Constitutional Law and Human Rights in Malaysia
Topical Issues and Perspectives

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Includes index.


1. Public law — Malaysia.
2. Human rights — Malaysia.
Contents

Preface........................................................................................................... vii
About the Authors......................................................................................... ix
Table of Cases .............................................................................................. xxxi
Table of Statutes .......................................................................................... xli
Table of International Conventions, Agreements and Treaties.................. liii

Principal Organs of Government

Chapter One
The Doctrine of Separation of Powers: Judicial Review as a
Check and Balance Tool............................................................................. 1

1.1 Introduction.............................................................................................. 1
1.2 Constitutionalism, rule of law and judicial review................................. 1
1.3 Doctrine of separation of powers, principle of check and
balance and judicial review...................................................................... 3
  1.3.1 Doctrine of separation of powers in Malaysia................................. 4
  1.3.2 The principle of check and balance.................................................. 7
  1.3.3 Judicial review.................................................................................. 7
     1.3.3.1 The scope and nature of judicial review...................................... 7
     1.3.3.2 Relief available in judicial review............................................. 8
     1.3.3.3 Review of primary legislation/check on the
     Legislature.............................................................................................. 8
     1.3.3.4 Review of action and decision/check on the
     Executive................................................................................................ 14
1.4 Selected issues and cases........................................................................ 15
1.5 Conclusion............................................................................................... 20

Chapter Two
The Civil Service and the Doctrine of Holding Office at Pleasure.............. 21

2.1 Introduction.............................................................................................. 21
2.2 The constitutional position of a public servant...................................... 22
2.3 Appointment and security of tenure...................................................... 23
2.4 The contractual nature of the relationship............................................. 27
2.5 Procedural protections........................................................................... 28
Contents

8.3 The 1955 election: successful experiment of the elections in Malaya........................................... 139
8.4 The Election Commission since independence.......................... 140
8.4.1 The organisation of Election Commission......................... 140
8.4.2 Functions of the Election Commission............................ 143
8.5 Demands for electoral reform........................................ 145
8.6 Conclusion.................................................................. 147

Chapter Nine
Elected Members and the Right to Change Party.......................... 149
9.1 Introduction................................................................ 149
9.2 Elections and the party system...................................... 150
9.3 Concept of an elected representative............................... 151
9.4 Islamic theory of democratic government and the role of elected representatives......................... 152
9.5 Anti-defection law: Legal position in Malaysia................... 154
9.5.1 Anti-defection laws: Legal position in India..................... 153
9.5.2 Is there a need to enact an anti-defection law in Malaysia?........ 158
9.6 Overcoming legal hurdles............................................ 161
9.6.1 The advantages and disadvantages of anti-defection laws........ 162
9.7 Conclusion................................................................ 162

Chapter Ten
Islamic Law within the Federal Framework and Legal System of Malaysia and Nigeria........................................... 165
10.1 Introduction............................................................ 165
10.2 The nature of the Malaysian and Nigerian states............... 166
10.3 Status and scope of Islamic law................................... 169
10.3.1 Civil law (Muamalat).................................................. 169
10.3.2 Criminal law.......................................................... 170
10.3.3 Harmonisation of Islamic law..................................... 173
10.4 Application of Islamic law........................................... 175
10.4.1 Jurisdiction of Islamic courts..................................... 175
10.4.2 Jurisdiction of civil courts (English courts) in Islamic law matters........................................ 178
10.4.3 Harmonisation of Islamic law in Malaysia and Nigeria... 180
10.4.4 Obstacles to the application of full Islamic law............. 181
10.5 Conclusion................................................................ 181

Chapter Twelve
Basic Concepts and Features of the Constitution

11.2 The Ombudsman......................................................... 184
11.3 Formation of the “Malaysian Ombudsman” – the EAIC........ 187
11.4 The Enforcement Agency Integrity Commission Act 2009...... 190
11.5 Conclusion............................................................... 196

Chapter Twelve
General Principles of Good Governance in Public Administration: A Judicial Approach........................................... 199

12.1 Introduction............................................................ 199
12.2 Public authority defined.............................................. 200
12.2.1 Multiple powers..................................................... 201
12.3 Judicial approaches on good governance........................ 201
12.3.1 Jurisdiction versus no jurisdiction............................. 201
12.3.2 Bona fides versus mala fides..................................... 202
12.3.3 Proper purpose versus improper purpose..................... 203
12.3.4 Relevant facts versus irrelevant facts.......................... 204
12.3.5 Non-dictation versus adulation................................. 205
12.3.6 Mechanical decisions.............................................. 205
12.3.7 Non-restraint......................................................... 206
12.3.8 Reasonable delay versus undue delay......................... 207
12.3.9 No discrimination.................................................... 208
12.3.10 Rationality (reasonableness) versus irrationality (unreasonable)... 208
12.3.11 Procedural propriety (procedural fairness) versus procedural impropriety................................. 210
12.3.12 Right of hearing (audi alteram partem)....................... 211
12.3.13 No bias (nemo judex in causa sua)............................ 212
12.3.14 Reasoned decision................................................ 213
12.4 Conclusion............................................................... 214

Chapter Thirteen
Malaysian Constitution, Political Parties and the Party System........................................... 215

13.1 Introduction............................................................ 215
13.2 Political parties and party system................................... 215
13.3 Political parties and party system in the Malaysian Constitution........................................... 218
13.4 Political parties and party system in Malaysia.......................... 220
13.5 Conclusion............................................................... 224
xxiv Contents

17.3 The British and the Borneo States .................................................. 295
17.4 Distinction between Protected State, Protectorate State and
Crown Colony ................................................................. 296
  17.4.1 The Malay States as Protected States .................................. 298
  17.4.2 The protected Malay States: British influences over
government and administration of the States ......................... 301
  17.4.3 The Crown Colony of the Malay Peninsula: British
Government in the Straits Settlements ................................ 302
17.5 British direct rule after World War II: The Unitary Malayan
Union ................................................................. 305
  17.5.1 British direct and indirect rule after World War II:
The Federation of Malaya 1948 ........................................... 306
  17.5.2 The root of confusion: Protectorate State and the
status of states under East India Company and the
British North Borneo Chartered Company ......................... 308
17.6 Conclusion ............................................................. 310

HUMAN RIGHTS

Chapter Eighteen
Religious Rights and Freedom: Comparative Perspectives .......... 313

18.1 Introduction ............................................................. 313
18.2 Islam as the religion of the Federation under Article 3(1) of
the Federal Constitution (FC) ........................................... 314
  18.2.1 Adoption of official faith: Greece ................................... 314
  18.2.2 Adoption of official faith: Ireland ................................... 315
  18.2.3 Secular constitution: Australia ...................................... 315
  18.2.4 Secular constitution: Nigeria ....................................... 316
18.3 The first argument: Religious rights and freedoms
guaranteed in the States’ Constitutions ................................ 316
  18.3.1 States with official religion: Malaysia ............................. 316
  18.3.2 States with official religion: Greece ............................... 317
  18.3.3 States with official religion: Ireland .............................. 317
  18.3.4 Other secular states: Australia ..................................... 318
  18.3.5 Other secular states: Nigeria ....................................... 318
18.4 Freedom of religion in Malaysia under Article 11 and the
restriction on religious rights under the FC ............................ 319
18.5 The second argument: Democratic and secular constitutions .......................... 322
  18.5.1 International human rights instruments ........................... 322
  18.5.2 The Universal Declaration of Human Rights ..................... 322
  18.5.3 United Nations Declarations ...................................... 322
    18.5.3.1 The 1981 Resolution ........................................... 322
18.6 The practice of the European Court of Human Rights (ECHR) ............. 324

18.6.2 The restriction of religious rights and freedom under
the doctrine of “margin of appreciation”:
the jurisprudence of the ECHR ........................................... 325
18.7 Conclusion ............................................................. 329

Chapter Nineteen
Right to Development as a Human Right: A Challenge for
Malaysia ................................................................. 331

  19.1 Introduction ............................................................. 331
  19.2 Human rights and development in perspective ...................... 332
  19.3 Globalisation and human rights ....................................... 333
  19.4 The right to development: a controversial concept ................. 334
    19.4.1 Historical background .......................................... 334
    19.4.2 The evolving concepts ......................................... 335
    19.4.3 Specifying the content of the right to development ........... 336
      19.4.3.1 Comprehensive development ................................. 336
      19.4.3.2 Respect for all human rights .................................. 336
      19.4.3.3 Participation ................................................. 337
      19.4.3.4 Social justice ............................................... 337
      19.4.3.5 Self-determination .......................................... 337
    19.4.4 Clarifying the nature of the right to development .............. 337
      19.4.4.1 A human right ................................................ 338
      19.4.4.2 Right-holders ................................................ 338
      19.4.4.3 Duty-holders ................................................ 339
      19.4.4.4 National implementation .................................... 339
  19.5 Human rights-based approaches to development ...................... 340
  19.6 Challenges for Malaysia ............................................... 342
    19.6.1 The challenge of enforcing constitutionalism and
rule of law ............................................................. 342
    19.6.2 Challenge of promoting popular participation and
participatory democracy ................................................. 343
    19.6.3 The challenge of strengthening capacity of public
service ................................................................. 344
  19.7 Conclusion ............................................................. 346

Chapter Twenty
Balancing Business and Human Rights: Conflicts, Challenges
and Prospects ............................................................ 347

  20.1 Introduction ............................................................. 347
  20.2 Business and human rights: a multi-dimensional
relationship ............................................................... 348
    20.2.1 Business as violators of human rights ......................... 349
    20.2.2 Corporate responsibility in human rights abuse ............... 349
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
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<tbody>
<tr>
<td>27.1 Introduction...</td>
<td>485</td>
<td>505</td>
<td>507</td>
<td>511</td>
<td>513</td>
<td>515</td>
<td>516</td>
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<td>518</td>
<td>518</td>
<td>519</td>
<td>522</td>
<td>522</td>
</tr>
<tr>
<td>27.2.1 Review of the court's decision</td>
<td>487</td>
<td>487</td>
<td>487</td>
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<td>487</td>
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<td>487</td>
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<tr>
<td>27.2.2 Whether Article 8 of the FC is applicable to terms and conditions of a collective agreement</td>
<td>487</td>
<td>487</td>
<td>487</td>
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<td>487</td>
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<td>487</td>
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<tr>
<td>27.2.3 Whether Clause 2(3) of the collective agreement violates Article 8 of the FC as it was discriminatory in nature</td>
<td>491</td>
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</tr>
<tr>
<td>27.2.4 The applicability of the convention on the elimination of all forms of discrimination against women (CEDAW), to the terms and conditions of the collective agreement</td>
<td>495</td>
<td>495</td>
<td>495</td>
<td>495</td>
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<tr>
<td>27.3 Reception of international treaties within our domestic law</td>
<td>495</td>
<td>495</td>
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<td>495</td>
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</tr>
<tr>
<td>27.3.1 Why CEDAW should be applicable to the terms and conditions of the collective agreement</td>
<td>498</td>
<td>498</td>
<td>498</td>
<td>498</td>
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<td>27.3.2 Other possible arguments</td>
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<td>27.3.2.1 Nullity of contracting out of fundamental rights</td>
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Index

525
Chapter Twenty Two

Right to Health: International Human Rights Law and the Experience of Other Countries

Husna Fauzi

It is my aspiration that health will finally be seen not as a blessing to be wished for, but as a human right to be fought for.

United Nations Secretary General, Kofi Annan

22.1 INTRODUCTION

Health is a fundamental determinant of quality of life. Health is not just a matter of personal concern, indeed it is very much related to social as well as economic concerns. This is because, physical and mental well being are essential needs for the performance of basic personal tasks in everyday life, expected social participation and more importantly participation in economic activities.

This chapter discusses the right to health from the perspective of the International Human Rights Law. It begins with a brief explanation of the concept of health. This is followed by a general discussion on the link between health and human rights and the right to health from the perspectives of the international and regional human rights instruments as well as the right to health as proclaimed in the selected national constitutions. This chapter will also outline the scope of the right to health and reference to selected decided cases will be made in explaining creative legal approaches in implementing the right to health. Finally, a brief account on the extent of the recognition of the right to health in Malaysia is presented.

22.2 BRIEF CONCEPT OF HEALTH

Health is multidimensional and a complex topic which cuts across