



Kuala Lumpur Bar

Thursday 4th March 2004

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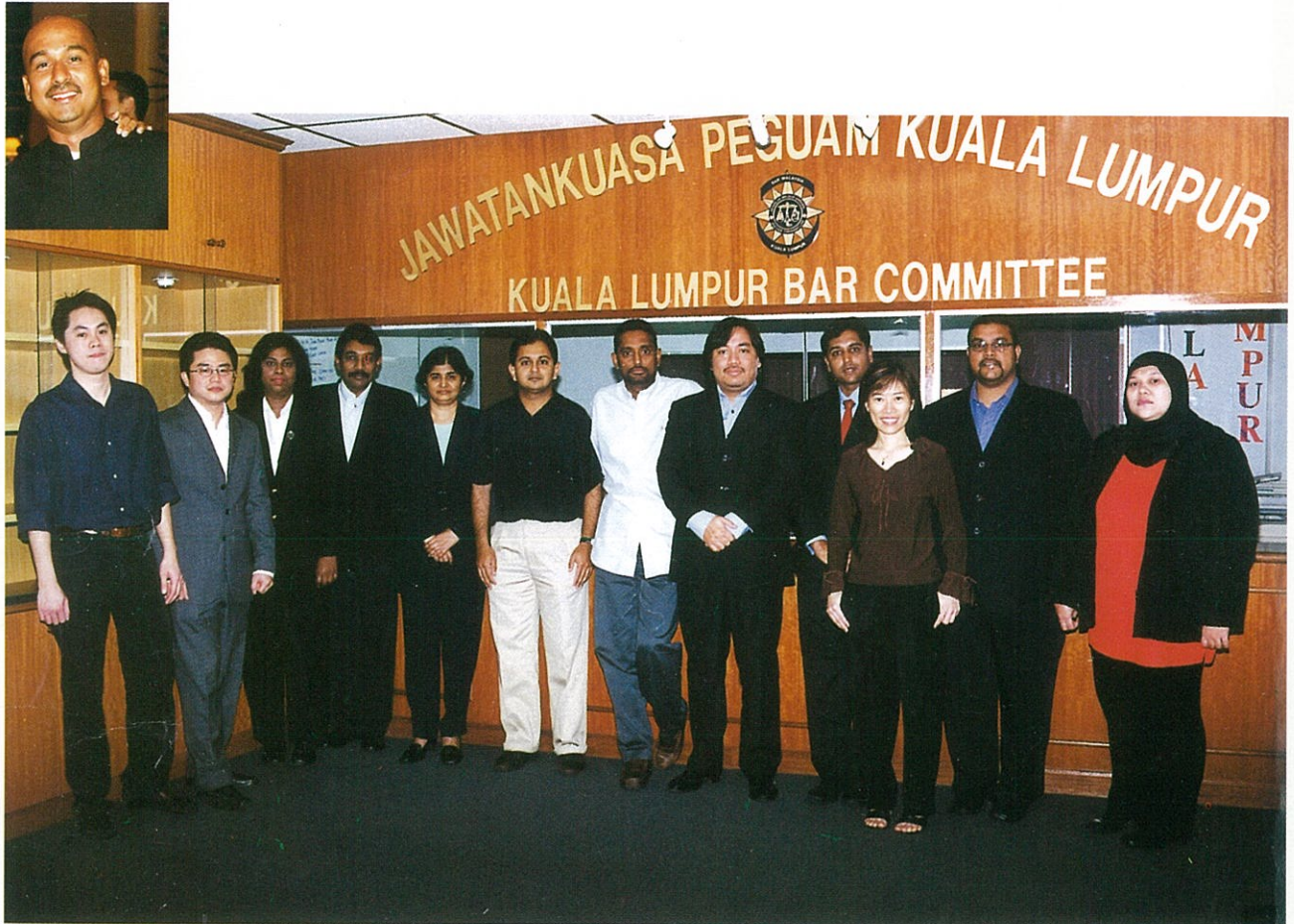
Grand Ballroom

The Legend Hotel

Kuala Lumpur

12TH ANNUAL GENERAL MEETING

KUALA LUMPUR BAR COMMITTEE 2003/04



L. to R . : Edmund Bon (YLC Secretary), Lim Chee Wee, M Moganambal (YLC Chairperson),
R Ravindra Kumar, Ambiga Sreenevasan (Rep. to Bar Council),
Oommen Koshy (Hon. Secretary), Ragunath Kesavan (Chairman), Asmet Nasruddin,
Colin Andrew Pereira, Mary Tan (Executive Secretary), Sanjeev Kumar Rasiah,
Sa'adiah bt Din

Inset : Stanley Sinnappen

CHAIRMAN'S REPORT

The Kuala Lumpur Bar consisting of more than 5,600 members has diverse needs and requirements.

We have therefore strived to ensure greater connectivity with our members and the setting up of the KL Bar Website and our e-mail database consisting of around 4,000 members has greatly assisted us in communicating efficiently and expeditiously.

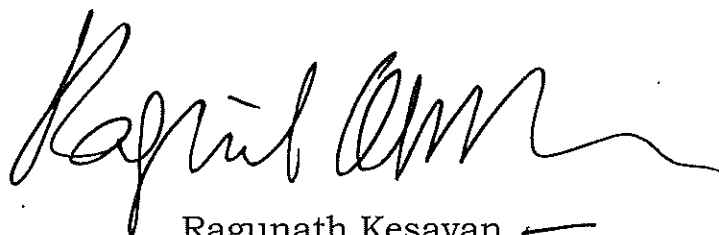
In this respect, we have upgraded the computer system at our Secretariat to cope with the increased membership over the years.

I am pleased to report that all our Committee members have collectively worked hard and contributed significantly to the activities of the Kuala Lumpur Bar.

We are especially grateful to the many members of the Kuala Lumpur Bar who served on our sub-committees with so much effort and dedication.

We must continue to support the Kuala Lumpur Bar and contribute in any way possible for the Kuala Lumpur Bar to remain relevant within the Bar Council and our justice system.

Our gratitude and thanks to all of you for the cooperation, assistance and support rendered to the Committee.



Ragunath Kesavan —
Chairman

Kuala Lumpur Bar Committee
2003/04

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'adiah 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'adiah 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'adiah 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 13 to 58.

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 101)

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.

KUALA LUMPUR BAR 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) on 6 March 2003 in conjunction with the 11th 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.

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 102-103). 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 104-106). 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 st Runner-up	:	Aliza Rachel Varughese
2 nd 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 Yogarathnam (*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 1st 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 Ragunath 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 Lanjang, 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 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

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

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

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.

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

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
Sharmini Thiruchelvam
Salbiah Ahmad

Brian Law
Marlene Blanche Culas
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

S Muhendaran

Ramesh Lachmanan

Mary Song

Ms Mabel Yong (Kajang Women Prison Clinic)

A Balakisnan

M Kamalam

M Lalitha

M Visvanathan

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
Total Person Assisted	1050

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

Persons Approached	216
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 1st 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 1st 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: -

Syariah clients total no. of applicants	98
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. Amli from M/s. Amli & 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: -
- Whether members or guardians are notified of the detention of juveniles by the police;
 - Whether the probation officers are informed immediately upon detention of a juvenile;
 - Whether juveniles are detained together with adults in the same police lock-up;
 - Whether juveniles are subjected to police violence and abuse during detention and remand;
 - 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
 - The duration of the remand pending trial.

Annual breakdown of the offences committed by the juveniles:

Types of offences.

Charged Under Sec.	No. Juveniles	Charged Under Sec.	No. Juveniles
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

COURTS / DEPARTMENTS	NO OF CASES FILED
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
TOTAL	70

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

<u>No</u>	<u>The Legal Clinic</u>	<u>Client Attended to:</u>	<u>Supervisors:</u>
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	Zairulnahr 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 its formation, the committee organised its first fund-raising activity i.e. a movie premiere of "The Mexican" on Tuesday 22nd 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:

VOLUNTEERS	FIRMS
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.
ALEXIS DIANA	A DIANA & ASSOCIATES
AMER HAMZAH	ZAIN & CO.
AMIR MAHMOOD MOHD RAZALI	AMIR ROSY & PARTNERS
ANANDAN T	NAZRIN T ANAND & CO.
ANANTH NAMASIVAYAM	ANANTH NAMASIVAYAM V. & PARTNERS
ANNA POORANI ALAGENDRA	N SARASWATHY DEVI
ANTHONY SHERMAN	VAZEER AKHBAR MAJID & CO.
ARIMUTHU P M	ARIMUTHU & ASSOCIATES
ARUNAN SELVARAJ	RUSMAH ARUNAN & ASSOCIATES
AVTAR S. DHALI WAL	DHALI WAL & NAICKER
AYASAMY VELU	V SAMY & CO.
AZHANI BIN ARSHAD	EWE & CO.
AZMER MD SAAD	LAINAH YAACOB & ZULKEPLI
AZRINA MOHD ISA	SKRINE
BALJIT SINGH SIDHU	SHUKOR BALJIT & PARTNERS
BEEL LIM	KY LIM & CHURME
BEN LEE KAM FOO	SAJALI & AZIZ
BHAVANASH SHARMA	RAJA ELEENA, SIEW & ANG

BOESTAMAM AHMAD	ZULKIFLI YONG AZMI & CO.
BRIAN LAW	SHEARN DELAMORE & CO.
BUDIMAN LUFTI	RABINDER BUDIMAN & ASSOCIATES
CANTIUS LEO CAMEONS	C. LEO CAMEONS
CHANDRASEGARAN PANJACHARAM	L C CHONG & CO.
CHEH CHOOI JING	CHEH & CO.
CHENG POH HENG	CHENG POH HENG & CO.
CHETAN JETHWANI	SRI RAM & CO.
CHIN YIN CHOI	GIDEON TAN RAZALI ZAINI
CHONG JOO TIAN	J T CHONG & ASSOCIATES
CHOW WEI CHENG	LEE SWEE SENG
D.M. RAO	D.M. RAO & CO.
DATO' ZAIDI ZAIN	ZAID IBRAHIM & CO
DIR KHEIZWAN BIN KAMRUDDIN	MANJIT SINGH SACHDEV
EDMUND BON	CHOOI & COMPANY
EDWARD SAW KEAT LEONG	NG YOOK WOON, ANDREW T C SAW & CO.
ENGKU AMINUDDIN	ENGKU AMINUDDIN & CO.
ERIC ANTHONY PRAGASAM	FRANCIS BRIGGED & CO.
FADHLINA BINTI DATO' SIDEK	MOHAMAD ISA & ASSOCIATES
FAHRI AZZAT	AZZAT & IZZAT
FASHILA BINTI AHMAD	J LEE & ASSOCIATES
FAZARUDIN SUJAI RI	FAZARUDIN & CO.
FRANCIS PEREIRA	FRANCIS PEREIRA & SHAN
G. PARVATHY SHANMUGAM	PAR GOVIND & CO.
GANESH KANAGARETNAM	K GANESH & ASSOCIATES
GARY GOMEZ	RAVI, BELTRAN & CO.
GODFREY THOMAS FERNANDEZ	G T FERNANDEZ & CO.
GUNASEHARAN A.	GUNASEHARAN & ASSOCIATES
HABEEB RAHMAN	PREMA BALA HABEEB & ASSOCIATES
HAJI MUHAMAD BIN HAJI BUROK	ABU TALIB SHAHROM & ZAHARI
HARBANS KAUR	HARBANS & ASSOCIATES
HARCHARANJIT SINGH	HARCHARANJIT SINGH & ASSOCIATES
HAZIRAH BINTI OTHMAN @ MAN	AZAINA & FAKHRUL
HELEN CHIN	L M CHIN & CO.
HENG HIANG SWEE	JAHARA RADZI & PARTNERS
HERLINA BINTI AHMAD BASRI	KHAIRUDDIN LINA LEONG & CO
HIDAYAT MD NOOR	IQBAL HAKIM, SIA & VOO
HO KOK YEW	RANJIT OOI & ROBERT LOW
INTAN NURFAIZA BINTI YANG RAZALI	YUSOF KHAN & FONG
JACK SIOSE	EDWIN LIM & SUREN

JAGDISH KAUR	A S JAY & CO.
JAMES KHONG	CHOOI & CO.
JAYALETCHUMI RAJARETNAM	LIM JAYA & CO.
JAYAMURUGAN VADIVELU	JAYAMURUGAN VADIVELU & PARTNERS
JEGATHESAN G	NAJAH RAW JEGA & CO
JESSLYN CHEONG	E T LIM & PARTNERS
JOHANA BINTI MOHD TAIB	JOHANA MOHD TAIB
JOSEPH IRUTHAYAM	JOSEPH IRUTHAYAM & CO
JOSEPH TAN CHEE KEONG	TAN CHEE KEONG & CO
JUNNY ERFISYAHRY	ALBAR & PARTNERS
K A RAMU	A M KANDA & ASSOCIATES
K PARAMESWARY	NEKOO PARAMES & TUNG
KALYANA SUNDARAM	KALYANA MASLINDA & CO
KAMAL KAMDAR	KAMAL KAMDAR & ASSOCIATES
KAMALAM M.	M KAMALAM & CO.
KAMARUL ZAMAN	KAMARUL ABDUL RAHMAN & CO
KAN WENG HIN	AZAM-MALEK & SOH
KAREN TEO HOOI FONG	SKRINE
KARPAYA K A	KA KARPAYA & ASSOCIATES
KASTHURI KRISHNAN	KASTHURI & CO.
KASTHURY SELLAPPAN	AZARIAH & ASSOCIATES
KEVIN DE ROZARIO	VIGNES RAJU & PARTNERS
KHAIRUN HAJI TAIB	KHAIRUN YAP & TEOH
KISWATY BTE HAJI ABDULLAH	ABU BAKAR & YONG
KITTY OH	KITTY OH & PARTNERS
KRISHNAVENI PATANHARY	VENI & CO.
KUMAR T.	RAVI SASHI & CO.
KUPPAREDY GOPAL	G. REDY & ASSOCIATES
LATHEEFA KOYA	DAIM & GAMANY
LEE SHET MEI	E T LIM & PARTNERS
LEE SWEE SENG	LEE SWEE SENG & CO
LEE TEE KIAT	SAIBULLAH M.V. NATHAN & CO
LEONG YEEN SAN	SAN LEONG
LETCHIEMANAN SITHAMPARAM	PATHI & ASSOCIATES
LOH CHIN HAU	LOH & CO.
LOW BIN HWA	CHYE, CHOW, CHUNG & CO.
M SATHIASEELAN	SATHIA & ASSOCIATES
M V NATHAN	SAIBULLAH M V NATHAN & CO
MAHENDRAN GNASAMOOTHY	GOMES & ASSOCIATES
MAHYUDIN BIN MD. ZAHARI	MAHYUDIN & CO.
MALCOLM FERNANDEZ	NORMAN FERNANDEZ & ASSOCIATES

MANJIT KAUR	MANJEET K. SARJIT & CO.
MANOHARAN M	M. MANOHARAN & CO.
MANPAL SINGH (STEVE)	MANJIT SINGH SACHDEV
MARY MANICKAM	MARY & PARTNERS
MARY SONG	MARY SONG & ASSOCIATES
MAT ZAIN BIN SULAIMAN	ZAIN SULAIMAN & CO
MOEIS BASRI	ZAHIR RAZAK & CO.
MOHAMED HANIFF	HANIFF & RAJENDRAN
MOHD HAFIIZH BIN MOHD @ GHAZALI	AHMAD FUAD AMIN & PARTNERS
MOHD HARRIS	MOHD HARRIS MOHAN & PARTNERS
MOHD YAHYA	RUSMAH ARUNAN & ASSOCIATES
MOHD YUSMADI MOHD YUSOFF	YUSMADI & CO.
MOLLY M GOMEZ KERISNAN	MOLLY M GOMEZ & CO.
MOSES SUSAYAN	MOSES SUSAYAN & ASSOCIATES
MUHAMMAD AFFENDY	HANIF & CO.
MUHENDARAN SUPPIAH	MUHENDARAN SRI
MURUGAN M	MURU & ASSOCIATES
NADARAJA AJUNAN	AZLIA VIZA & NADA
NAGESWARY PALANISAMY	HALIMATON SA'ADIAH & NAGES
NARAENDRAN S THIAGARAJAH	NAREANDRAN & SURIA
NATARAJAH C	WAN MAJID MANO & NADA
NEASARANI T SINGARA THEVAR	FAUZI NGAH & NGASA
NIK NURUL ATIQA	ONN HUSSEIN & YEE
NOOR ASHIKIN MOHAMAD	ABDULLAH ABD RAHMAN & CO.
NOOR JIHAN BINTI NOOR YADAH	NOOR JIHAN, GHAZALI & CO.
NOR AISHAH BINTI OSMAN	RAJA BADROL HAZMAN
NOR AZIZA ISMAIL	SHAHINUDDIN & RANJIT
NOR AZRIL BIN ROSELAN	AZIZ HON & CO.
NORHUSNIAH HUSIN	ZAIN & CO
NORR ASHIKIN	NATHAN & CO.
P SELVARAJ	RAJ & CO.
PARAMJIT SINGH	A M ZAHARIL & CO.
PATRICIA CHAN BEE LING	LEE ROS & LING
PATRICIA/SIEW TING	RAJAH LAU & ASSOCIATES
PERIASAMY K.	NORAZIDAH & PERI
PURAVALEN M	VALEN & PARTNERS
RAJENTHIRAKUMAR	KUMAR ASSOCIATES
RAMESH LACHMANAN	AZMAN DAVIDSON & CO.
RAMLAH BEGUM	RAMLAH & ASSOCIATES
RANJEET KAUR	HARCHARAN & CO.
RASHID ZULKIFLI	RASHID ZULKIFLI

RAVI NEKOO	NEKOO, PARAMES & TUNG
RAVICHANDRAN DORADAS	RAVI SHASHI & CO
RAVINDRAN RAMANUJUM	RAVI RAM & CO.
ROBERT DEVAN	ROBERT DEVAN & CO
RODZIAH ROSY BINTI DAUD	AMIR ROSY & PARTNERS
ROS 'AINI IDRIS	ROS 'AINI IDRIS & CO.
ROSAZLINA MAHMOOD	SAIFUL KASRI & ASSOCIATES
ROSHALIZAWATI MUHAMMAD	ABD HALIM USHAH & ASSOCIATES
ROZITA SHAIKH SALLEH	ROS AINI IDRIS & CO
SALLY L Y CHEE	L Y CHEE & ASSOCIATES
SAMIDURAI T.	T. RAJAGOPALU & CO.
SAMUNDESVARI GOPAL	S N YAP & ASSOCIATES
SANJIVPAL SINGH	GURDIAL BAKAN SINGH
SAPIAH AMBO	AZIZ HASAN & CO.
SAROOP RAMPAL	NORENDRA & YAP
SATGURUNATHAN N.	SATGURU & ASSOCIATES
SEELAN	SUSIELAN & ASSOCIATES
SELVA BALAN SINNNAN	AZMAN JOSEPH & ASSOCIATES
SELVARAJ P.	RAJ & CO
SHAHRIMAN OBAIDILLAH	RASHIDAH SHAHRIMAN & PARTNERS
SHANTAKUMARI T.S.	MANN & ASSOCIATES
SHANTI NAGU	S H YAP & CO.
SHARIZA ASHARI	WAN BALBIR & ASSOCIATES
SHARMINI THIRUCHELVAM	FRANCIS PEREIRA & SHAN
SITI RAZASAH ABD RAZAK	RAZASAH RAZAK & CO.
SIVASHANKAR SIVANANDAM	KAMALUDDIN ZAINOORIN & CO.
SO CHIEN HAO	C H SO & ASSOCIATES
SOADAH YASIN	SAODAH & ASSOCIATES
SONIA JAYANTKUMAR SHAH	MAK ONG & NG
SRIMURUGAN	M. MANOHARAN & CO.
SU THIANG JOO	CHEAH TEH & SU
SUBATRA RAJARATNAM	SUBATRA & CO.
SULAIMI SULONG	SULAIMI, YASIN & ASSOCIATES
SUNIL VIJAYAN	THE CHAMBERS OF SUNIL VIJAYAN
SURESH DANAPALA SINGAM	KULDIP SINGH & CO.
SURIA PREBA VARATHARAJ	NARAENDRAN & SURIA
SUTHESH PERUMAL	SUTHES & ASSOCIATES
SUZANA NORLIHAN ALIAS	SUZANA NORLIHAN & CO.
SUZANAWATI BINTI ISMAIL	SUZANA ISMAIL & PARTNERS
TARLOCHAN SINGH	ABDULLAH ABD RAHMAN & CO.
TEE SHENG WEY	HO & TEE

THILAGAVATHY S.	THILA SUNDRAM & PARTNERS
TIRUKUMARAN R.	LEE ONG & PARTNERS
V SAMYNATHAN	V SAMYNATHAN & CO.
VARGHESE ONNY	K FRANCIS & VARGHESE
VASANDI KANDASAMY	K VASANDI & CO.
VASUVI P.	P VASUVI & ASSOCIATES
VICKNESWARY MANICKAM	V. MANICKAM & PARTNERS
VIGNESVARY ALAHAKONE	AZLIN ALAHAKONE & ASSOCIATES
VISVANATHAN M.V.	SAIBULLAH M V NATHAN & CO
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
YUSMAWANI AB WAHAB	HAMID SULTAN & LOGACHITRA
YUSRI KAMARUDIN	ZURI & CO.
ZAINAB DERAHMAN	ZAINAB DERAHMAN & CO
ZAIRULNAHAR ZAKARIA	RAMESH AMIR & PARTNERS
ZAITON BINTI MOHD AB RAHMAN	VAZEER AKBAR MAJID & CO
ZALINA ISHAK	ZARIAH JAMALUDIN & ASSOCIATES
ZULKAFLI BIN ABD HAMID	ZULKAFLI HAMID & CO.
ZULQARNAIN BIN LUKMAN	RADZI & ABDULLAH
ZUWITA KAMARUZAMAN	ZUWITA MURUKAN & CO.

Singam & Yong (AF 0040)

Chartered Accountants

SUITE 1807, PLAZA PENGKALAN, JALAN TIONG, 3RD MILE, JALAN IPOH, 51100 KUALA LUMPUR, MALAYSIA. TEL: 603-40420611/0412612 FAX: 603-40410704 E-mail: singamyong@syypa.nasfonet.net

BAR COUNCIL LEGAL AID CENTRE (KUALA LUMPUR)

FINANCIAL STATEMENTS – 31 DECEMBER, 2003

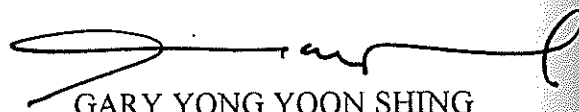
REPORT OF THE AUDITORS

We have audited the accompanying Balance Sheet and Income and Expenditure Account of BAR COUNCIL LEGAL AID CENTRE (KUALA LUMPUR) in accordance with approved auditing standards.

In our opinion, the accompanying Balance Sheet and Income and Expenditure Account, together with the accompanying notes, give a true and fair view of the state of affairs of BAR COUNCIL LEGAL AID CENTRE (KUALA LUMPUR) as at 31 December, 2003 and of its income and expenditure for the financial year ended on that date.



SINGAM & YONG
No. AF 0040
Chartered Accountants



GARY YONG YOON SHING
No. 633/03/05 (J/PH)
Partner

Kuala Lumpur,

14 JAN 2004

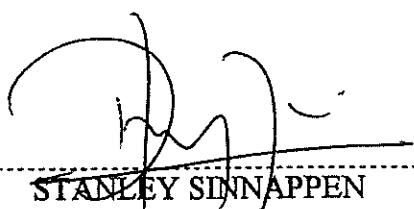
BAR COUNCIL LEGAL AID CENTRE (KUALA LUMPUR)

BALANCE SHEET – 31 DECEMBER, 2003

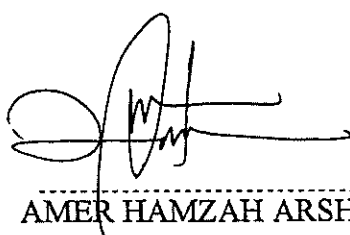
	<u>Note</u>	<u>2003</u>	<u>2002</u>
		RM	RM
PLANT AND EQUIPMENT	2	35,901	44,943
CURRENT ASSETS			
Sundry receivables, deposits and prepayments	3	20,719	13,897
Disbursement recoverable		35,980	35,998
Cash and bank balances	4	47,734	22,255
		104,433	72,150
Less :			
CURRENT LIABILITIES			
Client's account		19,692	19,692
Sundry payables and accruals		4,709	7,356
		24,401	27,048
NET CURRENT ASSETS		80,032	45,102
		115,933	90,045
Represented by :		RM	RM
ACCUMULATED FUND	5	115,933	90,045

The accompanying notes form an integral part of, and should be read in conjunction with these financial statements.

We certify that the above Balance Sheet and accompanying Income and Expenditure Account, together with the accompanying notes, give a true and fair view of the state of affairs of BAR COUNCIL LEGAL AID CENTRE (KUALA LUMPUR) at 31 December, 2003 and of its income and expenditure for the financial year ended on that date.



STANLEY SINNAPPEN
 Chairperson



AMER HAMZAH ARSHAD
 Hon. Secretary

BAR COUNCIL LEGAL AID CENTRE (KUALA LUMPUR)

NOTES TO THE FINANCIAL STATEMENTS – 31 DECEMBER, 2003

ACCOUNTING POLICIES

1.1 Accounting basis

The financial statements have been prepared under the historical cost convention and are in accordance with the applicable approved accounting standards in Malaysia.

1.2 Plant and equipment and depreciation

Plant and equipment are shown at cost less accumulated depreciation. Depreciation is calculated to write off the cost of the plant and equipment in equal annual instalments over their estimated useful lives. The annual rate used for this purpose is 10% for all the plant and equipment.

PLANT AND EQUIPMENT

	Air- conditioners and office <u>equipment</u>	Furniture and <u>fittings</u>	<u>Renovation</u>	<u>Total</u>
	RM	RM	RM	RM
<u>2003</u>				
<u>Cost</u>				
As at 1 January	104,154	9,138	11,764	125,056
Addition	548	139	-	687
As at 31 December	<u>104,702</u>	<u>9,277</u>	<u>11,764</u>	<u>125,743</u>
<u>Accumulated Depreciation</u>				
As at 1 January	67,580	5,475	7,058	80,113
Current depreciation	7,754	799	1,176	9,729
As at 31 December	<u>75,334</u>	<u>6,274</u>	<u>8,234</u>	<u>89,842</u>
Net Book Value	<u>29,368</u>	<u>3,003</u>	<u>3,530</u>	<u>35,901</u>

BAR COUNCIL LEGAL AID CENTRE (KUALA LUMPUR)

NOTES TO THE FINANCIAL STATEMENTS – 31 DECEMBER, 2003
(CONT'D)

2. PLANT AND EQUIPMENT (Cont'd)

	<u>Air- conditioners and office equipment</u>	<u>Furniture and fittings</u>	<u>Renovation</u>	<u>Total</u>
	RM	RM	RM	RM
<u>2002</u>				
<u>Cost</u>				
As at 1 January	101,855	9,138	11,764	122,757
Addition	2,299	-		2,299
As at 31 December	<u>104,154</u>	<u>9,138</u>	<u>11,764</u>	<u>125,056</u>
<u>Accumulated Depreciation</u>				
As at 1 January	59,878	4,690	5,882	70,450
Current depreciation	7,702	785	1,176	9,663
As at 31 December	<u>67,580</u>	<u>5,475</u>	<u>7,058</u>	<u>80,113</u>
Net Book Value	<u>36,574</u>	<u>3,663</u>	<u>4,706</u>	<u>44,943</u>

3. SUNDRY RECEIVABLES, DEPOSITS AND PREPAYMENTS

	<u>2003</u>	<u>2002</u>
	RM	RM
Rental deposit	11,262	11,262
Rental prepaid	7,508	-
Utility deposit	1,000	1,000
Telephone deposit	949	949
Staff insurance prepaid	-	686
	<u>20,719</u>	<u>13,897</u>

BAR COUNCIL LEGAL AID CENTRE (KUALA LUMPUR)

NOTES TO THE FINANCIAL STATEMENTS – 31 DECEMBER, 2003
(CONT'D)

4. CASH AND BANK BALANCES

	<u>2003</u>	<u>2002</u>
	RM	RM
Office account	28,620	3,057
Clients' account	19,095	19,095
Cash in hand	19	103
	<u>47,734</u>	<u>22,255</u>

5. ACCUMULATED FUND

	<u>2003</u>	<u>2002</u>
	RM	RM
Balance brought forward	90,045	118,916
Surplus/(Deficit) for the financial year	<u>25,888</u>	<u>(28,871)</u>
Balance carried forward	<u>115,933</u>	<u>90,045</u>

BAR COUNCIL LEGAL AID CENTRE (KUALA LUMPUR)

**INCOME AND EXPENDITURE ACCOUNT FOR THE
FINANCIAL YEAR ENDED 31 DECEMBER, 2003**

	<u>2003</u>	<u>2002</u>
	RM	RM
INCOME		
Allocation from Bar Council	392,832	359,071
Donations received	6,399	4,804
Cost awarded	3,995	-
Skill development	300	-
Temporary staff subsidy	-	1,800
Other income	74	75
	<u>403,600</u>	<u>365,750</u>
Less :		
EXPENDITURE		
Salaries, overtime and allowance	200,755	202,417
Rental	40,618	39,680
Training	31,074	29,829
E.P.F.	25,020	27,234
Telephone	18,310	19,278
Bonus	13,236	16,460
Printing and stationery	11,329	11,823
Depreciation of plant and equipment	9,729	9,663
Storage charges	4,418	4,865
Juvenile task force	4,014	5,187
SOC SO	3,028	3,063
Medical expenses	2,782	2,397
Upkeep and maintenance of office	2,400	2,382
Volunteers meeting	1,843	5,565
Despatch charges	1,594	2,402
Auditors' remuneration	1,500	1,500
Maintenance of office equipment	1,390	663
Electricity and water	1,132	1,939
Refreshments	1,089	2,746
Staff insurance	843	3,039
Miscellaneous	644	659
Postage	606	1,089
Bank charges	190	662
Balance carried forward	377,544	394,542

BAR COUNCIL LEGAL AID CENTRE (KUALA LUMPUR)

**INCOME AND EXPENDITURE ACCOUNT FOR THE
FINANCIAL YEAR ENDED 31 DECEMBER, 2003
(CONT'D)**

	<u>2003</u>	<u>2002</u>
	RM	RM
Balance brought forward	377,544	394,542
Advertisement	168	45
Travelling	-	34
	<u>377,712</u>	<u>394,621</u>
SURPLUS/(DEFICIT) FOR THE FINANCIAL YEAR	<u>25,888</u>	<u>(28,871)</u>

The accompanying notes form an integral part of, and should be read in conjunction with, these financial statements.

LAPORAN TAHUNAN 2003/04

Setakat 20 Januari 2004

1. MESYUARAT AGUNG TAHUNAN KE-11

Mesyuarat Agung Tahunan Ke-11 telah diadakan pada hari Isnin 13 Mac 2003 jam 2:30 petang di Grand Ballroom, Hotel Legend, Kuala Lumpur. Ianya telah ditangguhkan daripada 6 Mac 2003 kerana ketiadaan korum.

2. PEMEGANG-PEMEGANG JAWATAN

Pada Mesyuarat Agung Tahunan Ke-11 ini, pemegang-pemegang jawatan berikut telah dipilih:

a) Jawatankuasa Peguam 2003/04

Pengerusi: Ragunath Kesavan
Ahli-ahli: Oommen Koshy
Colin Andrew Pereira
Lim Chee Wee
Sanjeev Kumar Rasiah
R Ravindra Kumar
Stanley Sinnappen

b) Wakil ke Majlis Peguam 2003/04

Ambiga Sreenevasan

3. SETIAUSAHA KEHORMAT

Oommen Koshy telah dilantik oleh Jawatankuasa sebagai Setiausaha Kehormat bagi tahun 2003/04.

4. AHLI-AHLI LANTIKAN

Sa'adiah Din dan Asmet Nasruddin telah dilantik sebagai ahli Jawatankuasa Peguam di bawah Seksyen 73(vii) Akta Profesion Undang-Undang 1976.

5. MESYUARAT-MESYUARAT JAWATANKUASA

a) Setakat 20 Januari 2004, Jawatankuasa bermesyuarat sebanyak 12 kali dan kehadiran setiap ahli adalah seperti berikut:

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'adiah Din	- 8
Asmet Nasruddin	- 8

b) Ambiga Sreenevasan, wakil ke Majlis Peguam, telah dijemput untuk hadir di mesyuarat-mesyuarat Jawatankuasa sebagai pemerhati dan juga untuk melaporkan kepada Majlis Peguam terhadap perkara-perkara yang berkaitan apakala ianya penting dan diperlukan. Beliau menghadiri sejumlah 4 mesyuarat.

- c) Pengerusi dan Setiausaha Jawatankuasa Peguam Muda, Moganambal dan Edmund Bon telah dijemput untuk hadir di mesyuarat-mesyuarat Jawatankuasa sebagai pemerhati-pemerhati. Mereka menghadiri sejumlah 10 dan 7 mesyuarat masing-masing.

6. KEWANGAN

Kedudukan kewangan Jawatankuasa kekal stabil dengan sejumlah RM696,475.00 berada di dalam Akaun Deposit Tetap. Perincian bagi kedudukan kewangan adalah sepertimana yang dibentangkan di dalam Akaun Teraudit berakhir pada 31 Disember 2003.

7. YURAN

- 7.1 Yuran bagi tahun 2003 telahpun ditetapkan sebanyak RM100.00 di Mesyuarat Agung Tahunan Ke-11 Bar Kuala Lumpur yang diadakan pada 13 Mac 2003.
- 7.2 Pada akhir tahun kewangan Jawatankuasa ini pada 31 Disember 2003, seramai 111 orang ahli masih belum menjelaskan yuran bagi tahun 2003.

8. JUMLAH AHLI

Setakat 20 Januari 2004, Bar Kuala Lumpur mempunyai sejumlah 5793 orang ahli.

9. JAWATANKUASA-JAWATANKUASA KECIL DAN PANEL PENGURUSAN BANTUAN GUAMAN

Jawatankuasa-jawatankuasa berikut telah ditubuhkan bagi memudahkan pelaksanaan pelbagai aktiviti Jawatankuasa Peguam dan untuk menyelenggara kehendak-kehendak Bar Kuala Lumpur dan diketuai oleh ahli-ahli berikut:

- | | | | |
|-------|-----------------------------|---|----------------------|
| i) | Undang-Undang Alam Sekitar | : | Asmet Nasruddin |
| ii) | Teknologi Maklumat | : | Lim Chee Wee |
| iii) | Bantuan Guaman | : | Stanley Sinnappen |
| iv) | Perhubungan Awam & Mahkamah | : | R Ravindra Kumar |
| v) | Kebajikan Pelatih | : | Sa'adiah Din |
| vii) | Sosial & Kebajikan | : | Colin Andrew Pereira |
| viii) | Sukan | : | Oommen Koshy |
| ix) | Surat Berita Relevan | : | Sanjeev Kumar Rasiah |
| x) | Peguam-Peguam Muda | : | M Moganambal |

Aktiviti-aktiviti serta laporan-laporan mereka masing-masing terdapat di mukasurat 62 hingga 100.

10. TAJAAN

10.1 Persidangan Undang-Undang Komenwel Ke-13 diadakan pada 13 hingga 17 April 2003 di Melbourne, Australia

Bagi menggalakkan peguam-peguam muda untuk menghadiri Persidangan Undang-Undang Komenwel Ke-13 di mana terdapat sesi yang ditujukan khas untuk peguam-peguam muda bagi memberikan mereka peluang-peluang yang diperlukan untuk kerjasama dan kemajuan kerjaya mereka, Majlis Peguam telah mencadangkan agar Jawatankuasa-jawakuasa Peguam Negeri telah menaja sekurang-kurangnya seorang peguam muda bagi setiap negeri untuk menghadiri persidangan tersebut.

Jawatankuasa telah memilih Pengerusi Jawatankuasa Peguam Muda Kuala Lumpur, Cik M Moganambal untuk menghadiri persidangan tersebut.

10.2 Persidangan Biennial Undang-Undang Malaysia Ke-12 yang diadakan pada 10 hingga 12 Disember 2003 di Kuala Lumpur

Bagi membantu peguam-peguam muda di dalam mengemaskinikan diri di dalam isu-isu semasa dan di dalam masa yang sama memberikan pendedahan kepada diri mereka tentang suasana perbincangan dan pertukaran pendapat di dalam golongan undang-undang, Jawatankuasa telah menaja 10 orang peguam-peguam muda Bar Kuala Lumpur dan pelatih-pelatih untuk menghadiri Persidangan Biennial Undang-

Undang Malaysia Ke-12. Jawatankuasa Sosial dan Kebajikan dan Jawatankuasa Peguam Muda kita telah menaja 10 orang lagi peguam-peguam muda dan pelatih-pelatih untuk menghadiri persidangan tersebut.

Ahli-ahli yang muda dan pelatih-pelatih yang telah ditaja untuk menghadiri Persidangan adalah seperti berikut:-

Abdul Qadir Sirry-Yus-Saqti 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. KENYATAAN-KENYATAAN AKHBAR

Suatu Kenyataan Akhbar telah dikeluarkan pada 14 Julai 2003 menyuarakan kekecewaan Jawatankuasa terhadap keputusan Ketua Hakim bagi memberhentikan projek percubaan untuk menyusun semula Bahagian Sibil di Mahkamah Tinggi Kuala Lumpur. **Lampiran "KLBC-1" (ms 101)**

12. UCAPAN-UCAPAN TAHNIAH

Jawatankuasa, bagi pihak Bar Kuala Lumpur, telah menyampaikan ucapan tahniah kepada beberapa orang tokoh bidang undang-undang yang baru dilantik ke jawatan tinggi atau dianugerahkan dengan bintang-bintang kebesaran atau gelaran.

13. OBITUARI-OBITUARI

- 13.1 Jawatankuasa merakamkan takziah diatas kematian ahli-ahli Bar Kuala Lumpur berikut sepanjang tahun dalam kajian:

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

- 13.2 Suatu Istiadat "Reference" bagi menghormati dan mengingatkan ahli-ahli yang tersebut di atas bakal diadakan pada 14 Februari 2004 jam 9:00 pagi dan akan dipersidangkan oleh Y.A. Dato' Md Raus bin Sharif.

14. PENGHARGAAN-PENGHARGAAN

Kami menghargai kerjasama dan bantuan yang diterima daripada Hakim Besar, Hakim-Hakim Mahkamah Tinggi, Pendaftar Mahkamah Tinggi, Timbalan-Timbalan dan Penolong-Penolong Kanan Pendaftar, Hakim Kanan Mahkamah Sesyen, Hakim-Hakim Mahkamah Sesyen, Majistret-Majistret dan Pendaftar-Pendaftar Mahkamah Sesyen dan Majistret kedua-dua Mahkamah di KL dan Selangor.

Kami mengucapkan terima kasih kepada semua ahli di atas sokongan serta kerjasama berterusan mereka. Kami berharap agar mereka akan terus berbuat sedemikian kepada Jawatankuasa yang baru.

UNDANG-UNDANG ALAM SEKITAR

Pengerusi	:	Asmet Nasruddin
Ahli-ahli	:	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
Penasihat-penasihat	:	Hasmah Harun Animah Kosai Firdous Jan Sandra Shek Sharon Lim Yen Li

PEMBANGUNAN KEUPAYAAN DAN KESEDARAN

Projek-projek yang telah dijalankan oleh Jawatankuasa Kecil untuk tujuan membangunkan kesedaran dan keupayaan terhadap alam sekitar adalah seperti berikut:

PERSIDANGAN-PERSIDANGAN

“National Dialogue on Effective Water Governance”

Pengerusi telah mengambil bahagian dalam JawatanKuasa Merancang untuk “National Dialogue on Effective Water Governance” yang dianjurkan oleh Malaysian Water Partnership. Dialog tersebut diadakan berhubungan dengan Persidangan “Water & Sanitation for Cities” yang dianjurkan oleh Kementerian Perumahan dan Kerajaan Tempatan di Legend Hotel pada 6 dan 7 Oktober 2003 sempena Hari Habitat Sedunia 2003. JawatanKuasa Kecil telah diwakili oleh Sanjeev Kumar dan Quek Sue Yian. Penasihat kepada JawatanKuasa Kecil, Puan Hasmah Harun juga hadir. Pengerusi telah mengatursediakan sekumpulan pelatih dalam kamar yang berupaya, yang diketuai secara sukarela oleh Sharon Tan untuk menjadi pelapor untuk Persidangan tersebut (dengan ihsan ahli JawatanKuasa Kecil To' Puan Janet Looi Lai Heng). Sharon Tan dan Nazatul Faquyah, yang bertugas sebagai pelapor untuk Persidangan tersebut, telah selepas itu menyertai JawatanKuasa Kecil tersebut. Pengerusi telah dilantik sebagai Ketua Pelapor untuk persidangan tersebut dengan tanggungjawab bersama menyediakan Prosiding dimana prosesnya masih lagi berjalan. Satu kertas bertajuk “Water : Law Policy & Institution” telah disediakan oleh Pengerusi dan Quek Sue Yian.

Seminar bertajuk “Kyoto Protocol & Carbon Credits”

Pada 18 Oktober 2003, sebuah seminar oleh Dr. Azmi Sharom dari University Malaya yang bertajuk “Kyoto Protocol & Carbon Credits” telah dianjurkan dan sebanyak 15 orang telah menghadiri seminar tersebut. Hadirin tersebut terdiri daripada seorang wakil dari Jabatan Peguam Negara dan pengamal-pengamal karbon kredit yang datang sejauh dari Singapura. Satu sarapan pagi ringkas telah disediakan dan tiada sebarang bayaran dikenakan untuk menghadiri seminar tersebut kerana ia telah dianjurkan oleh JawatanKuasa

Forum Awam berkenaan dengan isu Air

Pada 5 Jun 2003, ahli JawatanKuasa Kecil Quek Sue Yian telah menghadiri satu forum awam yang dirancang oleh Environment Protection Society of Malaysia yang bertajuk “Water : Two Billion People are Dying for it”. Forum tersebut diadakan bersama dengan Persatuan Bangsa-Bangsa Hari Alam Sekitar Sedunia.

"United Nations Convention for Climate Change"

JawatanKuasa Kecil telah bercadang kepada Kementerian Sains, Teknologi dan Alam Sekitar untuk membenarkan JawatanKuasa Peguam Kuala Lumpur menyertai delegasi kerajaan dalam menghadiri "Conference of Parties". Cadangan tersebut telah dicadangkan kepada JawatanKuasa Steering Nasional dan cadangan itu akan dilulus, asalkan pihak dari JawatanKuasa Peguam Kuala Lumpur juga mewakili pihak Majlis Peguam Negara. JawatanKuasa Kecil akan mengambil tindakan susulan untuk perkara ini memandangkan bahawa Pengerusi untuk JawatanKuasa Utama dan wakil kepada Majlis Peguam Negara juga adalah ahli kepada Majlis Peguam Negara.

KESEDARAN

FRIM "Canopy Walk"

JawatanKuasa Kecil telah mengatur suatu acara FRIM "canopy walk" yang telah menarik sebanyak 90 peserta. Acara tersebut bermula pada 9.00 pagi dan acara kemuncak pada hari itu ialah perjalanan kanopi sejauh 150 meter, menerusi sebuah jambatan tergantung terletak diatas bukit, yang diperbuat daripada kayu dan besi, dan digantung hanya dengan tali, jaraknya, 30 meter dari paras bumi. Jambatan tergantung tersebut hanya dapat dicapai dengan mendaki sampai puncak bukit. Selepas itu, peserta-peserta berehat dan menikmati makanan tengahari di tepi Sungai Kroh. Hasil daripada bayaran penyertaan membawa keuntungan sebanyak RM16.00.

Hari Keluarga di Kota Damansara

Acara ini sedang diatitkan dan akan diadakan pada 7 Februari 2004 dengan tujuan untuk meningkatkan kesedaran terhadap ancaman yang dihadapi dalam usaha pemeliharaan Hutan Simpanan yang tertua di Malaysia. Pada mulanya, saiz hutan simpanan tersebut berukuran 7000 ekar, tetapi pada hari ini, hanya 850 ekar yang tinggal sahaja. Aktiviti-aktiviti yang dirancang adalah seperti lawatan perjalanan, aktiviti mengkaji burung, dan aktiviti menanam pokok. JawatanKuasa Kecil Rajasundram telah dilantik untuk merancang Hari Keluarga ini. RM5.00 akan dikenakan sebagai bayaran untuk menghadiri acara ini.

Pendermaan "Seed Money"

JawatanKuasa Kecil telah menugaskan To' Puan Janet Looi Lai Heng dan Sharon Tan untuk mengenal pasti dan mencadangkan idea bagaimana untuk menderma hasil kutipan daripada jualan kemeja-t dan beg Sharkie's dan dua bengkel yang berjumlah RM6,546.56 atau menggunakan wang itu sebagai "seed money".

Kepentingan Awam terhadap Litigasi

Pertubuhan Alam Malaysia (Malaysian Nature Society) telah mengemukakan isu mengenai usaha-usaha pemuliharaan hutan simpanan di Kota Damansara kepada JawatanKuasa Kecil. Mesyuarat telah diadakan diantara penduduk-penduduk dengan tujuan memfailkan guaman untuk melindungi hak penduduk-penduduk dan menjamin kualiti persekitaran. Berdasarkan kepentingan dan keutamaan hal ini JawatanKuasa Kecil telah memindahkan kes ini kepada JawatanKuasa Utama untuk dikendali.

Asmet Nasruddin
Pengerusi
Jawatankuasa Undang-Undang Alam Sekitar

TEKNOLOGI MAKLUMAT (TM)

Pengerusi	:	Lim Chee Wee
Penasihat-penasihat	:	KH Koh Deepak Pillai John Chong Surinta Abraham
Ahli-ahli	:	Jason Lee Wan Kai Chee Stanley Lim Eddy Chung Tan Eng Choong Haslyna Hashim Jacqueline Chang Samuel Hong Samirah Muzaffar

Objektif-objektif Jawatankuasa TM untuk mempromosikan penggunaan TM untuk meningkatkan produktiviti dan kecekapan firma-firma guaman dan mutu perkhidmatan undang-undang yang disediakan oleh Bar KL telah dicapai sejumlah besar dengan projek-projek berikut yang dijalankan oleh Jawatankuasa TM.

1. Pameran TM oleh Bar KL yang telah diadakan pada 6 Mac 2003 dan 4 Mac 2004

Pameran TM yang dilangsungkan pada Mesyuarat Agung Tahunan pertama pada setiap tahun akan menjadi acara yang tetap dalam kalender Bar KL. Tahun lepas terdapat 8 penjaja TM yang telah mengambil bahagian di dalam Pameran TM untuk mewujudkan kesedaran di antara ahli-ahli tentang perisian komputer and perkakasan komputer yang terdapat di pasaran. Pada tahun ini penjaja TM telah bersetuju untuk memberi diskaun istimewa dan bungkusan pada hari pameran TM dan menderma hadiah untuk cabutan hadiah kepada mereka yang menghadiri pameran TM. Setiap penjaja TM yang mengambil bahagian dikehendaki membayar yuran kepada Bar KL dan yuran ini di gunakan untuk menyelesaikan sebahagian besar perbelanjaan untuk memegang Mesyuarat Agung Tahunan.

2. Penerbitan "Kuala Lumpur Bar's Legal Software Solutions Guide"

Proses membuat keputusan untuk membeli sistem TM adalah suatu tugas yang sukar dan mencabarkan apabila terdapat pelbagai jenis opsyen TM dengan pelbagai jenis konfigurasi perkakasan komputer. Jawatankuasa TM telah mengumpulkan beberapa pembekal TM yang juga peserta di dalam pameran TM untuk menerbit "Kuala Lumpur Bar's Legal Software Solutions Guide" yang hampir serupa kepada "English Law Society's Guide". Panduan ini akan dilancarkan pada 4 Mac 2004 bersamaan dengan Mesyuarat Agung Tahunan Majlis Peguam KL. Panduan ini akan menjadi tempat permulaan untuk peguam-peguam walaupun Jawatankuasa TM telah membuat taksiran yang singkat berkenaan dengan perkakasan dan firma-firma. Kami mencadangkan supaya ahli-ahli mengkaji perkakasan pembekal TM dengan teliti untuk menetapkan bahawa ia sesuai untuk kegunaan mereka .

3. Sistem Keahlian

Sistem Pentadbiran Keahlian dan Sistem Bayaran ("MAPS") baru dipasang dan pemaju sedang memperbaiki dan membetulkan "bugs" dalam sistem. MAPS akan meningkatkan tahap pengendalian informasi ahli-ahli.

4. Laman Web

Jawatankuasa Peguam KL telah melancarkan Laman Web secara rasmi pada 6 Mac 2003 bersamaan dengan Mesyuarat Agung Tahunan ke Sebelas 2003. Langkah-langkah berterusan telah diambil untuk memperbaharui maklumat di dalam Laman Web. Sebagai contoh, pertalian ke Laman Web Mahkamah Rayuan dan ke Laman Web Mahkamah Tinggi KL (Bhg Sivil) telah diletakkan di dalam Laman Web Jawatankuasa Peguam KL. Tetapi ia diakui bahawa Laman Web KL Bar perlu diperbaharui untuk mempertingkatkan minat dan trafik. Ini akan menjadi tugas yang besar yang akan dihadapi oleh Jawatankuasa TM yang baru dan kita memperalukan

cadangan-cadangan untuk memperbaiki keadaan sekarang.

5. Ceramah tentang Bagaimana Untuk Mengawasi Akaun Wang Kumpulan Pelanggan Anda Dengan Berkesan

Satu ceramah telah dilangsungkan pada 13 Mei 2003 berkaitan "Bagaimana Untuk Mengawasi Akaun Wang Kumpulan Pelanggan Anda Dengan Berkesan" yang diberi oleh Encik Richard Hugo-Hamman daripada Australia.

6. SOHONET

Jawatankuasa Bar KL telah mewujudkan satu pertalian perkerjaan degan SOHONET untuk mempromosikan kegunaan Perisian Harta Undang-Undang (Legal Treasure Software) yang mengandungi akta-akta Malaysia dan India, kehakiman negara India kepada ahli-ahli Bar KL. Ahli-ahli Bar KL boleh menggunakan Laman Web Bar KL untuk mendapat akses ke Sohonet yang menawarkan ahli-ahli Bar KL pakej-pakej dan promosi yang istimewa.

7. LexisNexis

Perkongsian di antara Bar KL dan LexisNexis telah tamat tetapi subskripsi yang masih wujud dimana kontrak adalah untuk dua tahun akan berterusan sehingga is mencapai tarikh penamatan masing-masing. Banyak percubaan telah dibuat untuk menggalakkan LexisNexis berterusan dengan pakej walaupun pada kadar yang lebih tinggi. Tetapi mereka tegas bahawa perkongsian itu tidak boleh diteruskan. Kami akan terus mencuba memperbaharui perkongsian ini dan menerokai pilihan yang lain.

Kesimpulan

Jawatankuasa TM akan terus mencuba dengan usahanya untuk mempertingkatkan kesedaran dan mempromosikan kegunaan TM di dalam firma-firma guaman. Bagaimanapun, cabaran utama yang dihadapi oleh kami adalah keengganan firma-firma guaman untuk melabur di dalam TM. Ini mungkin kerana pemahaman yang berkurangan mengenai TM dan terdapat belanjawan yang terbatas. Kami berharap bahawa dengan aktiviti-aktiviti yang telah dibuat akan berterusan dan peguam-peguam KL akan terus mempunyai kelebihan berbanding orang-orang lain.

Akhir sekali, saya ingin meluahkan rasa terhutang budi kepada Jawatankuasa TM untuk idea-idea, masa dan usaha mereka. Sebutan istimewa harus dibuat nama Samuel Hong dan Jason Lee oleh sebab dedikasi mereka yang amat dihargai.

Lim Chee Wee
Pengerusi
Jawatankuasa TM

PERHUBUNGAN AWAM & MAHKAMAH

Pengerusi : R. Ravindra Kumar

Ahli-ahli :	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	

Sukacita saya menjadi Pengerusi jawatankuasa kecil ini pada tahun ini. Sebagai permulaan, kami telah menghantar satu pekeliling menjemput ahli-ahli Bar KL untuk menunjukan sebarang sungutan atau kepentingan mereka berkenaan dengan pentadbiran keadilan di mahkamah-mahkamah di Kuala Lumpur dan/atau agensi-agensi Kerajaan.

Kami telah cuba mengalamatkan sungutan-sungutan tersebut berasaskan maklumbalas yang diperolehi daripada ahli-ahli di forum-forum yang telah dikendalikan pada tahun ini.

Pemansuhan Sistem 'Fast Track'

Sistem 'Fast Track' tersebut telah dimansuhkan pada tahun lepas. Sistem ini telah ditamatkan walaupun pelbagai langkah telah diambil untuk menyokongnya dan untuk memperbaiki kelemahan-kelemahannya. Walaupun begitu, kami terus bermesyuarat dengan Ketua Hakim Bahagian Sivil, Dato' James Foong dan berasaskan perbincangan-perbincangan tersebut, kami telah memperolehi senarai kausa bagi Bahagian Sivil. Senarai ini boleh diperolehi secara online sekarang dan satu e-mel telah dihantar kepada ahli-ahli pada 7 Januari 2004. Senarai Bahagian Sivil Mahkamah Tinggi Kuala Lumpur boleh dilihat melalui laman web KL Bar dengan menekan www.klbar.org.my.

Mesyuarat dengan Ketua Hakim Mahkamah Tinggi Shah Alam pada 11 Julai 2003

Kami dijemput menghadiri mesyuarat tersebut yang diatitkan oleh Jawatankuasa Bar Selangor. Teh Yoke Hooi telah mewakili jawatankuasa ini dalam mesyuarat tersebut. Salinan minit mesyuarat tersebut telah dihantar kepada ahli-ahli pada 27 November 2003 melalui e-mel dan dilampirkan sebagai "KLBC-2" (ms 102-103). Mesyuarat tersebut adalah mesra dan saya ingin mengucapkan terima kasih kepada Teh Yoke Hooi yang mengajukan isu-isu yang dibangkitkan oleh ahli-ahli di mesyuarat tersebut.

Mesyuarat dengan Hakim-hakim Bahagian Rayuan dan Kuasa-kuasa Khas pada 17 Oktober 2003

Mesyuarat dengan Hakim-hakim, Timbalan-timbalan Pendaftar dan Pendaftar-pendaftar Bahagian Rayuan dan Kuasa-kuasa Khas telah berjaya. Mesyuarat tersebut adalah amat positif dan kebanyakan cadangan-cadangan dan sungutan-sungutan yang dibangkitkan telah diselesaikan. Salinan minit mesyuarat tersebut dihantar kepada ahli-ahli melalui e-mel pada 27 November 2003 dan dilampirkan sebagai "KLBC-3" (ms 104-106). Permintaan kami untuk melampirkan senarai kausa di laman web KL Bar telah diluluskan. Malangnya, tidak adanya hubungan langsung (direct link) seperti senarai kausa Bahagian Sivil yang mempunyai infrastruktur untuk kemudahan sebegini disebabkan oleh sistem 'Fast Track'. Senarai kausa untuk Bahagian ini perlu dikemaskinikan secara manual. Ahli-ahli akan diberitahu dengan segera apabila ia boleh digunakan.

Mesyuarat dengan Hakim Bahagian Dagang Mahkamah Tinggi

Kami tidak dapat mengaturkan satu mesyuarat dengan Hakim-hakim Bahagian Dagang meskipun percubaan-percubaan kami. Walaupun begitu, kami masih cuba mengaturkan mesyuarat tersebut dengan Ketua Hakim Bahagian Dagang dalam terma ini jika boleh.

Saranan Mesyuarat dengan Hakim-hakim Mahkamah Sesyen dan Mahkamah Majistret KL

Kami telah menulis sebanyak dua kali kepada Hakim Kanan Mahkamah Rendah KL untuk mengaturkan satu susulan kepada mesyuarat tahunan kami. Malangnya, disebabkan oleh komitmen lain, Hakim Kanan tidak dapat memberikan tarikh-tarikh yang dicadangkan. Namun demikian, kami berhasrat untuk mengadakan mesyuarat tersebut sebelum tamatnya terma ini. Kami akan mengajukan isu-isu yang telah dibangkitkan oleh ahli-ahli dalam mesyuarat tersebut dan saya ingin menyatakan bahawa aduan-aduan daripada ahli-ahli berkenaan dengan masalah-masalah yang dihadapi di Mahkamah-mahkamah Rendah pada tahun ini telah berkurangan.

Mesyuarat dengan Polis

Sivanesan telah menyusun satu temujanji dengan Ketua Pegawai Polis Kuala Lumpur Dato' Dell Akbar pada 7 Julai 2003 dengan tujuan mengadakan satu dialog untuk membicarakan masalah-masalah yang dihadapi oleh pengamal-pengamal undang-undang jenayah. Di mesyuarat tersebut, kami telah diberitahu bahawa beliau akan mempertimbangkan jemputan kami. Selepas itu, kami berpeluang untuk bercakap dengan Dato' Dell Akbar apabila dia menghadiri satu jamuan yang dirancang oleh Jawatankuasa Bantuan Guaman. Kami telah dinasihatkan bahawa berkenaan dengan keputusan-keputusan polisi, adalah lebih baik untuk mendapatkan Ketua Bukit Aman untuk dialog tersebut berbanding dengan pejabatnya. Ini kerana sebarang keputusan yang diambil oleh Bukit Aman dalam dialog tersebut akan mempunyai pengamalan kebangsaan yang lebih seragam. Tindakan susulan akan diambil dan ahli-ahli akan dinasihatkan mengenainya.

Tinjauan Mahkamah Tinggi KL

Jawatankuasa ini mengeluarkan Borang Tinjauan Mahkamah Tinggi KL kepada ahli-ahli Bar untuk memperolehi maklumbalas mereka. Kami hanya memperolehi 76 jawapan walaupun salinan-salinan telah diberikan secara peribadi dan melalui e-mel kepada ahli-ahli. Ribuan terima kasih kepada Teh Yoke Hooi yang menyusun satu analisa mengenai jawapan-jawapan. Keputusan tinjauan tersebut boleh digunakan untuk perbincangan masa depan dengan mahkamah-mahkamah.

Buku-buku teks Undang-undang bagi Mahkamah Rendah

Kami telah membeli satu set Malayan Law Journal (mulai tahun 1970) dan buku-buku teks yang relevan untuk kegunaan peguam-peguam di Mahkamah Rendah Kuala Lumpur dari penguntukan Majlis Peguam. Bagi tujuan logistik, laporan-laporan dan buku teks tersebut ditempatkan di Sekretariat KL Bar sehingga satu tempat yang lebih sesuai didapati. Saya ingin mengucapkan terima kasih kepada Abdul Rashid Ismail yang telah merundingkan kadar yang didiskaunkan untuk buku-buku tersebut.

Komputer dan Pencetak

Satu komputer dan pencetak sedang dibeli untuk kegunaan ahli-ahli di bilik Bar Mahkamah Tinggi KL. Kemudahan ini bertujuan untuk membolehkan ahli-ahli dan pelatih dalam kamar untuk mencetak kertas-kertas kausa pada satu kadar yang akan ditentukan oleh jawatankuasa ini. Penggunaan kemudahan ini dan peraturan-peraturan berkenaanya telah dimuktamadkan dan ahli-ahli akan diberitahu apabila ia dimuktamadkan.

Walaupun kami tidak mencapai semua rancangan-rancangan kami untuk tahun ini, jawatankuasa ini akan menyusuli rancangan-rancangan tersebut pada masa depan.

Saya ingin mengucapkan terima kasih kepada setiap ahli jawatankuasa ini yang telah memainkan peranan aktif di dalam perbincangan-perbincangan dan mesyuarat-mesyuarat yang diadakan di setiap tahap untuk meningkatkan taraf pengamalan undang-undang di Kuala Lumpur.

Kebanyakan dari aktiviti-aktiviti jawatankuasa ini tidak boleh dijalankan tanpa pertolongan yang diberikan oleh Mary, Setiausaha Eksekutif kami, Kavitha, Pegawai Eksekutif kami dan ahli-ahli Sekretariat yang lain. Ribuan terima kasih kepada mereka.

Akhir sekali, saya ingin mengucapkan terima kasih kepada Pengerusi KLBC, Encik Ragunath Kesavan dan kepada rakan-rakan sekerja saya di Jawatankuasa KL Bar untuk penglibatan mereka dalam mesyuarat-mesyuarat dengan Badan Kehakiman.

Adalah amat mustahak supaya ahli-ahli KL Bar terus mengajukan sungutan-sungutan mereka, memberi idea-idea dan cadangan-cadangan kepada jawatankuasa ini untuk mengurangkan sebarang kelemahan yang wujud dalam pengamalan undang-undang.

R. Ravindra Kumar
Pengerusi
Jawatankuasa Perhubungan Awam dan Mahkamah

KEBAJIKAN PELATIH

Pengerusi : Sa'adiah Bt Din
Ahli-ahli : 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

Penerimaan masuk menjadi peguambela dan peguamcara

Pada tahun 2003, seramai 679 pelatih-pelatih Dalam Kamar telah diterima masuk menjadi peguambela dan peguamcara di Kuala Lumpur.

Masalah yang dihadapi oleh pelatih-pelatih Dalam Kamar

Pada ketika ini Jawatankuasa Peguam Kuala Lumpur mengadakan perjumpaan dengan pelatih-pelatih Dalam Kamar melalui sesi "Introduction to the Committee" pada setiap hari Jumaat yang pertama dan kedua di dalam setiap bulan di mana seramai 25 ke 40 pelatih Dalam Kamar diberikan hak untuk menyuarakan masalah-masalah yang berkaitan dengan latihan dalam kamar mereka. Selain daripada mendengar rintihan mereka bagi mendapatkan elaun yang lebih tinggi, pelatih-pelatih juga antara lainnya menyatakan seperti berikut:-

- tidak mendapatkan masa untuk bersama dengan pengajar mereka
- mereka merasakan masa pengajaran mereka telah disalahgunakan untuk menjalankan tugas yang tiada kena mengena dengan Undang-Undang seperti kerja penghantaran dan pemfailan.
- Kesulitan untuk mendapatkan "mover" untuk mewakili mereka pada hari perbicaraan Petisyen mereka.

Jawatankuasa ini mengalu-alukan sebarang cadangan dan komen daripada penganjar bagi menangani masalah-masalah yang dinyatakan di atas.

Pertandingan Berpidato yang Pertama

Jawatankuasa Kebajikan pelatih-pelatih Dalam Kamar juga telah menganjurkan satu pertandingan berpidato yang pertama kali diadakan iaitu "Dato' Dr Peter Mooney Oratory Contest" yang telah berlansung pada 27 September 2003 di mana 15 orang pelatih Dalam Kamar dan peguam muda yang beramal kurang dari tiga tahun telah mengambil bahagian. Pertandingan ini telah menawarkan RM3,000.00 untuk tempat pertama, RM1,500.00 untuk tempat kedua dan RM500.00 untuk tempat ketiga. Pemenang-pemenang adalah:

Johan : Syahrul Bahiah bt Jamaludin
Naib-Johan : Aliza Rachel Varughese
Tempat Ketiga : M.S. Teofilus Ponniah

Jawatankuasa dengan ini mengucapkan terima kasih kepada penaja-penaja dan hakim-hakim yang telah menyumbangkan tenaga bagi menjayakan pertandingan tersebut.

Sa'adiah bt Din
Pengerusi
Jawatankuasa Kebajikan Pelatih

SOSIAL & KEBAJIKAN

Pengerusi : Colin Andrew Pereira

Ahli-Ahli : 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

Penerusan Pendidikan Guaman

Sempena meninggikan kemahiran ahli-ahli, khususnya di kalangan ahli-ahli muda Peguam, jawatankuasa telah mengendalikan beberapa seminar-seminar untuk harga RM30.00 bagi peguam-peguam dan RM15.00 untuk pelatih-pelatih. Kesemua seminar-seminar yang dianjurkan telah dihadiri dengan secara besar-besaran dan ia adalah diharapkan agar program ini akan terus mendapat sokongan dari kalangan pengamal-pengamal kanan atas mana jawatankuasa berharap untuk mempersembahkan seminar-seminar ini. Seminar-Seminar yang dianjurkan sepanjang tahun:

<u>Tarikh</u>	<u>Peguam</u>	<u>Topik</u>
10 Mei 2003	Encik E Sreesanthan	Drafting Commercial Agreements
21 Jun 2003	Datuk N Chandran	Injunctions: Law and Procedure
9 Ogos 2003	Encik Robert Lazar	Case Management & Preparation for Trial
25 Ogos 2003	Prof. John Devereux	Recent Developments in Medical Negligence: Actions for Wronful 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 Disember 2003	Encik T. Gunaseelan / Dato' Bastion Vendargon	Conducting a Civil Trial

Jawatankuasa Sosial dan Kebajikan ingin mengucapkan ribuan terima kasih kepada kesemua peguam kerana sudi mengambil masa untuk mempersembahkan seminar-seminar tersebut.

Persidangan Biennial Undang-Undang Malaysia Ke-12

Sebagai sebahagian daripada program meneruskan pendidikan guaman dan untuk menyumbang interaksi di antara ahli-ahli peguam, Jawatankuasa Sosial dan Kebajikan bersama-sama dengan Jawatankuasa Peguam-Peguam Muda menaja 10 ahli-ahli dari Peguam muda dan pelatih-pelatih untuk menghadiri Persidangan Biennial Undang-Undang Malaysia Ke-12 yang diadakan di antara 10 hingga 12 Disember 2003. Ini telah dibiayai dari hasil-hasil yang diperolehi dari seminar-seminar. Jawatankuasa Peguam Kuala Lumpur telah menaja 10 lagi peguam muda dan pelatih-pelatih.

Jamuan Makan Malam dan Tarian Tahunan

Majlis jamuan makan malam tahun ini diadakan pada 4 Oktober 2003 di JW Marriott Hotel. Majlis tersebut mempunyai tema "70-han" dan ramai peguam-peguam turut memberi sokongan dengan berpakaian bertema "70-han" dengan hadiah-hadiah lumayan untuk para tetamu-tetamu yang berpakaian bertema "70-han". Lebih kurang 500 peguam-peguam dan Hakim-hakim menghadiri jamuan makan malam tersebut. Kami telah membekalkan satu program cenderamata yang menangkap peristiwa-peristiwa Peguam Kuala Lumpur Bar sepanjang tahun yang lalu. Kami amat berbangga memandangkan Dato' Peter Mooney dapat hadir pada malam tersebut untuk memberikan hadiah-hadiah pertandingan "oratory" pertama yang dinamakan mengikut beliau.

Derma Darah

Satu anjuran derma darah diadakan di Bilik Peguam mahkamah-mahkamah rendah di Kuala Lumpur bersama-sama dengan Hospital Kuala Lumpur pada 14 Ogos 2003. Seperti tahun yang lalu, kami menerima sokongan yang kuat dari kakitangan Mahkamah dan juga dari peguam-peguam.

Jamuan Kanak-Kanak di Sunbeams Home

Jawatankuasa telah menyidangkan satu jamuan kanak-kanak pada 21 Disember 2003 di Sunbeams Home, sebuah rumah anak-anak yatim di Taman Mawar, Kuala Lumpur. Rumah tersebut mengandungi dua buah rumah untuk anak-anak lelaki dan perempuan yang masing-masing berumur di antara 3 hingga 17 tahun. Hasil-hasil dari seminar-seminar yang dikendalikan telah digunakan untuk membeli hadiah-hadiah untuk kanak-kanak tersebut. Kami juga menerima sumbangan pakaian, makanan dan bahan-bahan yang lain dan juga wang tunai dari ahli-ahli yang diserahkan kepada rumah itu. Rumah itu bergantung khususnya kepada derma dari orang-orang awam. Ahli-ahli yang ingin memberi derma boleh menghubungi secretariat Jawatankuasa Peguam Kuala Lumpur.

Lawatan ke Rumah Bakti Ci Hang

Jawatankuasa telah menganjurkan satu lawatan dan makan tengahari untuk penduduk-penduduk Rumah Bakti Ci Hang pada 17 Januari 2004. Ini adalah sebuah rumah untuk orang-orang yang tua dan uzur di Kampung Subang. Hasil-hasil dari seminar-seminar yang diadakan diguna untuk membeli bahan-bahan makanan dan benda-benda yang lain yang diperlukan oleh rumah. Jawatankuasa juga telah menerima derma dari ahli-ahli yang telah diberikan kepada rumah itu.

Acara Sosial untuk Ahli-ahli Bar Kuala Lumpur

Jawatankuasa telah mengadakan satu perhimpunan social untuk ahli-ahli Bar Kuala Lumpur Bar pada 25 April 2003 di Fiesta, yang disambut dengan meriah sekali.

Acara Social dengan Hakim-Hakim dan Peguam Selangor

Jawatankuasa telah mengadakan satu perhimpunan bersama dengan para Hakim-hakim dan Peguam Selangor pada 6 Jun 2003 di Bukit Kiara Equestrian & Country Resort. Ini telah disambut dengan meriah sekali oleh peguam-peguam dari Kuala Lumpur dan Selangor.

Acara Social Akhir Tahun

Seperti biasa, Jawatankuasa telah mengadakan satu acara sosial tahun akhir pada Khamis, 18 Disember 2003 di Top Hat Restaurant yang juga disambut dengan meriah sekali.

Colin Andrew Pereira
Pengerusi
Jawatankuasa Sosial dan Kebajikan

SUKAN

1. AHLI-AHLI JAWATANKUASA KECIL

Pengerusi : Oommen Koshy

Dibawah ini adalah konvenor-konvenor yang dilantik bagi mengendalikan perlawanan sukan yang berikut:-

- | | | | |
|-------|--------------|---|-----------------|
| i. | Badminton | - | A.I. Nathan |
| ii. | Kriket | - | Alex De Silva |
| iii. | Baling Damak | - | Koh Yew Chong |
| iv. | Golf | - | Koh Yew Chong |
| v. | Hoki | - | Satvinder Singh |
| vi. | Bola Jaring | - | Wong Keat Ching |
| vii. | Bola Sepak | - | Peter Ling |
| viii. | Skuash | - | Jayne Koe |
| ix. | Tenis | - | Robin Lim |
| x. | Bola Tampar | - | Cheow Wee |

2. SIRI TAHUNAN

2.1 "Karnival Sukan" Bar KL Iwn Kelab DiRaja Selangor Yang Ke-15

(Piala Pusingan Tan Sri Dato' Harun Hashim)

Karnival Sukan ini akan diadakan pada 28 Februari 2004.

2.2 Sukan Bar KL/Selangor Yang Ke-4

(Piala Pusingan Lall Singh Muker)

Siri ini akan diadakan pada 6 Mac 2004 dan akan dianjurkan oleh Bar Selangor.

Pihak pasukan golf kita telah memungut mata pertama untuk Bar Kuala Lumpur dengan memenangi Pertandingan Golf Piala Kandiah Chelliah. Pertandingan golf ini yang mana adalah sebahagian daripada Siri tersebut, telah diadakan pada 20 Disember 2003 di Seri Selangor Golf Course.

3. PERTANDINGAN-PERTANDINGAN TERBUKA BAR KL

3.1 Pertandingan Bola Sepak - Piala Peringatan Thayalan 7-Sebelah Yang Ke-16

(Piala Pusingan disumbangkan oleh Skrine)

Pertandingan ini telah dilangsungkan pada 6 Disember 2003 di Sek. Men. Cochrane. 11 pasukan telah mengambil bahagian dalam Pertandingan ini dan pemenang-pemenang adalah:

Champions : Gremio A
Runners-up : Gremio B

4. PERTANDINGAN ANTARA BAR NEGERI

4.1 Golf

Pertandingan ini telah dianjurkan bersama oleh Jawatankuasa Sukan Majlis Peguam dan Jawatankuasa Peguam Johor. Kita telah menghantar satu pasukan seramai 8 pemain-pemain ke Johor pada 2 Mei 2003 untuk mengambil bahagian dalam Pertandingan tersebut. Kita telah seri untuk tempat kedua

bersama dengan Singapura tetapi akhirnya mendapat tempat ketiga setelah "countback" dibuat.

5. PERLAWANAN PERSAHABATAN

5.1 Hoki

Bar KL telah menjadi tuan rumah kepada Bar Negeri Sembilan dalam perlawanan semula pada 7 Jun 2003 di Stadium Tun Razak. Sebagaimana yang telah dijangkakan, Bar KL memenangi lagi perlawanan tetapi kali ini dengan kiraan margin yang sedikit iaitu 3-1. Kami menunggu untuk Bar Negeri Sembilan menjadi tuan rumah untuk perlawanan akan datang yang mungkin akan ditambah dengan perlawanan-perlawanan sukan yang lain.

6. RAKAMAN PENGHARGAAN

Jawatankuasa ini dengan ini merakamkan terima kasih kepada kesemua konvenor yang telah memberikan masa mereka dan terhadap usaha mereka di dalam menganjurkan sukan-sukan yang berkenaan. Jawatankuasa ini juga berterima kasih kepada penderma-penderma piala-piala pusingan yang telah menyumbang terhadap kejayaan berbagai pertandingan. Tidak lupa juga rakaman terima kasih kepada kesemua ahli-ahli yang bersemangat kesukanan yang telah mengambil bahagian dan memberikan sokongan yang telah menyumbang kepada kejayaan sukan untuk sesi ini.

Oommen Koshy
Pengerusi
Jawatankuasa Sukan

SURAT BERITA RELEVAN

Ahli-ahli Sidang Pengarang:

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

1. Tahun ini adalah tahun yang sangat penting dan bermakna kepada Relevan. Selepas 8 tahun diterbitkan, Sidang Pengarang dengan kerjasama dan sokongan daripada Jawatankuasa Peguam Kuala Lumpur memutuskan bahawa telah tiba masanya Relevan diberikan satu wajah baru dan dikeluarkan dengan mukasurat berwarna, sekurang-kurangnya untuk beberapa bahagian daripada keseluruhan kandungan Relevan. Sidang Pengarang telah melantik sebuah syarikat penerbitan kreatif untuk merekabentuk muka hadapan dan membuat lakaran untuk edisi terbaru Relevan. Pada 31 Mei 2003, Hakim Besar Malaya, YAA Tan Sri Haidar Bin Mohd Noor telah melancarkan edisi baru Relevan di Auditorium Majlis Peguam. Edisi baru Relevan kini telah menjadi satu bahan bacaan yang sangat diperlukan oleh ahli-ahli Jawatankuasa Peguam Kuala Lumpur dan juga pelatih-pelatih dalam Kamar. Relevan edisi baru bukan sahaja diedarkan melalui penerbitan biasa, tetapi juga diterbitkan di laman web Jawatankuasa Peguam Kuala Lumpur.
2. Sidang Pengarang pada mesyuaratnya yang pertama juga telah memutuskan untuk menerbitkan 4 keluaran pada sesi tahun 2003/2004. Walaupun ini dilihat sebagai suatu impian yang sukar untuk dicapai pada ketika itu, Sidang Pengarang sangat bangga kerana kami berjaya mencapai sasaran untuk menerbitkan 4 keluaran pada tahun ini, iaitu keluaran No. 1/03, 2/03, 3/03 dan 4/03.
3. Terbitan pertama edisi baru Relevan juga dilihat sebagai edisi istimewa yang pernah diterbitkan. Edisi ini memuatkan temubual eksklusif Malaysiakini dengan Pengarah Suhakam, Tan Sri Abu Talib Othman berkenaan dengan Sistem Kehakiman Negara dan ISA.
4. Selain daripada memuatkan artikel-artikel yang disumbangkan oleh penulis-penulis yang biasa menyumbangkan tulisan mereka, kami pada tahun ini telah membuka peluang kepada penulis-penulis baru untuk menyumbangkan idea dan artikel mereka kepada Relevan. Sidang Pengarang telah menghantar banyak surat dan e-mel kepada ahli-ahli Jawatankuasa Peguam Kuala Lumpur memohon kerjasama dan sumbangan artikel untuk pelbagai tajuk dan isu. Sasaran kami untuk menerbitkan 4 keluaran telah dicapai melalui usaha ini dan ada ketikanya kami dihujani banyak artikel menarik, namun oleh kerana sekatan kewangan, kami terpaksa memilih beberapa artikel sahaja untuk diterbitkan.
5. Kami juga menerima sumbangan artikel daripada pengamal di luar negara, iaitu daripada Ganesh K. Sovani, seorang peguambela dan peguamcara dari India yang telah menyumbangkan artikelnya yang bertajuk "The Media & Human Rights" untuk keluaran 1/03.
6. "36 blockheads will do just as well" daripada N. Surendran berjaya membuatkan beberapa ahli Majlis Peguam tersenyum dan menerima kritikan daripada penulis dalam bentuk gurauan.
7. Sidang Pengarang juga memutuskan bahawa pada tahun ini kami perlu menebual beberapa ahli dalam Sistem Kehakiman Negara, Majlis Peguam dan beberapa tokoh terkenal untuk dimuatkan di dalam Relevan. Anita telah melakukan tugasnya dengan baik dalam temubual beliau bersama Karpal Singh untuk artikel bertajuk "Karpal Singh – The Lion King" yang dimuatkan dalam keluaran 3/03 yang telah diedarkan pada masa yang tepat bersamaan dengan pelancaran kempen Memansuhkan Seksyen 46A oleh Jawatankuasa Peguam Muda Kuala Lumpur.
8. Relevan juga meneruskan tradisi menerbitkan ucapan prosiding memperingati ahli-ahli Jawatankuasa Peguam Kuala Lumpur yang telah meninggal dunia.

9. Sidang Pengarang juga telah menyentuh banyak isu-isu penting yang berkenaan dengan Jawatankuasa Peguam, iaitu pelaksanaan dan penarikan semula "fast track system" di Mahkamah Tinggi Kuala Lumpur, Mesyuarat Agung Luar Biasa Majlis Peguam pada 4 Oktober 2003 dan Pilihanraya Majlis Peguam.
10. Selain daripada menerbitkan artikel-artikel, kami juga telah menerbitkan gambar-gambar yang berkaitan dengan acara-acara yang dianjurkan oleh Jawatankuasa-Jawatankuasa Kecil di bawah Jawatankuasa Peguam Kuala Lumpur.
11. Jawatankuasa Peguam Kuala Lumpur juga telah menyerahkan beberapa salinan Relevan kepada Jawatankuasa Peguam Muda Singapura ketika menerima lawatan persahabatan mereka pada 9 Ogos 2003, yang mana mereka menunjukkan minat yang tinggi terhadap penerbitan kita yang disifatkan sebagai berterusterang.
12. Penerbitan Relevan, terutamanya untuk menerbitkan 4 keluaran ini adalah sesuatu yang sukar dicapai tetapi dapat direalisasikan melalui hasil usaha dan sumbangan semua Sidang Pengarang dan sokongan ahli-ahli Jawatankuasa Peguam Kuala Lumpur.
13. Sidang Pengarang menyampaikan penghargaannya kepada semua ahli yang memberikan sokongan kepada penerbitan Relevan dan kami berharap agar semua ahli Jawatankuasa Peguam Kuala Lumpur akan terus menyumbang artikel untuk dimuatkan di dalam keluaran Relevan yang akan datang.

Sanjeev Kumar Rasiah
Pengarang
Surat Berita Relevan

PEGUAM-PEGUAM MUDA

Jawatankuasa Peguam-Peguam Muda ("YLC") sejak mulanya telah ditubuhkan dalam tahun 1998 untuk peguam-peguam muda dan disediakan untuk keperluan mereka. Peguam-peguam muda dikategorikan sebagai peguam-peguam yang telah beramal selama 7 tahun ke bawah. Peguam-peguam muda ini menggolongi sekurang-kurangnya 75% daripada Badan Peguam Malaysia. Sejak tahun 1998, dan dengan bertambahnya bilangan peguam yang diterima masuk ke dalam Badan Peguam Malaysia setiap tahun, jadi tidak menghairankanlah sekiranya YLC sendiri telah bertambah besar.

Bagi tempoh tahun 2003/2004 YLC terdiri daripada 34 ahli, yang menjadikannya sebagai satu jawatankuasa kecil yang terbesar dalam Jawatankuasa Badan Peguam Kuala Lumpur. Nama-nama ahlinya tertera di dalam laman web Badan Peguam Kuala Lumpur. YLC selanjutnya memutuskan untuk membuat empat jawatankuasa kecil seperti berikut:

- A. Jawatankuasa Kecil Pemajuan Kerjaya
- B. Jawatankuasa Kecil Sukan dan Sosial
- C. Jawatankuasa Kecil Kempen Pemansuhan s46A
- D. Jawatankuasa Kecil Latihan Hak Asasi Manusia

Disebabkan oleh bilangan jawatankuasa kecil yang mencapah, YLC pada keseluruhannya telah mengharungi suatu tahun 2003/2004 yang sangat sibuk dan amat menarik. YLC melaporkan seperti berikut:

A. Jawatankuasa Kecil Pemajuan Kerjaya

Jawatankuasa kecil tersebut telah dipengerusikan oleh Goh Hoon Huar. Suatu ceramah bertajuk "*Tax Planning for Malaysian Employees*" pada 27 Mei 2003 (5.30 petang – 7.10 petang) telah dianjurkan dan diadakan kerana jawatankuasa kecil tersebut menyedari bahawa sebilangan besar peguam-peguam muda diambil bekerja sebagai pembantu-pembantu peguam dan dengan pemahaman tentang perancangan cukai boleh membantu peguam-peguam muda untuk menguruskan hal-ehwal peribadi dan kerjaya mereka dengan lebih baik.

Choong Kwai Fatt adalah penceramahnya dan ceramah tersebut telah dipengerusikan Goh Hoon Huar. Penceramah telah berceramah berkenaan dengan tiga aspek untuk meminimalkan cukai untuk pekerja-pekerja iaitu, untuk meminimalkan pendapatan yang terakru, memaksimakan perbelanjaan dan meminimalkan relif yang dituntut. Beliau juga memberi petua-petua yang berguna berkenaan dengan bagaimana pembantu-pembantu peguam boleh merundingkan terma-terma perkhidmatan mereka yang mana boleh meminimalkan cukai yang perlu dibayar oleh dirinya sendiri dan firma melalui penggunaan pinjaman-pinjaman bebas cukai untuk membeli kereta dan premis-premis tempat tinggal.

Beliau selanjutnya menyentuh berkenaan dengan pendapatan perkhidmatan yang diperolehi daripada luar negara dan cara-cara sah untuk menghantar balik pendapatan sedemikian ke Malaysia tanpa menanggung liabilitinya. Di saat-saat berakhirnya ceramah itu, peserta-peserta ceramah telah berinteraksi dengan penceramah dan mengambil peluang tersebut untuk mendapatkan nasihat lebih lanjut berkenaan dengan cara meminimalkan atau mengelak daripada cukai keuntungan harta tak alih.

Pada keseluruhannya, penceramah tersebut berjaya berceramah berkenaan dengan suatu subjek yang begitu teknikal dan hambar dengan cara berlawak dan berjenaka pintar. Beliau juga berupaya untuk menyampaikan mesej dan ceramahnya secara efektif. Sekiranya peserta-peserta tersebut tidak mendapat sebarang petua yang berguna pun, unsur-unsur yang menghiburkan dalam ceramah tersebut sudah tentunya cukup untuk menjustifikasikan masa mereka digunakan dengan cara yang bermanfaat.

Di pengakhiran ceramah tersebut, Sanjeev Kumar, bagi pihak Jawatankuasa Badan Peguam Kuala Lumpur, telah menghadiahkan suatu cenderamata kepada penceramah sebagai tanda penghargaan dan berterima kasih kepada beliau kerana sanggup berkongsi pengetahuan dan pengalamannya yang luas.

YLC juga ingin merekodkan pengiktirafan dan penghargaan terhadap Vicky Teh and Sunitha kerana telah membantu menganjurkan ceramah tersebut.

Jawatankuasa kecil tersebut telah merancang untuk menjalankan dua lagi perkara seperti berikut:

1. Untuk menemuramah dua pengamal kanan undang-undang untuk mendokumenkan dan mengumpulkan pengalaman mereka dalam bidang kepakaran undang-undang mereka masing-masing. Dokumentasi dan

pengumpulan ini bertujuan untuk memberikan bimbingan kepada peguam-peguam muda dan untuk membantu mereka memutuskan bidang undang-undang mana yang ingin mereka pakari atau ceburi di masa akan datang.

2. Untuk membuat suatu laporan berkenaan dengan bagaimana untuk mencapai kejayaan dan memberikan prestasi yang lebih baik di temuramah pekerjaan serta meningkatkan lagi kemahiran menulis vitae kurikulum.

Disebabkan kesuntukan masa, jawatankuasa kecil tersebut telah tidak berupaya untuk menyelesaikan perkara-perkara tersebut walau pun kajian untuk menyokong laporan tersebut di atas telah dilengkapkan. Adalah diharapkan bahawa jawatankuasa kecil yang akan datang akan meneruskan perkara-perkara yang disebutkan di atas sehingga selesai dan selanjutnya menjalankan perkara-perkara yang lain.

B. Jawatankuasa Kecil Sukan dan Sosial

Objektif jawatankuasa kecil tersebut adalah untuk memberikan ruang kepada peguam-peguam muda untuk berjumpa dan mengenali satu sama lain dalam suatu persekitaran yang lebih kecil dan lebih mesra. Jawatankuasa kecil tersebut telah dipengerusikan oleh Debbie Wong dan ahli-ahli jawatankuasa kecil tersebut adalah seperti berikut:

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

Jawatankuasa kecil tersebut telah mengadakan dua mesyuarat - pada 19 Mei 2003 dan 20 Ogos 2003 dan telah menganjurkan dan mengadakan aktiviti-aktiviti yang berjaya seperti berikut:

1. *4 Jun 2003 (6.00 petang) - Berkumpul di Dome Café, KLCC dan malam menonton wayang*

15 orang telah menghadirinya dan aktiviti ini berjaya mencapai matlamatnya berkumpul yang mana setiap orang berpeluang untuk benar-benar mengenali di antara satu sama lain.

2. *18 Jun 2003 (8.00 petang) - Sportsplanet Subang Jaya, Permainan Futsal Persahabatan*

Permulaan sambutannya adalah lembab. Penyertaan-penyertaan mula masuk hanya selepas tarikh tutup. Terdapat 8 pasukan kesemuanya tidak termasuk dua pasukan yang terpaksa kami tolak kerana telah berlebihan pasukan.

Format permainan tersebut adalah berbeza walau pun bukannya luar biasa. Kami memutuskan untuk membuat permainan tersebut sebagai suatu permainan pasukan bercampur yang mana setiap pasukan mesti mempunyai sekurang-kurangnya seorang pemain wanita di atas padang yang bermain pada setiap masa permainan. Pasukan-pasukan tersebut dipecahkan kepada dua kumpulan dan permainan tersebut dimainkan secara "round robin". Bagaimanapun kami telah terpaksa menentukan pemenangnya melalui penggunaan markah kerana kami telah kesuntukan masa untuk perlawanan akhir dan separuh akhir dan juga amnya, kerana semua pasukan telah berasa penat setelah bermain 3 permainan setiap pasukan.

3. *6 September 2003 (9.00 pagi) - Ceramah Perbankan Islam, Oditorium Majlis Peguam*

Ceramah ini telah dianjurkan bersama dengan Jawatankuasa Sosial dan Kebajikan Jawatankuasa Peguam Kuala Lumpur. Lebih kurang 200 orang telah hadir untuk mendengar ceramah berkenaan dengan suatu subjek baru dalam lapangan undang-undang. Ramai yang berpuas hati dengan pelajaran yang diterima.

4. *26 September 2003 (7.00 petang) - Berkumpul dan bermain "bowling" di Cosmic Bowl, Midvalley Megamall*

15 orang telah menghadirinya tetapi hanya dua orang sahaja yang berminat untuk bermain "bowling" manakala yang lainnya hanya ingin menjadi pemerhati sahaja. Akhirnya kami telah mengambil keputusan untuk pergi ke sebuah kafe berhampiran dan makan malam serta minum-minum sahaja.

C. Jawatankuasa Kecil Kempen Pemansuhan s46A

Jawatankuasa tersebut telah ditubuhkan bagi berkempen untuk pemansuhan seksyen 46A Akta Profesyen Undang-Undang, 1976 yang melarang, antara lain, peguam-peguam muda daripada dilantik ke dalam Majlis Peguam atau

Jawatankuasa Badan Peguam Negeri. Jawatankuasa kecil tersebut telah dipengerusikan oleh Emilia Suryani Alwi. Kempen tersebut adalah selari dengan dua resolusi Badan Peguam Malaysia yang telah lama berlarutan yang memanggil untuk pemansuhan peruntukan tersebut. Selanjutnya, Konvensyen Peguam-Peguam Muda Kebangsaan Badan Peguam Malaysia telah pada 6 April 2003 sekali lagi mengulangi pendirian ini.

Kempen ini pertama kalinya dicadangkan dan diindorskan oleh Jawatankuasa Badan Peguam Kuala Lumpur. Kami, bagi pihak Jawatankuasa Badan Peguam Kuala Lumpur, kemudiannya membawa isu ini selanjutnya kepada Jawatankuasa Peguam-peguam Muda Kebangsaan Badan Peguam Malaysia. Kempen tersebut telah diterima keseluruhannya. Sebagai tambahan, Jawatankuasa Peguam-peguam Muda Kebangsaan Badan Peguam Malaysia telah memutuskan bahawa suatu kempen bergerak seluruh negara dijalankan bertajuk "*History and Struggles of the Malaysian Bar*" dengan kempenya dimulakan oleh bahagian Jawatankuasa Badan Peguam Kuala Lumpur.

Pada 5 September 2003, kami telah berjaya melancarkan kempen Jawatankuasa Badan Peguam Kuala Lumpur untuk memansuhkan seksyen 46A Akta Profesyen Undang-Undang, 1976 sebagai sebahagian daripada kempen bergerak seluruh negara tersebut. Kempen tersebut telah dibuka bersama oleh Ragnath Kesavan dan M. Moganambal. Haji Sulaiman Abdullah, Chew Swee Yoke dan Edmund Bon berceramah.

Serentak dengan itu, pada tarikh yang sama, suatu kempen mendapatkan tandatangan yang memanggil untuk pemansuhan seksyen 46A Akta Profesyen Undang-Undang, 1976 juga telah dilancarkan. Adalah dirancang bahawa kempen tersebut akan bergerak di serata Semenanjung Malaysia untuk mendapatkan sokongan dan menimbulkan kesedaran di kalangan peguam-peguam khususnya, ahli-ahli muda Badan Peguam Malaysia mengenai sejarah dan perjuangan Badan Peguam Malaysia. Jawatankuasa Badan Peguam Kedah-Perlis juga menjalankan kempen yang sama sebagai sebahagian daripada sumbangan mereka untuk kempen bergerak tersebut.

Kami sedang dalam proses mendrafkan suatu memorandum/kertas kerja dan suatu draf Bil Ahli-Ahli Swasta bagi membentuk asas kami untuk melobi dengan kerajaan dan ahli-ahli Parlimen di atas isu ini. Kami selanjutnya berharap untuk melobi Majlis Peguam untuk memohon suatu rundingan dengan kerajaan di atas isu ini dengan tujuan memansuhkan seksyen 46A Akta Profesyen Undang-Undang, 1976.

Dalam pada itu, kempen mendapatkan tandatangan tersebut adalah suatu aktiviti berterusan oleh jawatankuasa tersebut dan sebaik sahaja kami telah mendapat tandatangan yang mencukupi berserta dengan memorandum/kertas kerja dan draf Bil Ahli-Ahli Swasta tersebut, kami akan membawa kempen tersebut ke hadapan sepertimana yang dicadangkan dalam perenggan di atas.

Kami menyeru kepada semua ahli agar menyokong kempen ini yang menafikan perwakilan peguam-peguam muda, yang menggolongi sekurang-kurangnya 75% daripada Badan Peguam Malaysia, dalam pentadbiran Badan Peguam Malaysia. Kami juga telah mengeluarkan rencana-rencana dan pelekat-pelekat berhubung dengan kempen tersebut dan ianya boleh didapati di sekretariat Jawatankuasa Badan Peguam Kuala Lumpur pada harga RM2.00 satu.

D. Jawatankuasa Kecil Latihan Hak Asasi Manusia

Senarai ahli-ahli yang aktif dalam jawatankuasa tersebut adalah seperti berikut:

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

1. Isu-Isu Permulaan

a. Tujuan Program-program Susulan

- Jawatankuasa kecil tersebut telah ditubuhkan dengan tujuan untuk mengadakan latihan hak asasi manusia dan program-program susulan berikutan dengan kejayaan besar Program Latihan Hak Asasi Badan Peguam Kuala Lumpur di Guoman Resort, Port Dickson ("PD") pada 13-16 Februari 2003. Objektif-objektif yang dinyatakan adalah seperti berikut:

- (a) menganjurkan program-program susulan untuk peserta-peserta PD khususnya,
- (b) meningkatkan kesedaran di kalangan semua peguam muda berkenaan dengan isu hak asasi manusia dan contoh-contoh mengenai pencabulan hak asasi manusia; dan,
- (c) mengadakan kumpulan sokongan/pasukan petugas yang khusus, yang akan memberikan tumpuan

kepada bahagian-bahagian khusus dalam pelanggaran hak asasi manusia dan memberikan sokongan undang-undang/moral yang perlu kepada mangsa-mangsa, kumpulan-kumpulan masyarakat sivil dan organisasi-organisasi bukan kerajaan ("NGO").

b. Kesian-adaan Program-program Susulan

- Suatu isu telah dibangkitkan berkenaan dengan sama ada program-program susulan hanya disediakan untuk peserta-peserta PD sahaja atau terbuka kepada sesiapa sahaja.
- Jawatankuasa kecil berpendapat bahawa program-program tersebut patut dibuka kepada semua peguam, bukan sahaja kepada peserta-peserta PD.

c. Format Program-program Susulan

- Agar berasaskan seminar.
- Sesi perlu berupa sama ada sesi ½ hari atau 1 hari.
- Bahagian-bahagian khusus boleh berupa sesi 2 hari sekiranya perlu.

d. Tumpuan jawatankuasa kecil ini

- Jawatankuasa kecil tersebut bersetuju bahawa tumpuan utamanya adalah untuk menganjurkan sesi-sesi latihan susulan tersebut.
- Kami juga akan membantu dalam peringkat-peringkat permulaan pembentukan pelbagai kumpulan-kumpulan khusus/pasukan-pasukan petugas tersebut.
- Terdapat cadangan jangka panjang untuk menghasilkan suatu Buku Panduan Hak Asasi Manusia yang boleh digunakan oleh semua pengamal undang-undang dan NGO sebagai rujukan "*in a nutshell*" mengenai prinsip undang-undang dan peraturan yang terlibat dalam kes-kes hak asasi manusia.

2. Topik-topik untuk Program-program Susulan

a. ISA dan Penahanan Secara Tidak Sah (20 September 2003)

- Oleh kerana terdapat banyak sesi yang dianjurkan untuk tajuk ini, kami berpendapat bahawa adalah elok untuk mendapatkan pandangan dan pengalaman bekas-bekas tahanan ini.
- Kami telah menjemput Hishamuddin Rais dan Tian Chua untuk bersama di antara yang berceramah di sesi tersebut. Malangnya, Tian Chua telah mengundur diri di saat-saat akhir tetapi nasib baik Sivarasa Rasiah telah bersetuju untuk berceramah dalam masa yang singkat. Penceramah ketiga adalah Edmund Bon yang berceramah mengenai isu-isu undang-undang.
- Kami telah menjemput penceramah-penceramah dari Kamar Peguam Negara tetapi mereka telah menolak.
- Sesi tersebut telah mendapat kejayaan yang besar dengan pandangan-pandangan menarik yang dikemukakan oleh Hishamuddin Rais dan suatu sesi soal-jawab yang hangat dan lebih menarik lagi dipenghujungnya.

b. Hak Tanah Orang Asli Pribumi (8 November 2003)

- Kami telah dimaklumkan oleh Jawatankuasa Hak Asasi Manusia Majlis Peguam bahawa terdapatnya suatu kes yang melibatkan Orang-Orang Asli pribumi yang telah dipindahkan daripada tanah-tanah asal mereka di Bukit Lantang, Selangor.
- Disebabkan oleh itu, kami telah meminta ketua peguam untuk kes tersebut, Malik Imtiaz, untuk memberikan ceramah berkenaan dengan isu-isu undang-undang yang meliputi kes tersebut. Seorang lagi penceramah adalah Colin Nicholas yang mengimbau ke dalam kehidupan dan kebudayaan Orang-Orang Asli serta memberikan suatu persembahan yang menarik menggunakan "*powerpoint*" dengan menyiarkan beberapa gambar cantik yang memaparkan masyarakat Orang Asli dalam rumah mereka.
- Terdapat beberapa isu menarik yang dibangkitkan semasa sesi soal-jawab dan pada keseluruhannya ianya adalah merupakan suatu sesi yang sangat berjaya.
- Pada mulanya terdapat kebimbangan dan tuntutan yang bersertakan ugutan untuk memulakan prosiding injunksi oleh peguamcara bagi pemaju-pemaju yang terlibat dalam kes tersebut. Ini tidak berlaku.

c. Kuasa Pihak Polis (dirancang untuk Februari 2004)

- Walau pun telah terdapatnya dan sudah tentu akan terdapat banyak seminar/program mengenai tajuk ini, telah diputuskan bahawa kami tidak patut mengecualikannya atas sebab ini sahaja kerana ianya adalah jelas suatu tajuk yang "*hot*" di kalangan peserta-peserta PD.

- Kami telah mengesahkan dua sesi yang berbeza untuk diadakan mengenai kuasa polis:
 - (a) Isu penangkapan dan penahanan;
 - (b) Prosiding habeas corpus.
- Suatu sesi ketiga berkenaan dengan pendrafan telah dicadangkan tetapi telah diputuskan bahawa kami akan berunding dengan penceramah yang relevan dahulu sebelum kami membuat sebarang keputusan berkenaan dengan tajuk ini.
- Tarikh asal bagi sesi pertama telah dijadualkan untuk 20 Disember 2003 tetapi ini gagal dilakukan kerana tidak terdapat seorang penceramah yang sesuai pun yang berkelapangan untuk berceramah pada tarikh tersebut.
- Kami kini berharap untuk mengadakan sesi 1-2 hari dalam bulan Februari 2004.
- Kandungan dan sedalam mana sesi tersebut akan diputuskan kemudian selepas berunding dengan penceramah yang dicadangkan.

Usaha sedang dilakukan untuk menghubungi penceramah-penceramah yang terkenal seperti Karpal Singh dan Manjeet Singh serta juga rakan "*muda*" kami yang pakar dan sedang meningkat naik seperti Amer Hamzah dan Edmund Bon untuk menjadi penceramah/pelatih kami. Kami juga berharap untuk menjemput penceramah/pelatih dari Kamar Peguam Negara, pihak polis dan Suruhanjaya Hak Asasi Manusia Malaysia.

d. Latihan oleh Tenaganita

- Kami telah dimaklumkan bahawa Tenaganita telah secara sukarela mengendalikan seminar untuk peguam-peguam muda kami.
- Sehingga kini kami masih belum mencapai persetujuan berkenaan dengan skop atau objektif seminar tersebut tetapi kami berminat untuk mendalami bahagian ini.

3. Semakan ke atas Program Hak Asasi Manusia di PD

- Telah diambil maklum bahawa suatu belanjawan telah dikhaskan untuk membuat suatu semakan terperinci berkenaan dengan program di PD berserta dengan peserta-pesertanya di situ.
- Jawatankuasa kecil tersebut akan meneruskan usaha ini dalam tempoh tahun 2004/2005 yang akan datang.

4. Kesimpulan

- Adalah merupakan suatu pengalaman yang mencabar bagi kami semua terutamanya dengan jadual-jadual kami yang sibuk di tempat kerja masing-masing. Bagaimanapun, ianya adalah suatu pengalaman yang menyeronokkan khususnya kerana kebanyakan daripada kami adalah "*first-timers*" dalam lapangan hak asasi manusia yang semakin berkembang.
- Kami percaya bahawa kami telah mencapai sebahagian besar daripada tujuan-tujuan dan objektif-objektif kami bagi tempoh tahun 2003/2004 dan kami berharap untuk mendapat penyertaan yang lebih banyak lagi daripada ahli-ahli Jawatankuasa Badan Peguam Kuala Lumpur untuk tempoh yang akan datang.

Dalam intipatinya, YLC berpendapat bahawa agak banyak perkara juga yang telah dilakukan dan dicapai untuk ahli-ahli muda Jawatankuasa Badan Peguam Kuala Lumpur. Bagaimanapun kami berpendapat bahawa masih banyak lagi yang boleh dilakukan. Kami mengalu-alukan sepenuhnya dan menyeru kepada semua peguam-peguam muda dalam Jawatankuasa Badan Peguam Kuala Lumpur untuk bersama-sama menyertai kami dalam membangunkan suatu badan peguam muda yang lebih baik, untuk menyokong kami dalam semua kerja-kerja yang kami lakukan di masa akan datang dan untuk membantu kami dalam apa sahaja bidang yang boleh dibantu. Kami berharap untuk memasuki tahun 2004/2005 yang lebih cemerlang.

Laporan disediakan oleh Jawatankuasa Peguam-Peguam Muda Bar Kuala Lumpur

BANTUAN GUAMAN

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. PENGENALAN

Tugas-tugas yang telah dijalankan oleh Pusat Bantuan Guaman ("Pusat") dan para pekerjaannya yang berdedikasi telah memberikan impak yang mendalam terhadap masyarakat. Masyarakat umum pada masa kini mempunyai peningkatan kesedaran berkenaan hak-hak mereka. Kesan daripada peningkatan kesedaran ini, terdapat peningkatan mendadak ke atas tugas-tugas di Pusat ini yang mana menimbulkan tekanan yang serius, dengan sumber-sumber Pusat yang terhad.

Pada tahun 2003, Pusat ini telah membantu lebih kurang 10,192 orang. Ia menggambarkan peningkatan sebanyak 7.45% berbanding pada tahun 2002 (sila rujuk jadual). Jumlah individu yang telah hadir dan memohon bantuan di klinik-klinik kami juga telah menunjukkan peningkatan yang mendadak. Berdasarkan jumlah permintaan daripada masyarakat yang memerlukan nasihat guaman, Pusat ini telah melancarkan beberapa klinik baru untuk menampung permintaan tersebut. Perkembangan pada masa kini menunjukkan bahawa permintaan ini akan sentiasa meningkat dan akan tiba masanya di mana sumber-sumber Pusat ini tidak dapat menampung permintaan ini. Oleh yang demikian, kami sedang mencari jalan baru untuk meningkatkan dana-dana untuk memenuhi permintaan ini. Pada masa kini, Pusat ini memenuhi permintaan berkenaan dengan bergantung sepenuhnya kepada jasa baik sukarelawan-sukarelawan yang telah memberikan banyak masa mereka di dalam membantu para pelanggan di Pusat ini. Saya ingin mengambil kesempatan ini untuk mengucapkan terima kasih kepada semua sukarelawan yang membantu di Pusat ini.

Akan tetapi, adalah sesuatu yang membimbangkan bahawa jumlah sukarelawan tidak sejajar dengan peningkatan jumlah pemohon yang memohon bantuan di Pusat ini. Kami tidak mempunyai sebarang alternatif selain daripada mendapatkan bantuan daripada sukarelawan-sukarelawan yang sama. Kami memohon dan berharap para peguam di Kuala Lumpur memberikan perkhidmatan sukarela mereka kepada Pusat ini sejajar dengan resolusi yang diluluskan oleh Jawatankuasa Peguam Kuala Lumpur pada 15 haribulan Mac 2000.

Seperti yang tercatat pada jadual yang berkenaan, kebanyakan program tersebut adalah dibantu oleh pelatih-pelatih dalam kamar. Pusat ini telah mengendalikan sesi latihan untuk menyediakan pelatih-pelatih ini dengan kepakaran-kepakaran yang diperlukan untuk menjalankan klinik-klinik tersebut. Namun demikian, para pelatih dalam kamar di Pusat ini amat memerlukan penyeliaan yang sempurna daripada para peguam sukarela.

Walaupun terdapat banyak halangan dan cabaran yang dihadapi oleh Pusat ini, kami amat gembira dan sukacita terhadap bantuan, galakkan dan kerjasama yang kami terima daripada Jabatan Kehakiman, Pegawai-pegawai Pendakwa dan pasukan Polis dalam menyokong usaha-usaha Pusat Bantuan Guaman ini. Saya ingin merakamkan ucapan ribuan terima kasih saya kepada pihak-pihak yang berkenaan bagi pihak Pusat ini.

Dalam tahun 2003, Pusat ini juga telah memperlihatkan kewujudan "LAC's Migrant Workers Prison Clinic". Klinik tersebut membantu para migran di Penjara Wanita Kajang. Sambutan terhadap klinik tersebut amat menggalakkan dan oleh itu Pusat Bantuan Guaman pada masa kini akan merancang suatu skim yang baru untuk menyediakan bantuan guaman bagi kumpulan ini. Syabas diucapkan kepada kesemua individu yang terlibat di dalam projek ini.

Kami masih mempunyai hubungan kerja yang erat dengan rakan-rakan NGO kami iaitu AWAM, Tenaganita dan Pink Triangle Foundation. Kerjasama yang erat ini di antara Pusat Bantuan Guaman dan NGO ini telah meningkatkan kesedaran sukarelawan-sukarelawan kami dan memperbaiki perkhidmatan-perkhidmatan yang kami hulurkan kepada komuniti-komuniti tersebut. Hubungan kerja kami dengan AWAM melibatkan pengurusan klinik undang-undang di dalam permis AWAM. Disebabkan permintaan yang menggalakkan, klinik ini pada masa kini dibuka 6 hari dalam seminggu.

Pusat ini juga menyediakan bantuan guaman di Pink Triangle Clinic dan menjalankan suatu program "outreach" di Chow Kit. Kesannya amat memberangsangkan dan Pusat ini ingin mengucapkan tahniah dan terima kasih kepada semua pihak yang telah menjayakan program ini.

Dalam usaha untuk meningkatkan kesedaran undang-undang terhadap golongan komuniti yang tidak mempunyai keupayaan ekonomi yang memerlukan bantuan undang-undang, Pusat ini telah memulakan dua klinik baru dan telah menghantar para pelatih

dalam kamar dan peguam sukarela ke dua klinik undang-undang yang baru yang terletak di pejabat SIS (Sisters in Islam) di No. 25, Jalan 5/31, 46000 Petaling Jaya dan juga di pejabat Woman Aid Organisation's (WAO). Kedua-dua klinik ini telah mula beroperasi pada tahun 2003. Kami berharap dapat menjalinkan hubungan yang berterusan dan bermakna dengan SIS dan WAO. Pusat ini juga bekerjasama dengan PERMAS dalam isu-isu perumahan.

Pusat Bantuan Guaman pada tahun ini juga telah bekerjasama dengan Institusi Help dan menganjurkan dua syarahan untuk membantu pelajar-pelajar Institusi Help dalam usaha meningkatkan kesedaran mengenai bantuan guaman sesama mereka.

Dalam usaha untuk menyediakan bantuan guaman secara berterusan, Pusat ini hampir mencapai matlamatnya yang sepatutnya dengan peruntukkan dan sumber manusia yang terhad. Sumber kewangan utama Pusat ini datangnya daripada Majlis Peguam. Walau bagaimanapun, Majlis Peguam sendiri juga terikat dengan peruntukannya yang tersendiri. Pusat ini pada masa kini sedang mencari saluran yang lain untuk meningkatkan dana-dana melalui beberapa program peningkatan dana.

Akhir sekali, saya ingin menegaskan bahawa pencapaian Pusat ini adalah mustahil tanpa sokongan padu para sukarelawan dan pelatih dalam kamar yang berdedikasi. Kami percaya bahawa dengan sokongan yang padu daripada ahli-ahli Bar Kuala Lumpur, Pusat ini akan mampu untuk mencapai tahap yang lebih tinggi dan menyediakan bantuan, mewujudkan dan menggalakkan kesedaran, dan menyediakan bantuan guaman kepada sektor-sektor komuniti kita.

Saya secara peribadi, saya ingin mengucapkan terima kasih kepada Encik M Puravalen yang telah memberikan inspirasi kepada saya di atas bantuan dan tunjuk ajarinya dan Encik Sivarasa Rasiah yang sering dihubungi. Kedua-dua individu yang terhormat ini sentiasa meluangkan masa mereka kepada Pusat ini.

Satu ucapan tahniah kepada semua pekerja-pekerja, Ketua Program, Penolong Ketua Program, ahli-ahli jawatankuasa dan semua peguam sukarela, yang telah menyumbang dan memberikan masa mereka dalam menjalankan tugas-tugas mereka di Pusat ini dan memberi sokongan kepada Pusat ini. Ucapan terima-kasih yang istimewa juga kepada Amer Hamzah Arshad yang telah tanpa mengenal penat memastikan Pusat ini maju.

Saya lampirkan laporan-laporan daripada klinik-klinik yang beroperasi di bawah Pusat kita dan juga penyata akaun bagi tahun 2003.

Stanley Sinnappen
Pengerusi

2. STATISTIK MENUNJUKKAN ORANG YANG DIBANTU:

Orang Yang Dibantu 2003	TAHUN 2002	TAHUN 2003	% PENINGKATAN
Klinik Pusat Bantuan Guaman	1208	1292	6.95%
Program Dock Brief	6277	6503	3.6%
Klinik Syariah	68	98	44.1%
Klinik Penjara Sungai Buloh	896	1050	17.18%
Klinik Penjara Wanita Kajang	206	216	4.85%
Program Rumah Reman Juvana	149	108	-27.5%
Gerak Khas Tangkapan Genting	2	-	-
Klinik Penjara Pekerja Asing	-	199	-
Klinik-Klinik "Outreach Clinics"			
LAC/AWAM Perkhidmatan Maklumat Undang-undang	442	546	23.5%
Klinik Pekerja Asing	190	70	-63.1%
Klinik LAC/PTF	44	58	31.8%
Klinik LAC/SIS	-	51	-
LAC/WAO Klinik Penasihat Guaman	-	1	-
JUMLAH	9482	10192	7.48%

PERWAKILAN PERUNDANGAN (FAIL-FAIL YANG DIBUKA DAN MITIGASI/PERMOHONAN JAMIN) TAHUN 2003	
Jenayah	427
Keluarga	92
Syariah	34
Pekerjaan	16
Mitigasi oleh Program Dock Brief	4181
Permohonan Jamin oleh Program Dock Brief	32
Perumahan/Penyewaan	3
Syariah/Jenayah (Kes-Kes TS)	3
Lain-lain	2
JUMLAH	4790

3. KLINIK PUSAT BANTUAN GUAMAN
Disediakan oleh Jawatankuasa Program

Ahli Jawatankuasa

Fahri Azzat
Ramesh K Kumaraguru
Jayaletchumi Rajaretnam
Andrew Teh

Ong Chin Siong
Ramesh Lachmanan
Molly M Gomez – Kerisnan

Klinik Pusat Bantuan Guaman ("KPBG") dijalankan dari Urusetia Pusat Bantuan Guaman Majlis Peguam (KL) di Wisma Kraftangan.

Setakat 31 Disember 2003, sejumlah 1292 orang telah ditemuduga. Daripada jumlah ini, 220 orang telah diberi wakil guaman dan 657 orang telah diberi nasihat guaman sahaja. Sejumlah 106 pemohon telah dirujuk kepada klinik-klinik yang lain, Jabatan-jabatan kerajaan dan Pusat-pusat Bantuan Guaman negeri yang lain.

Berkenaan dengan 309 pemohon yang lain yang tidak berjaya di dalam usaha mendapatkan bantuan guaman, 108 daripadanya gagal di dalam ujian kelayakan, 198 hilang kelayakan berdasarkan alasan bidangkuasa dan 3 telah dihalang berdasarkan merit kes tersebut.

Daripada 220 fail yang telah dibuka, kes jenayah merupakan kes majoriti yang berjumlah 125 fail. Ini diikuti dengan kes-kes keluarga sebanyak 74 fail, kes-kes pekerjaan berjumlah 16, sewaan perumahan sebanyak 3 kes dan hanya 2 kes yang lain-lain.

Pada 26 Januari 2003, KPBG bersama-sama dengan Pusat Pembangunan Masyarakat (CDC) telah menganjurkan satu klinik 'Outreach' di Dengkil.

Pada 14 September 2003 KPBG bersama-sama dengan Persatuan Masyarakat Selangor dan Wilayah Persekutuan (PERMAS) telah menganjurkan satu sesi 'Outreach' di Taman Ampang Mewah.

Pada 21 September 2003, KPBG bersama-sama dengan Pusat Pembangunan Masyarakat (CDC) telah menganjurkan satu klinik 'Outreach' di Bangi sempena Minggu Kesedaran Undang-Undang yang dianjurkan oleh Majlis Peguam Malaysia.

Pada 29 Oktober 2003, KPBG telah mengadakan sesi kesedaran undang-undang bersama-sama pelajar-pelajar SMK Convent Bukit Nenas. Sesi tersebut telah diadakan sempena Minggu Kesedaran Undang-Undang yang dianjurkan oleh Majlis Peguam Malaysia. Sesi tersebut berjaya dan KPBG sesungguhnya merasakan bahawa lebih banyak usaha untuk menganjurkan sesi-sesi kesedaran undang-undang di sekolah-sekolah menengah perlu diadakan pada masa hadapan untuk membantu sesi-sesi 'Outreach' tersebut.

Sebagai tambahan kepada aktiviti-aktiviti di atas, KPBG masih mengekalkan amalan para pelatih dalam kamar untuk menemuduga pemohon-pemohon. Ini merupakan salah satu daripada program utama Pusat ini. Sejumlah 10-15 pelatih-pelatih adalah terlibat dimana mereka telah berada di Pusat tersebut dari pukul 10:00 pagi hingga 5:00 petang dari hari Isnin hingga Jumaat sepanjang 3 bulan sebagai sebahagian daripada tugas wajib bantuan guaman mereka.

Pelatih-pelatih dalam kamar tersebut diberi latihan sehari sebelum mereka memulakan tugas mereka di Pusat tersebut. Mereka telah diberi arahan tentang cara melakukan ujian kemampuan, dan mereka juga diberi taklimat tentang bagaimana cara menemubual pemohon-pemohon dan cabang undang-undang yang tertentu yang mendapat perhatian yang lebih. Cabang-cabang undang-undang ini termasuk undang-undang harta, kekeluargaan, pekerjaan dan jenayah.

Tanggungjawab para pelatih dalam kamar termasuklah menemubual klien yang masuk, melakukan ujian kemampuan di samping memberi nasihat undang-undang sekiranya perlu (ini dilakukan setelah perbincangan diadakan dengan peguam yang bertugas atau dengan menghubungi peguam-peguam sukarela menerusi telefon). Tanggungjawab mereka termasuk membuka fail apabila wakil guaman diperlukan.

KPBG dukacita untuk melaporkan bahawa terdapat agak ramai pelatih dalam kamar yang menonjolkan sikap sambil lewa terhadap tanggungjawab mereka. Ini jelas dilihat daripada kertas-kertas temuduga yang tidak disediakan dengan sempurna yang meninggalkan maklumat ataupun butir-butir penting yang diperlukan untuk memberikan nasihat undang-undang yang berkesan. Kertas temubual sedemikian merupakan satu halangan kepada KPBG dan para peguam sukarela kerana tugas menemuduga terpaksa diulangi.

Sekali-sekala, terdapat juga pelatih yang memberikan nasihat guaman tanpa terlebih dahulu mendapatkan nasihat daripada peguam penyelia yang hadir secara fizikal atau yang boleh dihubungi melalui telefon. Perbuatan ini adalah tidak bertanggungjawab dan boleh menjatuhkan martabat KPBG sekiranya nasihat yang diberikan tersebut adalah tidak tepat.

KPBG dukacita memerhatikan pelatih-pelatih ini melakukan perkara-perkara ini walaupun sesi latihan yang dijalankan, ulasan pertengahan tempoh diadakan dan panduan yang tersedia kepada para pelatih di premis berkenaan. Masalah ini menjadi lebih buruk apabila tidak terdapat prosedur tatadisiplin yang berkesan yang boleh digunakan oleh KPBG untuk memastikan para pelatih melaksanakan tanggungjawab mereka dengan rajin, berkesan dan bijak.

Satu lagi masalah sampingan yang wujud adalah kekurangan para peguam sukarela yang sanggup mengendalikan sesi latihan mahupun yang sanggup hadir secara sendiri di premis KPBG untuk menyelia para pelatih. Jumlah peguam sukarelawan yang

diperlukan pada sesi-sesi 'Outreach' hanya mencapai jumlah yang minima. Terdapat banyak ruangan yang boleh diperbaiki dalam aspek ini.

KPBG sesungguhnya berharap supaya Majlis Peguam, Jawatankuasa Peguam Kuala Lumpur, atau Majlis Bantuan Guaman Nasional, dapat memulakan perbincangan secara serius dan mengemukakan cadangan-cadangan berkenaan bagaimana untuk menangani sikap acuh tak acuh di kalangan peguam-peguam dari segi menawarkan khidmat untuk kes-kes bantuan guaman. Penyertaan yang lebih daripada para peguam di dalam program-program yang dijalankan oleh KPBG bukan sahaja akan membolehkan penyeliaan dan pelaksanaan inisiatif-inisiatif KPBG yang lebih berkesan malah ianya juga akan membantu KPBG untuk menyebarkan program-program 'Outreach'nya serta sesi-sesi kesedaran undang-undang di samping mengembangkan inisiatif program-program bantuan guaman yang lain.

KPBG sentiasa menerokai cara-cara lain untuk memperbaiki sikap para pelatih, menimbulkan kesedaran masyarakat berkenaan undang-undang, meningkatkan jumlah penyertaan para peguam sukarela di samping memantapkan lagi sesi-sesi latihan untuk para pelatih dalam kamar. Namun begitu, KPBG dihalang dengan sumber kewangan dan tenaga kerja yang terhad dan juga fakta bahawa sebahagian daripada masalah ini adalah masalah asas dan mungkin memerlukan penyelesaian yang lebih lengkap dan menyeluruh dengan penyertaan daripada pihak-pihak yang lain seperti Majlis Peguam, Jawatankuasa Peguam Kuala Lumpur, ahli-ahli mereka dan Pengajar kepada para pelatih dalam kamar.

4. PROGRAM 'DOCK BRIEF'

Disediakan oleh Ketua Projek, Baljit Singh Sidhu

Ahli-ahli Jawatankuasa

Baljit Singh Sidhu - Ketua Projek

Hanif Hashim

Kamarul Zaman Hj Abdul Rahman

Suresh Thanabala Singam

Mary Song

Ahli Jawatankuasa Dock Brief telah mengambil perhatian khas dalam melaksanakan program "Dock Brief" yang memberi latihan kepada pelatih dalam kamar semasa mewakili tertuduh dalam kes jenayah di dalam Mahkamah. Pada permulaan 2003, permohonan untuk mengikuti program Dock Brief adalah amat memberangsangkan.

Jadual di bawah menunjukkan jumlah kes yang dikendalikan oleh pelatih yang menyertai program "Dock Brief": -

	2001	2002	2003
Nasihat yang telah diberikan	1147	1916	2287
Permohonan Jaminan	10	14	32
Nasihat Pembentangan dan Mitigasi	6	4344	4181
Fail-fail Yang Telah Dibuka	6	3	3
Jumlah	5727	6277	6503

Secara keseluruhannya, jumlah di atas menunjukkan satu peningkatan di dalam kes-kes yang dikendalikan oleh pelatih. Terdapat peningkatan ketara dalam jumlah nasihat yang diberikan, yang meningkat sehingga 6503 pada tahun 2003. Walau bagaimanapun, dalam perkara permohonan jaminan, jumlah penyertaan pelatih masih lagi rendah. Jawatankuasa memandang serius terhadap ketidakseimbangan penyertaan ini dan telah mengambil tindakan bagi memperbaiki keadaan tersebut. Pelatih adalah digalakkan supaya seboleh-bolehnya memberi perhatian lebih terhadap permohonan jaminan dan memberitahu mereka yang dituduh dan ahli keluarga mereka tentang kepentingan jaminan. Jawatankuasa juga berharap pada tahun yang akan datang, lebih ramai pelatih yang akan berpeluang untuk melibatkan diri dalam permohonan jaminan.

Jawatankuasa juga telah beberapa kali mengadakan mesyuarat tak rasmi dengan Majistret, pegawai pendakwa dan pegawai Polis yang bertugas di lokap dan di Mahkamah dengan tujuan untuk melancarkan proses perwakilan. Jawatankuasa ingin mengucapkan ucapan terima kasih yang tak terhingga kepada semua pegawai yang terlibat di atas kerjasama yang telah diberikan.

Sungguhpun ramai pelatih mengikuti program ini adalah tinggi tetapi ramai pelatih yang belum mempunyai locus untuk tampil di hadapan Mahkamah Majistret, justeru itu, ramai pelatih tidak dapat mengikuti program perwakilan ini secara langsung.

Jawatankuasa juga memandang serius mengenai kelakuan dan disiplin di kalangan pelatih-pelatih terutamanya berkenaan decorum yang sewajarnya semasa di dalam Mahkamah. Secara keseluruhannya, terdapat perkembangan yang baik dari segi kedatangan dan Jawatankuasa telah mendapati terdapat pengurangan terhadap jumlah aduan yang diterima. Beberapa mesyuarat telah diadakan bagi tujuan memperbaiki program begitu juga untuk memperbaiki pencapaian, disiplin, kedatangan dan untuk menangani segala aduan dan kekurangan. Usaha bagi memperbaiki ini dijalankan secara berterusan.

Pelatih Dock Brief kumpulan 28 hingga 33 juga telah mengadakan sesi beramah mesra bersama-sama dengan Hakim Mahkamah Sesyen, Majistret dan Pegawai Pendakwa dengan Ahli Jawatankuasa Dock Brief di Bangunan Mahkamah.

Pada 15 September 2003, Y. Bhg. Hakim Dato' Mohd Azman Bin Husin, Hakim Mahkamah Sesyen dan semua Hakim Mahkamah Sesyen dan Majistret yang lain telah mengadakan satu sesi ceramah/ramah mesra kepada pelatih dalam kamar mengenai prosedur

dan etika Mahkamah.

Pada 25 September 2003, Y.Bhg. Dato Dell Akbar bin Hyder Khan (Ketua Polis Kuala Lumpur), Tuan ACP Wong Loong (Timbalan Jabatan Siasatan Jenayah Kuala Lumpur) dan Pegawai Pendakwa telah datang ke Jawatankuasa Peguam Kuala Lumpur dan mengadakan satu sesi ceramah/ramah mesra kepada pelatih dalam kamar mengenai prosedur dan etika Mahkamah.

En. Manjeet Singh Dhillon dengan baik hatinya telah mengendalikan satu latihan mengenai Rayuan Mitigasi kepada Pelatih Dock Brief Kumpulan 33 pada 19 September 2003, 26 September 2003 dan 10 Oktober 2003 dan juga kepada Kumpulan 34 pada 13 Disember 2003.

5. PROGRAM KESEDARAN UNDANG-UNDANG DAN ORIENTASI

Disediakan oleh Ketua Projek, Charles Hector

Ahli-ahli Jawatankuasa

Charles Hector - Ketua Projek
N Surendran - Pengganti Ketua Projek

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

Objektif

- Untuk merangsangkan pelatih/peguam supaya mengetahui tugas dan tanggungjawab mereka sebagai peguam yang sempurna dalam masyarakat kita.
- Untuk memupuk perasaan tanggungjawab sosial dan mengambil berat tentang hak asasi manusia, keadilan dan kedaulatan undang-undang.
- Untuk melahirkan kesedaran dan kefahaman yang kritikal tentang masyarakat secara umum, untuk memahami timbal balas kuasa-kuasa dan punca masalah-masalah dan kecacatan/kelemahan di Malaysia.
- Untuk memahami dan menganalisa pendapat-pendapat/pendekatan yang bebas untuk mengatasi masalah-masalah dan kekurangan di Malaysia
- Untuk mengingatkan dan menganalisa pendapat yang berbeza yang digunakan oleh peguam di masa lampau, secara individu dan sebagai Malaysian Bar, Majlis Peguam dan Pusat Bantuan Guaman Majlis Peguam. Khususnya, fokus analisa dan kerjasama ini adalah pelbagai program dan aktiviti Pusat Bantuan Guaman.
- Untuk berusaha menerapkan dan mewujudkan komitmen jangka panjang terhadap bantuan guaman dan hak asasi manusia, yang akan berterusan melangkaui lebih daripada tempoh 14 hari perkhidmatan bantuan guaman yang diwajibkan sepanjang tempoh latihan.

Sesi Orientasi Untuk Pelatih – Isi/Methodologi/Peralatan

- Pengenalan & Latihan Berfikir Secara Kritikal (30 min)
- Analisa Nilai/Keutamaan & Perbincangan (60 min)
- Realiti Malaysia: Kesedaran dan Analisis, Peranan/Tindak balas Peguam (90 min)
- Apa itu Bantuan Guaman? Hubungan antara Bantuan Guaman dengan Hak Asasi Manusia (30 min), Kesimpulan dan Penilaian (30 min)
- Methodologi:- Secara Penglibatan
- Peralatan:- Dinamik Kumpulan, Perbincangan Umum dan Pandangan (Input) Ringkas

Setakat 31 Disember 2003, 9 sesi telah dengan jayanya dijalankan untuk pelatih dalam kamar. Sejumlah 725 pelatih telah menghadiri sesi ini dan penglibatan mereka adalah baik. Sesi adalah sepanjang antara 5-5 ½ jam pada hari berkerja, bermula jam 1.30 petang dan tamat pada jam lebih kurang 6.30 petang dengan rehat pendek selama 15 minit.

Berdasarkan penilaian, pelatih-pelatih yang menghadiri sesi orientasi telah secara umumnya diberi maklumat tentang fakta bahawa terdapat banyak perkara yang tidak mereka ketahui- khususnya tentang mereka yang miskin, yang ditindas, yang tidak bernasib baik dan mereka yang dipinggirkan, yang mana mereka inilah yang memerlukan kesedaran / pengetahuan undang-undang, nasihat undang-undang dan wakil guaman. Kesedaran juga diwujudkan tentang keperluan untuk melihat punca-punca asal yang membawa kepada permasalahan undang-undang yang dihadapi oleh individu, dan bagaimana adakalanya ianya perlu bukan sahaja untuk memberikan nasihat dan mewakili mangsa, malah juga untuk memberi kesedaran bagi mengelakkan mereka menjadi mangsa

Pelatih-pelatih juga diberi pendedahan tentang kerja yang sedang dijalankan oleh Pusat Bantuan Guaman / Pusat Hak Asasi Manusia Majlis Peguam dan Majlis Peguam yang menangani situasi ini dengan 3 cara:-

- a) Pendekatan Kebajikan:- menyediakan nasihat perundangan dan wakil guaman yang perlu kepada mangsa – di mana sebahagian daripada program-program ini adalah seperti kerja-kerja yang dilakukan dalam Program Taklimat / Temuduga di Kandang (Dock Brief) , program penjara Sungai Buloh / Kajang, dll.
- b) Pendekatan Kemajuan:- yang bertujuan untuk menyediakan nasihat dan pendedahan undang-undang – yang mana ini akan meliputi, antara lainnya, sebahagian daripada kerja yang dilakukan oleh program Klinik Pusat Bantuan Guaman, program AWAM dan juga program Tenaganita. Pendekatan ini membantu memberi pengetahuan dan kesedaran kepada

- c) pelanggan-pelanggan individu untuk mengelakkan daripada mereka menjadi mangsa ketidakadilan
- c) **Pendekatan Keadilan**:- di mana pendekatan ini menangani atau cuba menangani punca-punca asal – dan ini akan meliputi tindakan yang diambil untuk menghentikan keganasan polis terhadap orang yang ditahan, pengambilan perkara / kes yang melibatkan kebebasan asas seperti kebebasan bersuara dan berkumpul, kempen untuk Satu Panggilan Telefon, cadangan untuk mengasingkan / memisahkan Suruhanjaya Kehakiman dan Perundangan, dll.

Mereka juga menyedari bahawa betapa sekarang ini kurangnya peguam yang mengutamakan kepentingan orang lain (selain diri sendiri) yang tampil ke hadapan untuk menawarkan masa dan perkhidmatan mereka secara sukarela untuk memberi bantuan guaman dan mempromosikan perjuangan keadilan walaupun telah wujud Resolusi Majlis Peguam yang menghendaki setiap seorang peguam untuk mengambil sekurang-kurangnya satu fail bantuan guaman setahun.

Selepas program ini adalah diharapkan supaya pelatih-pelatih ini lebih peka terhadap tanggungjawab sosial dan seruan mereka sebagai peguam untuk “menegakkan keadilan tanpa rasa takut atau memilih kasih” Akhirnya program-program ini bertujuan untuk menerapkan nilai-nilai dan prinsip-prinsip murni dengan harapan ianya akan menyedarkan para peguam untuk tampil ke hadapan atas kerelaan sendiri dan bukannya atas apa-apa sebab lain, untuk memberi bantuan guaman dan/atau apa-apa kerja lain demi menegakkan keadilan tanpa rasa takut atau memilih kasih.

Rancangan lain untuk baki tahun ini termasuklah seperti yang berikut:

- Untuk mengelolakan **Program Latihan/Formasi untuk Peguam** – program ini telah dirancang untuk bulan Ogos/September 2003 TETAPI tidak dapat dilaksanakan walaupun perancangan dan persediaan awal telah dibuat kerana tiada peruntukan kewangan disediakan untuk program ini (walaupun telah dimasukkan dalam cadangan bajet 2003). Adalah dirasakan bahawa terdapatnya keperluan yang ketara supaya program-program untuk Peguam dirancang, lebih-lebih lagi bagi peguam yang menunjukkan minat untuk memberikan bantuan guaman dan hak asasi manusia.
- Penerangan dan sesi perbincangan untuk peguam-peguam/orang awam berkenaan isu-isu hak asasi manusia dan kesedaran tentang isu-isu perundangan.

Kekurangan/masalah

- Masa
- Sumber Tenaga Manusia
- “Red Tape”, Mekanisme Pelulusan yang Lembab
- Kekurangan Sumber Kewangan
- Tindakan Susulan dan/atau Peluang untuk Bersuara di Majlis Peguam.

Cadangan untuk memajukan program ini

- Untuk mampu mengelolakan lebih banyak sesi-sesi pendedahan/kesedaran dan hak asasi manusia kepada peguam dan/atau masyarakat umum.
- Untuk mengawalselia sesi latihan dan formasi untuk peguam-peguam yang terlibat dengan kerja-kerja Bantuan Guaman dan Hak Asasi Manusia di Pusat-Pusat Bantuan Guaman dan Hak Asasi Manusia Majlis Peguam.
 - dengan memberi penekanan khas terhadap analisa menurut sesuatu konteks, pandangan-pandangan alternatif dan berkesan, dan/juga motivasi dan komitmen yang berterusan. Mewujudkan visi bersama dan langkah-langkah/pelan tindakan juga akan dimuatkan dalam sesi-sesi ini.
- Untuk memajukan program-program immerssi - bagi membolehkan para sukarelawan ini lebih memahami masalah masyarakat dan bagi masyarakat, untuk meningkatkan kesedaran/pengetahuan tentang hak-hak mereka.
- Untuk mewujudkan suatu kursus Hak Asasi Manusia dan Bantuan Guaman yang berterusan.

6. KLINIK PENJARA SUNGAI BULOH

Ahli-ahli Jawatankuasa

Sivanesan Nadarajah -Ketua Projek
S Muhendran
Ramesh Lachmanan
Mary Song
Mabel Yong (Klinik Penjara Wanita Kajang)

A Balakisan
M Kamalan
M Lalitha
M Visvanathan

Pengenalan

Klinik Penjara Sungai Buloh telah memulakan operasinya sejak bulan Disember 1997. Objektif klinik ini adalah untuk:-

- (1) menyediakan perkhidmatan/bantuan guaman kepada banduan-banduan reman di Penjara Sungai Buloh;
- (2) meningkatkan tahap kecekapan peguam-peguam (pelatih dalam kamar);
- (3) mencari jalan dan cara-cara untuk mengurangkan bilangan banduan-banduan reman di Penjara Sungai Buloh;
- (4) memastikan terdapatnya peguam-peguam sukarela yang mencukupi untuk memberi nasihat guaman;
- (5) memastikan wujudnya satu mekanisme yang efektif di Penjara Sungai Buloh untuk mengawasi kemajuan perkara-perkara yang dikendalikan oleh klinik.

Pelaksanaan

Untuk mencapai tujuan di atas, pelatih-pelatih dalam kamar telah dijadualkan untuk bertugas secara bergilir pada setiap selang hari Sabtu selama tempoh tiga (3) bulan dengan melawat Penjara Sungai Buloh untuk menemuramah banduan-banduan reman di situ. Sepanjang tempoh tersebut, pelatih-pelatih dalam kamar dilatih dan dibekalkan dengan buku panduan latihan yang mengandungi maklumat berkenaan mahkamah-makamah, panduan mengenai kesalahan-kesalahan yang kerap dilakukan dan maklumat-maklumat lain yang berkaitan. Sekumpulan dua puluh (20) pelatih dan dua (2) penyelia sukarela akan menemuramah purata enam puluh (60) tahanan-tahanan pada setiap sesi. Pelatih-pelatih dalam kamar juga membuat tindakan susulan di Pusat Bantuan Guaman berdasarkan temuramah-temuramah yang telah dibuat. Tindakan-tindakan susulan adalah seperti berikut:-

- menghubungi ahli-ahli keluarga berkenaan perkara-perkara berkaitan ikat jamin
- merujuk kes-kes yang berkaitan ke Program Dock Brief
- merujuk kes-kes dari negeri-negeri lain ke Pusat Bantuan Guaman negeri-negeri yang berkenaan
- merujuk kes-kes yang membawa hukuman mati ke Skim Peguam Lantikan Mahkamah
- berhubung dengan peguam-peguam sukarela berkenaan status fail-fail.

Kekuatan dan Kelemahan

Dari 1 Januari 2003 hingga 31 Disember 2003, klinik ini telah menemuramah seramai 1050 banduan-banduan reman. Daripada jumlah 1050 orang yang ditemuramah itu, hanya 128 fail sahaja dikendalikan oleh peguam-peguam sukarela untuk mewakili orang yang tertuduh di Mahkamah. Sebanyak 353 kes telah dirujuk ke Program Dock Brief untuk mitigasi dan permohonan ikat jamin. Selain daripada itu, sejumlah 507 kes telah dirujuk ke Pusat-Pusat Bantuan Guaman negeri lain manakala hanya khidmat nasihat diberikan dalam 62 kes selebihnya.

Nasihat Sahaja	62
Buka Fail	128
Rujuk kepada lain-lain Pusat Bantuan Guaman Negeri	507
Rujuk kepada Program Dock Brief (Mitigasi & Permohonan Jamin)	353
Jumlah Orang Dibantu	1050

Klinik ini juga menghadapi kekurangan dalam kualiti perkhidmatan yang diberikan kepada banduan-banduan reman dalam skop yang berikut:-

1. Ketidakmampuan pelatih-pelatih dalam kamar untuk mengambil/menyalin fakta-fakta yang betul/relevan dari tahanan-tahanan, fakta-fakta tidak teratur dan Kertas Temuramah tidak lengkap;
2. Ketidakmampuan pelatih-pelatih dalam kamar dalam memberi nasihat-nasihat yang sewajarnya kepada tahanan-tahanan;
3. Pusat ini tidak mampu untuk menangani jumlah kes-kes yang akan diberikan kepada peguam-peguam sukarela untuk representasi di Mahkamah atas alasan kekurangan peguam-peguam sukarela;
4. Pusat ini jarang mendapat maklumbalas berkenaan kes-kes yang dirujuk ke Pusat Bantuan Guaman di negeri lain.

Cadangan

Klinik ini harus melihat objektif jangka panjang program ini:-

- dalam mengurangkan jumlah tahanan-tahanan reman di kalangan segmen masyarakat yang berpendapatan rendah;
- memastikan bahawa tahanan-tahanan reman tidak berada di dalam Penjara Sungai Buloh lebih daripada tiga (3) bulan;
- memastikan bahawa tahanan-tahanan reman mendapat nasihat-nasihat yang betul untuk membolehkan mereka membuat keputusan yang tepat/bermakluman;
- meningkatkan kerjasama dan hubungan yang erat dengan pihak berkuasa.

7. KLINIK PENJARA WANITA KAJANG

Ahli Jawatankuasa

Klinik Penjara Sungai Buloh dan Klinik Penjara Wanita Kajang dikendalikan oleh jawatankuasa yang sama

Pengenalan

Klinik ini telah ditubuhkan pada dua setengah tahun yang lepas dan bekerjasama dengan Klinik Penjara Sungai Buloh. Objektif utama penubuhan Klinik ini adalah untuk menyediakan tahanan-tahanan daripada utara dan selatan tanah air yang berada di Penjara Wanita Kajang dengan bantuan-bantuan berikut: -

- a) menyediakan nasihat perundangan bagi kes tiap-tiap individu
- b) menyediakan maklumat-maklumat kepada para tahanan

- c) menyediakan wakil guaman berdasarkan pilihan yang ada pada mereka kerana pada kebiasaanya tahanan-tahanan ini adalah mereka yang ditahan reman
- d) menyediakan sokongan moral dan dorongan kepada para tahanan memandangkan mereka tidak akan bertemu dengan sesiapa pun melainkan pegawai-pegawai Penjara dan juga tahanan-tahanan lain di penjara dan oleh kerana itu mereka tidak mengetahui apa yang bakal terjadi

Lain-lain

Pusat juga akan menghubungi Kedutaan-Kedutaan yang berkaitan untuk memaklumkan kepada mereka tentang kewujudan tahanan warga negara masing-masing yang ditahan reman di penjara untuk mereka mengambil tindakan yang sepatutnya dan Pusat juga merujuk kes-kes yang melibatkan tahanan-tahanan daripada negeri lain kepada Pusat Bantuan Guaman Majlis Peguam Negeri masing-masing untuk membolehkan mereka membuat tindakan susulan.

Jumlah kes-kes yang dilayan

Jumlah klien	216
Rujuk kepada Program Dock Brief (Mitigasi & Permohonan Jamin)	63
Kes yang diserahkan kepada peguam	16
Rujuk kepada lain-lain Pusat Bantuan Guaman	
- Melaka	02
- Johor Bharu	33
- Kuantan	08
- Selangor	56
- Negeri Sembilan	07
Nasihat sahaja	38

Kelebihan-kelebihan

Kekuatan utama klinik ini adalah pada kerjasama daripada pihak-pihak yang terlibat iaitu Pusat Bantuan Guaman dalam melaksanakan klinik ini terutamanya penyelia-penyelia (peguam sukarela), pelatih-pelatih dalam kamar dan juga Pihak Berkuasa Penjara Wanita Kajang. Kedua-dua pihak telah bekerjasama hampir sekurang-kurangnya dua tahun setengah untuk menyediakan bantuan perundangan kepada tahanan-tahanan di Penjara yang tanpa klinik ini, tidak akan diwakili dan tidak akan diberi peluang untuk melihat keadilan dilaksanakan.

Kelemahan

Sepertimana dalam klinik-klinik lain, klinik ini juga mempunyai kelemahan-kelemahan tersendiri iaitu: -

- a) ketidakupayaan pelatih-pelatih dalam kamar untuk mendapatkan fakta-fakta yang sewajarnya daripada para tahanan dan mengambil terlalu banyak maklumat yang tidak tepat
- b) kekurangan latihan dan pendedahan
- c) kekurangan tindakan susulan terhadap temuduga disebabkan oleh: -
 - 1) kekurangan maklum balas daripada setiap Pusat Bantuan Guaman Negeri yang berkaitan terhadap kes-kes yang dirujuk kepada mereka (isu ini telah dibawa oleh Jawatankuasa Bantuan Guaman Kebangsaan dengan lain-lain Pusat Bantuan Guaman dan satu struktur garis panduan dalam bentuk surat untuk diluluskan oleh Pengerusi yang telah disiapkan untuk setiap Pusat Bantuan Guaman melaksanakannya)
 - 2) kekurangan peguam-peguam yang sudi untuk mengendalikan kes-kes reman

Cadangan-cadangan

- 1. Pendedahan dan juga latihan yang lebih unyuk diberikan kepada pelatih-pelatih dalam kamar
- 2. Mengadakan lebih banyak perjumpaan dengan lain-lain Pusat Bantuan Guaman bagi meningkatkan mutu klinik supaya dapat membantu orang awam
- 3. Untuk merekrut lebih ramai lagi peguam-peguam sukarela untuk membantu dalam mengendalikan kes-kes
- 4. Untuk membuat cadangan dan juga mengubah undang-undang, berhubung dengan keadaan tahanan-tahanan reman.

8. KLINIK PERKHIDMATAN MAKLUMAT UNDANG-UNDANG LAC/AWAM

Laporan disediakan oleh Ms Vasandi Kandasamy (Ketua Projek)

Ahli-ahli Jawatankuasa BCLACKL

Jayaletchumi Rajaretnam

R Shanmugam

Sharmini Thiruchelvam

Chuah Siang Chin

Ramlah Begum

Kasthury Sellapan

Chamundeeswari Jaganathan

Marlene Blanche Culas

Wakil AWAM

Pushpa Ratnam

Chen Lee Ping

a) Tindakan susulan untuk Seksyen 51 Akta Memperbaharui Undang-undang (Perkahwinan Dan Perceraian) 1976

Jawatankuasa kecil ini adalah penaung kepada Jawatankuasa LAC/AWAM dan objektif utama Jawatankuasa ini adalah untuk melihat pembaharuan undang-undang. Jawatankuasa ini telah mengadakan suatu perbincangan meja bulat bersama dengan Kementerian Wanita dan Pembangunan Wanita, Pertubuhan Tindakan Wanita (AWAM) dan Pusat Bantuan Guaman Majlis Peguam (Kuala Lumpur). Sesi tersebut telah diadakan pada 8 haribulan April 2003 di bawah anjuran Kementerian Wanita. Seramai 21 buah pertubuhan dan individu telah menghadiri sesi tersebut.

b) Klinik 'Outreach'

Klinik 'Outreach' yang pertama telah diadakan bersama masyarakat orang asli di Bukit Kemandol, Banting, Selangor. Program tersebut telah diadakan pada 14 haribulan Jun 2003 (Ahad) daripada jam 10.00 pagi sehingga 1.00 petang. Memandangkan ianya adalah program yang pertama kali diadakan bersama masyarakat orang asli, bahasa adalah penghalang utama, namun demikian terdapat juga penglibatan dan persoalan yang dikemukakan oleh mereka. Kami diberikan kepercayaan menguruskan 4 kes.

c) Ceramah Gangguan Seksual

Jawatankuasa ini telah mengadakan suatu ceramah gangguan seksual pada 28 haribulan Ogos 2003 bermula 6.30 petang bersama Pertubuhan Tindakan Wanita (AWAM) bertajuk Gangguan Seksual dan Anda bertempat di Jawatankuasa Peguam Kuala Lumpur. Seramai 15 peserta telah menghadiri sesi tersebut dan ceramah telah dikendalikan oleh Judith Koh dan Lim Siu Ching, keduanya adalah petugas daripada AWAM. Sesi tersebut banyak memberi maklumat dan bertenaga. Jawatankuasa ini juga akan mengadakan suatu sesi yang lain bertajuk Undang-Undang Berkenaan Gangguan Seksual pada masa yang terdekat. Kebanyakan peserta telahpun bersetuju untuk menghadiri sesi tersebut.

d) Statistik

Setakat 1 Januari 2003 sehingga 31 Disember 2003, klinik undang-undang di AWAM telah melayan 546 orang klien yang diberikan nasihat undang-undang, dan 17 buah fail telah dibuka untuk disediakan dengan khidmat wakil guaman.

9. KLINIK SYARIAH

Laporan disediakan oleh Ketua Projek, Noor Suhaida Kasri

Ahli-ahli Jawatankuasa

Ahmad Fahmi Yahya (Pengganti Ketua Projek)

Norhusniah Husin

Nik Nurul Atiqah Nik Yusof

Mazlan Alias

Fashilah Ahamat @ Mohd

Dir Kheizwan Ab Halim @ Kamaruddin

Klinik Syariah telah diperkenalkan untuk menyediakan perkhidmatan guaman kepada pihak-pihak yang terlibat dalam Mahkamah Syariah. Untuk membolehkan seseorang itu mendapat bantuan dari klinik ini, dia mestilah memenuhi kriteria yang digariskan oleh Pusat Bantuan Guaman. Adalah menjadi kepercayaan kami yang utama bahawa adalah perlu untuk kami menyediakan khidmat ini kepada sesiapa sahaja yang melepasi ujian kelayakan disamping untuk melindungi kepentingan mereka di Mahkamah Syariah.

Klinik Syariah beroperasi di Sekretariat dan terbuka kepada masyarakat awam pada hari Isnin hingga Jumaat mulai pukul 10.00 pagi – 4.30 petang. Klinik Syariah di Pusat Bantuan Guaman dikendalikan oleh pelatih-pelatih dalam kamar yang diselia oleh para Peguam Syarie yang berpengalaman; di mana Pelatih Dalam Kamar ini perlu memenuhi khidmat bantuan guaman mereka yang merupakan salah satu syarat yang ditetapkan oleh Majlis Peguam di dalam Perkhidmatan Bantuan Guaman. Setiap Pelatih Dalam Kamar bertugas seminggu sekali dalam tempoh tiga bulan.

Pelatih Dalam Kamar telah diberikan latihan separuh hari yang menumpukan kepada Undang-Undang dan Prosedur Sivil Syariah dan Jenayah Syariah. Mereka juga turut menjalani latihan selama sehari dengan Klinik Bantuan Guaman yang menyediakan latihan asas berkenaan teknik-teknik menemui disamping perbincangan tentang undang-undang Jenayah, Undang-Undang Buruh dan Undang-Undang Keluarga.

Jadual di bawah menunjukkan klien-klien di dalam kes-kes Syariah yang telah dikendalikan oleh Pusat Bantuan Guaman Majlis Peguam [Kuala Lumpur] sepanjang tahun 2003.

Jumlah klien bagi Klinik Syariah	98
Fail Dibuka (5 fail daripada permohonan 2001)	34
Bantuan Nasihat Sahaja Diberi	51
Nasihat-Dirujuk kepada Biro Bantuan Guaman	3
Nasihat-Dirujuk kepada Jabatan Agama Islam	1
Tidak Layak	7
Di Luar Bidangkuasa	2

Terdapat pertambahan sebanyak 46.2 % dari segi bilangan klien jika dibandingkan dengan tahun 2002. Ini berpunca dari publisiti yang dilakukan dengan cara menampal poster-poster di Mahkamah Syariah Kuala Lumpur.

Jawatankuasa juga telah memperolehi senarai nama para peguam Syarie dari Mahkamah Syariah dan seterusnya telah meminta para peguam ini untuk mengendalikan kes-kes bantuan guaman dan kami juga telah menjalinkan hubungan kerja dengan Persatuan Peguam Syarie Malaysia (PGSM) dan telah meminta ahli-ahlinya untuk secara sukarela memberi bantuan guaman.

Jawatankuasa juga telah bersama-sama menganjurkan klinik outreach dengan MPSA di Dewan Besar Paya Jaras, Sg Buloh pada 6 September 2003. Wakil-wakil dari MPSA dan 10 orang peguam sukarela telah menyertai sesi tersebut. Satu ceramah bertajuk 'Menangani Masalah Keluarga' telah disampaikan oleh Tuan Haji Amli dari Tetuan Amli & Nonee.

Kami ingin menambil kesempatan ini untuk mengucapkan ribuan terima kasih kepada Panel Pengurusan, Kakitangan Pusat Bantuan Guaman, Ahli Jawatankuasa Syariah, Peguam-peguam sukarela dan Pelatih Dalam Kamar yang terlibat dalam menyertai program ini di atas minat dan komitmen yang ditunjukkan bagi membolehkan Klinik Syariah ini berjalan lancar.

10. PROGRAM RUMAH REMAN JUVANA

Ahli-ahli Jawatankuasa

Parameswary – Ketua Projek

K H Koh

A. Ramu

Tahun 2003 merupakan tahun yang senyap bagi JTFC. Ini adalah kerana tidak ramai pesalah juvana yang direman di Pusat Tahanan Reman tahun ini.

Sehingga ke hari ini, seramai 108 pesalah juvana yang telah ditemuduga oleh JTFC seperti yang ditunjukkan di dalam jadual. Kebanyakan juvana-juvana ini menghadapi lebih daripada satu pertuduhan. Oleh itu, jadual menunjukkan jumlah pertuduhan bagi 108 pesalah juvana adalah 144 pertuduhan.

Rancangan JTFC pada tahun 2003 – 2004 adalah untuk mewujudkan sesi kaunseling untuk juvana-juvana di Pusat Tahanan Reman. Rancangan ini termasuklah:-

Memperbaiki Sesi Kaunseling.

Isu ini masih tertangguh memandangkan lebih banyak maklumat dan penjelasan diperlukan daripada cadangan Encik K.H.Koh.

Panel amat mengambil berat tentang kelayakan, pengetahuan dan pengalaman kaunselor-kaunselor terlibat.

Kerja Yang Telah Dilakukan

- 1) Seorang budak lelaki berumur 14 tahun telah dituduh membunuh di Mahkamah Majistret Ampang dan permohonan telah dibuat di bawah Sek. 177 oleh TPR untuk membenarkan kes didengar di Mahkamah Tinggi Shah Alam. Kes telah didengar selama 5 hari dan selepas itu peguambela En K.A. Ramu telah membuat satu permohonan kepada TPR untuk meringankan pertuduhan kepada Sek. 304(b) Kanun Keseksaan tetapi TPR mencadangkan Sek. 304(a) berserta beberapa syarat. Budak lelaki tersebut mengaku salah dan mahkamah telah menghantarnya ke sekolah Henry Gurney.
- 2) Seorang ibu yang tidak mampu mengawal anak lelakinya, telah datang ke BCLAC untuk mendapatkan khidmat nasihat. Beliau telah dirujuk kepada Jabatan Kebajikan Masyarakat.

Walaubagaimanapun, memandangkan waktu tersebut adalah petang sebelum cuti Hari Raya, pegawai di Jabatan Kebajikan Masyarakat tersebut menasihatkannya untuk mendapatkan perintah supaya anak lelakinya itu boleh ditempatkan di rumah kebajikan selepas hari raya atau sebagai alternatif membuat satu repot polis terhadap anak lelakinya itu.

Ibunya mengambil keputusan untuk membuat repot poils terhadap anak lelakinya itu. Anak lelakinya telah ditahan serta merta dan direman oleh pihak polis tanpa mengambil sebarang kenyataan. BCLACKL telah bercadang untu merayu terhadap tempoh reman yang telah diberikan oleh Majistret dengan mengfailkan satu permohonan di Mahkamah Tinggi. Budak lelaki tersebut telah dilepaskan sebelum Mahkamah menetapkan tarikh pendengaran.

- 3) Jawatankuasa Undang-Undang Jenayah majlis peguam telah meminta BCLAC JTFC, untuk mengumpul maklumat pencabulan undang-undang dan prosedur mengenai penahanan pesalah juvana. Maklumat mengenai penahanan pesalah juvana ini telah dikumpulkan dan diserahkan kepada Jawatankuasa Undang-Undang Jenayah Majlis peguam, yang mana merangkumi perkara-perkara berikut:-

- (a) Samada ahli keluarga atau penjaga diberitahu tentang penahanan juvana oleh pihak polis;
- (b) Samada pegawai akhlak diberitahu segera sejurus selepas penahanan juvana;
- (c) Samada pesalah juvana ditahan bersama pesalah dewasa semasa berada di dalam lokap;
- (d) Samada juvana menjadi mangsa keganasan polis atau didera oleh polis semasa di dalam tempoh tahanan dan reman;
- (e) Samada polis meminta wang dari juvana untuk mendapatkan kebenaran dari pihak polis untuk memberitahu ahli

- keluarga/penjaga juvana tentang penahanan mereka; dan
(f) Tempoh waktu reman sebelum perbicaraan.

Statistik tahunan kesalahan yang dilakukan oleh juvana:

Jenis kesalahan

Tuduhan Di bawah Sek	Jumlah Juvana	Tuduhan Di bawah Sek	Jumlah Juvana
Sek 6/7 Akta Imigresen	-	Sek. 379A KK	36
Sek. 7(1)a (EOW)	3	Sek. 380 KK	7
Sek. 6 ADB	9	Sek. 382 KK	1
Sek. 12(3) ADB	2	Sek. 392 KK	5
Sek. 39A ADB	-	Sek. 394 KK	2
Sek. 25(1) (PPN)	16	Sek. 395	4
Sek. 26(1) (PPN)	1	Sek. 397	-
Sek. 45(1) APJ	2	Sek. 403	1
Sek. 41(1) APJ	-	Sek. 411 KK	12
Sek. 42 (1) APJ	3	Sek. 447	-
Sek. 324 KK	-	Sek. 448	1
Sek. 354 KK	-	Sek. 453	-
Sek. 376 KK	2	Sek. 454 KK	9
Sek. 378	3	Sek. 456 KK	-
Sek. 379 KK	8	Sek. 457 KK	10
Sek. 6(1) (FIPA)	2	Sek. 511 KK	5

11. KLINIK PEKERJA ASING - TENAGANITA
Laporan disediakan oleh Ketua Projek M. Murugan

Ahli-ahli Jawatankuasa

M. Murugan
Lalitha
Samrith Kaur

STATISTIK FAIL-FAIL AKTIF DIDALAM PELBAGAI MAKLUMAT SETAKAT DECEMBER 2003

MAHKAMAH / BAHAGIAN2	BIL KES YANG DIFAILKAN
BAHAGIAN PERTUBUHAN INDUSTRI	9
MAHKAMAH PERINDUSTRIAN	5
JABATAN BURUH / MAHKAMAH	49
LAIN-LAIN : - Jabatan Buruh (Penilaian Insurans)	3
- Mahkamah Sesyen	1
- Mahkamah Tuntutan kecil - Mahkamah Majistret	3
JUMLAH :	70

70 kes-kes diatas diperolehi daripada 145 pengadu

Penerangan / Sokongan

Sejak Januari 2003 hingga Disember 2003, 5 kumpulan pelatih dalam kamar yang berjumlah 76 orang telah mejalani dan telah menamatkan latihan bagi *Migrant Rights and Health Program* di Tenaganita Centre. Melalui latihan ini, Tenaganita telah meningkatkan lagi kesedaran pelatih-pelatih dalam kamar dalam isu-isu yang dihadapi oleh pekerja-pekerja asing di Malaysia. Bahagian kedua dalam latihan ini mereka lebih menumpukan kepada cara mengembangkan lagi kemahiran terutamanya dalam komunikasi, dokumen, negotiation (perbincangan) dengan majikan, badan-badan kerajaan, membuat deraf surat-surat dan membantu klien bagi membuat repot polis dan hubungan dengan semua pihak berkuasa kerajaan. Pandangan menyeluruh terhadap pbagai Deklarasi dan Instrumen-Instrumen PBB mengenai pekerja asing telah dijalankan untuk memberi takrifan sejagat tentang hak-hak pekerja asing sebagaimana yang diakui / diterima oleh agensi dan institusi antarabangsa.

Pandangan yang diperolehi daripada pelatih-pelatih dalam kamar, mendedahkan bahawa setelah tamat program selama 14 hari ini, iaitu mereka telah lebih memahami isu-isu pekerja asing dan mendapat pengetahuan asas tentang undang-undang yang relevan, prosedur yang diperlukan terutamanya di Jabatan Imigresen, Jabatan Polis dan Jabatan Buruh. Mereka juga mendapati sebahagian aspek kemahiran memang dapat dipelajari. Pengalaman ini dapat menambahkan lagi kemahiran mereka dalam menemuramah, berbincang dan menjalinkan hubungan sesama manusia.

Lebih ramai lagi pelatih dalam kamar yang secara sukarela mahu menyertai dan mahu terlibat dalam aktiviti dan program yang

dibuat oleh Tenaganita. Ini adalah petanda yang positif di mana kita berharap proses ini akan membuka jalan kepada pengembangan rangkaian sesama peguam.

Pengendalian dan pengurusan kes sepanjang bahagian pertama ini menampakkan pertambahan pada tangkapan dan tahanan apabila kerajaan bersungguh-sungguh dalam pelaksanaan Akta Imigresen. Lebih ramai lagi majikan didapati menjadi angkuh di mana mereka memecat pekerja-pekerja dan enggan membayar gaji.

Berikut adalah sokongan yang diberi oleh pelatih-pelatih dalam kamar dari Pusat Bantuan Guaman :

- Wakil guaman yang berterusan daripada Pusat Bantuan Guaman telah dilakukan di Mahkamah yang relevan untuk memutuskan tarikh sebutan dan tarikh bicara;
- Memperbaharui Paspot/Visa dan 'pas khas' setiap bulan dan proses penghantaran balik ke negara asal di Jabatan Imigresen;
- Menemuramah pekerja asing untuk mendapatkan fakta yang relevan, yang diperlukan untuk menguatkan lagi kes di Mahkamah atau peguam dapat membuat perwakilan dengan lebih baik bersama dokumen yang sempurna dan lengkap;
- Campur tangan apabila terdapat konflik antara majikan dan pekerja asing. Mengadakan perbincangan bersama majikan bagi menyelesaikan perselisihan yang timbul antara pekerja asing dan majikan tanpa perlu membawa kes ke Mahkamah;
- Campur tangan/berbincang dengan pihak berkuasa yang relevan seperti Jabatan Imigresen dan pihak polis bagi penyelesaian cara baik dan penghantaran pulang pekerja asing;
- Melawat ke kem-kem tahanan;
- Membantu Jabatan Buruh dalam menyampaikan Saman kepada majikan dan memfailkan kes di Mahkamah untuk pelaksanaan penghakiman;
- Menemani/membantu pekerja-pekerja asing ke hospital/klinik untuk rawatan perubatan; dan
- Membantu mereka membuat permohonan untuk mengeluarkan wang EPF/Bank.
- Satu projek/klinik telah dimulakan oleh Jawatankuasa Pekerja Asing yang dinamakan Klinik Penjara Pekerja-Pekerja Asing.

12. KLINIK PENJARA PEKERJA-PEKERJA ASING

Laporan diserahkan oleh Ketua Projek, M. Murugan

Ahli Jawatankuasa

Klinik Pekerja Asing-Tenaganita dan Klinik Penjara Pekerja-pekerja Asing dikendalikan oleh jawatankuasa yang sama

Pertumbuhan ekonomi yang pesat sejak beberapa dekad yang lalu menjadikan Malaysia sebagai pilihan menarik untuk mencari sumber rezeki bagi pekerja-pekerja asing dari segenap pelusuk dunia terutamanya dari Indonesia, Filipina, Bangladesh, Myanmar, Thailand dan lain-lain. Pertambahan bilangan golongan pekerja asing ini dan peluang pekerjaan yang ditawarkan oleh pihak kerajaan menjadikan bilangan mereka yang terlibat dengan kegiatan jenayah juga turut meningkat. Atas sebab diatas, LAC telah mengambil suatu langkah yang bijak dengan memperkenalkan suatu skim baru dengan objektif untuk menghulurkan bantuan guaman dan juga nasihat kepada golongan yang terpinggir ini.

Klinik ini mula beroperasi pada 15 September 2003 dengan dibantu oleh Pelatih dalam kamar yang diwajibkan untuk mengikuti program Pusat Bantuan Guaman selama 14 minggu.

Program ini menyediakan bantuan kepada golongan pekerja asing di Penjara Kajang dengan beberapa bentuk bantuan seperti dibawah :-

- # Memberikan nasihat perundangan kepada individu yang bermasalah di dalam kes mereka;
- # Memberikan maklumat kepada golongan pekerja asing tersebut;
- # Mewakili golongan pekerja asing di Mahkamah dengan memberikan beberapa pilihan kepada golongan ini bagi menyelesaikan masalah mereka;
- # Memberikan sokongan moral dan galakan terhadap golongan pekerja asing yang sebatang kara yang hanya bertemu dengan pegawai penjara dan tahanan-tahanan yang lain.

Sehingga ke hari ini, Klinik Penjara bagi pekerja-pekerja asing telah membantu seramai 199 orang bagi tahun 2003 dengan memberikan bantuan bagi golongan pekerja asing yang terlibat dengan kesalahan seperti gagal mengemukakan dokumen perjalanan yang sah; pekerja-pekerja asing yang terkandas di Malaysia, ditangkap dan ditahan diatas pelbagai kesalahan dan lain-lain lagi.

Sebanyak 57 fail yang telah dibuka di Pusat Bantuan Guaman untuk tindakan lanjut, manakala sebanyak 32 fail pula telah dirujuk kepada Program "Dock Brief" untuk tindakan seterusnya dan 110 kes selebihnya pula telah dihantar untuk tindakan selanjutnya kepada Pusat Bantuan Guaman Negeri-negeri lain seperti berikut :-

NEGERI	KES
Selangor	80
Johor	15
Negeri Sembilan	10
Perak	2
Pahang	3

13. BCLACKL/PTF KLINIK PERKHIDMATAN MAKLUMAT PERUNDANGAN
Laporan disediakan oleh Preetam Kaur dan dibantu oleh So Chien Hao (Ketua Projek)

Ahli-ahli Jawatankuasa

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

Pusat Bantuan Guaman Majlis Peguam Kuala Lumpur (BCLACKL) bersama dengan Pink Tringle Foundations (PTF) pada masa kini mengadakan klinik undang-undang sebanyak 2 kali sebulan untuk golongan yang disisihkan oleh masyarakat seperti penyalahguna dadah, pekerja seks, pengidap penyakit HIV/AIDS, lelaki dan perempuan transseksual dan homoseksual.

Berikut adalah aktiviti yang telah dilaksanakan:

A) Klinik undang-undang

<u>No.</u>	<u>Klinik undang-undang</u>	<u>Kehadiran klien</u>	<u>Penyelia</u>
1.	18 Januari 2003 (Sabtu)	2 orang	Penyelia: So Chien Hao di Klinik PT
2.	19 April 2003 (Sabtu)	1 orang	Penyelia: Irene Yong di Klinik PT
3.	17 Mei 2003 (Sabtu)	3 orang	Penyelia: Meera / So di Klinik PT
4.	22 Jun 2003 (Sabtu)	7 orang	Penyelia: Preetam Kaur Soal Selidik Luar terhadap pekerja sex di Chow Kit.
5.	17 Ogos 2003 (Sabtu)	3 orang	Penyelia: So Chien Hao di Klinik PT
6.	19 Julai 2003 (Sabtu)	6 orang	Penyelia: Lim Ka-Tsung di Klinik PT
7.	22 Ogos 2003 (Sabtu)	18 orang	Penyelia: So Chien Hao di Ikhlas Drop In Centre
8.	27 September 2003 (Sabtu)	15 orang	Penyelia: Preetam Kaur di Ikhlas Drop In Centre

Memandangkan klinik ini menghadapi kesukaran dalam membawa masyarakat mendapatkan bantuan guaman, oleh yang demikian Jawatankuasa telah menggantikan bentuk bantuan dengan menemui masyarakat Klinik PT atau semasa kerja-kerja 'outreach' dijalankan di Chow Kit. Pendekatan ini didapati lebih berkesan kerana masa kini kami mampu bertemu lebih ramai klien melalui Bengkel Merangkap Klinik undang-undang.

Terdapat juga 3 klien yang datang sendiri ke LAC untuk mendapatkan nasihat undang-undang dan selepas itu 3 buah fail dibuka yang melibatkan kes berpakaian songsang.

14. LAC/SIS KLINIK
Laporan disediakan oleh Ahli Jawatankuasa

Ahli-ahli Jawatankuasa

Fashilah Ahamat @ Mohd [Ketua Projek]
 Nora Murat [Pegawai Undang-undang, SIS]

SIS telah menubuhkan klinik guamannya sendiri pada 2001 tetapi mendapati bahawa mereka tidak dapat memenuhi tuntutan yang tinggi daripada orang awam. Oleh itu, Pusat Bantuan Guaman telah bersetuju untuk membantu SIS dalam memenuhi tuntutan dan kehendak orang awam dan LAC/SIS klinik telah ditubuhkan. Objektif utama klinik ini adalah untuk menyediakan bantuan guaman dan nasihat guaman terutamanya dalam perkara-perkara yang melibatkan undang-undang syariah. Klinik ini memulakan operasinya pada 26 September 2003 dengan 2 orang pelatih.

Klinik ini beroperasi di pejabat SIS (No. 851, Jalan Dewan Bahasa Kuala Lumpur) dan dibuka pada hari Isnin dan Jumaat jam 10.00 pagi – 5.00 petang. Pelatih-pelatih ini diberi latihan selama dua hari sebelum memulakan tugas mereka yang sebenar oleh AWAM dan Pusat Bantuan Guaman. Mereka juga diberi panduan oleh Pegawai Undang-undang SIS semasa klinik ini berjalan.

Pelatih-pelatih adalah diperlukan untuk menjawab panggilan telefon, emel dan kaunseling. Kebanyakan kes adalah mengenai prosedur perceraian dan nafkah (isteri dan anak-anak). Jadual di bawah menunjukkan kes-kes / klien-klien yang diuruskan dalam tempoh 26 September 2003 – 29 Disember 2003.

Jumlah kes: 51 kes

Nasihat yang dirujuk kepada Jabatan Agama Islam: 3 kes

Nasihat yang dirujuk kepada Pusat Perlindungan Wanita: 1 kes

SIS ingin mengucapkan terima kasih kepada Panel Pengurusan, Fashilah Ahamat @ Mohd [Ketua Projek], pekerja-pekerja di LAC terutamanya Siti dan Chitrah dan juga pelatih-pelatih yang terlibat dengan bantuan mereka dalam menubuhkan LAC/SIS Klinik dan juga komitmen mereka dalam memastikan klinik ini berjalan dengan lancar.

15. PBG/WAO Klinik Penasihat Guaman

Laporan disediakan oleh K Parameswary (Ketua Projek)

Pusat Perlindungan Wanita (WAO)

Ivy Josiah

Shoba Iyar

Pusat Bantuan Guaman Majlis Peguam bekerjasama dengan Pusat Perlindungan Wanita (WAO) dan mewujudkan satu projek baru yang bernama LAC/WAO Klinik Penasihat Guaman pada 8 Julai 2003.

Projek ini akan dikendalikan oleh 2 orang pelatih dalam kamar sekali seminggu iaitu pada setiap hari Isnin dan Jumaat bermula 10.00 pagi sehingga 4.30 petang bertempat di pejabat Pusat Perlindungan Wanita (WAO). Pelatih adalah dinasihatkan atau diwajibkan supaya merahsiakan tempat perlindungan tersebut kerana Pusat ini adalah sebuah tempat perlindungan wanita dan kanak-kanak yang didera atau dianiaya.

Tujuan Klinik ini adalah seperti berikut:-

- Berkongsi maklumat guaman yang disahkan WAO
- Menyediakan khidmat nasihat dan pertolongan tentang isu keluarga, keganasan rumahtangga, jenayah, pekerjaan dan lain-lain yang berkaitan tentang wanita
- Membantu wanita tersebut untuk melaporkan kepada Polis/Perintah Perlindungan Sementara (IPO)
- Menyediakan dan menemani wanita-wanita tersebut ke Mahkamah
- Memberi khidmat nasihat, memberikan maklumat, khidmat peguam, memberikan bantuan dan semangat bagi wanita-wanita tersebut dalam menangani krisis tersebut suasana

Pelatih-pelatih dikehendaki membantu wanita-wanita dan kanak-kanak tersebut dalam

- Menemurahkan, memberi khidmat nasihat dan bantuan
- Berurusan dengan LAC apabila fail dibuka untuk tindakan guaman
- Mengendalikan atau menyediakan kajian
- Lain-lain perkara yang berkaitan
- Dikehendaki untuk menemani wanita-wanita tersebut untuk membuat laporan Polis/IPO dan menyediakan dan juga menemani mereka ke Mahkamah apabila diperlukan

Setakat ini, kami telah membuka satu fail di LAC setelah nasihat diberikan oleh WAO.

16. PROGRAM PERKEMBANGAN KEMAHIRAN DAN LATIHAN

Laporan disediakan oleh Ravi Nekoo (Ketua Projek)

Ahli-ahli Jawatankuasa

Ravi Nekoo	Sreekant Pillai
Ngooi Chiu-Ing	M Rajkumar
Pushpa Ratnam (AWAM)	Doreen Wan

Matlamat jawatankuasa ini adalah untuk membangunkan/mengembangkan kemahiran para pelatih dan jurulatih bagi menjamin mutu perkhidmatan yang diberikan kepada klien.

Pihak jawatankuasa yang bekerjasama dengan Jawatankuasa Audit dan Kawalan Mutu telah mengaudit latihan tersebut (termasuk jurulatih-jurulatih) dan projek-projek yang bertujuan untuk mengenalpasti kelemahan-kelemahan dan memberikan cadangan untuk perkara-perkara di atas diperbaiki.

Pihak jawatankuasa telah mengenalpasti masalah yang terdapat di dalam program latihan yang dijalankan sekarang. Di antaranya:

- Kurangnya perhatian daripada para pelatih ini mungkin disebabkan oleh masa latihan dalam sehari yang terlalu panjang, jumlah para pelatih yang terlalu ramai dalam satu-satu kumpulan dan kaedah latihan secara syarahan dengan alat bantuan yang tidak bermutu.
- Para pelatih yang kurang disiplin para pelatih didapati tidak membaca buku panduan yang diedarkan sebelum program latihan dimulakan yang bertujuan untuk mengurangkan masa latihan dan juga sebagai bahan rujukan kepada para pelatih.
- Kekurangan jurulatih.

- Jurulatih yang tidak menjalani latihan secukupnya.
- Kekurangan bantuan sistem audio-visual.

Pihak jawatankuasa, sehingga kini, telah menganjurkan program-program seperti berikut:

- Melatih kakitangan untuk Pembinaan Pasukan diadakan pada 21 Jun 2003
- Melatih jurulatih untuk semua sukarelawan dan jurulatih Pusat Bantuan Guaman diadakan pada 16 Ogos 2003

Jawatankuasa sekarang ini sedang melihat pelbagai methodology lain untuk memperbaiki program latihan seperti:-

- Latihan untuk pekerja-pekerja dengan budaya kerja.
- Pengambilan aktif lebih ramai jurulatih.
- Latihan untuk para jurulatih.
- Program latihan yang lebih bersifat interaktif antara para pelatih dengan jurulatih. Contoh: Memainkan Peranan
- Penyediaan alat bantuan visual dengan bantuan *Powerpoint*
- Latihan dalam bidang undang-undang yang lebih khusus

Jawatankuasa Pembangunan Kemahiran yakin bahawa banyak perkara perlu dilakukan dalam masa yang terdekat ini dan berharap agar ia dapat menangani setiap cabaran yang mendatang.

17. JAWATANKUASA AUDIT & KAWALAN MUTU

Ahli-ahli Jawatankuasa

Rashad Khan Sadar Khan - (Ketua Projek)
Ngooi Chiu-Ing (Ketua Projek)
Shariman Obaidillah
Dina Adilla Amran
Rajashree Suppiah

Objektif Program

Klien kami adalah dari golongan yang memerlukan dan yang terpinggir yang tidak mempunyai tempat untuk mengadu dan kami wajar menyediakan khidmat yang terbaik buat mereka. Program ini bertujuan untuk menaiktaraf dan memastikan mutu perkhidmatan yang diberi kepada klien di Pusat Bantuan Guaman Majlis Peguam (Kuala Lumpur).

Aktiviti-Aktiviti

Aktiviti yang dijalankan oleh Jawatankuasa Audit & Kawalan Mutu bagi tahun 2002 termasuk Audit-audit: -

- i) Klinik Pusat Bantuan Guaman
- ii) Program Dock Brief
- iii) Sekretariat Pusat Bantuan Guaman

Jawatankuasa telah melantik Ketua Projek dan ahli-ahli Jawatankuasa yang baru selepas sesi penyemakan pada Mac 2003.

Kelemahan

Pelaksanaan oleh jawatankuasa berkenaan cadangan/syor memerlukan tindakan susulan dan penguatkuasaan oleh ahli panel.

Rancangan Masa Depan

- a) Sekurang-kurangnya satu audit setiap bulan untuk program/klinik
- b) Sekurang-kurangnya satu audit untuk setiap program latihan
- c) Semakan secara ringkas mengenai orientasi dan penilaian latihan dan-membuat cadangan

Kesimpulannya, saya ingin mengambil peluang ini untuk mengucapkan ribuan terima kasih kepada Jawatankuasa Pengurusan, peguam-peguam sukarela, penyelia, pekerja Pusat Bantuan Guaman dan akhir sekali ahli-ahli jawatankuasa Audit & Kawalan Mutu.

18. PROGRAM MENINGKATKAN DANA

Laporan disediakan oleh So Chien Hao (Ketua Projek)

Ahli-ahli Jawatankuasa

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

Dengan penambahan kerja yang dijalankan oleh Pusat ini tetapi tanpa penambahan sumber kewangan yang sepadan, Jawatankuasa

ini telah ditubuhkan pada 22 April 2000 bagi membantu menyalurkan dan mendapatkan dana yang diperlukan untuk menjalankan projek-projek semasa dan rancangan-rancangan masa hadapan Pusat ini.

Sejak penubuhannya, Jawatankuasa ini telah menganjurkan aktiviti peningkatan dana yang pertama i.e tayangan wayang gambar perdana "The Mexican" pada hari Selasa, 22 Mei 2001 di TGV Suria KLCC. Sambutan dari ahli-ahli Majlis Peguam Kuala Lumpur dan individu-individu dermawan yang lain adalah menggalakkan dengan hampir 400 tiket telah dijual. Acara ini telah berjaya mendapatkan sejumlah RM 29,720.00 untuk Pusat Bantuan Guaman Majlis Peguam (KL). Dana yang diperolehi telah digunakan untuk membayar kos tayangan tersebut seperti tempahan dewan, pencetakan kad-kad jemputan, menaiktaraf dan membeli peralatan pejabat.

Dengan bantuan Sil Ad (KL) Sdn Bhd, sebuah syarikat pengiklanan yang ternama namun mesra, Jawatankuasa telah menyediakan dan mencetak poster-poster Pusat. Poster-poster ini digunakan semasa program-program 'outreach' yang dikendalikan oleh Pusat.

Kini Jawatankuasa di dalam proses untuk mewujudkan satu profail untuk Pusat ini bagi tujuan mempromosikan Pusat ini dan aktiviti-aktivitinya dan juga bagi tujuan meningkatkan dana. Draf awal telah pun disiapkan. Sebaik sahaja profail itu siap jawatankuasa akan menulis kepada individu-individu, badan-badan korporat dan agensi-agensi permodalan bagi mendapatkan sokongan kewangan untuk menampung operasi sehari ke sehari Pusat atau secara alternatifnya untuk menaja program-program yang dikendalikan oleh Pusat.

Sekarang ini, Jawatankuasa sedang berusaha untuk mengadakan Tayangan Wayang Gambar Kebajikan Perdananya yang kedua yang bakal diadakan dalam bulan Februari 2004.

19. PENGURUSAN DAN PENTADBIRAN

1. Kewangan

Sejumlah RM 387,831.95 (Ringgit Malaysia Tiga Ratus Lapan Puluh Tujuh Ribu, Lapan Ratus Tiga Puluh Satu dan Sembilan Puluh Lima Sen) telah diluluskan oleh Jawatankuasa Bantuan Guaman Kebangsaan untuk penyelenggaraan Pusat ini pada tahun 2003.

2. Akaun Tahunan (sila rujuk kepada penterjemahan Inggeris untuk Akaun Audit)

3. Penghargaan

Kami ingin merakamkan ucapan terima kasih dan penghargaan kepada 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 dan Fella Design.

Ucapan terima kasih juga diucapkan kepada sukarelawan-sukarelawan dan firma-firma yang telah memberikan bantuan kepada Pusat ini sepanjang tahun 2003 seperti yang berikut :

SUKARELAWAN	FIRMA
ABBAS NAJMUDDIN	T G LIM & PARTNERS
ABDUL HALIM BIN BAHARI	A. HALIM, HANAFI & ZULKARNAIN
ABDUL RASHID, HJ	A. RASHID & AZRIN
ABDUL SHUKOR KARIM	SHAH RIZA 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.
ANANTH NAMASIVAYAM	ANANTH NAMASIVAYAM V. & PARTNERS
ANNA POORANI ALAGENDRA	N SARASWATHY DEVI

ANTHONY SHERMAN	VAZEER AKHBAR MAJID & CO.
ARIMUTHU P M	ARIMUTHU & ASSOCIATES
ARUNAN SELVARAJ	RUSMAH ARUNAN & ASSOCIATES
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AZRINA MOHD ISA	SKRINE
BALJIT SINGH SIDHU	SHUKOR BALJIT & PARTNERS
BEEL LIM	KY LIM & CHURME
BEN LEE KAM FOO	SAJALI & AZIZ
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BOESTAMAM AHMAD	ZULKIFLI YONG AZMI & CO.
BRIAN LAW	SHEARN DELAMORE & CO.
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CANTIUS LEO CAMEONS	C. LEO CAMEONS
CHANDRASEGARAN PANJACHARAM	L C CHONG & CO.
CHEH CHOOI JING	CHEH & CO.
CHENG POH HENG	CHENG POH HENG & CO.
CHETAN JETHWANI	SRI RAM & CO.
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CHONG JOO TIAN	J T CHONG & ASSOCIATES
CHOW WEI CHENG	LEE SWEE SENG
D.M. RAO	D.M. RAO & CO.
DATO' ZAIDI ZAIN	ZAID IBRAHIM & CO
DIR KHEIZWAN BIN KAMRUDDIN	MANJIT SINGH SACHDEV
EDMUND BON	CHOOI & COMPANY
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FAHRI AZZAT	AZZAT & IZZAT
FASHILA BINTI AHMAD	J LEE & ASSOCIATES
FAZARUDIN SUJARI	FAZARUDIN & CO.
FRANCIS PEREIRA	FRANCIS PEREIRA & SHAN
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HAJI MUHAMAD BIN HAJI BUROK	ABU TALIB SHAHROM & ZAHARI
HARBANS KAUR	HARBANS & ASSOCIATES
HARCHARANJIT SINGH	HARCHARANJIT SINGH & ASSOCIATES
HAZIRAH BINTI OTHMAN @ MAN	AZAINE & FAKHRUL
HELEN CHIN	L M CHIN & CO.
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HO KOK YEW	RANJIT OOI & ROBERT LOW
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JESSLYN CHEONG	E T LIM & PARTNERS
JOHANA BINTI MOHD TAIB	JOHANA MOHD TAIB
JOSEPH IRUTHAYAM	JOSEPH IRUTHAYAM & CO
JOSEPH TAN CHEE KEONG	TAN CHEE KEONG & CO
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KAMARUL ZAMAN	KAMARUL ABDUL RAHMAN & CO
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KASTHURY SELLAPPAN	AZARIAH & ASSOCIATES
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KHAIRUN HAJI TAIB	KHAIRUN YAP & TEOH
KISWATY BTE HAJI ABDULLAH	ABU BAKAR & YONG
KITTY OH	KITTY OH & PARTNERS
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LEE SHET MEI	E T LIM & PARTNERS

LEE SWEE SENG	LEE SWEE SENG & CO
LEE TEE KIAT	SAIBULLAH M.V. NATHAN & CO
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LETCHIEMANAN SITHAMPARAM	PATHI & ASSOCIATES
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LOW BIN HWA	CHYE, CHOW, CHUNG & CO.
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M V NATHAN	SAIBULLAH M V NATHAN & CO
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MARY SONG	MARY SONG & ASSOCIATES
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MOHAMED HANIFF	HANIFF & RAJENDRAN
MOHD HAFIIZH BIN MOHD @ GHAZALI	AHMAD FUAD AMIN & PARTNERS
MOHD HARRIS	MOHD HARRIS MOHAN & PARTNERS
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MOHD YUSMADI MOHD YUSOFF	YUSMADI & CO.
MOLLY M GOMEZ KERISNAN	MOLLY M GOMEZ & CO.
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NARAENDRAN S THIAGARAJAH	NAREANDRAN & SURIA
NATARAJAH C	WAN MAJID MANO & NADA
NEASARANI T SINGARA THEVAR	FAUZI NGAH & NGASA
NIK NURUL ATIQA	ONN HUSSEIN & YEE
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NOOR JIHAN BINTI NOOR YADAH	NOOR JIHAN, GHAZALI & CO.
NOR AISHAH BINTI OSMAN	RAJA BADROL HAZMAN
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SO CHIEN HAO	C H SO & ASSOCIATES
SOADAH YASIN	SAODAH & ASSOCIATES
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SU THIANG JOO	CHEAH TEH & SU

SUBATRA RAJARATNAM	SUBATRA & CO.
SULAIMI SULONG	SULAIMI, YASIN & ASSOCIATES
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SUTHESH PERUMAL	SUTHES & ASSOCIATES
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V SAMYNATHAN	V SAMYNATHAN & CO.
VARGHESE ONNY	K FRANCIS & VARGHESE
VASANDI KANDASAMY	K VASANDI & CO.
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VIGNESVARY ALAHAKONE	AZLIN ALAHAKONE & ASSOCIATES
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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
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YIM MUN LEE	YIM YEOH & ASSOCIATES
YOGANATHAN RAMASAMY	HAKEM ARABI & ASSOCIATES
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YUSMAWANI AB WAHAB	HAMID SULTAN & LOGACHITRA
YUSRI KAMARUDIN	ZURI & CO.
ZAINAB DERAHMAN	ZAINAB DERAHMAN & CO
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ZAITON BINTI MOHD AB RAHMAN	VAZEER AKBAR MAJID & CO
ZALINA ISHAK	ZARIAH JAMALUDIN & ASSOCIATES
ZULKAFI BIN ABD HAMID	ZULKAFI HAMID & CO.
ZULQARNAIN BIN LUKMAN	RADZI & ABDULLAH
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.

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 14th 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

KUALA LUMPUR BAR COMMITTEE STAFF 2003/04



L. to R. (Front) : Rajan (Administrative Officer), Kavitha (Executive Officer),
Mary Tan (Executive Secretary), Masni (General Clerk),
Yazid (Despatch Clerk)

(Back) : Hong (General Worker), Rosilawati (Receptionist),
Indira (Admission Clerk), Thirumahil (General Worker),
Sulochana (General Clerk), Pushpavalli (Accounts Clerk)