

SPEECH BY

THE RIGHT HONOURABLE
THE PRESIDENT OF THE COURT OF APPEAL
TAN SRI DATO' SRI AHMAD BIN HAJI MAAROP

IN HONOUR OF

THE ELEVATION OF
THE RIGHT HONOURABLE
THE CHIEF JUSTICE OF MALAYSIA
DATO' TENGKU MAIMUN BINTI TUAN MAT

DELIVERED AT

THE PALACE OF JUSTICE

ON

17 MAY 2019

SPEECH

SALUTATION

Assalamualaikum warahmahtullahi wabarakutuh and a very good afternoon

The Right Honourable, The Chief Justice Of Malaysia,

Dato' Tengku Maimun Binti Tuan Mat

The Honourable, The President Of The Senate,

Tan Sri Dato' Sri Sa. Vigneswaran

The Honourable, The Speaker Of The House Of Representatives,

Dato' Mohamad Ariff Bin Md Yusof

Mr. Attorney General,

Tuan Tommy Thomas

The Honourable, The Deputy Minister In The Prime Minister's
Department (Law),

Tuan Mohamed Hanipa Bin Maidin

The Honourable Judges Of The Federal Court, The Court Of
Appeal, The High Court And Judicial Commissioners

Members Of The Judicial Appointments Commission

The Chief Registrar Of The Federal Court,

Tuan Ahmad Terrirudin Bin Mohd Salleh

The Secretary Of The Judicial Appointments Commission,

Dato' Indera Noridah Binti Abdul Rahim

The President Of The Malaysian Bar,

Datuk Abdul Fareed Abdul Ghafur

The President Of The Sabah Law Society,

Encik Brenndon Keith Soh

The President Of The Advocates Association Of Sarawak,

Encik Ranbir Singh Sangha.

Distinguished Guests, Ladies And Gentlemen

INTRODUCTION

Distinguished guests,

1. Today's assembly of the key stakeholders in the justice system of the nation marks a significant and encouraging milestone in the history of our Judiciary. It celebrates the appointment of Tengku Maimun bin Tuan Mat as the Chief Justice of Malaysia. The occasion is also of historic significance, as Her Ladyship is the first female Chief Justice to lead the Judiciary.
2. On behalf of my brother and sister judges, I offer Her Ladyship our heartfelt congratulations on this triumphant occasion and wish her the very best for a rewarding and successful tenure as Chief Justice.

BACKGROUND

3. We have heard about the Chief Justice's history and legal career, at least in part, from the other speakers. I hope to highlight some of the lesser known aspects of her background. (~~As you have heard~~¹) Her Ladyship was born in Kampung Sungai Keladi Kota Bharu, Kelantan where she also spent her early years.

4. It is a little known fact, and one of particular interest, that our Chief Justice's lineage stems from the seventh line of descendants of Ibni al Marhum Duli Yang Maha Mulia Sultan Long Yunus of Kelantan. The present Sultan of Kelantan is from the same lineage, but a descendant from the tenth line.

5. Her mother Tengku Saudah is the daughter of Tengku Timun ibni al Marhum Tengku Chik Penambang. Tengku Chik Penambang, son of the Raja Muda Penambang, carried the title of Raja Praknak, a title bestowed by the Ruler(s) of Siam in earlier days. And, Raja Muda Penambang was the Raja Muda during the reign of Sultan Muhammad II.

¹ If any of the other speakers states this.

6. Her father operated a brick factory besides doing some small trading in the locality. She is the eldest of nine siblings.
7. Tengku Maimun enjoys considerable support from her family. Her husband, Dato' Zamani, an eminent lawyer, has been at her side from their university days where they were classmates. Her Ladyship has made it clear that Dato' Zamani has played a strong role in encouraging her throughout her career, particularly with regard to her writing of judgments. He has always stressed that judgments are a judge's legacy and that resonated with the Chief Justice, as we can see from the scores of judgments she has authored.
8. They are blessed with four children: Ahmad 'Irfaan, Siti Mardhiyyah, Nabilah, and Sakinah. Siti Mardhiyyah is a lawyer by profession and Sakinah presently studies law. The Chief Justice and Dato' Zamani also have three grandchildren and are expecting a fourth grandchild shortly.

9. Our Chief Justice showed her prowess and intelligence at a young age, securing double promotions in her primary years on two occasions at Merbau English School. This explains in part her achievement to high office at a relatively young age. She completed the next stage of her education at the Sekolah Menengah Kota Bharu and the Sultan Ismail College before completing her Sixth form at the prestigious Tunku Khurshiah College. Her Ladyship completed her tertiary studies in law at the University of Malaya, as we have heard.

10. Tengku Maimun then moved seamlessly on, to commence her legal career. The latter afforded her the opportunity to experience an array of different legal settings. The greater expanse of her legal career however, was in the Courts, where she honed her skills, and that has contributed considerably to her abilities to carry out the responsibilities she now bears as Chief Justice.

JUDGING

Distinguished guests,

11. On this inspiring occasion, it is befitting for me to touch on the art of being a judge. Judging is a skill that is acquired as the result of knowledge and practice, rather than achieving perfection in the exercise of a skill. It is a human skill because it is exercised by judges who are human beings and who therefore possess very human qualities². While legal knowledge is the key, the effective judge must understand life about him and the conflicts of the society around him, from which litigation stems.

12. I have every confidence that our Chief Justice who possesses youth, determination and aspirational principles, is more than equipped to initiate and bring about the necessary changes and development that the Judiciary in the Malaysia of today needs.

13. The task of a judge is onerous, even as it is great. It is reflected in the oath we take, namely to “bear true faith and allegiance to Malaysia and to preserve, protect and defend the Constitution”. This requires a judge to stand firm

² See The Art of Being a Judge by Leon R Yankwich [1957] Volume 105 at page 374

against arbitrary state action on behalf of the citizens and the weak, and to strike down unconstitutional laws when the occasion arises. To reiterate Tun Suffian's advice, these tasks have to be undertaken such that there is no identification with any particular race or religion, so that impartiality is assured, and the rights of minorities protected.

14. Judging requires knowledge, integrity and courage, which are the hallmarks of a great judge. As the head of the apex court and the entire Judiciary, it is important that the Chief Justice exemplifies these qualities.
15. We are fortunate indeed to have as our head, Tengku Maimun, who, in the course of her career as a judge, has abundantly and consistently demonstrated these qualities, which is apparent from the exercise of her judicial duties and her judgments.
16. In defining the art of being a judge, Socrates' famous quotation on the qualities of a judge is often cited:

"Four things belong to a Judge; to hear courteously; to answer wisely; to consider soberly and to decide impartially".

17. Having observed Her Ladyship in Court I can confidently say that she is imbued with those very qualities.

GENDER

18. Much has been made of the gender of our Chief Justice. However, Her Ladyship herself has pointed out that this is not of primary relevance. To quote from her media interview, the Chief Justice said that her gender should not define her. Whether male or female, the responsibilities of the position had to be carried out well.
19. That cements the point that the primary factor for elevation to the uppermost position of Chief Justice should, and is, based on merit. This has been clearly demonstrated by the appointment of Tengku Maimun.
20. However, it cannot be denied that this is a first in the history of the nation. The appointment of a female to the apex position in the Judiciary signifies the rapid evolution of gender equality in Malaysia, such that competent women are not only recognised, but actually appointed to positions of importance and power.

CONCLUSION

21. It is significant that Justice is represented by a lady carrying a sword and scales, nearly always blindfolded to symbolise the fair and equal administration of law, without bias or prejudice; without fear or favour. Does this happen in reality? Well, we as a nation can proudly declare that it does indeed happen, as evidenced by the appointment of our Chief Justice on 2 May 2019.
22. Wassalamualaikum warahmatullahi wabarakatuh
23. Thank you