

APPEALS TO THE JUDICIAL COMMITTEE OF THE PRIVY  
COUNCIL

Being a project paper submitted to the Faculty of Law, University  
of Malaya in part fulfilment of the requirements for the Degree  
of Bachelor of Laws.

By

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12th of August, 1978-

## ABSTRACT

In this exercise, the writer in Chapter I deals mainly with the historical aspect of appeals to the Judicial Committee and a summary of the nature of work carried out. The writer also devotes some time to a discussion of the historical and practical similarities and differences between the House of Lords and the Judicial Committee.

In Chapter II, discussion is centred around statutory provisions and agreements regulating the procedure of appeals to the Judicial Committee. The writer also traces the development of such statutes and agreements as are relevant to the study. In relation to this, the writer includes some mention of the period during which Singapore was part of Malaysia.

From the available reports of appeals to the Judicial Committee, the writer was also able to obtain some statistics which are laid out in Chapter III.

In the final Chapter of this exercise, the writer also looks into the trend of other Commonwealth countries in relation to the abolition of appeals. Recognition is also taken of the fact that the Judicial Committee, despite the many criticism against it, has played a major role as the Commonwealth court of appeal.

#### ACKNOWLEDGEMENT

In completing this exercise, the writer would like to express her profound gratitude to Tun Mohd Suffian Hashim who initially suggested that this topic be studied and also for the time which His Lordship found in giving an interview to the writer.

The writer would also like to acknowledge the help of Cik Wan Arfah Wan Hamzah who devoted her time and energy to the supervision of this paper and also to Professor Nik Abdul Rashid who helped to correct various mistakes on the part of the writer. The writer also thanks Mr. P.S. Ranjan for his aid in providing not only material but also helpful criticisms.

For her patience and endurance in overcoming the complexities and technicalities of this exercise, the writer also thanks Mrs. Bux.

## INTRODUCTION

With the abolition of criminal and constitutional appeals to the Judicial Committee of the Privy Council, another phase has passed in Malaysian legal development. As from 1st of January, 1978, Malaysians may no longer conduct their criminal and constitutional appeals to the Judicial Committee of the Privy Council which has served this region for decades in history. Eventually perhaps the time will come for all appeals to be heard only by local courts but that is a speculation which, as this exercise will show, will not come true in the near future.

In this exercise the writer traces the evolution of appeals from the point of time that the Malayan Peninsula, Sabah and Sarawak were isolated from each other to the various stages of the Federation of Malaya and Malaysian history and culminating in the abolition of appeals for criminal and constitutional cases. This exercise however, deals not only with the historical aspect but it also *inter alia*, devotes a chapter to a study of the legislation regulating the appeals and another chapter on the dissatisfaction with which some of the decisions of these appeals have been received. At the same time, the writer will also touch upon other instances where the decisions have facilitated the smooth running of the legal process. At various points in this exercise comparisons will be made with and examples drawn from

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