

27hb. Julai, 1976.

To: All Presidents and Magistrates throughout
Malaysia, including Sabah and Sarawak.

SURAT PEKELILING PENDAFTAR BIL: 2 TAHUN 1976

JUSTICE DELAYED

A. CRIMINAL TRIALS:

The Lord President appeals to all Presidents and Magistrates to make determined efforts to minimise delay in the disposal of CRIMINAL TRIALS.

There were comments in Parliament recently on this subject, and there is no doubt that delay undermines public confidence in the efficiency of the Courts, though we know that delay is sometimes caused not only by the judiciary but also by the prosecution and by defence counsel. If we in the Courts make every effort to clear our list by so arranging our work that we are occupied on the bench every day and most of the day, then no criticism can be levelled at our heads.

In particular the Lord President is concerned at the number of criminal trials that are conducted in bits and pieces.

Every effort should be made to continue an unfinished trial on the following and on successive days, instead of in instalments spread over a period of weeks and sometimes even months.

As regards prisoners not out on bail, they should be given priority so that they do not have to be kept in prison for a long time. The Home Ministry says that the prisons are crowded and it is very expensive to keep an accused person awaiting trial in custody.

The efficient administration of justice is the personal responsibility of every President and Magistrate who should not leave everything to their court staff. Every President and Magistrate should himself keep an eye on his list, so that every minute of judicial time is usefully utilised, and not wasted. It is quite easy for us if we wish to leave everything to our court staff, so that we may sit only two or three hours a day; but if we all did that, our list would get longer and longer, instead of shorter and shorter.

B. CRIMINAL APPEALS:

Where there is an appeal, the FOUNDATIONS OF JUDGMENT should be written immediately and the appeal record prepared without delay. If judgment is reserved, it should be written as quickly as possible. It has been brought to my attention that there have been innumerable cases where judgments have not been written for months.

C. ADMINISTRATIVE PROBLEMS:

If delay is caused by administrative problems, will you please identify them, discuss them with your Judge, who will then write in to the Chief Justice with proposals on how to overcome these problems.

Abdullah Ghazali

(Haji Abdullah Ghazali)
KETUA PENDAFTAR.

c.c. Hon'ble Chief Justices, Malaya & Borneo;

All Hon'ble High Court Judges in Malaysia.