



MALAYSIA

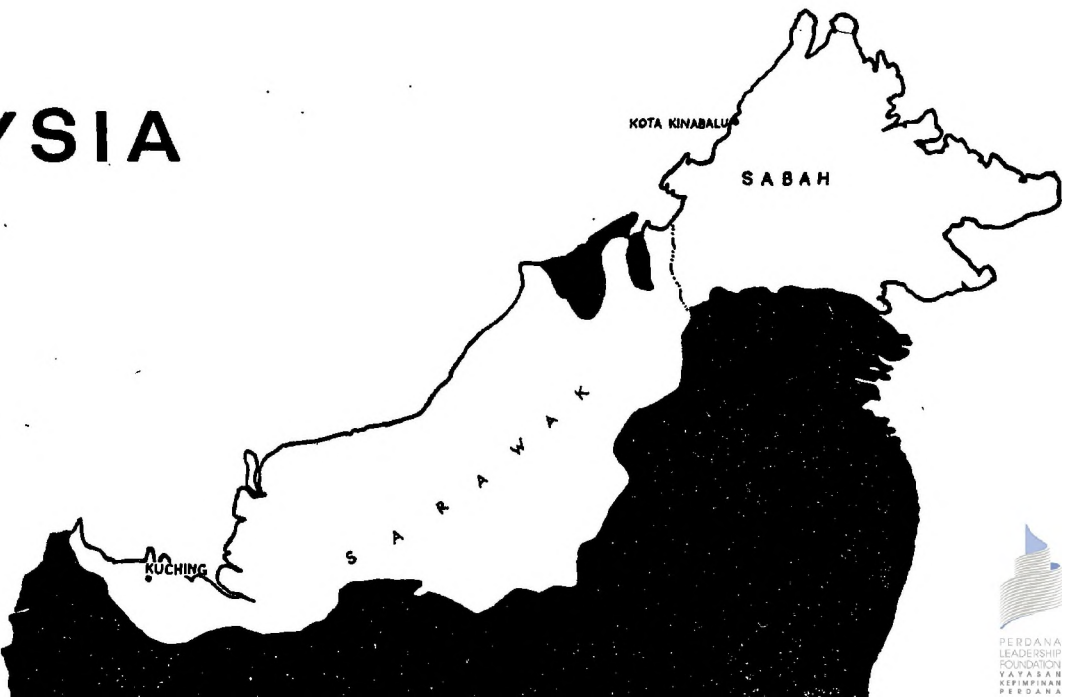
AN INTRODUCTION
TO
THE CONSTITUTION
OF
MALAYSIA

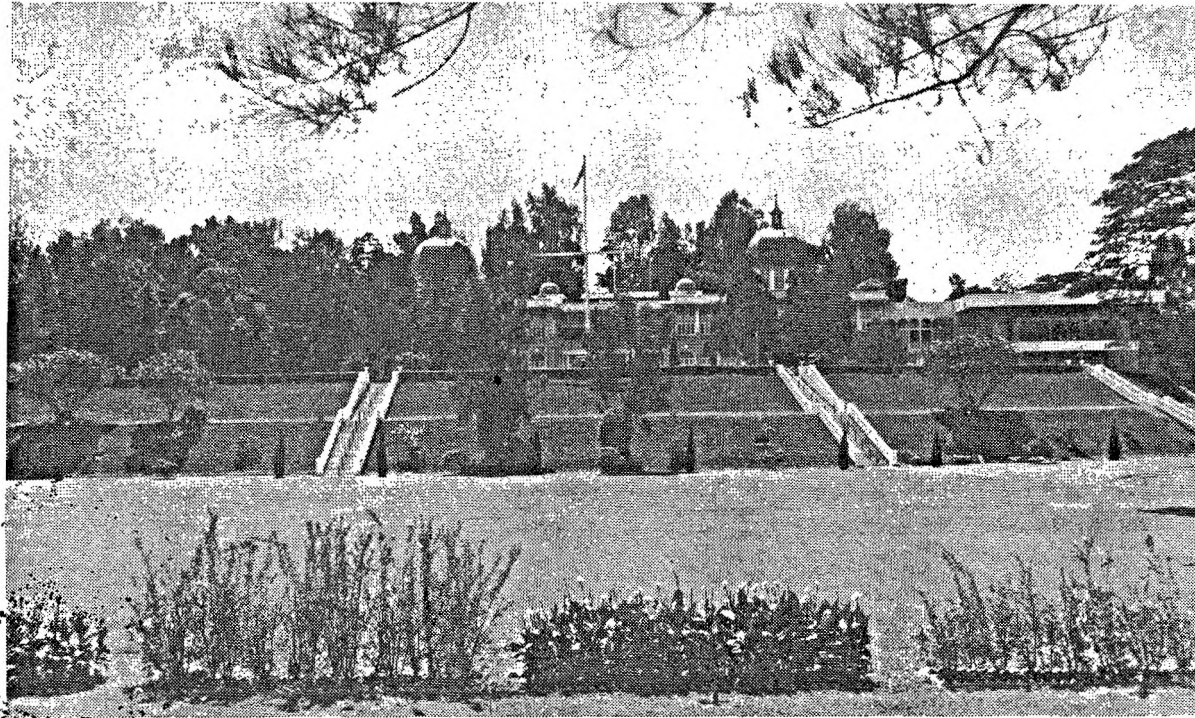
by

TAN SRI MOHAMED SUFFIAN BIN HASHIM
Judge of the Federal Court, Malaysia



MALAYSIA





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PREFACE

The citizen should know something about the constitution and I think that this modest volume will help him. It is hopeless for him to read the text of the constitution which is in legalese. Even a lawyer finds the original text difficult to understand, unless he happens to be a constitutional lawyer, of which the number is small, because quite naturally lawyers tend to concentrate on bread and butter branches of the law.

I have written this book in fairly simple language so as to reach as wide a public as possible outside university and the courtroom. I have striven to give a straightforward account of the constitution, for I find that the ordinary citizen is curious to know simply what its various provisions are. To keep the book within reasonable bounds, I have refrained from burdening it with history, except where I think some background information will help to explain. I have above all refrained from criticizing and speculating, not because I think that every provision of the constitution is free from blemish, but because of the inhibiting nature of my office. It is undesirable for a judge to commit himself in advance on matters that may come up formally for decision by him in court. If opinion has here and there crept in, it does not necessarily follow that I shall, after hearing opposing arguments, adhere to it.

I should also explain that though published by the Government Printer, this book is not a government book. It has not been commissioned by the Government. The idea of writing it was suggested to me by friends outside Government, who thought that there was a crying need for a book by some one who had been closely connected with the framing of the constitution. They would however be disappointed if they had expected a scholarly tome.

This book was ready for the printers of another publisher in April, 1969, but its publication had to be postponed by the events of 13th May, 1969. In the aftermath of those events it was obvious from various press statements of party and community leaders on the National Consultative Council that some constitutional provisions would be amended to remove sensitive issues from the arena

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of public discussion, and amended they were by Parliament in its first meeting, early in 1971. Immediately the amendments were passed I set about to revise and update my original text.

The Government has not, however, seen the text of this book before publication, and it must not therefore be thought that it agrees with any of the views expressed in it.

In a book that has to be written in the midst of a busy life, it is fitting to remember the help and advice of Dr Bashir A. Mallal, Mr S. Jayakumar and Mr Stephen T. H. Goh who have made suggestions for improvements and helped me avoid errors. I have also had the help of members of the public service who checked the facts and figures stated in this book, mostly culled from published documents and statements in Parliament and the press, but as they are serving officers mention of too many names should be avoided. I have mentioned some in footnotes in the relevant places. I should, however, here mention the invaluable help of Mr Santa Singh and Mr S. Sivaswamy of the Attorney-General's Chambers,

In the courts I have been efficiently served by my secretary, Mr Wong Yik Ming; by Mrs Wee Kim Swee, Che' Fatimah binti Noordin and Che' Hasmah binti Kasim who quickly and cheerfully typed and retyped many drafts; and by Enche' Mohd. Said bin Hassan who swiftly traced for me any book and enactment that I required.

I am grateful to Enche' Mohamed Daud bin Abdul Rahman, the Government Printer, for his forbearance. His task was made more difficult by my having to submit to him the draft not in one whole piece, but a few chapters at a time as and when they were ready.

Finally I thank my wife Bunny for her encouragement. Without cheery chivying from her, it is doubtful if this book would ever have been written.

Federal Court, Kuala Lumpur.
12th November 1971

Tan Sri Mohamed Suffian.

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