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Lawyers cast gloom on state of constitution, blame judiciary and Parliament

By SHAILA KOSHY

KUALA LUMPUR: The judiciary and Parliament are responsible for the current state of the Federal Constitution.

Senior constitutional lawyer Raja Aziz Addruse said the checks and balances that were in the 1957 constitution did not exist anymore.

He cited the reasons for this change as a failure of the courts to uphold fundamental liberties, executive interference and the amendment to Article 121 which meant that the courts' jurisdiction was now as that determined by Parliament.

"Fundamental liberties no longer exist; this is a harsh thing to say but the courts don't seem to think that fundamental rights are important," he said yesterday at a coffee table session on "What the Constitution means to me" on the last day of the 14th Malaysian Law Conference.

"To me, the constitution now means nothing because it can be changed at any time."

Another senior constitutional lawyer, Sulaiman Abdullah, said that if the former prime minister had played sports he would have known the importance of rules (in the form of the constitution) and the need for impartial referees (in the form of judges).

Sulaiman, who called the constitution a vibrant document, said: "Its imperfections are not in its provisions but in those who have the duty to uphold the Constitution."

"It is not perfect but we have to make it work," said a former negotiator for Sabah's entry into Malaysia, Tan Sri Thomas Jayasuriya.

"As Sultan Azlan Shah pointed out in his opening address on Monday, an independent judiciary needs an independent Bar."

For lawyer Nizam Bashir, the 1957 constitution provided all that was needed to create Malaysia.

"But after 50 years, we see a gap between the aspirations for Malaysia and the reality," Nizam said.

"The remedy lies in our hands: we need to have the courage to stand up and be counted."

Lawyer-cum-politician Datuk Zaid Ibrahim said he sensed that "in the comfort of our economic growth people don't seem to care too much about the independence of the judiciary and separation of powers.

"Let's be concerned about our future. If we keep accepting everything as normal we will erupt," he said, in calling for a return to the Merdeka pact of the founding fathers.

Other panellists in the session chaired by retired Court of Appeal judge Datuk VC George were Sarawak Attorney-General Datuk JC Fong and

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