

# Mahathir on law- makers and the judiciary

N.S.T. 19 OCT 1977

KUALA LUMPUR, Tues. — Deputy Prime Minister Dato Seri Dr. Mahathir Mohamad said today the independence of the judiciary also implied the independence of the legislature from the judiciary. (P)

He said there was a tendency for institutions wishing to be autonomous to believe that while others should not interfere in their affairs they should be free to intrude in the affairs and usurp the functions of others.

Dato Seri Dr. Mahathir was chairing the first Tun Abdul Razak memorial lecture by Justice E.M. Fernando of the Philippines at the University of Malaya here tonight.

He said: "While the legislative wing should not assume judiciary roles or seek to direct the judiciary, the judiciary should not attempt to force its views on the legislature.

workmanlike document for the past 20 years.

"However, current events make me think that our constitution should also spell out the duties owed by citizens to the State and to each other as does, I believe, the constitution of the Philippines," he said.

Dato Seri Dr. Mahathir also praised the National Land Code as another of the late Tun Ab-

"To do so especially when accompanied by threats may result in a confusion of roles and the eventual destruction of the independence of the judiciary itself," he added.

Dato Seri Dr. Mahathir also said it was fitting that the series of annual lectures formerly known as the Braddel memorial lectures should, when delivered in Kuala Lumpur, be renamed after the late Tun.

Paying tribute to the late Tun, he said Tun Abdul Razak was not only a politician but also a lawyer.

"Had he practised law, I have no doubt that he would have made a name for himself, but instead he chose to apply his legal training to the administration of the country," he added.

He said the late Tun was a valued mentor and colleague of his.

"The late Tun was an adroit politician, a superb administrator

with the capacity to translate dreams into realities, a true democrat, and as demonstrated by his many actions a statesman in Malaysia and the international scene," he added.

Dato Seri Dr. Mahathir mentioned that the late Tun also played a great part in the drafting of the present constitution which had survived as a highly

dul Razak's achievements in the field of law.

He said the late Tun's diplomacy and tact had persuaded Malaysian States to agree that the law relating to land be embodied in one document, namely the National Land Code.

Justice Enrique M. Fernando, in his lecture, said that adherence to constitutionalism was always sorely tested during a period of emergency.

His paper was entitled Government Powers and Human Rights in Times of Emergency, a brief survey of the Malaysian and Philippines Constitutions.

Justice Fernando said a balance must be struck between the conflicting claims of liberty and authority.

"Whenever possible, it is my submission that preference should be accorded human rights.

"It is my further submission that a judicious appraisal of contemporary events in both your country and mine shows that such a happy state has been attained in this trying period of our respective national existence," he said.

Justice Fernando said the fame of the late Tun Abdul Razak has spread far and wide. Very few men who had occupied such a position of responsibility and leadership had fulfilled their task with such competence and ability.