

# MP urges Bar Council to heed Dr Mahathir's advice

PENANG, Fri. — The Bar Council should heed the call by Prime Minister Datuk Seri Dr Mahathir Mohamad and meet Chief Justice Tan Sri Eusoff Chin personally to sort out the differences arising from the Ayer Molek Rubber company case instead of continuing to voice its grievances through the media, Member of Parliament for Jelutong Karpal Singh said today.

He said this was because resorting to the Press would not help rectify the situation but would only aggravate the matter.

"Furthermore, since it did not apply to the Federal Court to rectify the situation, the Bar Council has no locus standi and neither has anyone else unless they make a formal application to the Federal Court," he said in a Press statement

today.

Karpal said even the Federal Court could not act on its own to rectify the situation.

"However, Parliament can rectify the matter but only by passing an Act to nullify the decision of the Federal Court."

A case in point, he added, was the Teh Cheng Poh vs Public Prosecutor case.

"Although the Privy Council on Dec 11, 1978, with regard to that case declared the Essential Security Cases Regulations, 1975, as unconstitutional, however, in January 1979, Parliament passed the Emergency (Essential Powers) Act, 1979, which, with retrospective effect, validated the Essential (Security) Cases Regulations 1975."

He therefore called upon

the Prime Minister to initiate the necessary legislation at the Budget meeting of Parliament next month to put an end to the controversy.

Following his study on the constitutional provisions pertaining to the issue, Karpal said prior to the establishment of the Court of Appeal when the Supreme Court, then under the two-tiered system, was still considered as the highest court in the country, a High Court judge could be nominated to sit on the Supreme Court on an ad hoc basis. \*

"However, with the setting up of the Court of Appeal and the three-tier system in 1994, only judges from the Appeal Court can be nominated to sit on an ad hoc basis at any of the Federal Court sittings."