

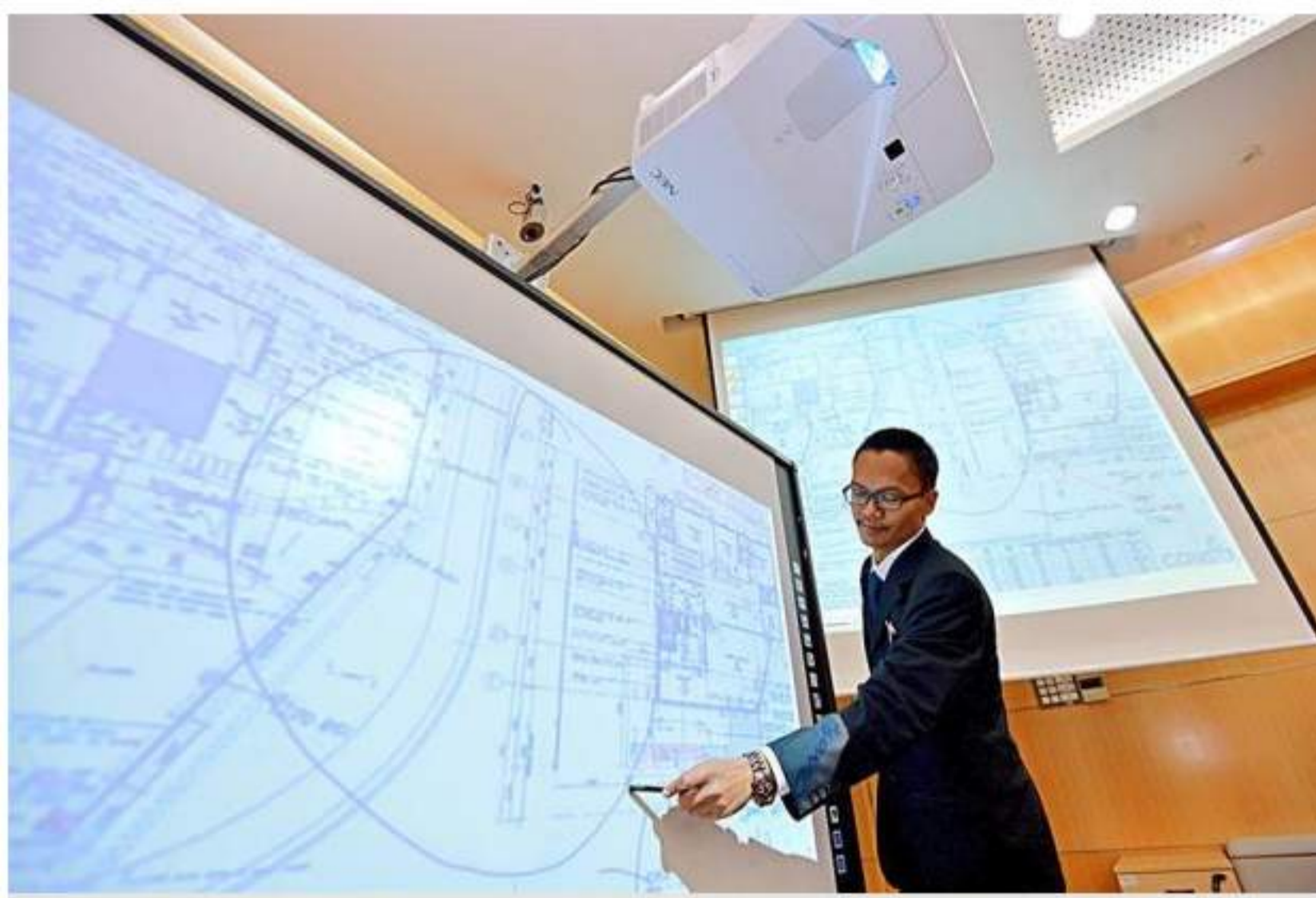
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# Technology helps reduce case backlog

BY SHAILA KOSHY

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High Court deputy registrar Khairi Haron illustrating how a witness can highlight the disputed area in a technical drawing on the interactive white board used in the high-tech equipped Construction Court at Jalan Duta. The actual document sits on a table behind the board. The visualiser, hanging from the ceiling, sends an image of the document to the board. The screen hanging from the ceiling has the same image projected onto it for others to see.

**A A**

**The administration of the courts has been more efficient with the introduction of an e-court system in 2011 and new specialist courts in 2009.**

THE electronic court system introduced in 2011 is recognised as having played a major role in the administration of justice.

Chief Justice Tun Arifin Zakaria said one reason the backlog of cases in the lower courts got so out of hand in the old days was the lack of monitoring.

"But now, with the click of a button, thanks to technology, the e-court system assists us very much," he said in an interview at the Palace of Justice in Putrajaya.

"I can know how many cases there are at any time in remote places like Machang or even Bukit Mertajam. If there is a problem, it is flagged and we can address it immediately, like sending an additional judge or magistrate. We shuffle magistrates and judges according to the need. We are grateful to the technology."

Court of Appeal president Tan Sri Raus Sharif said the court could also now tell "straight away why a case is pending".

Chuckling, Arifin said there was a complaint recently from a member of the public that his case had been postponed five times and when the court checked, it found out "it was his lawyers who kept asking for adjournments and told him to ask them why they had been doing so".

"Then we instructed the court not to give any more adjournments."

But it was the specialist courts introduced by Arifin's predecessor, Tun Zaki Azmi, and himself (then Chief Judge of Malaya) as a team in 2009 that got the backlog moving and mostly cleared in three years.

The public has seen specialist courts before – Intellectual Property, Admiralty, New Commercial, New Civil, Muamalat (Islamic Banking) and Technology Courts – but it is the three newest ones that have got its interest – Environmental Court, Construction Court and Coroner's Court.

Arifin said specialist judges would understand the issues better and that "lawyers who practise in these courts would also be specialists in those areas. So cases move faster".

He added that training was provided for specialist judges, who were appointed from the Judicial and Legal Service and Malaysian Bar.

"We are trying to get more lawyers who are specialists. Quite a number have come and joined us and that has helped very much."

*Why an Environmental Court?*

"It is a response to the environmental issues that we face," said Arifin.

"The environment is important and so the court has to come up with a specialist court to give emphasis to environmental cases.

"The specialist judges have not just knowledge in environmental law but a proper appreciation of environmental issues. We don't take environmental issues lightly, we take them seriously."

From September 2012 to December 2013, the Environmental Court disposed of 373 of 474 pending cases.

With environmental cases moving faster, sentences can be imposed quicker too.

"No point imposing a sentence five years down the line. Now, they (the cases) can be disposed of within six months," said Arifin.

"If I had my way, I'd want the case to start the next day. We're not moving fast enough. If we did, there would be more impact."

The Construction Court, said Arifin, was mooted by the Construction Industry Development Board.

"We need to move construction cases faster because if the dispute is not settled, the construction work is stalled and workers don't get paid quickly.

"Apart from having a specialist judge, the Construction Court is also equipped with high-tech and user-friendly facilities," Arifin added.

The registration of construction cases has increased. In Kuala Lumpur, 156 cases were registered between April 2013 and April 2014 and 96 were disposed of.

In Shah Alam, of the 31 registered, 15 were disposed of in the same time period.

As for a Coroner's Court, while the public and the Bar Council have complained long and hard about the lack of inquests into sudden deaths, the Government's announcement in early April that such a court would begin sitting was met with scepticism.

Soon after, Arifin issued a Practice Direction that inquests must be held for all deaths in police custody, prisons, detention centres or hospitals and suspicious deaths falling under section 329(1) of the Criminal Procedure Code (CPC).

"There are now 14 coroners, one for each state. Ten are from the senior JUSA C grade (civil service premier position) and four are L54 (the level immediately below)," said Court of Appeal chief Raus.

"Prior to this, the courts used existing magistrates to conduct inquests into custodial and other unexplained deaths."

The Coroner's Court started operating on April 15. Since then, 62 inquiries have commenced but none disposed of as yet.

*Previously, inquests were conducted under the CPC. How is this different?*

"It is still the same. We don't have a special Act to cater for a Coroner's Court," Arifin admitted.

"It used to be just a magistrate conducting inquests. Sometimes we would assign a Sessions Court judge.

"Now, with this set-up, it is still under the CPC but we assign very senior officers. They have no less than 15 years experience.

"We hope by this, the inquest will move much better and the public will have greater confidence in the findings."

Arifin noted that Singapore had a special Act which empowered coroners to investigate all sudden deaths anywhere, not just in a lock-up.

"They will decide whether to have further investigations or that it was a normal death. They are assisted by medical officers and police officers."

*Shouldn't Malaysia have one?*

"Under their Act, coroners in Singapore can give direction. What we have now is a good first step," said Raus.

"In the long run, we should be moving in that direction but that is a question of policy for the Government to decide," added Arifin.

"We have visited Singapore and seen the positive side of having a special Coroners Act."



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