

Contents

<i>Table of Cases</i>	xiii
<i>Table of Legislation.....</i>	xvii
INTRODUCTION	1
I. General	1
II. Towards Independence and Three Imperatives.....	2
A. Economic Growth.....	3
B. Managing Ethnicity.....	5
C. Political Dominance.....	7
III. Organisation of this Book	7
1. A BRIEF CONSTITUTIONAL HISTORY	11
I. Introduction.....	11
II. The Straits Settlements Period (1319–1942)	11
A. The Founding of Modern Singapore	11
B. Early Administration of the Straits Settlements	12
C. Becoming a Colony Proper	13
III. The Japanese Occupation (1942–45).....	15
IV. The Colony of Singapore (1946–58).....	16
V. The Rendel Constitution	17
VI. Constitutional Talks and Self-government (1956–58).....	19
VII. Merger and Separation (1963–65).....	21
A. ‘The Battle for Merger’.....	21
B. The Rift between Singapore and the Federation	22
C. The 1964 Racial Riots.....	25
VIII. Post-1965 Developments	29
A. The Aftermath of Independence.....	29
B. The Wee Cong Jin Commission	30
C. Changes to the Judiciary	32
D. Entrenching Singapore’s Sovereignty.....	34
E. Changes to the Parliamentary System.....	35
F. The Elected President	37
G. Amendment to Citizenship Laws	39
IX. Conclusion	40
Further Reading.....	41
Website	42

2. CONSTITUTIONALISM IN SINGAPORE	43
I. Introduction.....	43
II. The Constitution as Supreme Law.....	44
A. The Amendment Regime.....	44
B. Can the Constitution be Impliedly Amended?.....	48
C. The Basic Features Doctrine.....	50
III. Separation of Powers.....	52
IV. Constitutionalism and the Rule of Law	53
V. Constitutional Culture.....	58
Further Reading.....	62
Websites	63
3. PARLIAMENT AND REPRESENTATION	65
I. A Brief Historical Outline.....	65
II. Parliament and the Problem of Representation	67
A. Ethnic Representation	67
B. The Group Representation Constituency and Town Councils	71
III. The Revival of Local Government?	72
A. Town Councils as Local Government	72
B. The Community Development Councils (CDCs)	75
C. GRCs as 'Fixed Deposit' Seats.....	76
IV. Qualifications of Members	79
V. Duties of Members	80
VI. Parliamentary Privilege.....	81
A. Life of Parliament and Vacancies.....	82
VII. Principal Officers of Parliament	84
A. The Speaker	84
B. The Clerk of Parliament	84
C. The Whip	85
D. Leader of the House	86
VIII. Parliament's Committees	86
A. Committee of the Whole House.....	87
B. Select Committees.....	87
C. Sessional Committees.....	87
D. Government Parliamentary Committees (GPCs)	88
IX. The Conduct of Elections	90
A. Nomination Day.....	90
B. Campaigning	90

C.	Polling Day.....	91
D.	Political Donations.....	91
X.	Concluding Thoughts	92
	Further Reading.....	94
	Website.....	94
4.	LAW-MAKING.....	95
I.	Introduction.....	95
II.	Rule Formulation	96
III.	Introduction of Bills in Parliament.....	97
A.	Government Bills	97
B.	Private Members' Bills.....	97
IV.	The Legislative Process.....	100
A.	The First Reading.....	100
B.	The Second Reading.....	100
C.	The Committee Stage.....	101
D.	The Third Reading.....	101
V.	The Presidential Council for Minority Rights and Presidential Assent.....	102
A.	Role of the Elected President.....	102
VI.	Executive Law-making.....	103
A.	Subsidiary Legislation	103
B.	Other Forms of Executive Rule-making.....	105
VII.	Legislative Powers in an Emergency.....	106
	Further Reading.....	106
	Website.....	106
5.	THE EXECUTIVE.....	107
I.	Introduction.....	107
II.	Singapore's Prime Minister.....	108
III.	The Cabinet and its Ministers.....	109
IV.	Unique Features of Singapore's Cabinet.....	112
V.	Ministerial Salaries	113
VI.	Code of Conduct for Ministers.....	114
VII.	Policy Formulation, Decision-making and Collective Responsibility.....	116
VIII.	The Attorney-General.....	117
IX.	The Executive: An Elected Dictatorship?	119
	Further Reading.....	120
	Websites	121

6. THE ELECTED PRESIDENT	123
I. Introduction.....	123
II. Singapore's Presidential Executive:	
A Short History.....	124
III. The President's Traditional Discretionary Powers.....	125
A. Appointment and Dismissal of the Prime Minister.....	125
B. Proroguing and Dissolving Parliament.....	127
C. Discretion during an Emergency.....	128
D. Justiciability of the President's Discretion	128
IV. The Elected President.....	130
A. The Rationale and the Initial Proposals	131
B. The Second White Paper	132
V. The Elected President Scheme in 1991.....	133
A. Presidential Elections	134
B. Term of Office, Powers and Immunities	135
C. Removal of the President	136
D. Entrenchment of Office.....	136
E. <i>Constitutional Reference No 1 of 1995</i>	137
VI. Post-1991 Changes	138
A. President to State Reasons for Spending Reserves	138
B. Transfer of Surpluses	138
C. Advisory Capacity of the Supreme Court	139
D. Reduction of Veto Powers	139
VII. 'Loans' under Article 144(1)	140
VIII. The President Exercises his Discretion.....	141
IX. Some Unique Aspects of the Presidency.....	143
Further Reading.....	145
Website.....	145
7. THE JUDICIARY.....	147
I. Introduction.....	147
II. Judicial Power: Meaning, Nature, Content and Scope.....	148
III. Constitution of Singapore's Judiciary.....	151
A. The Court of Appeal.....	152
B. The High Court.....	152

C.	Special Constitutional Tribunal.....	153
D.	The State Courts	153
E.	The Syariah Court.....	154
IV.	Judicial Independence	155
A.	Appointment and Tenure of Judges	155
B.	Security of Remuneration.....	156
C.	Shortage of Judges: Judicial Commissioners and Supernumerary Judges	157
D.	Judicial Independence and the Power to Punish for Contempt.....	161
V.	Jurisdiction of the Courts.....	163
A.	Original and Appellate Jurisdiction	163
B.	Inherent Jurisdiction.....	164
C.	Supervisory Jurisdiction.....	165
D.	Revision Jurisdiction.....	166
VI.	Establishing Jurisdiction and <i>Locus Standi</i>	166
VII.	Judicial Control of Administrative Action.....	167
A.	Precedent or Jurisdictional Facts	168
B.	Errors of Law.....	169
C.	The Control of Substantive Direction	169
D.	The Grounds of Judicial Review.....	170
VIII.	Limits on Judicial Review	174
A.	Political Questions	174
B.	Legislative Prohibition: Outer Clauses	175
C.	Laches	178
D.	Judgments of Superior Courts.....	178
E.	<i>Res Judicata</i>	179
IX.	Public Law Remedies	179
X.	Doctrine of Prospective Overruling	180
XI.	Conclusion	181
	Further Reading.....	182
	Websites	183
8.	FUNDAMENTAL RIGHTS.....	185
I.	Introduction.....	185
II.	The Rendel Constitution	187
III.	The Reid Commission in Malaya	188

IV.	Entrenching Rights in Post-Independence Singapore.....	191
	A. A Patchwork Constitution	191
V.	The Right to Property in Singapore	192
	A. The Land Acquisition Problem	192
	B. Constitutional Difficulties.....	193
	C. The Land Acquisition Act 1966	195
VI.	Preventive Detention	197
	A. Background to Executive Detention in Singapore	197
	B. The Wee Chong Jin Commission	201
VII.	Fundamental Liberties under Singapore’s Constitution	202
VIII.	Interpreting Fundamental Liberties.....	206
	A. Westminster Constitutions.....	206
	B. The Interpretation of Rights in Light of International Legal Instruments.....	210
	C. The ‘Four Walls’ Doctrine and Beyond.....	211
	D. Balancing of Rights. Between State and Individual.....	214
	Further Reading.....	216
9.	CONCLUSION.....	217
	I. Three Legal motifs	217
	II. Regime Dominance	218
	A. Power and Governance.....	218
	b. Consolidating Party and State	219
	C. Regime Hegemony.....	220
	III. Economic Growth and Development.....	221
	A. Striving for Economic Legitimacy.....	221
	B. The Prevailing Economic Milieu.....	222
	C. The Power to Succeed.....	224
	D. Constitutional and Legal Regime of Public Enterprises	226
	E. Economic Development and State Power	228
	F. Disciplining Labour	229

IV.	Management of Ethnicity and Religious Diversity	233
A.	Strategies.....	233
B.	The Wee Chong Jin Commission's Recommendations.....	234
C.	Malay Interests.....	234
D.	Group Representation Constituencies.....	237
V.	Conclusion	237
	<i>Index</i>	241

http://www.pbookshop.com