

D705

B E307 AAE

PARLIAMENT-MAHATHIR (WINDING)

BM

88 P
KUALA LUMPUR, MARCH 18 (BERNAMA) -- THE GOVERNMENT HAS NO-
INTENTION WHATSOEVER OF TAKING OVER THE POWERS OF THE JUDGES BUT
ONLY WANTS TO ENSURE THAT THEY HOLD TO THE FEDERAL LAWS, PRIME
MINISTER DATUK SERI DR MAHATHIR MOHAMAD SAID TODAY.

+OUR AIM IS TO ESTABLISH THAT THE DUTIES OF THE EXECUTIVE ARE
SEPARATED FROM THAT OF THE JUDICIARY SO THAT THE JUDGES DO NOT MAKE
THEIR OWN LAWS,+ HE SAID WHEN WINDING UP THE DEBATE ON THE
CONSTITUTION (AMENDMENT) BILL IN THE DEWAN RAKYAT.

THE BILL WAS LATER PASSED, WITH 142 VOTES FOR AND 18 AGAINST.

REPLYING TO POINTS RAISED IN THE HOUSE, DATUK SERI DR MAHATHIR
SAID THE AMENDMENT ONLY EMPOWERED THE ATTORNEY-GENERAL TO TRANSFER
CASES FROM ONE COURT TO ANOTHER.

THE ATTORNEY-GENERAL WAS NOT EMPOWERED TO SELECT A +FRIENDLY+
JUDGE TO HEAR CERTAIN CASES BUT ONLY THE POWER TO SELECT A COURT FOR
THE PURPOSE OF SPEEDING UP THE PROCEEDINGS, HE SAID. -- MORE
2004MST 18 03 88

D740

B E323 AAE

PARLIAMENT-MAHATHIR (WINDING) 2 KUALA LUMPUR

THE PRIME MINISTER SAID THERE HAD BEEN INSTANCES WHEN LAWS
PASSED BY PARLIAMENT HAD NOT BEEN IMPLEMENTED BY THE JUDGES WHO
CITED +NATURAL JUSTICE+ AS AN EXCUSE.

HE SAID THIS SITUATION HAD CAUSED CONFUSION AND AFFECTED THE
BUSINESS OF ADMINISTERING THE COUNTRY.

DATUK SERI DR MAHATHIR POINTED OUT THAT UNDER THE GOVERNMENT
PROCEEDING ORDINANCE 1956, NO QUARTER COULD TAKE OUT AN INJUNCTION
AGAINST THE GOVERNMENT.

HOWEVER, THERE WERE PEOPLE WHO WERE AWARE OF THIS AND YET DID
NOT WANT TO ACCEPT IT.

+WE GO BY THE LAW IN DISCHARGING OUR DUTIES, LIKEWISE THE JUDGES
SHOULD ALSO ABIDE BY THE LAW ... THAT IS ALL WE WANT,+ HE SAID. --
MORE

2058MST 18 03 88

D743

B E324 AAE

PARLIAMENT-MAHATHIR (WINDING) 3 KUALA LUMPUR

HE ALSO SAID THAT IN ONE CASE THE JUDGE HAD DIRECTED THE
MINISTER CONCERNED TO EXTEND THE STAY OF A FOREIGN NATIONAL IN THIS
COUNTRY.

HE SAID THE REGULATION CLEARLY SAID THAT IT WAS THE MINISTER'S
RIGHT TO ISSUE THE PERMIT AND TO CONSIDER WHETHER TO GRANT OR REJECT
THE REQUEST FOR THE EXTENSION OF THE STAY.

HOWEVER THE COURT RULED THAT THE MINISTER SHOULD EXTEND THE STAY
ON GROUNDS THAT THE FOREIGNER CONCERNED HAD +HOPES+ THAT HIS PERIOD
OF STAY WOULD BE EXTENDED.

+THEREFORE ANYONE PERMITTED TO STAY IN THIS COUNTRY FOR A YEAR
ACTUALLY CAN STAY FOR A LIFETIME,+ HE SAID.

DATUK SERI DR MAHATHIR SAID THE JUDGE WAS NOT FREE TO DO AS HE
LIKED AS HE TOO WAS BOUND BY THE LAW. -- MORE

2105MST 18 03 88

B E327 AAE
PARLIAMENT-MAHATHIR (WINDING) 4 KUALA LUMPUR

DATUK SERI DR MAHATHIR THEN WENT ON TO EXPLAIN THE FUNCTIONS OF A JUDGE.

IN A CASE WHERE THE PUNISHMENT IS THE DEATH SENTENCE SUCH AS UNDER SECTION 39(B) OF THE DANGEROUS DRUGS ACT, HE SAID, THE DUTY OF THE JUDGE WAS TO DECIDE WHETHER THE ACCUSED WAS GUILTY OR NOT.

IF THE JUDGE FOUND THE ACCUSED GUILTY, HE SHOULD IMPOSE THE DEATH SENTENCE AS STIPULATED BY THE LAW, HE SAID.

ON LAND, HE SAID THE AMENDMENT SEEMED TO IMPLY THAT THE FEDERAL GOVERNMENT HAD TAKEN OVER THE POWERS OF THE STATE GOVERNMENTS WHEN ACTUALLY ANY ACTION WOULD ONLY BE TAKEN IN CONSULTATION WITH THE STATE GOVERNMENTS.

THE AMENDMENT WAS NECESSARY BECAUSE LAND WAS NOT MERELY WANTED BY THE GOVERNMENT TO PUT UP PUBLIC BUILDINGS SUCH AS POST OFFICES BUT WAS NEEDED FOR OTHER PURPOSES SUCH AS FOR FREE TRADE ZONES OR TO DEVELOP TOWNSHIPS.

HOWEVER, SUCH PROJECTS WOULD HAVE TO BE LATER SOLD TO CERTAIN QUARTERS WHO PARTICIPATED IN THE PROJECT SUCH AS FACTORY OWNERS OR SHOPKEEPERS.

AS SUCH, THE AMENDMENT WAS NEEDED TO ENSURE THAT SUCH SALES DID NOT BREACH ANY LAW. -- MORE

2114MST 18 03 88

B E330 AAE
PARLIAMENT-MAHATHIR (WINDING) 5 KUALA LUMPUR

THE PRIME MINISTER SAID THE AMENDMENT WAS ALSO TO ENSURE SMOOTH IMPLEMENTATION OF THE PRIVATISATION OF A NUMBER OF GOVERNMENT SERVICES SUCH AS MALAYAN RAILWAY (KTM) WHICH OWNED A LOT OF RESERVE LAND.

ON ANXIETY EXPRESSED BY CERTAIN MPS FROM SABAH AND SARAWAK ON THE POSITION OF NATIVE COURTS AND LAND HELD UNDER CUSTOMARY LAND RIGHTS, DATUK SERI DR MAHATHIR SAID THESE WERE NOT INVOLVED IN THE AMENDMENTS TO THE FEDERAL CONSTITUTION. -- BERNAMA

2125MST 18 03 88