IN THE GENERAL DIVISION OF
THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

[2025] SGHC 131

Originating Application No 981 of 2024

Between

(1) Tang Huixian
(2) See Soon Leong (Shi Chunliang)
(3) Loi Wei Ling (Li Huiling)
(4) Tan Ying Wei, Melvin (Chen Yingwei, Melvin)
(5) Quek Kwang Hwee, Vincent (Guo Guanghui, Vincent)
(6) Chua Yu Zhang
(7) Tiang Tsui Ling Serene (Chen Ruiling Serene)
(8) Chan Wei-lien Aaron (Zeng Weilian)
(9) Chua Wen Hui
(10) Lee Kang Hee
(11) Tang Sok Mun, Joy (Deng Shuwen, Joy)
(12) Kuek Yong Liang
(13) Tan Han Peng
(14) Ang Wei Ming, Kevin (Hong Weimin, Kevin)
(15) Wong Fui Yoong
(16) Ang Pei Shan, Grace
(17) Foo Chuan Hui
(18) Ang Wai Loong, Sebastian
(19) Chen Kezhi, Dennies
(20) Hou Chun Choon (Hou Jianjun)

… *Claimants*

And

Soka Gakkai Singapore

… *Defendant*

JUDGMENT

[Administrative Law — Judicial review — Principles relating to review of decisions of religious associations]
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[Administrative Law — Judicial review — Wednesbury unreasonableness]

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v
Soka Gakkai Singapore

[2025] SGHC 131

General Division of the High Court — Originating Application No 981 of 2024
Philip Jeyaretnam J
19 May 2025

8 July 2025 Judgment reserved.

Philip Jeyaretnam J:

1 This is the claimants' application for a declaration that the decisions of the defendant, Soka Gakkai Singapore ("SGS"), to expel them from membership were made in breach of the rules of natural justice or were irrational or unreasonable, and are therefore null and void. It raises questions of how the rules of natural justice and principles of rationality (to the extent that these are implied into the contractual relations between members) are properly to be applied in the context of a religious organisation.

Background facts

Soka Gakkai Singapore (SGS)

2 SGS is a Buddhist organisation practising Nichiren Buddhism in Singapore. It was first registered as a society in 1972 and then as a charity in

1985.[1] It is part of an international network of affiliated organisations under Soka Gakkai International ("SGI"), and the only constituent organisation of SGI in Singapore.[2]

3 By Article 8 of its Constitution, the management of the affairs of SGS is vested in the Management Committee ("MC").[3]

4 Article 7(b) of SGS's Constitution provides for the expulsion of members as follows:[4]

> i) Subject to Rule 7b(ii), the Committee shall be empowered at its discretion, to expel any member from the Association when the member is determined by the Committee:-
>
> (1) to have ceased being a follower or believer of the Buddhist teachings of Nichiren Daishonin;
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> (2) to have breached any provision of the Constitution, Rules and By- Laws of the Association; or
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> (3) to have done some act against the interests or harmony of the Association; or
>
> (4) to have made use of the name of the Association for personal gain.
>
> ii) Before a member is expelled, his conduct shall be inquired into by the Management Committee or a Disciplinary Committee and/or Board of Inquiry appointed by the Management, and he shall be given full opportunity to defend himself and to justify or explain his conduct. If a majority of the Management Committee are of the opinion that the member is guilty of such conduct as aforesaid and that the member has failed to justify or explain it satisfactorily, the Management Committee shall call upon the member to resign and, if he does not resign, shall expel him.

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1 Chua Hai Lee's 1st Affidavit dated 25 November 2024 ("CHL's 1st Affidavit") at para 2.

2 CHL's 1st Affidavit at para 3–4.

3 Agreed Bundle of Documents (Volume 4) ("4AB") at p 393.

4 4AB at p 392.

Solidarity of Genuine Sensei's Disciples (SGSD)

5 According to the claimants, the Solidarity of Genuine Sensei's Disciples ("SGSD") is an informal group of family and friends who came to study and practice Nichiren Buddhism together and encourage each other in the practice of their faith.[5] A WhatsApp group chat had been created by February 2021, which was subsequently renamed "Solidarity of Genuine Sensei's Disciples".[6] The group's main activity comprises monthly study sessions over Zoom.[7] It also pooled funds to purchase study materials and develop a mobile application.[8] Around 2015, some persons in the informal group of family and friends had pooled funds for a media project relating to the passing of Mr Daisaku Ikeda, a founding president of Soka Gakkai.[9] Counsel for the claimants describe SGSD as akin to a Bible study group.[10]

6 It is undisputed that the claimants participated in SGSD. What the claimants dispute is whether such participation is grounds for expulsion.[11]

7 According to SGS, on or about 4 August 2022, one of its members, Gerald Aw Yee Wei ("Mr Aw"), revealed the existence of SGSD to an SGS

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5 Tang Huixian's 1st Affidavit dated 23 September 2024 ("THX's 1st Affidavit") at para 31.

6 THX's 1st Affidavit at paras 34 and 36.

7 THX's 1st Affidavit at paras 35 and 39.

8 THX's 1st Affidavit at para 37.

9 THX's 1st Affidavit at paras 13–15, 42–44; CHL's 1st Affidavit at para 3.

10 Minutes of hearing in HC/OA 981/2024 on 19 May 2025 ("19 May Minutes") at p 3.

11 19 May Minutes at p 2.

leader.[12] Mr Aw is apparently a former member of SGSD and former husband of the 11th claimant.[13]

8 Around December 2022, the MC took the view that the formation of SGSD as an organised group within SGS, if true, would be unorthodox and unacceptable, being contrary to the interests and harmony of SGS, and would require further investigation.[14] The Buddhist Council of SGS, which is in charge of matters of faith, took the view that alleged SGSD members who were leaders of SGS would have their leadership status revoked pending the investigations.[15]

February 2023 training sessions

9 In February 2023, certain training sessions were held by senior leaders of SGS for all levels of leaders.[16] During these sessions, the senior leaders made various statements regarding SGSD. These included that SGSD "[held] their own activities, completely ignoring … SGS", that they "[solicited] donations from members" in violation of the principles of SGS, that they "spread resentment and dissatisfaction towards SGS and its central figures", and that their "most serious offence … [was] disrupting the harmony of the Buddhist Order, which is considered one of the five cardinal sins in Buddhism".[17] Referencing SGSD, the senior leaders said SGS leaders needed to "confront the influence of evil … [and] crush the malicious actions".[18] The senior leaders said

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12 CHL's 1st Affidavit at para 28.

13 CHL's 1st Affidavit at para 29; 19 May Minutes at p 3.

14 CHL's 1st Affidavit at para 30.

15 CHL's 1st Affidavit at para 30; see also THX's 1st Affidavit at para 70.

16 CHL's 1st Affidavit at para 33; THX's 1st Affidavit at para 56.

17 Agreed Bundle of Documents (Volume 1) ("1AB") at p 178.

18 1AB at p 180.

they would contact members of SGSD, and "have discussions with them and encourage them to stop associating with this faction".[19]

10 It is these and other statements that the claimants say were clearly hostile and biased, and demonstrated apparent bias and/or prejudgment by individuals who went on to become members of the Disciplinary Committees ("DCs") and/or were members of the MC.[20]

11 I deal at this juncture with an objection to the admissibility of these statements.

12 The claimants have tendered audio recordings of the statements made at the February 2023 training sessions, along with transcripts and translations of the words said.[21]

13 The defendant contends that the recordings are inadmissible or should not be given weight because they are hearsay.[22] However, as counsel for the claimants rightly observed, the defendant does not dispute the authenticity or accuracy of the recordings.[23]

14 The defendant referred me to Re *X Diamond Capital Pte Ltd (Metech Internation Ltd, non-party)* [2024] 3 SLR 1228 at [28], which itself cited Re *X Diamond Capital Pte Ltd (Metech International Ltd, non-party*) [2024] 3 SLR 913 ("*Re X (SUM 1990)*"). In the latter case, Goh Yihan JC (as

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19 1AB at p 179.

20 Claimants' Written Submissions dated 14 May 2025 ("CWS") at para 18.

21 THX's 1st Affidavit at para 58; 1AB at p 175–182.

22 Respondent's Written Submissions dated 14 May 2025 ("RWS") at paras 52–55; 19 May Minutes at p 5.

23 19 May Minutes at p 2.

he then was) explained at [21] that where a matter is determined by affidavit evidence alone, the Evidence Act 1893 (2020 Rev Ed) ("EA") does not apply (see s 2(1) of the EA). Instead, the applicable evidentiary framework is the rules of evidence at common law that are not inconsistent with the EA. Under O 15 r 25(1) of the Rules of Court 2021 ("ROC 2021"), an affidavit must contain only "relevant facts". Previously, O 41 r 5 of the Rules of Court (2014 Rev Ed) distinguished between affidavits sworn for the purpose of being used in interlocutory proceedings and other affidavits. Statements of information or belief could only be contained in the former. This distinction no longer exists under the ROC 2021. Nevertheless, evidence on information or on belief is *prima facie* inadmissible in proceedings commenced by originating application where the rights and liabilities of the parties are determined with finality (*Re X (SUM 1990)* at [22]).

15 In *Soon Peck Wah v Woon Che Chye* [1997] 3 SLR(R) 430 at [26], the Court of Appeal defined hearsay as follows:

> [T]he assertions of persons made out of court whether orally or in documentary form or in the form of conduct tendered to prove the facts which they refer to (*ie* facts in issue and relevant facts) are inadmissible unless they fall within the scope of the established exceptions.

16 In the present case, the recordings were tendered to prove that certain statements were made at the February 2023 training sessions. The claimants rely on these not for the truth of the statements made but for the fact that they were made. It is contended that the making of those statements showed bias or prejudgment.

17 The defendant does not dispute that the statements in question were made at the February 2023 training sessions. Its contention is that those

statements do not demonstrate bias or prejudgment against the claimants.[24] Thus, there is no issue here concerning the truth of the contents of the statements. The sole point the claimants rely on is that the statements were *made* by various senior leaders of SGS, who were or went on to become members of the MC and/or DCs. In these circumstances, no issue of hearsay arises.

Dialogue sessions

18 From February to March 2023, SGS invited all of the claimants to dialogue sessions about their involvement in SGSD.[25] Seven of the claimants responded. Separate dialogue sessions were conducted, each involving three to four designated leaders of SGS (each a "Designated Leader") and an individual claimant (except in the case of the 6th Claimant, who met a Designated Leader alone).[26] Counsel for the defendant acknowledged that the idea behind the dialogue sessions was to stop the claimants from being part of SGSD.[27]

19 During the dialogue sessions, the attending claimants admitted or did not deny being members of SGSD.[28] The Designated Leaders told them, among other things, that SGSD was a "faction" group that disrupted the unity of SGS. The Designated Leaders also made various statements to the claimants, effectively telling them to either stop associating with SGSD or leave SGS.[29]

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24 RWS at paras 56–64.

25 CHL's 1st Affidavit at para 37; RWS at para 17.

26 CHL's 1st Affidavit at paras 38, 40–60.

27 19 May Minutes at p 5.

28 CHL's 1st Affidavit at para 38.

29 CWS at paras 28–29.

20 The claimants submit that these statements also demonstrated apparent bias or prejudgment on the part of individuals who were members of the MC and/or went on to become members of the DCs.[30]

Disciplinary committee hearings

21 On 26 April 2023, SGS issued individual notices to attend DC hearings ("DCHs") to the 1st to 10th claimants.[31] The notices included the following details regarding the DCHs:[32]

> The Disciplinary Hearing is to consider your conduct in respect of your alleged involvement and participation with the "Solidarity of Genuine Sensei's Disciples" group, which is contrary to the interest and harmony of SGS. These include some of the following:
>
> 1) Congregating as a group with a self-given name and objectives that are not recognized by SGS;
>
> 2) Organizing structured activities which are not aligned with SGS's directions and objectives; and
>
> 3) Soliciting funds from members independently for self-motivated matters, without SGS's knowledge and approval.

22 On 3 May 2023, the 1st to 10th claimants each replied by way of letter requesting, among other things, a "clear and detailed description of the alleged actions or behaviour" that led to the allegations against them, and "supporting evidence or documentation".[33]

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30 CWS at para 28.

31 CHL's 1st Affidavit at para 63.

32 See, *eg*, 4AB at p 434.

33 CHL's 1st Affidavit at para 64; 4AB at pp 443–452.

23 On 16 May 2023, SGS sent a reply letter to the 1st to 10th claimants enclosing copies of documents allegedly showing the claimants' involvement in SGSD and/or SGSD organised activities.[34]

24 On 22 May 2023, the 1st to 9th claimants replied that the justification provided did not substantiate the allegations, and requested "a more comprehensive and substantiated explanation", including a "detailed and substantiated explanation for the allegations" against them, the "specific by-laws or regulations that authorize SGS to request a disciplinary hearing" against them, and a copy of the disciplinary hearing procedures.[35] The 10th claimant replied that he was unable to attend due to work travel and requested another timeslot.[36]

25 There was no existing by-law governing DCH proceedings. On 2 November 2023, SGS passed a by-law relating to the "Inquiry into the Conduct and/or Expulsion of Members". The claimants aver that the by-law was passed to target them,[37] while SGS denies this.[38]

26 SGS arranged for Mr Aw to put his allegations relating to SGSD and the claimants' involvement in the form of statutory declarations dated 9 October 2023 (each a "SD").[39] SGS also prepared bundles of documents containing text messages and other documentary evidence allegedly showing the organised

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34 CHL's 1st Affidavit at para 65; 4AB at pp 454–525.

35 CHL's 1st Affidavit at para 66; 4AB at pp 526–534.

36 CHL's 1st Affidavit at para 67; 4AB at p 535.

37 See, *eg*, THX's 1st Affidavit at para 133.

38 CHL's 1st Affidavit at para 72.

39 CHL's 1st Affidavit at para 73; 4AB at pp 554–773.

activities of SGSD and the claimants' involvement (each a "Bundle of Documents").[40]

27 By way of letters dated 6, 20 and 23 November 2023, SGS notified the 1st to 10th claimants of their DCHs being fixed on updated dates in November and December 2023.[41] With each letter, SGS enclosed the relevant SD and Bundle of Documents.[42]

28 On 28 and 29 December 2023 and 5 January 2024, SGS issued notices to attend DCHs to the 11th to 20th claimants, also enclosing the relevant SD and Bundle of Documents.[43] These notices contained the same details in the notices to the 1st to 10th claimants as reproduced above at [21].

29 None of the claimants attended the DCHs that were scheduled by SGS,[44] because in their view SGS did not provide them with enough information to effectively respond to the charge stated in the notices.[45]

Expulsion of the claimants

30 After the DCHs were held, the panels of DC reported their deliberations, findings and conclusions to the MC.[46]

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40 CHL's 1st Affidavit at para 73; Agreed Bundle of Documents Volume 5 ("5AB") at pp 448–858.

41 CHL's 1st Affidavit at para 74.

42 CHL's 1st Affidavit at para 75.

43 CHL's 1st Affidavit at paras 81–82.

44 CHL's 1st Affidavit at paras 77 and 83.

45 See, *eg*, THX's 1st Affidavit at para 137.

46 CHL's 1st Affidavit at para 78.

31 In letters dated 27 and 29 December 2023, SGS informed the 1st to 10th claimants of the outcome of the DCHs and requested their resignation within 14 days.[47] In letters dated 14 and 22 February 2024, SGS informed the 11th to 20th claimants of the outcome of the DCHs and requested their resignations within 14 days.[48]

32 The claimants did not resign as they did not think SGS had any basis to call for their resignation.[49]

33 SGS then issued Notices of Expulsion to the 1st to 10th claimants on 6 March 2024, and to the 11th to 20th claimants on 8 March 2024.[50]

Scope and standard of review

34 A preliminary issue is what the appropriate scope and standard of review should be in the context of religious organisations.

Parties' cases

35 The claimants submit that the application of the rules of natural justice should be more rigorous because of the MC and DC's extensive and coercive powers to recommend or impose penalties including expulsion on members of SGS, and the lack of mechanisms of appeal.[51] The claimants say it is not

47 CHL's 1st Affidavit at para 79.

48 CHL's 1st Affidavit at para 83.

49 See, *eg*, THX's 1st Affidavit at para 146.

50 CHL's 1st Affidavit at paras 80, 83.

51 CWS at para 13.

necessary for the court to deal with issues of theology. For instance, the issues with the DCH notices arise on the face of the notices.[52]

36 The defendant submits that the courts should be mindful of interfering in matters relating to religious doctrines and beliefs, and that if the court is asked to adjudicate on such matters they would be non-justiciable.[53] The defendant says that whether SGSD departed from the core beliefs of SGS is a question for SGS, and the court should be slow to import *Wednesbury* principles.[54]

37 On the other hand, the defendant accepts that the principles of natural justice apply to the expulsion of the claimants' memberships. However, it submits that the scope and requirements of such rules should be calibrated downwards, because the impact of the expulsions is not highly consequential.[55] The claimants face no loss of economic value, but lose only non-financial rights, including the right to participate in regular SGS activities, and to certain benefits connected to worship such as conferment of a *Gohonzon* (a sacred object) and issue of an introduction letter to visit the SGI in Japan, both of which are in any case discretionary.[56]

The principles applicable to private associations

38 I begin with the Court of Appeal's exposition of the approach to social clubs in *Kay Swee Pin v Singapore Island Country Club* [2008] 2 SLR(R) 802 ("*Kay Swee Pin*") at [2]:

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52 19 May Minutes at p 7.

53 19 May Minutes at p 5.

54 19 May Minutes at p 5.

55 RWS at para 15.

56 RWS at paras 5–12.

> … The legal relationship between any club and its members lies in contract, and the rights of members are determined by the terms of the contract, which are found in the constitution or the rules of the club. The traditional approach of the courts to social clubs is to leave such clubs to manage their own affairs. However, where a club expels a member, it may only do so in compliance with the rules of natural justice …

39 Therefore, contract is the correct basis of the court's supervisory jurisdiction of such clubs, and the true nature of the claimants' cause of action is breach of contract (*Haron bin Mundir v Singapore Amateur Athletic Association* [1991] 2 SLR(R) 494 at [20]).

40 The rules of natural justice are treated as implied terms of the contract between the club and its members, as explained in *Khong Kin Hoong Lawrence v Singapore Polo Club* [2014] 3 SLR 241 at [23]:

> The rules of natural justice are universal rules that govern the conduct of human behaviour. These rules are widely accepted to be of paramount importance. Contracting parties accept the rules of natural justice as obvious terms which are often not mentioned in their contract. Hence courts assume that parties must have intended these rules to govern their contractual terms even if the contract is silent as to such rules. Therefore the rules of natural justice are implied terms of the contract between the Plaintiff and the Defendant …

41 Similarly, the courts have also held that where a party exercises a contractual discretion, the court will imply a term that the discretion should be exercised in good faith and not arbitrarily, capriciously or irrationally, where "irrationally" is used in an analogous sense to *Wednesbury* unreasonableness. See *MGA International Pte Ltd v Wajilam Exports (Singapore) Pte Ltd* [2010] SGHC 319 at [103]–[106]; *Leiman, Ricardo and another v Noble Resources Ltd and another* [2018] SGHC 166 at [112]–[114] (the Court of Appeal agreed with the High Court on this point in *Leiman, Ricardo Leiman, Ricardo and another v Noble Resources Ltd and another* [2020] 2 SLR 386 at [120]); and *Center for Competency-Based Learning and Development Pte Ltd*

v SkillsFuture Singapore Agency [2024] 5 SLR 481 at [182]–[190]. The restrictions in these cases serve to ensure that a party's contractual discretion is not exercised in a manner which deprives its counterparty of its contractual rights, or which warps their contractual bargain (*Dong Wei v Shell Easter Trading (Pte) Ltd and another* [2022] 1 SLR 1318 at [91]).

42 The defendant relies on *Li See Kit Lawrence v Debate Association (Singapore)* [2023] SGHC 154 ("*Lawrence Li*") to suggest that it is not settled law in Singapore whether *Wednesbury* unreasonableness may be imported into the private law context involving clubs and associations.[57] In *Lawrence Li*, the plaintiff argued that the defendant association's decision to take certain penal actions against his deceased son was, *inter alia*, irrational, capricious and in bad faith and therefore invalid. The court had found in favour of the plaintiff on other grounds and therefore it was not strictly necessary to consider this argument. Nevertheless, See Kee Oon J (as he then was) observed at [95]–[96]:

> 95 As summarised in the recent case of *Dong Wei v Shell Eastern Trading (Pte) Ltd and another* [2022] 1 SLR 1318 at [91], *Braganza, MGA International* and *Leiman* all involved the exercise of one party's *contractual discretion* relating to rights subsisting within the contours of their respective contracts. The restrictions in those cases served to ensure that a party's contractual discretion was not exercised in a manner which deprived its counterparty of its contractual rights, or which warped their contractual bargain.
>
> 96 In the present case, following from my analysis above, the defendant was not empowered under the Constitution to impose the Ban and issue the Notice to Partners. As such, there is no exercisable contractual discretion to speak of. Having dealt with this anterior issue thus, the question of the appropriateness of importing *Wednesbury* principles of unreasonableness into the private law context involving clubs and associations is not engaged, and need not therefore be the subject of my determination.

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57 RWS at para 77.

43 The present case stands on a different footing. In *Lawrence Li*, the court found that there was no contractual discretion to be exercised under the association's constitution, and thus there was no question of applying *Wednesbury* principles to the exercise of that discretion. Here, by contrast, Art 7(b) of SGS's Constitution expressly confers on the MC the discretion to expel members (see above at [4]). In my view, this is not an unfettered discretion but one that must be exercised in good faith and not arbitrarily, capriciously or irrationally.

Religious associations

44 The fact that an association is religious in character does not mean that the rules of natural justice no longer apply. In *Peck Constance Emily v Calvary Charismatic Centre Ltd* [1991] 1 SLR(R) 57, the plaintiff challenged a church's decision to expel her. The church was a company incorporated by guarantee under the Companies Act (Cap 185, 1970 Rev Ed). Chan Sek Keong J (as he then was) rejected the church's argument that the rules of natural justice do not apply to a company incorporated under the said Act (at [53]). Chan J held at [56]–[57]:

> 56 In my view, *the correct approach is not to ask what the defendants are but what the form and nature of the power is that is exercisable and the consequences to the affected member upon its exercise, having due regard to the express words of the power.* The nature of the power in Art 9 [of the church's constitution] is expulsion on the grounds of misconduct. The power is not expressed in unrestricted terms. It may be that if the board makes a *bona fide* decision on the evidence before it that a particular member has been guilty of any misconduct, a court of law will not substitute its opinion for that of the board, but that is no reason for holding that the rules of natural justice should not apply in arriving at that opinion. *Expulsion based on misconduct, as Megarry J said, is readily subject to the rules of natural justice.* I am unable to find anything in the fact of incorporation of the defendants which makes it incompatible for the church board to exercise its powers in the interests of the defendants and to do it in compliance with the rules of

> natural justice at the same time. Unlike the power in *Gaiman's* case ([53] supra), the power of expulsion in Art 9 cannot be exercised speedily as the board must make patient and persistent efforts to win back a wayward member. *Nor is the defendants a church [sic] a factor against the application of the rules of natural justice.* Moreover, in the present case, the condition that patient and persistent efforts be made implies giving the offender an opportunity to amend his ways. In *Dr Bentley's* case (1723) 1 Str 557; 92 ER 818, Fortescue J said:
>
> > The objection for want of notice can never be got over. The laws of God and of man both give the party an opportunity to make his defence, if he has any. I remember to have heard it observed by a very learned man upon such an occasion, that even God himself did not pass sentence upon Adam, before he was called upon to make his defence. Adam (says God) where art thou? Has thou not eaten of the tree, whereof I commanded thee that thou shouldest not eat? And the same question was put to Eve also.
>
> 57 In my view, the rules of natural justice apply to the removal of members under Art 9, subject to incompatibility with the existence of a corporate entity.
>
> [emphasis added]

45 From the above passage, it is apparent that the focus of the court's inquiry is the form, nature and consequences of a power exercised by the defendant, rather than the nature of the defendant entity *per se*. The power to expel a member on grounds of misconduct is one such power that is readily subject to the rules of natural justice. The fact that the defendant is a church – or some other religious organisation – does not render the rules of natural justice inapplicable.

46 More recently, the courts have made clear that the contractual approach outlined in *Kay Swee Pin* applies equally to religious organisations. In *Ling Diung Kwong v Bo Tien Temple and others* [2017] SGHC 155, the plaintiff challenged the Bo Tien Temple's decisions to terminate his positions as a trustee and as a member. George Wei J noted the approach in *Kay Swee Pin* (as stated at [38] above), and said at [43]–[44]:

> 43 I note that the Bo Tien Temple is a religious organisation and strictly speaking not a "social club". However, I was of the view that the remarks in *Kay Swee Pin* were nevertheless applicable to the present facts. As stated by the Court of Appeal in *Singapore Amateur Athletics Association v Haron bin Mundir* [1993] 3 SLR(R) 407 ("*Haron bin Mundir*") at [57]:
>
> > The jurisdiction of the courts in reviewing the decisions of domestic tribunals is clearly of a limited nature. The decision of such a tribunal cannot be attacked on the ground that it is against the weight of the evidence. The function of the courts is to see that the rules of natural justice have been observed, and that the decision has been honestly arrived at. The court has no power to review the evidence for the purpose of deciding whether the tribunal came to a right conclusion.
>
> 44 It follows that my function was not to scrutinise the merits or correctness of the decisions reached by the general meeting and the MC of Bo Tien Temple. I was only concerned with whether or not these decisions had been reached in compliance with the rules of natural justice, and with the BTT Constitution.

47 This approach is consistent with the English and Canadian authorities cited to me by both parties.

48 I first consider the English High Court decision of *Regina v Chief Rabbi of the United Hebrew Congregations of Great Britain and the Commonwealth*, Ex parte *Wachmann* [1992] 1 WLR 1036 ("*Wachmann*"), which the defendant cited. There, a rabbi sought judicial review of the Chief Rabbi's declaration that he was "no longer … morally and religiously fit to hold his rabbinical office" due to unbecoming conduct. Simon Brown J held at 1043E that the court had no jurisdiction to entertain the challenge. To do so would depart from the principles in *Regina v Panel on Takeovers and Mergers*, Ex parte *Datafin Plc and another* [1987] 1 QB 815 ("*Datafin*"), in which the English Court of Appeal had held that:

> Possibly the only essential elements [required to attract the High Court's supervisory jurisdiction] are what can be described as a public element, which can take many different forms, and the exclusion from the jurisdiction of bodies whose

> sole source of power is a consensual submission to its jurisdiction.

49 In respect of the second element of consensual submission, Brown J accepted that the applicant rabbi was pursuing a vocation and had no choice but to accept the Chief Rabbi's disciplinary decisions (at 1040H). However, Brown J held that the first element – the public element – was absent. Brown J described the public element thus at 1041D–E:

> To attract the court's supervisory jurisdiction there must be not merely a public but potentially a governmental interest in the decision-making power in question. And, indeed, generally speaking the exercise of the power in question involves not merely the voluntary regulation of some important area of public life but also what Mr. Beloff calls a "twin track system of control." In other words, where non-governmental bodies have hitherto been held reviewable, they have generally been operating as an integral part of a regulatory system which, although itself non-statutory, is nevertheless supported by statutory powers and penalties clearly indicative of government concern.

50 Brown J found at 1041H–1042A that this public element was lacking in the case of the Chief Rabbi:

> It cannot be suggested … that the Chief Rabbi performs public functions in the sense that he is regulating a field of public life and but for his offices the government would impose a statutory régime. On the contrary, his functions are essentially intimate, spiritual, and religious – functions which the government could not and would not seek to discharge in his place were he to abdicate his regulatory responsibility.

51 The reasoning in *Wachmann* is not directly applicable here because the basis for the court's supervisory jurisdiction is different in this case. The applicable principle in *Wachmann* was whether the body that was sought to be reviewed possessed a public element. This depended on whether the body exercised the power to regulate a field of public life which, though a non-statutory power, was supported by statutory powers and penalties indicative of

government concern, such that the government would seek to discharge the body's regulatory responsibilities if it had not done so. An example of such a body was the Panel of Takeovers and Mergers, which at the time of the decision in *Datafin* regulated the UK financial market through its promulgation of a non-binding code, despite not having any statutory, prerogative or common law powers (*Datafin* at 825C). Clearly, religious bodies like a synagogue or the SGS do not perform functions that the government would otherwise seek to discharge. They are therefore not reviewable on the basis of being public bodies as understood in *Datafin*.

52 Rather, the basis of the court's supervisory jurisdiction is contractual in nature. As explained above at [44]–[46], the court's role is not to examine the merits of a religious body's decisions, but to review its compliance with the rules of natural justice as implied in the terms of the constitution between the body and its members. As the UK Supreme Court observed in *Shergill and others v Khaira and others* [2015] AC 359 ("*Shergill*") at [58], "if the claim [in *Wachmann*] had been presented as a challenge to the *contractual* jurisdiction of a voluntary association, the court would have had jurisdiction to consider questions of *ultra vires* and allegations of breaches of natural justice".

53 I note that in *Wachmann*, Brown J also considered that as a matter of public policy, "it would not always be easy to separate out procedural complaints from consideration of substantive principles of Jewish law which may underline them", giving the example of the applicant's contention that the only procedure recognised by Jewish law for investigating the allegations against him was a Beth Din – three qualified Dayanim judges (see *Wachmann* at 1042H). I appreciate the force of this consideration. In the present case, however, there is no contention that the *procedure* for expelling members is based on or governed by the substantive principles of SGS's religious beliefs

(although the merits of the expulsions certainly are). I leave for another day the question of how (if at all) the scope and intensity of judicial review would be affected in a different case where this was a live consideration.

54 I turn to the more recent UK Supreme Court decision in *Shergill*, which was cited by the claimants. In that case, two properties in England were held on charitable trusts to be used as places of worship by a Sikh community. A clause in the trust deed empowered the First Holy Saint or "his successor" to appoint trustees. A dispute arose as to, first, whether this clause was valid; second, whether "successor" was restricted to the First Holy Saint's immediate successor or extended to subsequent successors; third, whether one of the claimants was indeed a (subsequent) successor to the First Holy Saint; and fourth, whether he was fit to be a successor. The UK Supreme Court found that the first two issues were clearly justiciable, being questions governed by the English law of trusts (at [20]). The Court also found that the third and fourth questions were justiciable, in so far as "the court may have to adjudicate on matters of religious doctrine and practice in order to determine who are the trustees entitled to administer the trusts" (at [59]).

55 The UK Supreme Court held, at [45], that the English and Scottish courts do not adjudicate on the truth of religious beliefs or on the validity of particular rites. However, the court addresses questions of religious belief and practice where its jurisdiction is invoked either to enforce the contractual rights of members (as is the case in these proceedings), or to ensure that property held on trust is used for the purposes of the trust (as was the case in *Shergill*). In respect of the first circumstance, the Court said at [46]–[48]:

> 46 The law treats unincorporated religious communities as voluntary associations. It views the constitution of a voluntary religious association as a civil contract as it does the contract of association of a secular body: the contract by which members

> agree to be bound on joining an association sets out the rights and duties of both the members and its governing organs. The courts will not adjudicate on the decisions of an association's governing bodies unless there is a question of infringement of a civil right or interest. An obvious example of such a civil interest is the loss of a remunerated office. But disputes about doctrine or liturgy are non-justiciable if they do not as a consequence engage civil rights or interests or reviewable questions of public law.
>
> 47 The governing bodies of a religious voluntary association obtain their powers over its members by contract. They must act within the powers conferred by the association's contractual constitution. If a governing body of a religious community were to act ultra vires, for example by seeking a union with another religious body which its constitution did not allow, a member of the community could invoke the jurisdiction of the courts to restrain an unlawful union. …
>
> 48 Similarly, members of a religious association who are dismissed or otherwise subjected to disciplinary procedure may invoke the jurisdiction of the civil courts if the association acts ultra vires or breaches in a fundamental way the rules of fair procedure. The jurisdiction of the courts is not excluded because the cause of the disciplinary procedure is a dispute about theology or ecclesiology. The civil court does not resolve the religious dispute. Nor does it decide the merits of disciplinary action if that action is within the contractual powers of the relevant organ of the association: *Dawkins v Antrobus* (1881) 17 Ch D 615. Its role is more modest: it keeps the parties to their contract. …

56 The contractual analysis above mirrors the contractual approach taken in *Kay Swee Pin* and its progeny. Members of a religious association can invoke the court's supervisory jurisdiction where the association goes beyond its powers under the constitution and acts *ultra vires*, or breaches the implied rules of natural justice. However, it is not necessary for me to decide whether the courts will adjudicate disputes on doctrine or liturgy if they engage civil rights or interests, and I leave that question open. No civil right or interest in this case turns on a question of theology. It suffices to say that the courts ordinarily and rightly treat such disputes as non-justiciable. This much was recognised in *Shergill* at [46].

57 The defendant cited *Lakeside Hutterite Colony v Hofer* [1992] 3 RCS 165 (*"Lakeside*") for the proposition that the courts are slow to exercise jurisdiction over the question of membership in a voluntary association, especially a religious one, but has done so where a property or civil right turns on the question of membership (at 173j–174a). However, in *Lakeside* the Supreme Court of Canada went on to state at 175a–b:

> If the defendants have a right to stay, the question is not so much whether this is a property right or a contractual right, but *whether it is of sufficient importance to deserve the intervention of the court* and whether the remedy sought is susceptible of enforcement by the court.
>
> [emphasis added]

58 In other words, the question in *Lakeside* was not whether the right in question is of a particular type, but whether it is of sufficient importance. Property or contractual rights were but examples of rights that might be of sufficient import to attract the Court's scrutiny. In *Lakeside*, the Court found that the rights in question were of "utmost importance", and that the remedy sought was merely that the court not intervene to enforce the expulsion (at 175b). While the Court was not to review the *merits* of the decision to expel, it was called upon to determine whether the purported expulsion was carried out in accordance with the applicable rules and the principles of natural justice, and without *mala fides* (at 175d–g). On the facts, the Court found that the appellants had not been given sufficient notice before they were expelled from a religious colony (220i–j, 224b–f).

59 In *Highwood Congregation of Jehovah's Witnesses (Judicial Committee) v Wall* [2018] 1 SCR 750 ("*Highwood*"), which was cited by the claimants, the applicant had sought judicial review of the decision of the Judicial Committee of the Highwood Congregation of Jehovah's Witnesses to

disfellowship him for sinful behaviour. The Supreme Court of Canada held that it lacked jurisdiction for three reasons.

(a) First, "[j]udicial review is only available where there is an exercise of state authority and where that exercise is of a sufficiently public character" (*Highwood* at [14]). Since the Congregation was not exercising state authority, it was not a public body, and hence the Court lacked jurisdiction over it. In the present case, this reason does not apply to deprive the court of jurisdiction in so far as the basis of the claim is contractual, as explained above at [51]–[52].

(b) Second, "there is no free-standing right to procedural fairness with respect to decisions taken by voluntary associations", and the court's jurisdiction "depends on the presence of a legal right which a party seeks to have vindicated" (*Highwood* at [24]). The Court appeared to treat a member's contractual rights vis-à-vis a voluntary association as one such example of an underlying right (*Highwood* at [26]). In so far as the Court did so, this accords with the position in the present case whereby the claimants may enforce their procedural rights against the association by way of contract.

(c) Third, the ecclesiastical issues raised by the applicant were not justiciable. "The courts have neither legitimacy nor institutional capacity to deal with such issues" (*Highwood* at [36]). The courts "may still review procedural rules where they are based on a contract between two parties, even where the contract is meant to give effect to doctrinal religious principles", but this was not the case on the facts (*Highwood* at [38]). As indicated above at [53] and [56], this analysis touches on the question of procedural rules that are based on substantive religious principles. This issue is not squarely before me, and I say no more

beyond endorsing the caution expressed by the Supreme Court of Canada concerning the courts' legitimacy and institutional capacity to deal with questions of religious doctrine.

60 The applicable principles may therefore be summarised as follows:

(a) The basis of the court's supervisory jurisdiction of religious associations, as with voluntary associations generally, is the contractual terms between the association and its members found in the association's constitution.

(b) The rules of natural justice are treated as implied terms in the contract between the association and its members.

(c) Similarly, where a party exercises a contractual discretion, the court will imply a term that the discretion should be exercised in good faith and not arbitrarily, capriciously or irrationally.

(d) The court generally leaves voluntary associations to manage their own affairs. However, its supervisory jurisdiction may be invoked when an association acts *ultra vires* or in breach of the rules of natural justice, or exercises a contractual discretion in bad faith, arbitrarily, capriciously or irrationally.

(e) In such cases, the court's role is not to scrutinise the merits of the association's decisions, but to ensure compliance with the constitution and its implied terms. The court keeps the parties to their contractual bargain.

(f) The court also does not adjudicate matters of religious doctrine or belief. It lacks the legitimacy and institutional capacity to do so. Such

> matters are therefore generally treated as non-justiciable. The caveat to this principle is that it remains unclear whether the court will consider a religious matter if it is necessary for the enforcement of a legal right.

61 Accordingly, the starting point is that this court has jurisdiction to consider both whether the decisions to expel the claimants was made in accordance with the rules of natural justice, as well as whether they were made irrationally. In respect of the natural justice ground, there is no question of this court being asked to adjudicate on any matter of religious doctrine or belief. In respect of the irrationality ground, the defendant argues that this involves the question of whether SGSD departed from its core beliefs, and thus the court should be slow to import *Wednesbury* principles.[58] As a preliminary matter, I note that I am not called to make a determination as to whether participation in SGSD would be contrary to the interest and harmony of SGS. The question is merely whether SGS's determination to that effect is *Wednesbury* unreasonable, an inquiry that must proceed on the basis of the avowed values of SGS. As the defendant rightly points out, this is a high threshold.[59] In any event, it is not strictly necessary for me to decide whether the *Wednesbury* principles should be disapplied because I find that, even if they were applicable, SGS has not acted irrationally: see below at [81].

62 As to the intensity of review in respect of the rules of natural justice, the Court of Appeal explained in *Kay Swee Pin* at [6]:

> … [The content of natural justice] varies with the circumstances of the case. Certain factors will increase the likelihood of the principles being applied rigorously, *eg*, where there is an express duty to decide only after conducting a hearing or an inquiry, or where the exercise of disciplinary powers may

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58 19 May Minutes at p 5.

59 RWS at para 79.

> deprive a person of his property rights or impose a penalty on him. All disciplinary bodies have a duty to act fairly as expulsion, suspension or other punishment or the casting of a stigma may be involved … What fairness requires and what is involved in order to achieve fairness is for the decision of the courts as a matter of law. The issue is not one for the discretion of the decision-maker …

63 In the present case, the MC's disciplinary power involves the expulsion of SGS members. Under Art 7(b)(ii) of SGS's Constitution, this power may only be exercised after an inquiry in which the member "shall be given full opportunity to defend himself and to justify or explain his conduct". It may also only be exercised if a majority of the MC are of the opinion both (a) that the member is guilty of conduct outline in Art 7(b)(i), and (b) that the member has failed to justify or explain that conduct satisfactorily (see above at [4]). Thus, the Constitution itself prescribes a fair hearing, and indicates that the rules of natural justice are applicable.

64 I accept that the claimants face no loss of property rights or economic value. That is not to say that the decisions are inconsequential. Expulsion can be stigmatising. The question of whether the claimants were acting in a manner deserving of expulsion also clearly matters deeply to both the claimants and the defendant. I emphasise that the court does not intervene on that question, or on any question of religious doctrine. The question before me is merely whether the decisions were procedurally fair (and whether they were irrational in the *Wednesbury* sense). In the circumstances, there is no reason for the principles of natural justice to be applied with either special rigour or particular deference to SGS.

Natural justice

65 The claimants' challenge under this head has two prongs, namely bias or prejudgment and denial of a fair opportunity to be heard. I deal with them in turn.

Bias or prejudgment

66 While there are references in the affidavits to actual bias, the case was argued before me only on the basis of apparent bias.[60] The law on apparent bias has been restated by the Court of Appeal in *BOI v BOJ* [2018] 2 SLR 1156 at [103(a)]: "The applicable test is whether there are circumstances that would give rise to a reasonable suspicion or apprehension of bias in the fair-minded and informed observer." In the same case at [109], it was also explained that the inquiry in relation to prejudgment (which is itself an aspect of apparent bias) is from the point of view of "the fair-minded, informed and reasonable observer" and concerns whether there is a suspicion or apprehension that "the decision-maker had reached a final and conclusive decision before being made aware of all relevant evidence and arguments which the parties wish to put before him or her, such that he or she approaches the matter at hand with a closed mind."

67 The adoption of the objective perspective of the *fair-minded* observer not only shifts the inquiry away from the subjective views of the decision-maker and the aggrieved party but also requires the court to put aside any legalistic lens while avoiding any descent into the gutter of scurrility where motives are always questioned and bad faith too readily suspected.

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60 CWS at para 41.

68 The claimants rely on the statements made at the training and dialogue sessions by individuals who subsequently participated in the disciplinary committee hearings or were members of the management committee as indicating bias or prejudgment. These statements have been described at [9] and [19] above. The claimants submit that these statements must be considered together notwithstanding that they were made by different people in different sessions, and moreover would taint all the decision-makers concerned given overlapping roles.[61] I accept that it is appropriate to take a collective approach on the circumstances of this case, where many of the leaders of SGS seem to have expressed similar concerns about SGSD in different fora.

69 One sentiment that was expressed more than once was that SGSD and the persons involved it would be committing one of the five cardinal sins in Buddhism, namely disrupting the harmony of the Buddhist Order. The words "faction" and "evil" were also used. While to an outsider this may seem strong language, it reflects the spiritual writings concerning the core principle of unity and the correlative need to avoid factionalism and cliques which were adduced in evidence.[62] The Statement of Faith which is incorporated into SGS's Constitution includes the important commitment to manifest the spirit of "many in body, one in mind". This phrase expresses the concept of unity.

70 The MC of SGS thus had serious concerns about SGSD, namely that SGSD's existence and activities if proven would be contrary to the interest and harmony of SGSD. These concerns had arisen with the receipt of information from Mr Aw as set out at [7] and [8] above. By December 2022, the MC had taken the view that SGSD "would be unorthodox and unacceptable and would

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61 CWS at paras 16 to 42.

62 CHL's 1st Affidavit at paras 26 and 27.

require further investigation".[63] This led to the training sessions and dialogue sessions of which complaint is now made. The claimants say that this means that the leadership of SGS was set against SGSD and by extension the DCs and the MC were tainted by apparent bias. However, having reviewed the transcripts of the recordings as a whole, I find that a fair-minded observer attending these sessions would have considered them to be good faith attempts by SGS leadership to look into SGSD. A fair description of them using milder religious language would be that they were an attempt to bring the claimants back into the fold. Indeed, a fair-minded observer would have been surprised that those of the claimants who were present at the dialogue sessions did not take the opportunity to explain, if it were possible, how SGSD could be reconciled with the core principle of unity even though it stood outside the organisational structure of SGS. I would not consider that a fair-minded observer would have suspected bias generally or prejudgment in particular. Stepping out of the shoes of the fair-minded observer at those sessions, I would make the following observation: it is striking that instead of recognising what were obviously valid concerns of SGS leadership, resort was had to secretly recording the sessions. The purpose of such recordings can only have been for use in anticipated legal proceedings. Such conduct strongly suggests that the claimants were not seeking compromise let alone making any effort to seek unity. This inference is fortified by the fact that most of the claimants did not attend the dialogue sessions and that those who did do not, on the evidence of the transcripts, appear to have approached them in a spirit of unity.

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63 CHL's 1st Affidavit at para 30.

71 Taking the statements together, it is indeed the case that a reasonable and fair-minded observer would conclude that the leadership of SGS had largely come to the view that SGSD's existence and activities were not compatible with the interest and harmony of SGS before the DCH notices were issued. The first particular of the DCH indicated that "congregating as a group with a self-given name and objectives that are not recognized by SGS" was itself contrary to the interest and harmony of SGS. The second and third particulars which concerned organising activities and raising funds took the concern a step further but overall remained in keeping with the submission made by counsel for SGS at the oral hearing that the formation of a self-directed group separate from SGS's organisational structure itself amounted to factionalism and was not in keeping with Buddhist teaching as understood and practised by SGS.

72 However, I do not consider that a fair-minded, informed and reasonable observer would have then proceeded to suspect that the DCs or the MC had prejudged the disciplinary cases against the claimants. This is because the context for these sessions and the statements made at them is organisational unity and discipline. This is typically for the organisation's leadership to investigate and enforce. In tackling such a concern it is natural to proceed from the general toward the particular. The MC began by investigating the SGSD generally, through the conduct of these training and dialogue sessions. The claimants did not respond positively to such sessions. The MC's concerns were not allayed, and indeed were reinforced. Only after those sessions failed to bring the claimants back into the fold did the MC proceed to the particular, namely disciplinary proceedings against specific members believed to be involved in SGSD.

73 At the oral hearing, counsel for the claimants likened SGSD to a Bible-study group formed by members of the congregation of a Christian church. He

suggested that the name came about merely as a name for a WhatsApp group formed during the days of the COVID-19 pandemic when the group members could not meet in person. This anodyne description did not seem entirely accurate given the evidence of SGSD's activities. Regardless of the label to be applied to it, establishing a self-directed sub-group of members of SGS led by an expelled former member of SGS was something that the MC considered was not consistent with the interests of SGS or indeed membership of it. The MC is vested with power to manage the affairs of SGS. There was basis for the MC to form this view about the SGSD in good faith. Unless and until such a view was formed, disciplinary proceedings would not be initiated. This does not mean that the DCs would approach the disciplinary proceedings with a closed mind, nor that a fair-minded observer would suspect that they would. While leadership of SGS had to keep an open mind until the conclusion of the disciplinary proceedings, it did not have to come with an empty mind (see *Prometheus Marine Pte Ltd v King, Ann Rita and another appeal* [2018] 1 SLR 1 at [39]).

Denial of a fair opportunity to be heard

74 When the matter of SGSD remained unresolved, the next step to maintain or restore unity had to be disciplinary proceedings with a view to expulsion of such members who were involved in SGSD and who would not cease such involvement. This is precisely the organisational concern identified and particularised in the DCH notices: see [21] above. The wording of the DCH notice indicated that the focus was on whether the member addressed was involved or would continue to be involved in SGSD. However, this did not mean that it was not open to any member in receipt of such a notice to belatedly explain how SGSD was not contrary to the interest and harmony of SGS.

75 For the facts relating to SGSD and its activities, SGS relied on the SD, which as noted at [28] above, was provided to the claimants with the second round of DCH notices. The SD supported the case in the DCH notices. It showed how SGSD was structured and organised. Significantly, it asserted that SGSD was in fact led by someone who was not a member of SGS and indeed had been expelled from membership. It elaborated on SGSD's leadership, subgroups, training courses and activities. Again significantly, the SD provided evidence that SGSD had its own mobile application for its members. It also provided evidence of a project undertaken by SGSD called Project Legacy, which was not authorised by the leadership of SGS, and for which funds were raised. It also identified the claimants as active members of SGSD.

76 Even if the claimants were not already aware of the concerns that the leadership of SGS had about SGSD and their respective roles in SGSD (a proposition I would not accept), they would have fully understood the case that they had to meet upon receipt of the SD. Indeed, they would have known that unless they could rebut the facts set out in the SD, it would follow that their involvement in SGSD would be held to be inimical with the core principle of unity and would have grounded their expulsion. The claimants would have understood that they had to answer the allegations against them either by showing that they were not in fact involved in SGSD or by showing that SGSD had not done the things alleged in the SD.

77 I therefore conclude that the claimants were given ample notice of the allegations that they had to answer in the DCHs.

78 The other complaints made concerning the process are equally unmerited. The claimants contended that SGS adopted a flawed process in that the rules did not entitle the member to have legal representation at the DCH, nor

to see the DC's report when transmitted to the MC nor to be heard before the MC made its decision to expel. I do not accept that any of these are flaws in the process. Not permitting legal representation is a perfectly reasonable approach in the context of a religious association and hearings concerning expulsion from membership. Indeed, introducing lawyers into the process militates against the spirit of unity prized and valued by the SGS in particular. As for the process between the DC and the MC, I do not consider that it is a requirement of natural justice that the member be given a second chance to be heard when this is not provided in the Constitution.

Claimants' failure to attend the DCHs

79 As it turned out, none of the claimants attended the DCHs. I would infer that this was a coordinated position and choice on the part of the claimants, which itself indicated that they were operating as a group. The claimants did not defend the disciplinary proceedings not because they did not understand the case against them but as a deliberate choice. Indeed, counsel for the claimants opened his case before me by accepting that the claimants were indeed involved in SGSD. He identified the issue as whether involvement in SGSD was a proper ground for expulsion. That was certainly the second way in which the claimants could have chosen to defend the disciplinary proceedings, but they did not do so. Doing so would require rebutting the contents of the SD and explaining what SGSD was and what its activities were. I would infer that that this was not done because the key facts in the SD were true, as shown by concessions made during these proceedings, such as that SGSD members had pooled resources to fund development of a mobile application.[64] At the least, it is striking that at no time in any of the many lawyers' letters (such as the letters sent to Mr Aw alleging

[64] THX's 1st Affidavit at para 37.

he defamed them[65] or the letters to the MC making numerous procedural complaints prior to the DCHs) nor in the affidavits filed in these proceedings is there any rebuttal of the facts set out in the SD, nor do the claimants at any point seem to have attempted to explain to the leadership of SGS the purpose and objectives of SGSD in a non-confrontational way.

80 I find that SGS gave the claimants a full and fair opportunity to be heard at the DCHs. The claimants chose not to avail themselves of this opportunity and cannot complain that they were denied the right to be heard.

Irrationality

81 The argument that the decision to expel the claimants was irrational has no basis whatsoever. The short point is that the SD provided ample evidence of SGSD being an organised group with an expelled former member of SGS as a central leadership figure and having objectives and activities that were not authorised by SGS. The claimants chose not to attend the DCHs or otherwise rebut the contents of the SD. To the extent that irrationality was a ground on which the court could review the acts of SGS, the decision to expel the claimants was not so unreasonable that after considering the correct factors, no reasonable decision-maker could have come to it (*Tan Seet Eng v Attorney-General and another matter* [2016] 1 SLR 779 at [80]).

Conclusion

82 I dismiss the application. Upholding the decisions to expel the claimants does not mean that the claimants are not free to pursue their faith, only that they must do so outside membership of SGS. Costs follow the event, and I award

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[65] See, *eg*, 1AB at p 222–224.

costs to SGS, to be agreed or fixed by me. If costs cannot be agreed within 14 days of the date of this judgment, I will hear parties briefly on the amount of costs to be awarded in SGS's favour.

Philip Jeyaretnam
Judge of the High Court

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