

**RELEVANCY OF OUSTER CLAUSE IN MALAYSIA IN REGARDS TO
HUMAN RIGHTS AND NATURAL JUSTICE IN ADMINISTRATIVE LAW**

BY

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It is our hope that through this research, we had contributed something which will change the perceptions in regards to the application of ouster clauses in Malaysia.

ABSTRACT

This research paper will be focusing on the relevancy of the application of ouster clauses in Malaysia. We will be focusing on the Industrial Relations Act 1967 in regards to human rights and natural justice. One would think the implementation of ouster clauses will give absolution to the power of the authority in deciding cases brought to the Industrial Court.

This is due to the fact that the characteristics of ouster clause are to give finality to the actions taken by the authority and to oust the power of the judicial review of the court. Section 33B of the Industrial Relations Act 1967 states that

- (1) Subject to this Act and section 33A, an award, decision or order of the Court under this Act (including the decision of the Court whether to grant or not to grant an application under subsection 33A(1)) shall be final and conclusive, and shall not be challenged, appealed against, reviewed, quashed or called in question in any court.
- (2) Subject to section 33A, no award of the Court for the reinstatement or reemployment of workman shall be subject to any stay of proceedings by any court.

Therefore, this research paper will be focusing to the issues arising from the application of the ouster clauses. This paper would also suggest a few recommendations to further improve the application of the ouster clauses in order overcome the problems arising due to its implementation. Hence, relevancy of ouster clause to the current time will be determined.

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