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**CONSTITUTIONAL LAW CASES
FROM
MALAYSIA AND SINGAPORE**



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PREFACE TO THE SECOND EDITION

CONSTITUTIONAL LAW CASES FROM MALAYSIA AND SINGAPORE

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PREFACE TO THE SECOND EDITION

Rapid development of case-law in constitutional law subsequent to the appearance of the First Edition five years ago is the main reason for the publication of this Second Edition. During this period, the courts in Malaysia and Singapore have rendered more than thirty-five judicial decisions many of which authoritatively clarify major questions, or establish important principles, in significant areas such as fundamental liberties, citizenship, public servants, preventive detention and emergency powers. This Second Edition incorporates these new cases while retaining the majority of the cases appearing in the First Edition. I have omitted only six cases* which appeared in the First Edition which were cases where discussion of a provision was general, tangential or even obiter and which I had then included only because case-law was still in its infancy. (As I had stated in the Preface to the First Edition "with subsequent development of case-law over the years, a more restrictive selection may be justified in future editions of this casebook").

As to the format and contents, the basic pattern of the First Edition has been retained (see Preface to the First Edition). The reader's attention, however, is drawn to two changes: *First*, the reference to cases cited and other citations have been incorporated in the text of the judgments instead of resorting to footnotes; *secondly*, in the *Notes and Questions* reference is often made to certain cases which, because of obliqueness of the constitutional issues raised, have not been extracted.

As to the inclusion in one casebook of judicial decisions from two separate independent countries, Malaysia and Singapore, I remain convinced of the wisdom of continuing this approach. Not only do many provisions of the Malaysian Constitution still have constitutional force in Singapore, but in the past five years the Courts in both countries have continued to show a willingness to respect and follow constitutional decisions emanating from each other's jurisdiction. The case extract headings, however, clearly indicate to the reader the country and court which decided the case.

Cut-off dates. For the judgments, the latest volume of the *Malayan Law Journal* consulted was [1975] 2 M.L.J. and cases appearing subsequent to December 1975 M.L.J. are not incorporated.

For the bibliography on Malaysian and Singapore Constitutional Law I have endeavoured to keep it up to date as of July 1976.

Cases decided after cut-off date: I wish to bring to the reader's attention the following case reported after the cut-off dates, which has a bearing on Constitutional Law:-

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- * 1. *Choeldi, Johannes & Ors., ex parte* [1960] M.L.J. 184.
 2. *Ghazali v. Public Prosecutor* [1964] M.L.J. 156.
 3. *Gnanasundram v. Public Services Commission* [1966] 1 M.L.J. 157.
 4. *Haji Wan Othman & Ors. v. The Government of the Federation of Malaya* [1965] 2 M.L.J. 31.
 5. *Sambasivam v. Public Services Commission & Anor.* [1970] 1 M.L.J. 62.
 6. *Shaaban & Ors. v. Chong Fook Kam & Anor.* [1969] 2 M.L.J. 219.