

Speech by

Professor Dato' Seri Visu Sinnadurai

Editor

Your Royal Highness Sultan Azlan Shah, The Sultan of Perak, Your Royal Highness Tuanku Bainun, The Raja Permaisuri of Perak, Your Royal Highness Raja Nazrin Shah, The Raja Muda of Perak; The Right Honourable Lord Chief Justice of England and Wales, Lord Woolf; Honourable Ministers; The Honourable Menteri Besar of Perak; Your Excellencies; Chief Judges; The Attorney General of Malaysia; The Attorney General of Singapore; Judges; Distinguished Guests; Ladies and Gentlemen,

Ampun Tuanku,

Permit me to start with a few quotes:

There cannot be an independent judiciary without an independent Bar ...

—HRH Sultan Azlan Shah

The Legal Profession and Legal Practice at page 312

A judiciary may only be said to be independent if it commands the confidence of the public. Statements made as to its independence by the judges, or even the politicians, do not measure public confidence in the judiciary. At the end of the day, it is this public perception that ultimately matters.

—HRH Sultan Azlan Shah

The Role of Constitutional Rulers and the Judiciary:

Revisited at page 400

Though corporations exist to maximise profits, they also have a social responsibility to partake in the general development of society.

—HRH Sultan Azlan Shah

Corporate Activity: Law and Ethics at page 126

The Rule of Law means ... that the government shall be ruled by the law and be subject to it ... it is often expressed by the phrase “government by law not by men”.

—HRH Sultan Azlan Shah

Supremacy of Law in Malaysia at page 12

Legal and ethical issues now govern the practice of medicine. A doctor has now to consider not only the medical aspects of a particular issue but also the legal and the ethical issues relating to it.

—HRH Sultan Azlan Shah

Medicine, Ethics and the Law at page 221

These are merely a few quotes from the book *Constitutional Monarchy, Rule of Law and Good Governance*. The book contains selected lectures, speeches and essays on law given or written by His Royal Highness Sultan Azlan Shah.

Many of you are already familiar with the large body of judgments that His Royal Highness delivered when he

was a Judge, Chief Justice and Lord President. These judgments contributed greatly towards the development of Malaysian law. Until today, many of these judgments are referred to, or applied by the courts in Malaysia.

When His Royal Highness relinquished his post as the then Lord President of the Federal Court to become the new Sultan of Perak, many thought that his contribution to the development of the law in this country would sadly come to an abrupt end, and that his outstanding talent and wisdom on the Bench would be missed.

But fortunately for us, this was not to be the situation. His Royal Highness continued to take a keen interest in the law in the country even as he performed the onerous duty of ruling the State and later the Country. His deep-rooted interest in the law, and his passion for seeking the truth, and upholding the Rule of Law, and the proper administration of justice were still very much close to his heart. So whenever the opportunity arose, he spoke publicly on these matters and gave in-depth and critical exposition of the law.

Though many of these lectures were to audiences that were predominantly from the legal fraternity, His Royal Highness was also called upon by other professionals, organisations and institutions to deliver lectures. In fact, there are many present here this evening from the other professional bodies who were involved in the organisation of some of these lectures, including the Academy of Medicine,

the Institution of Engineers Malaysia, the Malaysian Institute of Management, Harvard Club, and University of Science Penang.

But whatever the occasion, and whoever the audience, there was a consistent and recurring theme throughout the lectures: Constitutional Monarchy, Rule of Law, Good Governance, or good morals and ethics. Each lecture underscored these common themes, and the same underlying principles: the proper execution of duties and responsibilities in accordance with law by all concerned, be it King, Ruler, Government, politicians, Judges or professionals; the independence of the judiciary; checks and balances against the use of excessive powers; the need for transparency, and the like.

One unique feature that will be discerned from reading these lectures and speeches is the candour and the balanced views that His Royal Highness expresses in each of these areas of the law. In these lectures, he clearly states the legal and constitutional limits of the executive; the need for ethical conduct, both in the private and public sectors; and the important role of an independent judiciary as the pillar of democracy. Even the roles of the constitutional Rulers are carefully analysed, setting out their precise powers and limits. For example, I quote:

It is true that appointment of a Menteri Besar is a prerogative of the Sultan. However the Ruler is not free to

appoint anybody he likes. He must appoint a member of the Legislative Assembly who in his judgment is likely to command the confidence of the majority of the members of the Assembly.

—HRH Sultan Azlan Shah

The Role of Constitutional Rulers at page 263

The views expressed by His Royal Highness in these speeches have often been quoted as reflecting the true position of the law in the country. For example, YM Tengku Razaleigh Hamzah in delivering the keynote address at the opening of the 12th Malaysian Law Conference in December last year [2003], on the subject “Evolving a Malaysian Nation: The Role of Law and Lawyers”, quoted extensively from the public lecture which His Royal Highness delivered on “The Right to Know”.

The views of His Royal Highness were always sought and were highly regarded. He is indeed a learned and wise monarch of the country of whom all are proud.

Ladies and Gentlemen,

The high regard and esteem which the legal fraternity has for His Royal Highness is also reflected in the highly successful annual public lecture, the Sultan Azlan Shah Law Lectures, organised by the University of Malaya and co-sponsored by the British Council and Malaysian Airlines Systems.

For the past eighteen years, since 1986, when the first Sultan Azlan Shah Law Lecture was delivered in Kuala Lumpur, distinguished Lord Chancellors, Masters of the Rolls, Lords of Appeal in Ordinary, a President of the New Zealand Court of Appeal, an Associate Justice of the Supreme Court of The United States of America and academics from the Commonwealth have been invited to partake in the premier law lecture series of Malaysia. Each of these jurists delivered their lecture in Malaysia in honour of His Royal Highness.

Whilst the subject matter contained in this lecture series is diverse, exploring such, seemingly disparate topics from the *Spycatcher* case to commercial fraud cases, there is a common thread that runs through the corpus. This is the development of that ancient doctrine of the common law. Hence the subtitle of the book: *Judges on the Common Law*.

I am told that this is the first volume to be published outside the United Kingdom where speeches delivered by so many Lord Chancellors, Chief Justices, Masters of the Rolls, Senior Law Lords, and leading academicians are all contained in one single volume on the common theme of the common law.

I am particularly happy that Lord Woolf is present this evening at the launch of these two books. He has given me great support over the years when organising the annual Sultan Azlan Shah Law Lecture.

Ampun Tuanku,

The task of editing both these books simultaneously was enormous, and at the same time challenging. It was no easy task editing two books which His Royal Highness had a personal interest in. His excruciating demand for perfection is, of course, well-known. This demand was met equally by my own exacting and personal desire to produce these books to a standard that was most reflective of the character, status, and wisdom of His Royal Highness.

In attempting to realise these objectives, I was assisted by many.

I thank Your Royal Highness Sultan Azlan Shah for having taken a personal interest in the publication of these books and for the many invaluable and constructive comments.

The compilation and publication of both the books would not have been possible without the unstinting support and encouragement of His Royal Highness Raja Nazrin Shah, Raja Muda of Perak. He believed strongly in the value that the publication these two volumes would bring, and, to that end, steadfastly urged it through each step of the journey. Your Royal Highness, Raja Nazrin Shah, I extend my heartfelt gratitude to you.

I express my thanks to Joel Ng who acted as my co-editor, to Kyle Sanderson and Faisal Ariff Rozali-Wathooth,

both undergraduates, from University of London and Cambridge University, respectively, and who both sacrificed their summer vacation to be in Kuala Lumpur to help me in editing the books.

Finally, I must also thank the many who have rendered assistance in the organisation of this evening's function: Mrs Emily Yung, Ong Yih Wey, the ushers, the staff of Sweet & Maxwell, the musicians and the Mandarin Hotel.

Last, but by no means least, a special thanks to our charming master of ceremonies this evening, Ms Caryn Lim.