

LEGISLATION COMMENT

REPRINT OF THE CONSTITUTION OF THE REPUBLIC OF SINGAPORE *

In 1970 the Prime Minister of Singapore forecast a new Constitution, in the preparation of which it was “the intention of the Government to afford every institution and citizen an opportunity to make representations on the constitutional draft....”¹ However, in December 1978 he considered that a new constitution was unlikely to appear in the foreseeable future. There seems, therefore, to be little urgency in the matter, and no apparent popular pressure. Singapore possesses a Constitution, which was reviewed by a Constitutional Commission in 1966: a commission over which the present Chief Justice presided. This seems to be the limit of public interest on the issue, to date: a fact which need occasion little surprise, for the problem of the layman is rather to ascertain what a Constitution says, than to suggest its improvement.

So the present Constitution of Singapore fits the pattern of the times reasonably well, it seems: and because it has an affinity with the Malaysian Constitution, it may possess a sentimental significance (if I dare use the phrase in a Singapore context), and perhaps a political significance, that a new Constitution would not have. We may pull down the old buildings of Singapore, but we prefer to hold on to a Constitution less than twenty years old, and which by and large probably reflects what is acceptable to the overwhelming majority of citizens in the Republic.

In these circumstances, there is everything to be said for a nicely revised reprint of a much amended document — as was foreseen by legislators last year, when, on 4 May 1979, the Constitution (Amendment) Act 1979 came into force. Under section 8 of that Act, a new article 93 (now article 155) of the Constitution of Singapore empowered the Attorney-General, “with the authority of the President, as soon as may be after... [4 May 1979 to] cause to be printed and published a consolidated reprint of the Constitution of Singapore... into a single, composite document to be known as the ‘Reprint of the Constitution of the Republic of Singapore....’” With commendable speed, that reprint was published in a *Government Gazette* of 31 March 1979.

The Constitution of Singapore of course came into existence with Singapore’s entry into Malaysia, and first appeared in a statutory

* R.S.(A) 1/1980, w.e.f. March 31, 1980. Available at \$8.00 a copy from Singapore National Printers (Pte) Ltd., 303 Upper Serangoon Road, Singapore 1334.

¹ *Parliamentary Debates*, Vol. 29, Col. 572.

instrument of the United Kingdom, the *Sabah, Sarawak and Singapore (State Constitutions) Order in Council 1963*.² Made under the United Kingdom Malaysia Act of that year, it was designed to interlock into the federal structure of the Malaysian Constitution. With secession from Malaysia, the Republic of Singapore Independence Act 1965 was enacted, under which, *inter alia*, certain provisions of the Constitution of Malaysia were continued in force in Singapore, with appropriate modifications. Originally comprising a hundred and five articles, the growth of the Constitution of Singapore has, in view of the constitutional upheavals of secession and after, been remarkably modest. It is still a succinct and readable document.

Until this official Reprint, the text of the Constitution of Singapore (as amended up to 1973), together with that of the Republic of Singapore Independence Act 1965 and those provisions of the Constitution of Malaysia applicable in Singapore, was most readily available in the appendices to Professor Jayakumar's book on *Constitutional Law*, in the *Singapore Law Series*. Earlier, a reprint of the Constitution made under section 38 of the Interpretation Act 1965 had been promulgated on 25 March 1966. Here, however, for the first time is the virtually complete text of the provisions of the Constitution of 1963, as modified by secession and subsequent amendments. In fourteen Parts, comprising a hundred and sixty-two articles, with three short schedules, is the revised text of the Constitution: a text likely, at a guess, to remain (subject to minor amendments) valid for some time.

The pattern of the Reprint offers few surprises, following a structure by now familiar to students of constitutional law. Part II deals with the Republic and the Constitution. The new article 3, neatly derived from the Constitution (Amendment) Act 1965 and the Independence Act of 1965, provides that "Singapore shall be a sovereign republic to be known as the Republic of Singapore"; while article 5 has clarified the problems of amendment posed by earlier provisions.

In Part IV are set out the "fundamental liberties" adopted from Part II of the Constitution of Malaysia. These are similar, save for the Malaysian article 13 (on rights of property), and do not include any provision on the lines of that recommended by the Constitutional Commission of 1966 on "torture, intrusion or degrading punishment or other treatment." But this is, after all, a reprint, not a revision.

The text contrives a respectable marriage of the relevant provisions of the Singapore and Malaysian Constitutions, although whether the wedding has been or will be productive of difficulties is another matter. However, the document reads well, and even the occasional transitional provision possesses an immediate clarity: although, alas, this can later often prove misleading. Articles 149, 150 and 151 of the Malaysian Constitution have retained their old numbers, a matter likely to be of relief, I suspect, to public law students, who tend to dwell with interest on such a law as the Internal Security Act.

2 S.I. 1963 No. 1493 (in Part II of U.K. Statutory Instruments 1963, at p. 2708).

Yet, one has to go warily with reprints of constitutions.³ It is a pity that section 7 and 8 of the Republic of Singapore Independence Act do not appear in the Reprint. Section 7 deals with the official languages of Singapore, and section 8 with the President's power of pardon. While the latter provision is in fact related to sections 227 and 228 of the Criminal Procedure Code (Cap. 113), the former provision is almost in the nature of a fundamental right, and surely merits inclusion. It may be that the power of revision contained in what is now article 155(4) and (5) was thought too limited: but the writer takes the view that a Constitution without these provisions does not possess the "perfection" aimed at in article 155(5).

There are one or two odd quibbles, arising from the transplant of provisions; for example, article 154, providing for impartial treatment of Government employees, might more happily fit into the Part dealing with the public service, rather than that dealing with "General Provisions"; but these are inevitable: what is important is that everything that matters (apart from the two provisions mentioned) seems to be here, in a text which is now "in all courts of justice and for all purposes whatsoever, the authentic text of the Constitution of the Republic of Singapore."

So, here in seventy-three pages is the Constitution of Singapore, its various bits and pieces knitted together into one document, with title and definitions at the beginning, as they should be, and the power of issuing further reprints tucked away towards the end. I hope that when a future reprint is made, consideration will be given to the inclusion of sections 7 and 8 of the Independence Act, and that an index may be provided on the lines of that adopted in Malaysia. The cross-references in the Reprint to sources of articles are useful, as are the odd footnotes: and each page indicates at its head article numbers. In all, it is a useful, no, essential publication for all lawyers and law students in the Republic.

R.H. HICKLING

³ For example, see the *Preface* to Sheridan and Groves, *The Constitution of Malaysia* (Third edition, 1979).