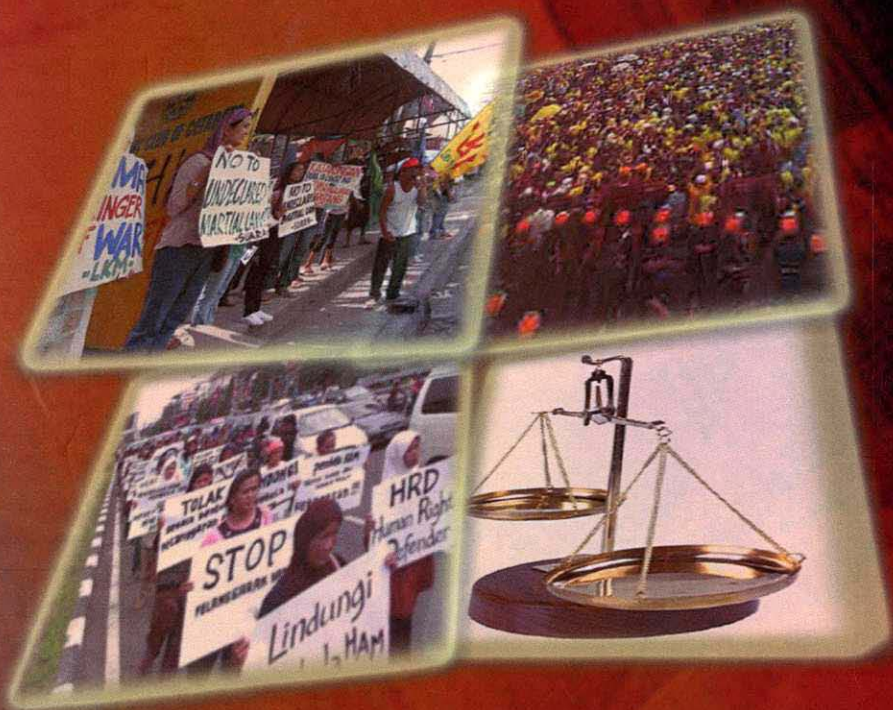


# CONSTITUTIONAL LAW AND HUMAN RIGHTS IN MALAYSIA

Selected Issues



KHAIRIL AZMIN MOKHTAR

IUM PRESS  
INTERNATIONAL ISLAMIC UNIVERSITY MALAYSIA



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# **CONSTITUTIONAL LAW AND HUMAN RIGHTS IN MALAYSIA SELECTED ISSUES**

**EDITOR  
KHAIRILAZMIN MOKHTAR**

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**HUM Press**

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#### **Introduction**

One of the essential principles recognized by the law in the conduct of litigation is that of disclosure of evidence. This means that the parties should disclose to each other and for the purpose of the proceedings any and all evidence, relevant to the issues in the proceedings, which is on has been in their possession, custody or power. The purpose of this principle is that all relevant evidence in the case should be available to be inspected by all parties, and that the parties should be free to place before the court any evidence which will assist in the determining the truth and doing justice between the parties. Inspection of evidence in the possession of another party is primarily of importance in the field of documentary and real evidence, and most of the skirmishes in the field of crown privilege has been fought in relation to such evidence. But the principle of disclosure and its purpose of enabling the parties to place before the court all relevant and admissible evidence, applies to evidence in whatever form.

The principle was as a necessary corollary the rule that no party should be entitled to frustrate or hinder the doing of justice in any proceedings by withholding from his opponent or from the court evidence which is relevant and admissible for that purpose. But this cannot by an absolute rule. It may be overridden by some important public interest that certain evidence should not be disclosed to a party because of the likelihood of danger to the national interest or of impairment of the working of some aspect of the public service. In such a case the public interest in the doing of justice as between the parties to litigation has to be balanced against a different but equally demanding public interest.