

Will Khir Toyo's sentence be commensurate with his crime?

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OPINION "The law is an ass" is a proverbial expression of English origin, attributed to a phrase by Charles Dickens who put it in print in 'Oliver Twist' in 1838. 'Ass' here in the English context, means donkey/idiot.

S Shashikumar, who was found dead in Kluang Prison in May this year, was sentenced to 10 years jail when he was a 22 year old youth. He was uneducated, doing menial jobs and living in poverty.

Well many Indian elites and the so called multi "racial leaders" from other races will blame him as being lazy. I would say he is the product of the system of administration in this country that has recolonised Indians and maintained them as modern day slaves.

Shashikumar hardly saw his father who probably was one of those 800,000 displaced estate workers disenfranchised from the 1970's after being uprooted from the estates he and his forefathers toiled on for four to five generations.

Shashikumar grew up with his mother who died when he was still a young boy and was raised by his grandmother. Living in poverty, jobless, discriminated even in the lowest paid jobs, denied opportunities for skills training etc, had placed him in a state of hopelessness.

This led him to mix with the wrong company.

He robbed a sundry shop. All he stole were tins of sardines and a 10kg packet of rice. For this he was sentenced to 10 years imprisonment. Justice was swift. No consideration was given to his young age and the prospect of him returning to the path of righteousness.

Poverty is no excuse for crime but many fail to analyse its root causes but rather harp on the symptoms.

For someone like Shashikumar, root causes like displacement, marginalisation, and discrimination could easily cause the symptom of turning to crime.

Whereas for someone like Khir, preferential treatment, full aid, and various helping hands, only encouraged him to prosper.

Guilty of corruption

Now Khir is found guilty of corruption committed during his tenure as Menteri Besar. He was found guilty of purchasing two plots of land for RM3.5 million when the price should have been RM 5.5 million.

He was said to have used his influential position as the MB and chairperson of PKNS to purchase the land at an undervalued price.

At the High Court, after a lengthy hearing and being represented by a team of top lawyers in the country, Khir was found guilty and sentenced to 12 months imprisonment. Yesterday his appeal to the apex court was dismissed. Sentencing is fixed for end of this month.

Free dental service

Khir offered to provide free dental service as community service instead of a prison sentence and his lawyers had the audacity to say this in open court.

Khir claims to be a heart patient and that his family has endured embarrassment for the past five years and hence he thinks he should not go to jail.

Should Khir's sentence be maintained at 12 months which means he would spend probably eight months behind bars, or should his sentence be enhanced?

A sardine and rice thief was sentenced to 10 years in prison at such tender age and after one year this youth was believed to have been murdered in prison.

Khir held the highest office in the state of Selangor and there was an immense element of trust placed upon him by the public. He betrayed the trust and abused his power for self-enrichment at the expense of the public.

What should be the punishment for that in comparison with a poor youth from the lower classes of the community who stole out of necessity as compared to the greed of a MB?

Would the court impose on him a heavier sentence or just a slap in the wrist, with a 12 month or sentence? Or even less?

Crimes, in cases like these, could actually lead to poverty amongst ordinary citizens. So shouldn't Khir be given a deterrent sentence?

Would the public be happy if a light sentence was imposed on Khir or would the public like to see a sentence that commensurates with the gravity of his crime?

Would the public like to see the courts make a comparison to a crime like that of Shashikumar's?

An argument was that Shashikumar's accomplice had a weapon in the robbery which caused fear in the victim.

But then the MB was privileged to be sitting in the highest office and there was no need to hold a weapon as he had the "weapon" of his position to exert pressure on his victim.

The value here is RM2 million worth of corruption as opposed to Shashikumar's RM70 worth of rice and sardines.

The poor petty thief gets 10 years and the rich and powerful gets 12 months?

The judiciary plays the "game of public interest" when sentencing the poor apparently to send the right signals to the criminals.

Would the judiciary do the same in sentencing Khir and send the right signals to those in power that corruption would not be condoned?

I guess the socio-political forces in the country still prefer someone like Khir for his betrayal of public interest rather than Shashikumar, a common thief for survival.

The law is indeed an ass (in the English context of idiot - of course!)

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