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KUALA LUMPUR, NOV 28 (BERNAMA) -- THE HIGH COURT HERE TODAY REFUSED DAP SECRETARY-GENERAL LIM KIT SIANG LEAVE TO TO INITIATE CONTEMPT PROCEEDINGS AGAINST DATUK SERI DR MAHATHIR MOHAMAD OVER HIS STATEMENT ON THE JUDICIARY, RULING THAT CITIZENS, INCLUDING THE PRIME MINISTER, WERE ENTITLED TO FREE SPEECH.

+WE (THE COURT) ARE THE FIRST TO UPHOLD THE RIGHT OF CITIZENS TO FREE SPEECH AND THAT INCLUDES THE PRIME MINISTER,+ SAID JUSTICE DATUK HARUN HASHIM, ADDING THAT THE COURTS LIKE ANY OTHER INSTITUTION DESERVED COMMENTS FROM TIME TO TIME AS TO HOW THEY DID THEIR WORK.

THE PASSAGE ON THE JUDICIARY WHICH APPEARED IN THE NOV 24 ISSUE OF TIME MAGAZINE MERELY EXPRESSED THE PRIME MINISTER'S EXASPERATION AS TO HOW +THINGS WERE GOING,+ JUSTICE DATUK HARUN SAID AND +WE SHOULD NOT BE OVERLY SENSITIVE OF WHAT PEOPLE SAID.+

RULING THAT THE PASSAGE DID NOT AMOUNT TO CONTEMPT OF COURT, THE JUDGE FELT THAT JUDGES SHOULD BE EXTREMELY CAREFUL WHEN DEALING WITH CONTEMPT CASES OF THIS NATURE.

HE DISMISSED ENCIK LIM'S APPLICATION FOR LEAVE TO APPLY FOR A COMMITTAL ORDER AGAINST DATUK SERI DR MAHATHIR FOR THE ALLEGED CONTEMPT AND IN PASSING SAID THE +EXISTING SYSTEM IS SUCH THAT EVEN THE PRIME MINISTER WILL NOT GET AWAY WITH WHAT HE SAID TO THE PUBLIC AND THE PRESS. HE COULD END UP IN COURT.+ -- MORE
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THE STATEMENT IN THE TIME MAGAZINE READS: +THE JUDICIARY SAYS (TO US), ALTHOUGH YOU PASSED A LAW WITH A CERTAIN THING IN MIND, WE THINK THAT YOUR MIND IS WRONG, AND WE WANT TO GIVE OUR INTERPRETATION.+ IF WE DISAGREE, THE COURTS WILL SAY, +WE WILL INTERPRET YOUR DISAGREEMENT.+ IF WE GO ALONG, WE ARE GOING TO LOSE OUR POWER OF LEGISLATION. WE KNOW EXACTLY WHAT WE WANT TO DO, BUT ONCE WE DO IT, IT IS INTERPRETED IN A DIFFERENT WAY, AND WE HAVE NO MEANS TO REINTERPRET IT OUR WAY. IF WE FIND OUT THAT A COURT ALWAYS THROWS US OUT ON ITS OWN INTERPRETATION, IF IT INTERPRETS CONTRARY TO WHY WE MADE THE LAW, THEN WE WILL HAVE TO FIND A WAY OF PRODUCING A LAW THAT WILL HAVE TO BE INTERPRETED ACCORDING TO OUR WISH.+

ENCIK LIM, REPRESENTED BY ENCIK KARPAL SINGH IN THE EX-PARTE APPLICATION, SUBMITTED THAT EVERY CITIZEN SHOULD BE CONCERNED WITH THE INDEPENDENCE OF THE JUDICIARY.

IT WAS OBVIOUS THAT FROM THE STATEMENT, THE PRIME MINISTER WAS HOLDING OUT A THREAT TO THE JUDICIARY THAT IF IT DID NOT +TOE THE LINE+ WITH THE GOVERNMENT, THE GOVERNMENT WOULD FIND A WAY OF INTRODUCING A LAW WHICH WOULD MAKE THEM INTREPRET IT ACCORDING TO THE GOVERNMENT'S WAY, HE ADDED..

SAYING THAT THIS AMOUNTED TO SCANDALISING AND RIDICULING THE COURT AND WAS CONTEMPTUOUS, ENCIK KARPAL ADDED THAT THE LANGUAGE USED WAS NOT BEFITTING OF A PRIME MINISTER AND RAN COUNTER TO THE FEDERAL CONSTITUTION IN RESPECT OF THE JUDICIARY'S AUTHORITY AND THE DOCTRINE OF SEPARATION OF POWERS GUARANTEED BY THE CONSTITUTION.

ENCIK KARPAL SINGH SAID THE PRIME MINISTER HAD NO RIGHT TO DICTATE TO THE JUDICIARY WHAT OUGHT TO BE DONE AND THE PRIME MINISTER SHOULD NOT BE ALLOWED TO GET AWAY WITH WHAT HE HAD SAID +LEST HE BE EMBOLDENED TO SAY MUCH MORE.+ -- MORE
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