

Pak Lah, remember your pledge to Endon
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Some time ago, as students of constitutional law in Universiti Malaya, we were taught the concept of natural justice. Basically, natural justice means procedural fairness in court proceedings. In layman's terms: the right to a fair and just trial.

When one finds oneself in a court of law, one should have the right to trustworthy representation (at least access to defence lawyers that have one's interest at heart) and to be presumed innocent until proven otherwise. Today, some 17 years later, it has been shown that some in Malaysia do not respect or believe in natural justice.

In Perak, a judicial commissioner decided that the speaker of the state legislative assembly can only be represented by the state legal advisor.

That a clear conflict of interest exists, that the speaker will never be able to get just representation and that by hiding the proceedings from the public eye, justice cannot be seen to be done; all of these mitigating factors do not seem to prick the conscience of the judge.

To add insult to injury, some in Umno even suggested that if the speaker wants to avail himself to justice, he should resign from his post.

It seems that our Sixth Form teachers have also been proven wrong about the separation of powers in a constitutional democracy. What transpired in Perak with the police, state secretary and some thugs preventing the sitting of an elected legislative assembly shows that the executive has overstepped its constitutional role.

That the high court sees fit to interfere in the affairs of the legislature demonstrates that Montesquieu's model of governance of the separation of powers between the executive, judiciary and legislature no longer exists in Perak.

This is deeply unfortunate for Perak's ruler was a former Lord President. The actors involved in this mockery of both natural justice and the separation of powers have truly insulted HRH Sultan Azlan Shah.

Regressing to primary school, we were told that boys who gang up to beat others were called bullies. That their actions were wrong and that was why discipline teachers punished them. This early lesson no longer applies today. Rules no longer matter.

Again, in Perak, it seems that those who wield the biggest stick can do as they please. Even the legislative assembly secretary, who is in reality the chief clerk, and a servant of the speaker can issue orders countermanding his boss. It seems we are a society ruled by the lowest common denominator. Such skullduggery has robbed all institutions concerned of respect and dignity.

But make no mistake, I had good teachers. It just seems that some people refuse to learn their lessons. What is the lesson from Perak? Tengku Razaleigh Hamzah hit it on the nail when he said that the BN in Perak is mired in a 'cascade of illegality'.

Yet, there is deafening silence from the BN's component parties. Does this mean that they have abandoned Umno? What is, for example, Gerakan's view about all this? Surely, a learned man like Dr Koh Tsu Koon can offer a reasonable and convincing explanation defending the actions of the BN in Perak.

The MCA has also kept quiet except for its sole survivor from March 8. What he said is not worth reproducing! What we need from the BN component parties are convincing arguments to provide ballast for the BN side. Unfortunately, what Umno leaders are saying does not cut any ice.

When the chips are truly down, it is Malaysia and Malaysians who are the ultimate losers. Some people are wondering whether we are a country headed for a 'developed world status' (11 years and counting) or nothing more than another failed state?

Abdullah Ahmad Badawi, it is time to do the right thing. Remember your pledge to Endon Mahmood: 'Take care of them'.

Give Perak back to her people.

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