

16 MAR 1996

Judiciary

BAR COUNCIL WILLING TO TAKE ACTION ON POISON PEN PAMPHLETS

KUALA LUMPUR, March 16 (Bernama) -- The Bar Council is willing to take disciplinary action against any member found to be involved in the writing and circulation of poison-pen pamphlets against the Judiciary.

Its president Hendon Mohamed today called on the Attorney-General Datuk Mohtar Abdullah to forward the names of its members to the Bar Council if investigations revealed their involvement.

The Bar Council was seriously concerned over the allegation made by Mohtar yesterday that some people, including those in the legal fraternity, might be involved in the writing of the poison-pen pamphlets.

Yesterday, Mohtar said the pamphlet which was more than 30 pages long, was "obviously written by some people within the legal fraternity, including judicial officers and judges."

Hendon also said that the Bar Council supported the call by Prime Minister Datuk Seri Dr Mahathir Mohamad to the courts to be careful not to be manipulated by corporate figures. This is important for the Judiciary to be able to retain and inspire confidence in the business community.

Although the Bar Council fully supported the measures to improve the efficiency of the Courts system, it disagreed with the implication that judges should be treated like any other member of society or as a civil servant, she added.

Hendon said while judges are not above the law which they administer in the public interest and in the interest of justice, they should not be subjected to the same clock-in requirements for civil servant because they are not civil servants.

"They have their own Code of Ethics and disciplinary procedures (which cover punctuality) prescribed for under the Federal Constitution. Only by allowing these internal mechanisms to work - and to be seen to be working - can the public have confidence in the impartiality and the ability of the Judiciary to act without fear or favour," she added.

Hendon said the Bar Council disagreed with the proposal by Minister in the Prime Minister's Department Datuk Abang Abu Bakar that the Court Rules should provide for punishment of errant lawyers for delays or postponement of cases.

There should not be an assumption that delay is caused by lawyers' inaction but it often occurs due to several circumstances, including court administration, prosecuting counsel and judges, she added.

The existing Court Rules were adequate to penalise any party deliberately obstructing or causing delay.

"There is a balance within the Rules as regards these matters. The Bar Council prefers that this balance not to be upset solely with a view to penalising lawyers," she said. -- BERNAMA

ARA LDB