

**TEKS UCAPAN Y.A.A DATO' TENGGU MAIMUN TUAN MAT
DI MAJLIS MERAIKAN PELANTIKAN KETUA HAKIM NEGARA
PADA 17 MEI 2019**

**YB YANG DI-PERTUA DEWAN NEGARA,
TAN SRI DATO' SRI SA. VIGNESWARAN**

**YB YANG DI-PERTUA DEWAN RAKYAT,
DATO' MOHAMAD ARIFF BIN MD YUSOF**

**YAA PRESIDEN MAHKAMAH RAYUAN,
TAN SRI DATO' SRI AHMAD BIN HAJI MAAROP**

**YBHG. PEGUAM NEGARA,
TUAN TOMMY THOMAS**

**YA HAKIM-HAKIM MAHKAMAH PERSEKUTUAN, HAKIM-HAKIM
MAHKAMAH RAYUAN, HAKIM-HAKIM MAHKAMAH TINGGI DAN
PESURUHJAYA-PESURUHJAYA KEHAKIMAN**

AHLI-AHLI SURUHANJAYA PELANTIKAN KEHAKIMAN

**YBRS. KETUA PENDAFTAR MAHKAMAH PERSEKUTUAN MALAYSIA,
TUAN AHMAD TERRIRUDIN BIN MOHD SALEH**

**YBHG. SETIAUSAHA SURUHANJAYA PELANTIKAN KEHAKIMAN,
DATO' INDERA NORIDAH BINTI ABDUL RAHIM**

**YBHG. PRESIDEN MAJLIS PEGUAM,
DATUK ABDUL FAREED ABDUL GHAFUR**

**YBRS. PRESIDEN PERTUBUHAN UNDANG-UNDANG SABAH,
ENCIK BRENDON KEITH SOH**

**YBRS. PRESIDEN PERSATUAN PEGUAMBELA SARAWAK,
ENCIK RANBIR SINGH SANGHA.**

DIF-DIF KEHORMAT, HADIRIN DAN HADIRAT SEKALIAN

Assalamualaikum warahmatullahi wabarakatuh dan salam sejahtera.

[1] Terlebih dahulu, marilah kita sama-sama memanjatkan kesyukuran ke hadrat Allah Subhanahu Wataala kerana dengan limpah kurnia dan izinNya jua, kita dapat bersama-sama hadir pada majlis meraikan pelantikan saya sebagai Ketua Hakim Negara, pada petang ini.

[2] Saya menjunjung setinggi-tinggi kasih kepada Kebawah Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong Al-Sultan Abdullah R'iyatuddin Al-Mustafa Billah Shah Ibni Sultan Haji Ahmad Shah Al-Musta'in Billah atas perkenan Baginda melantik saya sebagai Ketua Hakim Negara Yang Ke-16, atas

nasihat YAB Tun Dr. Mahathir bin Mohamad, Perdana Menteri Malaysia, setelah berunding dengan Majlis Raja-Raja.

Ladies and Gentlemen

[3] I thank all the distinguished guests, colleagues, family and friends for making the time to be here this afternoon. I am overwhelmed by your presence.

[4] I particularly acknowledge the presence in court of:

- (i) the President of the Senate, Tan Sri Dato' Sri SA. Vigneswaran; and
- (ii) the Speaker of the House of Representatives, Dato' Mohamad Ariff Bin Md Yusof.

I believe your attendance signify the importance of the court as the third branch of government. The mutual respect of the separate arms of government in Malaysia is one of the great strengths of our

democracy. You do the court a great honour by your presence today.

[5] President of the Court of Appeal, Mr Attorney, President of the Malaysian Bar, President of the Advocates' Association of Sarawak and President of the Sabah Law Society, thank you for your kind and generous words. I do not in the least pretend that they are deserved. I am grateful for the pledges of support and commitment you have each extended.

Ladies and Gentlemen,

[6] It is indeed a privilege and a great honour for me to have been appointed as the first woman Chief Justice of Malaysia. And with so many talented and able women in the legal profession, I am confident that I am not the first and the last woman Chief Justice of Malaysia.

[7] I thank those many women who have preceded me in the legal profession, who, by their integrity, ability and determination have made the passage of women who came later, so much easier.

[8] We in Malaysia are fortunate in that we have transcended the gender diversity in terms of the number of female judges in the superior courts, when compared to many other countries in the world, particularly the developed nations. It is one of the areas where we lead in the world. Although it has been achieved over a relatively short period, in the past two decades or so, our progress has been steadily improving. It is important to note that this evolution has not been engineered artificially to achieve these numbers, as a means of demonstrating that a mere gender quota has been met. On the contrary, the evolution has been a natural progression, which has come about purely on the basis of merit. It is for this reason that I said in my initial interview that I should not be defined by my gender, but by merit.

[9] However, it must be said that while it is true that the lesser threshold of achieving an almost equal ratio of women on the Bench has been achieved, it is also true that very few women have been appointed to the upper echelons of this institution.

[10] As pointed out by the renowned and recently retired Federal Court judge, Tan Sri Zainun Ali, our history points to only two other

prominent appointments to apex positions in the recent past. Tan Sri Siti Norma Yaakob as the first Chief Judge of Malaya in 2005, and Tan Sri Zaharah Ibrahim, the Chief Judge of Malaya, some 13 years later in 2018. Tan Sri Zaharah retired yesterday. I thank her and wish her a happy retirement.

[11] My appointment therefore does appear to have shattered the proverbial glass ceiling. This is important because it serves as a source of inspiration for other women to realise that the barrier is not invincible, and that it is a plausible goal. More importantly, it serves to challenge the status quo of the law in areas, which have until now, been determined from a wholly dominant male perspective.

Ladies and Gentlemen,

[12] As the Chief Justice, I pledge my commitment to defend the rule of law and independence of the judiciary as enshrined in the Federal Constitution and the laws.

[13] The rule of law is the cornerstone of a democracy. In a nutshell, the rule of law is a principle of governance in which all persons, institutions and entities, public and private, including the state itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated. It requires, as well, measures to ensure adherence to the principles of supremacy of the law, equality before the law, accountability to the law, separation of powers, legal certainty, avoidance of arbitrariness and procedural and legal transparency.

[14] On the independence of the judiciary, it is important to ensure that individual judges and the judiciary as a whole are impartial and independent of all external pressures and of each other, so that those who appear before them and the wider public can have confidence that their cases will be decided fairly, free from any interference, be it from litigants, the Executive, the media, powerful individuals or entities, and from other judges.

[15] In other words, in deciding cases, judges are answerable to no one, except their conscience and their learning, where decisions are made solely on the evidence presented in court by the parties

and in accordance with law. It precludes partisanship for a cause, however worthy to the eyes of a protagonist that cause may be. It forbids any judge to regard himself or herself as a representative of a section of society. It forbids partiality, and most importantly, it commands independence from influence that might improperly tilt the scales of justice. Justice is done without fear or favour, affection or ill-will. Justice is not done in public rallies. Nor can it be done by opinion polls or in the comments or correspondence columns of the newspapers. And it is equally vital that judges are seen to be both independent and impartial as justice must not only be done – it must be seen to be done.

Ladies and Gentlemen,

[16] The public tend to equate justice with judgment in favour of the poor over the rich, the weak over the strong, the *rakyat* or the Opposition over the Government. That certainly is not the yardstick for justice. A wrong is a wrong regardless of whether it is committed by the rich or the poor, the weak or the strong, the *rakyat* or the Opposition, or the Government.

[17] Judicial independence will come to the fore especially when judges deal with high profile cases, which generate a great deal of media interest. Such matters range from the criminal trial of a senior politician, the criminal trial of a person accused of a shocking murder, the conversion of a minor, and challenges to the legality of government policy. In the 24 hour media age in which we live, it stands to reason that the judge hearing the case will be under intense scrutiny.

[18] The judiciary recognises that in a democratic country like Malaysia, it is important for the public to discuss how the courts perform their role, and criticise if they wish, just as they discuss and criticise the performance of the other branches of government. Indeed, the independence of the judiciary does not mean that it is immune from criticism or accountability to the public which it serves.

[19] The judiciary therefore respects and values the public right to comment on a judge's work. However, criticism of a judge's decision should be done responsibly and based on all the facts. Likewise any allegations of misconduct against judges – in the

event there is any allegation of misconduct on the part of the judges, I call upon anyone who has any information on any such allegation, to lodge a report with the relevant authorities, so that proper investigation may be carried out. The public may also write to me, the President of the Court of Appeal or to the Chief Judges of the two respective High Courts, for us to do the needful. It is a disservice to the judiciary and the country as a whole, if one were to continue making wild allegations, especially in the social media, without resorting to the proper channel for the allegations to be effectively addressed. This is important because by tradition, judges do not respond to criticisms and allegations. Judges speak through their judgments. This tradition which was intended to preserve impartiality and respect for our courts, prevents a judge from getting into public debates with unhappy litigants or dissatisfied critics.

[20] It must be recognised that unfounded and baseless criticism against the judiciary would weaken the administration of justice and erode the confidence of the public reposed in this important institution. I urge the public to be careful and responsible in their opinions and comments because of the wide repercussions of their

actions. To protect the integrity of the judiciary, appropriate action has been and will be taken against those who tarnish the image and dignity of the judiciary.

[21] In this regard, allow me to state my view that it rests on the bar to defend the judiciary, to correct blatant misinformation and to remind the public, media and others of the precious heritage of judicial neutrality and independence which we have enjoyed until now.

[22] Judith Kaye, in an article entitled "*Safeguarding a Crown Jewel: Judicial Independence and Lawyer Criticism of Courts*", 25. *HOFSTRA L. Rev.* 703, 715 [1997] observed:

"...the fact is that judges today cannot and do not answer back, but hold up the banners of judicial dignity, judicial impartiality and judicial independence, and look to the bar to hold up the other end of those banners. The prevailing view is that a judge's defenses are 'best left to the objectivity of a local, country or state bar association'."

[23] As the American College of Trial Lawyers has written:

“Because it is the weakest of the three, the judicial branch has the greatest need to be defended. But who is to provide the defense? Not the judiciary itself, because it is by design not a political entity; its power to enforce its decrees and protect its independence are limited. The other two branches, its potential antagonists, cannot always be counted on for that defense. The judiciary’s principal defense must then come from its intended beneficiaries, the people. As a practical matter, lawyers, both individually and through the organized bar, must take the lead in that defense.”

(See American College of Trial Lawyers, Judicial Independence: A Cornerstone of Democracy Which Must Be Defended, 2, (Sept. 2006).

[24] I trust the Attorney General, as the traditional leader of the legal profession would also do the same in appropriate cases.

[25] Having said that, I assure the bar and the Attorney General's Chambers that I will maintain and cultivate the fine tradition of working together, not forgetting all the other stakeholders.

[26] To judges, I would like to say this. The work of a judge is daunting. Instead of brooding over what others think and say of you, you should rather channel your time and energy to strive and work hard – to dispose cases and write grounds of judgment on time. You have a duty to discharge and that duty must be discharged well.

Ladies and Gentlemen,

[27] As for me, in discharging my duties, I will continue to heed the message of Surah An' Nisa': verse 58:

Verily, Allah commands that you should render back the trusts to those, to whom they are due; and that when you judge between men, you judge with justice. Verily, how excellent is the teaching which He (Allah) give you! Truly, Allah is Ever All-Hearer, All-Seer.

and Surah An-Nisa': verse 135:

O you who believe! Stand out firmly for justice, as witnesses to Allah, even though it be against yourselves, or your parents or your kin, be he rich or poor, Allah is a Better Protector to both (than you). So follow not the lusts (of your hearts), lest you void justice; and if you distort your witness or refuse to give it, verily, Allah is ever Well-Acquainted with what you do.

[28] To conclude, I thank you all for being here this afternoon and for the faith which, by your presence, you display in me. I pledge to do my utmost to justify that faith.

THANK YOU