

## **ANNUAL REPORT 2003/04**

*As at 20 January 2004*

### **1. 11TH ANNUAL GENERAL MEETING**

The 11th Annual General Meeting was held on Thursday 13 March 2003 at 2:30 p.m. at the Grand Ballroom, The Legend Hotel, Kuala Lumpur. It was adjourned from 6 March 2003 due to the lack of a quorum.

### **2. OFFICE BEARERS**

At the 11th Annual General Meeting, the following office bearers were elected:

#### **a) Bar Committee 2003/04**

Chairman: Ragunath Kesavan  
Members: Oommen Koshy  
Colin Andrew Pereira  
Lim Chee Wee  
Sanjeev Kumar Rasiah  
R Ravindra Kumar  
Stanley Sinnappen

#### **b) Representative to the Bar Council for 2003/04**

Ambiga Sreenevasan

### **3. HONORARY SECRETARY**

Oommen Koshy was appointed by the Committee as Honorary Secretary for the year 2003/04.

### **4. CO-OPTED MEMBERS**

Sa'adiyah Din and Asmet Nasruddin were co-opted as members of the Bar Committee under Section 73(vii) of the Legal Profession Act 1976.

### **5. COMMITTEE MEETINGS**

a) As at 20 January 2004, the Committee met 12 times and the attendance of each member was as follows:

Ragunath Kesavan	- 12
Oommen Koshy	- 12
Colin Andrew Pereira	- 12
Lim Chee Wee	- 9
Sanjeev Kumar Rasiah	- 11
R Ravindra Kumar	- 10
Stanley Sinnappen	- 3
Sa'adiyah Din	- 8
Asmet Nasruddin	- 8

b) Ambiga Sreenevasan, the representative to the Bar Council, was invited to attend the Committee meetings as observer and also to report to the Bar Council on relevant matters as and when pertinent and necessary. She attended a total of 4 meetings.

- c) The Chairperson and the Secretary of the Young Lawyers Committee, Moganambal and Edmund Bon, were invited to attend the Committee meetings as observers. They attended a total of 10 and 7 meetings respectively.

## **6. FINANCE**

The financial position of the Committee remains stable with a sum of RM696,475.00 in Fixed Deposit. Details of the financial position are as set out in the Audited Accounts ending 31 December 2003.

## **7. SUBSCRIPTIONS**

- 7.1 The subscription for the year 2003 was fixed at RM100.00 at the 11th Annual General Meeting of the Kuala Lumpur Bar held on 13 March 2003.
- 7.2 At the closing of the Committee's financial year on 31 December 2003, 111 members were in arrears of the 2003 subscription.

## **8. NUMBER OF MEMBERS**

As at 20 January 2004, the Kuala Lumpur Bar has a total of 5793 members.

## **9. SUB-COMMITTEES AND LEGAL AID MANAGEMENT PANEL**

The following committees were set up to facilitate the organisation of the Bar Committee's various activities and to cater to the needs of the Bar and were headed by the following members:

- |                                      |   |                      |
|--------------------------------------|---|----------------------|
| i) Environmental Law                 | : | Asmet Nasruddin      |
| ii) Information Technology           | : | Lim Chee Wee         |
| iii) Legal Aid                       | : | Stanley Sinnappen    |
| iv) Public Relations & Court Liaison | : | R Ravindra Kumar     |
| v) Pupils' Welfare                   | : | Sa'adiyah Din        |
| vi) Social & Welfare                 | : | Colin Andrew Pereira |
| vii) Sports                          | : | Oommen Koshy         |
| viii) Relevant newsletter            | : | Sanjeev Kumar Rasiah |
| ix) Young Lawyers                    | : | M Moganambal         |

Their respective activities and reports appear in pages 4 to 42.

## **10. SPONSORSHIP**

### **10.1 13th Commonwealth Law Conference held on 13 to 17 April 2003 in Melbourne, Australia**

To encourage young lawyers to attend the 13th Commonwealth Law Conference 2003 where a section was dedicated to young lawyers to provide them with the necessary networking and professional development opportunities, State Bar Committees were approached by the Bar Council to sponsor at least one young lawyer from each State to attend the said Conference.

The Committee selected our KL Bar YLC Chairperson, Ms M Moganambal, to attend the said Conference.

### **10.2 12th Biennial Malaysian Law Conference held on 10 to 12 December 2003 in Kuala Lumpur**

To help inculcate in young lawyers an interest in keeping abreast of current issues and at the same time expose them to an environment of stimulating discussions and exchange of ideas with the legal fraternity, the Committee sponsored 10 young members of the KL Bar and pupils to attend the 12th Biennial Malaysian Law Conference. Our Social & Welfare Committee together with the

Young Lawyers Committee sponsored another 10 young members and pupils for the said Conference.

The young members and pupils sponsored to attend the Conference were as follows:-

Abdul Qadir Sirry-Yus-Saqli Bin Mohd Aros	Law Yew Foo
Adlina Sarlis Binti Alias	Nazatul Faquyah Muhammad Radzi
Choo Yee Wah	Nor Suhaila Abdul Latif
Debbie Wong Tze Wei	Ruby Rabi Binti Mat Rabi
Ding Jo-Ann	Sherene Lee Phaik Tin
Grace Pang Su Chene	Sunitha a/p Rengasamy
James Khong Yoon Hong	Teh Wei Wei
Karen Kimkana	Tsang Hieng Yee
Karen Tan Swee-Eng	Vasanthi Clement
Kho Yieng San	Vijayamalar Arumugam

## **11. PRESS STATEMENTS**

A Press Statement was issued on 14 July 2003 expressing the Committee's disappointment over the decision of the Chief Justice to abandon the pilot project for the reorganisation of the Civil Division of the Kuala Lumpur High Court. **Annexure "KLBC-1"** (pg 43)

## **12. CONGRATULATORY MESSAGES**

Congratulatory messages were sent by the Committee on behalf of the Kuala Lumpur Bar to various legal personalities who were appointed to high office and who were bestowed titles.

## **13. OBITUARIES**

13.1 The Committee records with deep sorrow the passing away of the following members of the Kuala Lumpur Bar during the year under review:

- Mr Anandarajah Ponnudurai on 12.01.2003
- Mr Lee Siew Kee on 21.02.2003
- Encik Wan Azlan bin Wan Adnan on 27.04.2003
- Mr S Selvanathan on 16.08.2003
- Dato' Seri Harun bin Haji Idris on 19.10.2003

13.2 A Reference Proceedings in respect and memory of the above 5 departed members is scheduled to be held on 14 February 2004 at 9:00 a.m. and will be presided by Y.A. Dato' Md Raus bin Sharif.

## **14. ACKNOWLEDGEMENTS**

We acknowledge the cooperation and assistance received from the Chief Judge and High Court Judges, Registrar of the High Court, Deputy and Senior Assistant Registrars, Senior Sessions Court Judge, Sessions Court Judges, Magistrates and Registrars of the Sessions and Magistrates Court of both the KL and Selangor Courts.

We thank all our members for their continuous support and co-operation. We hope that members will continue to extend the same to the incoming Committee.

**ENVIRONMENTAL LAW**

Chairman	:	Asmet Nasruddin
Members	:	Colin Andrew Pereira Sanjeev Kumar Rasiah To' Puan Janet Looi Tunku Alina Alias Quek Sue Yian Nurliza Ramli Fong Wai Heng Lim Ching Liew Rajasundram Sharon Tan Anne Wong Karen Kimkana Nazatul Faquyah
Advisors	:	Hasmah Harun Animah Kosai Firdous Jan Sandra Shek Sharon Lim Yen Li

**CAPACITY BUILDING & AWARENESS**

The Sub-committee undertook the following projects this year towards capacity building and awareness:

**CONFERENCES**

**National Dialogue on Effective Water Governance**

The Chair sat on the Organising Committee for the National Dialogue on Effective Water Governance organised by the Malaysian Water Partnership. The Dialogue was held in conjunction with the Housing and Local Government Ministry's Conference on "Water & Sanitation for Cities" held at the Legend Hotel on 6 and 7 October 2003 for World Habitat Day 2003. The Sub-committee was represented by Sanjeev Kumar and Quek Sue Yian as delegates. The Sub-committee's Advisor Puan Hasmah Harun was also present. The Chair organised a team of very capable pupils (courtesy of Sub-committee member To' Puan Janet Looi Lai Heng) to be Rapporteurs at the Conference. The pupils were informally headed by Sharon Tan who has since joined the Sub-committee. Another Rapporteur Nazatul Faquyah has also since joined the Sub-committee. The Chair was appointed Chief Rapporteur for the Conference with responsibility to co-prepare the Proceedings thereafter which process is still on-going. A paper entitled 'Water : Law Policy & Institutions' was prepared by the Chair and Quek Sue Yian.

**Seminar on the Kyoto Protocol & Carbon Credits**

A seminar on the Kyoto Protocol & Carbon Credits by Dr. Azmi Sharom of University Malaya was held on 18 October 2003. A total number of 15 persons attended. Those attending included a member of the Attorney General's Chambers and carbon credits practitioners from as far away as Singapore. A simple breakfast was organised. No fee was charged for this event which was graciously financed by a grant from the Main Committee.

**Public Forum on Water**

On 5 June 2003, Sub-committee member Quek Sue Yian attended a public forum organised by the Environmental Protection Society of Malaysia on the topic "Water: Two Billion People are Dying for it" held in conjunction with United Nations World Environment Day.

**United Nations Convention for Climate Change**

The Sub-committee approached the Ministry of Science Technology and Environment with a view to the Kuala Lumpur Bar Committee being included in the government delegation to the Conference of Parties. The proposal was brought to the National Steering Committee and the Sub-committee was informed that the request was agreeable provided the proposed individual also represents the Bar Council. The Sub-committee intends to follow up the same

noting that both the Chairman of the Main Committee and the Representative to the Bar Council are both members of the Bar Council.

***AWARENESS***

**FRIM Canopy Walk**

The Sub-committee organised a very well received FRIM walk with well over 90 participants convening at 9.00 am. The highlight of the walk was the 150 metre Canopy Walk. This involved walking across a suspension bridge made from planks of wood reinforced by steel ladders underneath and ropes suspended from tree tops at some 30 metres above the ground. The suspension bridge itself was only accessible by climbing to the top of a hill. Thereafter, participants enjoyed a packed lunch by the Sungai Kroh stream. The profit from organising the same amounted to RM16.00.

**Kota Damansara Family Day**

This is being organised and is scheduled for 7 February 2004 with a view to raising awareness of the oldest forest reserve in Malaysia which is increasingly being threatened with development. While originally spanning across 7000 acres, only 850 acres remains. The planned activities include a guided walk, bird watching and a tree planting exercise. Sub-committee member Rajasundram was assigned the task of organising the same. A nominal fee of RM5.00 is to be charged.

**Donation of Seed Money**

The Sub-committee assigned To' Puan Janet Looi Lai Heng and Sharon Tan to identify and recommend a suitable cause to donate monies raised from the sale of Sharkie's t-shirts and bags and two workshops amounting to RM6,546.56 with a view to the same being used as "seed money".

***PUBLIC INTEREST LITIGATION***

The Sub-committee was approached by the Malaysian Nature Society to take up an issue in respect of safeguarding the Forest Reserve found at Kota Damansara. Several meetings were held with affected residents with a view to filing a suit to protect the rights of the residents and to secure the environment. In view of the importance of the matter and after early facilitation of the same, the matter was transferred to and adopted by the Main Committee to spearhead the same.

Asmet Nasruddin  
Chairman  
Environmental Law Committee

**INFORMATION TECHNOLOGY (IT)**

Chairman	:	Lim Chee Wee
Advisors	:	KH Koh Deepak Pillai John Chong Surinta Abraham
Members:	:	Jason Lee Wan Kai Chee Stanley Lim Eddy Chung Tan Eng Choong Haslyna Hashim Jacqueline Chang Samuel Hong Samirah Muzaffar

The Objectives of the IT Committee to promote the use of information technology to improve the productivity and efficiency of law firms and the quality of legal services provided by the KL Bar had been substantially met by the following projects undertaken by the IT Committee.

**1. KL Bar IT Fairs held on 6 March 2003 and 4 March 2004**

The IT Fair at the First AGM of each year will now be a regular event on the KL Bar calendar. Last year, at least 8 IT Vendors participated in the IT Fair creating awareness amongst members the latest software and hardware products available in the market. This year, these IT Vendors have agreed to provide special discounts and packages available on the day of the IT Fair and contribute to lucky draw prizes for members who attend the IT Fair. Each participating IT Vendor pays a fee to the KL Bar and the fees received contribute towards settling a large part of the expenses of holding the AGM.

**2. Publication of Kuala Lumpur Bar's Legal Software Solutions Guide**

The decision-making process of buying an IT system is a difficult and challenging task when there are various IT options available with different hardware configurations. The IT Committee has brought together a number of IT Suppliers who are also participants in the IT Fair to publish a "Kuala Lumpur Bar's Legal Software Solutions Guide" which is similar to the English Law Society's Guide. This Guide will be launched on 4 March 2004 in conjunction with the Annual General Meeting of the KL Bar. This Guide will be a starting point for lawyers and although the IT Committee did conduct a short assessment of the products and the firms, we strongly suggest that members review the IT Suppliers' products vigorously to determine its suitability to their needs.

**3. Membership System**

The Member Administration and Payment System ("MAPS") has been recently installed and the developer is in the midst of improving and correcting system "bugs". MAPS will improve management of members information.

**4. Website**

The Kuala Lumpur Bar Committee launched its official website ([www.klbar.org.my](http://www.klbar.org.my)) on 6 March 2003 in conjunction with the 11<sup>th</sup> Annual General Meeting 2003. Continuous steps are taken to update the information on the website, for instance the links to the Appellate Court website and the KL High Court Civil Division website. However, admittedly the KL Bar website requires a revamp to increase interest and traffic. This will be a major task facing the incoming IT Committee and we welcome suggestions for improvement.

**5. Talk On How To Supervise Effectively Your Client Account Funds**

A talk was held on 13 May 2003 on “ How To Supervise Effectively Your Client Account Funds” by Mr Richard Hugo-Hamman from Australia.

**6. SOHONET**

The Kuala Lumpur Bar Committee entered into a working relationship with SOHONET to promote the use of the Legal Treasure Software comprising Malaysian and Indian statutes and Indian judgments to the members of the Kuala Lumpur Bar. Members of the Bar can log on to the Kuala Lumpur Bar website to access to Sohonet which offers the Kuala Lumpur Bar members special packages and promotions.

**7. LexisNexis**

The Kuala Lumpur Bar’s partnership with LexisNexis has ended but existing subscriptions which contract is for two years will continue until its respective dates of expiration. Many attempts were made to persuade LexisNexis to continue with the package albeit at an increased rate but they were adamant that it cannot continue. We will continue to explore renewal of this partnership and other options.

**Conclusion**

The IT Committee will continue with its efforts to create awareness of and promote the use of IT in law firms. However, the main challenge faced by us is the reluctance of law firms to invest in IT, possibly due to insufficient understanding and budget constraints. We hope that with the activities that we have organised and will continue to, KL lawyers will continue to have a competitive edge over others.

Finally, I wish to thank the members of the IT Committee for their ideas, time and energy. Special mention has to be made of Samuel Hong and Jason Lee whose dedication is greatly appreciated.

Lim Chee Wee  
Chairman  
IT Committee

**PUBLIC RELATIONS & COURT LIAISON**

Chairman : R. Ravindra Kumar

Members :	Abdul Rashid Ismail	Sivakumar Kanagasabai
	Colin Andrew Pereira	Sivanesan Nadarajah
	Christopher Leong	Teh Yoke Hooi
	Gabriel R. Seneviratne	Wong Kien Cheong
	Lim Chee Wee	Wong Lu Peen
	Mohanadass Kanagasabai	

This year I had the pleasure of being the Chairman for this Sub-committee. As a starting point we sent out a circular inviting members of the KL Bar to address any grievance or concerns they had with regards to the Administration of Justice in the Kuala Lumpur courts and/or Government agencies.

Having regard to the feedback obtained from members we sought to address these concerns at the various forums held in the course of the year.

**Abolition of the Fast Track System**

The fast track system was abolished last year. Despite the various efforts made to support this system and to improve on its shortcomings the system came to an end. Be that as it may we continued to have meetings with the Head Judge of the Civil Division, Dato' James Foong and arising from our various discussion we were able to procure the cause list for the Civil Divisions. This list is now available on line for members and an e-mail was circulated to members on 7 January 2004. You may now access the Kuala Lumpur High Court Civil Division's list through the KL Bar website at [www.klbar.org.my](http://www.klbar.org.my).

**Meeting with the Head Judge of the Shah Alam High Court on 11 July 2003**

The meeting was initiated by the Selangor Bar Committee who extended an invitation to us. Teh Yoke Hooi represented the committee at this meeting. A copy of the minutes of the meeting was posted to members on 27 November 2003 via e-mail and is annexed as "**KLBC-2**" (pg 44-45). The meeting was cordial and I wish to thank Teh Yoke Hooi who put forward various issues raised by our members at the said meeting.

**Meeting with the Judges of the Appellate & Special Powers Division on 17 October 2003**

We had a fruitful meeting with the Judges, Timbalan Pendaftars, and Registrars of the Appellate & Special Powers Division. The meeting was very positive and much of our suggestions and concerns raised were duly addressed. A copy of the minutes of this meeting was posted to members via e-mail on 27 November 2003 and is annexed as "**KLBC-3**" (pg 46-48). Our request for the cause list to be posted at the KL Bar website has been approved. Unfortunately we would not have a direct link as in the case of the cause list for the Civil Division which had the infrastructure in place for such a facility owing to the fast track system. The cause list for this Division would have to be updated manually. We will notify members immediately upon its availability.

**Meeting with the Judge in the Commercial Division of the High Court**

Despite our efforts to organise a meeting with the Judges of the Commercial Division, we were not able to do so. We are nevertheless pursuing this with the Head Judge of the Commercial Division and will endeavor to have this meeting if possible during this term.

**Proposed Meeting with the KL Sessions Court Judges, Magistrates**

We had on two occasions written to the Senior Judge of the KL Subordinate Courts for a follow up to our yearly meeting. Unfortunately due to some prior commitment, the Senior Judge was unable to accommodate us with the suggested dates. We are nevertheless targeting to have this meeting before the end of this term. We shall certainly address the issues raised by members at this meeting and I wish to state that we have in fact received fewer complaints from members regarding the problems faced in the Subordinate Courts during this term.

### **Meeting with the Police**

An appointment was arranged on 7 July 2003 by Sivanesan for us to meet with the Kuala Lumpur Chief Police Officer Dato' Dell Akbar for the purpose of a dialogue to deal with various problems faced by our Criminal Law Practitioners. At the said meeting we were informed that he would consider our invitation. Subsequently we had an opportunity to speak to Dato' Dell Akbar when he attended a function organised by the Legal Aid Committee. We were advised that in so far as policy decisions were concerned it would be more advisable to get the Head of Bukit Aman for such a dialogue instead of his office. This was necessary, as any decision taken by Bukit Aman at such a dialogue will result in a more uniformed national practice. We will follow up on this and will advice members in due course.

### **KL High Court Survey**

The Committee had embarked on the issuance of a KL High Court Survey Form to members of the Bar to obtain their feedback. We managed to receive only 76 responses despite extending these copies personally and via e-mail to our members. Many thanks to Teh Yoke Hooi who compiled an analysis of the responses. The result of the survey will be useful for our future discussions with the Courts.

### **Law Textbooks for the Subordinate Court**

Arising from the allocation by the Bar Council, we have purchased a set of Malayan law Journals (as from 1970) and relevant textbooks for the purposes of our legal practitioners at the Subordinate Courts in Kuala Lumpur. For logistics purposes the reports and textbooks are placed at the KL Bar Secretariat for members use until a more suitable place is located. I wish to express my appreciation to Abdul Rashid Ismail for his effort in negotiating the books at a discounted rate.

### **Computer and Printer**

We have also finalised the purchase of a computer and printer for our member's use at the KL High Court Bar Room (Wisma Denmark). This facility is to enable members and pupils to fair out their cause papers at a fee to be determined by the committee. The use of this facility and the rules is being finalised and members will be notified upon finalisation.

Although we were not able to achieve all our plans for this year, the committee will nevertheless continue to follow through in the next term.

I would like to express my appreciation to every member of this committee who played an active part in the various discussions and meetings held at various levels to help improve the system of legal practice in Kuala Lumpur.

Much of our activities would not have been possible if not for the assistance the Committee received from Mary, our Executive Secretary, Kavita our Executive Officer and other members of the Secretariat. My sincere thanks to them.

Finally, I wish to express my appreciation to the Chairman of the KLBC, Mr Ragunath Kesavan and to my colleagues at the KL Bar Committee for their untiring involvement in our meetings with the Judiciary.

It is of paramount importance for members of the KL Bar to continuously address their concerns, give ideas and suggestions to this committee in order to alleviate any of the shortcomings that exists in our legal practice.

R.Ravindra Kumar  
Chairman  
Public Relations and Court Liaison Committee

**PUPILS WELFARE**

Chairperson	:	Sa'adiah bt Din
Members	:	Sanjeev Kumar Rasiah Chan Heng Si Debbie Wong Seth Yap Ting Hau Chris Soon Thien Hock Karen Teo Sharon Tan Adriani Wahjanto Gan Chia Hui

**Admission to the Bar**

In the year of 2003, 679 pupils were admitted to the Bar in Kuala Lumpur.

**Problems faced by pupils**

Currently the Kuala Lumpur Bar Committee is meeting the pupils at the "Introduction to the Committee" session on every first and second Friday of the month wherein about 25 to 40 pupils were given right to be heard on any matters concerning their pupillage. Other than crying for a better allowance, pupils main complaints are as follows :-

- Not having enough "quality time" with their masters
- they have been taken for a ride as most of their time are spent on non legal work eg despatch and filing.
- difficulty in getting a "mover" for their "Long Call"

The committee welcomes any suggestions and comments from masters on the aforesaid complaints by the pupils.

**Inaugural Oratory Contest**

The Pupils Welfare Committee had organised the Inaugural Dato' Dr Peter Mooney Oratory Contest which was held on 27 September 2003 where 15 pupils and young practitioners of less than 3 years' standing at the Bar took part in the contest which offered RM3,000.00 for the 1st prize, RM1,500.00 for the 2nd prize and RM500.00 for the 3rd prize. The winners were:

Champion	:	Syahrul Bahiah bt Jamaludin
1 <sup>st</sup> Runner-up	:	Aliza Rachel Varughese
2 <sup>nd</sup> Runner-up	:	MS Teofilus Ponniah

The Committee places on record its appreciation and thanks to the sponsors and judges for making the contest a successful one.

Sa'adiah bt Din  
Chairperson  
Pupils Welfare Committee

**SOCIAL & WELFARE**

Chairman	:	Colin Andrew Pereira
Members	:	Sanjeev Kumar Rasiah Reggie Wong Mew Sum Ivan Wong Ee-Vern Natalie Peh Suan Wan Andrew Shee Hoon Joo Sakthi Perumal Sharon Koo Siew Ling Wan Anniza Bt S M Jamaluddin

**Continuing Legal Education**

In order to enhance the skills of members, especially amongst the junior Bar, the committee organised a number of seminars which were priced at RM30.00 for lawyers and RM15.00 for pupils. All the seminars organised were extremely well attended and it is hoped that this programme will continue with the support of the senior practitioners on whom the committee relies on to present these seminars. The following seminars were organised during the year:

<u>Date</u>	<u>Speaker</u>	<u>Topic</u>
10 May 2003	Mr. E Sreesanthan	Drafting Commercial Agreements
21 June 2003	Datuk N Chandran	Injunctions: Law and Procedure
9 August 2003	Mr. Robert Lazar	Case Management & Preparation for Trial
25 August 2003	Prof. John Devereux	Recent Developments in Medical Negligence: Actions for Wrongful Birth
6 September 2003	Encik Mohd Ismail Mohd. Shariff	Islamic Banking & Finance
10 November 2003	Dato' Dr. Cyrus Dass	Appeals to the Court of Appeal and Federal Court: The Essential Rules
6 December 2003	Mr. T. Gunaseelan / Dato' Bastion Vendargon	Conducting a Civil Trial

The Social and Welfare Committee would like to thank all the speakers for taking time off their busy schedule to present the aforesaid seminars.

**Malaysian Law Conference**

As part of the continuing legal education programme and to encourage interaction between members of the legal fraternity, the Social and Welfare Committee together with the Young Lawyers Committee sponsored 10 members of the junior Bar and pupils to the Malaysian Law Conference held between 10 to 12 December 2003. This was funded from the proceeds derived from the seminars. The Kuala Lumpur Bar Committee sponsored another 10 young lawyers and pupils.

**Annual Dinner and Dance**

This year's annual dinner and dance was held on 4 October 2003 at the JW Marriott Hotel. The dinner carried a "70s" theme and many lawyers dressed the part with attractive prizes for the best dress guests. Close to 500 lawyers and Judges attended the dinner. We produced a souvenir programme that encapsulated the events of the Kuala Lumpur Bar during the previous year. We were extremely honoured to have Dato' Dr Peter Mooney with us on the night to present the prizes to the winners of the inaugural oratory competition named in his honour.

**Blood Donation**

A blood donation drive was held at the Bar Room of the lower courts in Kuala Lumpur jointly with Hospital Kuala Lumpur on 14 August 2003. As in the previous year, we received strong support from the court staff as well as lawyers.

**Children's Party at Sunbeams Home**

The committee hosted an end-of-year children's party on 21 December 2003 at Sunbeams Home, an orphanage located in Taman Mawar, in Kuala Lumpur. The home comprises of two houses for boys and girls of between 3 to 17 years. Proceeds from the seminars organised were used to purchase gifts for the children. We also received donations of clothes, foodstuff and other essentials as well as cash from members which were passed on to the home. The home relies primarily on donations from the public. Members who would like to make a contribution may contact the secretariat of the Kuala Lumpur Bar Committee.

**Visit to Rumah Bakti Ci Hang**

The committee organised a visit and hosted a lunch for the residents of Rumah Bakti Ci Hang on 17 January 2004. This is a home for the abandoned, aged and a halfway home for the sick, located in Kampung Subang. Proceeds from the seminars organised were used to purchase foodstuff and other essential items required by the home. The committee also received donations from members which were passed on to the home.

**Social Gathering for members of the Kuala Lumpur Bar**

The committee organised a social gathering for members of the Kuala Lumpur Bar on 25 April 2003 at Fiesta, which was well attended

**Joint Gathering with Bench and Selangor Bar**

The committee organised a joint gathering with the Bench and the Selangor Bar on 6 June 2003 at the Bukit Kiara Equestrian & Country Resort. This was extremely well attended by lawyers from both State Bars.

**End of Year Party**

The committee organised the traditional end of year party on Thursday 18 December 2003 at the Top Hat Restaurant which was extremely well attended.

Colin Andrew Pereira  
Chairman  
Social & Welfare Committee

**SPORTS**

**1. SUB-COMMITTEE MEMBERS**

Chairman : Oommen Koshy

The following convenors were appointed to assist in organising the respective games:-

- i. Badminton - A.I. Nathan
- ii. Cricket - Alex De Silva
- iii. Darts - Koh Yew Chong
- iv. Golf - Koh Yew Chong
- v. Hockey - Satvinder Singh
- vi. Netball - Wong Keat Ching
- vii. Soccer - Peter Ling
- viii. Squash - Jayne Koe
- ix. Tennis - Robin Lim
- x. Volleyball - Cheow Wee

**2. ANNUAL SERIES**

**2.1 15th Sports Carnival - KL Bar vs Royal Selangor Club Games**  
*(Tan Sri Dato' Harun Hashim Challenge Trophy)*

The 15th Sports Carnival will be held on 28 February 2004.

**2.2 4th KL/Selangor Bar Games**  
*(Lall Singh Muker Challenge Trophy)*

The Series to be hosted by the Selangor Bar will be held on 6 March 2004.

Our golf team won the first point for the KL Bar by winning in the Golf Tournament for the Kandiah Chelliah Trophy. The Golf Tournament which is part of the Series was held on 20 December 2003 at Seri Selangor Golf course.

**3. KL BAR OPEN COMPETITIONS**

**3.1 16th Thayalan Memorial Cup 7-A-Side Football Tournament**  
*(Challenge Trophy donated by Skrine)*

This Tournament was held on 6 December 2003 at Sek. Men. Cochrane. 11 teams participated in the Tournament and the winners were:

Champions : Gremio A  
Runners-up : Gremio B

**4. INTER-STATE BAR TOURNAMENTS**

**4.1 Golf**

This Tournament was organised by the Bar Council Sports Committee together with the Johore Bar Committee. We sent a team of 8 players to Johore on 2 May 2003 to participate in the said Tournament. We tied for second place with Singapore but ended up third on a countback.

**5. FRIENDLY MATCHES**

**5.1 Hockey**

The KL Bar hosted the NS Bar for the return game on 7 June 2003 at Stadium Tun Razak. As expected, KL Bar again won the match but with a smaller margin of 3-1 this time. We look forward to NS Bar hosting the next match with maybe the addition of a few more games.

**6. NOTE OF THANKS**

The Committee wishes to place on record its thanks to all Convenors for sacrificing their time and effort in organising their respective games. The Committee also wishes to thank all donors of challenge trophies for contributing towards the success of the various competitions. Last but not least, the committee wishes to thank all “sporting” members for their participation and support, which contributed to yet another successful season of sports.

Oommen Koshy  
Chairman  
Sports Committee

Members of the Editorial Board :

Sanjeev Kumar Rasiah (*Editor*)  
Colin Andrew Pereira  
Cheng Poh Heng  
Douglas Yee  
Ravi Nekoo  
Anita Stephen  
K Shanmuga  
Jeswynn Yogaratnam (*Advisor*)

1. This year marked an important year for Relevan. After 8 years of being in circulation, the Editorial Board with the support of the Kuala Lumpur Bar Committee decided that it was about time that Relevan took a “new look” and be published in colour, at least some parts of it. The Editorial Board engaged a creative company to design the front cover and the artwork for the new edition. On 31 May 2003 the Chief Judge of Malaya, YAA Tan Sri Haidar Bin Mohd Noor launched the new edition of Relevan at the Bar Council Auditorium. The new edition of Relevan has made it a much sought after reading material for members of the KL Bar and pupils-in-Chambers, not only through the circulated hard copy but also through its publication on the KL Bar website.
2. The Editorial Board at its first meeting also decided that we would publish 4 issues for the year 2003/2004. Although this seemed like an ambitious task at that moment, the Editorial Board is pleased that we have achieved our target of 4 issues for this year : Issue No. 1/03, 2/03, 3/03 and 4/03.
3. The 1<sup>st</sup> new edition of Relevan also saw a special edition being published, which carried an exclusive interview by Malaysiakini with Suhakam Chief, Tan Sri Abu Talib Othman pertaining to the Judiciary and the ISA.
4. Apart from the usual contributors, this year we also had the opportunity to get new writers to contribute their thoughts by way of articles for Relevan. The Editorial Board sent out many letters and e-mails to members of the KL Bar requesting for articles of various interests. Our aim of 4 issues was achieved by this effort and at times we found that we had many articles to publish but we were constrained by the issue of cost, resulting us in having to select only a few for publication.
5. We also had contributions from overseas, particularly one from Ganesh K. Sovani, an advocate from India who contributed his article entitled “The Media and Human Rights” – Issue 1/03.
6. “36 blockheads will do just as well” by N. Surendran, thankfully put some smiles on a few of the Council members who took the criticisms by the writer in jest.
7. The Editorial Board also decided this year that we would interview some members of the Judiciary, the Bar and other prominent “figures” for our publication. Anita had a wonderful time conducting her interview with “Karpal Singh – The Lion King” – Issue No. 2/03 which was published in good time with the launch of the campaign of the Repeal of Section 46A by the KL Young Lawyers committee.
8. Relevan also continued to publish speeches of the reference proceedings in memory of members of the KL Bar who had passed away.

9. The Editorials of Relevan also touched on many important issues pertaining to the Bar i.e. the implementation and derailment of the “fast track” system at the Kuala Lumpur High Court, the EGM of the Malaysian Bar on 4 October 2003 and the Bar Council Elections.
10. Apart from various articles that were published we also published pictures of the many events that were organised by the various sub-committees of the KL Bar.
11. The KL Bar Committee also presented copies of Relevan to our visiting friends from the Singapore Young Lawyers on 9 August 2003, who were all very interested with our “bold” publication.
12. The publication of Relevan in particular all the 4 issues would not have been possible but for the efforts of all the members of the Editorial Board and the contribution by the many members of the KL Bar.
13. The Editorial Board extends its appreciation to all members who supported the publication of Relevan and we hope that members of the KL Bar would continue to write articles for the publication in Relevan.

Sanjeev Kumar Rasiah  
Editor  
Relevan Newsletter

**YOUNG LAWYERS**

The Young Lawyers Committee (“YLC”) was first set up in 1998 to cater for young lawyers and to their needs. Young lawyers are categorised as lawyers below 7 years in practice. Young lawyers now make up at least 75% of the Malaysian Bar. Since 1998, and with the increasing number of lawyers being admitted to the Bar every year, it is not surprising that the YLC has itself grown larger.

The YLC for the period 2003/2004 was made up of 34 members making it the single largest sub-committee of the Kuala Lumpur Bar Committee. The names of the members are on the Kuala Lumpur Bar website. The YLC further decided to have four sub-committees as follows:

- A. Career Advancement Sub-committee
- B. Games and Social Sub-committee
- C. Repeal s46A Campaign Sub-committee
- D. Human Rights Training Sub-committee

Due to the number of divergent sub-committees, the YLC as a whole had an extremely interesting and hectic 2003/2004. The YLC reports as follows:

**A. Career Advancement Sub-Committee**

The sub-committee was chaired by Goh Hoon Huar. A talk titled “*Tax Planning for Malaysian Employees*” on 27 May 2003 (5.30pm – 7.10pm) was organised and held as the sub-committee recognised that a large number of young lawyers are being employed as legal assistants and an understanding of tax planning would assist young lawyers to better manage their personal welfare and their careers.

Choong Kwai Fatt spoke and the talk was chaired by Goh Hoon Huar. The speaker spoke on three aspects to minimise tax for employees namely, to minimise income accrued, maximise expenditure and maximise relief claimed. He also gave very useful tips on how legal assistants could negotiate their employment terms which would minimise both tax payable by himself/herself and the firm through the use of tax free loans for the purchase of cars and residential premises.

He further spoke on employment income derived overseas and the legal means of repatriating such income into Malaysia without incurring liability. Towards the end, the participants engaged with the speaker and took the opportunity to seek further advice on minimising or avoiding real property gains tax.

As a whole, the speaker was able to deliver the talk on a very technical, dry subject with wit and humour. He also managed to effectively convey his message and the talk. If the participants did not pick up any useful tips, the entertainment value of the talk was certainly sufficient to have justified their time well- spent.

At the close, Sanjeev Kumar, on behalf of the Kuala Lumpur Bar Committee, presented a memento to the speaker in appreciation and to thank him for sharing his wealth of knowledge and experience.

The YLC also wishes to record its acknowledgement and gratitude to Vicky Teh and Sunitha for helping to organise the talk.

The sub-committee had planned to undertake two other matters as follows:

1. To interview senior practitioners to document and compile their experiences in their respective fields of legal expertise. This documentation and compilation is intended to provide guidance to young lawyers and to assist them in deciding the areas of law which they may wish to specialise in or pursue in future.
2. To do a dossier on how to achieve success and perform better at job interviews along with improving resume writing skills.

Due to time constraint, the sub-committee was unable to complete the matters although the research to support the dossier above has been completed. It is hoped that the incoming sub-committee would continue with the above matters to their completion and further undertake others.

**B. Games and Social Sub-Committee**

The objective of the sub-committee was to provide avenues for young lawyers to meet up and get to know each other in a smaller and friendlier setting. The sub-committee was chaired by Debbie Wong and the members of the sub-

committee were as follows:

1. Razanna Raslan
2. K. Shanmuga
3. Anniza Jamaluddin
4. Ng Chin Chin

The sub-committee held two meetings - on 19 May 2003 and 20 August 2003 and organised and held the following activities which were successful:

1. *4 June 2003 (6.00pm) - Get together at Dome Café, KLCC and movie night*

15 people turned up and it achieved the purpose of having a small get together whereby everybody had the opportunity to really get to know one another.

2. *18 June 2003 (8.00pm) - Sportsplanet Subang Jaya, Friendly Futsal Games*

The initial response was slow. Entries started coming in only after the closing date. There were eight teams altogether excluding the two teams which we had to turn away as we could not accommodate everyone.

The format of the games was different but not unusual. We decided to make the games a mixed team event whereby each team must have had at least a female playing on the field at all times. The teams were split into two groups and the games were played using in the round-robin format. We however had to determine the winner by points as we ran out of time for the final and semi-finals and also generally, because all teams were tired after playing 3 games each.

3. *6 September 2003 (9.00am) - Islamic Banking Talk, Bar Council Auditorium*

This talk was jointly organised with the Kuala Lumpur Bar Committee's Social and Welfare Committee. Around 200 people came for the talk on a new subject in the legal field. Many came away satisfied with the education received.

4. *26 September 2003 (7.00pm) - Get together and bowling night at Cosmic Bowl, Midvalley Megamall*

15 people turned up but only two were interested in bowling while the rest wanted to be spectators. We all ended up in a café nearby and had dinner and drinks instead.

### **C. Repeal s46A Campaign Sub-Committee**

The sub-committee was set up to campaign for the repeal of section 46A of the Legal Profession Act, 1976 which prohibits, among others, young lawyers from being elected into the Bar Council or State Bar Committees. The sub-committee is chaired by Emilia Suryani Alwi. The campaign is in line with two long-standing resolutions of the Malaysian Bar calling for repeal of the said provision. Further, the Malaysian Bar's National Young Lawyers' Convention 2003 had on 6 April 2003 again strongly reiterated this position.

The campaign was first proposed and endorsed by the Kuala Lumpur Bar. We, on behalf of the Kuala Lumpur Bar, then took the issue further to the Malaysian Bar's National Young Lawyers' Committee. The campaign was accepted wholesale. In addition, the Malaysian Bar's National Young Lawyers' Committee resolved that a nationwide roadshow be set in motion titled "History and Struggles of the Malaysian Bar" with the Kuala Lumpur Bar section kicking it off with its campaign.

On 5 September 2003, we successfully launched the Kuala Lumpur Bar's campaign to repeal section 46A of the Legal Profession Act, 1976 as part of the said nationwide roadshow. The campaign was jointly opened by Ragonath Kesavan and M. Moganambal. Haji Sulaiman Abdullah, Chew Swee Yoke and Edmund Bon spoke.

Simultaneously on the same date, a signature campaign calling for the repeal of section 46A of the Legal Profession Act, 1976 was also launched. It is planned that the campaign will travel around the Peninsular Malaysia to drum up support and create awareness among lawyers especially the younger members of the Malaysian Bar about the history and struggles of the Malaysian Bar. The Kedah-Perlis Bar also took on the same campaign as part of their contribution to the roadshow.

We are in the process of drafting a memorandum/working paper and a draft Private Members' Bill to form the basis for our lobbying with the government and members of the Parliament on this issue. We further hope to lobby the Bar Council to seek a consultation with the government on this issue with the aim of repealing section 46A of the Legal

Profession Act, 1976.

In the meantime, the signature campaign is an on-going activity of the sub-committee and once we have sufficient signatures together with the said memorandum/working paper and draft Private Members' Bill, we will take the campaign forward as proposed in the paragraph above.

We urge all members to support this campaign which denies representation of young lawyers, who make up at least 75% of the Malaysian Bar, in the governance of the Malaysian Bar. We have also produced badges and stickers with regard to the campaign and they are available at the Kuala Lumpur Bar secretariat at the cost of RM2.00 each.

**D. Human Rights Training Sub-Committee**

The list of active members in the sub-committee were as follows:

Jeya Kumar (Chair)	Fahri Azzat
Karen Teo	Henry Leong
Edward Saw	Lee Wan Ling
Sharmila Sekaran	Puteri Shehnaz Majid
Razanna Raslan	

1. Preliminary Issues

**a. Purpose of Follow-Up programmes**

- The sub-committee was set up with the purpose of having human rights training and follow up programmes subsequent to the highly successful Kuala Lumpur Bar Human Rights Training Programme at Guoman Resort, Port Dickson (“PD”) on 13-16 February 2003. The stated objectives were as follows:
  - (a) organise follow-up training programmes for the PD participants specifically,
  - (b) increase awareness amongst all young lawyers of human rights issues and instances of human rights breaches; and,
  - (c) develop specialised support groups/task forces, which will focus on specific areas of human rights infringements and provide the necessary legal/moral support to victims, civil society groups and non-governmental organisations (“NGOs”).

**b. Availability of Follow-Up programmes**

- An issue was raised as to whether the follow-up programmes would be available only to PD participants or open to everyone.
- The sub-committee felt that the programmes should be open to all lawyers, not just the PD participants.

**c. Format of Follow-Up programmes**

- To be seminar based.
- Sessions to comprise either ½ day or 1 day sessions.
- Special areas can comprise 2 day sessions if necessary.

**d. Focus of this sub-committee**

- The sub-committee agreed that its main focus would be to organise the follow-up training sessions.
- We would also assist in the preliminary stages of the formation of the various specialised groups/task-forces.
- There is a long term proposal to develop a Human Rights Guidebook which could be used by all practitioners and NGO's as a “nutshell” reference on legal principles and procedures involved in human rights cases.

2. Topics for the Follow-Up Programmes

**a. ISA and Unlawful Detention (20 September 2003)**

- As there had been many sessions organised for this topic, we thought it would be good to get the perspective and experiences of ex-detainees.
- We had invited Hishamuddin Rais and Tian Chua to be amongst the speakers at the session. Unfortunately, Tian Chua cancelled at the last minute but thankfully Sivarasa Rasiah agreed to speak on short notice. The third speaker was Edmund Bon who spoke on the legal issues.

- We issued an invitation for speakers from the Attorney-General's Chambers but they declined.
- The session was a great success with very interesting views presented by Hishamuddin Rais and an even more interesting and lively question and answer session at the end.

**b. Native Land Rights (8 November 2003)**

- We were informed by the Bar Council's Human Rights Committee that there is a case involving Orang Asli natives who have been displaced from their native lands in Bukit Lantang, Selangor.
- As a result, we asked lead counsel for the case, Malik Imtiaz to give a talk on the legal issues surrounding the case. The other speaker was Colin Nicholas who gave an insight into the life and culture of the Orang Asli as well as a wonderful powerpoint presentation with some beautiful snap-shots of the Orang Asli community in their homes.
- There were some interesting issues raised during the question and answer session and it was on the whole a very successful session.
- There were initial fears and demands posed with the threat of injunction proceedings by solicitors for the developers involved in the said case. This did not materialise.

**c. Police Powers (planned for February 2004)**

- Although there have been and will surely be many seminars/programmes on this topic, it was decided that we should not exclude it for this reason alone as it was clearly one of the "hot" topics amongst the PD participants.
- We have confirmed two different sessions to be held on police powers:
  - (a) Arrest and detention issues.
  - (b) Habeas corpus proceedings.
- A third session on drafting was proposed but it was decided that we should consult with the relevant speaker(s) first before we decide on this topic.
- The original date for the first session was scheduled for 20 December 2003 but this failed to materialise as there was no suitable speaker free to speak on that date.
- We are now hoping to have a 1-2 day session in February 2004.
- The contents and depth of the sessions will be decided later after consultation with the proposed speaker(s).

Efforts are being made to get in touch with popular speakers like Karpal Singh and Manjeet Singh as well our fellow "young" experts and rising stars like Amer Hamzah and Edmund Bon to be our speakers/trainers. We also hope to invite speakers/trainers from the Attorney-General's Chambers, police and Human Rights Commission of Malaysia.

**d. Training by Tenaganita**

- We are informed that Tenaganita had volunteered to conduct a seminar for our young lawyers
- We have to date not agreed on the scope or objectives of the seminar but we are keen to pursue this area.

**3. PD Human Rights Review**

- It is noted that a budget had been allocated for a thorough review of the programme in PD with the participants thereat.
- The sub-committee will follow this through in the coming period 2004/2005.

**4. Conclusion**

- It was a very challenging experience for all of us especially with our respective busy schedules at work. However it was an extremely enjoyable experience in particular since most of us were "first-timers" in the growing field of human rights.
- We believe that we have largely met our goals and objectives for the period 2003/2004 and we look forward to more participation from members of the Kuala Lumpur Bar for the coming period.

In gist, the YLC feels that quite a great deal has been done and achieved for the young members of the Kuala Lumpur Bar. We however feel that more could have been done. We fully welcome and urge all young lawyers in the Kuala Lumpur Bar to join us together in building a better younger Bar, to support us in all our future undertakings and to assist us wherever you may be able to. We look forward to a greater 2004/2005.

LEGAL AID

**THE PANEL**

Stanley Sinnappen (Chairperson)

Amer Hamzah Arshad (Honorary Secretary)

K Parameswary (Assistant Honorary Secretary)

N Surendran

R Kesavan

M Puravalen

Sivarasa Rasiah

Jayaletchumi Rajaretnam

Baljit Singh Sidhu

N Sivanesan

Charles Hector

Ravi Nekoo

Noorsuhaida Kasri

Fahri Azzat

So Chien Hao

M Murugan

Mohd Rashad Khan Sadar Khan

Vasandi Kandasamy

Peetam Kaur

Fashilah Ahamat @ Mohd

**1. INTRODUCTION**

The work carried out by the Legal Aid Centre and its dedicated staff has a significant impact on society. The public is now more aware of their legal rights. As a result of this heightened awareness, there has been a massive increase in the Centre's workload thus causing a serious strain on the Centre's limited resources.

In 2003, the Legal Aid Centre assisted approximately 10,192 persons. That represents an increase of over 7.45% compared to 2002 (see table). The number of applicants at our various clinics has also increased dramatically. Due to the number of persons needing legal advice, the Legal Aid Centre has launched new clinics to cope with the demand. The current trend suggests that that this demand will only increase and there will soon come a time when the resources will be insufficient to meet the demand. We are therefore looking at new ways to raise funds to meet this demand. At this moment the Centre meets the demand by relying purely on the goodwill of the Kuala Lumpur volunteers who have given so much of their time in assisting the clients who register at the Legal Aid Centre. I wish to take this opportunity to thank all the volunteers for assisting the Centre this past year.

It is a huge concern however that the current number of volunteers does not commensurate with the sharp increase in the number of applicants. We have had no alternative but to turn to the same committed volunteers time and time again. We urge more Kuala Lumpur lawyers to volunteer their services to the Centre in accordance with the Resolution passed by the KL Bar on 15 March 2000.

As indicated in the table below, many of the programmes are facilitated by pupils' in-chambers. The Legal Aid Centre conducts training sessions to equip these pupils with the necessary skills to run the clinics offered by the Legal Aid Centre. Nevertheless, the pupils at the Legal Aid Centre desperately require proper supervision from volunteer lawyers.

Notwithstanding the many difficulties and challenges faced by the Legal Aid Centre, it is encouraging to see that the Judiciary, the Prosecution Officers and the Police Force have supported the efforts of the Legal Aid Centre. I wish to record my appreciation to these parties on behalf of the Legal Aid Centre.

In the year 2003, the Legal Aid Centre also saw the birth of the LAC's Migrant Workers Prison Clinic. The said clinic assists migrant inmates in the Kajang Women's Prison. The response to the said clinic has been overwhelming and thus, the LAC is now coming up with a new scheme to further provide legal assistance to this marginalised group.

We continue to maintain close working relationships with our NGO partners, namely AWAM, Tenaganita and the Pink Triangle Foundation. The close co-operation between the Legal Aid Centre and these NGOs has increased our awareness and improved the services we provide to various marginalised communities. Our working relationship with AWAM involves the running of a legal clinic at AWAM's premises. Due to the overwhelming demand, the clinic now opens 6 days a week instead of 5.

The Legal Aid Centre also provides legal assistance at the Pink Triangle Clinic and carries out an outreach programme in Chow Kit. The results are encouraging and the Legal Aid Centre wishes to congratulate and thank all the parties that have made this programme possible.

In a bid to increase the legal awareness of certain communities in need, the Legal Aid Centre has sent pupils and

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volunteer lawyers to two new legal clinics situated at the SIS's (Sisters in Islam) office at No. 25, Jalan 5/3, 46000 Petaling Jaya and also at the Women's Aid Organisation's (WAO) Office. These are two new clinics, which have begun in 2003. We look forward to a long and meaningful partnership with SIS and WAO. Legal Aid Centre is also working hand in hand with PERMAS on housing issues.

The Legal Aid Centre this year has also worked with Help Institute and organised 2 lectures to Help Institute students in an attempt to create awareness of legal aid amongst them.

In terms of providing direct legal assistance, the Legal Aid Centre is close to reaching its limit, due to a limited budget and limited human resources. The Legal Aid Centre's main source of funding comes from the Bar Council. However, the Bar Council is itself constrained by its own budget. The Legal Aid Centre is currently looking into new avenues to raise funds through various fund-raising programmes.

Finally, I would like to emphasise that the achievements of the Legal Aid Centre would have been impossible but for the tremendous support of the many dedicated volunteers and pupils. We believe that with greater support from members of the KL Bar, the Centre would be able to scale greater heights and provide assistance, create and promote awareness, and provide legal aid to more marginalised sectors of our community.

I would like to personally thank Mr. M Puravalen who has been a great inspiration to me for his assistance and guidance and Mr. Sivarasa Rasiah who was always a phone call away. These two gentlemen have always found the time to assist in Legal Aid.

A congratulatory note to all staff, Project Heads, Assistant Project Heads, committee members and all volunteer lawyers who have done a great job in undertaking their duties at the Centre. A special thanks also to Amer Hamzah Arshad who has tirelessly kept the Centre ticking over.

The following pages set out the various project reports, programmes and accounts for 2003.

**Stanley Sinnappen**  
**Chairperson**

### 2. STATISTICS FOR THE PERSONS ASSISTED:

<i>Persons Assisted 2003</i>	<i>YEAR 2002</i>	<i>YEAR 2003</i>	<i>% INCREASE</i>
<i>LAC Clinic</i>	1208	1292	6.95%
<i>Dock Brief Program</i>	6277	6503	3.6%
<i>Syariah Clinic</i>	68	98	44.1%
<i>Sungai Buloh Prison Clinic</i>	896	1050	17.18%
<i>Kajang Women Prison Clinic</i>	206	216	4.85%
<i>Juvenile Remand Home Program</i>	149	108	-27.5%
<i>Urgent Arrest Task Force</i>	2	-	-
<i>LAC's Migrant Workers Prison Clinic</i>	-	199	-
<b><i>Outreach Clinics</i></b>			
<i>LAC/AWAM Legal Information Service</i>	442	546	23.5%
<i>LAC's Migrant Workers Clinic</i>	190	70	-63.1%
<i>LAC/PTF Clinic</i>	44	58	31.8%
<i>LAC/SIS CLINIC</i>	-	51	-
<i>LAC/WAO Legal Information of Advocacy</i>	-	1	-
<b>TOTAL</b>	<b>9482</b>	<b>10192</b>	<b>7.48%</b>

<b>LEGAL REPRESENTATION (OPENED FILES AND MITIGATION/BAIL APPLICATION) YEAR 2003</b>	
<i>Criminal</i>	427
<i>Family</i>	92
<i>Syariah</i>	34
<i>Employment</i>	16
<i>Mitigation by Dock Brief Program</i>	4181
<i>Bail Application by Dock Brief Program</i>	32
<i>Housing/Tenancy</i>	3
<i>Syariah/Criminal (TS cases)</i>	3
<i>Miscellaneous</i>	2
<b>TOTAL</b>	<b>4790</b>

**3. LEGAL AID CENTRE CLINIC**  
*Prepared by LAC Clinic Committee*

**Committee Members**

Fahri Azzat  
Ramesh K Kumaraguru  
Jayaletchumi Rajaretnam  
Andrew Teh

Ong Chin Siong  
Ramesh Lachmanan  
Molly M Gomez - Kerisnan

Legal Aid Centre Clinic (“LACC”) runs from the Secretariat of the Bar Council Legal Aid Centre (KL) at Wisma Kraftangan.

As at 31 December 2003, a total of **1292** persons were interviewed. Out of this, **220** persons were given legal representation, and **657** persons were given advice only. A total of **106** applicants were referred to other clinics, Government departments and other State LACs.

In respect of the remaining **309** applicants who were unsuccessful in obtaining legal aid, **108** persons failed the means test, **198** persons were disqualified due to jurisdictional grounds and **3** persons were disqualified because of the merits of the case.

Out of **220** files, which were opened, criminal cases formed the majority, accounting for **125** files. This was followed with family cases with **74**, employment cases with **16**, housing tenancy cases with **3** and only **2** miscellaneous cases.

On 26 January 2003, the LACC together with Community Development Centre (CDC) organised an outreach clinic at Dengkil.

On 14 September 2003, the LAC together with Persatuan Masyarakat Selangor & Wilayah Persekutuan (PERMAS) organised an outreach session at Taman Ampang Mewah.

On 21 September 2003, the LACC together with Community Development Centre (CDC) organised an outreach clinic at Bangi in conjunction with the Law Awareness Week organised by Bar Council Malaysia.

On 29 October 2003, the LACC had a law awareness session with SMK Convent Bukit Nanas students. The session was held in conjunction with the Law Awareness Week organised by Bar Council Malaysia. The session was a success and the LACC strongly feels that more attempts to hold legal awareness sessions in secondary schools should be made in future to complement the “Outreach sessions”.

In addition to the above activities, the LACC maintains the practice of having pupils interview the applicants. This is one of the main programs of the Centre. A total of 10-15 pupils are involved who are at the Centre from 10.00 a.m. to 5.00 p.m. from Mondays to Fridays for a period of 3 months as part of their compulsory legal aid duty.

The pupils are given a one-day training before they commence duty at the Centre. They are instructed on conducting the means test, given a briefing on how to interview applicants and specific areas of law, which attracts the most queries. These areas of law are property, family, employment and criminal law.

A pupil’s duty includes interviewing walk-in clients, conducting the means test as well as giving advice where required (these are done after consultation with lawyers on duty or by calling volunteer lawyers on the phone). Their duty would also include opening files when legal representation is required.

The LACC regrets to report that a fair share of the pupils possesses an apathetic attitude towards their duties. This is evident from the numerous improperly prepared interview sheets that leave out crucial information necessary for rendering advice. Such interview sheets are hindrance to the LACC and its volunteer lawyers because the task of interviewing has to be repeated.

Occasionally, there are pupils that also render advice without first consulting a supervising lawyer that are physically present at the LACC or by telephone. This is reckless and may bring the LACC into disrepute if the advice rendered is incorrect.

The LACC is saddened to note that these pupils do this *despite* the training session, mid term review and guidance available to the pupils at the premises. This problem is exacerbated by the fact that there are no effective disciplinary procedures available to the LACC to ensure the pupils carry out their duty diligently, effectively and prudently.

Another perennial problem that the LACC faces is the lack of volunteer lawyers interested in carrying out training

sessions as well as being physically present at the LACC premises to supervise the pupils. The turn out of volunteer lawyers for the outreach sessions barely reaches the minimum required. There is ample room for improvement in this area.

The LACC fervently hopes that the Bar Council, Kuala Lumpur Bar Committee, or the National Legal Aid Council, could initiate serious discussions and come up with proposals on how to tackle apathy amongst members of the Bar in volunteering for legal aid matters. A greater participation by members of the Bar in programs carried out by the LACC would not only enable more effective supervision and execution of LACC initiatives but also enable the LACC to increase its outreach programs and legal awareness sessions as well as develop other legal aid program initiatives.

The LACC is constantly exploring avenues to improve the attitude of the pupils, create legal awareness amongst the public, increasing volunteer lawyer participation as well as improving training sessions for pupils. However, ultimately the LACC is limited by its financial and labour resources and the fact that some of these problems are more fundamental in nature and may require a more comprehensive and holistic solution with participation from other parties i.e. the Bar Council, the Kuala Lumpur Bar Committee, members of the same and the master's of the pupils.

#### **4. DOCK BRIEF PROGRAMME**

*Prepared by Project Head, Baljit Singh Sidhu*

##### **Committee Members**

Baljit Singh Sidhu - Project Head  
Hanif bin Hashim  
Kamarul Zaman Hj Abdul Rahman  
Mary Song  
Suresh Danapala Singam  
Srimurugan

The Dock brief committee has taken special care in implementing the dock brief program, which involves the training of pupil in the area of criminal representation in Court. In the first 2003 applications to join the dock brief programme were very encouraging.

Table below shows the cases handled by the pupils participating in the dock brief program.

	<b>2001</b>	<b>2002</b>	<b>2003</b>
Advice given	1147	1916	2287
Bail application	10	14	32
Advice Representations & Mitigation	6	4344	4181
Files Opened	6	3	3
<b>TOTAL</b>	<b>5727</b>	<b>6277</b>	<b>6503</b>

In general, the figures show an increase in the number of cases handled by the pupils. There is a significant increase in the number of person assisted which rises to 6503 in the year of 2003. However, the areas of bail applications, participation of the pupil remain low. Committee views this disparity in area allocation seriously and has taken steps to remedy the situation. Pupils are encouraged as far as possible to give additional attention to bail application to inform the person charged and the family members the importance of bail. The Committee hopes that by next year, more pupils will have the chance to participate in bail applications.

The Committee has had various impromptu meetings with the Magistrate's, the prosecutor officers and the police officers in charge of the lock ups and Court with view to smoothen the process of representation. The Committee wishes to thank all the officers for their cooperation.

Despite the high number of pupils signing up for the programme, so many have yet to obtain locus to appear before the Magistrate's Courts, as a result, many cannot participate directly in the programme representation.

The Committee has viewed seriously on behaviour and discipline amongst the pupils especially the proper Court decorum. In general, the attendance has improved and the Committee has received very few complaints. Various meetings were held with a view to improve the programmes as well as pupils' performance, discipline, attendance and to address all complaints and shortcomings. Efforts are continuously made to improve the programme.

Dock Brief pupils batch 28 to 33 also had a get together sessions with Sessions Court Judge, Magistrates and Prosecuting Officers with Dock Brief Committee Members at the court premises.

On the 15 September 2003, Sessions Court Judge Y. Bhg. Hakim Dato' Mohd Azman Bin Husin and all other Sessions Court Judges and Magistrates had presented a short talk/get together sessions to chambering students on the procedures and Court ethics.

On 25 September, 2003, YAB Dato Dell Akbar bin Hyder Khan (Ketua Polis Kuala Lumpur), Tuan ACP Wong Wai Loong (Timbalan Jabatan Siasatan Jenayah Kuala Lumpur) and Prosecuting Officer came to KL Bar Committee and presented a short talk/get together sessions to chambering students on the procedures and Court ethics.

Mr Manjeet Singh Dhillon has kindly conducted trainings on Pleas in Mitigation for the Dock Brief Pupils Batch 33 on 19 September 2003, 26 September 2003, and 10 October 2003 and also Batch 34 on 13 December 2003.

## **5. LEGAL AWARENESS PROGRAM (ORIENTATION)**

*Prepared by Project Head, Charles Hector*

### **Committee Members**

Charles Hector - Project Head  
N Surendran - Alternate Project Head

Stanley Sinnappen	Brian Law
Sharmini Thiruchelvam	Marlene Blanche Culas
Salbiah Ahmad	Jagdish Kaur

### **Objectives**

- To stimulate pupils/lawyers to discover their role and responsibility as holistic lawyers in our society.
- To develop a sense of social obligation and a concern for human rights, justice and the rule of law.
- To generate a critical awareness and understanding of society in general, to understand the interplay of forces and the root causes for the problems and inadequacies in Malaysia.
- To understand and evaluate the different kind/levels of responses/approaches in overcoming the problems and inadequacies in Malaysia.
- To recall and analyse the different kinds of responses of lawyers in the past, individually and through the Malaysian Bar, the Bar Council, and the Bar Council Legal Aid Centres. In particular, the focus of this analysis and understanding is the different programs and activities of the Legal Aid Centre.
- To attempt to instill and develop a long-term commitment towards legal aid and human rights, which will go beyond the compulsory 14 days of legal aid during pupillage.

### **Orientation Session For Pupils – Content/Methodology/Tools**

- Introductions & Critical Thinking Exercises (30 min),
- Value/Priority Analysis & Discussions (60 min),
- Malaysian Reality: Awareness and Analysis, The Role/Response of Lawyers (90 min),
- What is Legal Aid? Relationship between Legal Aid and Human Rights (30 min), Conclusions & Evaluations (30 min).
- Methodology:- Participative
- Tools:- Group Dynamics, General Discussion and Brief Inputs.

As at 31 December 2003, **9 successful sessions** were held for the chambering pupils. A total of **725 pupils** attended these sessions and participation of the pupils was good. The sessions are between 5- 5 ½ hours long on a working day, commencing at 1.30pm and ending at about 6.30pm with a short 10-15 minute break.

Based on evaluation, pupils attending the orientation session have generally been made aware of the fact that there are many things that they did not know – especially about the poor, the oppressed, the disadvantaged and the marginalised, whereby these are groups that are in need of legal awareness, legal advice and legal representations. They are also made aware of the need to look at the root causes of the legal problems encountered by individuals, and how sometimes it is necessary to not just provide advice and representation to victims, but also to engender awareness to prevent people becoming victims.

Pupils also are also made aware of the work that is presently being carried out by the Legal Aid/Human Rights Centres of the Bar Council and the Bar Council which addresses the situation in 3 ways:-

- a) Welfare Approach: - providing the necessary legal advice and representation to the victims - whereby
-

some of these programs would be like the work being done through the Dock Brief Programme, the Sungai Buluh/Kajang Prison programme, etc.

- b) Development Approach – which seeks to provide advice and legal awareness: this would include some of the work done by the LAC Klinik programme, the AWAM programme and even the Tenaganita programme, amongst others. This approach helps to provide the individual clients with the knowledge and awareness to prevent them from becoming victims of injustice.
- c) Justice Approach – to deal with root causes – and this would include the actions taken to prevent police brutality of persons detained, the taking up of matters/cases that involve fundamental freedoms like the freedom of expression and assembly, the campaign for One Phone Call, the call for the separation of the Judicial and Legal Services Commission, etc.

It is also impressed upon them that there are insufficient others-centered lawyers coming forward to offer their time and services voluntarily for legal aid and the promotion of the cause of justice despite the existence of the Bar Council Resolutions requiring each and every lawyer to take up at least one legal aid file each year.

After the programme, the pupils are hopefully more aware of their “duties to society” and their calling as advocates to “uphold the cause of justice without fear or favour”. The programme, at the end of the day, seeks to instill values and principles that hopefully would lead to lawyers coming forward voluntarily to provide legal aid services.

**Other plans for the remainder of the year include the following:**

- To organise **Training/Formation Program for Lawyers** – this program was planned for August /September 2003 but could not go on despite advance planning and preparation because there was **no budget allocation for this program** (despite inclusion of this item in the budget proposal for 2003). It is felt that there is also a serious need for the organising of programmes for Lawyers, and more so lawyers who have shown some interest in legal aid and human rights.
- Possibly talks and discussion sessions for lawyers/public on human rights and legal awareness issues.

**Shortcomings**

- Time
- Human Resources
- Red Tape, Slow Approval Mechanisms
- Budget constraints
- Follow-Up Actions and/or Opportunities for Responding in the Malaysian Bar

**Recommendations for development of this program**

- To be able to organise more awareness and human rights sessions for lawyers and/or even the public at large, hopefully at a regular basis.
- To organise training and formation sessions for lawyers involved in Legal Aid/Human Rights work at the Legal Aid & Human Rights Centers of the Malaysian Bar
  - with special emphasis on contextual analysis, alternate & effective responses, and/also motivation and sustaining commitment. Developing a common vision and plans of action will also be included in these sessions
- To develop immersion programs – to enable volunteers to better understand the problems of society and for creation of a greater awareness of rights among the people.
- To develop an on-going Human Rights and Legal Aid Course.

**6. SUNGAI BULOH PRISON CLINIC**

**Committee Members**

Sivanesan Nadarajah – Project Head	A Balakisnan
S Muhendaran	M Kamalam
Ramesh Lachmanan	M Lalitha
Mary Song	M Visvanathan
Ms Mabel Yong (Kajang Women Prison Clinic)	

**Introduction**

The Sungai Buloh Prison Clinic started its operation since December 1997. The objective of the clinic is:

- (i) to provide legal services to remand prisoners at the Sungai Buloh Prison
- (ii) to improve the level of competency of lawyers (chambering students)
- (iii) to look into ways and means of reducing the number of remand prisoners at Sungai Buloh Prison;
- (iv) to ensure that there is sufficient pool of volunteer lawyers to provide legal advise
- (v) to ensure that an effective follow up mechanism is in place at Sungai Buloh Prison to monitor the progress of matters handled by the clinic

**Implementation**

To achieve the above aim, pupils are rostered for duty every alternate Saturday for a period of three months to visit the Sungai Buloh Prison to interview remand prisoners. During each term, the pupils are trained and provided with training manuals, which contain information on the courts, guideline on common offences and other relevant information. A team of 20 pupils and 2 volunteer supervisors interview an average of 60 detainees each session. The pupils also do follow up action at the Centre based on the interviews conducted. The follow up actions are as follows:

- contacting family members on matters related to bail
- referring relevant cases to the Dock Brief Programme
- referring cases from other states to the respective state Legal Aid Centre
- referring capital offences cases to the Court Assigned Counsel Scheme
- liaising with volunteer lawyers on the status of files

**Strength & Weakness**

From 1 January 2003 - 31 December 2003, the clinic has reached out to 1050 remand prisoners. Out of 1050 persons interviewed only 128 files were assigned to volunteer lawyers to represent the accused in the court. 353 cases were referred to the Dock Brief Programme for mitigation and bail application. 507 cases were referred to the other state Legal Aid Centres and only advice was given to the remaining 62.

Advice given	62
Open File	128
Refer to other States	507
Dock Brief Mitigation	353
<b>Total Person Assisted</b>	<b>1050</b>

The clinic is also facing some shortcomings in the quality of services provided to the remand prisoners in the following scope:

1. Pupils' inability to extract proper facts from the detainees, facts not in order and Interview Sheets not completed
2. Pupils' inability to give adequate advice to the detainees
3. The Centre is unable to cope with the number of cases to be assigned to volunteer lawyers for court representation due to the shortage of volunteer lawyers
4. The Centre seldom gets feedback on the cases referred to the other state Legal Aid Centre

**Recommendation**

The clinic should look into the long-term objectives of the programme: -

- to reduce the number of remand prisoners among the lower income segment of society;
- to ensure that remand prisoners do not remain in Sungai Buloh for more that three months
- to ensure that remand prisoners obtain proper advise to enable them to make an informed decision
- increase cooperation and liaison with the authorities.

**7. KAJANG WOMEN PRISON CLINIC**

**Committee Members**

*The Sungai Buloh Prison Clinic and the Kajang Women Prison Clinic are run by the same committee*

**Introduction**

The clinic was launched two and a half years ago and works together with the Sungai Buloh Prison Clinic. The objectives of the clinic was to provide the inmates of the Kajang Women Prison from the northern and southern region with the following:

- (a) providing legal advice on each individual cases;
- (b) providing information to the inmates;
- (c) providing legal representation on the options available to them as these detainees are normally those whom are in remand and
- (d) providing moral support and encouragement as these detainees would not have seen anyone apart from the Prison officials and the other inmates at the Prison and they would have been lost as to what will transpire.

**Others**

The Centre also contacts the respective Embassies to inform them of the presence of the foreign remand prisoners of their respective countries at the prison for their necessary action and also the Centre refer cases involving inmates from other states to the respective Bar Council Legal Aid Centre to enable them to do the relevant follow up.

**Number of cases attended**

<b>Persons Approached</b>	<b>216</b>
Referred to Dock Brief (Mitigation & Bail Application)	63
Cases Assigned to Counsel	16
Referred to other State Legal Aid Centres	
- Melaka	02
- Johor Bahru	33
- Kuantan	08
- Selangor	56
- Negeri Sembilan	07
Advice only	38

**Advantages**

The main strength of the clinic is in the working together of the parties involved namely the Legal Aid Centre in running the clinic especially the supervisors, the pupils and the Kajang Women Prison Authorities. Both the parties have worked together for nearly two and half years to provide legal assistance to the inmates of the prison whom otherwise would be unrepresented and are not given an opportunity to see that justice is being done.

**Shortcomings**

As in all other clinics, this clinic does have its own weaknesses namely:

- (a) inability of the pupils to extract proper facts from the inmates and taking down too much inaccurate information;
- (b) lack of training and exposure;
- (c) lack of follow-up on the interviews due to:
  - (i) insufficient feedback from the respective State Legal aid Centre on the cases passed to them (this issue was addressed by the National Legal Aid Committee with the other State Legal Aid Centre and a guideline structured in the form of a letter to be passed by the Chairperson has been prepared for all the Centre's to adopt
  - (ii) insufficient number of lawyers willing to handle remand cases

**Recommendations**

1. More exposure and training to be given to the pupils
2. To have frequent meetings with other State Legal aid Centre to improve the clinic so as to enable it to assist the general public
3. To recruit more volunteer lawyers to assist in handling of the cases
4. To make recommendation and reform law, relating to the conditions of the remand inmates.

**8. LAC/AWAM LEGAL INFORMATION SERVICE CLINIC**

*Report submitted by Vasandi Kandasamy (Project Head)*

**Committee Members BCLACKL**

Vasandi Kandasamy

R Shanmugam

Sharmini Thiruchelvam

Jayaletchumi Rajaretnam

Chuah Siang Chin

Ramlah Begum

Kasthury Sellappan

Chamundeeswari Jaganathan

Marlene Blanche Culas

**AWAM Representatives:**

Pushpa Ratnam

Chen Lee Ping

**a) Follow Up Actions for the Section 51 Law Reform (Marriage & Divorce Act) 1976**

This sub committee is an umbrella of the LAC/AWAM committee and their main objective is to look into law reform. This committee held a round table discussion jointly with the Ministry of Women and Family Development, All Women's Action Society (AWAM) and the Bar Council Legal Aid Centre (Kuala Lumpur). The session was held on the 8 April 2003 under the banner of the Women's Ministry. There were 21 organisation and individual attended the session.

**b) Outreach Clinic**

The 1<sup>st</sup> ever outreach clinic was conducted with the orang asli/native communities at Bukit Kemandol, Banting, Selangor. The event was held on the 14 June 2003 (Sunday) from 10.00 till 1.00 pm. Since it a 1<sup>st</sup> ever session held with the orang asli/native communities language was the main barrier however there were some participation and question pose by the communities. We manage to attend 4 cases.

The committee would be conducting outreach clinic for the orang asli/native communities from time to time. The outreach clinic with orang asli/native would be jointly organised with All Women's Action Society (AWAM).

**c) Sexual Harassment Talk**

The committee held a sexual harassment talk on the 28 August 2003 from 6.30 pm with All Women's Action Society (AWAM) titled Sexual Harassment & You at the Kuala Lumpur Bar Committee. There were 15 participants attended the session and the talk is conducted by Judith Koh and Lim Siu Ching both trainers from AWAM. The sessions were very informative and energetic. The committee also would be holding another session titled Laws Pertaining to Sexual Harassment in near future. Most of the participants sign up for the session.

**d) Statistics**

As at 1 January 2003 till 31 December 2003 the Legal Clinic at AWAM has attended 546 clients for legal advice and 17 files were opened for legal representation.

**9. SYARIAH CLINIC**

*Report submitted by Project Head, Noor Suhaida Kasri*

**Committee Members**

Ahmad Fahmi Yahya (Alternate Head)

Norhusniah Husin

Nik Nurul Atiqah Nik Yusof

Mazlan Alias

Fashilah Ahamat @ Mohd

Dir Kheizwan Ab Halim @ Kamaruddin

The Syariah Clinic was introduced to provide legal service to affected parties in the Syariah Court. To enable a person to derive benefit from the clinic she or he would have to fulfill the criteria laid down by the Centre. It is our utmost belief that there is a need for us to provide this service to anyone who falls within the means test as well as to protect their interests in the Syariah Court.

The Syariah Clinic operates from the Secretariat and open to members of public from Monday to Friday 10.00 am - 4.30 pm. The Syariah Clinic at the Centre is manned by pupils in chambers who are supervised by experienced Syariah Lawyers; completing their legal aid service which is part of the Bar Council Ruling in Legal Aid Service. Each pupil is on duty once a week over a period of 3 months.

The pupils in chambers are given a half-day training focuses on Syariah Civil and Criminal Law and Procedures. They also undergo a one-day training with Legal Aid Clinic providing basic training in interviewing techniques as

well as discussions on criminal, employment and family law.

The figures below reflect the clients that Bar Council Legal Aid Centre Kuala Lumpur handled in Syariah matters: -

<b>Syariah clients total no. of applicants</b>	<b>98</b>
Files opened (5 files from 2001 applicants)	34
Sought advice only	51
Advice - referred to Biro Bantuan Guaman	3
Advice - referred to Jab. Agama Islam	1
Disqualified	7
No Jurisdiction	2

There has been an increased of 46.2% in the number of client as compared to 2002. This is due to the publicity carried out in the putting up of posters at the Kuala Lumpur Syariah Court.

The Committee has obtained from the Syariah Court a list of Syariah Practitioners and had subsequently called these practitioners to take up legal aid cases and we had also develop a working relationship with Persatuan Peguam Syarie Malaysia (PGSM) and had requested its members to volunteer for legal aid.

The Committee had jointly organised an outreach clinic with the MPSA at Dewan Besar Paya Jaras, Sg. Buloh on 6 September 2003. Representatives of MPSJ and 10 volunteer lawyers attended the session. A talk on the topic 'Menangani Masalah Keluarga' was represented by Tn. Hj. Amlı from M/s. Amlı & Nonee.

We would like to take this opportunity to thank the Management Panel, Staff of Legal Aid Centre, Syariah Committee members, volunteer lawyers and the participating pupils for their interest and commitment in making the Syariah Clinic smoothly run.

## **10. JUVENILE REMAND HOME PROGRAM**

### **Committee Members**

Parameswary - Project Head

K H Koh

A. Ramu

Year 2003 has been a quiet year for the JTFC. This was due to the fact that there have not been many juveniles remanded in the Remand Home this year.

To date the JTFC has interviewed 108 juveniles as seen from the table below. Many of these juveniles have multiple charges. Therefore, table shows the total of charges for the 108 juveniles to be 144.

The JTFC action plan between years 2003 – 2004 was to formulate the counseling sessions for Juveniles in the Remand Home. This formulation consists of: -

### **Update on Counseling**

This issue is still pending as more information and clarification is required from Mr K H Koh's proposals.

The panel is concern as to the qualification, knowledge and exposure of the counselors.

### **Task Carried Out**

- 1) A 14-year-old boy old boy was charged for murder in the Ampang Magistrate Court an application was made pursuant to Sec.177 by the DPP to enable the matter to be heard in the Shah Alam High Court. Matter was heard for 5 days and later counsel Mr. K.A.Ramu made a representation to the DPP so that to reduced charge to Sec. 304(b) penal code but the DPP proposed Sec.304(a) with conditions attached. The boy pleaded guilty and the court sends him to Henry Gurney School.
- 2) A parent who was unable to control her son, came to BCLAC to seek an advice. She was referred to Jabatan Kebajikan Masyarakat.

However since it was Hari Raya eve, the officer at Jabatan Kebajikan Masyarakat advised her to come back to get an order for her son to be placed in a welfare home after Hari Raya or in the alternative to lodge a police report

against her son.

The mother decided to lodge a police report against her son. Her son was immediately arrested and remanded by the police without recording any statement . BCLACKL decided to appeal over the remand period granted by the Magistrate by filing an application in the High Court. The boy was released before the court granted a hearing date.

3) Bar Council Criminal Law Committee has requested BCLAC JTFC, to gather information the breaches of law and procedure in relation to the detention of juveniles. This information has been compiled and handed to the Criminal Law Committee, which consists the following issues: -

- a) Whether members or guardians are notified of the detention of juveniles by the police;
- b) Whether the probation officers are informed immediately upon detention of a juvenile;
- c) Whether juveniles are detained together with adults in the same police lock-up;
- d) Whether juveniles are subjected to police violence and abuse during detention and remand;
- e) Whether the police asks the juveniles to give them money in order to have permission to inform their family members/guardian of the detention and
- f) The duration of the remand pending trial.

**Annual breakdown of the offences committed by the juveniles:**

**Types of offences.**

<b>Charged Under Sec.</b>	<b>No. Juveniles</b>	<b>Charged Under Sec.</b>	<b>No. Juveniles</b>
Sec 6 / 7 Immigration Act	-	Sec.379A pc	36
Sec. 7 (1) a (EOW)	3	Sec.380 pc	7
Sec. 6 DDA	9	Sec.382 pc	1
Sec.12 (3) DDA	2	Sec.392 pc	5
Sec.39A DDA	-	Sec.394 pc	2
Sec. 25 (1) (PPN)	16	Sec. 395	4
Sec. 26 (1) (PPN)	1	Sec.397	-
Sec. 45 (1) APJ	2	Sec.403	1
Sec. 41 (1) APJ	-	Sec.411 pc	12
Sec. 42 (1) APJ	3	Sec.447 pc	-
Sec. 324 pc	-	Sec. 448	1
Sec.354 pc	-	Sec. 453	-
Sec.376 pc	2	Sec.454 pc	9
Sec. 378	3	Sec. 456 pc	-
Sec.379 pc	8	Sec. 457 pc	10
Sec. 6(1) (FIPA)	2	Sec. 511 pc	5

**11. LAC/TENAGANITA MIGRANT WORKERS CLINIC**

*Report submitted by Project Head, M Murugan*

**Committee Members**

M. Murugan  
Lalitha  
Samrith Kaur

**STATISTICS OF ACTIVE FILES IN VARIOUS COURTS AS AT DECEMBER 2003**

<b>COURTS / DEPARTMENTS</b>	<b>NO OF CASES FILED</b>
Industrial Relation Department	9
Industrial Court	5
Labour Department / Courts	49
Others - Labour Dept (Insurance assessment)	3
Sessions Court	1
Small Claims Court - Magistrate Court	3
<b>TOTAL</b>	<b>70</b>

*The above 70 cases consist of 145 complainants*

## **Legal Support**

Since January 2003 till December 2003, 5 groups of 76 pupils lawyers went through training in Migrant Rights and Health Program. Through the training, Tenaganita raised the pupils' awareness on the issues faced by migrant workers in Malaysia. The second part of the training focused on enhancing their skills particularly in communication, documentation, negotiations with employers and government authorities, drafting of letters and police reports and liaison with various government authorities. An overview of the various UN Declarations and Instruments pertaining to migrant workers was done in order to define the universal rights of migrants as recognised by international agencies and institutions.

The feedback obtained from the pupils, revealed that at the end of the 14 week program, they were better able to understand the issues of migrant workers and have a basic knowledge of the relevant areas of law, the procedures required especially at the Immigration Department, Police Department and Labour Department. They found that some aspects of skills development did happen. In particular, the experience enhanced their skills in interviewing, negotiating and developing 'people relationship'.

More and more are also volunteering to participate and to involve in Tenaganita's activities and programs. This is a positive sign as we hope this process will pave the way for the development of a lawyers network.

The case handling and management during this first half saw an increase in arrests and detention as the government took a strong position on the implementation of the Immigration Act. More and more employers seem to become arrogant as they dismiss workers and refuse to pay the wages.

### **Following are the support given by the Legal Aid Pupils:**

- Continuous representation from Legal Aid Centre were made at the relevant court and departments to decide on mention and hearing dates.
- Renewal of Special Passes/visa every month and repatriation process at Immigration Departments .
- Interviewing of migrant workers in order to get the relevant facts, that are needed to strengthen the case in court or for better representation by the lawyers with proper documentation of case history.
- Intervening when there are conflicts between the employer and the migrant worker.
- Conducting negotiations with employer in order to resolve any dispute that arises between the employer and migrant without the need to bring a legal action.
- Interventions / Negotiations with relevant authorities i.e Diplomatic Mission Immigrations Department, Police Department for amicable settlement and repatriation.
- Visits to Detention Camps
- Assisting Labour Department in serving summon to employers and filing cases in courts for enforcement of judgments.
- Accompanying/assisting migrant workers to hospitals/clinics for medical treatment. Assisting in the application for the withdrawal of EPF funds/ bank.
- A new project/clinic was initiated by the Migrant Workers Committee called the LAC's Migrant Workers Prison Clinic

## **12. LAC'S MIGRANT WORKERS PRISON CLINIC**

*Report submitted by Project Head, Mr M Murugan*

### **Committee Members**

*The LAC/Tenaganita Migrant Workers Clinic and the LAC's Migrant Workers Prison Clinic are run by the same committee.*

Rapid economy development over the last decade made Malaysia an attractive option for workers from all over the world especially from Indonesia, Philippines, Bangladesh, Myanmar, and Thailand etc. The increasing number of this workers and the job opportunity that have been offered by our government made the number of them involved in criminal increased. For the above reason, LAC is making a step further by introducing a new scheme with an objective to provide legal assistance and advice to this marginalised group.

The clinic started its operation on 15 September 2003 with the assistance from the pupils in chambers, who are required to undergo the compulsory 14 days legal aid duty.

Migrant Workers Prison Clinic provide the migrant inmates of the Kajang Women Prison with the following:

- # Providing legal advice on each individual cases;
- # Providing information to the migrant inmates;
- # Providing legal representation on the options available to them as these detainees are normally those whom are in remand; and
- # Providing moral support and encouragement as these detainees would not have seen anyone apart from the Prison officials and the other inmates at the Prison and they would have been lost as to what will transpire.

Migrant Workers Prison Clinic has assisted 199 clients for the year 2003 pertaining to cases such as failure to produce valid documents, stranded migrant workers in Malaysia, arrest and detention and etc.

A total of 57 files were opened as the centre for further legal representation, 32 files have been referred to the Dock Brief Programme and 110 cases have been referred to the other state Legal Aid Centre as follow:

STATES	CASES
Selangor	80
Johor	15
Negeri Sembilan	10
Perak	2
Pahang	3

**13. BCLACKL/PTF LEGAL INFORMATION SERVICE**

*Report submitted by Preetam Kaur assisted by So Chien Hao (Project Heads)*

**Committee Members**

**BCLACKL representatives**

- Loh Wei Leong
- Irene Yong
- Meera Viswanathan
- Lim Ka-Tsung
- Lee Choo Suat, Tevina
- Loh Mei Fun

The Bar Council Legal Aid Centre Kuala Lumpur (BCLACKL) jointly with Pink Triangle Foundation (PTF) are currently organising twice a month legal clinic for the most marginalised group of communities such as drug users, sex workers, people living with HIV/AIDS, transsexuals and homosexual men and women.

The below are the activities which were held: -

**A) Legal Clinic**

<b>No</b>	<b><u>The Legal Clinic</u></b>	<b><u>Client Attended to:</u></b>	<b><u>Supervisors:</u></b>
1.	18 January 2003 (Saturday)	2 clients	Supervisor: So Chien Hao at PT Clinic
2.	19 April 2003 (Saturday)	1 clients	Supervisor: Irene Yong at PT Clinic
3.	17 May 2003 (Saturday)	3 clients	Supervisor: Meera/So at PT Clinic
4.	22 June 2003 (Saturday)	7 clients	Supervisor: Preetam Kaur Outreach for Sex Workers at Chow Kit
5.	17 August 2003 (Saturday)	3 clients	Supervisor: So Chien Hao at PT Clinic
6.	19 July 2003 (Saturday)	6 clients	Supervisor: Lim Ka-Tsung at PT Clinic
7.	22 August 2003 (Friday)	18 clients	Supervisor: So Chien Hao at Ikhlas Drop In Centre
8.	27 September 2003 (Saturday)	15 clients	Supervisor: Preetam Kaur at Ikhlas Drop In Centre

Since this clinic face difficulty in bringing forward the communities to seek legal assistance therefore the committee has reverse the assistance by meeting the communities at PT Clinic or during outreach work which is conducted at Chow Kit. This method seems to be more fruitful as currently we manage to meet more clients via our Workshop Cum Legal Clinic theme.

There were also 3 client walk-in to LAC for legal advice and thereafter 3 file was opened for legal representation which involve cross-dressing.

**14. LAC/SIS CLINIC**  
*Report submitted by the Committee*

**Committee Members**

Fashilah Ahamat @ Mohd [Project Head]

Nora Murat [Legal Officer, SIS]

Sis had set up their own legal clinic on 2001 but found that they were unable to cope with the high demand from public. LAC had agreed to assist SIS in coping with the demand and LAC/SIS Clinic was set up. The primary objective of the clinic is to provide legal assistance and advice especially on matters pertaining to Syariah laws. The clinic started its operation on 26.09.03, with 2 pupils.

The clinic operates from SIS office (No. 851, Jalan Dewan Bahasa, Kuala Lumpur) and are open on Monday and Friday 10.00 am – 5.00 pm. The pupils were given two days training prior to their stints – by All Women Action Society (AWAM) and Legal Aid Clinic. They were also guided by SIS Legal Officer during clinic's hours.

Pupils were required to answer telephone calls, e-mails and face-to face counseling. Most cases are on divorce procedures and maintenance (wife and children). The table below reflects the cases/clients handled for the period of 26.09.03 to 29.12.03:

Total Number of Cases: 51 Cases

Advice – referred to Jabatan Agama Islam: 3 Cases

Advice – referred to Pusat Perlindungan Wanita: 1 case

SIS would like to thank Management Panel, Fashila Ahamat @ Mohd (Project Head), Staff of LAC especially Siti and Chitrah and participating pupils for their assistance in the setting up of LAC/SIS Clinic and commitment in ensuring the smooth running of the Clinic.

**15. LAC/WAO Legal Information of Advocacy**  
*Report submitted by K Parameswary(Project Head)*

**Women's Aid Organisation (WAO)**

Ivy Josiah

Shoba Iyar

The Bar Council Legal Aid Centre (Kuala Lumpur) joint partnership with Women's Aid Organisation (WAO) and formed new project called LAC/WAO Legal Information of Advocacy Clinic on the 8 July 2003.

The project would be assigned to 2 pupils in chambers once in a week every Mondays and Fridays from 10.00 am till 4.30 pm at Women's Aid office. Since the Clinic is a refuge centre for battered women and children, pupils are strictly advised to keep the address confidential.

The objective of the Clinic is as follows:-

- Joint legal Information of advocacy with WAO
- Provides legal advice and assistance on family, domestic violence, criminal, employment and other matters relating to women.
- Assist women to lodge Police Report/ Interim Protection Order (IPO)
- Prepare and accompany women to court
- Advises, informs, counsels, assists and empowers women in crisis from all walks of life in a friendly, personal and supportive environment.

The pupils are required to assist the women and children by

- Interviewing, advising and assisting

- Liaise with the LAC when files need to be opened for legal representation
- Conduct legal research
- Any other relevant matters
- Also required to accompany women to lodge a police report/ IPO and prepare and accompany women to court as and when it is necessary

Thus far, we have opened a file at BCLACKL upon advice being rendered by WAO.

## **16. SKILLS DEVELOPMENT PROGRAM**

*Report submitted by Project Head, Ravi Nekoo*

### **Committee Members**

Ravi Nekoo – Project Head

Ngooi Chiu-Ing

Doreen Wan

Sreekant Pillai

M Rajkumar

Pushpa Ratnam (AWAM)

The Committee aims to develop/enhance skills of trainers and pupils to ensure the quality of service delivered to clients.

The Committee works with the Audit & Quality Control Committee which audits training (including trainers) and projects, which identifies areas of weakness and offers suggestions for improvement.

The Committee identified the problematic areas in the current training programs such as:

- Poor attention from pupils – these could be caused by long hours of training in one training day, large training groups and lecture-style training with scanty audio-visual aids
- Lack of discipline of pupils - pupils not reading their manuals prior to the training programs though manuals have been distributed to pupils as reference guides and to reduce training duration
- Shortage of trainers
- Trainers not sufficiently trained in training
- Lack of audio-visual aids.

The Committee thus far has organised following programs:

- Staff training on team building – held on 21 June 2003
- Training of trainers for all LAC volunteers and trainers – held on 16 August 2003

The Committee currently looking into various other methodologies to enhance current training programs such as:

- pre-training tests on materials in training manuals
- more active recruitment of trainers
- training for trainers
- more interactive training programs between pupils and trainers, eg role-plays
- preparation of Power-Point visual aids
- training on specific areas of law

The Skills Development Committee is assured that there are a lot more work to be done in the near future and hopefully would be able to meet the challenges.

## **17. AUDIT & QUALITY CONTROL COMMITTEE ("AQC")**

### **Committee Members**

Rashad Khan Sadar Khan (Project Head)

Ngooi Chiu-Ing

Shariman Obaidillah

Dina Adilla Amran

Rajashree Suppiah

### **Aims of the program**

Our clients are the needy and marginalised, who have no one else to turn to, and we should provide them with the best service possible. The program aims to help upgrade and ensure the quality of the services delivered to the clients of the Bar Council Legal Aid Centre (Kuala Lumpur).

### **Activities**

Activities conducted by the Audit & Quality Control Committee for the 2003 include audits of: -

- i) Legal Aid Centre Clinic
- ii) Dock Brief Program
- iii) Legal Aid Centre Secretariat

The Committee had appointed a new Project Head and new committee members after the review session in March 2003.

### **Shortcoming**

Implementation by committees of recommendations – need for follow-up and enforcements by the Panel.

### **Future Plans**

- a) At least one audit per month of a program/clinic
- b) At least one audit per cycle of Training Programs
- c) Review summaries of orientation and training evaluations, and make recommendations.

In concluding the above, I would like to take this occasion to thank the management panel, volunteer lawyers, supervisors, legal aid staff and lastly the AQC committee members.

## **18. FUND-RAISING PROGRAM**

*Report prepared by Project Head, So Chien Hao*

### **Committee Members**

So Chien Hao	Zairulnahar Zakaria
Ngooi Chiu-Ing	N Vijaya
Lee Shet Mei	Vivien Lim
Ramanaambigai Marimuthu	Junny Erfisyahry Khairul Anwar

With growth in terms of work done by the Centre but without corresponding increase in financial resources to the Centre, this committee was formed on 22 April 2000 to assist in sourcing and obtaining funds needed for the running of current projects and for future plans of the Centre.

Since it's formation, the committee organised its first fund-raising activity i.e. a movie premiere of "The Mexican" on Tuesday 22<sup>nd</sup> May 2001 at TGV Suria KLCC. The response from members of the Kuala Lumpur Bar and other generous individuals was encouraging with almost 400 tickets sold. The event raised for the Bar Council Legal Aid Centre (KL) the sum of RM29, 720.00. The funds raised were utilised to cover the expenses of the said premiere such as booking of the halls, printing of invitation cards, upgrading and purchasing of office equipments.

With the assistance of Sil Ad (KL) Sdn Bhd an established yet friendly advertising company the Committee prepared and printed posters of the Centre. These are used during outreach programs conducted by the Centre.

To date the Committee is in the process of drawing up a profile of the Centre for the purpose of promoting the Centre and its activities as well as to raise funds. The initial draft has been completed. Upon completion of the profile the committee shall write to individuals corporations and funding agencies for financial support for the day-to-day operations of the Centre or in the alternative sponsor programs conducted by the Centre.

The committee currently working on its second Charity Movie Premier to be held sometime in February 2004.

**19. MANAGEMENT AND ADMINISTRATION**

**1. Finance**

A sum of RM387,831.95 (RM Three hundred eighty seven thousand eight hundred thirty one and ninety five only) was approved by the National Legal Aid Committee for the Centre's operations for the year 2003.

**2. Annual Accounts** (please refer to the annexed audited accounts)

**3. Acknowledgement**

We wish to record our heartfelt thanks and appreciation to International Law Book Services, Sil Ad (KL) Sdn Bhd, Chung Huang & Khalid, Sidek Teoh Wong & Dennis, Skrine, W Y Chan & Roy, Iza Ng Yeoh & Kit and Fella Design.

A special thanks to volunteers and the firms who have provided their services to the Centre in the year 2003 which are as follows:

<b>VOLUNTEERS</b>	<b>FIRMS</b>
ABBAS NAJMUDDIN	T G LIM & PARTNERS
ABDUL HALIM BIN BAHARI	A. HALIM, HANAFI & ZULKARNAIN
ABDUL RASHID, HJ	A. RASHID & AZRIN
ABDUL SHUKOR KARIM	SHAHRIZA SHUKOR & CO.
ABDULLAH ANUAR BIN SAHRI	KHALEEK AWANG & ASSOCIATES
AFSHAH ARIFIN	AHMAD DAUD & ASSOCIATES
AHMAD BADRI IDRIS	RAM REZA & MUHAMAD
AHMAD TARMIZI BIN SHARIFF	TARMIZI & MARZUKI
AHMAD TAUFIK BIN OTHMAN	SA'ADIAH KHOO LO & CO.
AISYA SAIDA ABDULLAH	OTHMAN HASHIM & CO.
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ANANDAN T	NAZRIN T ANAND & CO.
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ANNA POORANI ALAGENDRA	N SARASWATHY DEVI
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ARIMUTHU P M	ARIMUTHU & ASSOCIATES
ARUNAN SELVARAJ	RUSMAH ARUNAN & ASSOCIATES
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AYASAMY VELU	V SAMY & CO.
AZHANI BIN ARSHAD	EWE & CO.
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AZRINA MOHD ISA	SKRINE
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BEEL LIM	KY LIM & CHURME
BEN LEE KAM FOO	SAJALI & AZIZ
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JACK SIOSE	EDWIN LIM & SUREN

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TEE SHENG WEY	HO & TEE

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WAN AHMAD DZAFFRAN	HISHAM SOBRI & KADIR
WAN SHARIFAH	ASHIRIN JAMILAH & NOR
WINNIE CHAN	VAZEER AKHBAR MAJID & CO.
WONG LEONG HONG	THE LAW OFFICE OF LH WONG
WONG HIN LOONG	AZMAN DAVIDSON & CO.
YAP SIEW YEE	TAI KING & PARTNERS
YASMEEN SHARIFF	MAHANI HAMID & YASMEEN
YIM MUN LEE	YIM YEOH & ASSOCIATES
YOGANATHAN RAMASAMY	HAKEM ARABI & ASSOCIATES
YUSFARIZAL BIN YUSOFF	MAH-KAMARIYAH & PARTNERS
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ZAIRULNAHAR ZAKARIA	RAMESH AMIR & PARTNERS
ZAITON BINTI MOHD AB RAHMAN	VAZEER AKBAR MAJID & CO
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ZUWITA KAMARUZAMAN	ZUWITA MURUKAN & CO.



## **JAWATANKUASA PEGUAM KUALA LUMPUR KUALA LUMPUR BAR COMMITTEE**

### **PRESS STATEMENT**

The Kuala Lumpur Bar Committee (“KLBC”) is disappointed with the decision of the Chief Justice, Tan Sri Dato’ Sri Ahmad Fairuz bin Dato’ Sheikh Abdul Halim to abandon the pilot project for the reorganisation of the Civil Division of the Kuala Lumpur High Court.

The project commonly known as the “Fast Track” system was introduced sometime in October 2002 by the former Chief Justice, Tun Mohamed Dzaiddin bin Haji Abdullah and was disbanded as from 7 July 2003.

The implementation of the pilot project was carried out without consultation or input from the Bar and its abolition too was carried out without feedback from the Bar.

The Bar is an important and integral stakeholder in the justice system and therefore our input is a necessity and a vital aspect of any reform of the justice system.

Despite the lack of consultation and very short notice, the KLBC with the support of the Bar Council had in the period of the implementation of the pilot project provided full cooperation and assistance to the Judiciary.

We had established a positive and open working relationship with the then Managing Judge, Dato’ James Foong, to look into the teething problems post implementation and address matters raised by lawyers related to this reorganisation.

Further to this, we had conducted an extensive survey and gauged feedback from our members, who have generally been supportive of the pilot project. A copy of our report had been forwarded to the Chief Justice on 20 February 2003. The report can be accessed on the KL Bar website at [www.klbar.org.my](http://www.klbar.org.my).

Subsequently, the Bar Council had instructed the KLBC to prepare a further report and unfortunately, the Judiciary, prior to receiving this report, scrapped the pilot project.

Our report indicates that members were generally in favour of the Fast Track system as it has to a large extent resolved long standing problems of uniformity of procedure and case management in the Civil Division.

Issues relating to postponement of cases, according to members, had decreased and matters, especially interlocutory applications were dealt with expeditiously.

We regret that such an important exercise, as the reorganisation of the Civil Courts and its abolition were carried out without consultation with the Bar.

The main consumers of the justice system, the litigants and members of the public communicate largely through the Bar. It is essential for the Judiciary to take cognizance of this fact and involve the Bar in all such future undertakings or projects.

Dated this 14<sup>th</sup> day of July 2003

**RAGUNATH KESAVAN**  
Chairman  
Kuala Lumpur Bar Committee



**JAWATANKUASA PEGUAM KUALA LUMPUR**  
**KUALA LUMPUR BAR COMMITTEE**

**REPORT ON MEETING WITH SHAH ALAM COURTS ON 11/7/2003**

**1. Change In Court's Structure.**

The meeting was informed about the change in the Court's structure in respect of the High Court where there are now 2 Criminal Courts and 3 Civil Courts.

The Court is aware that there may be some confusion in the transfers of the files from one Court to the other but requested that lawyers bear with the difficulties that will arise during the transition period.

**2. Parking**

The meeting was informed that 40 new parking lots have been created although this is still grossly insufficient. At last year's meeting, we were told that the authorities were looking into acquiring the piece of land behind the Court's premises as a car park but that may be put on hold now because the Court needs more space and they are looking into expanding the present Court premises into that piece of land, if acquired.

**3. Folder System**

The Court referred to the folders placed in the Registry for the extraction of cause papers. The Court has requested that lawyers use the BC Boxes instead of the folder system. It is noticed that even large firms are using the folder system instead of the BC Boxes and the Court would like to see more usage of the BC Boxes and do away with the folder system. It was also noticed that legal firms use both the folder system and BC Boxes.

**4. Extraction of Documents.**

The Court assured us that it is aware of the problems and delays in the extraction of documents but implores us to bear with them as they are trying to address the problem.

The problem is particularly bad with the Bankruptcy Division, so 8 additional staff have been employed and En Khalid, TP from the Criminal Division has also been roped in to be in charge of Bankruptcy matters to help alleviate the problem. However the new staff are inexperienced and they will need time to learn the ropes.

It was acknowledged that one cause for the delay of extraction of documents was that the files were misplaced. The Court has agreed to reconstruct these files.

**5. Hearing Dates.**

The Courts are aware that hearing dates may be prolonged due to the restructure of the High Courts but in the absence of new Judges to take on cases that are inadvertently adjourned due to the restructure, there is little that the Courts can do about hearing dates.

There is still no Judge in Court 4 and files are being transferred to other Courts. If no hearing date has been fixed for any pending matters, lawyers are requested to write in for a hearing date.

It was brought to the Courts' attention the problem of files not being transferred to the Court in which it is to be transferred to. The Court was also aware of the problem and referred to a particular file which was transferred to Court 4 but inadvertently ended up in Court 1 which caused the matter to be struck out for non appearance of solicitor even though the solicitor was in fact in Court trying to locate the whereabouts of the file.

When queried whether the Court would of its own volition or on oral application of counsel reinstate the matter, the Court replied that a formal application would still need to be made.

**6. Courts’ Open Day**

The last Friday of every calendar month will still be designated as the Courts’ Open Day and any solicitor may see any TPs, and PKPs to resolve problems, including non-extraction of documents.

The whole year’s Open Day dates are now up on the Notice Board at the High Court Registry.

It was pointed out by the Courts that few solicitors use Open Days to resolve issues and problems and solicitors are therefore encouraged to do so.

**7. Discharge of Solicitors.**

The Criminal Division has requested that solicitors representing the accused either formally discharge themselves or at least inform the Court in some way or other of their intention to discharge instead of simply not turning up for the hearing as this may delay the criminal proceedings.

**8. Extraction of F 141**

The Court says that quite often solicitors do not extract F141 even after they are informed that it is ready. The Court would like to remind solicitors to promptly collect and pay for F141.

**9. Probate/Letters of Administration**

The Court was informed that the letter for payment upon Probate or LA being granted is not always issued, or if issued is only done some time later. The Court was requested to look into this and to have the letter issued on the same day as when Probate or LA is granted.

**10. Court Library**

The Court has kindly agreed that lawyers may be permitted to use the Court Library for research. However Books may not be taken out of the library even for photocopying purposes. The librarian may be requested to assist lawyers in need of photocopying if absolutely necessary.

**11. Harassment of Court Staff**

The Court has requested that lawyers refrain from harassing or bullying clerks into processing their cause papers at the expense of other earlier filed cause papers. If there is a necessity for prompt processing of cause papers, lawyers are requested to see a TP.

*Prepared by Teh Yoke Hooi*



**JAWATANKUASA PEGUAM KUALA LUMPUR  
KUALA LUMPUR BAR COMMITTEE**

**REPORT ON THE MEETING  
WITH THE JUDGES AND REGISTRARS OF THE APPELLATE & SPECIAL POWERS DIVISION  
OF THE KL HIGH COURT ON 17/10/2003**

**1. Staggered Hearing Times**

We suggested staggered times for both Courts since the staggered timing set in YA Dato' Md Raus Court is a welcome move. The Judge said it was more efficient to have staggered times. However staggered times do not always work as sometimes cases do not complete as scheduled. The Courts were willing to accept staggered timing for cases.

**2. Format for Reviewing Taxation Matters**

We brought up the issue of the Registrar's directive that taxation reviews must be by way of filing a Notice of Appeal. We mentioned that this did not accord with Order 59 r. 36(3) RHC 1980 which requires reviews to be by way of summons.

The Judges directed the Registrars to take note that reviews of taxation do not require a notice of appeal.

**3. Rejection of Documents by Court Clerks**

We also took up the concerns that clerks have been rejecting documents which are filed. We said this should not be done as any mistakes can be rectified by amendment applications and the proper authority to reject documents should be the Registrar or the Judicial Officers.

The Judges said that the lawyers should see the SARs if they face this problem and asked the Registrars to issue a directive to the staff that any dispute over the regularity of documents which are filed are to be referred to the SARs.

**4. Notice of Postponement**

On the issue of postponement, we highlighted that insufficient notice of postponements has resulted in time wasting. In this regard, we suggested that the cause list be given to the KL Bar in advance to be placed on their website so that lawyers will be given advance notice of cases which are being postponed.

The Court agreed in principle to give the cause list to the KL Bar to put on the KL Bar website. This facility is being worked out and is expected to be available in January 2004.

**5. Written Submissions**

We took up the issue of concern that written submissions have been directed for most cases. This was time consuming for lawyers and also gave rise to the erosion of advocacy skills. We proposed that Counsel be given the option of deciding whether to submit orally or by way of written submissions.

The Judge said that there was often no time to hear cases orally because of the long list and Counsel often ask to put in written submissions. Simple matters such as Order 26 Appeals do not require written submissions. Even if written submissions were put in, counsel can still submit orally.

The Judges said that lawyers are always given the option to submit written submissions. If only oral submissions are required, it can take the whole day.

We also highlighted that for RKK 2 there is also a "temujanji" before the hearing which is time consuming since standard directions are issued. If there has been non-compliance with directions, the Judges can deal with it at the hearing. The Judges will look into this issue.

The Judges said that in future when letters are sent regarding hearings dates, the Court will set out the standard directions for filing skeletal submission only.

We suggested that the submissions be skeletal in form and that the number of pages be limited as so that lawyers will be entitled to also submit orally. The Court will take on this suggestion.

**6. Power of Attorneys**

We further acknowledged the improvement in the return of Registered PAs which used to be 6 months and above.

**7. Guard Requires Counsel to Record Names in Book**

We had expressed concern over the requirement of lawyers having to give their names and IC numbers to the guard when they wished to see the TP.

The Judges directed the Registrars to ask the guard to stop this practice.

**B. Court's Concerns**

**1. Discourtesy & File Searches**

The SAR said that some lawyers are very impatient and discourteous when dealing with Court officials. For example, some of them become rude when they want to do a file search and they cannot accommodate the request straight away.

We suggested that for file searches, the Court can allow 1 day's advance booking as is the practice in Wisma Denmark.

The Judges agreed to the suggestion.

**2. Documents not properly identified**

The SAR said that documents filed in Court should state whether it is fixed for Hearing / Mention / Decision so that the file can be easily located. All documents should also state the telephone no. and fax no. of the solicitor so that they can be contacted easily.

**All members please take note.**

**3. New Directions**

The SAR said that some lawyers are not looking at the notice board for new directions.

We suggested that such direction be sent to the KL Bar so that it can be put on the KL Bar website for members' information.

**4. Long Calls**

The SAR suggested having a tea reception for Long Calls since KL is the only Court which does not practice it.

For Long Calls, the movers should come early and be ready before 9.00am. At the moment there are delays because some movers are not in Court on time.

The SAR also said that on some occasions, pupils come to Court for their Long Calls without being properly attired. He cited an example of a pupil who had to have a collar stapled on to his shirt on the day of his Long Call. Masters should make sure that their pupils are properly attired before their Long Call.

**All members please take note.**

**5. Short Call**

For Short Calls, there have been instances where Masters have not sent movers and the interpreter has to help these students find a mover.

**All members please take note.**

**6. Meetings SARs**

There have been instances where lawyers have gone into the Registry without prior permission and insist on seeing the SARs straight away. We were told to be patient to avoid any unpleasantness.

**7. Filing in the Wrong Court**

There have been instances where matters have been filed in the wrong Court. An example was cited where a party seeking a declaration filed the writ in the RKK Division when it should be in Civil / Dagang. Lawyers were advised to ensure that cause papers are filed in the correct Court.

**8. Enclosure Numbers**

Enclosure Numbers should be checked in advance of the hearing. It can be done on the day before the hearing before 4.30pm or at 8.30am on the Hearing day.

**All members please take note.**

**C. General Matters**

**1. Leave Applications for Judicial Review**

We sought clarification as to the new directions in relation to Judicial Review applications. Since leave applications are to be made by Form 111A, we sought clarification as to whether the application should ask for the substantive prayer or for leave.

The Judges said that Form 111A should ask for leave. Once leave is granted, the applicant should file Form 111B.

**2. Reference Proceedings**

We suggested that another reference proceeding be conducted in January or February 2004 and this was agreed to by the Judges.

**3. Postponements**

The Judges said that there are many requests for postponement by lawyers causing backlog sometimes. It also means that the list for the day has to be longer to take into account the fact that lawyers may ask for the postponement of some of the cases. Their requests for postponements are not always timely and is sometimes made on the day of the hearing.

**All members please take note.**

*Prepared by Sivakumar Kanagasabai*