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Constitutional Law

Johan Shamsuddin Hj Sabaruddin

A. LEGISLATION

Federal Constitution (Amendment) Act 1990 (Act A767)

B. CASES

1. Power of the court to interfere with right to counsel of choice when counsel is appearing as prosecution witness
2. Right to equality in receiving pension
3. Freedom of religion of an infant
4. Whether a restriction order can be cancelled and replaced with a detention order without complying with enquiry provisions
5. Application of rules of natural justice in dismissal cases
6. On preventive detention

A. LEGISLATION

Federal Constitution (Amendment) Act 1990 (Act A767).

Article 48 of the Federal Constitution was amended so as to disqualify for membership of the House of Representatives for a period of five years, a person who resigns his membership of the House of Representatives. Apparently this amendment was made to discourage members of the Dewan Rakyat from challenging each other to resign from their seats and contest in by-elections in order to test each other's popularity. The 8th Schedule was also amended to incorporate corresponding provisions as regards membership of the Legislative Assembly for states to give effect to in their constitution.

Article 151 was also amended to delete the requirement for the Yang di-Pertuan Agong to consult with the Lord President of the Supreme Court before appointing the relevant members of the Advisory Board constituted under the said article.

A further amendment to the Federal Constitution this survey year was to articles 139 and 141A. This enables the Yang di-Pertuan Agong to increase, by an order, the number of members of the Public Services Commission and the Education Service Commission which, before the amendment, could only be increased by amending the said articles.