

MAJLIS MAKAN MALAM ANJURAN MAJLIS PEGUAM SEMENANJUNG MALAYSIA
HOTEL MERLIN,

12 FEBRUARI 1982

Yang Berbahagia Presiden, Majlis Peguam Semenanjung Malaysia;
Yang Amat Arif Tun Mohamed Suffian Ketua Hakim Negara;
Dif-dif Kehormat;

Tuan-tuan dan Puan-puan sekalian.

Saya mengucapkan terima kasih kepada Majlis Peguam Semenanjung Malaysia yang telah memberi penghormatan kepada saya untuk berucap sepatah-dua kata kepada tuan-tuan dan puan-puan sekalian pada malam ini. Bukanlah selalu saya berpeluang untuk berhadapan dengan ahli-ahli satu pertubuhan profesional yang terkemuka seperti ini, dan bagi saya, peluang ini adalah merupakan satu peluang yang istimewa.

Ladies and Gentlemen.

2. I am very honoured to be able to attend your function tonight and to be given the opportunity to say a few words. By profession you may know that I am a doctor of medicine and my forays into the legal world are not likely to be approved by you. But as a legislator, or law-maker, I have no choice but to be an amateur lawyer. So forgive me my trespass.

3. I have often been told by foreigners that Malaysians have never been abroad cannot say anything good about being citizens of this country. I am not annoyed or angry over this. Not being able to see the forest for the trees is a common phenomenon. Also when you are too close you will see the moles and warts on the face and the beauty is no longer a beauty. But perceptions notwithstanding, there is a need lawyers and better citizens. I am not saying you are not, but there is no harm in seeking to improve.

4. What is there in Malaysia that we should be happy about. Legally, quite a lot of things. I did not notice it, but a legal person pointed out to me that of the countries which became independent after the war, perhaps only Malaysia retains its Constitution. There has been admittedly a number of amendments, but it is still there. Lots of other countries have thrown their constitutions out of the window and opted for various versions

of other forms of Governments. I will not elaborate but I am sure the subject will make interesting comparative study.

5. Then there is Malaysian democracy. Again admittedly it is not one hundred percent Westminster. But elections are held regularly and people opposed to the Government do get elected if the people really want them to be elected. Other countries also claim to be democratic but opposition candidates never seem to be elected. Some non-Malaysian friends of mine who studied medicine with me were surprised that Dr. Tan Chee Khoon is a Tan Sri. "You mean you actually give such award to people who are opposed to you," they asked.

6. Some people in this country and outside are fond of talking about how some Malaysians are second class citizens. Tun Hussein, when he was Prime Minister said he wouldn't mind being second class if the kind of people who are said to be second class citizen are truly second class. But Malaysia has never legislated into being two classes of citizens. On the other hand, a country very close to our hearts has recently legislated into being not two classes, but three classes of citizens. Incidentally that country also refused to recognize passports issued by them to coloured colonials. Perhaps, not many of us noticed this.

7. Some members of your Council had voiced objection to the detention without trial of some of our citizens. We make no apology for doing so. As you know we have recently released quite a few. But more than that we have now decided to free even the hard core on condition that they leave this country. I know there will be people who will demand that as citizens they have a right to stay in this country. But in this country, society's rights override those of individuals'. If the individuals do not care for the interests of society, then society has a right to deprive them even of their lives under certain circumstances. If we can deprive an individual of his life and send him into the next world, we can also deprive him of his rights in this country and send him into the rest of the world. The world is a big place. He can have his full freedom there. Those who are so moved by his sufferings can now alleviate them by accepting him as citizen and giving him the rights of citizenship. It is our experience that people who condemn racialism or whatever else, soon change their minds when they have the spectre of racial problems, or whatever, at their doorsteps. It is also our feeling that those who talk of human rights from a distance are less concerned when such rights are ignored in front of their noses.

8. I think I have said enough about why we have reasons to be happy, legally speaking, in Malaysia. I regret that what I have said may not make good fare before, during or after dinner. But I am given to reminding myself all the time about the blessings that I enjoy. It is a practice that has done me a lot of good and has sustained me in times of trials and tribulations. I am convinced that it will be good for everyone. Whenever you think that life in Malaysia is a misery, I suggest you count your blessings here. If after that you still feel like packing your bags to live abroad, I am sure you will be truly happy abroad. I am not suggesting that this is what anyone of you wishes to do. But it is no secret that a lot of our professionals have packed their bags and gone. I am saying this to such people, in this room or outside. It is worthwhile to remember that one has to take the good with the bad. There is no place where everything is going to go one's way all the time.

9. So I do hope you will recognise that Malaysia is not a bad place entirely, even from the point of view of justice. for the nation. It contributes towards stability which contributes towards a host of other good things. Ladies and Gentlemen.

10. The Bar Council is an institution that is vested with certain roles in Malaysia. There is no doubt that the roles designated are meant for the general good of the nation. Among these is that of advising the government, where necessary, on matters affecting legislations and the administration and the practice of the law in Malaysia. Now the word advice here is English literal and not English diplomatic. In the days of colonialism the British invented the British Adviser whose "advice when given must be accepted." Only a moron would call that advice. Advice is good counsel which may, or may not be accepted.

11. The Government is studying the role of the Bar Council with regard to law-making. If it is your role to advise the laws are generally confidential. I am sure that if your advice is called for, you will guard the confidentiality of the proposals even though you may not like it. If the Government wishes to have a public discussion then it will say so. The Government will study your advice but it reserves the right to accept or reject it. And when the proposal becomes law then I presume the legal community's role would be limited to the application of the law. Lawmakers should make the law and the practitioners should practice it. The only way the lawmakers that you don't like can be stopped from making laws is to defeat them in the elections.

As I said earlier, in Malaysia it is possible for lawmakers to lose in the elections. I speak from experience as you may know. However, without campaigning for the next election I would like to point out that change

Ladies and Gentlemen.

12. I have spoken ad nauseam on the tremendous potentials of Malaysia. These potentials will only mean something if possible because of the continuance of strong Governments i.e. Governments with large majorities in Parliament.

13. We are told that power corrupts and absolute power corrupts absolutely. However, power is a necessity if ruling party commands are absolutely necessary in order to maintain an orderly society. Governments sometimes have to do unpleasant things, just as doctors sometimes have to cut in order to heal. A responsible Government, in order to give its best to the people, has to be strong. In the two-party system found in some developed countries, the see-sawing between two equally matched parties has resulted in weak and ineffective Governments.

14. Powerful Governments, of course, pose a certain danger, even though it may not be absolute. There is a fear that, because the party which forms the Government in our country commands two-third majorities all the time, it will exploit that majority. I am not saying that this is not possible, but in a developing country the need for strong Governments is so great that the danger of vesting too much power in a Government must be accepted. As I said before, we have to accept the good with the bad. There is no way we can have our cake and eat it too.

15. Lawyers, I am sure, are not too happy over the strength of the Government. But I can assure you that the alternative, i.e. weak Governments are going to be worse, for the nation as well as for your practice. For my part, and for obvious reasons, I pray and hope that Malaysians everyone.

Ladies and Gentlemen.

16. Doctors and lawyers do not usually see eye to eye. In the past Malaysian Prime Ministers had been lawyers and they and you got on famously. I would not like to break that tradition. This is why I met your representatives recently. I had listened carefully to the methodical recitation of your grouses one by one by your President. I must admit the recitation was an eye-opener and that there are a number of things raised by your

President which we may have to look into. I have been doing just that. I hope, therefore, that the traditional "animosity" between lawyers and doctors will not mar our relations.

17. I would like to conclude by saying how happy I am to be among so many eminent people and I look forward to working with you for a better Malaysia. Thank you once again for your kind invitation.