

About the world's biggest court complex (Pt 1)

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Malaysia under the premiership of Abdullah Ahmad Badawi is, unfortunately, still pre-occupied with having the tallest and biggest structures and buildings in the world in Malaysia. Soon, we will have what is proclaimed to be the biggest court complex in the world.

This world's biggest court complex in Jalan Duta, Kuala Lumpur, will house 30 High Courts, 21 Sessions Courts and 26 Magistrate's Courts and will be operational in May 2007.

Amusingly, the 77-court complex will only have 500 parking bays for the public and lawyers. It is situated in a place not accessible by Light Rail Transport (LRT) or good public transport facilities. It is a catastrophe waiting to happen.

A parking nightmare

If one were to drop in today at any of the High Courts or Sessions Courts or Magistrate Courts and look at the number of cases listed for the day, one will be able to estimate that there are only 6.5 parking bays per court for lawyers and the public. This is absurd.

On April 2, in just two of the Appellate and Special Powers High Courts in Kuala Lumpur, where both judges were on leave and no matters listed before them for the day, there were still 36 matters fixed before the Senior Assistant Registrar and the Deputy Registrar. Conservatively, taking two lawyers per matter listed (which is not realistic for more often than not it is more than two that turn up in court), this means 72 lawyers, and if they all drove cars, the 13 parking bays allocated for two courts will surely not be sufficient.

Taking another example, in the High Court (Commercial 1), there were 18 matters listed for the same day, and again that is about 36 lawyers. The numbers are even higher in the Sessions Courts and the Magistrate's Courts where even the list of fresh summons cases could be about 30 to 50 and this is where the lay defendants must also be present.

There are insufficient parking bays, and with no LRT system in Jalan Duta, there will be utter chaos. Where will the lawyers and the public park their vehicles?

Now, the courts in Kuala Lumpur are situated in Wisma Denmark and opposite Dataran Merdeka, Nearby, there are LRT stations and many buses and taxis available. With the move to Jalan Duta, lawyers, their clients and the public will be in a situation akin to hell on earth. Cases may be struck off and judgement entered while desperate lawyers and the public struggle to get their cars parked and get to court.

Even court staff, who now use affordable public transport like the LRT and buses to get to the courts, will face higher cost of travel while their wages or allowances remain the same.

No reason to move

With regard to the High Courts situated in Wisma Denmark, where the government now has

to pay rental to the private owners of the building, a move to "our own" building would be a good idea – but for the courts being housed in the Federal Court Building, the JKR Building, the Jalan Raja government-owned buildings and the rather new Sessions and Criminal High Court building, there really is no necessity for any move to ONE big court complex in Jalan Duta.

These buildings in front of the Dataran Merdeka have housed courts for almost 100 years, and there is no necessity to move them out to some new court complex unless the motive is just to get into the Guinness Book of Records.

The Shah Alam Court complex should have served as a very valuable lesson to our government, for here everyday lawyers and the public have to break the law and park their cars beside the road and walk sometimes about half a kilometer lugging their big bags of documents along the road up the steep stairs just to get to court. When it rains, it is worse.

Our government did not learn from past mistakes and continues making the same mistakes over and over again causing greater loss of public funds and increased suffering for the masses.

Some serious studies of the number of people that come to court - and their mode of transport - would have not led the government into making this bad move of building a huge court complex with 77 courts at a place where there is clearly insufficient parking bays and definitely inadequate affordable public transport.

If anyone should have protested this "world's largest" court complex, it should have been our Chief Justice Ahmad Fairuz Sheikh Abdul Halim but he stayed silent and continued to point fingers of blame at the wrong targets for the failings of the Malaysian courts, especially on issue of backlogs and delays.

He really should set up a team to analyse matters thoroughly before he comes out and speaks to the press. He must not forget that he is the current face of the Malaysian judiciary and as such, he should protect and enhance the good name and reputation of the Malaysian judiciary.

Too few judges and courts

Then, there is also the issue of the lack of judges and courts in the country. Federal Court chief registrar Datuk Tengku Maimun Tuan Mat (as reported in New Straits Times, 20/9/2006), disclosed that the number of judges in the country was low compared with other Commonwealth nations. He was quoted as saying that the Malaysian ratio is 2.4 judges to a million people - a far cry from the ratio in India (10.5), Australia (57.1), Britain (50.1) and Canada (75).

This really is the problem for the backlog and the delays in our courts, and the only solution is to increase the number of judges and courts in the country. Our population has increased, and grown in consciousness about legal rights and human rights. The number of lawyers has also increased to more than 12,000 in Peninsular Malaysia, and so too has the number of new law graduates every year. Alas, the number of courts and judges have not increased at the same rate, and that is where the problem lies.

What we need is to have more courts and more judges. Maybe we should only move the courts from Wisma Denmark to the new court complex, as we appoint new judges and court

staff for the remaining court rooms so that our ratio at least hits 10 judges to a million.

The pressure exerted by the Chief Justice on judges and magistrates to clear the backlog of cases is certainly not the solution and may lead to great injustices.

When the heads of the judiciary are only concerned with statistics, some judges pressured will just start disposing cases summarily and with haste just to meet the quotas, the right to a fair and proper hearing and trials will suffer and more dissatisfied litigants and users of the justice system would just end up appealing to higher courts if they can afford it. Or they will just walk away disgusted with the courts and judges and the fair trial they were deprived of.

The Chief Justice recently placed the blame on lawyers who had "up to three cases a day" who could not turn up for their cases. But it is a fact the problem lies with the court as it usually fixes hearings without first obtaining the free dates of lawyers.

Several years ago, a "case management" system was introduced by the courts, and it is absurd to see lawyers wasting so much time attending these case management sessions before a judge.

This system is not workable if the judges are doing case management now for cases, which (according to their current diaries) can only be fixed for trials several years from now.

By the time the trial date comes, the judge may have changed, and a new judge may require things done differently for trial preparation.

In a few months to a year, that judge may be transferred or elevated, and another judge comes in with a different direction for case management, and the whole time consuming case management begins again.

This case management system must be abolished as it not only wastes a lot of time and resources, but has been shown to be inefficient. If there were not so many case management matters, maybe our judges could be better off spending their time hearing substantial applications or even doing full trials.

Now, it seems that the whole morning is wasted by the numerous "case management" sessions that result in judges being only able to proceed with their trials in the afternoon.

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