

16 MAR 2001

Suits-Amount

JUDGES CAN LIMIT AMOUNT OF DAMAGES IN SUITS, SAYS LEGAL SOCIETY

KUALA LUMPUR, March 16 (Bernama) -- Judges can limit the amount of damages awarded in defamation suits by sending the right signal on what is fair and reasonable, the Medico-Legal Society of Malaysia said today.

Its president S. Radhakrishnan said limiting the amount of damages in defamation suits in the first place could be achieved by judicial intervention.

" The judges by their pronouncements could influence the size of the award," he told Bernama in response to the ongoing controversy over multi-million ringgit suits filed in the country of late.

Radhakrishnan said a statutory intervention to limit the amount of damages by the courts had been done in 1984 when the government amended the Civil Law Act 1956 in view of the vast difference in the court awards in respect of actions for damages for personal injuries.

He said the government introduced the amendment to check the high awards in personal injury cases.

He said in justifying government intervention to limit the quantum of damages for personal injuries, Prime Minister Datuk Seri Dr Mahathir Mohamad then said that it was necessary to prevent Malaysia from becoming a litigious society like some Western nations.

Dr Mahathir had said that in the long run, it was society and not the insurance companies which would have to foot the costs of mega court awards.

" In 1984 the government saw it fit to introduce the amendment. Therefore there is already a precedent and if there is a need to introduce any legislation in respect of awards in defamation suits, it can still be done by amending the Defamation Act," Radhakrishnan added.

This would provide proper guidelines on the assessment of damages in such suits.

He said it did not make sense if the amount of damages awarded in defamation suits were more than in cases of death or serious injuries.

Bar Council President Sulaiman Abdullah said yesterday it was "obscene" that the amounts of damages awarded for defamation had gone into millions of ringgit while those for personal injuries remained small.

" It is extremely unfortunate, practically obscene that a plaintiff who has lost limbs is given awards out of proportion to those for loss of reputation," Sulaiman said.

Radhakrishnan also welcomed an announcement by Minister in the Prime Minister's Department Datuk Dr Rais Yatim that the government would meet with all relevant parties next month to study the various recommendations it had received on how to deal with mega defamation suits.

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