

# **Primer on Judicial Review**

**a simplified  
approach for  
Malaysian citizens**

# what is Judicial Review?

UNHAPPY WITH A DECISION RENDERED BY THE GOVERNMENT (FEDERAL/STATE)?

YOU CAN ACT.

JUDICIAL REVIEW IS A MECHANISM TO REVIEW THE MANNER IN WHICH A DECISION HAS BEEN MADE BY A GOVERNMENTAL BODY (THE ADMINISTRATIVE)

JUDICIAL REVIEW LOOKS AT THE REASONABLENESS OF THE DECISION-MAKING PROCESS. HAS THE GOVERNMENT ACTED BEYOND ITS POWERS?

3

**timelines**

**3 months**

**3 MONTHS IS KEY**

A JUDICIAL REVIEW MUST BE BROUGHT  
WITHIN 3 MONTHS FROM THE DATE A  
DECISION IS RENDERED

TIME CAN BE EXTENDED BUT IT'S FAR  
SIMPLER TO STAY WITHIN THE 3-MONTH  
TIMEFRAME

**3 MONTHS**

# what is a decision?

## many forms

THE DECISION OF A GOVERNMENTAL BODY CAN COME IN MANY FORMS

- PLANNING PERMISSION
- GRANT/REFUSAL OF A PERMIT
- CURTAILMENT OF BUSINESS OPERATIONS
- DECISION TO RE-DESIGNATE LAND
- ETC.

# conveying a decision

## again, many forms

THE GOVERNMENT DOESN'T ALWAYS OPERATE IN A BUSINESS-LIKE MANNER

DECISIONS MAY BE CONVEYED HAPHAZARDLY (OR NOT AT ALL)

INDIVIDUALS AND RESIDENTS MUST BE ON-GUARD. LOOK OUT FOR:

- SIGNS OF WORK
- NOTICE BOARDS
- GAZETTEMENT/NEWSPAPER ARTICLES

**do not delay**

**delay is fatal**

INDIVIDUALS MUST QUICKLY OPERATE AND  
MOBILISE

TO WAIT AND WRITE LETTERS/PROTEST MAY  
BE INEFFECTIVE

THE SUREST WAY FORWARD WOULD BE TO  
IMMEDIATELY MOBILISE YOUR FELLOW  
CITIZENS AND MOUNT A CHALLENGE

# checklist

- COMPILE ALL EVIDENCE AVAILABLE
- DECISION MADE?
- DATE
- CONVEYED HOW?
- CONSULTATION AMONGST CITIZENS:  
HOW MANY OF YOU ARE INTERESTED  
IN CHALLENGING THIS DECISION?
- THE APPLICANTS IN JR MUST BE  
AFFECTED BY THE DECISION
- MOBILISE AND SELECT 1/2 LEADERS
- ALL APPLICANTS MUST AGREE TO  
APPOINT A SOLICITOR
- THE LEADERS SHOULD BE THE  
LIAISON WITH THE SOLICITOR