

THE SELANCAR EMPAT CASE
- ITS LEGAL IMPLICATIONS

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Preface

The aim of this paper is to examine "the Selancar Empat Case" in order to discover its legal implications and further to attempt to find solutions to such a problem if it ever arises again in future.

Essentially this paper studies the violation of the labour laws by contractors who engaged workers through the system of contract labour. The Selancar Empat Case raises the question whether existing controls on contract labour system are adequate in our country. The natural responses to such a situation would be - who is to be blamed in such cases. Should we close our eyes to such cases just because they happened in remote land schemes and treating them as an ordinary labour case or worst still, should we treat it as never happened? The coniter has choosen to leave it to the readers to decide.

In discussing the topic of this paper the writer tries to avoid raising political questions involving labour laws. However the interest and importance of the law are surely not simply in the rules themselves, but, on the other hand in their practical results. Accordingly, the writer has touched as well on the

TABLE OF CASES

- Bata Shoe Company (Malaysia) Ltd. V. Employees ✓
Provident Fund Board (1967) 1 MLJ. 120
- Bird V. British Celanese Ltd. (1945) K.B. 336
- Chye Hin Co. (Perak) Ltd. V. Public Prosecutor (1960) ✓
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- Employees Provident Fund Board V. M.S. Ally & Co.
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- Hewlett V. Allen (1984) A.C. 383
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- Sagar V. Ridehalgh and Son Ltd. (1931) 1 CH. 310
- Short V. Henderson Ltd. (1946) 62 T.L.R. 427 ✓
- Williams V. North's Navigation Collieries (1906)
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- Malaysia Pistons (Sdn.) Bhd. Seremban V.
- Transport & Allied Industries Employee Union -
(Award no: 106/82)
- Malayan Agricultural Producers Association V.
- All Malayan Estates Staff Union (Award no: 73/81)

CHAPTER I

Introduction

The case of Selancar Empat is the case where about forty contract workers were alleged to have been inhumanly treated and exploited and had to bear miserable living condition at one of FELDA land Schemes.

The plight of the workers came to light when one of the workers, S. Saresuathiamal, Managed to escape after she was sent to a Tuberculosis Hospital at Kuala Lumpur for treatment. She revealed that workers at the "hell estate" (as the case was referred to) were not paid, being provided with "samsu", lived in dilapidated huts, forced to work from dawn to dusk on meagre rations provided by the employer and were strictly policed at all hours.

Selancar Estates lies close to the fringes of Pahang jungles and isolated from civilisation. A laterite road branching off the 25 km Segamat-Kuantan Highway leads to the oil-palm scheme. It is an 18 km or 10 miles journey from the highway along the undulating, stony and bumpy stretch of road. The road, lined on both sides by oil palm trees, is deserted most of the times.