

BALANCING THE JUDICIARY

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Dr M: Total independence of the Bench can lead to abuses

By SHAILA KOSHY

KUALA LUMPUR: Total independence in the judiciary can lead to abuse of power and dereliction of duty, Datuk Seri Dr Mahathir Mohamad said yesterday.

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

bility.

"There is fear that if they (the judges) are too independent, then they may do 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 be," the Prime Minister said.

Speaking to officers from the Judicial and Legal Service prior to a

closed-door dialogue with them, Dr Mahathir said there had been cases where judges had failed in their duty.

He said judges in Malaysia were more respected than in Britain where "nasty things" would be written about judges who passed unpopular judgments.

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

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Dr Mahathir yesterday

He said Malaysia had learnt to handle democracy in terms of electing a government and understanding its administration.

"For example, we have this idea that there must be separation of powers between the Legislature, the Judiciary and the Executive.

"In our system we are supposed to

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PM: Democracy is working in the country

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be independent and yet we have to work together.

"I would be happy if I could direct the Lord President to convict someone because I didn't like him but I can't," he told the laughing officers.

Dr Mahathir said there was a need to inculcate a culture of excellence among all branches of the Government.

"All the three constituents of the government must know their own roles and exercise their authority with the power vested upon them," he added.

He said co-operation among the three had made Malaysia one of the most peaceful countries in the world practising the principles of democracy.

Dr Mahathir said democracy was working in Malaysia because the voters had thrown out governments they did not want.

"The elected government is not always right. We may abuse our powers or even decide wrongly on policies.

"The greatest freedom of all is to be able to dismiss a government by the simple act of voting," he added.

Dr Mahathir said it was important that Malaysians realised that freedom came with responsibility.

On the power of the elected government, Dr Mahathir said some people felt that anybody could rule a country given the power to do so.

But he added: "You can misrule a country with power more often than you can rule a country."

Also present at the first meeting of its kind were Lord President Tun Hamid Omar, Chief Justice of Malaya Tan Sri Gunn Chit Tuan and Solicitor-General Heliliah Mohamed Yusof.