

16/03/2003

No small feat putting judiciary back on its feet

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TWO years is not a long time, and there are still nooks of the Chief Justice's corner office in the Sultan Abdul Samad building with which Tun Mohamed Dzaiddin Abdullah is not familiar with; the light switches, for instance.

He's still getting to know the be-wildering array of switches, flicking each to hunt for the elusive one that would turn on the wall light behind him. And that's even as he was packing up for his retirement yesterday.

The conference table is stacked high with his collection of books, including several on the finer points of the English language and tips on clear writing.

Old habits die hard. Not many would remember that Dzaiddin had actually started his working life as a reporter with the Malay Mail, a sister paper of the New Straits Times, in 1956.

He left the newsroom a year later and moved on to a legal career, as a police inspector, a lawyer and finally a judge, reaching the pinnacle of his career as Chief Justice in December 2000.

His appointment surprised many and wasn't without controversy, as the announcement was made by the Conference of Rulers and not by the Government as is the norm.

But while Internet denizens churned out conspiracy theories, Dzaiddin was unperturbed.

Soon after that surprise announcement, he met Prime Minister Datuk Seri Dr Mahathir Mohamad at Istana Negara for a buka puasa function, and they joked about the matter.

Certainly, Dzaiddin's appointment created some waves as he was perceived to be independent-minded. The judiciary was then mired in its deepest crisis since the 1988 sacking of Lord President Tun Salleh Abas.

Dzaiddin's appointment to the country's highest judicial office was thus met with the greatest expectations, and he was well aware of it. At that time, he promised, in no uncertain terms, "to put our house in order".

It was not easy, and sceptics were around every corner.

But he has proven that two years was not too short a time to show some success in the crucial areas: higher standards of judicial conduct, a better image of the Bench, and a renewed sense of pride and confidence among the judges.

Steps were also taken to speed up the plodding pace of justice (although not with as much success as he had hoped for), and to repair the relationship with the Bar.

A number of landmark decisions were handed down. For the first time, the Federal Court allowed judicial review of its own decisions (which are normally final and non-appealable) if injustice had been done, and stringent review of Internal Security Act detentions.

The spate of contempt proceedings and mega libel suits also abated.

Some of these decisions had attracted acerbic comments from the top leadership, who felt that judges were bending over backwards or overstepping their boundaries to prove their independence.

Those were the early exciting days, but the dust soon settled.

"Two years was a short time... Rome was not built in a day, and some things had to give," says Dzaiddin.

He also had to contend with the Anwar Ibrahim cases that were then coming up on appeal, one after another. But with good fortune and timing

on his side, his tenure did not become defined solely by the Anwar cases.

This was partly because the issue was already on the wane, and partly because there were other matters and cases needing his attention.

On the whole, Dzaidin says he looks back with the satisfaction of having helped the judiciary back on its feet.

"If one is to speak of achievements, I would count the improved image of the judiciary as being the most vital.

"I am truly grateful and content that I have restored the judiciary to one which has every chance of going from strength to strength," he says.

That is an achievement no one can deny, and it's by no means a small one. Criticism of the judiciary hasn't ceased altogether, and judges still haven't regained their former status, but things are looking better.

Dzaidin has a few regrets about unfinished work. The backlog of cases remains large and daunting, despite the implementation of drastic measures such as the overhaul of the civil justice system and his cracking of the whip.

There are simply too few judges for the cases piling up in the court, he says with some frustration, as he had submitted his recommendations for new judges and judicial commissioners in August last year.

He says in the country's busiest courts, judges have well over 1,000 cases each - in Kuala Lumpur, it's 1,700 cases; in Shah Alam, nearly 2,000.

If the backlog problem seems intractable, it's not for want of trying, and does not diminish his other achievements.

Dzaidin says that even if he does not go down in history as the Chief Justice who thoroughly reformed the judiciary, he is glad to have had the opportunity to tinker with the bits that needed tinkering.

Clearly, he has done a lot more than that.

As for now, Dzaidin is glad to have only golf on his mind (he plays to a pretty good handicap of 18 to 20), but don't be surprised to see him back soon in the legal fraternity in one capacity or another.

"I think it is a shame for retired judges to be regarded as geriatrics and of no use. The mind is still sharp, and if all other faculties are