shall be non-bailable for purposes of the Criminal Procedure Code.

73. Power to detain suspected persons.

(1) Any police officer may without warrant arrest and detain pending enquiries any person in respect of whom he has reason to believe -

(a) that there are grounds which would justify his detention under section 8; and

(b) that he has acted or is about to act or is likely to act in any manner prejudicial to the security of Malaysia or any part thereof or to the maintenance of essential services therein or to the economic life thereof.

(2) Any police officer may without warrant arrest and detain pending enquiries any person, who upon being questioned by the officer fails to satisfy the officer as to his identity or as to the purposes for which he is in the place where he is found and who the officer suspects has acted or is about to act in any manner prejudicial to the security of Malaysia or any part thereof or to the maintenance of essential services therein or to the economic life thereof.

(3) Any person arrested under this section may be detained for a period not exceeding sixty days without an order of detention having been made in respect of him under section 8:

Provided that -

- (a) he shall not be detained for longer than twenty-four hours except with the authority of a police officer of or above the rank of Inspector;
- (b) he shall not be detained for more than forty-eight hours except with the authority of a police officer of or above the rank of Assistant Superintendent; and
- (c) he shall not be detained for more than thirty days unless a police officer of or above the rank of Deputy Superintendent has reported the circumstances of the arrest and detention to the Inspector-General or to a police officer designated by the Inspector-General in that behalf, who shall forthwith report the same to the Minister.

(4) - (5) [Repealed]

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(6) The powers conferred upon a police officer by subsections (1) and (2) may be exercised by any member of the security forces, any person performing the duties of guard or watchman in a protected place and by any other person generally authorized in that behalf by a Chief Police Officer.

(7) Any person detained under the powers conferred by this section shall be deemed to be in lawful custody, and may be detained in any prison, or in any police station or in any other similar place authorized generally or specially by the Minister.

74. Use of lethal weapons in effecting arrests.

(1) Notwithstanding anything to the contrary contained in any other written law it shall be lawful for any police officer in order --

- (a) to effect the arrest of any person liable to detention under any order made under section 8;
- (b) to effect the arrest of any person liable to arrest and detention under section 73 (1) or (2);
- (c) to effect the arrest of any person whom he has, in all the circumstances of the case, reasonable grounds for suspecting to have committed an offence against this Act or against any provision of any written law for the time being specified in the First Schedule;
- (d) to overcome forcible resistance offered by any person to the arrest; or

- (e) to prevent the escape from arrest or the rescue of any person arrested as aforesaid,

to use such force as, in the circumstances of the case, may be reasonably necessary, which force may extend to the use of lethal weapons.

(2) Every person arrested for any of the offences referred to in subsection (1) shall as soon as possible after his arrest be clearly warned of his liability to be shot at if he endeavours to escape from custody.

(3) The powers conferred upon a police officer by subsection (1) may be exercised by any member of the security forces, and by any person performing the duties of guard or watchman in a protected place, and by any other person generally authorized in that behalf by a Chief Police Officer.

(4) Nothing in this section contained shall derogate from the right of private defence contained in sections 96 to 106 of the Penal Code.

75. Admission of statements in evidence.

(1) Where any person is charged with any offence against this Act or against any written law for the time being specified in the Second Schedule any statement, whether the statement amounts to a confession or not or is oral or in writing, made at any time, whether before or after the person is charged and whether in the course of a police investigation or not and whether or not wholly or partly in answer to questions, by the person to or in the hearing of any police officer of or above the rank of Inspector and whether or not interpreted to him by any other police officer or any other person concerned, or not, in the arrest, shall notwithstanding anything to the contrary contained in any written law, be admissible at his trial in evidence and, if the person tenders himself as a witness, any such statement may be used in cross-examination and for the purpose of impeaching his credit:

Provided that -

- (a) no such statement shall be admissible or used as aforesaid -

- (i) if the making of the statement appears to the court to have been caused by any inducement, threat or promise having reference to the charge against such person, proceeding from a person in authority and sufficient in the opinion of the court to give the person grounds which would appear to him reasonable

for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceeding against him; or

(ii) in the case of a statement made by the person after his arrest, unless the court is satisfied that a caution was administered to him in the following words or words to the like effect: "It is my duty to warn you that you are not obliged to say anything or to answer any question, but anything you say, whether in answer to a question or not, may be given in evidence"; and

(b) a statement made by any person before there is time to caution him shall not be rendered inadmissible in evidence merely by reason of no such caution having been administered if it has been administered as soon as possible.

(2) Notwithstanding anything to the contrary contained in any written law a person accused of an offence to which subsection (1) applies shall not be bound to answer any questions relating to the case after any such caution as aforesaid has been administered to him.

(3) This section shall apply in relation to any person tried after the commencement of this Act, whether or not the proceedings against the person were instituted and whether or not the relevant statement was made before such commencement.

76. Inspection of bankers' books.

The Minister may, if he is satisfied that any evidence of the commission of an offence against this Act or against any written law for the time being specified in the Second Schedule is likely to be found in any banker's book, by order authorize any police officer to inspect any such book, and a police officer so authorized may, at all reasonable times, enter the bank specified in the order and inspect the banker's books kept therein, and may take copies of any entry in any such book.

77. Disposal of property.

(1) Subject to subsection (2) the provisions of the Criminal Procedure Code relating to the disposal of property the subject of an offence shall apply to any article coming into the possession of a police officer or any other person having any functions in connection with the operation of this Act which the officer or person has reasonable ground

for believing to be evidence of the commission of an offence against this Act; and in relation to any such article any reference therein to a police officer shall have effect as if it included a reference to any such person.

(2) Any article or material coming into the possession of a police officer under section 65 may be disposed of in such manner as the Minister may order.

(3) Nothing in this section shall be taken to prejudice any right to retain or dispose of property which may exist in law apart from the provisions of this section.

78. Registration of persons arrested or detained.

(1) The provisions of the Registration of Criminals and Undesirable Persons Act, 1969, relating to the taking of finger impressions and photographs of persons under arrest and accused of any crime shall apply to persons arrested and detained under this Act as if they were persons accused of any crime within the meaning of that Act.

(2) The provisions of the Registration of Criminals and Undesirable Persons Act, 1969, shall apply to persons convicted of an offence against this Act as if the offence were a crime included in the First Schedule to that Act.

79. Jurisdiction of courts.

Without prejudice to the jurisdiction of the High Court, a Sessions Court or in Sabah and Sarawak, the Court of a Stipendiary Magistrate, shall have jurisdiction to try any offence against this Act, other than an offence punishable with death, and to pass any sentence prescribed therefor not exceeding a fine of five thousand dollars or five years' imprisonment or both.

80. Restriction on prosecution.

A prosecution for any offence against this Act punishable with imprisonment for a term of seven years or more shall not be instituted except with the consent of the Public Prosecutor:

Provided that, subject to the law for the time being in force relating to criminal procedure -

- (a) a person charged with such an offence may be arrested, or a warrant for his arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that the consent of the Public Prosecutor to the institution of a prosecution for the offence has not been

obtained, but the case shall not be further prosecuted until that consent has been obtained; and

- (b) when a person is brought before a court under this section before the Public Prosecutor has consented to the prosecution the charge shall be explained to him but he shall not be called upon to plead, and the provisions of such law shall be modified accordingly.

81. Publicity of orders.

(1) When any order or regulation is made or direction or instruction is given under this Act, the Minister or other authority making such order or regulation or giving such direction or instruction shall cause notice of its effect to be given as soon as may be in such manner as he thinks necessary for bringing it to the notice of all persons who in his opinion ought to have notice of it, and such order regulation, direction or instruction shall have effect as soon as notice as aforesaid has been given, without publication in the Gazette

(2) Without prejudice to any special provisions contained in this Act or in any rules or regulations made thereunder a notice to be served on any person for the purpose of any section may be served by leaving it at, or by sending it by post in a letter addressed to that person at his last or usual place of abode or place of business.

(3) Any order or regulation made or any direction or instruction given under this Act may at any time during its continuance be cancelled by the person empowered to make the order or regulation or to give the direction or instruction, but without prejudice to the previous validity thereof or to anything done thereunder or to the power of the person to make a fresh order or regulation or give a fresh direction or instruction under those provisions.

82. Saving.

Nothing in this Act shall affect any other law relating to criminal offences:

Provided that no person shall be punished twice for the same offence.

83. Amendment, etc. of Schedules.

The Schedules to this Act may be added to, varied or amended by resolution passed by both Houses of Parliament

84. (Omitted).

85. Transitional provisions.

(1) Every person who is detained in pursuance of an order of detention issued under this Act before 1st September, 1971, whether or not he has made written representations to an Advisory Board under the Internal Security (Detained Persons Advisory Board) Rules, 1964 (hereinafter referred to as the Rules) as modified by the Emergency (Internal Security) (Modification of Laws) Ordinance, 1969 (hereinafter referred to as the Ordinance), shall, notwithstanding the modifications made to the Rules by the Ordinance, if by reason of the Ordinance he has been prevented from appearing in person or being represented before an Advisory Board either for the hearing of his representations against, or for the review of, his order of detention, be given an opportunity of so appearing or being represented, or both, as he may elect.

(2) The opportunity aforesaid shall be given to the persons mentioned in subsection (1) by notice in writing issued by direction of the Chairman of an Advisory Board, who on receipt of a reply stating that any such person wishes to appear or be represented before the Board shall proceed as if rules 3 (3) and 4 of the Rules in the case of representations, or rule 6 thereof in the case of a review, were in force.

(3) The arrangements mentioned in subsection (2) shall so far as practicable be made so as to give priority to those persons who have been longest under detention, but so that in any case all representations made under this section shall have been considered and recommendations made thereon to the Yang di-Pertuan Agong, and all reviews held thereunder completed and reports made thereon to the the Minister, before 1st September, 1972.

This section shall cease to have effect on 1st September, 1972.

FIRST SCHEDULE
(Sections 74 and 83)

Use of lethal weapons in effecting arrests

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|-----------------------------------------------------------------------------------|-----|-----|-----|----------------------|
| 1. Penal Code ... | ... | ... | ... | Sections 435 and 436 |
| 2. Corrosive and Explosive Substances and
Offensive Weapons Ordinance 1959 ... | | | | Sections 3, 4 and 5 |

SECOND SCHEDULE

(Sections 75, 76 and 83)

Admissions of statements in evidence

- | | |
|-------------------------|-------------------------------------------------------------------------------------------------------|
| F.M.S.Cap.42 | 1. Malay Regiment Enactment - any offence under sections 74, 97, 98 and 100; |
| Act 13/66 | 2. Societies Act 1966 - any offence under sections 42, 43, 44 and 52; |
| Act 15 | 3. Sedition Act 1948 - any offence under the Act; |
| F.M. 43/58
Offensive | 4. Corrosive and Explosive Substances and Weapons Ordinance 1958 - any offence under the Ordinance; |
| Act 78 | 5. National Registration Act 1959 - any offence under any regulations made under the Act; |
| 21/60 | 6. Arms Act, 1960 - any offence under section 9; |
| M.U. 26/47 | 7. Abduction and Criminal Intimidation of Witnesses Ordinance 1947 - any offence under the Ordinance; |
| M.U. 8/48 | 8. (a) Railway Ordinance 1948 - any offence under sections 108, 110 and 111; |
| Cap. 116 | (b) Railways Ordinance of Sabah - any offence under sections 24, 25 and 26; |
| F.M. 40/57 | 9. Explosives Ordinance 1957 - any offence under sections 9, 10, 11 and 12; |
| | 10. Any abetment of or attempt to commit any offence specified in this Schedule; |
| PU(B) 336/75 | 11. Firearms (Increased Penalties) Act 1971 |

THIRD SCHEDULE
(Sections 8(2) and 83)

Essential services

1. Water services.
2. Electricity services.
3. Public health services

4. Fire services.
5. Prison services.
6. Postal services.
7. Telephone services.
8. Telegraph services.
9. Radio Communication services, including broadcasting and television services.
10. Port, dock and harbour services and undertakings.
11. Public transport services by land, sea or air.
12. Bulk distribution of fuel and lubricants.

INTERNAL SECURITY ACT, 1960
(Act 82)

Particulars under section 7 (ii) and (iii) of the Revision of
Laws Act, 1968 (Act I)

LIST OF AMENDMENTS

Amending law from	Short title	In force
Act 9/1962 1962	... Internal Security (Amendment) Act. 1962	24-2-
L.N. 232/1963 1963	... Modification of Laws (Internal Security and Public Order) (Borneo States) Order, 1963	16-9-
L.N. 239/1963 1963	... Corrigendum to L.N. 232/1963	16-9-
L.N. 284/1963 10-1963	... Modification of Laws (Internal Security Act, 1960) Order. 1963	24-
L.N. 334/1964 10-1964	... Modification of Laws (Internal Security Act, 1960) Order. 1964	15-

L.N. 335/1964 1964 10-1964	...	Emergency (Internal Security and Detention Orders) Regu- lations. 1964	(30-9- (20-
Act 20/1964 1964	...	Internal Security (Amendment) Act. 1964	30-7-
L.N. 69/1965 10-1964	...	Modification of Laws (Internal Security Act, 1960) (Amend- ment) Order. 1965	15-
L.N. 110/1965 10-1964	...	Emergency (Internal Security and Detention Orders) (Amendment) Regulations. 1965	20-
Act 25/1966 1966	...	Internal Security (Amendment) Act. 1965	14-4-
P.U. 415/1966 11-1966	...	Resolution of the Senate of 5-9-1966 made under section 83	10-
P.U. 416/1966 11-1966	...	Resolution of the House of Representatives of 22-8-1966 made under section 83	10-
Act 7 1969	...	Registration of Criminals and Undesirable Persons Act, 1969	2-5-
P.U. (B) 180/1969 1969	...	Corrigendum to Act 7	... 2-5-
Ordinance 4. 1969 5-1969 P.U. (A) 186/1969	...	Emergency (Internal Security) (Modification of Laws) Ordi- nance 1969	16-
Act A61 9-1971	...	Internal Security (Amendment) Act, 1971	1-
P.U. (B) 336/75			

LIST OF LAWS OR PARTS THEREOF SUPERSEDED

No		Title
Act 18 of 1960	...	Internal Security Act. 1960
Act A61	...	Internal Security (Amendment) Act, 1971

LAWS OF MALAYSIA

Act A705

INTERNAL SECURITY (AMENDMENT) ACT 1988

An Act to amend the Internal Security Act 1960, and to provide for matters connected therewith.

WHEREAS action has been taken and further action is threatened by a substantial body of persons both inside and outside Malaysia-

- (1) to cause, and to cause a substantial number of citizens - to fear, organised violence against persons and property; and
- (2) to procure the alteration, otherwise than by lawful means, of the lawful Government of Malaysia by law established;

AND WHEREAS the action taken and threatened is prejudicial to the security of Malaysia;

AND WHEREAS Parliament considers it necessary to stop or prevent that action;

Now, THEREFORE, pursuant to Article 149 of the Constitution BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Internal Security (Amendment) Act 1988 and shall come into force on the date of its publication in the Gazette.
2. Section 8 of the Internal Security Act 1960, which in this Act is referred to as "the principal Act", is amended by substituting the words "section 12 shall apply accordingly" for the words section 12(1) shall

apply as if for the words "such person was detained" the words "his detention order was extended" were substituted' in the proviso to subsection (7).

3 The principal Act is amended by inserting after section 8 a new section 8A as follows:

8A. No detention order shall be invalid or inoperative by reason-

(a) that the person to whom it relates -

(i) was immediately after the making of the detention order detained in any place other than a place of detention referred to in section 8 (3);

(ii) continued to be detained immediately after the making of the detention order in the place in which he was detained under section 73 before his removal to a place of detention referred to in section 8 (3), notwithstanding that the maximum period of such detention under section 73 (3) had expired; or

(iii) was during the duration of the detention order on journey in police custody or any other custody to a place of detention referred to in section 8(3); or

(b) that the detention order was served on him at any place other than the place of detention referred to in section 8(3), or that there was any defect relating to its service upon him."

5. (1) Where a detention order was made under section 8 (1) of the principal Act against any person during the period between the date of the commencement of the principal Act and the commencement of this Act (hereinafter referred to as "the transitional period"), the detention order and the detention effected in pursuance thereof during the transitional period, and its continuation thereafter, if any, are hereby declared lawful and valid, and shall be deemed to be, and to have always and at all times been, lawful and valid, notwithstanding that at any time during the duration of the detention order he was

detained at any place other than the place of detention referred to in section 8 (3) of the principal Act, or continued to be detained in the place in which he was detained under section 73 of the principal Act after the expiry of the maximum period provided therefor under section 73(3) of the principal Act, or was on journey in police custody or any other custody to the place of detention as aforesaid, or that there was any delay in the service of the detention order on him, or that it was served on him at any place other than the place of detention, or that there was any defect relating to its service upon him.

(2) No action, suit, prosecution, or other legal proceeding whatsoever of any description or in any form, shall be brought, instituted or maintained in any court on any ground after the commencement of this Act, or, if brought or instituted before the commencement of this Act, shall continue to be maintained, for or on account of, or in respect of, anything lawfully done in relation to the detention order or the detention declared lawful and valid under subsection (1), save that the provisions of this subsection shall not apply to any such legal proceeding which had concluded and the final decision of the court in respect of which had been given before the commencement of this Act, or to any appeal in respect of such final decision.

THE INTERNAL SECURITY (AMENDMENT) ACT 1989

An Act to amend the Internal Security Act 1960, and to provide for matters connected therewith.

[25 August 1989]

WHEREAS action has been taken and further action is threatened by a substantial body of persons both inside and outside Malaysia

- (1) to cause, and to cause a substantial number of citizens to fear organised violence against persons and property; and
- (2) to procure the alteration, otherwise than by lawful means, of the lawful Government of Malaysia by law established;

AND WHEREAS the action taken and threatened is prejudicial to the security of Malaysia;

AND WHEREAS Parliament considers it necessary to

stop or prevent that action

Now, THEREFORE, pursuant to Article 149 of the Constitution BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, an by the authority of the same, as follows:

This Act may be cited as the Internal Security (Amendment) Act 1989 and shall come into force on the date of its publication in the Gazette

2. The Internal Security Act 1960, which in this Act is referred to as "the principal Act", is amended by inserting immediately after section 8A the following new sections 8B, 8C and 8D:

8B. (1) There shall be no judicial review in any court of, and no court shall have or exercise any jurisdiction in respect of, any act done or decision made by the Yang di-Pertuan Agong or the Minister in the exercise of their discretionary power in accordance with this Act, save in regard to any question on compliance with any procedural requirement in this Act governing such act or decision.

(2) The exception in regard to any question on compliance with any procedural requirement in subsection (1) shall not apply where the grounds are as described in section 8A.

8C. In this Act, "judicial review" includes proceedings instituted by way of -

- (a) an application for any of the prerogative orders of mandamus, prohibition and certiorari;
- (b) an application for a declaration or an injunction;
- (c) a writ of habeas corpus; and
- (4) any other suit, action or other legal proceedings relating to or arising out of any act done or decision made by the Yang di-Pertuan Agong or the Minister in accordance with this Act.

8D. (1) Sections 8B and 8C shall apply to any

proceedings instituted by way of judicial review of any act done or decision made by the Yang di-Pertuan Agong or the Minister under this Act, whether such proceedings were instituted before or after the coming into force of the Internal Security (Amendment) Act 1969.

(2) A reference to proceedings in subsection (1) shall not include a reference to proceedings which had concluded and in respect of which final decision of the court had been given before the coming into force of the Internal Security (Amendment) Act 1989, or to any appeal or application to appeal against such final decision."

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