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Mahathir-judiciary

TOTAL INDEPENDENCE IN THE JUDICIARY CAN LEAD TO ABUSE, SAYS PM

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KUALA LUMPUR, April 7 (Bernama) -- Datuk Seri Dr Mahathir Mohamad said today total independence in the judiciary could lead to abuse of power and dereliction of duty among judges.

The prime minister said it had happened before where judges failed in their duty and, if such situations were left unchecked, it could deteriorate further.

"Since nobody can stand up to say they (the judges) have not done their work well, they may go from bad to worse," he said in his opening remarks prior to a closed-door dialogue with officers from the Judicial and Legal Service, here.

This was especially so in Malaysia where judges were much more highly respected than in some other countries, and he gave the United Kingdom as an example where the public would write nasty things about judges who passed unpopular judgements.

"Here of course we may be hauled up for contempt of court or something like that.

"Independence is good, but nobody should be 100 per cent independent because if you are too independent, you may lose your sense of responsibility," he said. -- more

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"But there is the fear that if they are too independent than they may be doing something wrong and we are not in the position to say anything and when they feel they can get away with it, we might end up with a judiciary which is not what it should it be," he added.

Dr Mahathir said that to avoid this problem, all the three constituents of the government must know their own roles and exercise their authority with the power vested upon them.

He however said that all the three parties have been able to work sufficiently well together and knew their roles, which had contributed to the country's stability and at the same time attracted a lot of foreign investments.

The cooperation of the three had also made Malaysia one of the most peaceful countries in the world that allows the people to practice the principles of democracy and also experience reasonable freedom, he said.

In this matter, the prime minister pointed out that it was important that Malaysians realised that their present freedom comes together with responsibility to the country. -- more

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He said freedom for the people would mean the ability to dismiss a government by a simple act of voting without having to do it violently in the streets.

"The freedom to throw out a government is the greatest freedom of all. There are other freedoms that are also important but none as important as the one to throw out the government," he said.

"The elected government is of course not always right. We may abuse our powers, we may decide on wrong policies. If we are perceived to have not performed, then the people can throw us out," he said.

According to him, such situations had happened quite often enough in some states in Malaysia to prove that democracy was actually working in this country.

On the power of the elected government, Dr Mahathir said some people felt that anybody could rule a country if given the power to do so, but he added: "You can disrule a country with power more often than you can rule a country."

He also said that when corrupt people chose a government, only the corrupt would get elected, and the country would suffer. -- more

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Dr Mahathir said that "we come to some stage where we cannot do anything except to develop a culture that is good for the nation".

Touching on the role of the permanent civil servants to help Malaysia achieve the target of Vision 2020, Dr Mahathir said they must be stable and skillful and be able to function without too much disruption if there were a change in personality of the government.

He said that to that end they had to continuously upgrade themselves and also know the power that they had and also its limits.

"Anything can happen along the way. Something might break down, the political system might break down, the economic system might break down. The best way to guard against all these is for us to know what it is that we should do," he said.

Reiterating that the aim to become a developed country by the year 2020 could be achieved, he said he hoped that his successors would be as committed as he is.

He also stressed on the importance of inculcating the values, ambitions and vision of the people to the politicians who would be governing the country in the future. -- Bernama

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