

SPEECH BY THE PRIME MINISTER, AT THE OFFICIAL OPENING OF THE SECOND MALAYSIAN LAW CONFERENCE AT DEWAN TUNKU ABDUL RAHMAN, KUALA LUMPUR ON 10TH JULY, 1973

Tuan Pengerusi, Y.B. Peguam Negara,¹ Tuan-tuan dan Puan-puan,

Saya sungguh sukacita atas inisiatif pihak Bar Council States of Malaya dan Jawatankuasa Pengelola mengadakan Persidangan ini buat kali yang kedua. Seperti yang kita maklum, perkembangan-perkembangan yang berlalu dengan pesat dalam semua bidang dengan sendirinya memerlukan perubahan dan ini termasuklah bidang undang-undang.

Oleh yang demikian, sangatlah baik pada hemat saya langkah mengadakan Persidangan ini untuk mengkaji beberapa aspek undang-undang dan pelaksanaannya. Tidak syak lagi, Persidangan ini besar munafaatnya kepada para peguam dan juga kepada pegawai-pegawai yang mentadbirkan undang-undang Negara kita ini.

Saya mengucapkan tahniah kepada semua pihak yang telah memberikan usaha dan tenaga mereka untuk kejayaan Persidangan Kedua ini, samada penulis-penulis Kertas Kerja, pembahas-pembahas dan juga peserta yang lain-lain.

Mr Chairman, Ladies and Gentlemen,

I am particularly delighted that you are able once again to organise this Conference the second in the series. At the same time, I feel very much in my elements and closer home after having, only yesterday, addressed an international gathering of women lawyers in Penang.

Every time I hear of a conference of professional people, I am filled with pride and satisfaction. It reassures me, as it must so many others, that people who have acquired or who have been endowed with a certain knowledge and position in life are bringing to, in fact breathing into—their training and talents a refreshing spirit and liveliness worthy of their station in society.

¹ Y.B. Tan Sri Abdul Kadir bin Yusof.

Last Monday, I had the privilege of addressing a Convention organised by four professional bodies—Architects, Engineers, Surveyors and Town Planners—which deliberated on urbanisation with emphasis on the future development of Kuala Lumpur. This effort is indeed laudable as I see in it a really meaningful purpose as well as deep conviction among our professionals to serve the society of which they are part of.

This conference is indeed a demonstration of that spirit. You have taken your minds away from your clients, from the Court to consider the broader aspects of your practice.

Talking about lawyers and their clients, I am reminded of the words of an ancient scribe who on referring to legal costs asked "What is the price of your voice?" An even less charitable view was expressed by Charles Dickens when he said that if there were no bad people, there would be no good lawyers.

When asked to define a lawyer, someone answered "A lawyer is a legal gentleman who rescues your estate from your enemies, and keeps it himself."

Ladies and Gentlemen,

The legal profession, like any other profession, is constantly subject to an alternation of public strictures and public praise. For myself, I prefer the thought expressed by Abraham Lincoln, himself a lawyer, when he said:

"Discourage litigation. Persuade your neighbours to compromise when you can. As peace maker, the lawyer has a superior opportunity of being a good man. There will still be business enough."

There was this story of a famous trial lawyer who had been asked to give a talk to a law class. He made it short, telling them that "when you are in Court with the facts on your side, then hammer them to the jury. When you have the law on your side, then hammer that into the Judge. And, if you have neither facts nor law on your side, then simply hammer the table."

From your agenda, I note that the subjects you have chosen for deliberation at this Conference are closely allied to your professional calling. I trust after the daily routine of practice, you will find relief in academic contemplation.

I venture to suggest that there is nothing more stimulating than to pause in one's profession—in whatever field that might be—and to take stock of the meaning of it all, how things add up, where they all lead to and what services we have rendered the people and the country.

Such a reflection, however, academic, should not be treated as a luxury. In fact, I consider it to be a desirable concomitant to good practice.

If we begin with the whys and wherefores, we must inevitably acquire that social awareness that would give a fuller appreciation of all that is embodied in the Statute Book.

I and my Cabinet colleagues are frequently required to initiate legislation in Parliament. Invariably, some economic contingency or social need or political necessity prompts us to legislate with the overall objective of ensuring the greatest happiness for the greatest number of our people.

At the very nexus of our legislative programme lies our Five-Year Plan and the New Economic Policy. Every facet of our national life would be affected by the success or shortcomings in the implementation of this Plan. But we are determined to succeed.

Success means a gathering of the economic momentum to the economic momentum to the requisite pace so that, even in the general spin-off, the conditions of living of all our people would be materially alleviated.

Success ultimately means increased revenue for the State to carry out its numerous schemes. And, increased revenue could mean, among other things, more Courts, more Judges, and a more speedy dispensation of justice.

Ladies and Gentlemen,

I have no doubt that you are all aware of this fact. But, I urge you all to be mindful of it at all times. By all means, query the purpose of any Act of Parliament; comment upon its effectiveness; but more important, you must be conscious of what inspires it and of its background.

We are a society in transition and our laws reflect that phenomenon. It is a transition in the direction of integration. The more we fuse and merge into a single homogeneous community, we will

find some of our legislations are unnecessary. However, until such time, there must remain on the Statute Book the appropriate laws that seek to rectify social anomalies, redress economic imbalances and inspire a common Malaysian identity.

These are the broad objectives which we have given more prosaic reality by the various Acts of Parliament. But, much of what we are trying to do may be brought to nought if our detractors are allowed to inflame the feelings of the aggrieved.

In every society, there must be a section of disgruntled citizens. This is in the very nature of things. The disgruntled must have the opportunity to air their feelings, the aggrieved to have recourse to our Courts and to have their pleas adjudicated upon within the frame of law and order.

Law and order should not be cynically dismissed as pious clichés. From the solemn dignity of our Courts to the hobnailed authority of the policeman on the beat, lies the whole system of our law with its checks and balances, remedies for the aggrieved, penalties for the guilty, protection for the disabled and thus, I solemnly believe, we will find equity and justice for all.

Ladies and Gentlemen,

I would like to take this opportunity to reaffirm the conviction of Government that any plaintiff, however disagreeable his demeanour, must feel assured that the avenues of redress are open to him in our Courts. It shall not matter even if the conduct of Government is the subject of his complaint.

Distinguished Delegates, Ladies and Gentlemen,

All of us in this country have every reason to take pride in the high-mindedness of our judiciary. To reinforce this status, we shall always ensure that the judiciary is at all times independent of and distinct from the Executive. I think that it is on an occasion such as this that we must reiterate our faith in the safeguards provided to our citizens by our Constitution and in the due process of law.

There are times when we have had to amend the Constitution to enable us to meet the changing needs of our society—as has indeed been an inevitable feature in the Constitutions of other Democratic countries. In fact, yesterday Parliament was debating amendments

to the Constitution to enable Kuala Lumpur to become Federal Territory and this has now formed part of our Constitution.

But Constitutional amendments are invariably not on basic or fundamental matters. Fundamental rights and safeguards for our citizens have always been left untouched and entrenched in our Constitution.

There is one piece of legislation which the Government, in the interest of upholding the principles of Democracy and safeguarding the rights and freedom which we cherish, was compelled to legislate which may appear to have encroached in some way upon civil liberties. I refer to the Sedition Act. We have found it necessary to do this to ensure the harmony of our people and the peace and stability of our country. Indeed, to ensure the survival of our Nation!

However, as Prime Minister, I would like to assure you that the basic obligation of Government is to govern with all the sanctions of our Constitution.

The Government is determined to uphold the rule of law, to safeguard and extend liberties and not abridge them.

I venture to suggest that freedom is not always the mere absence of constraints. Rather, it is often the acceptance of these constraints. But the constraints must be kept under constant scrutiny with a view to their modification or removal if circumstances so warrant.

You will undoubtedly appreciate, that it is with no ease of mind that we have had to enact laws and that may, in their effects, inhibit certain liberties. But, where does liberty end and licence begin? At what point must liberty lapse and authority assert itself? These are questions we must wrestle with eternally. These are questions of increasing pertinence in an age of increasing permissiveness.

As a Government, we shall not arrogate ourselves the right to lay down the lines. What is correct must ultimately reflect the consensus and concern of our people. We shall on this specific issue only attempt to ascertain the nature of that concern and give legislative expression to it.

Ladies and Gentlemen,

We have all moved a long way from the harsh days of the struggle for Merdeka. Those were days when many talked of

fighting and dying for liberty and justice. Today, as we move towards a more relaxed and tolerant society, we must not stop reminding ourselves of all that had motivated us.

I think I do not have to elaborate. It is all enshrined in our Constitution and further reinforced in the Rukunegara. And, you as lawyers, understand more than any others our legal system, the rights and obligations of our citizens before the law. To this extent, you have a special responsibility to ensure that this is made to function in the manner envisaged by all those who framed the Constitution on behalf of all our people.

What I wish to say that even if it is superfluous today to talk of dying for liberty and justice, let us at least resolve that we shall not cease to live for it.

Mr Chairman, Ladies and Gentlemen,

I thank you, once again, for this distinct honour of inviting me to open this Conference and I wish your deliberations both beneficial and fruitful.

Dengan itu, saya dengan sukacitanya merasmikan Persidangan Undang-undang Malaysia yang kedua ini.