

MAHATHIR - LITIGATION

83 P  
KUALA LUMPUR, OCT. 31 (BERNAMA) -- (DATUK SERI DR MAHATHIR MOHAMAD SAID TODAY THAT MANY LEGAL PRACTICES OF WESTERN DEVELOPED COUNTRIES, INCLUDING LITIGATION, COULD NOT BE ADOPTED TOTALLY BY MALAYSIA.

+I WOULD LIKE TO SUGGEST THAT WE DO NOT ACCEPT EVERYTHING THAT IS DONE BY THE SO-CALLED CIVILISED AND ADVANCED COUNTRIES AS BEING PERFECT. THEY ARE FAR FROM BEING SO,+ HE SAID WHEN OPENING THE SEVENTH MALAYSIAN LAW CONFERENCE HERE.

HE SAID THERE WAS A TREND TOWARDS MORE LITIGATION FOR BIGGER AWARDS IN MALAYSIA AND THERE WAS ALSO A TENDENCY TO FORGET THAT MALAYSIA WAS NOT A DEVELOPED COUNTRY.

MALAYSIA COULD NOT AFFORD THE KIND OF AWARDS THAT MADE HEADLINES AND IT WAS WRONG TO THINK THAT IT WAS ONLY THE INSURANCE COMPANY WHICH WOULD PAY THE COST.

+IN THE LONG RUN IT IS THE SOCIETY WHICH HAS TO PAY.

+SHOULD MALAYSIA BECOME A LITIGIOUS SOCIETY LONG BEFORE IT CAN AFFORD IT, THEN A LOT OF POOR PEOPLE ARE GOING TO SUFFER.

+I HOPE THAT THE LAWYERS, THE BAR COUNCIL AND EVERYONE ELSE CONCERNED WILL GIVE THIS MATTER SOME THOUGHT,+ HE ADDED.

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THE PRIME MINISTER SAID THERE WAS A FEELING THAT THE POWER TO SUE WOULD ENSURE A SAFER SOCIETY. +THIS IS UNFORTUNATELY A FORM OF SELF-DECEPTION.+

HE SAID AS THE LITIGANT GOT MORE AWARDS, SO WOULD BE THE COST OF INSURANCE PREMIUMS AND +IN THE END, THE COST TO A SOCIETY GIVEN TO LITIGATION WILL BE MUCH MORE THAN THE PROTECTION THE LAW IS SUPPOSED TO AFFORD.

+BUT IN ADDITION TO THIS COST TO SOCIETY, SERVICE WOULD ACTUALLY BE POORER,+ AS A DOCTOR WOULD NOT GO TO THE AID OF AN ACCIDENT VICTIM FOR FEAR OF BEING SUED.

HE SAID THAT WHILE LEGAL PRINCIPLES OF ENGLAND OR AUSTRALIA OR ELSEWHERE COULD BE ACCEPTED HERE, THEIR PRACTICES COULD NOT BE TOTALLY ADOPTED BECAUSE THE LAWS OF A SOCIETY WERE NOT EXEMPT FROM THE NEED TO SUIT THEIR ENVIRONMENT.

+MALAYSIA IS A DEVELOPING COUNTRY WHERE AVERAGE EARNINGS ARE FAR BELOW THOSE OF DEVELOPED COUNTRIES. WHAT THIS MEANS IS THAT MALAYSIA CAN ONLY AFFORD THE LAWS THAT ARE WITHIN ITS MEANS. -- MORE

MAHATHIR - LITIGATION 3 KUALA LUMPUR

DATUK SERI DR MAHATHIR ALSO NOTED THAT OF LATE +EXPOSURES+ WERE POPULAR, AS LAWYERS THOUGHT THAT OTHER PRACTICES OF FOREIGN COUNTRIES SHOULD BE ADOPTED HERE.

+WE HAVE THE SAGA OF THE PENTAGON PAPERS AND THE REVELATIONS OF THE NAMES OF CIA AGENTS.

+THIS IS A RATHER NAIVE ASSUMPTION THAT ALL THAT NEEDS TO BE DONE TO SOLVE PROBLEMS IS TO EXPOSE THEM TO THE PUBLIC. TO THEM, IF THE NATION IS ENDANGERED OR SECRET AGENTS KILLED, THAT IS A SMALL PRICE TO PAY.

+BUT EVENTS HAVE SHOWN THAT NOTHING IS TO BE GAINED BY SUCH EXPOSURES. INDEED MORE DAMAGE IS DONE BY THEM THAN OTHERWISE,+ HE ADDED.

THE PRIME MINISTER SAID THERE WERE EVIDENCE OF A LOT OF DISILLUSIONMENT IN THE SO-CALLED ADVANCED COUNTRIES WITH THEIR OWN SYSTEMS, VALUES AND MORES.

HE THEN ASKED THAT SOME THOUGHTS BE GIVEN BEFORE SUGGESTING THAT WESTERN MORES BE APPLIED IN MALAYSIA WITHOUT REGARD FOR THE PECULIARITIES OF ITS ENVIRONMENT. -- MORE 1405/MB

ZCZC ND39 (F/S)  
MAHATHIR - LITIGATION 4 KUALA LUMPUR

+WE MAY BE ACTUALLY RETARDING THE DEVELOPMENT OF MALAYSIA BY PREMATURELY ADOPTING MORES AND ETHICS THAT ARE FOREIGN TO US.+ REFERRING TO THE SHORTCOMINGS OF THE LEGAL AID BUREAU IN TERMS OF FUND AND PERSONNEL, THE PRIME MINISTER SUGGESTED THAT THE BAR COUNCIL PLAY A MORE MEANINGFUL ROLE BY EXTENDING THEIR SERVICES TO THE +SMALL MAN+.

HE SAID THEY MIGHT THINK ABOUT THE WAYS TO MAKE JUSTICE AVAILABLE TO AS MANY CITIZENS AS POSSIBLE FOR THIS WAS MORE A SOCIAL RESPONSIBILITY OF LAWYERS FOR THE GENERAL WELFARE OF THE PUBLIC.

EARLIER, DATUK SERI DR MAHATHIR SAID THAT HE HAD BEEN TOLD THAT AMONG LAWYERS THERE WAS THE BELIEF THAT THEY WERE THE WATCHDOGS OF THE PRIVATE CITIZENS AGAINST THE ENCROACHMENT OF THE EXECUTIVE.

HE, NOTED THAT LAWYERS TODAY DID NOT HAVE THE SOLE MONOPOLY OF THE WATCHDOG ROLE AS VARIOUS GROUPS HAD CROPPED UP WHO WERE EQUALLY CONCERNED OVER THE EXERCISE OF AUTHORITY BY THE EXECUTIVE.

-- MORE 1415/MB

MAHATHIR - LITIGATION 5 KUALA LUMPUR

HOWEVER +IN A DEMOCRATIC SOCIETY THE MOST PERTINENT AND MOST EFFECTIVE WATCHDOG IS THE ELECTORATE THEMSELVES.

+THEY ARE THE ONES TO CHOOSE THE GOVERNMENT AND IN THE FINAL ANALYSIS THEY ARE THE SOLE AUTHORITY TO BRING IT DOWN.

+OTHER BODIES MAY CLAIM TO BE MORE INTELLIGENT AND KNOWLEDGEABLE, BUT IN A DEMOCRACY THEY CANNOT IMPOSE THEIR WILL ON, THE MAJORITY,+ HE ADDED.

DATUK SERI DR MAHATHIR ALSO REITERATED THAT THE GOVERNMENT WAS WILLING TO THE ADVICE OF THE BAR COUNCIL AND TO TAKE THE ADVICE SERIOUSLY.

SPELLING OUT THE ROLE OF MINORITIES IN A DEMOCRACY, HE SAID WHETHER THE ADVICE WAS GIVEN BEFORE, DURING OR AFTER WAS NOT OF ABSOLUTE SIGNIFICANCE.

+INDEED THE GOVERNMENT HAS BEEN KNOWN TO AMEND LAWS BECAUSE OF CRITICISM AFTER THE LAW HAS BEEN IMPLEMENTED. IT IS NEVER TOO LATE TO CORRECT.+ -- MORE 1420/MB

ZCZC ND41 (F/S)

MAHATHIR - LITIGATION 6 KUALA LUMPUR

HE SAID HE WOULD TRY TO LISTEN TO THEIR VIEWS BEFORE LEGISLATING ALTHOUGH SOMETIMES IT WAS NOT POSSIBLE TO DO SO.

+I HAVE MET YOUR REPRESENTATIVES OVER THE LATEST PIECE OF LEGISLATION THAT YOU ARE NOT HAPPY WITH,+ AND THE GOVERNMENT WOULD CONSIDER ALL THE POINTS RAISED, HE ADDED.

REFERRING TO THE GOVERNMENT'S EFFORT TO PROVIDE A HIGH STANDARD OF SERVICE, HE ADVISED THE BAR COUNCIL TO OVERSEE THE PROFESSIONAL BEHAVIOUR OF ITS MEMBERS. -- BERNAMA 1425/MB