

03/04/1997

## Of crime and proper punishment

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IT is universally acknowledged that the punishment must fit the crime. This principle, however, is not exclusively exercised in the law courts. Everyday people are punished for all sorts of wrongdoing or omission which are not crimes as prescribed by law.

Take the case of punctuality. When I was reading law for the Bar in London in the chambers of a Master, punctuality had to be observed almost religiously. We had to be in chambers before 9am. Being late was a wrong and liable to punishment. The Master would detain us during the lunch break for the length of time we were late.

A fellow student, later a senior civil servant and a Tan Sri, was late once too often and was threatened with expulsion.

His problem was that he had difficulty rising early during the cold winter months. He solemnly promised that he would not be late again. As a gesture of his good faith, he bought an alarm clock with a very loud bell and showed it to the Master. He was forgiven. The next day he was late again. His excuse? He forgot to wind the clock and set the alarm!

This insistence on punctuality was part of the discipline of a lawyer who should never be late when attending court.

In England, if counsel is not in court when his case is called, the judge would dismiss the case forthwith. The punishment for being late was the time and expense in restoring the case for trial.

The same rule applies in Malaysian courts. In the days when I was a judge, however, I applied the rule with a little flexibility. Whenever an advocate was not present in court when his case was called, I would relegate his case to the bottom of the list for the day. Only when he was absent when his case was called a second time would I apply the rule and dismiss his case.

Being late is one thing but being absent is something else.

On one occasion, a senior lawyer with a very busy practice was not in court when his case was called at 9am. He was five minutes late and had flown in from Penang that morning. His case went to the bottom of the list and was not called again until very much later. The following day he had another matter before me and was in court at 8am!

So was I distressed to read recent Press reports on the severe punishment meted out to schoolchildren for being late to school. They were locked out and even expelled for being repeatedly late.

Most children are dependent on other people to take them to school. To punish them for the fault committed by others can never be fair.

During my school days, as a school prefect, my duties included recording the names and class of the boys who were late for school. As punishment, they were required to report to the detention class during the recess period and would be kept there for the length of time they were late. Perhaps such detention is a more fitting punishment for latecomers. At least they will not miss class and are kept in school.

When Datuk Seri Dr Mahathir Mohamad became Prime Minister, one of the first things he did was to insist that all government servants must be in their offices by 8am.

Punch-card clock machines were installed in every government department. Thousands of government servants who cannot afford to live in the City of Kuala Lumpur because of the high cost of rentals had to leave their houses in the outskirts well before 6am, that they could be in time to clock-in

before 8am. Many had to change buses two or three times to get to work. Disciplinary action can be taken against government servants for being late for work.

The introduction of the LRT and the KTM commuter services was a great relief to them and to other city workers in the private sector. It now appears that the relief is going to be short-lived. According to Press reports, two bus companies providing feeder services to the LRT and the KTM are contemplating withdrawing the service on the grounds that the routes are losing money.

If they do, everybody is going to lose. The LRT and the KTM will have less passengers because without feeder bus services to their destinations nobody is going to ride in them. What about the millions of ringgit in infrastructure cost of the two rail services? Most punishing of all will be the passengers who will be back to square one in lost time and comfort to observe punctuality.

Upgrading the public transport system in Kuala Lumpur to relieve traffic congestion on its roads must be taken as an integrated exercise. The bus companies should be reminded that they have been granted the franchise to provide bus services over a wide area. Of course some routes make more money than others. They should be looking at the total cost and income of providing the entire service.

The Government's plan in solving the transport problem must not fail, otherwise the LRT will just become a mere attraction for joy-rides for children during the weekends and public holidays! Thousands of city workers depend on an efficient public transport system to get to work on time.

Punctuality is now a part of our culture but it costs time and money to escape punishment in its non-observance.

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