

EVIDENCE IN MALAYSIA AND SINGAPORE CASES, MATERIALS AND COMMENTARY. By RAFIAH SALIM. [Singapore and Kuala Lumpur: Butterworths. 1989. xxxiii + 385 pp. Hardcover: S\$121.00]

THE paucity of texts on the law of evidence in Malaysia and Singapore makes this book a welcome addition to the law library particularly in that it is the first one on cases and materials. The author points out in the preface that her objective was to cover cases mainly from 1957 (when Malaysia gained its independence) as well as some of the more important ones before that date. Reference is made to English case law but generally only to the extent that it is referred to in the local cases. It would have been appropriate in certain chapters to have specifically set out the relevant extracts of the more significant non-local cases on their own. Thus in the chapter on *Res Gestae* the Privy Council case of *R v. Ratten*² might have merited more detailed treatment (in respect of its restatement of the *res gestae* principles) than the reference made to it in the case of *Tan Gong Wai v. PP*³ in which *Ratten* was applied. Similarly, in the chapter on Privilege, one of a number of English judgments might have been included to assist in understanding the purport of section 128 of the Evidence Act in the absence of sufficient local judicial consideration. More reference to case notes and articles on the local cases or cases in other jurisdictions in which the Indian Evidence Act was adopted would have aided research. The sequence of the book's chapters appears to resemble that of English textbooks which is surprising because the Evidence Act adopts a different system. It would have been more desirable if relevancy and the exceptions to the exclusionary rules were dealt with first followed by the methods of proof, then burdens and standards of proof, presumptions, estoppels, competence and compellability, privileges and the rules relating to witness examination.

The format of the book is effective. Each chapter begins with a general introduction to the subject followed by the case names and a brief statement of what the case is about. The extracts of the judgments are then followed in many instances by short notes as to the effect of the case on existing case law such as whether it has overruled or has been considered or adopted in another case. Where general rules and their exceptions apply these are set out clearly and the Malaysian and Singapore sections are distinguished by being neatly placed in separate boxes. The table of cases informs the reader as to which cases are given separate and fuller treatment by setting out their names in bold.

This book should prove to be useful to the researcher who needs a quick and easy reference to the more important cases in the law of evidence.

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1 A situation which has been considerably redeemed by Chin Tet Yung's book on *Evidence* (1988) (Singapore Law Series).

2 [1972] AC 376.

3 [1986] 2MLJ 206.