

Philip Jeyaretnam: Remove perception of government intervention in legal profession

"An independent judiciary depends on the independence of the legal profession," says former president of Law Society.

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23 year old amendments to the Legal Profession Act curtailing the Law Society's powers continues to be a hindrance to the perception of the legal profession's independence.

This was the view put forward yesterday by Ex-Law Society President Philip Jeyaretnam at the Institute of Policy Studies' (IPS) annual seminar, Singapore Perspectives.

Mr Jeyaretnam recounted the difficulty he had explaining to the China Bar Association why the Minister of Law continued to have the power to appoint members of the Law Society's executive committee. He noted that "even China has abolished government appointment to the Chinese Bar Association."

Section 48 (1) (c) of the Legal Profession Act (LPA) allows '3 advocates and solicitors appointed by the Minister to sit on the Council'. The full executive committee consists of 21 members.

Another section of the LPA that Mr Jeyaretnam viewed as a "serious misstep" was Section 38 (1) (c), which limits the Law Society to commenting only on legislation 'submitted to it'.

Both amendments were introduced as part of a group of amendments to the Legal Profession Act in August 1986 as a government reaction against the then President of the Law Society Francis Seow's criticism of the Newspaper and Printing Presses Act. The government at that time accused Seow of using the Law Society as a political vehicle.

Mr Jeyaretnam raised these two laws in the context of the panel titled "Can Government Do Less, and Singaporeans Do More?"

He used these as examples of what he identified as an attitude in government that "political competition is not a good thing" and a "fear that citizen groups might evolve into an alternative political entity". As a result, he said, "citizens become fearful of being associated with such groups."

Touching on the importance of the need to provide space for contrary views in the legal profession, Mr Jeyaretnam said that "an independent judiciary depends on the independence of the legal profession."

In relation to the restrictions on the Law Society, he said that "if you don't provide that space, you're shortchanging the profession."

In contrast to the limitations in Singapore, Mr Jeyaretnam cited the Law Council of Australia's vocal opposition to the Australian government's detention without trial of Indian doctor Muhammad Haneef on flimsy terrorism charges.

“The LCA was first off the bat in criticizing the detention, and they were vindicated when [Haneef] the Australian courts ruled that his detention was illegal.”

Returning to the broader theme of the balance between state intervention and citizenship participation, Mr Jeyaretnam concluded by urging a paradigm shift in mindsets.

“The mantra that Singapore is too small for us to rock the boat should be changed. Singapore is too small for people not to row their own boats.”