

*Reference Proceedings for Almarhum
Sultan Azlan Muhibbuddin Shah Al-Maghfur-Lah*

Federal Court, Palace of Justice, Putrajaya
19 November 2014

Special Address by DYMM Sultan Nazrin Shah

Sultan of Perak

Bismillahi Rahmani Rahim, Assalamualaikum
Warahmatullahi Wabarakatuh. Good morning.

Tun Arifin Zakaria, Chief Justice of Malaysia,
Honourable Judges,
Ladies and Gentlemen,

I am fully aware that it is both unprecedented, and not the tradition, for a family member, or for that matter, for anyone who is not an officer of the court, to address the court in a Reference Proceeding.

However, at the invitation of the Chief Justice of Malaysia, it is my distinct pleasure to say a few words at this Special Reference Proceeding in honour of my father.

My mother, Tuanku Bainun, my siblings, and I are truly honoured that the Chief Justice has convened this special sitting of the Federal Court to have this Reference in honour of my father, Sultan Azlan Muhibbuddin Shah Al-Maghfur-Lah.



We are deeply moved and touched by the eloquent and poignant speeches delivered by the Chief Justice, the Attorney General and the President of the Bar Council.

It is both a privilege and an honour for the Raja Permaisuri and I to be invited by the Chief Justice and his brother and sister judges to sit on the Bench of the Federal Court this morning. We are both humbled and thankful to be given this immense privilege. To be sitting on this Bench, and experience, albeit for a short while, what my father himself did for so many years whilst he was a Judge, Chief Justice of Malaya, and Lord President of the Federal Court, is indeed a most nostalgic experience.

It is more than 30 years since my father relinquished his post as the Lord President of the Federal Court of Malaysia, after serving the judiciary for almost 20 years.

My father's interest in the law and his noble aim of dispensing justice is deeply etched in the minds not only of my family, but of all who knew him. During those days when he sat on the Bench, the court was always his first home. It was common for him to bring his work home, but my father never allowed personal or family matters to interfere with his work. My mother, my siblings and I vividly recall seeing him at home in his study writing his judgements until the wee hours of the morning.

I would like to share with you what I had said on an earlier occasion:

My father's love for the law, and his quest for justice was ever encompassing. Whilst serving in the judiciary, he strived to uphold the Rule of Law and the independence of the judiciary, and to dispense justice without fear or favour.

On moral and ethical values he remains uncompromising. To him the line between what is right and what is wrong is always clearly defined. It was these very traits that both he and my mother inculcated in all their children. And it is these values that we, the children, now appreciate even more in our adult life. For this, we are truly grateful to them.¹

His passion for the Rule of Law and for the independence of the Judiciary is well known. As most of you are aware, even after stepping down from the Bench, my father continued to take a keen interest in the Judiciary, and played a pivotal role in ensuring that the Judiciary remained independent, through the many deliberations at the Conference of Rulers.

¹ On the occasion of the Official Book Launch of *Constitutional Monarchy, Rule of Law and Good Governance: Selected Essays and Speeches by HRH Sultan Azlan Shah*, 13 April 2004.



I am confident that my father's aspirations for a Judiciary that is independent, and that justice will be administered without fear or favour, will continue to be upheld by all judges in accordance with the oath of office which they have taken. In this regard, I am reminded of the oath of office that my father himself took when he was first elevated to the Bench:

I SHALL endeavour to do justice, not only to the accused but also to the state. Lest we forget, justice not only means the interests of the accused but also the interests of the state. I would give the assurance that in the exercise of my judicial function I would uphold the absolute independence of my judgment. The independence of the judiciary remains a cornerstone in the structure of our system of government today. It not only guarantees that justice will be done and judgments firmly based on truth; it is also an indispensable condition of the Rule of Law.²

I would also like to quote what my father had once said on the need for judges to be independent:

The judges are independent of all—the Executive, Parliament and from within themselves—and are free to act in an independent and unbiased manner. No member

² 1965, reproduced in *The Judgments of HRH Sultan Azlan Shah with Commentary* (1986) page 6.

of the Government, no Member of Parliament, and no official of any Government department has any right whatever to direct or influence the decision of any of the judges. It is the sure knowledge of this that gives the public confidence in the judges. The judges are not beholden politically to any government ...³

My father was not alone when he made these observations. His predecessor, the much-respected Tun Mohamed Suffian, in an essay on the Malaysian Judiciary during the first 20 years of independence, recalled the contribution made by the Malaysian Judiciary that had:

... quietly maintained the supremacy of the Constitution and the Rule of Law, and determined the matters that have come up before it fairly and impartially, without fear or favour.

Tun Mohamed Suffian further stated that:

The reputation it [the Malaysian judiciary] enjoys of being able to decide without interference from the Executive or the Legislature, or indeed from anybody, contributes to confidence on the part of members of the public generally that should they get involved in any dispute with the

³ “The Right to Know” (1986), Universiti Sains Malaysia, reproduced in *Constitutional Monarchy, Rule of Law and Good Governance: Selected Essays and Speeches by HRH Sultan Azlan Shah* (2004), page 59.



Executive or with each other they can be sure of a fair and patient hearing and that their disputes will be determined impartially and honestly in accordance with law and justice.⁴

This onerous responsibility of ensuring the independence of the Judiciary is now borne by the Chief Justice and his fellow judges, and I am confident that the Malaysian Judiciary will reach even greater heights under his stewardship.

I thank the Chief Justice, Tun Arifin Zakaria, once again for giving me the opportunity to address you at this Reference Proceeding in memory of my father.

Wabillahi taufik walhidayah.

Wassalamualaikum Warahmatullahi Wabarakatuh. ﷻ

⁴ Tun Mohamed Suffian, HPLee, and FA Trindade. *The Constitution of Malaysia: Its Development, 1957-1977* (1978) page 231.