COLLECTORS OF LAND REVENUE:
A comparative study of their powers and duties in the states of Selangor, Melaka and Johor.

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First and foremost, I am greatly indebted to my former colleagues and staff in the Kuala Selangor Land Office who have, beyond their call of duty, given every assistance in my research. My thanks are also due to the District Officers of Kuala Selangor, Melaka and Johor Bahru for having kindly given the permission to attach myself, unofficially, to their Land Offices, inspect their files and records and interview their Senior Assistant District Officers.

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Khalid bin Husin
B.A (Malaya), 1969

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Abbreviations

'F': Typical Example of Director of Lands and Mines' Circular, Melaka.

'G': Typical Example of Director of Lands and Mines' Circular, Johor.

1. A.D.O.: Assistant District Officer

2. A.D.O.: Assistant District Officer

3. C.L.N.: Commissioner of Lands and Mines (now renamed Director of Lands and Mines; in Malaya, Malaysia the equivalent initial is P.T.O.)

4. D.O.: District Officer

5. Exec.: State Executive Council

6. G.N.: Gazette Notification


The Collector of Land Revenue in each District, in the absence, absence of the District Officer, District Officer, or the absence of the Provincial or the absence of the Provincial Officer, who is the Superintendent of Land Revenue, is usually the Collector of Land Revenue in each District, in the absence, absence of the District Officer, District Officer, or the absence of the Provincial or the Provincial Officer, who is the Superintendent of Land Revenue. The Collector of Land Revenue is usually the collector of Land Revenue in each District, in the absence, absence of the District Officer, District Officer, or the absence of the Provincial or the Provincial Officer, who is the Superintendent of Land Revenue.
CHAPTER I

Abbreviations

1. A.C.L.R = Assistant Collector of Land Revenue

2. A.D.O. = Assistant District Officer

3. C.L.M. = Commissioner of Lands and Mines (now renamed Director of Lands and Mines; in Bahasa Malaysia the equivalent initial is P.T.G.)

4. D.O. = District Officer

5. Exco. = State Executive Council

6. G.N. = Gazette Notification

7. T.O.L. = Temporary Occupation Licence

The Collector of Land Revenue in each district, is the same person as the District Officer. However, due to the pressure of work, much of his function is delegated to the senior A.D.O. who is designated as Assistant Collector of Land Revenue. The former only advises broad policy and procedure. It is only logical for

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1. Other A.D.Os are also designated as Assistant Collector of Land Revenue but only for the purpose of signing documents and dealing on land.
CHAPTER I

OBJECTIVE, SCOPE AND METHODOLOGY OF RESEARCH

The term "Collector of Land Revenue" does not invoke any definite impression to the public at large. To the man in the street and in the kampong, he is simply the A.D.O. (Assistant District Officer). Only in official circles and those in professional contacts with him that the term "Collector" means the land administrator running the Land Office in each district of a state. To the State authority, which in effect means the State itself, only is known that the Collector of Land Revenue does not mean the A.D.O. of the popular fallacy but the District Officer himself. One approach to this very peculiar position is by taking all the state in the name of the Ruler/Governor, and being the leader of the party in power in the state, the same person as the District Officer. However due to the pressure of work, much of his function is delegated to the senior A.D.O. who is designated as Assistant Collector of Land Revenue. The former only determine broad policy and procedure. It is only logical for

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2. The State officer is Chairman of the Local Board, District Council, Development Committee, and head of over a dozen departments of the state administrative system.

1. Other A.D.Os are also designated as Assistant Collector of Land Revenue but only for the purpose of signing documents and dealings on land.
the District Officer to do it this way. Being the operative coronal
the ground administering the district on behalf of the state's
government, the extent of his duties is proverbial. 2

Although section 15 of the Services Code, 1955, does
provide:

On the other hand, much rationalization does not seem to
prevail in the State Authority in whose jurisdiction land, among
other things, is vested in. While there has been delegation of
powers from the State Authority to the Collector of Land Revenue
from time to time, it seemed to have been done in an ad hoc mannerable
rather than a formal planned delegation.

...reduction intended, and

in creating a greater feeling of responsibility on the part of the
The State Authority, which in effect means the State
Executive Council. It has been their aim to ensure not to
Executive Council (the Ruler/Governor being only constitutional
figure-head) is in a very powerful position. Exercising all
of executive in land administration of the State Authority rather
executive authority of the state in the name of the Ruler/Governor,
also its direct action to the executive units on the ground in
and being the top leaders of the party in power in the state, the
Executive Council is in fact the State Authority. But because the
members of the Executive Council are local politicians who have had
very little experience in administration, and that there is a
tendency to politicize the decision-making function of the

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2. The District Officer is Chairman of the Town Board,
District Rural Development Committee and head of over a
dozens formal Committees, as well as social and religious
organizations.
government, they have been blinded to the necessity for a rational
downward allocation of the decision-making power in their hands.

Although section 13 of the National Land Code, 1965, does
provide the legal basis for the State Authority to delegate its
power to the "State Commissioner,... the Registrar, or to any
Collector or other officer,..." it has been taken in an entirely
different spirit. Instead of using it to withdraw any delegated
authority or power from any officer suspected of abusing or incapable
of exercising such power properly, as the provision intended, and
to develop a greater feeling of responsibility on the part of the
Executive Council, it has been taken as the opportunity not to
delegate such powers. The result has been the over-concentration
of authority in land administration in the State Authority rather
than its deconcentration to the operating units on the ground in
the interest of effectiveness and inefficiency.

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3. As suggested by Lucian W. Pye in "The Political Context of
National Administration" article in Development Administration:
Concepts and Problems edited by Irving Swordlow, Syracuse
University Press 1963; and Fred W. Riggs in Administration in
Development Countries : The Theory of Prismatic Society,
Houghton Mifflin Co., 1964. Quoted by Kamaruddin A. Rani
"Land Administration in West Malaysia", Graduate School of
Public and International Affairs, University of Pittsburgh,

It is for this reason that a congestion of decision-making and considerable delay in land administration resulted in almost every Land Office in the country.*

The state of the paper:

The objective of this paper, therefore, is to make a comparative study of the extent and the rationale of the delegation of power by the State Authority to the Collector of Land Revenue in the states of Selangor, Melaka and Johor. It seeks to answer the question of whether such delegation of power to the Collector in each state has been adequate or otherwise to meet his operating needs. This will be the hypothesis of this project paper.

Scope of research:

The duties and powers of the Collector of Land Revenue to be analysed in this paper is limited to only three states, namely Selangor, Melaka and Johor. The choice is not without significance. The state of Johor with its large tract of state land, is one extreme example of land administration which should have considerable delegation of power entrusted to the Collector of Land Revenue. On the opposite end is the state of Melaka which:

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with no more suitable land to be alienated, should have no difficulty in executing the day-to-day land administration with the existing powers conferred to the Collector of Land Revenue by the National Land Code, 1965, and the Melaka Land Rules 1966. The state of Selangor is chosen because it is representative of the medium-size states in between the two extremes of Johor and Melaka.

Collection of data:

The data necessary for an analysis of the topic has been collected from various sources, published and unpublished. The single greatest source of published authority regarding the powers of the Collector of Land Revenue is the National Land Code, 1965. The Land Rules, 1966, of each state is an extension of the Code in that it stipulates in detail the procedures and regulations which the parent legislation has neglected. The Land Acquisition Act, 1960, Small Estates (Distribution) Ordinance, 1955 and the Mining Enactment Cap.147, are further sources from which the Collector’s powers are researched.

The unpublished data are gathered from the various State Director of Lands and Mines Offices in the state capitals of Kuala Lumpur, Melaka and Johor Bahru. In this category, is included the State Director of Lands and Mines’ circulars over the years. These are supplemented in some cases by the presumably secret (to the
Executive Council Papers and minutes of meetings of Collectors of Land Revenue in the three states. The duties of the Collector, material for the paper and informality that reduce the face value of the formal structure, is gathered from the writer's own experience as an Assistant Collector of Land Revenue in the Kuala Selangor Land Office (May 1969 - April 1971) and from observations and interviews with the Collectors and Assistant Collectors at work while unofficially attached to the Land Offices of Johor Bahru and Jasin in Melaka during the University's three weeks terminal holidays in August 1971. The writer was also able to examine the Land Office files in Kuala Selangor, Jasin and Johor Bahru to ascertain the various procedures followed and style of work in practice.

Informal interviews with the Deputy Director of Lands and Mines in Selangor and the Registrar of Titles in Johor, as well as with the various Assistant State Secretaries dealing with the Executive Council were made to confirm facts and gain further insight into the role of the State Authority in land administration as a whole.

Limitations of study:

Like other organizations, the Land Office does not actually practise what is printed on the charts and diagrams. Likewise the statistics compiled, being the effort of clerks who have
CHAPTER II

other urgent duties to perform, do not reflect the real state of affairs. As far as lines of authority and division of responsibili-
ities are concerned the actual working relationships involve short cuts and informality that reduce the face value of the formal structure.

Furthermore in comparing one Land Office with another, an equal point-by-point analysis is not possible, for each Land Office concentrates on certain powers and duties of the Collector reflecting the particular nature and predominant problems of land in the jurisdiction, in certain respects, is not in toto district. Hence Johor Bahru Land Office has an equal share of land alienation and acquisition, while Jasin Land Office seems to be

taken up with petitions for small estates distribution. Whereas (a) Land tenure; relation of landlord and tenant; registration

Kuala Selangor Land Office specialises in Temporary Occupation Licenses and revenue-collection. (b) Delay reservation or, in the Borneo States, native reservations;

However, generally these graphical and statistical (c) Permits and licenses for prospecting for mines; mining representation of the Land Office remains true. It is only in terms of a perfect model, as a basis of comparison, that they are much to be desired.

(f) Rockart; treasure trove excluding antiquities."

2. Subject to:

(a) Article 76(4) (uniformity of law and policy)

(b) Article 83 (land acquisition for federal purpose)

(c) Article 91 (National Land Council)

(d) Article 92 (National Development Plan)
CHAPTER II

MACHINERY OF LAND ADMINISTRATION IN WEST MALAYSIA

In West Malaysia, the responsibility for land administration is the prerogative of each of the states. The Federal Constitution, with respect to the machinery of land administration in 1957, in its Ninth Schedule, places it in the State List. Indeed, it would appear that land administration in West Malaysia operates in matters relating to land is the only substantial matter apart from those of purely local and religious concern, in which the state is supreme. Even then its jurisdiction, in certain respects, is not in toto.

1. "Land, including -

(a) Land tenure; relations of landlord and tenant; registration of titles and deeds relating to land; colonization; land improvement and soil conservation; rent restriction.

(b) Malay reservation or, in the Borneo States, native reservations.

(c) Permits and licenses for prospecting for mines; mining leases and certificates.

(d) Compulsory acquisition of land.

(e) Transfer of land, mortgages, leases and charges in respect of land; easements; and

(f) Escheat; treasure trove excluding antiquities."

2. Subject to:

(a) Article 76(4) (uniformity of law and policy)

(b) Article 83 (land acquisition for federal purpose)

(c) Article 91 (National Land Council)

(d) Article 92 (National Development Plan)
Nevertheless the system of land administration adopted by each state is common to all. The National Land Code, 1965, which is based on the Torrens system of land conveyance, uniformized all the land laws previously in operation in the various states.

With respect to the machinery of land administration it would appear that land administration in West Malaysia operates in both direct and indirect line of authority, with the pre-eminence of the State Authority at the state level and the National Land Council at the federal level.

Formally, such decisions are communicated directly to each of the State Executive Councils through the State Director of Lands and Mines with this as the highest policy-making body regarding land matters. It exists by virtue of article 91 of the Federal Constitution.

3. F.M.S. Land Code Cap.138 (Selangor, N. Sembilan, Perak and in Pahang.)
   Land Ordinance Cap.113 (Straits Settlements of Melaka and Penang)
   Land Enactment No.1 (Johor)
   Land Enactment No.6 (Kedah)

4. Land Enactment No.26 of 1938 (Kelantan)
   Land Enactment No.3 of 1937 (Trengganu)

5. See Appendix 'A'
tion with the express function of formulating national policy for the promotion and control of land utilization throughout the Federation. Being an august body, the National Land Council has, by in practice, been chaired by the Deputy Prime Minister with his cabinet colleagues as the federal representatives and the Mentris Besar/Chief Ministers of each of the eleven Malayan states, as the state representatives.

Its statutory powers make any decisions adopted by the Council as binding on both the Federal and State governments.

A subordinate office to the Ministry of Agriculture and Formally, such decisions are communicated directly to each of the Lands, the Federal Director-General of Lands is expected to State Executive Councils through the State Director of Lands and directly assist the ministry in securing a common policy and a Mines with a copy to the Mentri Besar/Chief Minister and State uniform system of land administration as determined by the concerned Secretary.


In general, this ministry does not play a major role in the only power he has is to hold land, on behalf of the Federal all land administration except coordinating the National Land Council Government under the authority of the Federal Lands Commissioner's and the State Executive Councils.

Ordinance, 1957. Sections, however, are used in his time.

5. The Council also includes Sabah and Sarawak representatives who have the option of voting and consequently bound by its decisions, or otherwise. In the event of the former, the number of federal representatives, by virtue of article 95E (5), is to be increased by another two in returns and all other matters.
The Deputy Secretary, Lands Division, of the ministry acts as the secretary of the National Land Council. He ensures that all land policies formulated by the Council are carried out by the state governments. Since the National Land Council is not equipped with formal executive authority to ensure satisfactory compliance with its policies, he could only do it by way of the suggestion and advice revisions of the National Land Code are discussed and resolved. Besides being a forum, such conferences enable the Federal Director-General of Lands to provide the machinery to ensure the implementation of land laws, policy, and administration.

A subordinate office to the Ministry of Agriculture and Lands, the Federal Director-General of Lands is expected to directly assist the ministry in securing a common policy and a uniform system of land administration as determined by the concerned National Land Council. But really, he has no executive power. In effect, he is merely a coordinator and a consultant dispensing advice to the Federal and State governments on matters of land.

The only power he has is to hold land, on behalf of the Federal Government under the authority of the Federal Land Commissioner's Ordinance, 1957. Decisions, however, are made in his name.

Other than these, the functions of the Federal Director-General of Lands are limited to the establishment and maintenance of a communication system with the State Director of Lands and State Financial Officer and State Legal Adviser. Except Mines, such as requiring them to furnish him with returns and oil have voting rights.
reports and inspecting the records of Land Offices and Registries.

At the Annual Conference of State Directors of Lands & Mines, matters arising out of the implementation of the provisions of the National Land Code are discussed and resolved. Besides being a forum, such conferences also provide the machinery to ensure the implementation of land laws, government policies and departmental procedures as they are considered by the Council. It does not give the final approval, which is the prerogative of the Executive Council, but it weighs and expurgates. In contrast to the National Land Council which is concerned with policy-making in the national interest, the State Authority has proprietary rights over land. But the dominance of the State Authority, which means the Ruler or the Governor of the State, is only on paper. In practice the State Executive Council makes all executive decisions on land matters quite independent of the Ruler/Governor. All decisions, however, are made in his name.

6. In its composition the Executive Council normally consists of the Mentari Besar/Chief Minister and eight other top leaders of the majority ruling party in the state, and three ex-officio members comprising the State Secretary, State Financial Officer and State Legal Adviser. Except for the last three, all the members of the Executive Council have voting rights.
Since the overall responsibility of state land administration is vested in the State Executive Council, all decision-making powers are thus centralized in one body. Although the state delegated such powers are permissible under section 13 of the National Land Code, 1965, the tendency has been to ignore it,

there is no such Standing Committee at all.

Committee of Lands and Mines:

State Director of Lands and Mines:

As a Standing Committee of the Executive Council the role of the Committee of Lands and Mines in the state land administration is to review all decisions in land matters before they are considered by the Council. It does not give the final approval, which is the prerogative of the Executive Council, but it weighs and expurgates all recommendations, decisions and suggestions by the State Director of Lands and Mines whose function it is to explain the content of each Land Office brief.

With respect to the three states under study, while the Committee exists by a different name (called "Committee of National Resources" in Johor) its membership too differs slightly. In

organized and chaired by the Director of Lands and Mines,

the conference is an informal gathering of Collectors of Land

7. For fuller explanation of the facts contributing towards such an over-centralization of power in the State Executive Council see Kamaluddin A. Rani, op.cit. Chapter III.

The result of such a conference often is to a more effective coordination in land administration in the different districts, and
Selangor it is chaired by a senior Executive Councillor, and the ex-offices, apart from the State Financial Officer, are included in its membership. Whereas in Johor the Menteri Besar himself presides and all the three ex-officio members of the Executive Council are present. In Melaka, due to the small number of State Assemblymen there is no such Standing Committee at all.

State Director of Lands and Mines:

Being the head of state land administration he is responsible for its effectiveness and efficiency. Assisted by one or more deputies, the director receives and collates all Land Office briefs before they are presented to the Standing Committee or lands and mines of the Executive Council. His Registrar of Title is responsible for the registration and maintenance of all town and village land titles as well as country land titles exceeding conditions of title to show cause, to conduct enquiries, and to order ten acres.

Conference of Collectors of Land Revenue:

Organised and chaired by the Director of Lands and Mines, the conference is an informal gathering of Collectors of Land Revenue and their Assistants to thrash out problems of Land administration and interpretation of the National land Code, 1965. The result of such a conference often led to a more effective coordination in land administration in the different districts, and
to the issue of Director of Lands and Mines circulars to standardize procedures and policies from. It is the Collector on the ground that processes application regarding land for the Executive Council’s attention, list in inquiries and surveys from government departments. Heading the district Land Office, the Collector of Land Revenue receives all application regarding land. He is responsible for scrutinising and forwarding them to the State Executive Council with his recommendation. In addition, the Collector is also responsible for collecting the annual rent and other dues relating to land, as well as for the registration and maintenance of the Mukim Register for all country land less than ten acres.

In discharging these duties, the Collector has certain statutory powers under the law such as the right to inspect any land and any document of title, to call upon persons infringing conditions of title to show cause, to conduct enquiries, and to order the falling of trees likely to cause damage to, or on the roads and the discussion of the powers conferred on the Collector regarding land administration from the State Authority.

It would appear, therefore, that the Collector of Land Revenue is the key to the whole machinery of land administration in West Malaysia. He implements the policies decided from above and actually advise on policies to be adopted, while at the same time
administering revenue collection out of which a sizeable part of the state income derives from. It is the Collector on the ground that processes application regarding land for the Executive Council's attention, fills in inquiries and surveys from government departments and ministries, feeds in data and statistics, tests proposed rules and ordinances, and plans the use of land in the district. Indeed it is often the case that the Collector's recommendations are accepted by his superiors. Whatever amendments or even total rejection made on these recommendations, by the State Authority or the Director of Lands and Mines, are often on mere points of law or procedure, in by the various legislation concerning land, namely the National Land Code, 1952, the respective Land Rules, and the Mining Enactments. The Director-General of Lands are nothing but link-men between the Collector and the State Executive Councils and the National Land Council respectively.

The National Land Code conferred on the Collector by virtue of Land Revenue will follow in Chapter III.

Melaka, Land Rules, 1956

Johor, Land Rules, 1956

2. Mining Enactment Cap.147 in respect of Selangor (Negri Sembilan, Perak and Pahang.)

Mining Enactment Cap.147 (Extended Application to Melaka) Enactment No.9/1954 in respect of Melaka (and Pahang)

Mining Enactment No.64/1922 in respect of Johor.
CHAPTER III

POWERS CONFERRED ON THE COLLECTOR OF LAND REVENUE

The Collector of Land Revenue, who is the operating unit on the ground in the system of land administration in West Malaysia, needs to have some powers in order to fulfil his functions effectively. This is the rationale for the statutory powers given to the Collector. Although control of land is vested in the State Authority, it does not follow that those statutory powers enjoyed by the Collector emanated from such a body. On the contrary those powers are conferred upon him by the various legislation concerning land, namely the National Land Code, 1965, the respective Land Rules, and the Mining Enactments.

A. National Land Code, 1965:

1) General Powers:

The National Land Code conferred on the Collector by virtue

1. Selangor, Land Rules, 1966
Melaka, Land Rules, 1966
Johor, Land Rules, 1966

2. Mining Enactment Cap. 147 in respect of Selangor (Negri Sembilan, Perak and Pahang.)
Mining Enactment Cap. 147 (Extended Application to Melaka)
Enactment No. 6/1966 in respect of Melaka (and Penang.)
Mining Enactment No. 69/1922 in respect of Johor.
of section 15, the powers to his powers conferred on him

a) have free access to and enter upon, any land
   in the state, at all reasonable times.

b) conduct enquiries (in accordance with the
   provisions of Chapter Four).

c) administer oaths and affirmations, summon
   It is in existence of this last paragraph that additional
   any person before him, take and record the
   general statutory power under section 17 is provided for. It
   evidence of any such person, and award costs
   gave the Collector the power "to trim, fell or remove any tree upon
   to any person appearing and giving evidence
   the land", after proper of compensation unless such a tree is
   before him.

within seventy-five feet of the centre line of any road maintained

d) inspect and take copies of any documents
   by the Federal Government, state government or any public authority,
   available in any public office in the state
   or it is already in existence prior to the construction of the road.
   (with the approval of the State Secretary).

Likewise, section 428 empowered the Collector to approve the removal

e) require any person or body, by way of notice
   or alteration of boundary marks on a land, and section 425, removal
   to produce for inspection any document of
   of illegal settlers and their belongings from state land,
   title or other documents relating to land in
   his possession or control, to give information are
   to its whereabouts and take copies or extracts
   from such a document.

f) require any application made to him
   pursuant to the provisions of the National
   Land Code to be supported by affidavit or
   statutory declaration to his own satisfaction.
g) exercise all other powers conferred on him
by the National Land Code, and all such
powers ancillary or incidental thereto as
may be reasonably necessary to carry out the
purposes of the Code.

It is in pursuance of this last paragraph that additional
general statutory power under section 17 is provided for. It
gave the Collector the power "to trim, fell or remove any tree upon
the land" after payment of compensation unless such a tree is
within seventy-five feet of the centre line of any road maintained
by the Federal Government, state government or any public authority,
or it is already in existence prior to the construction of the road.
Likewise, section 404 empowered the Collector to approve the removal
or alteration of boundary marks on a land, and section 425, removal
of illegal settlers and their belongings from state land.

One must note, however, that such statutory powers are
limited in scope being merely routine and basic to the performance
of the Collector's day-to-day duties.

6.3. Malaysia, op. cit., section 17.
ii) Licences and Permits:

Although the intention of section 66 of the National Land Code is to confer the Collector with the power to issue Temporary Occupation Licenses with respect to State land, mining land⁴ and reserved land⁵, the phrase "subject to any contrary direction by the State Authority and the provision of any rules under section 14", serves to reduce and, in fact, abolish it, altogether⁶. The same applies to the Collector's power to issue permits to extract and remove rock material.

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⁴ Worded differently, might lead to their dilution.

⁵ "With the approval of:

i) the Senior Inspector of Mines, or such other officer as may for the time being be charged with the administration within the state of any written law relating to mining, and with the approval also of the lessee thereof;

ii) the person or body for the time being entitled to the benefit of the mining lease or certificate in question"

⁶ "Subject to:

i) .....the approval of the officer for the time being having control thereof; or

ii) by that officer, whenever and to such extent as he may be authorised in that behalf by the State Authority."

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See Chapter IV for details.
Only the issue of permits allowing animals to graze on state land or reserved land, is still intact as one of the Collector's powers. This is due to the fact that section 42(2) of the National Land Code does not include the restrictive phrase implanted in sections 66 and 71.

In the determination of fitness for registration the

iii) Subdivision, Partition and amalgamation of land:

Here again, although the attention of sections 136, 140 and 146 are clearly to invest the power of approval of such applications in the hands of the Collector, the same restrictive phrase - "in the absence of any direction to the contrary" - although worded differently, might lead to their dilution.

iv) Surrender of title:

This ever-present qualifying proviso is evident also in the wordings of section 195 which grants the Collector the power to approve the surrender of land held under Land Office title or in the form of Qualified Title corresponding to the Land Office title, subsequent instrument. This is provided for by section 305(1)(a).

Nevertheless, while the Collector's power under section 195 is tempered by the shadow of the State Authority, so to speak, his power to approve the "surrender of any two or more contiguous lots held by the same proprietor under Land Office title to be on the terms that the land comprised therein be immediately alienated to the proprietor in different units, each of less than ten acres and
each under the form of qualified title corresponding to Land
Office title. It is free from it. But, of course, it is only exercisable under special circumstances as provided by section 203 (2).

v) Registration of instruments of dealings:

In the determination of fitness for registration the Collector is empowered, by section 302 of the National Land Code, to make enquiries and to require the oral or documentary production of evidence from the persons involved.

However, such powers are limited in their application to situations enumerated by section 303.

vi) Cancellation of registration:

The Collector's power to cancel the memorial of registration is divided into five groups of cases: a decision rather than acting with respect to dealings which have ceased to a restriction effective by reason of the registration of some subsequent instrument. This is provided for by section 320 are set by section 305(1)(c).

b) with respect to any lease or sub-lease whose

Likewise, he is empowered by section 332 to enter a terms have expired, or which have been given notice similar restriction with respect to any land or interest held upon

8. Malaysia, op. cit, section 203(1)

9. Malaysia, op. cit, section 315(1)(c).
viii) Refer to be terminated, or the "happening of any event upon which it is expressed to determine"; the power to reeve or which has been forfeited, loss of land to the custody of the State with respect to any easement on any of the original proprietor's grounds stipulated by section 315.

d) with respect to obsolete entries of conditions. Similarly under section 312, he is also empowered to do or restriction in interest contained in any the same over land office titles which have been abandoned by the document of title specifically, and to outdated documents of title generally. This is

ix) Memorials provided by section 321 of the National Land Title.

The Code: of a power in this respect is divided into

three groups of cases:

vii) Registrar's and Trust Caveats:

a) Change of name - if the Collector is satisfied

The Collector is empowered, by section 319 of the National Land Code, to enter (on his own decision rather than acting automatically on the application of a proprietor) a or otherwise) to support the change of name or restriction in dealings over a piece of land under his own name, if body having interest on the land, he may make a he is satisfied that the conditions as stipulated in section 320 are met by the applicant.

Likewise, he is empowered by section 332 to enter a similar restriction with respect to any land or interest held upon it by any person or bodies as trustees.

viii) Reversion of land to State Authority:

The Collector is conferred, under section 351, with the power to revert the proprietorship of a piece of land to the custody of the State Authority in the event of the death of the original proprietor without any successor.

Similarly under section 352, he is also empowered to do the same over Land Office titles which have been abandoned by the proprietor.

ix) Memorial of change in Register and Issue Documents of Title:

The Collector’s power in this respect is divided into three groups of cases:

a) change of name - if the Collector is satisfied with the evidence (whether in the form of deed poll, official certificate, statutory declaration or otherwise) to support the change of name or body having interest on the land, he may make a memorial of the change in the relevant register and issue documents of title, as well as other instruments of dealings relating to the land or interest upon it.

b) change of address - the Collector could make an appropriate change of such address upon notification by the proprietor or any person or
body having interest on the land.

c) correction of error - the Collector is
empowered, if the State Authority has
not directed otherwise by section

380(1) of the National Land Code, to

1) Summary rejection of application regarding land;

make correction on the documents of title

The Collector, by rule 3 of the Selangor, Malaya and

if it is issued in the wrong name;

Johor Land Rules, 1966, has the power to summarily reject any

containing misdescription regarding the

application which is irrational in not being on the prescribed form,

land itself or its boundaries and other

unaccompanied by relevant fees, or not disclosing sufficient

similar errors and omissions, or if its

particulars to enable the land applied to be identified,

memorial and other entry has been

erroneously made.

G. Mining Enactment

Although the intention of section 380 is to give the

apply also to the states of Perak, Negri, Selangor and Pahang;

power to the Collector, the conferment is with the proviso that the

Mining Enactment Cap.147 (Extended Application to Malaya) No. 16/1966;

State Director of Lands and Mines may himself exercise it if he so

and the Johor Mining Enactment No. 60/1922, empower the Collector
directed. As with the Collector's power regarding the issue of

issue licences for individual mines. However the Collector's

licenses and permits, the application for subdivision, partition

power exist only for so long the gazette notification, declaring

and amalgamation of land, as well as the surrender of title, the

as was in open for such a purpose, remain in force.

tendency has been for the higher authorities to activate, in their

favour, the restrictive phrase which is supposed to be invoked

only out of necessity.

x) Collector's Right of Way:

The Collector is empowered by section 388 of the National
Land Code, to create right of way over alienated country land for
the benefit of the public or the State Authority or the proprietor
himself or the occupier of the land. As it is, the Collector never
succeeds in his inability to be efficient, owing to the over-centralisation
of power at the Executive Council, leads to public wrath. His use
of discretion leads suspicion from the politicians.

B. Land Rules, 1966:

1) Summary rejection of application regarding land:

The Collector, by rule 3 of the Selangor, Melaka and
Johor Land Rules, 1966, has the power to summarily reject any
application which is irregular in not being on the prescribed form,
unaccompanied by relevant fees, or not disclosing sufficient
particulars to enable the land applied to be identified.

C. Mining Enactments:

The Mining Enactment Cap.147 (which, besides Selangor,
applies also to the states of Perak, Negeri Sembilan and Pahang),
Mining Enactment Cap.147 (Extended Application to Melaka) No.16/1966,
and the Johor Mining Enactment No.69/1922, empower the Collector
to issue licences for individual mining. However the Collector’s
power exist only for so long the gazette notification, declaring
an area is open for such a purpose, remains in force.

Thus, one can safely say that the Collector of Land Revenue
has statutory powers conferred to him indeed, although they are
often qualified by the phrase “subject to any contrary direction by
the State Authority”. While such a restriction is legally necessary
as a precaution, its misinterpretation by an ignorant or power—
hungary State Executive Council would seriously undermine the only statutory powers that he enjoys. The key, therefore, lies with an enlightened State Executive Council. As it is, the Collector never wins. His inability to be efficient, owing to the over-centralization of power at the Executive Council, leads to public wrath. His use of discretion invite suspicion from the politicians.

the State Authority to the Collector, as taken to be the answer to the over-centralization at the centre, there has been, in addition, the delegation of power to persons other than the Collector. The State Authority in the three states under study, has, over different matters of land, delegated its power to the Native Bosar/Chief Minister and the State Director of Lands and Mines.

A. Delegation of Power to Collector:

b) Temporary Occupation Licenses:

The nature of section 66 of the National Land Code, while recognizing that the power of disposal lies with the State Authority, gives the issuing of such Temporary Occupation Licenses to the Collector subject to any contrary direction by the State Authority. Thus in the three states of Selangor, Malaka and Johor the limitation on the Collector's power in this respect varies.

It would appear comparatively that the Selangor Collector's power to issue T.O.L. has been curtailed the least. For in application for country land for the purpose of agricultural cultivate
CHAPTER IV

DELEGATION OF POWER BY THE STATE AUTHORITY

While delegating more of the decision-making powers of the State Authority to the Collector, is taken to be the answer to power to approve the renewal of T.O.L. in town and villages areas, the over-centralization at the centre, there has been, in addition, and that apart from the power of approval of sites for public delegation of power to persons other than the Collector. The State Authority in the three states under study, has, over different matters of land, delegated its power to the Menteri Besar/Chief Minister and the State Director of Lands and Mines.

A. Delegation of Power to Collector:

a) Temporary Occupation Licence:

The nature of section 66 of the National Land Code, while recognising that the power of disposal lies with the State Authority, gives the issuing of such Temporary Occupation Licences to the Collector subject to any contrary direction by the State Authority. Thus in the three states of Selangor, Melaka and Johor the limitation on the Collector's power in this respect varies.

4. Ibid. It would appear comparatively that the Selangor Collector's power to issue T.O.L. has been curtailed the least. For in application for country land for the purpose of agricultural cultivation
the maximum acreage he could grant is fifty acres. Compared to the Melaka Collector who only has the power to approve the renewal of T.O.L. (and even this power is limited to country land only) and to reject T.O.L. applications in the backlanes, the Collector in Selangor seems all powerful. Indeed he is, for in Melaka it is the Director of Lands and Mines who has been delegated with the power to approve the renewal of T.O.L.s in town and villages areas, and that apart from the power of approval of sites for public entertainment granted to him, all other powers to issue T.O.L. are exercised by the State Authority itself.

Perhaps, if one takes into consideration the size of Melaka state and the relatively short distance between the district capitals of Alor Gajah and Jasin to Melaka town, the gravity of the situation vis-a-vis Selangor, is not so apparent.

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3. See Johor C.L.M. Circular No. 2/63 in PPG 544/32 - V
4. See Johor C.L.M. Circular No. 5/74 in PPG 1183/69.
6. Ibid.
7. See Johor C.L.M. Circular No. 2/73 in PPG 1183/69.
In the case of Johor, the maximum that the Collector could approve a T.O.L. is five acres, and even then its purpose must be for padi and cash-crop cultivation only. The State Authority’s control over the Collector is absolute in the case of T.O.L.s for tapping “wild rubber” collecting coconuts and other fruits. For the Collector has no discretionary power at all but to tender them to the highest bidder. In the case of T.O.L. for the disposal of tin-wastes, this too is still the sole responsibility of the State Authority. Whatever power the Collector has is limited to T.O.L.s for public entertainment use, and for temporary permit for exporting the sawn material, and the requirements of buildings other than housing.

The rationale for such limitation to the Collector’s power in Johor is to control the proliferation of T.O.L. and avoid it from becoming into an easy and least bothersome means of application.

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7. These are rubber trees which have grown wildly in state land bordering rubber estates and small holdings.
8. See Johor C.L.M. Circular No. 2/69 in PTG 544/52 - V
9. See Johor C.L.M. Circular No. 5/71 in PTG 1183/69B.
for land. Also it is wasteful of the potential revenue that could be collected from the same land if it is alienated under full title. Such precautionary measure is necessary and very sound in its applicability, and one should be surprised at the lack of such appreciation on the part of the Selangor State Authority.

b) Permit to extract and remove rock material:

As in the issue of T.O.L. the Selangor Collector does not seem to be restricted whatsoever in the issue of such a permit. Neither does the Johor Collector except for the ban on the issue of permits for exporting the rock material, and the requirement of a deposit, the sum of which is up to his discretion to determine, in a far-sighted move, however, in the rationale behind this move, effective and efficient land administration par se, but more to exercise his discretion but to tender the land area containing sand to the highest bidder and then issuing a permit to him.

Apart from the common-sense rejection of late applications, the relative primacy of Collector’s power in this case,

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13. Ibid
falls to Johor state. For the Collector has the power to alienate
Malay and Selangor Land Rules, (see, for the rejection of
country land not exceeding ten-acres to each individual applicant
applications which are irregular, Rule 4(1) of the same Rules
for the sole purpose of agriculture 15. His power, in respect of
group application for land in areas which are over thirty acres, is
curtailed only in the sense that he is assisted in its exercise by
a District Selection Committee 16, comprising the Collector as
Chairman and all the State Assemblymen for the district as members.
Collector himself 19, in Selangor and Melaka, the Collector is
instructed to prepare all applications regarding land
The states of Selangor and Malacca do not have an
explicitly delegated with the power to reject summarily any appli-
equivalent provision for such delegation of power to their Collectors.

The rationale behind this far-sighted move, however, is
not so much a commitment to the principle of delegation of power
for effective and efficient land administration per se, but more to
the desire for immediate use of the revenue accruable from land 17.

**d) Summary rejection of applications:**

Apart from the common-sense rejection of late applications
after the closing date and the provision of rule 3 of the Johor,

15. "Except where an application has been rejected under rule 3,
the Collector shall cause full particulars of the application
be entered in a "Register of Applications for Land"... he shall note therein whether the application has been approved

16. See Johor G.N. 3, 15/1/1970 in C.L.M. 131/58 (q); LAJ 333

17. See Johor C.L.M. Circular No.3/68

18. See Johor C.L.M. Circular No.3/68

19. Admittedly the Collector of
land revenue, Johor Board, in that it, for example, a land
application has already been allocated, as required for
Ibid.
Melaka and Selangor Land Rules, 1966, for the rejection of applications which are irregular, rule 4(1) of the same Rules obliged the Collector to process all applications regarding land for submission to the State Authority.

While in Johor, there is no definite delegation of power in this respect other than the common-sense judgement of the Collector himself, in Selangor and Melaka, the Collector is explicitly delegated with the power to reject summarily any application of the following types:

Selangor: 1) application from non-Malays for state land in Malay Reservation areas.

ii) application from non-Orang Asli for state land in Orang Asli Reservation areas.

iii) applications for state land which has been reserved land under section 62(1).

18. "Except where on application has been rejected under rule 3, the Collector shall cause full particulars of the application to be entered in a 'Record of Applications for Land' and shall note therein whether the application has been approved or refused and shall sign and date such note."

19. The impression the writer obtained from the Collector of Land Revenue, Johor Bahru, is that if, for example, a land applied for has already been alienated, or earmarked for government use, such application are to be summarily rejected without reference to the State Authority.

designated for government projects.

iv) application for state land which has been alienated by the State Authority to individuals and bodies listed under section 43, or reserved land under section 62(1) 20.

Melaka: i) application for land which is designated for existing and future government projects.

ii) application for land situated in any gazetted town area owing to the fact that the value of such land is too high to be alienated (such land to be alienated by way of tender only)

iii) application for land situated alongside any highway.

iv) application for land which may be of public use 21.

The rationale for summary rejection of these applications is to reduce unnecessary work load connected with the preparation of briefs which would ultimately be rejected by the State Authority.
e) Variation of express conditions, restriction and categories:

Only the State Authority's power under section 126(1)(b) of the National Land Code, that is, rescission of express conditions, is delegated to the Collector in Selangor. Its applicability, however, is only to country land which are less than ten acres in area to permit the planting of other agricultural crop than previously cultivated.

The reason behind this delegation is to enable farmers to make full use of the services and assistance of the Rubber Replanting Board which provides subsidies to the replanting of land with rubber or other crops. In the past, while the Board is ever-ready to dispense its allocated subsidies to as many farmers as possible, it is handicapped by the length of time taken for an application by the farmer to get the State Authority's approval to change the express conditions of the land.

In Melaka, on the other hand, while the Collector's power acquire no additional gains, the Director of Lands and Mines, instead, is empowered, not only to rescind and amend the express conditions but also to alter the category of land use attached to the

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land. Considering that Melaka has only three districts, each within easy reach of the office of the Director of Lands and Mines, such delegation, comparatively is of far more significance in its impact than the one in Selangor or Johor.

In the case of Johor, too, the Director of Lands and Mines is empowered to approve any application for the revocation of conditions, restriction, or category of land use whether from Registry or Land Office titles. But while being a small state with only three districts, Melaka could handle such applications fairly efficiently, Johor, with eight districts, might not follow suit. There is, therefore, case for this power to be delegated to the Collector instead.

f) Remission of rent:

Again, in Selangor, this power has been delegated right down to the operative on the ground, that is, the Collector. However, this is limited to house lots whose express conditions should include restriction against transfer, change or lease except with the consent of the Ruler-in-Council. The remission allowable

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His only half of the rent imposed on the land. Land and Mines.

Apart from those which have been compared with the powers
The rationale for the Selangor State Authority's specific
delicted by the Collectors, among the Directors of Lands and Mines
singing out land for "dwelling house" purpose rather than
in the three states under study, that of Jones seems to enjoy a
agriculture is to offset the steep effect of the revision of rent
ower measure than the others. For instance, he has the additional
undertakes recently.
power to reserve state land for any public purpose, and to revoke
it as well. Nevertheless, the Directors of Land and Mines in all the
three states under study, by virtue of rule 19 of their respective
Land, Rules, 1966, may be delegated in writing by the State within
Authority to grant rebate of rent for country land, less than ten acres,

and replanted with approved replanting materials, to $2.00

Further, he is delegated with the authority to approve the
($5.00 in the case of Melaka) per acre per annum for a period of
renewal of prospecting permit for an additional six months and to
six years. However, only in Johor has such a delegation been
granted thus far with the concurrence of the State Governor of
actually made. Further, the Collector is empowered to approve

the renewal of remission of rent each year if he is satisfied that
the land has indeed been replanted. The practicality of such a
policy is obvious. It would eliminate the time-consuming ritual
of preparing briefs for the State Authority's consideration and cut
short the waiting period to be endured by the farmer.


27. See No. (49) in file "Johor P.T.O. (P) 116/50".


29. See Johor G.L.M. Circular No. 1/60.

B. Delegation of power to State Director of Lands and Mines:

Apart from those which have been compared with the powers delegated to the Collectors, among the Directors of Lands and Mines in the three states under study, that of Johor seems to enjoy a wider measure than the others. For instance, he has the additional power to reserve state land for any public purpose, and to revoke it as well. Also the Johor Director of Lands and Mines has the power to realienate land which has been forfeited for non-payment of rents, provided that the original proprietor applies for it within six months from the date of the notice to pay the arrears.

Further, he is delegated with the authority to approve the renewal of Prospecting Permits for an additional six months and to cancel them thereafter with the concurrence of the State Warden of Mines.

It is perhaps appropriate that the above three powers are entrusted to the Director of Lands and Mines rather than to the Collector. While the need to be efficient dictates such powers to

In this respect, the Mentakab Bera of Selangor still has


30. See Johor C.L.M. Circular No. 17/69 in PTG 1301/69.

31. See Johor Exco Precis No. 16, 9, 1959 in C.L.M. 1010/29, on the ground that the land is earmarked for government projects or for
be in the latter's hands, it is best to adopt preventive measures in considering the necessity for security. For such a delegation, especially the powers to reallocate forfeited land and to renew Prospecting Permits, would be a boon to the dishonors. Placed in the jurisdiction of the Director of Lands and Mines, the powers would strike a balance between the need to delegate and the requirement for integrity. In this context, the delegation of power to officers other than the Collector, is permissible and indeed welcomed. After all, it reduces the burden of over-centralization of power in the State Authority, even if it is only to a small degree. Mines, as with the renewal of Prospecting Permits. Likewise as in

C. Delegation of power to the Menteri Besar/Chief Minister:

Delegation of power to the Menteri Besar/Chief Minister would, in effect, mean that the State Chief Executive has the sole decision-making function entrusted to himself without having to go into the ritual of calling the entire Executive Council into session. Authority having such power all by itself, while it does not help in While this saves time, the Collector on the ground still has to lighten the burden of the Collector, on the ground, who has to prepare the full briefs for the perusal of the Menteri Besar/Chief Minister who, in most cases, follow his recommendations anyway.

In this respect, the Menteri Besar of Selangor still has to expect briefs from the Collector in order to exercise the delegated power entrusted to him, namely, the rejection of applications for Prospecting Permits or Licences and Mining Leases on the ground that the land is earmarked for government projects or for
public purpose, or already approved for mining or has been previously rejected, or which is already under consideration by the Executive Council, or advised against by the Senior Inspector of Mines, or that the application is in conflict with others which have been received earlier. 32

Similarly, in the case of Johor, the Menteri Besar has been delegated with the power to refund deposit money in the case of Prospecting Permits for minerals 33 which to all intent and purposes could easily be done by the Collector or the Director of Lands and Mines, as with the renewal of Prospecting Permits. Likewise he is delegated with the power to annul the forfeiture of land for non-payment of rent. 34

Indeed, one could say that such a delegation of power to the Menteri Besar/Chief Minister is no different than the State Authority having such power all by itself. While it does not help in lightening the burden of the Collector, on the ground, who has to

32. See Selangor C.L.H. Circular No.1/69 in PTG Sel.675
33. See Johor G.W. 5/4.2.1977 in PTG 1183/69-A; PTG.334/68; LAJ.192.
34. See Johor G.W. 46/22.9.1966 in PTG 33/66; LAJ 144(128).
prepare the brief just as he would, had there been no delegation of power to the Menteri Besar/Chief Minister, it is perhaps necessary for the power to be exercised by the Menteri Besar/Chief Minister. For it is entirely possible for the Collector or the Director of Lands and Mines, for that matter, to misuse it for his own ends if he is delegated with those powers. Seen in this context, this is one area the Collector's power can do without.

Equally necessary, but for a different reason, is the delegated power of the Menteri Besar of Johor to grant preliminary notice that a land is likely to be acquired by the government, to declare it required for public purpose and to withdraw from such intention (under sections 435, 3 and 35 of the Land Acquisition Act, 1960) for rural development projects.

While the Collector still has to prepare his briefs to inform the Menteri Besar of the relevant facts, the time taken for the entire procedure, on the whole, is indeed lessened. Therein lies the usefulness of such a delegation of power to the Menteri Besar/Chief Minister since the attention of one clears a load of work much faster than the attention of many, albeit the requirement

of democratic process in meetings. The same rationale applies to the delegated power exercisable by the Johor Menteri Besar to alienate land of not more than twenty acres each for school sites and other buildings connected with rural development schemes 37.

In the case of Melaka, the Chief Minister is empowered to permit dealings to be made on land which is restricted in interest, to be transferred, charged or leased 38. Again, the reason behind such delegation of power is to cut the time involved in the whole procedure since the Chief Minister himself, not the full Executive Council is the grantor. With regards to the Collector, while he has to perform the onerous task of preparing the brief, he actually absolves himself, at the same time, from any possibility of misusing his authority by not being delegated with the power.

It would appear, therefore, that the delegation of power to the Collector varies in its extent and differs in its rationale from one state to another. But in all three, the delegation of power is never made out of commitment to the principle. Rather it is out of convenience arising out of the demand of a particular

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38. See Melaka C.L.M. Circular No.2/69 in FTG (N) 1604/30.
situation. Further, there seems to be a common distrust of the Collector's integrity, and to some extent, the Director's of Lands and Mines. Given the weakness of human nature, perhaps it is a necessity to limit the delegation of power to the Collector.

The powers of the Collector, apart from those conferred by the National Land Code, the various Land Rules and other laws relating to land have been comparatively examined among the three states under study in the last chapter. It is seen that in each, the Collector does not necessarily enjoy the same power as his counterparts in the other two states. Even in cases where it is similar, the degree of laxity and the width of its scope are different from each other. However, the duties of the Collector in all the three states are the same, with perhaps differences in the style of approach. For this purpose a random sampling of one Land Office in each of the three states under study has been taken. It is not representative of the Land Offices in each state, although it reflects the style of approach in land administration adopted.

A. Collector's duties:

It could be easy to determine, by virtue of the Collector's title that revenue-collection is the foremost, if not his only duty. While this may be true under British colonial administration, the present-day Collector of Land Revenue, being development-oriented, is more than what his name suggests. Accordingly, inasmuch
CHAPTER V

COLLECTOR’S DUTIES – A RANDOM SAMPLING

The powers of the Collector, apart from those conferred by the National Land Code, the various Land Rules and other laws relating to land have been comparatively examined among the three states under study in the last chapter. It is seen that in each, the Collector does not necessarily enjoy the same power as his counterparts in the other two states. Even in cases where it is similar, the degree of laxity and the width of its scope are different from each other. However, the duties of the Collector in all the three states are the same, with perhaps differences in the style of approach. For this purpose a random sampling of one Land Office in each of the three states under study has been taken. It is not representative of the Land Offices in each state, although it reflects the style of approach in land administration adopted.

A. Collector’s duties:

It would be easy to determine, by virtue of the Collector’s title that revenue-collection is the foremost, if not his only duty. While this may be true under British colonial administration, the present-day Collector of Land Revenue, being development-oriented, is more than what his name suggests. Accordingly, inasmuch
as collection of revenue is important; equally important, if not
more, is land-use administration. In addition to the two major
functions of the Collector is the day-to-day routine administration.

1) Land-use administration:
   a) Processing land applications:

   The Collector is responsible for the investigation of the
land applied for, and analysis of the facts. The actual ground
work is done by the Settlement Officer, but in arriving at a judge-
ment the Collector is aided, if necessary, by the technical and
professional opinion of other government departments and by the
Ponghulu's knowledge of the applicant's character. In recommending
the approval or rejection of the application to the State Authority
through the Director of Lands and Mines, the Collector plays a
vital role in land-use development of his district. For in
advising the State Authority on the category of land use, express
conditions and restriction in interest as well as the rates of
premium, the Collector exercises control over the alienation of
land acquisition act, 1963. It empowered the Collector to institute
proceedings or hearings to determine compensation to be paid for
the expropriation of land for the public purpose.

   Included in this particular duty of the Collector to
process land applications for industry, agriculture or building, is
the application for licenses, permits and leases for the purpose of
mining, temporary occupation of land and extraction and removal of
rock material.
b) **Group-alienation schemes:**

In cases where application for land is the result of government policy to settle the landless, it is the Collector's duty to exercise control over the detailed preparation of land sites in terms of marking the boundaries, the emplacement of the settlers, and co-ordination of government departments involved in the schemes. At a later stage the Collector is also charged with the collection of installments payable by the settlers for the provision of land and the infrastructure for the settlement by the government.

But in certain states, some of these group-alienation schemes are managed directly by the office of the Director of Lands and Mines. Increasingly, however, due to the general failure of management, these schemes have been taken over the Federal Land Consolidation and Rehabilitation Authority.

c) **Acquisition of alienated land:**

The Collector's authority in this type of duty is the Land Acquisition Act, 1960. It empowered the Collector to institute proceedings or hearings to determine compensation to be paid for the compulsory acquisition of land for public purpose.

The role of the Collector in land-use development, here, is influential. Notwithstanding the fact that the Collector is guided in making his decision by the technical departments, it is
nevertheless significant that the government declares its intention
that annual rent going to legal compulsion to do so before June
to acquire sites as recommended by him. Through his choice of sites,
each year, it is the Collector's duty to receive the public tax-
for instance, the social and economic development of the district
mayer as smoothly as possible. In the not-so-easily-accessible
could be promoted.
d) Subdivision, partition and amalgamation of land:
The Collector's duty in this matter is restricted to
Land Office titles only. It is his responsibility to approve
applications for subdivision, partition and amalgamation of land in
accordance with the conditions stipulated by the National Land
Code. A strict adherence to the framework laid down by the legis-
lation would ensure the proper use of land in the district.

2) Collection of revenue:

It is the responsibility of the Collector to raise as
much as possible the estimated land revenue for his district. For
his contribution adds a long way to the overall State revenue
necessary for expenditure in the current year. While a hundred
per cent collection of revenue is well nigh impossible due to a
score of inevitable delays and obstacles, the Collector is
expected to achieve as closely as possible to the target listed in
the yearly State Estimates.

Towards this end, an efficient system of collecting and
accounting has to be established in the Land Office. Because a
great majority of land proprietors come forward voluntarily to pay
of the Collector to enforce relevant sections of the National Land their annual rent owing to legal compulsion to do so before June Code to realize the objective. each year, it is the Collector’s duty to receive the public taxpayer as smoothly as possible. In the not-so-easily-accessible interiors of the district, it becomes necessary for the Collector to go to the public rather than the public coming to the Land Office. A system cannot exist without registration of land titles. It is, accordingly, one of the principal duties of the Collector. It is

The importance of this annual collection is emphasized by the responsibility of the Collector, as regards Land Office, the fact that the Collector is also responsible, besides his own title only, to maintain an up-to-date Mukim Register reflecting the land rents, premium and survey fees, for the collection of Drainage and Irrigation rates and Education rates on behalf of other government departments.

appropriate entries in the Mukaian Register could be made. Likewise transactions, other sources of land revenue, like fees for T.O.I.s, rubber licences, permits of various sorts, registration of titles, Collector’s order in Small Estates distribution, inspection of the This prime duty of the Collector is especially more Mukaian Register, and fees from sundry sales of plans are not prominent in the state of Malaka (and Penang too). For the expected of the Collector to maximize. For these are according to Collector is charged with the duty to convert all existing titles the number of approval granted or services rendered.

based on the Portuguese, Dutch and English law of property into the

Torrens system. But as regards the arrears of revenue, it is incumbent upon the Collector to update them. In this way the shortage of past years could be balanced and the collection of the current year increased more than estimated. Towards this end, it is the duty and incapacity. The Collector’s duty is to ascertain that the prescribed forms are correctly filled and the signatures the real persons and the transaction or deal is fully realized and of their own accord.
of the Collector to enforce relevant sections of the National Land Code to realize the objective.

3) **Routine day-to-day administration:**
   
a) **Registration of titles:**

   Land administration in West Malaysia being based on the Torrens system, cannot exist without registration of Land titles. It is, accordingly, one of the principal duties of the Collector. It is the responsibility of the Collector, as regards Land Office title only, to maintain an up-to-date Mukim Register reflecting the legal state of affairs on the ground. Consequently, all dealings on land have to be transacted in front of the Collector so that appropriate entries in the Mukim Register could be made. Likewise transmissions of land arising out of Small Estates distribution cases are also entered in the Register.

   After the land is surveyed the qualified title could be

   This prime duty of the Collector is especially more prominent in the state of Melaka (and Penang too). For the Collector is charged with the duty to convert all existing titles based on the Portuguese, Dutch and English law of property into the Torrens system.

1. These include transfers of ownership, charges, liens, leases and tenancies. The Collector's duty is to ascertain that the prescribed forms are correctly filled and the signatories, the real persons and the transaction or deal is fully realized and of their own accord.
b) **Processing applications regarding land:**

The same procedure of investigation and scrutiny as in the applications for land, is repeated here. This duty of the Collector could be grouped into four types:

i) **Qualified and Final Title & Replacement of Issue Document of Title:**

Land is either alienated under T.O.L or final title.

In the case of T.O.L. it could be converted, on application, into final title after several years of occupation. However, in the interim period while the land is being surveyed, to enable the successful applicant to carry on with his plans for the land he is issued with a Qualified Title which is a temporary document having all the legal advantages of the Final Title. After the land is surveyed the Qualified Title could be converted, on application, into a Final Title.

The Collector's duty is to process these successive applications.

The Collector has also to investigate and ascertain the genuineness of an application for a replacement of Issue Documents of Titles on the ground of loss or damage.
ii) Change in express conditions and restriction in interest:

Every piece of land alienated carries in its title express conditions and restrictions in interest imposed by the State Authority. Where permission is necessary from the State Authority to change them, the Collector's duty is to investigate and scrutinize the facts of the case before making his recommendations. Whereas, apart from that the permission is in the Collector's hands or in the Small Estates (in the town) such enquiries take place on the Collector's request and the Collector's order shall be final.

iii) Restrains on dealings:

The Collector's duty is to establish beyond doubt the applicant's rightful basis to lodge caveats on land and to request for prohibitory orders restraining dealings on such land.

iv) Miscellaneous:

In addition the Collector is invested with the power of investigating and scrutinizing to determine, for example, whether an applicant deserves remission of rent on his land or whether he should be granted the easement he applied for, or the market value of a piece
land that he requested.

It is also the duty of the Collector to grant requests for alteration or removal of boundary stones, investigate and report on complaints over land matters, and checking on illegal squatters and unlawful occupation of state land.

c) **Enquiries:**

The duties of a Collector also include enquiries, apart from that required by the Land Acquisition Act, 1960, and the Small Estates (Distribution) Ordinance, 1955, on any matter of land if he so desires or if applied for by a proprietor. Such enquiries take on the character of a judicial proceeding and the Collector's order shall be as enforceable as that made by a Magistrate's court.

As far as application for order of sale (of charged land) or breach of conditions (of title) the Collector is authorised by the National Land Code to decide on such matters.

d) **Small Estates (Distribution) Ordinance, 1955:**

One of the Collector's principal duties is the distribution of property of a deceased to his beneficiaries. The Collector's jurisdiction only cover property, both personal and real, of less than $10,000 in value. The idea is to spare proprietors of land from the bothersome procedure of securing a High Court order.
B. Collector's performance:

In performing these duties, varying styles of work could be gleaned from the three states under study. This is due to several factors.

1. Number of Collectors:

The greater the number of assistants a Collector has the more the division of responsibilities could be made. In the case of Johor, the Johor Bahru Land Office has three Assistant Collectors each in charge of alienation, revenue and registration broadly. The Collector could therefore devote more of his time to other duties, namely that of the District Officer's.

In Selangor, because the Collector is also the District Officer as well as the Chairman of the Town Board/Council, the tendency has been to leave most of the Land Office's work to the senior A.D.O. In the Kuala Selangor Land Office the lone Assistant Collector in charge of land administration is helped by a Colonisation Officer insofar as processing land applications are concerned. The major decisions are made by the former. The

2. See Appendix 'B'

3. A special officer responsible for the emplacement of settlers in "bendang" land. This post will be abolished in 1972 with the retirement of the present holder.

4. See Appendix 'C'.
same structure, without the Colonisation Officer, is at work in
the Jasim Land Office in Melaka. It is not surprising, therefore, that in the Kuala
Selangor Land Office, a duty officer system on a rotation basis is
established. In fact it has to be set up if the Assistant Collector
in charge of the Land Office is to get any file work done at all,
in view of the daily throng of people waiting to see the Collector.

In the Jasim Land Office, however there is no such system since
the volume of work is considerably less; there being virtually no
land to alienate. As far as Johor Bahru Land Office is concerned
each of the "specialist" Assistant Collector attends to the different
kinds of problems posed by individual members of the public. This
division of responsibilities also means each Assistant Collector is
able to cover a lot of ground in their own speciality, an advantage
lost to the Kuala Selangor or Jasim Assistant Collector because of
his sole responsibility for land administration.

5. See Appendix 'D'.

6. All the three A.D.Os and the Colonisation Officer who are
all gazetted on Assistant Collectors of Land Revenue take their
turn. The District Officer, for obvious reasons, is exempted.

7. For an example see Appendix 'E'.

8. For example see Appendix 'F' and 'G'.
2) Nature of Director of Lands and Mines Circulars:

To interpret the law (i.e. the National Land Code and the various enactments relating to land) on their own, each Collector would come up with different ways of understanding them. In this respect a "procedural" circular from the Director of Lands and Mines, is a great help.

The Johor Collector is fortunate to be guided by such lengthy, detailed circulars outlining the step-by-step action to be taken in a particular case. Not only would these standardized procedures cover the whole state, but also save the Collector a lot of guess-work in applying the land laws. In fact the faster the rate of problem-solving is done the more efficient the land administration becomes.

In Selangor and Melaka, while the number of circulars issued by the Director of Lands and Mines are equally voluminous, the percentage of "procedural" circulars is lesser than in Johor. Since the majority of these circulars are decisions on land policy and general administration directives, the Collector in both states are left very much on their own to implement the state land policies regarding land administration and its problems, the merit of having the State Chief Executive in such conferences to give his backing

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7. For an example see Appendix 'E'.

8. For examples see Appendix 'F' and 'G'.
and to interpret the land laws. seen from the administrative point of view, should not be forgotten. A meeting chaired by the Director of Lands and Mines would package some problems administratively, but his subordinate position to the State Secretary would not carry weight to whatever innovative ideas the Assistant and doubts could be dispelled, and any problems ironed out. Not only would such meetings of Collectors promote closer relationship Collectors’ conference has been irregularly organised, among practitioners of the same profession, but also act as an informal contact points for exchanging ideas and tips.

These advantages are fully exploited in Johor where Collectors’ conferences are systematically organised and precisely that the senior A.D.Os in charge of land administration are not scheduled. Collectors and Assistant Collectors meet together in attend the informal Collectors’ conference which is meant only for these conferences which are also attended by top officials of the the District Officers in their capacity as Collectors’. The state government. In contrast, Selangor Collectors and Assistant Collectors, who have the operating mandate of the Land Collectors meet in different conferences and at different level of office, is expected to carry out the policies adopted and decisions importance. The Collectors’ conferences are essentially District agreed upon by Collectors who are more of a District Officer in Officers’ conference, being presided by the Nantari Besar and attended by the State Secretary. Whereas the Assistant Collectors’ conference dealt purely with land administration and only graced by the presence of the Director of Lands and Mines. Collectors and Assistant Collectors, as in Johor, the better their style of work would be. For the experience and the knowledge gained during these regarding land administration and its problems, the merit of having conferences would go a long way in increasing their confidence and the State Chief Executive in such conferences to give his backing.
and to appreciate land problems, seen from the administrative point of view, should not be forgotten. A meeting chaired by the Director of Lands and Mines would perhaps ease problems administratively, but his subordinate position to the State Secretary would not carry weight to whatever innovative ideas the Assistant Collectors may bring forth. In addition, the Selangor Assistant Collectors' conference has been irregularly organised.

In Melaka, the small number of land administrators including the staff of the Director of Lands and Mines' Office, does not necessitate an elaborate organisation. What is surprising is that the senior A.D.Os in charge of land administration do not attend the informal Collectors' conference which is meant only for the District Officers in their capacity as Collectors. The Assistant Collector, who has the operating knowledge of the Land Office, is expected to carry out the policies adopted and decisions agreed upon by Collectors who are more of a District Officer in their attitude and behaviour than a land administrator.

It is a pity that Melaka does not appreciate the fact that the more such conferences are held for both Collectors and Assistant Collectors, as in Johor, the better their style of work would be. For the experience and the knowledge gained during these conferences would go a long way in increasing their confidence and must not be forgotten.
<table>
<thead>
<tr>
<th></th>
<th>Johor Bahru</th>
<th>Jasin</th>
<th>Kuala Selangor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area of district</td>
<td>446,720 acres</td>
<td>167,072 acres</td>
<td>364,800 acres</td>
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<tr>
<td>Population</td>
<td>203,622 approx.</td>
<td>85,630 approx.</td>
<td>179,697 approx.</td>
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<tr>
<td>Available area of state land</td>
<td>12,000 approx.</td>
<td>Nil</td>
<td>183,626 acres</td>
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<tr>
<td>No. of fringe alienation schemes</td>
<td>22</td>
<td>Nil</td>
<td>11</td>
</tr>
<tr>
<td>Total area under scheme</td>
<td>13,976 acres</td>
<td></td>
<td>13,760 acres</td>
</tr>
<tr>
<td>Collector of Land Revenue</td>
<td>½ *</td>
<td>½ *</td>
<td>½ *</td>
</tr>
<tr>
<td>Assistant Collectors</td>
<td>3</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Settlement Officers</td>
<td>8</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>Clerks</td>
<td>10</td>
<td>10</td>
<td>8</td>
</tr>
<tr>
<td>Application for land</td>
<td>3</td>
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<td>5</td>
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<tr>
<td>Application for prospecting</td>
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<td>Application for mining titles</td>
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<td>Application for subdivision</td>
<td>1</td>
<td>1</td>
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<td>Application for partition</td>
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<td>Application for amalgamation</td>
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<td>Application for T.O.T. licences</td>
<td>2,891</td>
<td>1,150</td>
<td>1,833</td>
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<td>Application for change in condition</td>
<td>5</td>
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<td>Application for reissue of title</td>
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<td>Land acquisition proposals</td>
<td>11</td>
<td>17</td>
<td>2</td>
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<td>Petitions for distribution</td>
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<td>34</td>
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<td>Request for valuation</td>
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<td>Request for search</td>
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<td>Instruments of dealings</td>
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</tr>
<tr>
<td>Instruments of other transactions</td>
<td>1</td>
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<td>1</td>
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<tr>
<td>New documents of title registered</td>
<td>1,977</td>
<td>930</td>
<td>1,202</td>
</tr>
<tr>
<td>(up to 30.4.1970)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revenue collection</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Estimates for 1971</td>
<td>$1,767,722.00</td>
<td>$1,502,700.00</td>
<td>$1,469,050.00</td>
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<tr>
<td>Arrears on 1.1.1971</td>
<td>108,974.00</td>
<td>90,404.97</td>
<td>500,000.00 approx.</td>
</tr>
<tr>
<td>Total</td>
<td>1,876,696.00</td>
<td>1,593,104.97</td>
<td>1,969,050.00 approx.</td>
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<tr>
<td>June 1971's collection</td>
<td>92,934.00</td>
<td>38,845.87</td>
<td>614,096.60</td>
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</table>

Source: Compiled from 'Data for Assessment of Workload' submitted to the Federal Director-General of Lands viz. P.T.K.S 2/7/69 (Kuala Selangor), P.H.T.J.B 1/6/69 (Johor Bahru) and P.H.T Jasir 1252/69.

Note: * Collector of Land Revenue is also the District Officer
decisiveness when applying the land laws in their respective districts, and clerks are in proportion. The advantage of superior supporting staff supposed to be enjoyed by the Johor Bahru C. Comparative Statistics:

Assistant Collectors were, in fact, no advantage at all.

A look at the statistics shown overleaf, would illustrate the interplay of these three factors in influencing the Collector's style of work and ratio of performance in fulfilling their duties.

alienate land, for example, not enjoyed by their Jasin or Kuala Selangor counterparts. But even in areas where they had very ahead of the Jasin and Kuala Selangor Land Offices. Specifically, limited delegation of power they managed to perform their duties in terms of applications for land, for T.O.L. and licences, better than the other two. For instance, with regards to T.O.L. and subdivision of land and petition of distribution, clearly a superior licence in which the Selangor Collector has the greatest latitude number of Assistant Collectors at the disposal of the Johor Bahru of power, yet it is the Johor Bahru Land Office which managed to Land Office does help in clearing off a major portion of the backlog achieve a higher percentage of accuracy - approximately 40% to in 1969.


The effect of the "procedural" circulars and the regular the duties of the Collector, therefore, by virtue of the Collectors' conferences could not, of course, be quantified. same land laws, are exactly the same everywhere. But in the But it must be substantial, judging from the performance of the performance of these duties, each Collector differs according to the Johor Bahru trio of Assistant Collectors. No doubt the number of condition of work he is subject to. However, both the duties and Settlement Officers and clerks supporting the Assistant Collectors their performance by the Collector could be made the same. For the in Johor Bahru is correspondingly superior in number than either in factors influencing the Collector's style of work, being man-made Jasin or Kuala Selangor. But one must bear in mind the area of Johor rather than intrinsic in the built constraints of the environment Bahru district, which is larger than the other two districts. Nor or human behaviour itself, could be developed. It is in this context must one forget the population figures. Comparatively, therefore,
in terms of size and population they serve, the number of Settlement Officers and clerks are in proportion. The advantage of having the states in the system of land administration in West Malaysia. Superior supporting staff supposed to be enjoyed by the Johor Bahru Assistant Collectors are, thus, no advantage at all.

One may also argue that the Johor Bahru Assistant Collectors have superior advantage in terms of delegated power to alienate land, for example, not enjoyed by their Jasin or Kuala Selangor counterparts. But even in areas where they had very limited delegation of power they managed to perform their duties better than the other two. For instance, with regards to T.O.L. and licences in which the Selangor Collector has the greatest latitude of power, yet it is the Johor Bahru Land Office which managed to achieve a higher percentage of clearance - approximately 40% to Kuala Selangor’s 15% - in 1969.

The duties of the Collector, therefore, by virtue of the same land laws, are exactly the same everywhere. But in the performance of these duties, each Collector differs according to the condition of work he is subject to. However, both the duties and their performance by the Collector could be made the same. For the factors influencing the Collector’s style of work, being man-made rather than intrinsic in the inbuilt constraints of the environment or human behaviour itself, could be developed. It is in this context
that learning from each other's experience should be encouraged among the states in the system of land administration in West Malaysia.

4. Review of analysis

Delegation of power is an administrative principle that is widely applied in large organizations. It is used as an instrument to extend the ability of the principal executive body beyond what is physically capable of. In the context of this paper it has been established that the delegation of power by the State Authority to the Collector of Land Revenue in the three states under study, has been done in an ad hoc manner. In most cases it has been prompted by the necessity of the situation rather than occasioned by deliberate planning. In other words it exists by accident than by design. Indeed there has been a variety of reasons for the delegation of power but unfortunately, never on the commitment to the principle involved.

On the question of whether such delegation of power, as presently enjoyed by the Collector, has been adequate to meet his operating needs, the answer is clearly in the negative. The very fact that whatever delegation there has been, is unplanned suggests that there are many more areas in which the Collector should be given a freer hand. Furthermore, the idea of delegating the State Authority's powers to the Mentor Reser/Chief Minister rather than


CHAPTER VI

CONCLUSION

A. Review of analysis:

Delegation of power is an administrative principle that is widely applied in large organisations. It is used as an instrument to extend the ability of the principal executive body beyond what is physically capable of. In the context of this paper it has been established that the delegation of power by the State Authority to the Collector of Land Revenue in the three states under study, has been made in an ad hoc manner. In most cases it has been prompted by the necessity of the situation rather than occasioned by deliberate planning. In other words it exists by accident than by design. Indeed there has been a variety of reasons for the delegation of power but unfortunately, never on the committment to the principle involved.

On the question of whether such delegation of power, as presently enjoyed by the Collector, has been adequate to meet his operating needs, the answer is clearly in the negative. The very fact that whatever delegation there has been, is unplanned suggests that there are many more areas in which the Collector should be given a freer hand. Furthermore, the idea of delegating the State Authority’s powers to the Menter Besar/Chief Minister rather than
direct to the Collector, in order to safeguard the latter's integrity and honesty, is itself preposterous. The sacrosanct position the Menteri Besar/Chief Minister holds, allegedly, puts him above petty human weakness. But being human himself and a politician with limited tenure of office, the enormous powers in his possession frequently tempt him to misuse for his own gains. In the final analysis the position of the Menteri Besar/Chief Minister is, comparatively, no different than the mortal Collector. The solution, therefore, should lie elsewhere.

In their applications, the blame being made to fall on the State Authority composed of, as it is, politicians who are, after all, the Lands and Mines, the Collector's immediate superior, it is, perhaps, elected representatives of the public, tolerable. He being a specialist on land administration, and unhampered in doing his job, the delegation of power to the Director of Lands and Mines rather than to the the Menteri Besar/Chief Minister, would be better understood.

The inadequacy of the delegation of power to the Collector is aggravated by the State Authority's frequent inter-land developments in need to fulfill the targets of the Second Plan with the statutory powers conferred to him.

5. **Recommended Recommendations:**

1. By activating the restrictive phrase "in the absence of any direction to the contrary by the State Authority" found in certain sections of the National Land Code, 1965. See to the Chapter III for details.
One finds, therefore, the whole question of delegation of power to be in an anomalous position. On the one hand, delegation of power to the Collector is seen as a panacea to the clearance of the notorious backlog of applications regarding land in the Land Offices throughout the country. On the other hand, given the immaturity of the present politicians in power who tend to politicize all executive decisions of the government, the Collector would be happier in not being delegated with such powers. In this way, he would not be held accountable by the public for the delay in their applications, the blame being made to fall on the State Authority composed of, as it is, politicians who are, after all, the elected representatives of the public.

But obviously, such an escape from responsibility, even in the face of too much political interference, is not to be encouraged. If every Collector is to do the same, then a whole array of unimaginative, rigid and static land administrators would be the end result. This would not augur well during a period when an all-out effort in land development is needed to fulfill the targets of the Second Malaysian Plan.

B. Suggested Recommendations:

The crux of the problem, as manifested in the reluctance of the politicians in the State Authority to delegate power to the
Collector, is the distrust in the Collector's capability and susceptibility. This being the case, the only recourse, short of actually turning out the ideal Collector, lies in three possible series of remedy.

1) Development of the Collector's administrative skills:

It is assumed that future Collectors, in view of the increase in the recruitment of graduates into the civil service, are basically highly educated. Further, they would probably be well-grounded in the technicalities of management in the public sector. In such a case, there is not so much the need to train the novice Collector further as to provide him with the supporting tools to use his management skills by.

a) Improved Director of Lands and Mines' circulars:

It is submitted that in the three states under study, with the exception of Johor, the circulars of the Director of Lands and Mines should be revised and revamped. From mere statements on broad guideline of policy as in the case of Selangor, these circulars should be detailed and explanatory in their content as the Johor Director of Lands and Mines' circulars are. This would dispel the misconception of ideas already decided upon, as is presently the case.

doubts among the Collectors in the state and avoid mistakes from being repeated by the different Collectors interpreting the same issue.

In this way, it is hoped that the Collectors could be kept up-to-date and development-oriented. It would also be a great help if the numerous circulars could be catalogued and bound together. For an easily accessible volume of Director of Lands and Mines' circulars would prevent the Collector from being ignorant of their powers under the various civil (administrative) service, is often approached lightly by legislation on land, and the procedures involved. In this way, junior officials in the M.K.F.S. (Malaysian Home and Foreign Service) and M.A.S. (Malay Administrative Service). It is mistakenly officer to another - responsible, among other factors, for the delay in applications regarding land - could be prevented.

b) Regular Collector's conference:

A Handbook for Collectors of Land Revenue, introducing the use of the "sitting down" of files and passing the buck from one Secretary's duties in the ministries and the state secretariats.

The idea, in having frequent conference among Collectors, Collector to his job and containing all the relevant information is for these officers dealing with the same job to be in constant contact with one another. During these sessions, both in the formal conference and informal social get-togethers, ideas concerning land administration could be proposed, tested and adopted, if necessary. In time these conferences being attended by Collectors who are basically highly qualified, could develop into a kind of academic seminar. The result, it is hoped, would be a flow of dynamic, innovative and practical ideas rather than mere formal ratification of ideas already decided upon, as is presently the case.
Such conferences would be the ideal ground for discussing seminar papers, pamphlets and publications turned out by the annual seminar of State Directors of Lands and Mines, and individual writers. In this way, it is hoped that the Collectors would be kept up-to-date and development-oriented.

c) Handbook for Collectors of Land Revenue:

Land administration, being one of the branches of the civil (administrative) service, is often approached lightly by junior officials in the M.H.F.S. (Malaysian Home and Foreignity's Service) and M.A.S. (Malay Administrative Service). It is mistakenly likened to the routine and comparatively straight-forward Assistant Secretary's duties in the ministries and the state secretariats. It is envisaged that such a pattern of organisation would instil a feeling of involvement in the Collector as to A Handbook for Collectors of Land Revenue, introducing the new encourage initiative and innovation from him. It would be a rational Collector to his job and containing all the relevant information as to the scope of his powers and duties, and citing the important requirements of decision taking in land administration rather than legislation connected with his work, is therefore a necessity.

The above measures are calculated to improve the standing of the Collector in the eyes of the State Authority as to merit its trust.

2) Development of a Review Procedure:

This remedy entails direct delegation of power to the Collector by the State Authority in all matters which would enable improved land administration, increased land revenue and better
him to meet his commitments swiftly and efficiently. At the same
time he is to be subjected to an independent and mobile Commission
of Inquiry whose chairmanship is drawn from the State Executive
This remedy is meant to reduce, if not completely abolish,
Council and with representatives from the Office of the Director of
the susceptibility of the Collector to the State Authority. Only
Lands and Mines and the State Secretariat as members. In addition,
then would the latter be persuaded to delegate its powers in land
the Collector is required to inform the State Authority of every
administration to the former
alienation of land for reference purpose and to act as a deterrent
to any back dealings. In this way the principle of the delegation
of power could be met while at the same time the State Authority's
basic distrust of the Collector is accommodated too. Understand the
administrators in order to control them. It is for this reason that
It is envisaged that such a pattern of organization
the politicians too, in turn, have to be oriented. Like the function
would instill a feeling of involvement in the Collector as to
of the Collector's conference as both a formal as well as an informal
courage initiative and innovation from him. It would be a rational
means of interaction among the Collectors and their Assistants, an
arrangement, for it is the Collector who meets the technical
institutionalized gathering of politicians and administrators would,
requirements of decision making in land administration rather than
perhaps lead to a better understanding and appreciation of each
the part-time State Authority. The Commission of Inquiry, in acting
other's role in the context of land administration as a whole
as a kind of court of appeal for rejected applications regarding
land, would serve to check any abuse of the delegated power by the
Collector.

The establishment of the Commission of Inquiry would, no
whether it would lead to the complete political subjugation of
doubt, require additional expenditure on the part of the State Gover-
cCivil Service by the politicians instead of paving a common
ment. But the potential rewards of such a body in terms of an
ground of understanding between the two, the original principle
improved land administration, increased land revenue and better
image of the government of the day in the eyes of the electorate, are worthwhile returns for such a disproportionately small investment.

This remedy is meant to reduce, if not completely abolish, the susceptibility of the Collector to the State Authority. Only then would the latter be persuaded to delegate its powers in land administration to the former.

3) **Encouragement of politician - administrator interaction:**

Being the political masters of the administrative organization in the state, the politicians need to understand the administrators in order to control them. It is for this reason that the politicians too, in turn, have to be oriented. Like the function of the Collector’s conference as both a formal as well as an informal means of interaction among the Collectors and their Assistants, an institutionalized gathering of politicians and administrators would, perhaps lead to a better understanding and appreciation of each other’s role in the context of land administration as a whole.

One would, of course, draw attention to the existence of such an institution in the Political Study Centre of Singapore. While its impact on the Republic’s administration is debatable (as to whether it would lead to the complete political subjugation of the civil service by the politicians instead of paving a common ground of understanding between the two), the original principle
APPENDIX 'B'

No.(2) dlm. PTG. SEL. 1002

ARAHAN PESURUHJAYA TANAH DAN GALIAN SELANGOR BIL. 3/1967

Kelulusan T.O.L pada kawasan yang luas di-daerah2

Di-bawah ini saya perturunkan satu keputusan yang di-buat oleh Persidangan Pegawai Daerah pada 9th September 1967 untuk maalumat Pemugut Hasil Tanah:


oleh Tun Yang Terutama Sahmor:

2. Rajlis Neshuarat kerjna t.t. telah menambah keputusan ini dan pada neshuarat yang disedakan baharu2 ini telah bersetuju yaitu

( JOHAN BIN MOHD YASIN )
Pesuruhjaya Tanah dan Galian,
Selangor.

Pejabat Pesuruhjaya Tanah dan Galian,
Selangor,
KUALA LUMPUR
16th Disember 1967.

( ANOSR RASIN BIN HJ. MOHD RASIN )
Pesuruhjaya Tanah dan Galian,
Selangor.
PEKLILING TANAH MELAKA BIL.2/1969

Tanah2 yang di-konsakan Sekatan Hakmilee
(Restiction in Interest).

Mengikut Peraturan yang di-jalankan pada masa ini, semua
permintaan bagi mendapat kebenaran untuk menjalankan suatu urusan
di-atas tanah2 yang di-konsakan sekatan hakmilee menukar nama,
tergabut di-atas.

Mengadai atau menajakkan hendak-lah terlebih dahulu mendapat
persetujuan bertulis daripada Gubernur dalam Meshuarat (Governor in
Council). Oleh sebab itu tiap2 permohonan saupun itu hendak-lah
di-kemukakan kepada Majlis Meshuarat Kerajaan untuk di-luluskan
oleh Tuan Yang Terutama Gubernur.

2. Majlis Meshuarat Kerajaan telah menimbangkan perkara ini
dan pada meshuarat yang di-adakan baharu2 ini telah bersetuju yaitu
permintaan2 untuk mendapat kebenaran bagi senukar nama, mengadai
atau menajakkan tanah di-atas tanah2 yang ada sekatan hakmilee,
kemana meluluskan di-beri kepada Yang Amat Berhormat Ketua Menteri.

Nama dengan persetujuan Tuan Yang Terutama Gubernur dalam Meshuarat
semasa permintaan serta dengan sokongan2 Pemungut Hasil Tanah
hendak-lah di-masa hadapat di-kemukakan untuk pertimbangan Yang Amat
Berhormat Ketua Menteri.

(ABDUL KARIM BIN HJ MOHD MANSOR)
Pendhajaya Tanah dan Galian,
Melaka.

IBU PEJABAT TANAH,
MELAKA.
PEKESALING PTC.BIL. 3/68.

Pejabat
Pesuruhjaya Tanah dan Galian,
Johor.


Semua Pemungut 2 Hasil Tanah,
Semua Pen. Pemungut Hasil Tanah.

Permohonan Tanah Kerajaan Yang Belum
Selesai dan lain2 yang kusaha pengurniawan-nye
telah di-beri kepada Pemungut Hasil Tanah.

Majlis Mesyuarat Kerajaan telah memberi keputusan yang tersebut
di-atas. Mengikut keputusan itu, Pemungut Hasil Tanah telah di-beri
kuasa mengurniakan tanah tidak lebuh daripada 10 ekar kepada se-serorang
pemohon dengan di-bantu oleh satu Jawatankuasa Pilehan Daerah.

Keputusan yang tersebut telah di-sampaikan kepada Pemungut Hasil Tanah
di-dalam Kertas (10) dlm. PTC. 131/58(0) bertarikh 28hb. April, 1968.

1. Tujuan jumlahkara (i) dan (ii) kertas keputusan itu ialah
untuk melayan permohonan yang di-timbulkan oleh Gerakan Lichin ia-itu
permohonan2 tanah yang ada di- Pejabat Tanah sebelum 1.5.67 (tarikh Gerakan
Lichin di-lancharikan). Pemungut Hasil Tanah hendak-lah menitek-beratkan
permohonan2 yang di-terima sebelum 1.5.67 ini supaya dapat di-selesaiakan
dengan segera. Pemungut Hasil Tanah boleh-lah menanggil Jawatankuasa
untuk menemuduga pemohon2 mengikut 'point system'. Tindakan swal
kerana hendak mengumumkan tanah2 ini boleh-lah di-buat dengan serentak
dengan menghantarkan kepada Pesuruhjaya Tanah dan Galian pelan kawasan
itu bersama2 dengan nama2 pemohon yang berjaya. Didealam mengambil
tindakan itu, Pemungut Hasil Tanah hendak-lah juga mengisi Borang Arahan
II (Butiran 1 Borang itu) dengan mengisi angka2 pungutan hasil dan lain2
butir yang di-kehendaki dan di-hantarkan kepada Pesuruhjaya Tanah dan
Galiansiap2 bulan.


5. Untuk menjalankan kurnian yang tersebut, Pemungut Hasil Tanah hendak-lah menerangkan kepada pemohon2 bahawa mereka hendak-lah :

(a) Mengisikan Surat Sumpah mengikut Undang2-nya menyatakan mereka tiada memiliki tanah. Tetapi jika mereka mempunai tanah, pemohon hendak-lah mengisi keterangan ini dalam Surat Sumpah-nya.
(b) Faham bahawa mereka tidak boleh mendapat lebih daripada 10 ekar tanah, dan jika sekira-nya mereka telah ada mempunyai tanah jumlah tanah yang akan di-perolehi-nya tidak akan lebih daripada 10 ekar.

(c) Faham bahawa jika mereka tidak memberi keterangan yang betul mereka boleh di-da'awa di-Mahkamah di-bawah Undang2 Surat Sumpah 1960, dan

i) Sedar bahawa kebenaran yang di-beri kepada mereka untuk memileki tanah itu boleh dit-terek balek oleh Kerajaan di-bawah Kanun Tanah Negara, dan

ii) Sedar segala bayaran tidak boleh di-kembalikan.

6. Bagi menimbangkan permohonan2 tanah, Pengerusi (Pemungut Hasil Tanah) hendak-lah memberitahu Ahli2 Jawatankuasa sekurang2-nya sa-minggu terlebih dahulu dan menghantarkan kepada mereka senarai nama2 pemohon dan sedikit sebanyak butir2 kedudukan tanah, tarikh2 perjumpaan dan lain2 butir yang perlu.


dengan mengisi segala butir2 yang di-kehendaki oleh Pesurohjaya Tanah dan Galian itu.


( NOHD. YOB BIN BUSU )
Pesurohjaya Tanah dan Galian,
Johor.

s.k.

Juru Odit Kanon.

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(7) Mining Enactment of the Federated Malay States, Cap.147
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(7) Kamaruddin A. Rani, Land Administration in West Malaysia, an M.P.A thesis submitted to Graduate School of Public and International Affairs, University of Pittsburgh, 1969.