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`No need for judicial commission'

Abdul Razak Ahmad

LANGKAWI, Thurs. - Prime Minister Datuk Seri Dr Mahathir Mohamad said there was no need for a judicial commission to appoint judges as it would lead the Bench to feel indebted to lawyers.

This, he said, would affect the independence of their judgment.

Dr Mahathir said that a judicial commission, which was proposed by the Bar Council, would make judges "afraid" of lawyers, as the commission would also have representatives of the legal profession among their members.

"The person appointed will be indebted to the Bar Council, which will mean that they will always have to heed (melayan) the lawyers.

"They (the Bench) will not be independent because they know the lawyers determine who will be appointed as judges, who will be promoted, and so on.

"Lawyers will become more powerful in the appointment of judges, and if judges are afraid of lawyers... their judgment will no longer be correct," he said at Awana Porto Malai following his tour of the maritime segment of the Langkawi International Maritime and Aerospace exhibition.

Dr Mahathir was asked about the proposed judicial commission.

Bar Council chairman Kuthubul Zaman Bukhari was yesterday quoted as saying that the current procedure of appointing judges under Article 122B of the Federal Constitution - which empowered the Chief Justice to recommend appointments to the Prime Minister who would in turn recommend to the King - was outdated and inadequate.

The council instead proposed that the commission, set up with full consultation with the Bar, deal with appointments, transfers and promotions of judges.

Kuthubul Zaman said the proposed commission would consist of the Chief Justice, the Attorney-General, two members of the Bar Council, two senior members of the judiciary and two members of the public. The Chief Justice would head the commission.

Dr Mahathir said the current system of appointing judges ensured the independence of judges.

He said this was because the Government was not as closely connected to judges as lawyers were.

"Lawyers are involved in trials in court. The Government is not involved. We appoint judges and the judges then can go on with their work.

"We are not going to meet the judges every day for trials in court, but the lawyers are in court every day."

Dr Mahathir said despite being appointed by the Government, judges had handed down sentences which were against the Government and the ruling party.

"If we look at the history of courts in Malaysia, there had been numerous occasions when judges passed sentences which were against the Government and the party in Government.

"Umno, a ruling party, was declared unlawful by a judge. If they were not free, they would not have been able to do such a thing.

"There is no judge in this world who has ever declared illegal a ruling political party, but it happened in Malaysia."