

CONSTITUTIONAL LAW CASES FROM MALAYASIA AND SINGAPORE. By S. Jayakumar. Malayan Law Journal Pvt. Ltd., Singapore, 1971. pp xxxii+464. £4.50=U.S. \$ 11.00.

The value and use of a case book especially for students in law courses is recognized notwithstanding the fact that resort can always be had to the original law reports. The important advantage is that a case book is quick and concise in the access it provides to the original statements of law and its analysis of the judgments.

This case book, according to the author, is aimed not merely at student users but also practitioners in Malaysia and Singapore. The cases are dealt with under various topics bearing the due relevance to the broad lines of development. Starting with 'Constitutional Supremacy and Judicial Review' and ending with 'Constitutional Amendments', there are 13 headings in total covering about sixty-one cases. The section dealing with Singapore prior to and after separation from the Union could be of added interest.

Decisions covering several constitutional issues have been so arranged that only those extracts of the judgments which relate to a given heading appear under it. The author has given a short appreciation of facts at the commencement of every case. In addition by way of helpful suggestions he has put in 'Notes and questions' in between with references to articles in law journals. There is an up to date bibliography and a good index (an alphabetical list of cases covered and cited).

Referring to his choice of case material the author says, "It is my view that since the present case law on the Malaysian and Singapore Constitutions is still in its infancy, every judicial comment and clarification becomes significant and should be made available to the reader." The nature of these Constitutional provisions, in a large measure, accounts for the lack of any substantial judicial contribution to their growth. In many crucial areas judicial review has either been denied or minimised.¹ Harry E. Groves and L.A. Sheridan in their individual as well as joint texts² have dealt with the historical and socio-economic background trying to explain the large areas of exceptions to the fundamental guarantees such as for example equality under article 8 of the Malaysian Constitution. The special privileges entrenched in the Constitution in favour of the Malays had been a

1. See, for example, article 10 of the Malaysian Constitution. Parliament may impose "such restrictions as it deems necessary" on the freedoms of speech, assembly and association. The Indian provision, article 19, says that the restrictions have to be 'reasonable' and therefore amenable to judicial review.

2. See Harry E. Groves *The Constitution of Malaysia*, and D.A. Sheridan, (N.Y. Oceana Publications 1967) *Malaya and Singapore, the Borneo Territories: the Development of their laws and Constitutions* Vol. 9 British Commonwealth Series L.A. Sheridan (ed.) (London, Stevens, 1961) Harry R. Groves, *The Constitution of Malaysia* (Singapore M.P.H. Ltd. 1964).

difficult question affecting the Malaysian political scene. Whatever connection this has with the riots of May 13th 1969, the Malaysian Government (in which the United Malays National Organization has a dominant role) has seen fit to pass a Constitutional Amendment prohibiting the discussion in public of any of the "Sensitive Issues". The step is meant to stop any challenge to the status of the Malays as the "*Bhumi Putras*" of Malaya. With this, what some might consider, serious exception Parliamentary process has been restored with noticeable determination. It is time perhaps to take stock of the the way Malaysian Constitutional history has developed in the last four or five years and its effect on future possibilities.

This case book is not only timely but a valuable help in widening our understanding of Malaysia and Singapore.

*T.K.K. Iyer**

* Lecturer in Oriental Law,
School of Oriental and African Studies,
University of London.