

 Tue, 21st July 2009 - IPOH: The role of a free and fair judiciary must be defended to ensure that the check and balance mechanism in the Federal Constitution is upheld, said the Sultan of Perak, Sultan Azlan Shah.

This check and balance mechanism is important to build the foundation of a law-abiding government and ensure that no party can hold absolute power.

On the other hand, every power is subject to the boundaries of law to avoid a dictatorship. As such, the role of a professional and upright judiciary must always be defended, he said in his speech at the opening ceremony of a state-level seminar on the Federal Constitution on Tuesday.

The Sultan reminded judges of their responsibilities in advocating the sovereignty of the law and the integrity of the court system.

If they fail in that duty, an imbalance will occur in the system. A judge's loyalty must be towards justice that follows the law, he said.

Sultan Azlan Shah, who was former Lord President, said that the check and balance mechanism in the Constitution also provided for judges to have their judgements reviewed by higher courts where there are larger panels of judges.

I always refer to the words of Lord Atkinson that public trials are the best way to ensure that justice is served in a noble, efficient and unbiased way. It is also the best way to obtain the confidence and respect of the people, he said.

The Sultan said however that as long as a government or authority administered its duty in accordance with the law, no court could find fault with that government.

This is unless there are those in the judiciary who have lost their integrity or have chosen to play politics or sympathise with certain groups or political ideologies.

The first and most arduous test faced by all judges is on how to be absolutely impartial, he said.

Sultan Azlan Shah also reminded the people of the pivotal role played by the Royal Institution in ensuring the effectiveness of the check and balance mechanism in the Constitution and in strengthening the country's democratic system.

The preservation of the Royal Institution in the Federal Constitution was not merely to fulfil historical and racial sentimental values.

As the head of the country, the King plays the role of the pillar of stability, the source of justice and the core of unity, he said.

He added that the Federal Constitution was created on the spirit of negotiation and understanding, and with the objective to unite the people.

Hence, the spirit of the Constitution and the spirit to respect the law and its institutions of enforcement should always be implanted in the living culture of our people.

If this basic principle is not followed, the country will head towards anarchy and in the end, our progress, peace and harmony will be trapped in history, he said.