

The tribute received from the Faculty of Law of the University of Malaya was prepared by its Dean and Staff. Signatories to this document are Professor Ahmad Ibrahim, Messrs. Nik Abdul Rashid, Stephen Goh, Visu Sinnadurai and Jaginder Singh. The text has been circulated to all members of the legal fraternity in Malaysia and Singapore for information as regards the establishment of the *Dr. B. A. Mallal Fund*.

"The legal fraternity will probably never see the likes of Dr. B. A. Mallal again. This is the measure of the loss to the legal profession when Bashir Mallal was called to higher service on 5th September. For something like half a century, Dr. B. A. Mallal was somewhat of an institution for those who are concerned with the study, practice and administration of the law. His claim to remembrance in legal circles is supported by more than forty years of selfless, dedicated and conscientious service to lawyers in documenting cases and publishing law books. On him have fallen the singular tasks of systematising the law reports and expounding the law at a time when even angels feared to tread on such unremunerative activities. His response to these challenges was ungrudging and his choice of complete subordination and service to the legal system and the efficient administration of justice was as noble as it was courageous. In Malaysian legal history it is no exaggeration to compare Dr. Mallal's life work to that of Bracton, Glanville, Coke and Pollock in combination. He had done for the growth of Malaysian and Singapore law what these men had earlier rendered to the common law world. When a comprehensive legal history of the country is written this debt will have to be acknowledged in that Dr. Mallal's life work had made the working and growth of the law possible by supplying the Malaysian legal system with an essential lubricant.

*The Malayan Law Journal* (M.L.J.) has, in a sense, become the official law reporter for the country. Its founder and editor withstood many trials and tribulations ever since its appearance in 1932. At that time a law journal for the country was thought to be an impossible and thankless task; it was certainly an unviable economic venture. A few miscellaneous collection of reports and journals existed to serve the legal system and these were published piecemeal at sporadic and irregular intervals. As a lawyer's young managing clerk, Bashir was keenly aware of the unsatisfactory state of law reporting and so conceived and launched the M.L.J. despite formidable discouragement from those whose support would have been most appropriate to spur him on in his missionary zeal for an efficient legal system. "Who will read your Journal?" the young clerk was told instead. His belief that "the cause of due administration of justice can best be served by a system of law reporting on a pan-Malayan basis and reports readily made available to the judiciary and the legal profession with the least possible delay" (his own words) was so overwhelming that he persisted almost single-handedly in publishing the M.L.J. on a monthly basis despite the uncertainty of its finance. The M.L.J. has come a long way, gaining for itself a hard core of faithful readers. More than this, Bashir and the M.L.J. had become an important fixture in the legal scene, something which the practice and administration of the law cannot do without. The M.L.J. stands alone in the field of law reporting, an achievement for which its founder could justifiably be proud and for which the legal profession and scholars should be eternally grateful. As an essential instrument in the legal machinery the M.L.J. and its publications must continue in the same style and excellence for which its founder-editor had dedicated the major part of his working life.

It must not be thought that the M.L.J. is Bashir's only testament to posthumous legal fame. Dr. B. A. Mallal had also achieved the reputation of a self-taught law scholar and researcher by authoring and publishing more than a dozen law books. His *Criminal Procedure*, *Supreme Court Practice*, *Malayan Cases* and the *Digest of Malaysian and Singapore Case Law* (3 volumes to date and more to come) are indispensable for the legal practitioners' stock-in-trade. The machinery of justice will continue to be serviced and oiled by his published books and for so long as there is a legal system and so long as law is taught at the Universities in Malaysia and Singapore these books will be consistently and frequently referred to. Not only has the late Dr. Mallal pioneered legal research, his M.L.J. office has inspired and made possible publications on Malaysian and Singapore law at a time when such projects were frowned upon for their unprofitability. As early as 1932, he had envisaged the existence of what may be described as an "academic" legal profession in which advocates and solicitors would contribute to his Journal, articles and notes of cases or legislation. He was rightly convinced that law reform and its maturity could only be brought about by hard thinking and analysis among the lawyers themselves. Such a hope for a community of legal thinkers and scholars could not have been realised if he had not made available his M.L.J. for such publications. The more academically inclined of the lawyers who submitted articles were never turned down and when articles were not forthcoming he filled in the gaps as best as possible by his own contributions. He had also underwritten the losses in publishing law books on Malaysian and Singapore law written by both academics and practitioners. If an "academic" legal profession is instrumental in influencing the course of law making and its reform, this will be due to no small measure to the influence and inspiration of Dr. Mallal's life work. One has only to flip through the *Prefaces* of many of the books on law that are locally published to confirm that it became a sort of statutory obligation to acknowledge the debt owed to Bashir for his generous support and encouragement.

Yet for all his academic attainments and scholarship, the late Dr. Mallal was equally impressive in humility and generosity. To know and meet him are like warming one's hands in the central fire of life. Not until 1962 when the University of Singapore aptly conferred on him an honorary LL.D. degree did he consent to anything being written about him in his Journal. On that occasion he was in fact overruled by his staff, a display of delectable outrage to his modesty! His generosity was typical. The donation of the greater part of his magnificent library to the Faculty of Law at the University of Singapore and his donation of books to our Faculty is the measure of his love for students and his enthusiasm for the advancement of legal knowledge. He was a "god-father" to the birth of legal education in our region in 1965 and the growth of the "infant faculty" towards "a lusty state" in Singapore must have been due to the part he played and inspired. Our Faculty would have been similarly doted on if Dr. Mallal had not been so untimely summoned.

Dr. Mallal's life is an inspiring example of what one can achieve without a formal legal training or a University education. It gives added significance to the proverb that where there is a will there must be a way. Bashir has learned the law the hard way, by reading, editing and publishing the cases that go to make up the law and writing books to expound the law. In indulging in these activities irrespective of monetary considerations, Bashir stored a knowledge of case law in his mind which can be described as phenomenal. He was very much a lawyer's lawyer for it was not uncommon for those who had the certificates to consult him about the best cases quotable for a particular litigation. The M.L.J. office had been fondly referred to by judges and lawyers as a veritable 'Legal Advice Bureau'.

Apart from these incalculable transient services to the legal profession which are now extinguished one would shudder to think what the state of the law and the plight of the legal system and profession would be if Dr. Mallal had not answered the clarion call of dedication and service to the legal profession forty years ago. Professor L.A. Sheridan has written:

"As with the academic study of law, so with its practice, is the accessibility of cases a fundamental prerequisite. Law reports are the raw material of future adjudication, and the person who places the precedents before the profession is a public servant of the first importance, even if this is not publicly realised."

In his life work of systematising and documenting the case law and his exposition of certain branches of the law Dr. Mallal will surely live in legal history. Law scholars in the next and future generations will be reminded of the unique services that Dr. Mallal rendered to the advancement of legal knowledge and education in Malaysia and Singapore when they read his 'labour of love', the M.L.J. and the other monumental books that bear his name.

The Faculty of Law sincerely associates itself with the tributes that have been and will be paid to the late Dr. B. A. Mallal. The Faculty wishes to extend its heartfelt condolences to the bereaved family.

To commemorate all that he had stood for the Faculty of Law suggests that a fund be set up in his name for the purpose of providing for prizes and scholarships for aspiring students in law. Nothing would have pleased Dr. B. A. Mallal more than that his memory is cherished by the establishment of opportunities for the furtherance of legal knowledge in this manner".

Professor Tommy Koh, Head of Department of Law and Dean of the Law Faculty of the University of Singapore in his tribute said:—

"I first came to know Bashir Mallal fourteen years ago when I was a first year law student. Since then, I have lived in the circle of enchantment cast by this extraordinary man.

Bashir had many great qualities of both mind and character. He was a man of enormous energy. This was combined with fortitude and tenacity of purpose. Bashir would have succeeded in whatever he had chosen to devote himself to. It was the great fortune of the legal fraternities of Singapore and Malaysia that Bashir chose to devote his life to legal scholarship. That he should have chosen to channel his energies in this direction was miraculous for Bashir never had the benefit of formal legal education or training. It is truly amazing that in spite of this handicap, Bashir has left us with such a rich legacy of law reports, digests, commentaries and other learned writings.

Bashir's legacy to us is not, however, confined to these tangible, quantifiable assets. His life has a special significance for those of us who have eschewed the material rewards of law practice to enter the academic profession. For us, Bashir's single-minded devotion to legal scholarship was inspiring, and an example to emulate. He seemed to many of us the purest embodiment of the values and traditions of the academic profession even though he never held an academic appointment.

Bashir has been a member of the Law Faculty for as long as it has existed. He took a very keen interest in all its activities. He came regularly to its meetings until his doctors forbade him to do so because his heart would not permit him to climb the three flights of stairs to reach the meeting room. Bashir was a generous benefactor of the Faculty. He gave us his books, his advice, his encouragement, and his money. He was quick to spot the exceptionally gifted students and he tried to infect them with his devotion to legal learning. For these students his generosity knew no bounds. He had several of them from Malaysia to stay in his home during university vacations. He showered them with paternal affection and taught them to work as hard and as thoroughly as he had always done himself.

Bashir's commitment to the Faculty and his genuine affection for the students showed themselves in many touching ways. The following is typical. Each year the graduands of the Faculty would gather with their teachers for a group photograph before the commencement of the Convocation proceedings. The gathering had to take place at the unusually early hour of half-past seven in the morning. Over the years, the number of my colleagues who have turned up for the photo-taking has dwindled to a mere handful. But Bashir Mallal was always there. He cared. He cared for the students and wanted them to know that he rejoiced in their happiness. He cared for the Faculty and understood the importance of such simple acts in the development of a corporate spirit, a corporate identity and tradition.

There was also a lighter side to Bashir Mallal's character. He had a good sense of humour — a virtue seldom found in Singaporeans. He lived life to the full and enjoyed it enormously. Bashir Mallal has touched the lives of many of us and our lives have been immeasurably enriched. All who have known him, admired him. Those who have known him well, loved him."

A tribute was also received from the Honourable Tun Sir James Beveridge Thomson, S.M.N., P.M.N., P.J.K., former Lord President of the Federal Court of Malaysia. Tun Sir James said:—

"As a friend who knew him well and as a lawyer who for many years depended on his assistance and support it is a melancholy duty to add my modest tribute to those of others more fitted for the task to the memory of Bashir Mallal.

As a man he was a 'good man' — sincere, kindly, upright in his dealings with his fellow men and with a sense of humour that added spice to his conversation and salt to his wisdom. These things were well known to all those who knew him. And to know him was to love him.



But it is as a servant of the Law that his name will live and be remembered among the wider circle of those who profited from his labours as a law reporter and as the author of "practice books" which are on every lawyer's desk.

Malaysia and Singapore are blessed with a very good body of Law, an organic body of Law grown from the English Common law, the great Indian Statutes modified to suit local conditions and a land law which is nothing more or less than the old European feudal system adapted to the needs of modern society. But any body of Law can become a burden to society if it does not provide within itself for development in its interpretation in the light of changes in the conditions of the society which it governs. Major and revolutionary changes in the substance of the Law are, of course, for the legislature. But the gradual continuous growth in what one might call the spirit of interpretation from day to day must be left to the Judges. And if the Judges discharge this duty without becoming despots they must be kept fully informed not only of what their predecessors and their brethren have decided but also (and this is more important) of the courses of reasoning that have led to their decisions.

It was here that Bashir Mallal for over forty years rendered a service for which it is impossible to be too grateful and which was of particular value in the years of consolidation and reorganisation after 1964, which led in turn to the creation of the Malayan Union, the Federation of Malaya, the original Malaysia and finally the modern Malaysia and Singapore. New Courts from time to time took the place of old and if the spirit of the law was to live through these changes an effective system of law reporting was of paramount importance. And this was just what Mallal provided in the pages of his "Malayan Law Journal".

For this work he had all the qualities which it demanded. He had a great body of legal learning acquired through years of interested and discriminating study disciplined by early experience in the practical working of what might be called the mechanism of the Law. He had a keen analytical mind and he had a great sense of proportion and of appreciation of relative values. And his personal qualities — his love of his work, his sincerity, his modesty and his inherent 'likeableness' — ensured the fullest co-operation of the Judges with whom he served and of the profession as a whole. In the event the system which he built up has served his country well through the years of change and will be a sure guide throughout the years to come.

He himself is dead. We, too, in whose memories he lives will follow him. But of him it can be truly said that his work will live on, a memorial more lasting than any brass and of a kind that would have most appealed to the man himself."

Mr. John S. James, Chairman of Sweet & Maxwell, Spon (Booksellers) Ltd. a close friend and business associate in his appreciation said:—

"It was with great sadness that I heard of the death of my friend and colleague Dr. Bashir A. Mallal.

I just met Dr. Mallal in the years shortly after the end of the Second World War when I started visiting Singapore on behalf of my company. His name as editor of the Malayan Law Journal and as author of a number of textbooks was well known to us, but it was not until I visited Singapore that I was able to see the full scope of the activities of this remarkable man.

Nowhere else in the world has there ever been, and now probably could ever be, a person in such a unique position in the legal world. He edited his Malayan Law Journal and saw it recognised as the official series of reports for both Singapore and Malaysia. He established an office which imported for re-sale legal material from all over the world. He assembled a very fine personal library which he generously made available for reference to the legal profession. He was a teacher and one of the founder members of the law faculty of the University in Singapore. These facts are well known, but more important than all of them was the affection and respect with which it very soon became apparent to me he was held by all branches and all levels of the legal profession in Singapore and throughout Malaysia. Thus my visits in Singapore, whether to the judiciary, the profession, government departments or the law faculty, have through his introductions assumed a very much more social aspect than other parts of the world. If there was ever a "grand old man" of anything then Dr. Mallal was that of the legal fraternity in Singapore.

Apart from our mutual business interests Dr. Mallal became a personal friend and I have more than once been hospitably received by him and his family in his home in Singapore. Here in England he met my wife and family and they, as I had been, were captivated by his cheerfulness and generosity. These were characteristics which, in spite of deteriorating health, he maintained at any rate up to our last meeting, and were perhaps instrumental in hiding from some of us how ill he really was.

My wife joins with me in mourning the passing of a friend, and in extending our sympathy to his family and staff".

Sir John Whyatt, the former Chief Justice of Singapore in his letter to our Mr. Al-Mansor Adabi said:

"From the time I first became acquainted with him, I was attracted to him because he was that *rara avis* among practicing lawyers, a lawyer who loved the law, not so much for its financial rewards as for its own sake. And the better I got to know him, the more I appreciated his charm and his fine character.

His work in establishing a sound system of law reporting was of great value, much greater, I think than most people realised, in building up a body of local law and in developing a corporate sense among the members of the legal profession in Singapore. I am sure the splendid work he was doing in my day was continued right up to the time he died and it is most encouraging as well as consoling, to read in your letter, that you and the other members of the staff of the *Malayan Law Journal* will carry on his work. It is what Bashir himself would have wished. May you succeed as well as he did.

I send my deep sympathy to his family. I am very glad to have known Bashir Mallal and proud to have numbered him among my friends".

The former Lord Chief Justice of Northern Ireland, the Right Honourable Lord MacDermott, in his letter, *inter alia*, says:

"His place will be hard to fill, not only in the field of legal publishing, but also as a man of great personal charm and distinction. I always enjoyed meeting him, and when I retired last year I brought home two volumes of his Supreme Court Practice which I much admired on account of their beautiful binding as well as their contents.

I shall never forget his courtesy when my wife and I visited Singapore in 1965. He came out early to meet us at the airport and later I had the pleasure of seeing his book-shop.

Please convey my sympathy to your staff and his relatives".

The Federal Court of Malaysia and the various High Courts of States of Malaysia held references in the memory of the late Dr. Bashir A. Mallal. The tributes paid by the Bench, Bar and the legal officers shew the high esteem and respect the legal fraternity had for Dr. Mallal and what he stood for.

On September 16, 1972, a reference was held at the Federal Court in Kuala Lumpur. The Bench was presided over by the Honourable Tun Haji Azmi bin Haji Mohamed, Lord President of the Federal Court, Malaysia, and with his Lordship on the Bench were the Honourable Tan Sri H. T. Ong, Chief Justice, the Honourable Tan Sri Dr. Mohamed Suffian, Judge of the Federal Court, the Honourable Tan Sri Ali Hassan, Judge of the Federal Court, the Honourable Tan Sri H. S. Ong, Judge of the Federal Court, the Honourable Justice Tan Sri S. M. Yong, the Honourable Justice Dato Abdul Hamid bin Haji Omar and the Honourable Justice Tuan Haji Mohamed Azmi bin Datuk Haji Kamaruddin. In attendance were Encik Abu Bakar bin Awang, Acting Deputy Registrar and Encik Voon Thoong Shin, Assistant Registrar. Also present were Encik Hashim bin Yeop Abdullah Sani on behalf of the Honourable Attorney-General Malaysia, Officers of the Judicial and Legal Service, Encik R. R. Chelliah, Chairman of the Bar Council, Members of the Bar, Members of the Court Staff and members of the Law Faculty, University of Malaya.

On behalf of the Honourable, the Attorney-General, Encik Hashim bin Yeop Abdullah Sani addressed the court:

"May it please Your Lordships,

In this Reference I am speaking on behalf of the Attorney-General, the Solicitor-General and all members of the Judicial and Legal Service.

We are assembled this morning to pay tribute to the memory of a man who had rendered an invaluable service to the legal profession in Malaysia and Singapore. There is no one in the legal fraternity in Malaysia and Singapore to whom the name Bashir Mallal is not known.

Born on 26th February 1898 at Doman in West Pakistan, the late Dr. Bashir Mallal came to Singapore at an early age. In 1918 he joined a lawyer's firm as the managing clerk, and while working in that capacity he became aware of the unsatisfactory state of affairs of law reporting in this region, and conceived and founded the *Malayan Law Journal*, which made its first appearance in 1932. By editing and publishing the *Malayan Law Journal* for the last 40 years, the late Dr. Mallal became an institution for those who were concerned with the study, practice and administration of the law. He also made other contributions to the legal profession. His Criminal Procedure Code, Supreme Court Practice and Digest of Case Laws are monumental works indispensable to every one connected with the legal profession. With these publications, the late Dr. Mallal's fame spread beyond the shores of Malaysia and Singapore.

Tributes to the late Dr. Mallal's dedication, industry and learning have been paid from time to time by high Judicial officers. These can be seen in the 'Forewords' to the many issues of the *Malayan Law Journal* and other connected legal publications. The highest tributes had been paid by eminent Judges of the past and the present to this great man. His work and labour have earned the highest regard and esteem of all those who are responsible for the administration of justice in this region and all those who are connected with the legal profession.

In all his publications his object was maximum usefulness to the lawyer, and the profession in turn has come to accept thoroughness as the guaranteed characteristic of his publications.

The late Dr. Mallal's life is an inspiring example of what men can achieve without formal legal education or university degree. He learned the law the hard way, by reading, editing and publishing the cases that go to make up the law. At times he even expounded the law. His capacity for work and research was well known and he has shown how it is possible to have an outstanding knowledge of the law without ever attending a university. He was indeed in the real sense of the word, a reader and learner of the law.

It was in recognition of Dr. Mallal's contribution to legal literature and to legal science that the University of Malaya in Singapore conferred on him an honorary LL.D Degree in 1962.

The greatness of the late Dr. Mallal will stand out as long as the rule of law prevails in this region. Such people are indeed rare. Dr. Mallal was unquestionably a great man of whom not only his family but also Malaysia should be proud. Today we mourn the death of this great man who had become a legend in his own time. To his family I must say that they do not grieve alone.

Finally, My Lords, may I ask that Your Lordships will direct that a record of this Reference be entered in the archives of this Court and a copy thereof despatched to his family."

The Chairman of the Bar Council, Mr. R. R. Chelliah, in his address, said:

"My Lords,

On behalf of the members of the Malayan Bar I do associate myself with the tribute that has just been paid by my learned friend, to the late Dr. Bashir Mallal.

Dr. Mallal devoted his life to the service of the administration of law, of those who administered the law and of the legal profession of both Malaysia and Singapore.

The members of the Bar and indeed anyone and everyone who has and has had anything to do with the administration of Justice in our country owe a deep debt of gratitude to Dr. Mallal for having edited and published the *Malayan Law Journal* without which our case law would have long been in a state of confusion. Many others have from time to time tried to publish law reports and have failed. But the *Malayan Law Journal* grew in stature as the years went by and to-day it has acquired a status as one of the finest works of law reporting in the world. Besides the Law Journal, as my learned friend has said Dr. Mallal's commentaries on the Criminal Procedure Code and on the Practice and Rules of the Supreme Court are treatises which none who practises law can do without.

Dr. Mallal also took a keen interest in legal education in this part of the world and gave a great helping hand in the establishment of the law faculties in the Universities of Singapore and Malaysia. He not only made large donations of books to the law libraries of these Universities but also threw open his own library to all students at all times free of charge and gave them every encouragement.

As a person he was a charming friend, and a witty conversationalist. He was humble and always ready and willing to give a helping hand to anyone who needed aid.

On behalf of the members of the Malayan Bar I extend to his family our deepest sympathy and join my learned friend in requesting that a record of these proceedings be made and kept in the archives of this Court and a copy thereof be sent to his family."

From the Bench, The Honourable, Tan Sri H. T. Ong, Chief Justice, Malaya, in his reply, paid tribute to a personal friend:

"Mr. Attorney, Mr. Chelliah, My Lords, Ladies and Gentlemen,

To the meed of tributes paid in memory of Dr. Bashir Mallal I would like to add a few words of my own, which would not simply be an echo of the speeches delivered this morning.

I speak on behalf of those who had the good fortune to share with me the privilege of a warm and enduring friendship with Bashir over the years. We shall all remember him long. As for myself I shall miss for always the gallant and gracious gentleman whose only fault or weakness was his limitless generosity and his inability to see aught but the good side in all men. He was my mentor and friend since way back in the early Forties. As I look today around my dwindling circle of friends, the sense of loss strikes deep as one by one they have departed with the passing years. In token of our affection two of my brother Judges from Malaya were with me in Singapore last Wednesday representing our Bench at the obsequies. There remained but one thing more. I thought it fitting that the Bench and Bar in other States should have an opportunity to render similar tributes to one to whom they owe a greater debt of gratitude than any other man, living or dead. I have thereupon advised the senior and resident Judges accordingly."

The Lord President of the Federal Court of Malaysia, the Honourable Tun Haji Azmi bin Haji Mohamed, in the concluding address spoke of the initiation of a scholarship fund to perpetuate the memory of the late Dr. Bashir Mallal:

"Mr. Attorney, Mr. Chelliah, Tan Sri Chief Justice, My Lords, Ladies and Gentlemen,

As has already previously been said, with the passing away of Dr. Bashir Mallal, Malaysia has lost a remarkable man — a man who dedicated his whole life to the service of advancing legal knowledge to all who need that knowledge. Many of us have lost a very good friend.

I am sure all of us here who have listened to the speeches made this morning wish to be associated with the sentiments expressed by them.

On behalf of the Judges, Kuala Lumpur and the Presidents and Magistrates in Kuala Lumpur and the members of the staff of the Courts I would extend our heartfelt condolences to the members of Dr. Bashir Mallal's family for their irreparable loss.

The University of Singapore had acknowledged the part he played by awarding him during his life time a doctorate of law. May I suggest that we in Malaysia should also do something to perpetuate his memory. Professor Ahmad Ibrahim has initiated a scholarship fund for that purpose. Let us show that we feel grateful to Dr. Bashir Mallal for what he has done for us. I would therefore urge that all Judges, members of the Judicial and Legal Service and members of the Bar of Malaya and of Borneo to contribute generously to this fund.

Finally, I would direct that the record of this morning's proceedings be filed in the archives of this Court and that a copy be sent to the family of the late Dr. Bashir Mallal."



On September 15, 1972, a reference was held in the High Court at Penang. The Bench was presided over by the Honourable Mr. Justice Chang Min Tat. Those present at these proceedings were the Legal Adviser, Penang and members of his chambers, the President of the Sessions Court, the Magistrates, and members of the Bar.

In his opening address, the Chairman of the Bar Committee, Mr. Lim Kean Chye said:—

"May it please you, My Lord,

We are here today on an exceptional and unique occasion. Death has again robbed us of one of the luminaries of the law. The late Bashir Mallal is well-known to all of us. We all called him Bashir — the man who has helped more than a generation of the young lawyers that came from the Faculty of Laws of the University of Malaya in Singapore. It is fitting that we today the young and the old should honour him as 10 years ago the University honoured him with the honorary degree of Doctor of Laws. I remember the public orator on that occasion hoping that the degree conferred on him would not be a handicap to him in the future. Far from it, he went from strength to strength and the profession it was that benefited from this exercise.

Bashir reminds me of Ritchie Calder a distinguished journalist in another field who became professor of international relations in the University of Glasgow.

My Lord, the Bar Committee felt and all members I am sure too shared this feeling: that we should honour Dr. Bashir Mallal in the manner we are now doing although he was not a member of the Bar. There is an ancient saying that one should walk on two legs. Which advocate has dared to come to these Courts without arming himself with *Mallal's* 'Criminal Procedure Code' in one hand and *Mallal's* 'Practice' in the other?

Who could have guessed that this man who in the 1920's came to work in a tin mine in Perak would produce a series of reliable law reports, the first Digest of Cases of Malaya and Singapore, the first annotated Criminal Procedure Code and the first aid to lawyers through the labyrinth of the Rules of the Supreme Court?

My Lord, Mr. Nazir Mallal, Bashir's brother who was later to become an eminent chancery lawyer, collaborated with Bashir in producing 'The Straits Settlements Practice,' the forerunner of the 'Supreme Court Practice.' *Mallal's* Digest is now in the 3rd Edition and has reached the third volume, which ends with 'Local Government.' We all hope that those who now succeed him in the *Malayan Law Journal*, his grandson Faizal and his right hand man Al-Mansor Adabi will carry on the tradition and continue to produce the further volumes of the Digest.

Bashir leaves behind him 6 sons and 4 daughters, the eldest of whom is Munir. He has donated precious volumes of books to the Law Faculty Singapore as well as to Kuala Lumpur. But above all he leaves behind the memory of vast endeavour and the monumental works I have mentioned.

My Lord, I move that a copy of these proceedings be sent to Munir and other members of Bashir's family."

Encik Abu Talib bin Othman, Legal Adviser, Penang, spoke next:

"My Lord,

We have gathered this morning on this sad occasion to pay our last tribute to our distinguished friend at law, the late Dr. Bashir Mallal. On behalf of Yang Berhormat the Peguam Negara, the law officers and my colleague Enche Azmel bin Haji Ma'amor, may I associate myself with what has been so eloquently said by my learned friend Mr. Lim Kean Chye.

My Lord, after having heard what has been said by Mr. Lim, I consider myself unfortunate not having the opportunity of meeting and knowing Dr. Mallal in person. From what has been said of him and his work, I am convinced that he was a great man, highly respected by the members of the Bar and the legal profession of this country for his knowledge and contribution he has made to legal literature. He was always at all times approachable and willing to give every assistance in his powers to anyone who sought it. To those who had the privilege of calling upon him for his advice and assistance, I am sure they will be able to testify that he was the soul of kindness and generosity.

It is undoubted that Dr. Mallal has rendered unique service to the advancement of legal knowledge in Malaysia. He has written many legal books. His *Malayan Law Journal*, his Criminal Procedure Code, Supreme Court Practice, the Malayan Cases and the Digest of Malaysian and Singapore Case Law are indispensable to legal practitioners. These works will consistently and frequently be referred to by any person who has anything to do with law in this country.

My Lord, the various congratulatory messages he received from various parts of the world on the occasion of his being bestowed the honorary degree of Doctor of Laws by the University of Singapore in recognition of his devoted and dedicated service to the legal profession in Malaya clearly indicates that his fame has spread far and wide beyond the shores of Malaya.

My Lord, the legal profession is greatly indebted to Dr. Mallal for his work. His name will go into legal history.

My Lord, may I take this opportunity to offer our condolences to the members of the family of the late Dr. Mallal and to extend our deep sense of sympathy, and I associate myself with my learned friend that the record of the proceedings be kept in the archives of this Court and a copy thereof be conveyed to the members of his family."

The Honourable Mr. Justice Chang Min Tat, in reply said:

"Mr. Lim Kean Chye, Mr. Legal Adviser, Ladies and Gentlemen,

First of all, I want to thank you Mr. Lim and your Bar Committee for making this occasion possible. I also want to thank all of you present, the members of the Bar, you Mr. Legal Adviser and you the learned Deputy Public Prosecutor and also the President Sessions Court and the Magistrates for attending this reference to the memory of Dr. Bashir Mallal.

Mr. Lim, when you spoke to me about holding this reference I did think it would be unique to hold one for someone who was not a member of the Bar. But having regard to Dr. Bashir Mallal's career and the immense assistance he had rendered in his life time to the administration of justice in our Courts on both sides of the Bar, I did think it would be only fitting if we hold this reference and I am glad to be able to let you know, ladies and gentlemen, that the learned Chief Justice agrees with me entirely and that it is proposed to hold a reference in Kuala Lumpur next Saturday. Also he has suggested to the various Courts to hold similar references. This suggestion itself makes this occasion all the more unique because seldom has it been given to anyone to receive such universal tribute. We are accustomed to holding a reference for a member of our profession in the principal court in which he worked but I do not know of any previous occasion whereby somebody received tribute in nearly all the courts of Malaya. I wonder if this record will ever be broken.

Ladies and gentlemen, it is a particularly very sad occasion. Dr. Mallal or Bashir as we so often call him has been a friend to many of us. Some of you, perhaps, especially the younger members of the Bar, may not have had the opportunity or privilege of knowing him personally, but to those of us who know him as a friend, his passing must be a great personal loss. It is personally so to me, because he has extended the warmth of his friendship to me and also to my family. We will think of him always in our hearts but in our minds will be the permanent sense of the loss of someone who has been of the greatest assistance to us in the practice of the law. His place in local legal history must spring from the inspiration which God gave him 40 years ago of starting his collection of law reports, now famous as the *Malayan Law Journal*. Since then he has branched into many other publications but I think it can be safely said that all his supplementary publications are ancillary to that collection of law reports. That collection of law reports has achieved eminent distinction because it embodies so correctly and so accurately the decisions of the courts, that throughout its history I know of no challenge of it. It has been accepted without the slightest question by all courts even in the Privy Council. It is accepted without question under section 84 of the Evidence Ordinance as being a true and accurate report.

Ladies and gentlemen, I cannot conceive how we could have practised our law with efficiency without the works of Bashir. His work has been of immense importance and permanent value. It would be trite to use of him the epitaph given to Sir Christopher Wren "Si monumentum requieris, circumspice". But I think you will agree with me that so long as we accept the common law and the principle of *stare decisis* and the interpretation of the law by the courts, the memory of Bashir and his work will survive. It is good to know that his passing which is the necessary committant of our being flesh and blood will not take away the memory of this good and great man from our minds. It must remain as inspiration to all of us that this man without benefit of formal legal education or formative practice should achieve such eminence and erudition. But he devoted his life time to collating the law and the decisions of the courts and in so doing has made and will make our work easier. He did it out of love for the profession and out of his conviction that the rule of law must be upheld. I know for a fact that he got very little financial benefits out of it but he did not look for riches in his devotion to law. He had received very few honours and the only public honour that came his way was the Doctorate of Law (*honoris causa*) conferred by the then University of Malaya in Singapore. It was a very fitting tribute because I know how much he loved that Faculty, what great hopes he had placed on it and I know also there was no call made by the Faculty of Law Singapore and in Malaya that he would not answer even at some sacrifice. It is now perhaps poignant to note in the last issue of the *Malayan Law Journal* which came after the news of his death, a picture of him standing with the latest batch of law graduates from the University. The only consolation as I see it is that before his death, he lived to see one of his grandsons join him in his firm. I refer to Faizal and I am sure he went comforted by the thought, though he should not have need of any assurance, that his work will carry on. I am sure Faizal Mallal and Bashir's faithful *alter ego*, Al-Mansor Adabi who was more a son to him than a partner, will carry on the work that he had started.

I associate myself with you Mr. Lim and you Mr. Legal Adviser in all that you have said of Bashir. I gladly accede to your request that a record of today's proceedings be kept in the Archives of this Court and a copy thereof be sent to the family."

On September 18, 1972, the High Court at Kuching held its reference. The Bench was presided over by the Honourable Tan Sri Datuk Ismail Khan, Chief Justice of East Malaysia, and with his Lordship on the Bench were the Honourable Justice Tan Sri S. S. Gill, Judge of the Federal Court and the Honourable Mr. Justice Pawan Ahmad bin Ibrahim Rashid from West Malaysia and the Honourable Mr. Justice B. T. H. Lee and the Honourable Mr. Justice George Seah Kim Seng from East Malaysia. Mr. Chew Kui Sang the Acting Registrar and Encik Abu Bakar bin Awang the Senior Assistant Registrar from West Malaysia were in attendance. Also present in court were Mr. Tan Chiaw Thong the State Attorney-General, Sarawak, members of the Attorney-General's Department, Magistrates, Mr. S. K. Reddi, Senior Counsel, and members of the Bar.

In his speech, Mr. S. K. Reddi said:

"We have gathered here today to pay tribute to Dr. Bashir A. Mallal who passed away so recently. His demise has removed from the legal scene one of the stalwarts of our times. He was the founder and the editor of that first class law journal, the *Malayan Law Journal*, the acknowledged journal on case law and which is so widely acclaimed throughout Singapore, West Malaysia and East Malaysia. What the All England Law Reports are to the United Kingdom, the *Malayan Law Journal* is to us in this part of the world.

Dr. Mallal's reputation extends beyond the publication of the *Malayan Law Journal*. His standard works include Criminal Procedure, Supreme Court Practice, Malayan Cases and Digest of Malaysian and Singapore Case Law. These are the books which are primarily to be found in the chambers of the Chief Justice, the State Attorney-General and our lawyers in Sarawak.

Dr. Mallal was a self-made man. His beginnings were very humble. He was not a graduate of law of any university nor was he a member of any of the Inns of Court, yet his knowledge of law was so profound and his application to the study of law so keen, that it has found expression in the many law books of which he is the author, and by the publication of which, his memory will be perpetuated in the *Malayan Law Journal*, and for all time in so far as the legal profession is concerned.

The tributes that have been paid to him for his editorship of the *Malayan Law Journal* are to be found in the letters of appreciation that are sent to him every year by the Lord President and The Chief Justices of The High Courts in Singapore, West Malaysia and East Malaysia.

The orderly development of law in its application to changing social and economic conditions has been faithfully recorded by Dr. Mallal, so have the decisions of the various courts in Singapore, West Malaysia and East Malaysia. We are deeply indebted and grateful to Dr. Mallal for the valuable contribution that he has made to the proper administration of justice in this part of the world. He has provided an indispensable service of the highest order.

Recognition of his work and of the contribution that he made to the Law Faculty came to him in 1962 when the University of Singapore bestowed upon him the Honorary Degree of Doctor of Laws, a rare honour indeed.

Like every struggling writer before he achieves fame and popularity, Dr. Mallal when he first started the *Malayan Law Journal* was dogged by discouragement, ridicule and apathy, but Dr. Mallal was a man with a firm determination and a wide horizon, and he magnificently accomplished what he set out to do, and the fruits of his labour we now enjoy.

Dr. Mallal in his personal life was a man of quiet disposition, with a charming personality, and was ever ready to be of assistance to anyone who approached him and it is a tragedy to us that we have lost him.

On behalf of my colleagues and on behalf of myself, I wish to have conveyed to the bereaved family of Dr. Bashir A. Mallal our heartfelt condolences and an expression of our sincere sympathy in the sad loss that they have suffered."

The State Attorney-General, Sarawak, Mr. Tan Chiaw Thong, addressed the court next:

"My Lord Chief Justice, my Lords,

On behalf of myself and my colleagues in the State Attorney-General's Chambers, I would like to associate myself with the tribute which has been paid to the late Dr. Bashir Ahmad Mallal by my learned friend.

Dr. B.A. Mallal had served the legal profession for more than forty years with dedication and distinction. To those of us who are concerned in the study, practice and administration of the law, his passing is the more keenly felt because he had come to be regarded, not merely as a person, but as an institution. The *Malayan Law Journal*, his brainchild, which he nurtured and nourished so well in the face of formidable odds at the beginning; his *Criminal Procedure*; *Supreme Court Practice*; *Malayan Cases and Digest of Malaysian and Singapore Case Law*; are all indispensable legal publications. This, by itself, is indicative of the esteem in which he is held in legal circles.

Yet, for all that, his was a story of one who attained his achievements through perseverance and undaunted belief in the cause for which he was working. He set out to perform his tasks with humility and without seeking any reward. When, on 12th June, 1962 — thirty years to the day when the M.L.J. was first published — the University of Singapore conferred upon him the Honorary Degree of Doctor of Laws, it was a matter of great satisfaction to those of us who had benefited, and are still benefiting, from his work.

He will be sadly missed.

My Lords, I move that the record of these proceedings be preserved in the archives of the court and that a copy be sent to his family."

The Honourable, the Chief Justice of East Malaysia, Tan Sri Datuk Ismail Khan, replied:

"Mr. Attorney, Mr. Reddi, and members of the Bar,

My colleagues and I wish to be associated with the moving tributes that have been paid this morning to a distinguished companion of the law, Dr. Bashir Ahmad Mallal, whose death we mourn as an irreparable loss not only to our legal brotherhood, but also to the country. I would like to strike a personal note.

My friendship with Bashir, as he was affectionately known to many, went back nearly 50 years to the time when his brother, Mr. Nazir Mallal and I were fellow students, and he was the managing clerk in a legal firm in Singapore. Even in those days he played a big part in the affairs of the Muslim population of Singapore, and edited a neat little monthly magazine, 'The Muslim' which was regarded as the voice of the community. He then took seriously to the study of the law and decided that he could be of greater service to the legal profession if he started a journal on a popular basis with an all-Malayan appeal. At that time, conditions were not propitious to such ventures, but with his characteristic grit, determination and resourcefulness, Dr. Mallal founded the *Malayan Law Journal* in 1932 which was a signal success from the start, and now his name is synonymous with legal reporting, in legal circles. His Digest, Supreme Court Practice, the Criminal Procedure Code and other treatises are not the least of his contributions to legal literature. In this great leap forward from humble beginnings in a lawyer's office to eminence in our legal world, Dr. Mallal stood without a competitor.



In private life, simplicity was the keynote of his character. He was at home in any society; to the fledgling law student as well as to the distinguished legal luminary, he was always the same Bashir.

He has now departed from the legal scene, but throughout the country in every legal office and in every court of law from the highest to the lowest, there is at least his Digest and the *Malayan Law Journal* to bear witness to his great services to the profession and to the advancement of legal education in our country.

I will now direct that a record of these proceedings be kept in the archives of this court and a copy with our deepest sympathy be sent to the sorrowing members of Dr. Mallal's family.

As a mark of respect to the late Dr. Mallal, I will adjourn the court for a period of 10 minutes."

Proceedings were held in the High Court at Johore Bahru in honour of the Late Dr. Bashir A. Mallal on Wednesday, September 20, 1972. The Bench was presided over by the Honourable Datuk Justice Syed Othman. Among those present in court were the Hononurable Encik Abdullah bin Datuk Abdul Rahman, Chairman, Bar Committee, Johore; Encik Mohamed Eusoff bin Chin, State Legal Adviser; members of the Judicial and Legal Service; and a large number of the Johore Bar members and members of the Court staff. Also present were Mr. Munir A. Mallal, eldest son of the late Dr. Bashir Mallal and Mr. Al-Mansor Adabi Managing Director of the *Malayan Law Journal* (Pte) Ltd.

The Honourable Encik Abdullah bin Datuk Abdul Rahman on behalf of the Bar Council, Malaysia and the Johore Bar addressed the court and said:—

"My Lord,

I understand that Mr. Munir Mallal, a son of the late Dr. Bashir A. Mallal is here and also Encik Al-Mansor Ababi who was his right hand man.

My Lord, we meet this morning to mourn the death of Dr. Bashir Mallal. I believe this is the first time that a reference is held for a person who was not in the profession and yet was very much a part of it.

The name of Dr. Bashir Mallal was synonymous with that of the *Malayan Law Journal* which he founded and of which he was the editor. I will not trace his career in detail as it will probably be found in the *Malayan Law Journal* soon.

I first met Dr. Mallal in 1939 in the office of a legal firm in Singapore and met him again a number of times in his office and at social gatherings. I remember seeing him in his office, a big one with all the four walls lined with books from the ceiling to the floor, and he was behind his desk at the centre of the room. I thought then that I saw a man who was in his element, happy and contented. Dr. Mallal had an intense love for the law which found expression in the *Malayan Law Journal*. The Journal was his labour of love and he dedicated his life to it. In the process he gained the respect and admiration of the profession to which he never belonged.

Dr. Mallal has proved to us all that knowledge is free and that one could achieve true greatness if one has a great sense of love and dedication in one's vocation. And yet, typical of such men, Dr. Mallal was self effacing and modest and helpful to all lawyers, young and old.

My Lord, Dr. Mallal died having achieved to the full his purpose in this world. His *Malayan Law Journal* will be the everlasting memorial of this modest and yet great man.

My Lord, may God bless his soul and may he rest in peace. I would request that the record of this reference be committed to the court archives and his family be provided with a copy of the record."

Encik Mohamed Eusoff bin Chin, State Legal Adviser, Johore, appearing on behalf of the Honourable the Attorney-General, the Honourable the Solicitor-General and officers of the Judicial and Legal Service addressed the court as follows:—

"May it please Your Lordship,

In these proceedings I speak on behalf of the Attorney-General, the Solicitor-General and the Officers of the Judicial and Legal Service.

We meet here this morning to pay tribute to the memory of the late Dr. Bashir A. Mallal who passed away peacefully on the 5th day of September, 1972. During his lifetime, the late Dr. Bashir A. Mallal contributed an invaluable service to the legal profession in Malaysia and Singapore. His name is well-known to all the members of the legal profession in this region.

Dr. Bashir A. Mallal was born on the 26th day of February, 1898 at Dormal in West Pakistan. In 1918 he went to Singapore at an early age and worked in a lawyer's firm as a managing clerk. It was while working there that he realised that law reporting in both Malaya and Singapore was unsatisfactory and he conceived the idea of setting up a law reporting firm and founded the *Malayan Law Journal*. The first issues of the *Malayan Law Journal* appeared in July, 1932. Since then for 40 years he edited and published the *Malayan Law Journal* and he further made valuable contributions to the legal profession by publishing monumental and indispensable works such as *Mallal's Criminal Procedure Code*, the *Supreme Court Practice* and *Digest of Case Laws*. During his 40 years devotion to legal journalism he had done his utmost to give the legal profession as early as possible, reports of decided cases and notes on important points of law, and the legal profession in turn has come to accept thoroughness as the guaranteed characteristic of his publications. The highest tributes have been paid to this great man by past and present judges. His work and labour have earned him the highest regards and esteem of everyone responsible for the administration of justice in Malaysia and Singapore, and all those who are connected with the legal profession.

The late Dr. Bashir Mallal learned the law the hard way. His unlimited capacity for work and research is well-known. He had acquired an outstanding knowledge of the law without having to attend any law school, but purely by his persistent perseverance, by reading, by editing and by publishing the cases that go up to make the law. The University of Singapore in recognition of Dr. Bashir Mallal's invaluable contributions to the study of law conferred on him an Honorary LL.D. Degree in 1962.

My Lord, today we mourn the death of this great man. His death is a loss to the legal circle in this country. Although he is no longer with us his memory will still remain as an inspiration to us all. Our sympathies go to his family in their bereavement and if it will help them to sustain their sorrow with fortitude we would like them to know that they do not grieve alone.

My Lord, may I move that the record of these proceedings be entered in the archives of this court and a copy thereof be despatched to the family of the late Dr. Bashir A. Mallal."

In reply to these tributes the Honourable Datuk Syed Othman said:—

'Encik Abdullah, Encik Eusoff Chin and Ladies and Gentlemen,

We are gathered heretoday to pay our respects to the memory of the late Dr. Bashir Ahmad Mallal, the Editor of the *Malayan Law Journal*. Most of you who are present today are young and probably never had occasion to meet the late Dr. Bashir personally. But you know him and will continue to know him for many years to come through the *Malayan Law Journal*, *Mallal's Criminal Procedure*, *Mallal's Supreme Court Practice* and *Mallal's Digest*.

I might mention to you that when publishing the first issue of the M.L.J. in 1932 the late Dr. Bashir graced the Johore Bar. The first photograph which appeared in the Journal is that of a gathering of the Johore Bar.

As Encik Abdullah has said, in effect, that the practice of having a reference has been only for members of the profession. The late Dr. Bashir was never called to the Bar. He had no formal legal training. But the training he gave himself was more than any university or Inns of Court could have offered. During his lifetime he contributed more to the profession and to the cause of law in this part of the world than any person, living or dead. He was no ordinary man. The heritage he has left to the legal profession puts him high above the ordinary roll of advocates and solicitors. More than any other person, he deserves special mention in the legal annals of this country.

The late Dr. Bashir came to Malaya during the First World War and joined the firm of solicitors, Battenberg and da Silva, as a clerk in 1918. From then onwards he became wholly dedicated to the law. He published the 'Trial of Muslim Libel Case' in 1928 and 'Mallal's Criminal Procedure Code' in 1931 which has now seen its fourth edition. He founded the *Malayan Law Journal* in 1932. He also published a commentary on the Moneylenders Ordinance and many other books which I need not mention here. The record is formidable. It speaks for itself. In recognition of his work the University of Singapore honoured him in 1962 by conferring on him the Honorary Degree of Doctor of Laws.

In the course of his life he met and overcame many tribulations. One of them: 1949 saw the life of the M.L.J. being threatened. It was said that the Journal was becoming too expensive. A decision was made to produce the *Malayan Law Reports*. Subscription to the Journal by the Courts and Government Departments was discontinued. To know the full events you need only read the article "We shall carry on" in 1949 November issue of the M.L.J. The odds were overwhelmingly against the M.L.J. But the late Dr. Bashir carried on and the journal is very much alive today. With all the advantages they had at birth, the *Malayan Law Reports* led a short life.

I had the privilege of knowing him for more than 15 years and knowing him was indeed a privilege. As a person the late Dr. Bashir was humility itself. He saw everything in life with a sparkle of humour. Kindness seemed to be perpetually written on his face. He always had a smile for everyone and he evoked fierce loyalty from his staff and from those who knew him. He was indeed the gem of a person. He appeared frail but had tremendous capacity for work. In spite of continuous illness he continued working on the 3rd edition of the 'Digest on Malaysian and Singapore Cases'. He had his fourth heart attack in April this year. As soon as he was out of hospital he was seen editing the 4th volume of the 3rd edition. This volume was about to be completed when he succumbed to his last heart attack. Like a true lawyer he died in harness. This volume, I understand, completes the work and will be published soon. That the work is invaluable to those dealing with the law cannot be disputed. It will be a lasting monument befitting the man.

The late Dr. Bashir died at the time when the nations of the world met for the Olympics in Munich. If there could have been any contest in the legal field Dr. Bashir would have been a champion among champions in this part of the world. His achievements are incomparable by any standard. They can only be a source of inspiration to everyone of us. He has shown us that no man should rely entirely on his qualifications nor stand still if he has none; by sheer devotion to work and single mindedness of purpose a man can rise to great heights. He has guided us to a path we should take: we should work hard and equip ourselves with more knowledge so as to be of better service to the cause of law.

As a last word, allow me to borrow Maitland's expression: Dr. Bashir is dead but he still governs us from his grave.

May Allah's blessing be on his soul. I offer my very sincere and heartfelt sympathy to his family, and I order that the record of these proceedings be filed in the archives of this Court and a copy be sent to the bereaved family.

The Court is adjourned for half an hour as a mark of respect to the late Dr. Bashir."