

BOOK REVIEW

THE CONSTITUTION OF MALAYSIA. By L.A. SHERIDAN and H.E. GROVES.
Third Edition. [Singapore: Malayan Law Journal. 1979. xlvii+
545 pp. Hardcover \$50.00, Limp \$20.00]

The last edition of this work was published in 1967, which in terms of the history of constitutional law in Malaysia seems much longer than the mere fact of a twelve year gap would suggest. There has in fact been a welter of case law and not a few constitutional amendments during this period, not to mention the convulsions of 1969 and the changes in governmental policy which followed, so that this third edition is in effect a new work. It is a pleasure to discover that the learned authors (both former Deans of the Faculty of Law, University of Singapore) have covered all the constitutional developments over this period in commendable detail, with everything put in its proper place and perspective.

The format is the same. There is an historical introduction which sketches the important political developments since 1946, and this is a most valuable sketch for students or foreign readers who may be confused about the sequence of events. Each chapter of the book corresponds to a part of the Constitution, such that the provisions of the Constitution are dealt with topic by topic without disturbing the order of the provisions as they appear in the Constitution. This organisation is simple and results in only one or two minor anomalies, for example Chapter 6 deals with "The States" and Chapter 7 with "Relations between the Federation and the States," topics which are barely distinguishable. In each Chapter the relevant articles of the Constitution are dealt with *seriatim*, each with its own annotation, commentary and bibliography. The articles themselves are in heavy type for ease of reference. The annotations display a great deal of careful, painstaking scholarship. As a result hardly anything is omitted, and every possible opportunity for reference and cross-reference is seized — these annotations alone are an invaluable contribution which will greatly assist students, teachers and lawyers. The comprehensive bibliography will also be of great assistance, because so much has been written on the Malaysian Constitution that it was becoming difficult to keep track of the literature. The commentaries are generally brief and do not attempt to go very far into the complexities raised by the provisions and their interpretation. Obviously in a work of this kind the authors have been content to refer to more detailed studies without expressing their own views. It is perhaps the main fault of the book that the authors have not chosen to give us the benefit of their own views, except very briefly and infrequently, on the provisions and the cases. There are extensive extracts from the judgments, designed to convey shortly and simply the approach taken by the courts, so that the commentaries make useful reference points

rather than readable analyses; the all too rare critical comments are however striking and deserve fuller treatment.

The authors have naturally concentrated attention on the most important and most litigated provisions, notably those on fundamental rights, emergency powers and public servants, which are given excellent and thorough coverage. Some provisions are however too sketchily dealt with, such as article 11 (religion), article 63 (parliamentary privilege) and article 153 (reservation of quotas for Malays etc.), and the important debate concerning the doctrine of implied limitations on the power of amendment is not dealt with at all.

Students will find this book indispensable, especially for introductory reading and revision. They will also find the discussion of *Teh Cheng Poh v. Public Prosecutor* [1979] 1 M.L.J. 50 and the Emergency (Essential Powers) Act 1979, which have not been dealt with fully elsewhere, of particular use. Teachers and lawyers will find it the kind of reference work one wonders how one ever did without. Let us hope the authors will not wait for another twelve years before producing a fourth edition, because the pace of constitutional change and litigation quickens year by year. Is it too much to ask that the publishers of works of this kind adopt the loose-leaf encyclopedia system in use elsewhere for updating the work? It is eminently practicable, provided the authors can be persuaded to keep their revision work going.

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