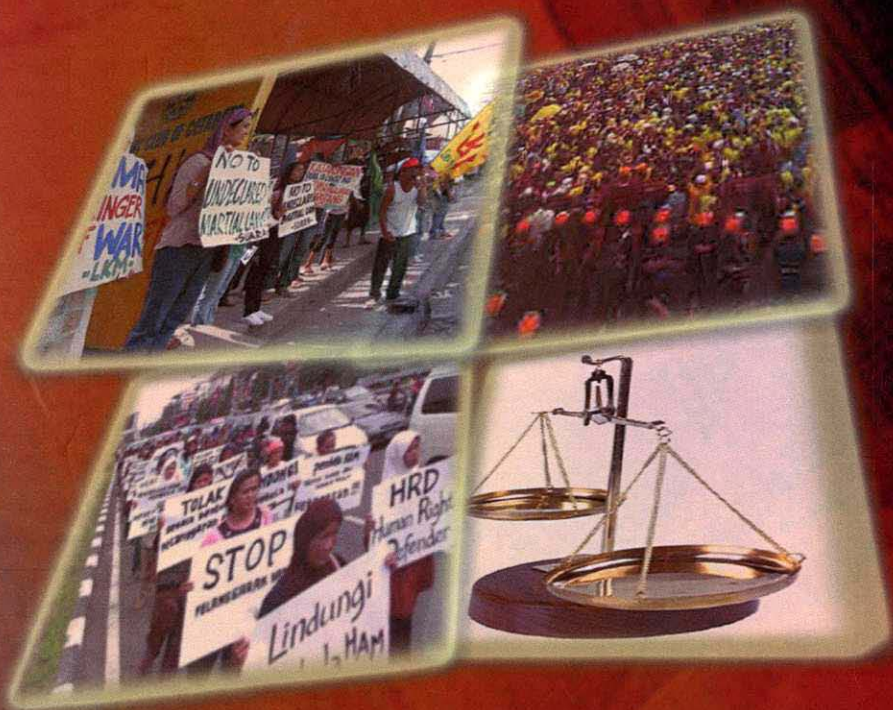


CONSTITUTIONAL LAW AND HUMAN RIGHTS IN MALAYSIA

Selected Issues



KHAIRIL AZMIN MOKHTAR

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CHAPTER ONE

The Civil Service and the Doctrine of Holding Office at Pleasure

Nik Mohd Kamal

Introduction

The public service has a significant role to play in any government. Malaysian parliamentary democracy system adopted the Westminster system of government practiced in Britain. The system underlies the basic principle of a people-elected government that serves as the executive branch of the government. It is assisted by a public service that carries out the government's directions. The public service is to serve the government of the day without fear or favour and free from any form of political party influence. In this context, public servants are fully accountable to their Minister and the Ministers in turn are collectively accountable to Parliament. Public servants are expected to act in accordance with law and also to uphold and execute policies determined by the government of the day.

A structured public service was introduced by the British upon its control over public administration in the Malay states. The states in the Malay Peninsula were divided into three main components, the Federated Malay States, the Non-Federated Malay States and the Straits Settlement. Each had its own public service with departments such education, health, public works, survey, treasury and audit.¹ The British Resident who administered the public service dealt directly with the Secretary to the Colonial Office on matters related to the service. The Federation Agreement that took effect on 1 July 1896 had restructured the public services in the Federated Malay States. It was a centralization exercise whereby the heart of the public service was transferred to Kuala Lumpur. It witnessed the transformation of the Malay Peninsula public service and an impetus to the establishment of