

*Commemoration Service for Almarhum
Sultan Azlan Muhibbuddin Shah Al-Maghfur-Lah*

Dewan Tunku Canselor, University of Malaya
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Tribute by Johan Shamsuddin bin Hj Sabaruddin

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On behalf of the Faculty of Law, I stand before you humbled at the task before me: remembering a great man of whom we had the immense good fortune of being our Chancellor of the University of Malaya. Almarhum Duli Yang Maha Mulia Sultan Azlan Muhibbuddin Shah Al-Maghfur-Lah was revered in this nation for many reasons. I am pleased and touched, not to mention honoured, that we at the Faculty of Law have been given this special moment to honour Almarhum.

The task I face is an awesome one; difficult because there is so much to speak about and it would be an impossible task to do justice to Almarhum's innumerable accomplishments and contributions to the nation. I hope that I shall be able to adequately convey our feelings for this great jurist and monarch whom we had known and loved. Sultan Azlan Muhibbuddin Shah Al-Maghfur-Lah holds the distinction of being the only person to have held two of the highest constitutional offices in Malaysia: as Head of the Judiciary and also as the Yang di-Pertuan Agong. It is a great honour and privilege to pay this tribute, and I beg your indulgence in permitting me to do that in the light



of the immense contribution of Almarhum in providing the guiding light and inspiration to the pursuit of legal knowledge and education for the legal profession.

Almarhum was remarkable in many ways. He lived his life to the full and touched so many of us. His was a spirit of compassion and yet honest in confrontation amongst his peers, and he was not in the least perturbed as long as he delivered the truth. It may not be too far from the truth to state that this honest confrontation is missing all too often and it is one of the reasons that it must now be emulated by all of us. As a progressive nation, we should be brave enough to discuss the truth of where we stand. Almarhum had honesty and candour as his guiding light. He was the light of the future of legal knowledge and developments. Almarhum's revered passage through the boulevard of the legal avenues brought forth a man full of compassion and integrity who, despite the soft qualities aforementioned, had in him an intellectual foundation that saw the delivery of wise, eloquent and well-articulated judgments that have lingered and are wedged in the minds of those reading them, even though the pages on which these judgments appear may have faded to yellow over time.

We all have a kaleidoscope of memories that we will always carry with us; memories that define Almarhum Sultan Azlan Muhibbuddin Shah Al-Maghfur-Lah; memories that the Faculty of Law will always hold dear. Please allow me to take you through part of this journey of a man worthy of his calling.

The Faculty of Law for many years had the great privilege and distinct honour of being closely associated with Almarhum, a relationship that can be traced back to the 1970s. Although a very busy man with a punishing schedule, Almarhum made every attempt to accede to our many requests to speak at the Faculty, preside over events and officiate at ceremonies. Almarhum had a close involvement with the student movement and he delivered a keynote address at the Socio-Legal Workshop organised by the Society of Law in 1978. He officiated the opening of our moot court and he was our external examiner from 1984 to 1987, giving sound and expert guidance on the standards of the Faculty and its graduates.

One of the highpoints of this relationship was the inauguration of the Sultan Azlan Shah Law Lecture series in 1986. This lecture series has become the nation's premier law lecture and presenters have included some of the finest jurists in the world. The lecture is *the* law event of the year and is attended by anybody who is anybody in the legal fraternity. I would like to quote Baroness Kennedy of The Shaws QC, Life Baroness of the United Kingdom Parliament, who was President of the School of Oriental and African Studies, University of London, when delivering the 21st Sultan Azlan Shah Law Lecture:

HRH Sultan Azlan Shah enjoys the highest regard and esteem amongst the international legal community. His reputation as a truly great lawyer, as a judge of great distinction and as a Chief Justice and Head of State of



immense wisdom and courage extends far beyond these shores. His love of law and his commitment to justice have been his hallmarks. When I was asked to deliver this lecture I was filled with delight and a sense of humility to receive such an honour. The Sultan Azlan Shah Law Lectures is one of the most prestigious lecture series of the common law world. But I was also thrilled to have the opportunity to come and meet this great man.

Another highpoint worth mentioning is when the Faculty after many years of not having a permanent home moved into its own building in 1998. Almarhum Sultan Azlan Shah officiated the opening of our new building which to our great pride bears Almarhum's most prestigious name. Almarhum was also extremely popular with the students. Whenever Almarhum attended any of our functions, he would invariably end up getting mobbed by students wielding their cameras hoping to take a photo with the dapper Sultan and to talk to him. Almarhum would never refuse them and what ordinarily would have been a 5-minute walk to the car would turn into a 20-minute odyssey. Our graduates were always thrilled when HRH Sultan Azlan Shah presided over their graduation ceremonies, and he always had a special smile for the Faculty of Law graduates.

Almarhum remains very special to us not only because of his close association with the faculty and students, but also because of the tremendous legacy he has left to the legal fraternity.

As a judge he was compassionate; he gave an empathetic ear to those who came before him. He did not have the supercilious nature in disrupting a counsel who was belabouring the law before him, although this did not mean that he was in agreement with the counsel. He maintained a companionable silence while listening to elongated arguments. However, the kaleidoscope turns again, and we all bear witness that he was a man defiant and the champion of others. He lived a principled life underpinned by a strong sense of right and wrong and this is evident from his many time-honoured judgments. He was never a man to step back from a challenge, to let something wrong stand unchallenged. He was one who spoke with self-confidence, unwavering in his beliefs and interpreted the law as he thought it should be. Such are the qualities that we desire to entrench in our students. Who can forget his strapping contempt for anyone who tried to behave in a dictatorial fashion, visibly revealed in the celebrated case of *Sri Lempah Enterprise*, where the Land Executive Committee acted in an imperious manner? Almarhum commented in his judgment:

Unfettered discretion is a contradiction in terms. ... Every legal power must have legal limits, otherwise there is dictatorship. In particular, it is a stringent requirement that a discretion should be exercised for a proper purpose, and that it should not be exercised unreasonably. In other words, every discretion cannot be free from legal restraint; where it is wrongly exercised, it becomes the duty of the courts to intervene.



He was also unwavering in his firm commitment of mutual respect for the Bar and Bench when, in the case of *Jaginder Singh & Ors v Attorney General*, he reiterated:

Counsel must of course not shrink from representing his client's interest fearlessly and with determination ... but it does not mean that he is permitted to be offensive to the Bench or to cast aside the common standards of politeness which have always been the aim and pride of the Bar in this country.

No lecture in Constitutional Law at our Faculty would be proper without the guiding wisdom of Almarhum's conviction in constitutionalism found in his many decisions. He was a man who respected the Constitution, and he never forgot that the Constitution is administered by man. In his opening address at the Malaysian Bar's 14th Malaysian Law Conference in 2007 he reminded the Bar and the Bench:

We must ever be mindful that written constitutions are mere parchment pieces. It is important that there must be, in the hearts and minds of those who are entrusted to administer and uphold the Constitution, a belief in the values and principles that animate the august document.

Almarhum was reverent of the Constitution and it being one of the supreme laws of the land, and in one of his most celebrated decisions, he laid down the basic tenets of the Constitution, that "the individual has certain fundamental rights upon which not even the power of the

state may encroach” and that “we are a government of laws, not of men”, and also that “no single person or body shall exercise complete sovereign power, but that such a power was to be equally distributed among the executive, legislative and judicial branches of government”. His resolute belief in the prescription that “we are a government of laws, not of men” was an impeccable translation of the basic principle that runs through the entire Constitution—the principle of the Rule of Law.

That Almarhum Sultan Azlan Shah was a man of principles and declined to be drawn into the conundrum of the political aegis is evident in the way he held himself as remote as possible from the games indulged in by the political appendages. In his concise and curt observations, Almarhum issued the following reminder at the same opening address of the Malaysian Law Conference, which showed that he was judge for all time and for all people; Almarhum said:

There is one further important point that I feel compelled to say. This deals with a judge’s quality in decision-making. We in Malaysia live in a multi-cultural and multi-religious society. Our founding fathers accommodated this diversity into our Constitution that is reflected in the social contract, and saw this diversity as strength. . . . Judges in Malaysia must be ever mindful that they are appointed judges for all Malaysians. They must be sensitive to the feelings of all parties irrespective of race, religion or creed, and be careful not to bring a predisposed mind to an issue



before them that is capable of being misconstrued by the watching public or segment of them.

Almarhum demonstrated that action and ideas are not enough; no matter how tough, ideas had to be pursued till they were chiselled into laws and institutions. He was practical, testing his beliefs against the hard surface of circumstance and history. On core principles he was unyielding as we have seen from the way in which he elucidated his judgments.

Ladies and Gentlemen,

This is far from being a resounding tribute to a learned and highly regarded man; not that we learned so much from him; but that we can still continue to learn from him, from the very legacy that lives on. For nothing he achieved was inevitable. In the arc of his life, we see a man who earned his place in the law reports through persistence and constant learning.

The academic community of the legal profession of which I humbly represent, grieves painfully over this great loss of a remarkable and visionary leader. The corridors and lecture halls of our law schools have lost a veritable guiding light of immense wisdom which was manifested in his judgments and speeches that were resplendent as they were majestic. We humbly mourn this loss but at the same time celebrate the legacy that Almarhum has left us with.

May Allah SWT shower his blessings on the soul of Almarhum Sultan Azlan Muhibbuddin Shah Al-Maghfur-Lah.

Thank you, Ladies and Gentlemen. ﷻ

