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Judge: If I had my way, I'll send firm's directors to jail

By: Rita Jong

SHAH ALAM: A Sessions Court Judge lamented that there was no provision for jail sentence for crimes against the environment before he imposed the maximum fine on a firm for causing pollution.

Judge Azimah Omar said that if she had her way, she would not hesitate to send all directors of Theen Send Paper Manufacturing Sdn. Bhd to jail.

Azimah's frustration stemmed from the fact that this was not the first time the company was charged and convicted of polluting the environment.

Before sentence was passed, Department of Environment prosecuting Officer Nur Lizrin Johari told the court that the company had three previous convictions.

"In 1998, the company was fined RM20,000, in 2000, they were fined RM25,000 and in 2003, a RM 35,000 fine was imposed.

"I urge the court to mete out a deterrent sentence to relay a message to society that such offences are not tolerated," she added.

Upon learning of the three convictions, Azimah then gave the company's representative, administration/human resource manager, P. Asokumar, a tongue lashing.

"My goodness... what is this? You are lucky under the Environmental Act there is no provision to send you to jail.

"This is taxpayers' money, I'm paying, you are paying, and the prosecutor and the counsel are also paying."

With that, she fined the company the maximum RM100,000, in default 12 months' jail.

Asokumar pleaded guilty to one charge of discharging untreated effluents above the permitted level at the factory's premises at Batu 32, Jalan Ipoh, Rasa, Mukim Rasa in Hulu Selangor at 7.50am on Feb 19, last year.

The effluents were:

- 780mg/l of suspended solid;
- 870mg/l of chemical oxygen demand (COD); and,
- 160mg/l biological oxygen demand (BOD).

In mitigation, Counsel K. Bagia Sri Devi pleaded for leniency saying the company at that time was doing a trail run to test a new biological treatment in treating effluents.

She said they were unable to control the discharged of BOD and COD during that time.

"Measures have been taken to rectify this problem as based on test results; this was curbed after the trial run this year."

She added that the company has been in operation since 1970.

Nur Lizrin, however, said the company should have informed the department and applies for a license to carry out the tests.

"Following investigations, we found that the company had installed an underground pipe to discharge the effluents directly into Sungai Engka."

"The pipe was also covered with bushes and the river now turned yellow."

She said it was clear the company intentionally polluted the river.