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No reason to cast doubts

ONLY the naive and misguided would question the independence of our judiciary. As it is, history is replete with instances which prove it is not beholden to the Government. Decisions have been made against it but they were accepted and respected by the Government irrespective of whether some judgments, at times, seemed unfair in its eyes. Nor were they interpreted as signs of revolt against it.

As voiced out by Prime Minister Datuk Seri Dr Mahathir Mohamad, the judiciary has ruled in favour of the Opposition more often than it did for the Government but it has never protested or complained because it respects the freedom of the judiciary to make decisions without fear of favour. Thus, it can only grouse in silence although it deems it discriminatory that an Opposition member was fined less than RM2,000 to escape disqualification as an MP when the maximum fine for the offence was much more than that.

Rightly so, our judges show absolutely no deference to political wishes nor do they feel constrained to follow political dictates. Neither do they respond to the impulse of the ruling party and the overtures of vested interests. Our judges stand by their decisions unperturbed and undeterred by the Government's dissatisfaction even if it were expressed by the PM. They have always acted in accordance with the essential touchstone of the rule of law by giving litigants procedural fairness - a fair and unprejudiced hearing by the court of the views of all parties in the case.

Unlike certain countries where the mob on the streets rules the courts, our judges are unswayed by any groundswell of public opinion and sentiments. They have flexed their judicial muscles when they convicted many party officials who held high posts in the Government for offences committed by them. This is the same judiciary which declared Umno illegal in 1988 after some members sought court redress over certain grievances arising from the previous year's party polls. As said by a Court of Appeal judge recently, the judiciary guards its independence and does not like to be told what to do by anybody, including the Government.

But the same cannot be said about some countries where judges are beholden to the ruling parties and those who rule against them or attack them are punished to the point of no return. Our judges are not at all impeded in the performance of their judicial functions. The security of tenure of judges, where they can be removed from office only in exceptional circumstances, allows them to preserve their judicial conscience and exercise their judicial function without fear or favour.

Our judiciary's fidelity to the rule of law is without doubt. Their adherence to the rule of law, unblemished by any speck of influence and interference by the Government, reflects the country's commitment to fairness and justice where laws, not individuals, govern. The many decisions against the Government prove that our judges do not fake compliance to the rule of law.

Unfortunately, our judiciary has been made a scapegoat and the punching bag for the politically disenchanting and ill-informed friends from lands afar or those bent on finding faults with our country. We can only conclude that their baseless attacks are politically motivated. Surely, those who cast judgments without any informed basis knows nought about justice.

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