

*Reference Proceedings for Almarhum
Sultan Azlan Muhibbuddin Shah Al-Maghfur-Lah*

Federal Court, Palace of Justice, Putrajaya
19 November 2014

Tribute by Tan Sri Abdul Gani Patail

Attorney General of Malaysia

On behalf of the Attorney General's Chambers and the Legal Profession Qualifying Board, I respectfully offer once again our deepest condolences on the passing of Almarhum Sultan Azlan Muhibbuddin Shah Al-Maghfur-Lah on the 28th day of May this year, 2014.

Although Almarhum Sultan Azlan was destined to return to royal duties as the 34th Sultan of the State of Perak in 1984, and later serve as the Ninth Yang di-Pertuan Agong from 1989 to 1994, Almarhum Sultan Azlan will always be held in the highest esteem by his legal brethren, and remembered foremost as a legal officer of the Judicial and Legal Service, and a renowned and deeply respected Judge and Lord President of Malaysia. As Lord Woolf, Lord Chief Justice of England and Wales, said of Almarhum Sultan Azlan, "A most distinguished jurist, statesman and upholder of the Rule of Law".

As the first speaker this morning, it is my privilege and honour to recount Almarhum Sultan Azlan's long and illustrious career in the law. Almarhum Sultan Azlan began his career in the Judicial and Legal Service in 1953



as a Magistrate. In those days, Magistrates presided on circuit. Suffice to say that many of the court officers who accompanied Almarhum Sultan Azlan still recall fond tales of their travels with him.

Almarhum Sultan Azlan would go on to hold every office the Judicial and Legal Service had to offer within a brief space of just 12 years. That was the policy in the Service at the time, officers served inter-changeably on both sides and were transferable every two to three years. Almarhum Sultan Azlan served as President of the Sessions Court, Federal Counsel, Deputy Public Prosecutor, Legal Adviser of the State of Pahang and later of Johore, Registrar of the High Court of Malaya and subsequently the Chief Registrar of the Federal Court of Malaysia.

In 1965, Almarhum Sultan Azlan was elevated to the High Court, Malaya at the age of 37. This was testament to his experience and legal acumen. Almarhum Sultan Azlan's time on the Bench would prove to be no less remarkable. It culminated in his rise to the pinnacle of the judiciary as Lord President (now renamed Chief Justice) of the Federal Court, Malaysia in 1982 after 17 years on the superior courts. Almarhum Sultan Azlan was only 54 at that time.

As a judge, Almarhum Sultan Azlan epitomised Socrates' timeless advice to "hear courteously, consider soberly and decide impartially". Almarhum Sultan Azlan's judgments are still cited in courts today, more than 30 years later.

Almarhum Sultan Azlan had always demonstrated that he was a true “guardian of the Constitution”. Almarhum Sultan Azlan constantly emphasised the need to recognize the importance of the Rule of Law and the sanctity of the Federal Constitution such that it should never be tampered with freely. In *Loh Kooi Choon v Government of Malaysia*,¹ His Lordship unequivocally reaffirmed that the Constitution is the supreme law of the land. Further, as Almarhum Sultan Azlan himself stated in his Keynote Address delivered at the Conference on the Malaysian Constitution in 1987, entitled “Climates of Freedom”,² “Imperfect as our Constitution may be, it represents basic ideals to which we must hold fast.”

Almarhum Sultan Azlan had always this love and profound knowledge of the law, in particular constitutional law, until his passing. The Perak State Legal Advisers proudly recount stories of Almarhum Sultan Azlan’s treasured copy of the Federal Constitution, with all his personal notes and references. It was indeed with trepidation whenever they were entrusted with its temporary custody so that the most recent amendments could be inserted into it. The requests for such updating coming personally from Almarhum Sultan Azlan makes it clear how closely he kept abreast of all developments relating to the Federal Constitution.

¹ [1977] 2 MLJ 187.

² “Climates of Freedom”, Keynote Address delivered at the Conference on the Malaysian Constitution, University of Malaya, Kuala Lumpur, 22 August 1987. Published in *Constitutional Monarchy, Rule of Law and Good Governance—Selected Essays and Speeches by HRH Sultan Azlan Shah*.



Almarhum Sultan Azlan is also the only Sultan with a copy of Chambers' "Treaty Series", a collection of Malaysia's treaties on transnational crime, extradition, mutual assistance in criminal matters and trade. Almarhum Sultan Azlan requested a set from me when he learned of its publication in 2006. Almarhum Sultan Azlan's love of reading and pursuit of knowledge is of course legendary.

Those who have been fortunate enough to have interacted with Almarhum Sultan Azlan will attest that in his stern demeanour belied a warm, caring and generous heart, the essence of a Sultan of the people. Almarhum Sultan Azlan was very much a man for all seasons.

Lawyers are famed for quoting precedents, especially when the precedents favour their argument. Thus allow me to conclude by citing the 12th century theologian and author, John of Salisbury. I think it aptly describes Almarhum Sultan Azlan, both the man himself as well as his legacy to our legal practice and profession:

We are like dwarfs sitting on the shoulders of giants. We see more, and things more distant, than they did, not because our sight is superior or because we are taller than they, but because they raise us up, and by their great stature add to ours.

Almarhum Sultan Azlan was our revered giant in the law. And it is upon his shoulders we now stand to take up his mantle in upholding and developing the law. May the

wisdom and legal insight that underpin Almarhum Sultan Azlan's landmark constitutional and other decisions forever glow bright and guide future generations of lawyers and Malaysians.

Allow me to conclude by humbly praying in the hallowed tradition of the Bar, that this Reference held in honour of Almarhum Sultan Azlan Muhibbuddin Shah Ibni Almarhum Sultan Yussuf Izzuddin Shah Ghafarullahu-Lah be entered into and be preserved in the Court archives and that a copy of the same be extended to the family of Almarhum Sultan Azlan.

Thank you. 🙏

