

## Recent Books on Law and Human Rights - Sept 2012

### Office

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[www.marymartin.com](http://www.marymartin.com)**

One Law, One Nation: The Making of the South African Constitution / Lauren Segal and Sharon Cort

Johannesburg, South Africa : Jacana Media, 2011

256p.;

ISBN 9781431402700

\$ 41.60

<http://www.marymartin.com/web?pid=144435>

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Local Case Studies in African Land Law / Robert Home

Pretoria, South Africa : PULP, 2011

202p.;

ISBN 9789205380193

\$ 38.30

<http://www.marymartin.com/web?pid=144480>

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Essays in African Land Law / Robert Home

Pretoria, South Africa : PULP, 2011

207p.;

ISBN 9789205380025

\$ 38.30

<http://www.marymartin.com/web?pid=144481>

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PULP GUIDE: Finding legal information in South Africa 2011 (2nd Edition) / Shirley Ann Gilmore

Pretoria, South Africa : PULP, 2011

112p.;

ISBN 9781920538064

\$ 21.60

<http://www.marymartin.com/web?pid=144482>

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Celebrating the African Charter at 30: A guide to the African Human Rights System

Pretoria, South Africa : PULP, 2011

65p.;

ISBN 9781920538033

\$ 16.60

<http://www.marymartin.com/web?pid=144483>

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Pretoria Student Law Review (2010)-4 / Editor in chief: Ian Learmonth

Pretoria, South Africa : PULP, 2011

98p.;

ISSN 1998-0280

\$ 16.60

<http://www.marymartin.com/web?pid=144484>

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Constitutional Court Review (2010)-3 / Stu Woolman, Theunis Roux & Danie Brand  
Pretoria, South Africa : PULP, 2011

367p.;

ISSN 2073-6215

\$ 63.30

<http://www.marymartin.com/web?pid=144486>

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Pocket-size commemorative edition on the occasion of the 30th anniversary of the  
adoption of the African Charter on Human and Peoples' Rights 1981 - 2011  
Pretoria, South Africa : PULP, 2011

87p.;

ISBN 9780986985751

\$ 16.60

<http://www.marymartin.com/web?pid=144489>

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African Human Rights Law Reports 2009 / African Commission on Human and Peoples'  
Rights & the Centre for Human Rights, University of Pretoria  
Pretoria, South Africa : PULP, 2011

376p.;

ISSN 1812-2418

\$ 41.60

<http://www.marymartin.com/web?pid=144490>

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Public International Law and the Regulation of Diplomatic Immunity in the Fight against  
Corruption / Kenneth K Mwenda  
Pretoria, South Africa : PULP, 2011

212p.;

ISBN 9780986985799

\$ 38.30

<http://www.marymartin.com/web?pid=144491>

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Prosecuting International Crimes in Africa / Chacha Murungu & Japhet Biegon  
Pretoria, South Africa : PULP, 2011

362p.;

ISBN 9780986985782

\$ 38.30

<http://www.marymartin.com/web?pid=144492>

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Everyone's Guide to South African Law (3RD EDITION) / Adriaan Anderson; Rolien Roos;  
Anelia Dodd

Cape Town, South Africa : Struik, 2012

272p.;

ISBN 9781770223219

\$ 35.00

<http://www.marymartin.com/web?pid=144535>

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SILKE: SA Income Tax 2012

Durbon, South Africa : LexisNexis South Africa, 2012

1198p.;

ISBN 9780409106701,\$ 100.00

<http://www.marymartin.com/web?pid=144562>

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Income Tax In South Africa: Cases & Materials  
Durbon, South Africa : LexisNexis South Africa, 2012  
672p.;  
ISBN 9780409105629  
\$ 116.50

<http://www.marymartin.com/web?pid=144563>

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Introducing Labour Relations Management in South Africa: Adding Value to Africa  
Durbon, South Africa : LexisNexis South Africa, 2012  
644p.;  
ISBN 9780409046090  
\$ 108.00

<http://www.marymartin.com/web?pid=144560>

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Law, Order and Liberty: Essays in Honour of Tony Mathews / Marita Carnelley, Shannon Hoctor  
Scottsville, South Africa : University of Kwazulu Natal Press, 2011  
273p.;  
ISBN 9781869142148  
\$ 36.75

<http://www.marymartin.com/web?pid=144510>

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The BW Law Reports: Cumulative Index 2007  
Gaborone, Botswana : Government Printer, 2008  
122p.;  
ISSN 1561-1582  
\$ 60.00

<http://www.marymartin.com/web?pid=145191>

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The BW Law Reports: Cumulative Index 2007-2008  
Gaborone, Botswana : Government Printer, 2009  
189p.;  
ISSN 1561-1582  
\$ 120.00

<http://www.marymartin.com/web?pid=145193>

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The BW Law Reports: Cumulative Index 2007-2009  
Gaborone, Botswana : Government Printer, 2009  
227p.;  
ISSN 1561-1582  
\$ 120.00

<http://www.marymartin.com/web?pid=145194>

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Botswana Statute Law 2009 (Volume 93)  
Gaborone, Botswana : Department of Government Printing and Publishing Services,  
2010  
\$ 225.00

<http://www.marymartin.com/web?pid=145196>

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Botswana Statute Law 2010 (Volume 94)  
Gaborone, Botswana : Department of Government Printing and Publishing Services,  
2011

\$ 225.00  
<http://www.marymartin.com/web?pid=145197>

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Laws of Botswana Updates- LRO 1 – 2010  
Gaborone, Botswana : Department of Government Printing and Publishing Services,  
2010  
\$ 250.00  
<http://www.marymartin.com/web?pid=145198>

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Laws of Botswana Updates- LRO 1 – 2011  
Gaborone, Botswana : Department of Government Printing and Publishing Services,  
2011  
\$ 250.00  
<http://www.marymartin.com/web?pid=145199>

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Laws of Botswana Updates- LRO 1 – 2012  
Gaborone, Botswana : Department of Government Printing and Publishing Services,  
2012  
\$ 250.00  
<http://www.marymartin.com/web?pid=145200>

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The Botswana Law Reports 2008 Vol 2 / Edited By Glenda Jeffries, James Evans & Caryl  
Verrier  
Gaborone, Botswana : Government Of Botswana & Blackhall Publishing,Ireland, 2009  
ISSN 15611582  
\$ 225.00  
<http://www.marymartin.com/web?pid=145201>

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The Botswana Law Reports 2008 Vol 3 / Edited By Glenda Jeffries, James Evans & Caryl  
Verrier  
Gaborone, Botswana : Government Of Botswana & Blackhall Publishing,Ireland, 2009  
ISSN 15611582  
\$ 225.00  
<http://www.marymartin.com/web?pid=145202>

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The Botswana Law Reports 2009 Vol 1 / Edited By Glenda Jeffries, James Evans & Caryl  
Verrier  
Gaborone, Botswana : Government Of Botswana & Blackhall Publishing,Ireland, 2010  
ISSN 15611582  
\$ 225.00  
<http://www.marymartin.com/web?pid=145204>

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The Botswana Law Reports 2009 Vol 2 / Edited By Glenda Jeffries, James Evans & Caryl  
Verrier  
Gaborone, Botswana : Government Of Botswana & Blackhall Publishing,Ireland, 2010  
ISSN 15611582  
\$ 225.00  
<http://www.marymartin.com/web?pid=145205>

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The Botswana Law Reports 2010 Vol 1 / Edited By Glenda Jeffries, James Evans & Caryl  
Verrier  
Gaborone, Botswana : Government Of Botswana & Blackhall Publishing,Ireland, 2011  
ISSN 15611582  
\$ 225.00

<http://www.marymartin.com/web?pid=145206>

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The Botswana Law Reports 2010 Vol 2 / Edited By Glenda Jeffries, James Evans & Caryl Verrier

Gaborone, Botswana : Government Of Botswana & Blackhall Publishing, Ireland, 2011

ISSN 15611582

\$ 225.00

<http://www.marymartin.com/web?pid=145207>

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Constitutionalism and the rule of law in Botswana / Oagile Key Dingake

Gaborone, Botswana : Mmegi Pub. House, 2011

264p.;

ISBN 9789991252803

\$ 120.00

<http://www.marymartin.com/web?pid=145208>

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Company and partnership law in Botswana / John Kiggundu

Gaborone, Botswana : Bay Publishing, 2010

271p.;

ISBN 9789991246475

\$ 120.00

<http://www.marymartin.com/web?pid=145209>

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Laporan Syariah 2011 = Syariah Reports Index 2011 (Part 1 – Part 4) / Wan Shariff

Wan Ahmad & Baizura Abd Razak (Editors)

Selangor: The Malaysian Current Law Journal Sdn. Bhd., 2011

688p. ; 24cm.

Bilingual English & Malay language

\$ 295.00 / HB

1200 gm.

<http://www.marymartin.com/web?pid=145088>

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Sabah Native Customary Rights / Nasser Hamid, Ram Singh

Malaysia : Gavel Publications, 2012

588p.

9789833519330

\$ 195.00 / PB

Land laws in Sabah have always recognized native customary rights and laid down procedures by which such claims can be asserted, determined and protected. In other words, there is no automatic conferment of native customary rights on occupiers of lands subject to such rights. This can be clearly seen from the legislations which preceded the Land Ordinance as well as the Land Ordinance itself: *Darinsok Pangiran Apan & Ors v Hap Seng Consolidated Bhd & Ors* [2008] 10 CLJ 150 (HC).

Native Customary Rights over land remains the most contentious area in many jurisdictions including the State of Sabah. The purpose of this publication is to provide the decided cases, both reported and unreported, on Native Customary Rights in Sabah generally and Native Customary Rights over land specifically.

In examining native customary rights in Sabah, the interpretation of the Land Ordinance (Cap 68)) of 1930 remains apposite. The Land Ordinance (Cap 68)) of 1930 is the principal statutory instrument regulating the occupation of land and its alienation within the State of Sabah. In view of the fact that the National Land Code 1965 (Act 56) which governs land law in Peninsular Malaysia is inapplicable in Sabah, the reported decisions on the Land Ordinance (Sabah) (Cap 68) remain the most important and integral source of interpreting the said provisions of the Ordinance.

<http://www.marymartin.com/web?pid=145089>

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Civil Proceedings: Burden and Standard of Proof / Nasser Hamid  
Malaysia : Gavel Publications, 2012  
9789833519316  
\$ 120.00 / PB

The law is stated as of January 31 2012

In civil proceedings, the burden of proof rests solely on the plaintiff to prove his case on a standard of balance of probabilities throughout the trial whereas the onus of proof or evidential burden is not stable and constantly shifts during the trial from one side to the other according to the scale of evidence and other preponderates. Such shifting is one continuous process in the evaluation of evidence. According to Sections 102 and 103 of the Evidence Act 1950, if the party with whom the onus lies, whether initially or subsequently, as a result of its shifting does not give any or further evidence or gives evidence which is not sufficient, such party must fail: Salleh Abas FCJ in International Times & Ors v Leong Ho Yuen [1980] 2 MLJ 86 (FC).

The law is trite that he who asserts the existence of facts must prove that those facts exist. Section 101 of the Evidence Act 1950 (Act 56) provides that the burden of proof rests upon the party who desires any court to give judgment as to any legal right or liability dependent on the existence of facts which he asserts.

The legal burden is usually determined by the rules of substantive law as set out in the relevant precedents and statutes. It is settled law that the burden of proof rests throughout the trial on the party on whom the burden lies. Where a party on whom the burden of proof lies has discharged it, then the evidential burden shifts to the other party.

The rules of evidence govern the proof of facts in a criminal trial and in civil proceedings. The success or otherwise of a claim or cause of action is largely dependent on satisfying the burden and standard of proof. The evidence must be sufficient, qualitatively, to clear the hurdle of the applicable standard of proof. The burden and standard of proof in civil proceedings can either be beyond reasonable doubt or on a balance of probabilities.

Civil Proceedings: Burden and Standard of Proof examines the applicable standards of proof under various topics. The largest sections of the book cover CONTEMPT, DEFAMATION, EMPLOYMENT, FAMILY LAW and FRAUD.

<http://www.marymartin.com/web?pid=145090>

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Myanmar Laws (2010)  
Myanmar : Union Attorney General's Office, 2012  
704p.  
\$ 50.00 / PB  
700gm.

<http://www.marymartin.com/web?pid=145329>

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Brunei: Court Of Appeal Decisions - Civil Appeals / Nasser Hamid  
Malaysia : Gavel Publications, 2012  
390p.  
ISBN 9789833519323  
\$ 180.00 / HB

The law is stated as of January 31, 2012

Stare decisis is the cornerstone of the commonwealth system of jurisprudence. The use of judicial precedents is an indispensable foundation upon which to decide what is the law and its application to individual cases. Stare decisis provides a degree of certainty upon which individuals can rely in the conduct of their affairs, as well as a basis for orderly development of legal rules.

The judicial hierarchy maintained by this doctrine ensures that the decisions of the Court

of Appeal are binding on the High Court and all the lower courts. The decisions of the Court of Appeal of Brunei, its apex court, will clarify the approach that is to be taken in the lower courts when confronted with similar legal issues.

This publication will facilitate the research of legal material for the Bench and Bar in Brunei as well as for the legal fraternity in other parts of the commonwealth.

The material in this book can be researched via the Subject Matter which is an alphabetical index of all the topics or areas covered by the judgments. The reader can also search the judgments by way of the statutes that are examined by the Court of Appeal decisions. This is facilitated by the section entitled Statute Search.

To complete the value of the book, a section entitled Interpretation is provided where the definitions from the Interpretation and General Clauses Act 1959 (Cap 4), the Supreme Court Act (Cap 5) and The Rules of the Supreme Court (Cap 5) can be examined.

<http://www.marymartin.com/web?pid=145091>

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Advocates Ordinance: Sabah and Sarawak / Nasser Hamid

Malaysia : Gavel Publications, 2011

614p.

ISBN 9789833519309

\$ 140.00 / PB

The law is stated as of October 15, 2011

Advocates Ordinance: Sabah and Sarawak is the First and Only publication that examines the Advocates Ordinance (Sabah) (Cap. 2) and Advocates Ordinance (Sarawak) (Cap. 110).

As the application of the Legal Profession Act 1976 (Act 166) has not been extended to Sabah and Sarawak, the Advocates Ordinance (Sabah) (Cap. 2) and Advocates Ordinance (Sarawak) (Cap. 110) remain the principal statutes that regulate the admission of persons as advocates and to make provision for matters relating thereto in the States of Sabah and Sarawak respectively.

It is through decided cases that one interprets the intention of the legislature, in this case the intention of the respective State Legislatures of Sabah and Sarawak. The publication provides all the relevant decisions that have been adjudicated by the courts.

<http://www.marymartin.com/web?pid=145092>

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Bribery and Corruption /Hamid Ibrahim, Nasser Hamid

Malaysia : Gavel Publications, 2012

746p.

ISBN 9789833519286

\$ 120.00 / PB

The law is stated as of May 1, 2011

Any offence, be it murder, rape, robbery or corruption is an offence against society and the community at large. By stating that the crime of corruption stands in a league of its own and cannot be equated with the heinous crimes of murder, rape, robbery and criminal breach of trust, etc the Court of Appeal underplayed the effect of corruption in this society. The offence of corruption, if unabated, is far more reaching in consequences than crimes of robbery, criminal breach of trust or rape. Therefore, the sentence imposed for offences of corruption should be deterrent in nature so as to reflect the gravity of the offences: PP v Dato Waad Mansor [2005] 1 CLJ 421 (FC).

This publication provides all relevant decided cases and materials pertaining to the subject of BRIBERY AND CORRUPTION. A CITATOR is included to assist the reader by providing initially the description of the area of the law within the offence of bribery and corruption and then the reference to the case or cases on point. The reader can then peruse the full judgment of a particular case in the CASEBOOK section. Research into decisions pertaining to the major legislation pertaining to the subject i.e., the Prevention

of Corruption Act 1961 (Act 57), the Anti Corruption Act 1997 (Act 575) and the Malaysian Anti-Corruption Commission Act 2009 (Act 694) is also possible by way of STATUTE SEARCH, that is the reported cases can be accessed by way of the specific statutory provisions of those statutes. As stated, the CASEBOOK section of this publication provides all major Malaysian authorities on the area of Sedition and further provides the complete citations of all three Malaysian law reports.

<http://www.marymartin.com/web?pid=145093>

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Copyright Law in Malaysia: Cases and Commentary / Ida Madieha bt ABDUL GHANI  
AZMI

2nd Ed.

Malaysia : Sweet & Maxwell Asia, 2012

820p.

ISBN / ISSN: 9789670498027

\$ 175.00 / HB

This book provides a full and authoritative analysis of cases, both local and international, on issues concerning copyright, as well as a thorough discussion on important amendments to the copyright law made by the Copyright (Amendment) Act 2012.

Structured in 15 chapters, the book is replete with essential and analytical information on copyright law. Each topic is introduced by a helpful overview before key cases are presented. These local and international cases on copyright law have been carefully selected and are complemented by copious commentaries to elucidate on the wide range of issues that arise. The commentaries which are enlightening, thought-provoking and insightful, assist the reader to have an in-depth and critical understanding of copyright law.

The new changes covered in this new edition include the liability of ISP's and notice and take down procedure, statutory damages, voluntary notification as well as anti-camcording liability. It also analyses refined provisions on performer's rights, technological protection measures, the copyright tribunal, the inter-working of copyright and industrial design as well as the various limitations and exceptions provided by law.

<http://www.marymartin.com/web?pid=145094>

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The Law of Costs in Civil Proceedings / Andrew CHEW Peng Hui

Malaysia : Sweet & Maxwell Asia, 2012

9789670498041

\$ 180.00 / HB

Litigation is often an expensive affair and payment for all the legal work done as well as disbursements has to be settled at the end of each litigation. The award of costs is always in the discretion of the court, even though there may be statutory or other restrictions that regulate the award of costs. At the end of a trial, judges will normally assess costs summarily or there may be a detailed assessment of costs conducted subsequently.

The determination of costs is an important matter for both the lawyer and the client. The Law of Costs in Civil Proceedings is the first book in Malaysia to consider this subject in detail. It is written by an experienced court lawyer who is also a prolific writer. Following an extensive discussion over many chapters of the fundamental principles in the assessment and awarding of costs, the book examines the applicable law in relation to various types of proceedings, including charge actions, execution proceedings, arbitration, election petitions as well as proceedings under the Companies Act and the Government Proceedings Act. Costs in public interest litigation, bankruptcy actions, land acquisition, removal of private caveats as well as legal aid matters are also discussed. Clear analysis of the law provides great value in the book. There are also regular references to relevant statutory provisions and copious citations of cases from various jurisdictions, including Malaysia, England, Singapore and Australia. The new

developments brought in by the Rules of Court 2012 have also been considered. The wealth of information available will undoubtedly make this book one not to be missed.  
<http://www.marymartin.com/web?pid=145096>

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Affidavit Evidence / Andrew CHEW Peng Hui

2nd Ed.

Malaysia : Sweet & Maxwell, 2012

600p.

ISBN / ISSN: 9789670498034

\$ 120.00 / HB

Affidavits play a major role in dispensing justice and many proceedings, particularly those of an interlocutory nature, are disposed of on affidavit evidence alone. In cases where evidence can be conveniently and completely presented in affidavit form, its use will promote the efficient and more orderly disposal of cases. This important part of litigation practice is given a clear and comprehensive exposition by the book Affidavit Evidence.

This book presents a core subject of civil practice from the local perspective. The detailed discussion is amply supported by copious citation of case law, local as well as foreign, and the applicable statutory provisions. The practical insights provided in the book are indeed valuable and will serve well both the experienced and the newer practitioners.

The content of the book has been systematically organised and this greatly enhances its usefulness. Beginning from the fundamentals of the preparation of affidavits, the book then explores in detail the formal requirements for valid affidavits. The practical aspect of the filing and service of affidavits is discussed before an analysis is undertaken of defective affidavits as well as the available curative provisions and remedial measures. The book proceeds to a hands-on discussion of affidavits in particular proceedings, the assessment of affidavit evidence, including cross-examination on affidavits, and finishes off with a look at the effects of the making of false affidavits.

This new edition of Affidavit Evidence contains a wealth of knowledge painstakingly put together by an experienced practitioner of law. It is fully updated to take account of new developments in the law, including the Rules of Court 2012.

<http://www.marymartin.com/web?pid=145098>

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Copyright Law in Malaysia: Cases and Commentary / Dr Ida Madieha bt ABDUL GHANI AZMI

2nd Edition

Malaysia : Sweet & Maxwell Asia, 2012

820p.

9789670498027

\$ 145.00 / HB

This book provides a full and authoritative analysis of cases, both local and international, on issues concerning copyright, as well as a thorough discussion on important amendments to the copyright law made by the Copyright (Amendment) Act 2012.

Structured in 15 chapters, the book is replete with essential and analytical information on copyright law. Each topic is introduced by a helpful overview before key cases are presented. These local and international cases on copyright law have been carefully selected and are complemented by copious commentaries to elucidate on the wide range of issues that arise. The commentaries which are enlightening, thought-provoking and insightful, assist the reader to have an in-depth and critical understanding of copyright law.

The new changes covered in this new edition include the liability of ISP's and notice and take down procedure, statutory damages, voluntary notification as well as anti-camcording liability. It also analyses refined provisions on performer's rights,

technological protection measures, the copyright tribunal, the inter-working of copyright and industrial design as well as the various limitations and exceptions provided by law.

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Construction Law in Malaysia / Sundra Rajoo and Harbans Singh KS

Malaysia : Sweet & Maxwell Asia, 2012

650p.

ISBN / ISSN: 9789675040962

\$ 160.00 / HB

This is the first book which deals solely with Construction Law in Malaysia. It is also the first book which discusses the new Construction Industry Payment and Adjudication Act (CIPAA). CIPAA as promulgated by Parliament this year through the intensive efforts of CIDB and related promoters will radically change construction practice in Malaysia.

Authored by two experienced and highly-respected construction law professionals, the book which is written in a clear and concise manner provides an overview of the whole law relating to construction in this country as well as a detailed coverage of many of its important aspects.

It is intended to be an authoritative and invaluable resource for legal practitioners, construction professionals, contractors, developers, employers, students, as well as those requiring an insight into the law and practice of construction law. It supplements the many other books written on various aspects of construction law in Malaysia to date. The key elements of construction law that are considered include the Malaysian law and its administration, contract law, law of tort, key issues in construction contracts, implementation of construction contracts, financial issues in construction contracts, considerations as to time, suspension and determination, completion and finalisation of the contract, construction claims and disputes as well as adjudication.

The book sets out and updates significant new developments in construction law and practice, including coverage of current contract procurement and implementation issues, dispute resolution and recent case law.

<http://www.marymartin.com/web?pid=145099>

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Islamic Capital Market Series: Shariah Rulings and Opinions on Ijarah, Musharakah and Mudharabah / Wan Abdul Rahim Kamil Wan Mohamed Ali

Malaysia : Sweet & Maxwell Asia, 2012

218p.

9789675040986

\$ 180.00 / HB

The steady development of the Islamic capital market across the globe in recent years has positioned it as a significant counterpart to conventional interest-based financing. As the need for global funding continues to grow, Islamic capital market products have attracted the interest of a vast segment of market participants, not just Muslims.

Shariah Rulings and Opinions on Ijarah, Musharakah and Mudharabah – the third title in Securities Commission Malaysia's Islamic Capital Market Series published by Sweet & Maxwell Asia – is a compilation of rulings and opinions on Islamic capital market issues relating to three increasingly important Islamic financing applications. These rulings and opinions deal with the basics of ijarah, musharakah and mudharabah, their application in relation to the issuance of sukuk, and further issues pertaining to each application in sukuk.

With the aim of giving readers a clear understanding and guidance on fiqh in the Islamic capital market, the rulings and opinions in this compilation are drawn from twelve well-accepted and authoritative bodies and scholars:

Accounting and Auditing Organization for Islamic Financial Institutions (AAOIFI)

- Bank Indonesia
- Bank Negara Malaysia

- Dallah Al-Baraka
- Dallah Al-Baraka (Research)
- Islamic Fiqh Academy
- Kuwait Finance House (KFH)
- Majelis Ulama' Indonesia
- Securities Commission Malaysia
- Sheikh Hussain Hamed Hassan
- Sheikh Muhammad Taqi Usmani
- Nazih Kamal Hammad

This compilation is a useful Shariah business resource for bankers, investors, regulators, lawyers and all who are concerned that market transactions are carried out in ways that comply with Islamic principles.

<http://www.marymartin.com/web?pid=145100>

An Introduction to Islamic and Conventional Corporate Finance / Aida Othman Megat Hizaini Hassan Mohd Sofiyuddin Ahmad Tabrani Mohd Hariz Daud Iqbal Jusoh  
Malaysia : Sweet & Maxwell Asia, 2012  
305p.

9789675040351

\$ 75.00 / HB

This book concentrates on the various methods available to businesses to raise capital as well as the investment methodologies that drive strategic business decisions of corporations in Malaysia. In keeping with the practice prevalent in Malaysia and many other countries around the world, this book looks at the law and practice of corporate and investment finance through the conventional and Islamic perspectives.

Conventional banking facilities covered include term loans, revolving credit facilities, syndicated facilities, trade financing and banker's acceptance together with the relevant types of security. Various Islamic financing methods are looked at, such as Bai' Bithaman Ajil, Istisna', Ijarah, commodity Murabahah, Bai' Al-Dayn and Al Qardh ul-Hasan.

Private debt securities including bonds, sukuk, loan stocks and redeemable preference shares are analysed and the applicable legal framework discussed. Detailed consideration is also given to the legal requirements of initial public offerings in Malaysia. Alternative modes of corporate finance like venture capital, Islamic private equity and real estate investment trusts are explored.

<http://www.marymartin.com/web?pid=145101>

Retrenchment: The Law and Practice in Malaysia / Ashgar Ali Ali Mohamed Farheen Baig Sardar Baig

Malaysia : Sweet & Maxwell Asia, 2012

580p.

9789675040924

\$ 100.00 / HB

The importance of job security in the form of continuity in employment in an organisation up to the normal retirement age applies to the general working population. Unfortunately job loss justified by economic and business needs is an inevitable and painful consequence of a corporate restructuring or reorganisation process. It is however essential that the termination of an employment contract on the grounds of redundancy must flow from justifiable grounds which must be bona fide and untainted by any unfair labour practice.

Retrenchment is full of legal intricacies. This book gives insight into the law and practice of retrenchment in Malaysia. Following an overview of the concept of retrenchment, it delves into the circumstances that might lead to retrenchment, the protection provided

by the law, the calculation of retrenchment benefits and the payment thereof in the event of insolvency or the winding-up of a company, the operation of the Code of Conduct for Industrial Harmony, as well as the idea of the setting up of a retrenchment fund and the mechanism for its effective implementation from the Islamic law perspective.

Written by authors who have wide experience in employment law, this book makes regular reference to statutory sources and cases from the courts to explain the working of the law and practice of retrenchment. A chapter sets out illustrations from decided cases to assist the reader to better understand how retrenchment can be properly carried out, and the nature and quantum of benefits that may be awarded by the court. The operation of a voluntary separation scheme that often takes place in a business restructuring is also considered.

<http://www.marymartin.com/web?pid=145102>

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Managing Fund Flows, Risks and Derivatives: Applications in Islamic Institutions /  
Abdulkader Thomas

Malaysia : Sweet & Maxwell Asia, 2012

420p.

9789675040931

\$ 250.00 / HB

Managing Fund Flows, Risks and Derivatives: Applications in Islamic Institutions, the second book in SC's Islamic Capital Market Series, is an independent Shariah business resource for bankers, particularly treasury teams, their clients, regulators and lawyers. Its primary focus is instruction on Islamic principles to build a clear consciousness of Islamic rules, Islamic structures, and how these fit within a banking and treasury environment.

The unique character of Shariah rules gives rise to a complex Islamic market that is an asset market and not simply a money market. This requires the Islamic banker to consider the commercial, as opposed to monetary, aspects of transactions. Within this context, the book deals with the issues of asset liability management, cash flow management and "in the bank" departmental integration by introducing asset concepts. Hedging concepts and approaches used in the Islamic market are discussed in detail and common hedging problems addressed. The focus is to understand how a decision to apply Shariah principles causes profound change in philosophy and methodology.

<http://www.marymartin.com/web?pid=145103>

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Human Rights Law: International, Malaysian and Islamic Perspectives /Abdul Ghafur  
Hamid @ Khin Maung Sein

Malaysia : Sweet & Maxwell Asia, 2012

512p.

9789675040870

\$ 125.00 / HB

Human Rights Law: International, Malaysian and Islamic Perspectives is a unique, first-of-its-kind work, presented from three distinct perspectives. It is intended to present human rights law in a clear and accessible fashion, addressing key questions relevant to the subject.

Consisting of 24 chapters, grouped under three parts, the work begins with an exploration of the nature, scope and effectiveness of the international legal framework for human rights (Part I – Human Rights Law: The International Framework). This is followed by an analysis of the Malaysian position in relation to the application of international human rights law and contemporary human rights issues in Malaysia (Part II – Malaysia and Human Rights: Traditions versus Universality). Finally, the work

examines human rights from the Islamic perspective, elaborating the position of Shari'ah (Islamic law) in respect of human rights (Part III – Human Rights: Islamic Perspective).

Useful both as a coherent exposition of human rights law, as well as a collection of self-contained papers reflecting the distinct perspectives of eighteen distinguished scholars, this work constitutes a rich overview of both theory and practice in relation to respect for human rights, and is a valuable resource to all those interested in exploring and studying human rights law.

<http://www.marymartin.com/web?pid=145104>

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Caveat System in Sarawak / Dr Andrew CHEW Peng Hui  
4th Ed.

Malaysia : Sweet & Maxwell Asia, 2012

250p.

9789670498058

\$ 105.00 / HB

A caveat is a means of conveying notice to persons who propose to deal with a proprietor that there are other claims affecting the property. It is a key tool employed in day-to-day conveyancing and registration of land titles to protect alleged as well as proved interests and interests that have not yet become actual interests in land.

This book is devoted to legal practitioners who handle land matters with respect to Sarawak. As the procedures involved in Sarawak are somewhat different to the operation of the caveat mechanism in Peninsular Malaysia, the book attempts to provide practical solutions to the complexities involved. The analysis and discussion of caveatable interests in various transactional situations will prove to be most helpful to practitioners when considering whether a certain interest may be protected by a caveat or in resisting a caveat that has been entered.

Latest developments and case law have been included in bringing out this new edition of the book.

<http://www.marymartin.com/web?pid=145105>

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Islamic Law of Succession : A Practical Guide to the Laws of Faraid / Wan Noraini Mohd Salim

Ampang, Selangor: The Malaysian Current Law Journal Sdn. Bhd., 2012

xii. 198p. ; 23cm.

Includes index

Bibliography: p. 191

ISBN-13: 9789670379111

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2. Wills (Islamic law)

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Malaysian Town and Country Planning : Law and Procedure / Ainul Jaria Binti Maidin

Ampang, Selangor: The Malaysian Current Law Journal Sdn. Bhd., 2012

xliv. 845p. ; 23cm.

Includes index

ISBN-13: 9789670379005

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Employment Law and Theory : A Malaysian Focus with a Comparative Perspective /  
Vanitha Sundra-Karean

Ampang, Selangor: The Malaysian Current Law Journal Sdn. Bhd., 2012

xxviii. 316p. ; 23cm.

Includes index

Bibliography: p. 303

ISBN-13: 9789670379029

1. Labour laws and legislation – Malaysia

\$ 55.00 / PB

516 gm.

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Introduction to Principles & Liabilities in Criminal Law / Lee Chong Foo, Che Audah  
Hassan & Mimi Sintia Haji Mohd Bajury

2nd Edition

Malaysia : LexisNexis, 2012

9789674001025

\$ 75.00 / PB

Designed to serve as an introduction and guide to students, this Second Edition has now been expanded to thirteen chapters characterised by a selection of topics which presents the nature of substantive criminal law and criminal responsibility. The flow and structure of this selection of topics will undoubtedly enable the student an easier understanding of the objectives, rationale and complex nature of criminal law.

In addition to the basic principles of criminal law, the chapters focus on the corresponding liabilities, for example, the legal responsibilities for the acts or omissions of a person. These principles and liabilities are supported by reference to criminal law provisions together with other jurisdictions of criminal law that is in pari materia with the Malaysian Penal Code; along with a wealth of cases from Malaysia, Singapore and Commonwealth countries especially India.

<http://www.marymartin.com/web?pid=145109>

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Resolving Child Custody Disputes : The Law & Practice in Malaysia / Mehrun Siraj

Malaysia : LexisNexis, 2012

9789674000912

\$ 75.00 / PB

The increasing number of child custody cases involving parties from the two systems of Family law in Malaysia and the absence of clear guidelines for the courts has resulted in conflicting decisions in the courts and tremendous dissatisfaction on the part of the parties. Unsatisfactory decisions in such cases become the concern of not just the involving parties, but also the entire communities. This book is a study of such cases, with the objective that solutions are to be worked out to resolve the problems arising from them.

It sets out the existing law, practice and procedure in both systems, examining current issues particularly in the conflict of law cases. It also recommends solutions to some of the problems that arise in relation to custody dispute resolution.

<http://www.marymartin.com/web?pid=145110>

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Land Law in Malaysia Cases and Commentary, Third Edition / Professor Teo Keang Sood  
and Datuk Dr. Khaw Lake Tee

Malaysia : LexisNexis, 2012

ISBN: 9789674000820

\$ 175.00 / HB

In the Third Edition of Land Law in Malaysia - Cases and Commentary, the authors have brought you an updated and comprehensive commentary on the latest cases and legislation. In the tradition of its predecessor, this book equips legal practitioners, academicians and law students on the various aspects of land law in Malaysia.

Readers will benefit from in-depth reviews and discussions of some of the landmark cases from two of the most learned and esteemed authorities of land law.

The book is organised into paragraph numbers for precise and quick referencing.

#### KEY FEATURES

- Includes reference to cases and research materials of up to 2011

- Clear explanations, analysis, discussions and commentaries of case law.

<http://www.marymartin.com/web?pid=145111>

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Banking Law - 4th Edition / Lee Mei Pheng, Detta Samen & Ivan Jeron Detta  
Malaysia : LexisNexis, 2012

9789674000837

\$ 225.00 / HB

The banking industry and its legal environment have seen significant changes since the First Edition of this book. This has brought in many challenges not only for bankers but also for lawyers whose job it is to advise, deal with and represent bankers. The Fourth Edition, like its predecessor editions, is ideal in meeting these challenges and current demands within the banking industry.

In this Edition, the authors have created a comprehensive and convenient study and reference companion for all those who are familiar with the dynamics of day-to-day banking operations and business by blending in the law, the latest developments and current practices especially in the areas of electronic banking and data transfer. It also illustrates and examines the importance of the legal and regulatory framework within the Malaysian financial system which bankers have to operate, covering the provisions of the relevant legislation, guidelines and international standards affecting bankers; the exchange control in banking and financial transactions as well as the risks that bankers, financiers, creditors and lenders should be aware of relating to lending and securities, guarantees, loan recovery and secured debts.

<http://www.marymartin.com/web?pid=145112>

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Mallal's Criminal Procedure - 7th Edition / Updated by Noor Azman bin Adnan & J

Selladurai Thanjong Tuan

Malaysia : LexisNexis, 2012

9789674000769

\$ 260.00 / HB

Over a period of fifty-five years, Dr Bashir Mallal's progressive editions of Mallal's Criminal Procedure have established an enviable and respected tradition. This Seventh Edition continues Dr Mallal's aims of providing the legal profession with an authoritative and practical guide to the criminal procedure and practice of both the Superior and Subordinate Courts in Malaysia.

While the work does not claim to be an exhaustive reference on the subject, it is certainly hoped that reference to it may serve to simplify the arduous task of research into its vast area of law, and make transparent the often complex process of the administration of criminal justice and procedure in Malaysia.

Mallal's Criminal Procedure contains detailed annotations to all the sections of the Criminal Procedure Code. These annotations, supported by relevant authorities, explain

and analyse important aspects of criminal procedure as well as provide useful information such as the history of each section and similarities, if any, to the Indian Criminal Procedure Code 1973 and the Singapore Criminal Procedure Code 2010. They facilitate a better understanding of criminal procedure and serve as signposts for further research.

<http://www.marymartin.com/web?pid=145113>

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Revenue Law in Singapore & Malaysia - 3rd Edition / Leo Desmond Pointon, Jeong Chun Phuoc

Malaysia : LexisNexis, 2012

ISBN: 9789674000714

\$ 130.00 / PB

The Third Edition of this book updates and expands the earlier Editions; sets out the basic principles of revenue law in Singapore and Malaysia; and introduces the most significant inclusion of thirteen chapters on Shari'ah Revenue Law.

The compilation of case extracts has been further enlarged and other source materials have been woven into the text so that the reader will find these commentaries conveniently located. The inclusion of a large number of examples, many of them with critical legal analysis, and the concept of competitive legal intelligence, enhance this work with an innovative strength unmatched elsewhere. This edition further incorporates changes in revenue law development in Singapore and Malaysia vis-a-vis global trade as a result of trade liberalisation and expansion of a borderless E-marketplace.

The Shari'ah revenue law perspective will undoubtedly generate interest in other areas of Shari'ah subject matters where tax is a factor. Extensive research has been carried out by both authors to mirror as closely as possible, current laws in force with cases and examples on almost all major facets of Singapore and Malaysian revenue law.

<http://www.marymartin.com/web?pid=145114>

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Employment Law in Malaysia / Sharifah Suhanah Syed Ahmad

Singapore : LexisNexis, 2012

ISBN: 9789674000691

\$ 85.00 / PB

This book features the history of industrial relations in Malaysia, highlighting aspects such as trade unions, migrant workers and early legislative responses to such issues.

The author presents rights-based labour jurisprudence in a practical manner, emphasising current issues such as obligations and the employer-employee relationship, changes in the way people work and how these have initiated a transformation in the judicial approach towards a worker's legal status and rights.

The scope of employment protection or statutory rights and obligations; fundamental aspects of employment law such as termination of employment, unfair dismissal and constructive dismissal are comprehensively considered and discussed clearly in a succinct manner. Designed to present a complete picture of the state of Employment Law in Malaysia today, it effectively provides an excellent historical and evolutionary background in a perfect combination of topics related to the current landscape especially in Malaysia.

<http://www.marymartin.com/web?pid=145115>

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Criminal Law in Malaysia and Singapore, Second Edition / Stanley Yeo, Neil Morgan and Chan Wing Cheong

Malaysia : LexisNexis, 2012

9789812369277

\$ 190.00 / HB

This second edition of a highly respected text critically evaluates the general principles

of criminal responsibility in Malaysia and Singapore with a view to assisting the application of the law and promoting law reform. The major offences against the person and property are examined, including recent legislative changes. Leading cases from Malaysia and Singapore are considered along with relevant cases from India, Australia and other jurisdictions.

This book is essential for legal practitioners, judges, scholars and students. The detailed analysis of the principles, workings, and complexities of criminal law in each chapter is done in an organised and structured manner, with clear headings and sub-headings that make it easy for referencing and review.

A comprehensive analysis on major cases, academic commentary and law reform perspectives on criminal law clearly makes the book an authoritative text referred to in legal proceedings, judgments and scholarly journals.

This second edition is also a definitive source of comparative law for lawmakers and scholars in other jurisdictions, where the Indian Penal Code forms part of the law, as it features helpful and insightful discussions of how Malaysian and Singaporean judges have interpreted and applied the Code provisions

<http://www.marymartin.com/web?pid=145116>

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MP Jain's Administrative Law Of Malaysia And Singapore - 4th Edition / Damien J. Cremean

Malaysia : LexisNexis, 2011

9789674000370

\$ 150.00 / HB

Since its first publication in 1980, this book has been the locus classicus and leading authority on administrative law in Malaysia and Singapore. Quoted and referred to by the courts, leading practitioners and other publications, this fourth edition would be a welcome update to the 3rd edition of 1997. Since then, there has been numerous legislative developments, significant rulings by the court in both countries, proliferation of the administrative process and growing public interest in area of law.

This edition reflects this growing importance of administrative functioning, decision-making and makes a comparative study with other commonwealth countries such as India, Australia, Canada and New Zealand.

Adopting a similar approach to the late MP Jain's prose, Dr Damien Cremean has sifted through a wealth of legislation and key cases in both Malaysia and Singapore. He explained the norms and principles of administrative law of its philosophical and historical aspects; and has provided a comparative study with other jurisdictions like the US, UK and several commonwealth countries. Jurisdiction are compared and contrasted in depth with reference to the latest legislation with clear explanation, analysis, discussions and commentaries. Updates to the latest 2010 and 2011 of Malaysia, Singapore and international jurisdiction of legislation and cases are provided.

This book offers the reader a wider perspective and opportunity to comprehend this rapidly growing area of law and the realisation as to how this area of the law permeates into the ordinary citizen's life and how the reader is affected by government decision-making on areas such as labour law, trade and commerce, taxation, environmental laws, etc.

<http://www.marymartin.com/web?pid=145117>

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Hour Before Dawn: The Fall and Uncertain Rise of the Philippine Supreme Court/ Marites Danguilan Vitug

Philippine: Cleverheads Publishing, 2012

319p.

Includes Index

9789719518907

\$ 35.00/PB

454gm.

<http://www.marymartin.com/web?pid=145502>

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