

THE DISTRICT

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THE DISTRICT

A Study in Decentralization
in West Malaysia

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INTRODUCTION

THE form of decentralization,¹ its extent and purpose, reflect differing and conflicting traditions of politics and administration and provide an important clue to an understanding of the history and political culture of a society.

Characteristic of Anglo-American political systems was the grant of important administrative functions to locally elected authorities. This form of decentralization was essentially the product of the nineteenth-century liberal tradition which had emphasized the importance of local representative government as a foundation of the liberal democratic system. Local government is however a fairly recent phenomenon. Until the end of the nineteenth century the typical form of decentralization in Britain was that of county administration, whereby Justices of the Peace acted as gentry administrators whose role was, in some respects, similar to that of the generalist administrator found on the continent.

The latter is particularly associated with the French administrative tradition of Intendant and Prefect, which came to be adopted by countries influenced by the French tradition.² This was also to be, in principle, the type of administration established in the European colonies,³ where it came to be known as the District Officer (DO) or Commissioner system. Its chief characteristics were that the Prefect or DO was a centrally appointed official, acting as the sole channel of communication between local area and capital, and was the chief executive of government at that level. The single line of authority

¹ Decentralization is used here as a generic term referring to all forms of local government and administration. In France a distinction is made between types of decentralization by the use of two different terms, decentralization and deconcentration, when referring to local self-government and administrative decentralization respectively. For a discussion of the terminology of local administration see J. Fesler, 'Centralization and Decentralization', in *International Encyclopaedia of the Social Sciences*, and H. Maddick, *Democracy, Decentralisation and Development* (London, 1963).

² Particularly from the Napoleonic period. However, the Prefect and his forerunner, the Intendant, represent a continuation of a much older tradition. J. W. Fesler, 'French Field Administration: The Beginnings', *Comparative Studies in History and Society*, Vol. 5, 1962-3.

³ In the non-settlement colonies. This form of administration was not adopted, for example, in Australia.

from local to central administration is what is usually described as that of the integrated prefectural system.⁴

Both forms of decentralization had increasingly, however, to share powers and functions with local agents of central departments as a result of the growth of functional decentralization. These local or field agents of the central specialist departments formed part of a separate functional hierarchy and were to become responsible directly to their own departmental heads, co-ordination tending to be achieved at the national level. An additional feature of this administrative development was that these organizational structures, for the administration of their own services, might also create their own areas which differed from those of local government and the generalist administration. For the prefectural system the growth of functional decentralization and the creation of local representative institutions combined to erode the unity of administration at the local level, and created what has been described as the unintegrated prefectural system.⁵

In spite of these changes which have everywhere affected both Prefect and DO, this type of administration has persisted and remains the most common form of local administration in the world today, however modified it may be in practice, and in some former colonial areas has been regarded as not only the most characteristic but even as the most valuable legacy of the colonial experience. The reasons given for the survival of this type of administration have emphasized both administrative and political factors.

Administratively the continuing relevance of the role of this administrator is seen to lie in the increased importance of development and the related tasks of co-ordination, but most writers particularly stress the importance of political factors.⁶ Historically the prefectural system was a product of centralization and was associated with situations where the problems facing the State were those of national integration and cohesion in societies with a tradition of political autocracy. The presence of similar factors in many of the new nations in the post-independence period accounts in part for the survival of this tradition of administration in those areas. Whether considering the European or non-European experience, clearly decentralization then cannot be discussed as purely an administrative phenomenon.

⁴ For the concept of the integrated prefectural system, see R. C. Fried, *The Italian Prefects—A Study in Administrative Politics* (New Haven, 1963), pp. 306–7, and B. C. Smith, *Field Administration, An Aspect of Decentralisation* (London, 1967).

⁵ Ibid.

⁶ Particularly the discussion in J. Fesler, 'The Political Role of Field Administration', F. Heady ed., *Papers in Comparative Public Administration*, and Smith, op. cit.

The political dimensions of field administration not only constitute a central theme of this study but largely dictated the choice of area for study, the State of Kelantan. This predominantly Malay⁷ State has, since 1959, been controlled by the chief post-independence opposition party, Partai Islam (formerly the Pan-Malayan Islamic Party), in a political system where almost all States have been controlled by the Alliance Party, which also holds power at the Federal level.⁸ In contrast to the usual feature of the prefectoral model where the Prefect is an agent of the central government, Kelantan has its own civil service, the Kelantan Civil Service,⁹ from which its generalist field administrators are recruited. The peculiar combination of these administrative and political factors marked out Kelantan as an area ideally suited to an examination of the interaction of administration and politics.

This study is also however intended to be one of administrative change and some attempt has been made to adopt a diachronic approach. However, the main focus of the work is on the present role of the district officer, and because of the limitations of the contemporary records most of the material is based on interviews and observation.

The study of the contemporary scene in Kelantan focuses on three main themes: (1) the district officer and the general administration of the district, including a separate treatment of land administration and problems of enforcement; (2) local government based on an examination of the work of selected councils; (3) some aspects of the interaction of politics and administration. The final chapter attempts to relate the findings of the case study to general administrative and political developments in Malaysia, and discusses the possible effects of these on the future shape of field administration.

If the emphases of the comparative literature is on change most writers have recognized the importance of the continuity of tradition in administration. It is therefore with origins that this study has to begin.

⁷ The proportion of Malay population in the State is 92 per cent.

	1959		1964		1969	
	All	PMIP(PI)	All	PMIP	All	PMIP
Federal	1	9	2	8	4	6
State	2	28	9	21	11	19

⁹ The comparative literature on field administration does not examine this particular kind of situation with the exception of one of the classic studies of the subject, H. Jacob, *German Administration Since Bismarck—Central Authority versus Local Autonomy* (New Haven, 1963).

THE FOUNDATIONS OF ADMINISTRATION

The Growth of Administration in Kelantan

THE early history of Kelantan is lost in obscurity and a definitive account of its history will probably never be possible.¹ The foundations of the modern State and monarchy, however, seem to have been established with the accession of Long Yunos in 1762 and his successor's efforts to achieve independence from Trengganu at the beginning of the nineteenth century.² However, the emergence of a Kelantanese monarchy, ruling a united state, coincided with the revival of Siamese power and influence in north Malaya, and by the time of the accession to the throne of Siam of Rama III (1824-51), Siam had recovered the position lost as a result of its wars with Burma, extending its control into the Malay Peninsula to include both Kelantan and Trengganu. These states remained in a tributary relationship with Bangkok, and Kelantan in particular acquired an increasingly dependant status as a result of its frequent dynastic conflict, whose outcome was determined by Siamese intervention and arbitration.³ Siamese 'presence' in the area then partly reflected the internal weaknesses of the Malay states themselves. It was also however a response to two other developments in the early nineteenth century, Malay revolt in Pattani and Kedah, and the appearance of a new power in the region, Britain.⁴ Progressive encroachment of British influence in the East Coast states culminated in the Anglo-Siamese treaty of 1909, whereby Siam transferred Kelantan to British protection together with its other three Malay vassal states of Kedah, Perlis, and Trengganu. These, with the later addition of Johore, were to constitute the Unfederated Malay States.

The protected state of Kelantan differed substantially in character from the Malay states acquired earlier by Britain on the West Coast. Situated on the North-East coast of Malaya, Kelantan is bounded on the north by Siam, on the east by the South China Sea, and on the south and west by the States of Trengganu, Pahang, and Perak. Almost inaccessible directly from the West coast, its chief outlet to

¹ Cyril Skinner, *The Civil War in Kelantan 1839* (Monograph of the Malaysian Branch Royal Asiatic Society, Singapore 1966), p. vii.

² Arifin b. Abdulrashid, *Sejarah Kelantan* (Kota Bharu, 1962), p. 45.

³ Walter F. Vella, *Siam under Rama III 1824-51* (New York, 1957), p. 77.

⁴ *Ibid.*, p. 63.

the outside world was by sea, which had been its means of contact with Siam, and at an earlier period with Java. Internally its only adequate means of communication was provided by the river which divides Kelantan into two, to the West and the East. The most important division however was the ecological one of North and South, of delta plain and jungle hinterland.

The Kelantan delta of 600 square miles provided the conditions for the creation of a predominantly padi-growing economy. Up-river Kelantan's isolation was preserved by an area of formidable mountain and jungle covering a large proportion of the State and which was almost entirely inaccessible except by river communication. Until the introduction of rubber at the beginning of this century, the only development in the hinterland was the old-established gold-mining centre at Pulai, which at least since the eighteenth century had been worked by a Chinese mining community.⁵ Apart from the disadvantages arising from its geographical position, Kelantan did not possess the large mineral resources that had attracted European and Chinese enterprise on the West coast, and improvement of communications had not yet made possible the exploitation of its timber resources. For these reasons Kelantan remained a predominantly Malay society outside the mainstream of economic development which was rapidly transforming Malaya's West Coast, a contrast drawn so effectively by Emerson in 1939.⁶

Kuala Lumpur is a city of European government buildings, European and Oriental banks and business, and Chinese and Indian traders and workers, with reminiscent patches of a submerged Malay world. Not so Kota Bharu. Here the visitor is struck by the sense of entering into a town which, with modern trimmings, is an obvious outgrowth of the Malay society.

The Malay character of the state seems also to have been partly the result of the spirit and practice of British administration in Kelantan. The terms of agreement between Britain and the Government of Kelantan in 1910 followed in principle the terms established in the Federated Malay States, the Raja of Kelantan undertaking 'to follow and give effect to the advice of the Adviser in all matters of administration other than those touching Mohammedan religion and Malay custom'. In practice all legislative control was vested in the hands of the British Adviser, and as happened elsewhere in Malaya legislation was also invariably modelled on that of the Federation. Unlike the case of the Federated Malay States (FMS), however, British staff in Kelantan were few in number, and there was a greater opportunity for the Malay population to play a fuller role in both

⁵ Wang Gung Wu, 'An Early Chinese Visitor to Kelantan', *Malaya in History*, Vol. 6, No. 1, 1960, p. 34.

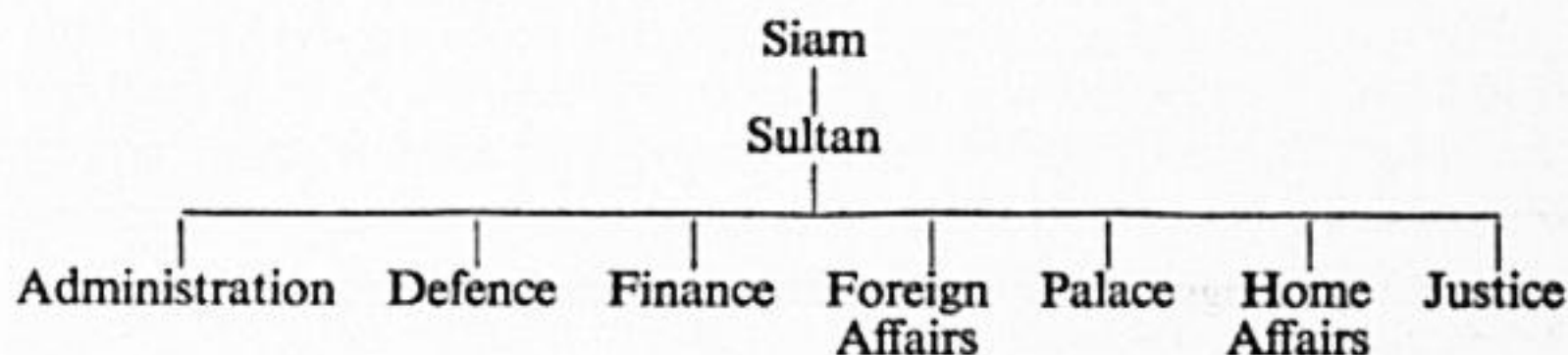
⁶ R. Emerson, *Malaysia—A Study in Direct and Indirect Rule* (Kuala Lumpur, 1970), p. 250.

the economic and administrative fields. This was undoubtedly in part a product of necessity but British officers in Kelantan also tended to be associated with a strong pro-Malay position on matters of policy.⁷

Administrative change in Kelantan before World War II was marked by three main developments; the growth of structural differentiation, increased penetration by administration and the creation of a bureaucratic system of administration.

The traditional form of administration in nineteenth-century Kelantan seems to have followed the pattern found in other Malay states. It was essentially a patrimonial type of administration, functions being delegated by the Ruler to members of the royal family or to the non-royal traditional aristocracy, a group distinguished in Kelantan by the title of Nik and Wan. The traditional character of the administration was illustrated by *inter alia* the nature of financial administration where there was no separation of personal and public revenues,⁸ and the system of feudal 'fiefs' which reflected what was generally a weak central power.

During the reign of Sultan Mohamad II (1837-86), some form of administrative structure seems to have been established at the state level along the lines of the state administration of the old Malacca Sultanate, a number of offices being created to which members of the royal family were appointed.⁹



Mohamad II's successor is said to have abolished this state structure, but by the time of Graham's appointment as Siamese Commissioner in 1902 some tentative efforts at administrative reform had begun. These changes probably reflected the development of administrative reform in Siam itself where, beginning in 1874, Siam adopted a policy of appointing commissioners to its provinces, and during the 1890s undertook a complete reorganization of local and provincial administration.¹⁰ The fact that some kind of attempt had been made to establish a framework of modern administration seems

⁷ Ibid., p. 251.

⁸ W. Graham, *General Report of Affairs in the State of Kelantan, 1903-4*, p. 23.

⁹ Abdul Rashid b. Haji Ahmad, *Bureaucracy Negeri Kelantan: Satu Kajian Perubahan dan Perkembangannya* (MA thesis, University of Malaya, 1970), p. 55.

¹⁰ William J. Siffin, *The Thai Bureaucracy—Institutional Change and Development* (Honolulu 1966), pp. 71-2.

to be borne out by Graham's report that on arrival he found 'unfinished roads, a broken-down telephone system, a Court House, and a police force'.¹¹ Kelantan, therefore, already had a least rudimentary public works, police and legal departments, and a port administration.

The first task Graham set himself was to improve the quality of administration. Before the transfer of Kelantan to Britain in 1909 administrative development had to depend heavily on Malays as administrators, but after the transfer the administrative resources of the FMS gradually became available. In 1910 there were, apart from the Adviser, a Residency Surgeon, a Director of Works and Survey, a Chief Police Officer, and a Harbour Master and Supervisor of Customs. The general pattern at state level was a steady increase of European personnel and the creation of new departments as administration reflected increasing structural differentiation.

The changes occurred gradually however, and in many cases the shortage of specialist personnel was dealt with by periodic visits by officers from the FMS. A State Treasurer was not appointed until 1930, financial returns being rendered and compiled until that date in the British Adviser's office, and no Forest or Drainage and Irrigation (DID) Offices existed until the 1930s.¹² One consequence of the shortage of personnel was that very officer at both state and district levels performed a variety of responsibilities.¹³

The growth of the structure of administration at state level was itself a function of increasing administrative penetration throughout the state. The pattern of expansion was dictated by the natural geographical features of the state and the needs arising from particular factors in its development. As has already been pointed out, Kelantan is divided East and West by the Kelantan River and North and South by the contrast of delta and jungle. In the interior the river provided the chief means of communication and the state capital, Kota Bharu, as in the case of other Malay states, had been established at a strategic point on this main line of communication. In view of the silted condition of the Kelantan River, however, access to communications by sea was via the port at Tumpat, and further down the coast, the Semerak River, which prior to the building of internal means of communication, was the only approach 'road' to the furthest eastern areas of the state. Finally, the initial pattern of administration was partly determined by the economic development of the hinterland. Following the grant to the Duff Development

¹¹ Graham, *op cit.*, p. 2.

¹² *Kelantan Annual Report (KAR)*, 1930, p. 8; *KAR*, 1932, p. 13.

¹³ For example, as late as 1932 one Malayan Civil Service (MCS) officer in Kelantan held the following posts: Superintendent of Marine and Customs, Superintendent of Chandu, Superintendent of Posts and Telegraphs, State Auditor, and Public Prosecutor, *KAR*, 1932, p. 59.

Company in 1900 of large areas of land in the upper reaches of the Kelantan River,¹⁴ the Company established rubber estates in the area of what came to be known as Ulu Kelantan, and which was to constitute the main centre of administration outside the capital.

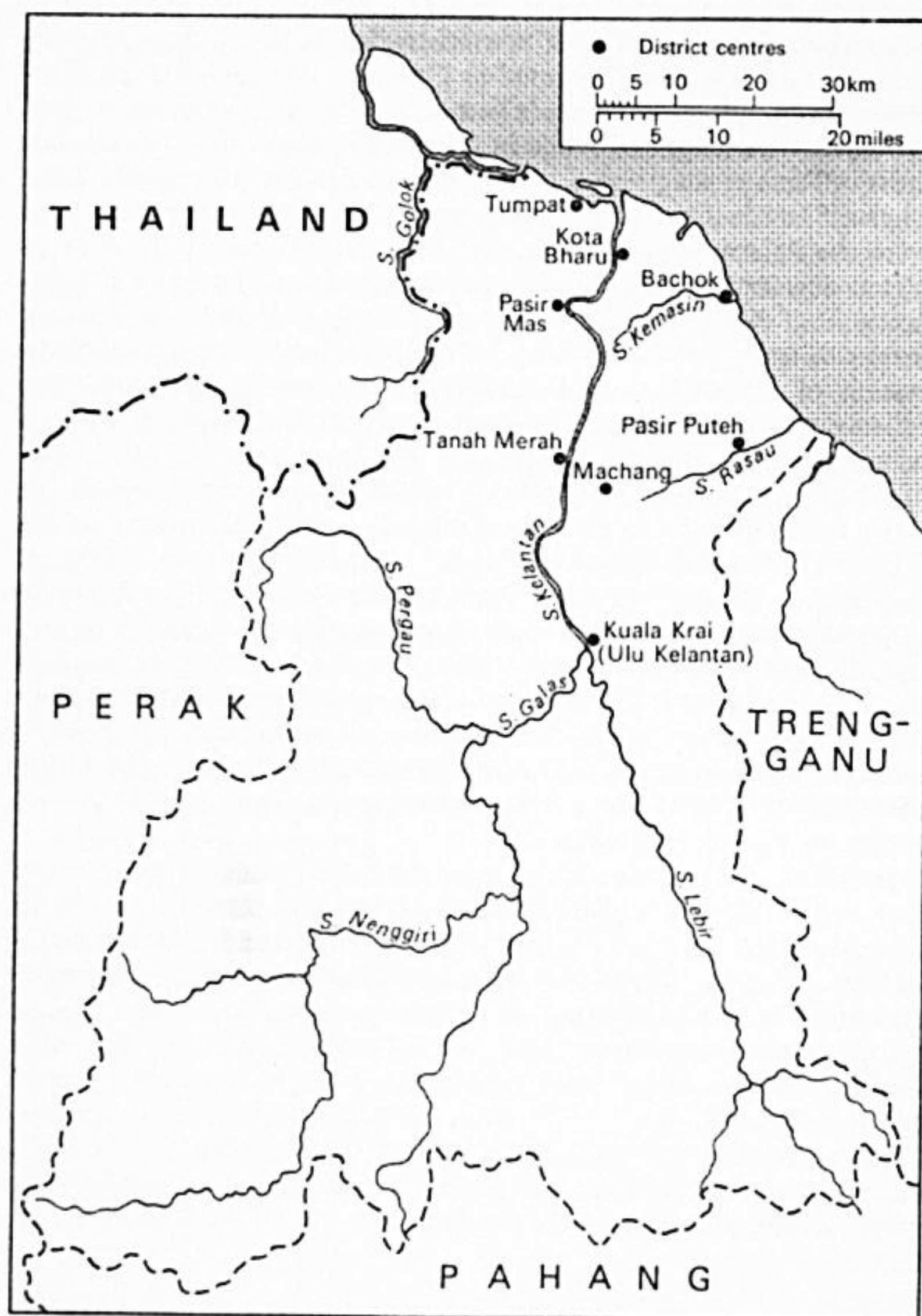
When Graham was appointed as Commissioner in 1902 the communications system in the state was not much more than nature had provided. The length of roads in the state totalled fifteen miles, but most of these roads petered out in padi fields a few miles from Kota Bharu.¹⁵ Inside the capital the only permanent buildings constructed were the Palace, Court House, and Prison, and outside it the completed development was confined to a road to the harbour, a lighthouse, and two village police stations, elephants still being the sole means of transport on land. By 1914, however, the framework for a system of main-line communications had been established. The railway was being opened up from Tumpat to Kuala Krai, and a telegraph following the same route was completed in 1913. The development of communications along the main artery linking the three administrative centres of Tumpat, Kota Bharu, and Kuala Krai also led to the growth of areas close to these routes. One of the first to benefit was Pasir Mas on the Kelantan River, whose importance as a local market was increased by the decision to link the Malayan with the Siamese Railway by the construction of a line from Pasir Mas to Rantau Panjang. A centre for the administration of the large areas East of the river was established at Pasir Puteh which was accessible via the Semerak, and after the Kelantan Rising of 1915 this district administrative centre was linked by road and telegraph with the state capital.

By World War II, the foundations of a network of communications had been laid, with railways, roads, telephone, and telegraph. In 1938, the Public Works Department (PWD) was responsible for maintaining 291 miles of road in the state,¹⁶ which did not include the numerous local village roads and bridle-paths that covered the delta area. The picture that emerges is that for administrative purposes the North-East area of the state was by the 1930s well-served by road communications, but the West and South were still unroaded. Telegraph offices had been established at Kota Bharu, Kuala Krai, Pasir Puteh, and Tumpat, and a telephone exchange in Kota Bharu maintained connections with the other three centres of administration.

¹⁴ For an account of the origin of this concession see, Hunter A. Crawford, 'The Birth of the Duff Development Company in Kelantan 1900-1912', *Malaysia in History*, Vol. 13, 1970. Further details can be found in H. Naysmith, 'A Short History of the Duff Development Company', Kelantan Planters' Association, *Year Book*, 1966.

¹⁵ Graham, *op. cit.*, p. 14.

¹⁶ KAR, 1938, p. 55.



Map of Kelantan (District Centres)

With the establishment of a basic system of communication other administrative services became more easily available to the areas linked by the system. In 1930 there were sixty vernacular schools operating in the state, but almost all of these were concentrated in or near the main administrative centres, the first secondary school being opened in 1936 in Kota Bharu. Other services, for example health and electricity supply, invariably followed the same pattern of development being almost entirely confined to the main urban centres.

The performance of the two basic governmental functions of law and order and revenue, however, clearly required more extensive penetration by the administration. By 1928 twenty-four police stations and posts had been established, but these were inadequate for control of such a scattered population. Revenue administration was, as elsewhere, one of the primary concerns of government, but the basis of any improvement was land settlement, requiring the appointment of government officers in rural areas for the administration of land problems and the collection of revenue. Prior to the 1880s conditions of land tenure varied in different districts and were known only to the headmen. It was the custom for an applicant to apply to the local headman, and on payment of a fee received permission to occupy the piece of land concerned. In 1881 the Sultan introduced a system of registration of land, but a land office for keeping registers of land was not established until 1896.¹⁷ Three years later a Commission was appointed by the Sultan to inquire into all alienated land with the intention of requiring all landholders to obtain grants of title. When Kelantan was transferred to British protection in 1909 there was no Survey Department in existence and no accurate measurement of state land had been undertaken. The task confronting the administration was the surveying of all holdings, and by 1922 most of the holdings in the northern plain had been completed—a progress reflected in the substantial increase in land revenue from \$102,656 in 1910 to \$443,173 in 1926.¹⁸ As the main objective was to compile rent rolls a premium was placed on speed, the result being based on an approximate demarcation of boundaries by the use of the less accurate plane-table survey method.

One of the characteristics of the modernization of administration is the method of recruitment of administrators. The traditional form of administration, as has already been pointed out, was based on recruitment from the royal family and aristocracy, and even at the lower levels of administration the hereditary principle was usually observed. When Graham arrived in Kelantan he found that in spite of some signs of structural change, the administration was still being used by relatives of the royal family in such a way that 'evidence is

¹⁷ *KAR*, 1938, p. 83.

¹⁸ Graham, *op. cit.*, p. 3.

wanting as to their ever having actually benefited anybody but themselves'.¹⁹

Graham was convinced, however, that providing the interests of the ruling class were taken into account, it would be possible to make use of these traditional leaders in a reformed system of administration. This policy of using indigenous leadership was of course an essential part of the concept of indirect rule and was continued after the transfer of power to Britain in 1908. By 1938 all the DOs in Kelantan, except one, were Malay, and by that stage the state had established a Kelantan Civil Service for generalist administrators and a State Clerical Service on the basis of the FMS Scheme. The main purpose of Sultan Ismail College, opened in 1936, was to provide Malays from the ruling class with an education geared to public service needs, and before this selected Malays had been sent to institutions in other states and overseas to obtain the necessary higher education. The chief beneficiaries of this selection system were the traditional aristocracy, who were thus able to establish a long-term control of the Malay administrative world in Kelantan. Recruitment exclusively from this class was the general policy adopted by the British in Malaya, and although this policy was gradually modified in the FMS before World War II, in Kelantan the first commoner was not appointed to the Kelantan Civil Service (KnCS) until 1948.²⁰ At lower levels of administration the hereditary basis of recruitment persisted until independence.

In the inter-war years then the foundations of social and administrative development had been laid. Nevertheless, most development that had taken place had been mainly confined to those administrative centres which had, from the beginning of the century, constituted the focal points of Kelantanese communications. The state had also seen in that period the creation of a large number of new departments, reflecting the increasing scope and complexity of administration. It has to be remembered, however, that limitations of personnel and finance and the negative view of the state's function meant not only that the scope of services was limited, but that administration even in technical areas devolved largely on the district administrator in what was, in many respects, still an undifferentiated and casual system of administration.

The Tradition of District Administration

The traditional form of Malay administration, as described by Gullick, was essentially a decentralized one.²¹ Powers were granted to district chiefs recruited from the royal family or aristocracy, and

¹⁹ Graham, *op. cit.*, p. 3.

²⁰ Rashid, *op. cit.*, p. 112.

²¹ J. Gullick, *Indigenous Political Systems of Western Malaya* (London, 1965).

in practice these possessed effective autonomy in the government of their districts. At sub-district level the chiefs appointed penghulu or headmen directly responsible to them, who were required to fulfil the needs of government at that level.²² Although Gullick is describing the situation in the West Coast states, the main features of traditional Malay administration elsewhere seem to have been broadly similar.

In the later part of the nineteenth century the main division of administration in Kelantan was the district or jajahan. The boundaries of these divisions were fairly arbitrary, being determined by broad geographical features. Over each jajahan the Sultan appointed a representative from the royal family and during the reign of Sultan Mohamed II there seem to have been five jajahan in existence.²³ At sub-district level the jajahan was divided into kueng headed by a tok kueng, who was appointed by the Sultan from families resident in the area. The chief functions of these officials were to act as middlemen between the administration and people, collect taxes, and organize corvee. The smallest unit of administration was the kampong headed by a tok nebeng, in practice an hereditary appointment made by the jajahan chief on the recommendation of the tok kueng.

The heads of the districts were not however locally resident officers but resided in Kota Bharu, their control and administration of the interior taking the form of periodic visits by agents sent out to the area for the collection of revenue and the administration of justice.²⁴ The result was an extremely loose and decentralized system of administration. The tok kueng moreover were not salaried officials and were without adequate guidance or control in the conduct of their work. The office, if Graham is to be believed,²⁵ was filled either by those 'in league with local criminals or miserable nonentities, powerless alike for good or evil'.²⁶

The use of Thai terms to describe these sub-district officials probably reflects the efforts of the Siamese government to establish a reformed structure of local administration in Kelantan, but the structure itself was essentially that of the traditional pattern of Malay administration and it was this that was adopted by the British as the basis for administration in Malaya.

²² Practice seems however to have varied. In some cases penghulus were appointed by the Sultan not by the district chief. Sharom Ahmat, 'Political Developments in Kedah, 1879-1923; A Study of Tradition and Change in a Malay State' (Paper presented to Orientalists' Conference, Canberra, 1971), p. 10.

²³ Rashid, *op. cit.*, p. 54.

²⁴ Graham, *op. cit.*, p. 16.

²⁵ The reliability of Graham's account of this early period of administration on the East Coast has now begun to be questioned. See J. de Vere Allen, 'The Ancien Regime in Trengganu, 1909-1919', *Journal of the Malaysian Branch of the Royal Asiatic Society*, Vol. 41, 1968.

²⁶ Graham, *op. cit.*, p. 16.

In the Malay States the DO was introduced soon after the establishment of the Residential system.²⁷ By that stage the British India system of district administration had become the model for administration in the non-settlement colonies, and in Malaya its Indian origin was reflected in the use of the titles of Collector/Magistrate for Malaya's DOs.²⁸ The appointment of European officers at district level was accompanied by a policy of making use of traditional local leadership of headmen or penghulu for administration in the villages, the penghulu being appointed by the Sultan and paid an allowance.²⁹ As in the case of the DO the penghulu was given a wide range of functions, in particular those of revenue collection, law and order and general welfare, acting as the 'eyes and ears' of government in the sub-district.

Modern district administration in Kelantan was established during the period of Graham's commissionership, a scheme being drawn up for the appointment of officers in different parts of the state in 1904.³⁰ When Kelantan was transferred to Britain in 1909, two sub-treasuries were in existence, Pasir Puteh and Batu Mengkebang, and these together with Kota Bharu constituted the district land offices. The district of Kota Bharu then included what were later to become the separate districts of Pasir Mas and Tumpat, Pasir Puteh then including Bachok and part of the present district of Machang. The Batu Mengkebang office, later moved to Kuala Krai, covered the modern district of Ulu Kelantan. By the end of the 1930s Kelantan had five administrative districts, Ulu Kelantan, Pasir Mas (which included Tanah Merah), Pasir Puteh, Bachok, and Kota Bharu.³¹

Efforts to improve administration at the sub-district level were made both in the rural and urban areas. Graham had recognized that, in principle, the tok kueng was an essential part of a rural system of administration and saw the main need at that level as being one of establishing more effective control over these officials.³² He had taken some action in order to define their powers more strictly but in 1916 these officials were still considered to be a 'neglected, inefficient body of tax gatherers'.³³ and in that year it was decided to establish more effective links with them by holding regular meetings

²⁷ E. Sadka, *The Protected Malay States 1874-1895* (Kuala Lumpur, 1970), p. 214.

²⁸ Ibid., p. 214 n. 3.

²⁹ Ishak b. Hj Pateh Akhir, *District Administration in Selangor 1874-1888* (Graduation Exercise University of Malaya (Singapore), 1957), p. 17.

³⁰ Graham, op. cit., p. 17.

³¹ KAR, 1938, p. 13.

³² Graham, op. cit., p. 17.

³³ KAR, 1916, p. 11. In the following year the Thai titles for district officials were replaced by the Malay terms of Penggawa (Tok Kueng) and Penghulu (Tok Nebeng).

at state level, which from then on became the established practice. The special problems of urban administration were also recognized at an early stage, and in 1912 a Conservancy Board was established chaired by the Superintendent of Lands,³⁴ the Board being responsible for town administration in Kota Bharu, Pasir Mas, and Tumpat. By the 1930s, however, separate municipal departments had been set up in Ulu Kelantan and Pasir Mas under the chairmanship of their respective DOs. These bodies were entirely nominated ones and operated as state departments. The chief functions of this early municipal administration were concerned with conservancy, market, and building administration, sewerage and drainage, but at least in Kota Bharu and Pasir Mas there were some, if limited, efforts at town planning.³⁵

Apart from municipal affairs the scope and nature of the work of the DO in Malaya is perhaps best summarized in the list of his responsibilities in Swettenham's paper on country district administration of 1883 when the system was first adopted in Selangor.³⁶

to control penghulu, hold courts, keep the peace, collect revenue and report the needs of the district. These officers should have a general control over everyone subordinate to them in the respective district, and could be charged with the supervision of Hospitals, Vaccination, Births, Deaths, the detection of crime and the construction of works . . .

His primary responsibilities were however the management of the basic functions of government, the raising of revenue, and the maintenance of law and order, hence the designation of collector and magistrate.³⁷

The main features of district administration were then the appointment of a government officer in sub-national areas as representative of the state. All other officials in the district were subordinate to him and he was to be the main channel of communication between government and the people. The difficult nature of communication, the shortage of specialist officers and the limited view of the role of government in social and economic development combined to produce a system of administration in which the DO exercised

³⁴ KAR, 1912, p. 3.

³⁵ Kota Bharu, *Report of the Municipal Department 1933*. Even in the 1930s, many of the work force were recruited from convict labour, *ibid*.

³⁶ Ishak, *op. cit*.

³⁷ In India the question as to whether these two functions should be combined or separated was long an issue of debate and practice at first varied. As a result of the experience of the Mutiny, however, the decision was made to unite these functions everywhere in British India. In Malaya the Indian practice was followed until 1948 when separate district magistrates were appointed. For an account of these changes in India, see Haridwar Rai, 'The Changing Role of the District Officer 1860-1960', *Indian Journal of Public Administration* 9(2), 1963.

considerable discretionary power, and was the focus of all administration in the district.

What this meant in practice can be seen in a description of the progress of administration in Kelantan in 1913, which reported of a DO that:³⁸

In addition to the ordinary court and revenue work, the DO has made two short traces for 35 feet roads, has supervised the erection of quarters for himself and his chief clerk, a barrack for six of his staff, a market, an ecclesiastical court and a school, has conducted a night-class and has performed a number of vaccinations.³⁹

The involvement of the DO in the supervision and initiating of matters which were later to become the more exclusive responsibility of specialist departments entailed constant work in the field, although as joint Collector/Magistrate Court work had by the 1930s become a major burden for the DO.⁴⁰ The relative importance of these varied functions at that period can be seen in a sample of one week in the life of a DO in one district of Malacca in 1928:⁴¹

TABLE 1

The Diary of a District Officer: Malacca, 1928

Day	Business
1	Office Papers; Land Office Registers, Rolls, Maps, etc.; Court; Arrangements for coconut census; Visited site for new quarters with Assistant Engineer. Office.
2	Office Papers; Interviewed all penghulu; Visited by Superintendent of Revisionary Survey re-Survey.
3	Office Papers; Court; Inspection of certain rural areas.
4	Office: Court (11-1.30 p.m.; 2-4.30 p.m.).
5	In court all day.
6 and 7	Office and Court all day.

One reason for the wide variety of tasks undertaken by the DO was the severe shortage of professional officers, as a result of which

³⁸ KAR, 1913, p. 4.

³⁹ A picture no different from that of the work of the DO in mid-nineteenth-century India:

'It had been said of the eighteenth-century civilians in Madras that "no member of Council would hesitate at a pinch to take command of a company of foot, to read a sermon, or administer a dose of physic". That was still true of almost everyone in the service, but to the list should now be added: "to lay out a road or a canal, design a jail or build a house". Every district officer was his own engineer as well as his own policeman.' P. Woodruff, *The Men Who Ruled India* (London, 1965), Vol. 1, p. 308.

⁴⁰ See, for example, the concern expressed by the DO of Ulu Kelantan at the growth in court work (Ulu Kelantan), *Annual District Report*, 1933 and 1934.

⁴¹ Jasin, *District Officer's Diary*, 1928.

DOs were often required to combine a number of posts. An officer in Dindings on the West Coast, it is said, claimed a record when as a DO he was head of every department in the district; the result was a considerable confusion of judicial and executive responsibility.⁴²

he caught out a PWD overseer misappropriating funds, laid an information as O/C PWD, issued a warrant as Magistrate, arrested him as CPO, prosecuted him in Court, then, sitting as Magistrate, accepted his plea of guilty, sentenced him to imprisonment, and finally as O/C prisons, led him off to gaol.

The author of this anecdote, in 1928-9 in Labuan, was himself holding down nineteen posts.⁴³ This was no doubt exceptional but in Ulu Kelantan in the 1930s the combining of the functions of Collector, Magistrate, and Controller of Labour enabled the DO to exercise considerable authority. In the same district there was at that time only one other seconded Officer, the State Forest Officer,⁴⁴ who was therefore not really part of the district establishment. The Chief of Police was the representative of what was then a State police service but the subordination of the police to the DO was fully recognized, particularly in a district where the post of DO was always held by a British MCS officer and the police post by a Malay.

Where professional departments had begun to penetrate to district level the authority of the DO does not seem to have been seriously undermined. The problem of the relations between the DO and specialist departments had indeed been recognized in the early stages of British administration in Malaya and the issue had been broached in a minute issued for the guidance of DOs in 1890.⁴⁵ The attempt was made then to distinguish between general administration and professional functions based on the principle of dual supervision. However, it was clear that even in the inter-war years DOs were in fact exercising wide supervisory functions in professional administrative matters. Diaries of DO's record visits and detailed inspections of the activities of other departments; these might include the checking of a police superintendent's report on a disturbance, detailed study of measures taken to deal with the flooding of padi, weekly visits to the local hospital, intervention in a local labour dispute, and inspection of all proposed building sites in company with the technical officers concerned.⁴⁶ The continued authority of the DO in his relations with professional departments is partly accounted for by the fact that administration was still

⁴² 'The Editor's Anecdote—3', *The Beam*, Vol. 10 No. 1, 1966, p. 3.

⁴³ loc. cit.

⁴⁴ Ulu Kelantan, op. cit.

⁴⁵ Sadka, op. cit., p. 399.

⁴⁶ Jasin, op. cit.

sufficiently undifferentiated as to provide that district-level representatives of specialist departments might be formally responsible to the DO. However, of considerable significance was the status difference between the generalist administrator and the technical or professional service officer. In Kelantan, it seems, that even a state-level technical officer might be required to obtain the approval of a DO before he was able to enter the district, and no department would act in the district before consulting the DO.

Given the wide range of functions and the privileged status of the DO, these officers in practice possessed a considerable degree of independence and discretionary power. This would obviously vary, depending on the state and district, the condition of communications, and the degree of penetration by the administration. Within Kelantan, perhaps partly because of the fact that the post was always held by a British officer, the DO, Ulu Kelantan, seems to have administered what has been described as an 'island kingdom'. Although there might be no equivalent of the British DO in India, who decided which Indian legislation was to apply in his district, a DO in pre-war Kelantan might successfully defy a British Adviser's decision to dismiss a *penggawa*,⁴⁷ and combining as he did the functions of magistrate and Controller of Labour, enabled the DO in Ulu Kelantan to exercise considerable discretionary, and even arbitrary, power in resolving industrial conflict.⁴⁸

It was inevitable, however, that both political and administrative development would ultimately begin to erode the position of the DO. Prior to World War II this process in Malaya seems to have been almost imperceptible because of the unchallenged position of British rule and the limited development of administration below state level, particularly in such an area as Kelantan.

Political developments occurred late in Malaya, but with the achievement of independence, the growth of party organizations and the expansion of the role of government in development, the position of the DO became more problematic. It is the effect of these changes on the DO today that will be examined in the chapters that follow.

⁴⁷ 'The Editor's Anecdote—34', *The Beam*, Vol. 13, No. 7, 1969

⁴⁸ For an example of the considerable reserves of prerogative power of the DO, see the account of conflict between the DO, Ulu Kelantan and a major Estate Agency over 'sharp practice' in regard to the payment of coolie wages during the Depression. 'The Editor's Anecdote—2', *The Beam*, Vol. 9, No. 12, 1966.

DISTRICT ADMINISTRATION

The Structure of District Administration

THE districts in Kelantan are on the whole small both in area and population, the state itself having a population less than that of a typical district in India.¹

TABLE 2
Area and Population of Districts in Kelantan²

District	Area (sq. mls.)	Population (Total Pop. Kelantan— 680,626)
Bachok	104.6	62,119
Kota Bharu	157.6	208,076
Machang	199.6	51,637
Pasir Mas	211.3	100,734
Pasir Puteh	166.4	70,243
Tanah Merah	590.9	57,444
Tumpat	64.0	73,155
Ulu Kelantan	4,270.4	57,218

Communications between the state capital and the headquarters of districts are very good, with frequent passenger taxi and bus services, apart from telephone and in some cases rail communication. Such a system of communications permits a considerable degree of centralization and control.

Kelantan is divided into eight districts each headed by a district officer (pegawai jajahan), every district office being a sub-treasury and land office. The jajahan is divided into daerah under an officer called a penggawa, the daerah in turn being divided into mukims in which government is represented by a penghulu who is not however a member of the civil service establishment.³

¹ The average population of districts in India varies between states but in almost all cases it exceeds one million. See Haridwar Raj, 'Helping the District Officer in India', *Journal of Administration Overseas*, Vol. VIII, No. 1, 1969, p. 36.

² Source: Department of Statistics (Federation of Malaysia), *Population and Housing Census of Malaysia—Field Count Summary 1970*.

³ The district in Kelantan is called jajahan, but for reasons of convenience the term district will be used here. The Malay word for district, daerah, is used in Kelantan for the subdivision of the district which is the responsibility of the penggawa. When this subdivision is referred to in this study I will use the term daerah. There is also a difference of usage in Kelantan regarding the titles of

The staff of the district office consists of general administrative officers assisted by clerical and other workers, all being members of the State Civil Service. The total establishment of Kelantan district offices in 1971 is shown below:

TABLE 3
Total Establishment: District Offices, Kelantan, 1971⁴

District	Adminis- trative Officers	Settle- ment Officers	Clerks, typists, notice- servers, etc.	Labourers	Penggawas	Total
Bachok	4	4	33	2	8	51
Kota Bharu	4	6	67	1	14	92
Machang	4	6	30	2	6	48
Pasir Mas	4	8	45	2	10	69
Pasir Puteh	4	5	36	5	8	58
Tanah Merah	4	9	31	3	5	52
Tumpat	4	4	35	1	7	51
Ulu Kelantan	5	7	44	4	6	66

Overall responsibility for the work of the district office rests with the DO, but in the management of district administration he is assisted by ADOs. Some of these will be gazetted as Collector and Assistant Collectors solely concerned with land functions, other ADOs being delegated work by the DO sharing his responsibilities in the numerous committees chaired by the DO, acting as adviser to local councils and assisting generally in district office administration. Since 1970 in Kelantan administration of land matters has been taken over by the Collector who, except in matters of policy, is entirely responsible for land administration in the district and directly answerable to the State Director of Lands and Mines. Apart from his general responsibility for land administration the Collector is mainly involved in work regarding grants of title, Temporary Occupation Licences and land cases, including illegal settlement and problems of enforcement. The Collector delegates other duties to his Assistant Collectors, usually those of land revenue, registration of land and pesaka.⁵ The land

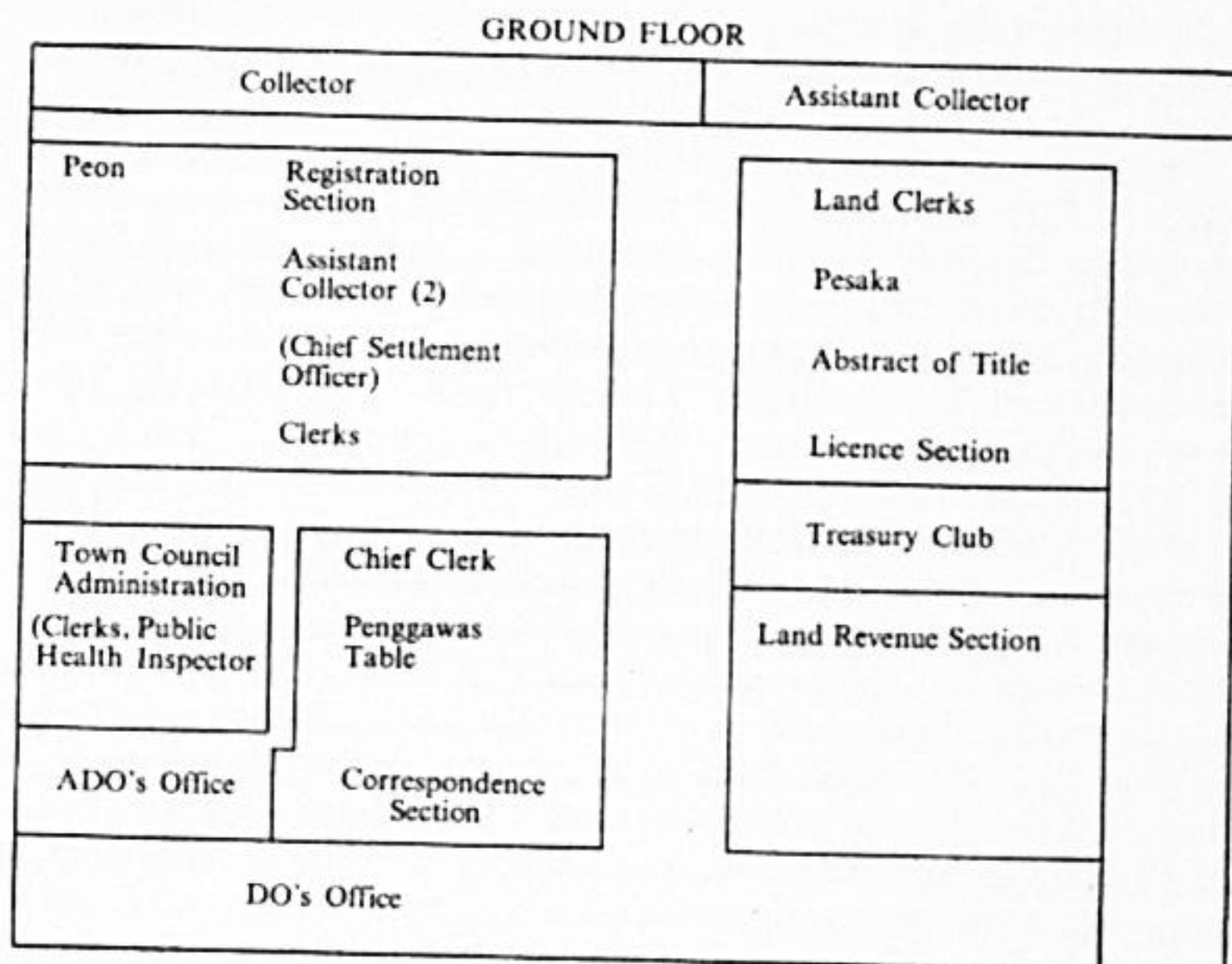
subdivisional officers. In other states the subdivisional officer is known as the penghulu, in Kelantan as the penggawa. The penghulu in Kelantan is the representative of government in the subdivision of the daerah known as the mukim. The latter refers to the mukim land division. In addition to this subdivision of the district for land administration purposes, there are also mukim subdivisions under the religious affairs administration which do not coincide with the land mukim boundaries, but which are determined by the needs of mosque administration, and religious worship, rather like the English ecclesiastical parish.

⁴ Negri Kelantan, *Anggaran Hasil dan Perbelanjaan*, 1971.

⁵ The provisions for inheritance under the Small Estates Distribution Act.

administrators are assisted by settlement officers (SO) who are responsible for the demarcation of land in cases of land alienation and acquisition.

Taking as an illustration one district in Kelantan, the district office is a two-storey building forming part of an administrative quarter of the district town, and also providing accommodation for some of the professional departments. The accompanying diagram illustrates the internal organization of this district office:



The first floor, as well as providing office space for a number of departments including the Department of Information and Survey, consists of a Council Chamber, used for local council and administration committee meetings, and the tracers' section.

The front of the office is divided into three main sections, the largest being that dealing with land-revenue payments. The payments section receives payments of land revenue, irrigation tax (on land that is irrigated—in this district this is an important revenue source as it is a double-cropping area), and education tax. All three taxes are paid together but education tax is only levied on land of five acres and above, and the rate varies with the type of land-use. The work of this section is seasonal, the main pressure of work being in the final month for land-revenue payment, the month of May. Not all payments however are made within the time limit laid down by the

National Land Code. In October payments outstanding may be as much as 30 per cent and in some districts most revenue is paid in after May. In a small percentage of cases there are often arrears of three or four years standing. The amount collected in a year will obviously vary from district to district, but in this particular district the annual land revenue is approximately three-quarters of a million dollars. The revenue section deals on the average with about twenty persons a day, but in the revenue season this total will be increased to about two hundred cases a day. It is then that the area of the district office takes on the appearance of a market place with families arriving from the villages and gathering in large numbers, eating out and passing the time of day on the padang.⁶

The heart of the revenue administration is the treasury club which receives all revenue paid into the district office, and is responsible for the accounting of district finances. The treasury also handles all payments by the district office such as allowances and wages. All money received by the various sections of the district office, except for the town council administration, is finally paid into the treasury which then pays the money into the government account subject to the right to retain a certain maximum holding.

One important source of revenue is licence fees. The district office is responsible for a wide range of licences and registration fees under various legislation. Licensing powers include licensing for public entertainment, rubber dealing, petrol, perahu, and motor-boats while registration fees are administered under legislation such as the Registration of Civil Marriages and the Adoption Ordinances. For this work there is one licence clerk who receives less than ten cases a day although here too there are seasonal variations. This clerk is subject to two main controls; licence forms and the record book of licences are submitted to the Chief Settlement Officer who is also gazetted as Assistant Collector, and has overall responsibility for licensing administration, and secondly the Chief Clerk of the district office who, apart from his general responsibility for the clerical staff, closes the accounts of the sub-treasury at the end of each day.

The third section at the front of the office is entirely concerned with land administration and forms part of a land administration unit which includes a chief Registration Clerk and Chief Settlement Officer within the main office. The work of this section covers all the various aspects of land administration, namely registration and buying and selling of land, extract of title, small estates inheritance, and grants of title.

The chief clerk of the office has a number of functions. As chief

⁶ In some districts the practice is still followed of sending staff out to the villages to collect the land revenue. Padang is the open park area often found in the centre of the administrative area of district towns.

clerk he is responsible for the supervision and management of the clerical administration and reports on the work and progress of each clerk to the DO annually. As has already been mentioned he also has responsibilities in regard to the sub-treasury. Finally he is public relations officer whose duty it is to assist members of the public who arrive in the district office.

A variety of functions devolve on one of the clerks, called the development officer, although describing himself as pilgrimage clerk because this reflects the nature of much of his work, at least in the last part of the year. The district office deals with the whole of the procedural requirements for pilgrimage to Mecca, one of the ADOs interviewing applicants, and the special pilgrimage passports are obtained from the district office where the required deposit is also paid. Besides this work he is clerk of the local council and is also sometimes used for other minor clerical tasks. A more important function of this clerk is the handling of citizenship applications. He issues the necessary forms and conducts a preliminary questioning of the applicants. There are usually three or four cases a week of this kind.

Next to the DO's office is the correspondence section of the district office made up of two clerks and one typist. All official letters are opened by the DO (or ADO), and when opened are brought to the correspondence clerk who finds the appropriate file and enters the letters then sends the file to the officer concerned for further action. This section maintains a check on the movement of files, keeping a movement register for the purpose. The clerk also serves as clerk for the monthly meeting of penggawas.

Apart from these monthly meetings, penggawas, penggawa clerks, and penghulus can be found almost every day of the week in the district office performing some of their multifarious responsibilities, although usually their main work in the district office is concerned with the buying and selling of land. One table in the district office is reserved for their use.

Behind the main section of the district office is a separate division for town council administration. The establishment consists of one chief clerk, a public health inspector, and three or four clerks. All of these are state officers but are paid by the Council. The chief clerk is primarily responsible for the financial administration of the council, keeping the accounts and records, paying the wages of council employees, and supervising the clerks in the council office. It is here that the public pays its rates and licences, this revenue being kept separate from that of the land office, as in the case of a financially autonomous council revenues are not paid into the district treasury. Where there is only one Public Health Inspector this officer has a heavy load of work and responsibility. Among his chief responsibilities

are the cleaning of the town, inspection of buildings, and the assessment of rates. Most of his time is taken up with these tasks, but he is also responsible for the examination and renewal of all licences issued by the town council.

Ultimate responsibility for the administration of the district office rests with the DO, but in practice he has to depend upon his subordinates and on the public for ensuring effective control over the affairs of the office.⁷ With the increased work now being given to the DO, the latter has little opportunity to watch over the daily business of the office, but responsibility for this is delegated to one of the ADOs. In addition the chief clerk submits his annual report to the DO, and the latter is able to maintain a general check on the administration through the monthly submission to him of the accounts, and his responsibility for replying to the auditor's criticisms of the financial administration of the district office.

The Malaysian Constitution although federal in character has strong unitary features and the distribution of functions between the Centre and the States is such as to leave few responsibilities to the State government. As regards administrative personnel, in former Unfederated Malay states like Kelantan the generalist administrators and clerical workers as well as the public labour employees are recruited by the state, the latter having its own State Civil Service and Clerical Service. All its technical and specialist officers, however, are on loan or secondment from the federal service. Although there are exceptions, the general position is that federal officers serving in the state are paid by the state and are therefore responsible to it during their period of service in the state. This does not apply in the case of officers of statutory boards, such as the Majlis Amanah Ra'ayat (MARA) set up in 1966 to assist Malays in commerce and industry, or of some departments, such as Education, who are paid by and directly responsible to their federal headquarters. In the majority of cases, however, clerical staff even in federal departments are members of the State Clerical Service.

Including statutory bodies there are over twenty specialist services operating at district level but the actual structure of the administration varies as between services. The shape of administration in Kelantan is determined by a number of factors; the system of com-

⁷ Following the recommendations of the Development Administration Unit Report on Land Administration, many district offices are now organized on the basis of the Unit Assembly system. The principle of the system is that each section of the office work is made the responsibility of one senior clerk and the files for each section are given a selected colour. The system enables the administrator to achieve more effective control of the flow of work and ensures accountability. Development Administration Unit, *Land Administration: A Study on Some Critical Areas* (Kuala Lumpur, 1968). Not all district offices have adopted this system.

munications, the shortage of personnel, the nature of the service provided and area factors. Kelantan has a good system of main communications within the state between the district headquarters and the state capital, and this, as has already been pointed out, makes possible a fair degree of centralization.⁸ But while the main communications may be good, within some of the districts communications are more difficult.

Related to this last point is that many of the specialist departments face a shortage of officers and therefore cannot even provide an officer for each district. Below district level many departments for reasons both of shortage of staff and of difficulty of communication depend to some extent on the general district land administration of DO and penggawa.

The administrative structure of a department will also be determined by the nature of the service provided and the extent of the development of the service concerned. In some cases the advantages of centralization may outweigh those of a decentralized structure. For example the decision to centralize MARA administration at Kota Bharu was largely influenced by the advantages of the common services which state MARA headquarters could provide for its district MARA officers. The need for retaining effective control of its visiting teachers, formerly stationed in the districts resulted in a similar decision to centralize on the part of the education department in Kelantan.⁹ On the other hand where personal and prompt service is necessary substantial decentralization is essential, as for example in the case of medical services. A particular type of service, such as drainage and irrigation, may only be provided for certain areas and therefore no administrative arrangements are necessary outside those selected areas. Most departments have adopted as their unit of administration the established district boundaries. The existing structure was bound to influence the new departments as they came to be established, and with the machinery of co-ordination also focused on the district as well as the need for many departments to make use of the general district administration, it was probably inevitable that the district became the normal unit of administration for most departments. However, it was also to be expected that an area of administration established for one purpose, land administration, would not

⁸ To take only one example, before the building of the Kelantan bridge, the National Electricity Board had one officer-in-charge stationed in Pasir Mas, but when the bridge was completed there was no longer any need to station an officer there as the district station was of easy access.

⁹ Within Education administration however there is a further decentralization on functional lines in the form of school boards. Every school has a school board consisting of representatives appointed by the state and federal governments. In some cases these boards are chaired by the DO.

necessarily be suitable for all the variety of services now provided by a developing society.

Outside Malaysia one of the most debated administrative issues has been that of the viability of existing areas of administration. It was a major feature of the debate on local government in Britain over the last decade, and in France one aspect of the discussion of the future of prefectoral administration was the suitability of traditional areas of administration in the light of modern social and economic development.¹⁰ In Malaysia the question of the future of the district as a unit of administration does not appear to have been widely discussed, although the needs of urban planning and development have begun to force some kind of examination of the issue. It is therefore of interest to see the extent to which district boundaries are in fact used by the specialist departments as areas of administration.

In Kelantan the practice of the departments varies widely. Some have officers in every district, some have none. A number of departments owing to the limited scope of their service have officers in only a few districts. The Drainage and Irrigation Department (DID) for example has only a Western division as before the Kemubu scheme all irrigation schemes were confined to the area West of the Kelantan River in Pasir Mas. Other departments because of a shortage of officers, while observing the district boundaries, combine districts for the purpose of administration. Kelantan is divided into four PWD administrative areas, two of these combining three land districts each. Health administration areas are also groupings of districts. In some cases however district and sub-district boundaries do not determine the areas of departmental administration. In one case, the police have established a separate police district cutting across a district boundary, and particularly in a frontier area like Kelantan the positioning of police stations has to be governed by security needs rather than the distribution of sub-district administrative areas. The variation in development and settlement in different areas of Kelantan entails uneven distribution of work for a department such as forests. Ulu Kelantan constitutes the main burden of responsibility for the forest department, and new proposals for the re-organization of the administration of this department will result in the breaking up of the district of Ulu Kelantan, some parts of which will for administrative purposes be combined with other districts.

Within each of the districts there is a separate set of administrative boundaries for local government. Local representative councils were not established over the whole country and their areas do not include most of the population or land area of the district. In Kelantan there

¹⁰ For a discussion of the position of the Prefect in the new regional organization for economic planning, see L. T. Sweetman, 'Prefects and Planning: France's New Regionalism', *Public Administration*, Vol. 43, 1965.

are twenty-eight councils but their areas cover only a small proportion of the area and population of the state. For example, in the district of Pasir Mas with a population of over 100,000 and an area of almost 239 square miles, the total population and area of all councils are 14,440 and 5.5 square miles respectively. Local government however remains a part of district administration in that the councils fall within the responsibility of district administration and in no case do their boundaries cross those of the district.

The DO and District Administration

The DO in Kelantan is a state officer, a member of the Kelantan Civil Service. Usually with a lower standard of formal education than his MCS equivalent¹¹ he is however likely to be older than a DO in the West Coast states, and indeed older than the district-level officers of most of the professional departments. He therefore possesses greater administrative experience than his administrative colleagues in the district, over half the DOs in Kelantan having been in the service for ten years or more.

Since the period of the Emergency top priority has been given to the role of the DO as 'the natural and single leader of his district'.¹² This leadership role is a function of both the nature of the office itself, and the ecology of administration which influences the style of administration. In terms of Max Weber's analysis of power and authority it can be said that the office of DO combines authority based on the charisma of the holder of the office, the routinized charisma of the office itself, and the legal-rational authority which derives from the specific responsibilities given to this officer under a rational system of delegation of functions.¹³ The conditions of the society in which the administrator has to work, and the kinds of tasks which Government has imposed on this field administrator tend to give greater weight to the non-legal/rational bases of his authority.

The prestige of the office of DO is partly an inheritance of the colonial period but in Kelantan the DO also derives additional prestige from other sources, the formal authority of the administrator being strengthened by the legitimacy of tradition. Until recently most of the KnCS were recruited from the Kelantanese aristocracy and

¹¹ A University degree is an essential qualification for entry to the federal administrative service. There are no graduate DOs in Kelantan and it is only very recently that the KnCS has begun to recruit graduates.

¹² Federation of Malaya, *Report of the Land Administration Commission* (Kuala Lumpur, 1958), p. 19. 'The Emergency' is the name given to the Communist insurgency in Malaya, 1948-60.

¹³ For an interesting but more restricted application of the concept of charismatic bureaucracy, Helen Constan, 'The USSR—From Charismatic Sect to Bureaucratic Society', *Administrative Science Quarterly*, Vol. 6, No. 3, December 1961.

even today DOs often bear a title of rank. Kelantan is an area of Malaysia that has only recently begun to feel the impact of development and where, in spite of adjustment to new social pressures, the influence of traditional sources of power cannot be entirely ignored. However although the relationship between the DO and the people may have some of the appearances of paternalism, the political changes since independence have meant that it is a paternalism without power—a situation in which the power to command has been replaced by the duty to persuade.

The role of the DO is to some extent determined by the quality of the holder of the office, and by what he himself sees his role to be. A DO for example might be greatly interested in the personal relations aspect of his work and his house might be an object of visits by his 'flock' when he acts as adviser and welfare officer.¹⁴ This is probably not typical today, and some DOs would deliberately avoid a relationship of that kind which they would consider brought as many risks as advantages. Nevertheless the importance attributed to the style and personality of a DO even today can be seen in a recent case of public protest at the decision of the state government to transfer a DO to another district. The importance of the social leadership role of the DO derives from certain features of the social environment in a developing society.

Firstly, there is not a large middle class with a tradition of social and public service to provide leadership in the local community. The DO today is typically involved in a variety of voluntary organizations filling the gaps in community leadership, which in the more heavily urbanized areas are however being gradually filled from within the community itself and the DO's wife is expected to be no less active in equivalent women's organizations. Even where there is a professional officer with responsibilities for some of these organizations the DO is expected to attend their activities, his support being seen as a guarantee of the integrity of the administration of the association and a useful means of attracting community financial support.

Secondly, the DO is important as a mediator and arbitrator in the community, a role which he is able to play because of the prestige of his office and the image of the DO as the impartial representative of government. The need for such mediation arises from the nature of

¹⁴ One illustration of the paternalist role, from a district outside Kelantan, is provided by a newspaper report of a meeting between a DO and town council labourers in 1962. After explaining that he spoke as 'head of the family', the DO advised them not to get mixed up with bad elements and spend their pay on drinking and betting. 'If this simple rule were followed', he concluded, 'there would be no quarrels between wives and husbands which were common among labourers.' *Straits Times*, 7 August 1962. On the similar pastoral role of the local party bureaucracy in the Soviet Union, J. Hough, *The Soviet Prefect* (Cambridge, Mass. 1969) pp. 112-13.

some conflicts and the tradition of handling the problems of the local community by discussion and negotiation. Certain types of conflicts cannot be dealt with by formal administrative or legal processes even if such machinery existed for every aspect of social conflict. The administrator is however more concerned with preventing potential conflict coming to a head and is therefore required to take the initiative in maintaining cohesion in the society. The importance of this is most evident in the case of religious and ethnic conflict.¹⁵ In one district, for example, the possibility of conflict between two ethnic groups because of the actions by one group which were seen as a threat to the religious sensitivities of the other was resolved by the intervention of the DO, in circumstances in which other departments which had some responsibilities in this matter refused to intervene.¹⁶

His role as arbitrator illustrates what is understood to be the DO's general function as representative of government and the residual authority responsible for the general interest of the community. In the DO governments possess an executive authority which can be given responsibility whenever an emergency task faces the government of the community.¹⁷

The position of the DO clearly cannot be understood simply by an examination of his formal functions. The basis of his authority is difficult to define and describe because it requires a fuller analysis than is possible in a study of this kind of such questions as public perceptions of the office and the expectations of the ra'ayat (the people) themselves. There does seem to be some basis for the view however that people still feel the need for this kind of social/administrative leadership whether it is to be explained in terms of traditional deference, the practical necessity for the general administrative structure in the rural areas given the present stage of administrative development, or the continuing need for this type of leadership in

¹⁵ Accounts of the work of the DO in India, particularly in the inter-war years, provide many examples of the importance of the DO as a peace-maker. See, for example, Woodruff, *op. cit.*, Vol. 2, Part 2, Chap. 3.

¹⁶ Often in cases of this kind professional departments may have no immediate responsibility at all. In his sweeping criticisms of the prefectoral type of administration, Sisson argues that the types of conflicts handled by Prefects are dealt with in the British type of administrative system by the appointment of committees of inquiry whose membership would be determined by the nature of the issues involved. But in some cases the DO has to act in areas not covered by administrative rules and regulations, where departments do not have responsibility and where effectiveness depends on judicious, rather than judicial, prompt decisions. Success in that kind of situation tends to be a function of the status and personality of the officer concerned. For Sisson's views, C. H. Sisson, *The Spirit of British Administration and Some European Comparisons* (London, 1965), Chap. VII.

¹⁷ To take only one recent example, district officers have been given the responsibility for enforcing the sugar regulations introduced as a result of the sugar shortage.

view of the nature of the development programmes now being implemented in Malaysia.

The original functions of the DO, magisterial and land administration responsibilities, are no longer an important part of his work. In 1948 district circuit magistrates were appointed¹⁸ and since then the DO has not been involved in the substantial periods of court work which were characteristic of the routine of the pre-war DO. He is still gazetted however as first-class magistrate and today that means in practice acting as commissioner of oaths, signing summonses and warrants and appearing briefly in court to remand cases. Before the war land administration was regarded as the most important part of a DO's work but by the time of the Emergency (1948-60) it was already clear that land administration was being accorded a low priority in district administration.¹⁹ From 1970 following the practice previously adopted in parts of Johore the DO in Kelantan ceased to be collector of land revenue, the latter becoming a full-time land administrator.

While there has been a rapid decline in the work of the DO in his traditional fields of administration other new responsibilities have been added, with the result that the DO today has a greater burden and different focus of work than his pre-war counterpart. The change in the pattern of his responsibilities originated from the Emergency period when the DO was involved in a wide range of tasks related to security, many of them being of a developmental character. Describing his experience in Kelantan in the 1950s one former DO wrote:

Most of the week was spent on Emergency business, but for the DO this meant a variety of activities from State War Executive Committee meetings in Kota Bharu to jungle exploration of potential agricultural land and irrigation areas for new regrouped Kampongs, town planning of new villages, establishment of them, and morale-boosting trips to communities distressed by their regrouping, or refusing to be regrouped, trips for payment of sums due for emergency new village works etc., and . . . frequent visits in company with policemen, engineers and . . . visiting dignitaries.²⁰

In the same district the Emergency period was exceptional as the routine work of district administration was left to one of the ADOs, the DO being exclusively concerned with Emergency business. With the separation of land functions combined with other changes the DO's routine is however increasingly taking on some of the features of his predecessor's of the 1950s.

¹⁸ Full-time magistrates were appointed in Kota Bharu however as early as the 1930s. *KAR*, 1937.

¹⁹ *Federations of Malaya, Land Administration*, op. cit., p. 19.

²⁰ In correspondence with the author. At the height of the Rural Development programme of the early 1960s outside Kelantan the structure and impetus of the administration of the Emergency period seems to have been continued. G. Ness, *Bureaucracy and Rural Development in Malaysia* (California, 1967).

Today apart from the management of the district office, the list of duties of a Kelantan DO include the chairmanship of about thirteen official committees (apart from those of voluntary organizations), besides responsibility as registrar under a variety of legislation, and the chairmanship of and general responsibility for town council affairs. With the increased importance of development and security questions the DO however is mainly involved in what have now become his chief functions of co-ordination and communication. A sample of the work of one DO over a three week period showed that out of thirty-one items of work, other than correspondence, twenty-seven entailed meetings with individuals or committees, of which seventeen were meetings directly or indirectly concerned with development matters and at least five with security ones.

Another district where more detailed analysis of the routine of the DO was possible showed a more varied distribution of work, in terms of categories, but the development item in practice consumed most of the DO's time.

TABLE 4

*Analysis of Business of DO, other than correspondence*²¹

Social Activi- ties	Magis- trate	Local Govern- ment	Develop- ment	Citizen- ship	Educa- tion	Misc.	Total
9	2	6	11	2	2	5	37

The main concerns of the DO today are development and security reflecting the priorities of the government of Malaysia under the Second Malaysia Plan and the problems posed by the racial and communist situation since 1969. Both issues, development and security, are now seen as interrelated ones, the solution of the security problem being considered to depend ultimately on the success of the socio-economic development programme.

The basis for the co-ordinating role of the DO is the instruction issued in General Orders requiring all departments to 'keep in touch with and comply with the wishes of the District Officer in the execution of their duties . . . and keep him informed of the progress of all important works and schemes'.²² It further stipulates that the District

²¹ The analysis is of the items of work of a DO over a period of one week. The method used for the collection of this data was that of record slips prepared by the writer, the DO being requested to fill in one slip for each item. The method was adapted from the discussion by H. D. Lasswell, 'Self-Observation: Recording the Focus of Attention', in Robert K. Merton *et al.*, ed., *Reader in Bureaucracy*, Free Press (Glencoe, 1960). Correspondence does not constitute a major burden for the DO, although the amount of incoming mail is fairly substantial. Compare the rather different experience however of the Indian DO. Haridwar Rai, *Helping the DO*, op. cit., pp. 26-7.

²² Federation of Malaya, *General Orders*, cap. M. p. 1.

Officer should report all cases of departmental conflict which cannot be resolved at district level. In Kelantan since the end of the Emergency these requirements have been inoperative. Under the Second Malaysia Plan however new administrative structures and procedures have been established by federal directive at all levels from district to national. The district structure which takes a similar form at state level is made up of three committees. There are two working committees, one on development and one on security. These committees, chaired by the DO, consist entirely of government officers, the only difference in composition being that the security committee includes representatives of the army and the police. Above these committees is a district action committee consisting of all the officers of the other two committees but also includes state assemblymen and members of Parliament from the district. The latter committee has the power to deal with all questions arising in the district and is the most important and most powerful of the committees. This committee organization is part of a nation-wide structure of co-ordination. Both the development and action committees keep minutes of the proceedings, copies of which have to be forwarded within forty-eight hours to the state and federal governments. In Kuala Lumpur all minutes are received by the Implementation, Co-ordination, and Evaluation Unit of the Prime Minister's Department which analyses the problems raised by the information from the districts. The directive requiring the setting-up of these committees also stipulated that they were to meet every week, the development committees twice a week. There are no official minutes kept of the proceedings of the security committee, the DO being responsible for forwarding a confidential report to the state and federal governments in regard to security matters.

The burden of committee work for the DO has therefore been increased and the position is even more difficult for the officers of some specialist departments who may be administering two or three districts. In response to complaints about the burden of committee work it seems that the federal government has accepted that the new directive should be interpreted more flexibly. There are however still two committees concerned with development and it is a widely held view among district administrators that two committees are unnecessary, there usually being little difference in the content of discussion in these committees.²³

The machinery of development at district level has two main functions, co-ordination and communication. The objects of district co-ordination are the removal of bottlenecks by trying to ensure the co-operation of all departments concerned, and the decentralization

²³ It was suggested by some administrators however that there was an advantage in having two committee meetings as it enabled officers to discuss some problems without elected politicians being present.

of co-ordination so that issues that are raised at lower levels can be settled at that level, failing which the district structures can serve as a communication channel to the state and federal authorities. Co-ordination and communication are of two kinds, horizontal and vertical. In the district the former involves co-ordination between district level officers, and the task of vertical co-ordination-cum-communication requires co-operation between the various departments, the lower levels of administration and direct communication with the people.

As has been pointed out 'increasingly the DO's executive role consists in working with people who are not unequivocally his hierarchical inferiors'.²⁴ In order to understand the role of the DO in this context however one has to take into account *inter alia* the survival of some of the traditional prestige of the DO, and the fact that professional departments tend to be of similar status. The authority of the DO in his dealings with other departments derives partly from the fact that he is not a professional officer but a generalist administrator of superior status, professional departments being reluctant to accept the leadership of other professional officers in a committee structure of this kind.

The designation of DO as chairman of the new committee system established to implement a national programme of development agreed to by all state governments, including Kelantan, has clothed the DO with both state and federal authority in matters of development. This authority derives from his responsibility to the state and federal governments to supply information on the problems of development in his district, that is, a responsibility to those who are in a position to give directions to the departments concerned at district level. The DO however does not possess formal powers over the professional departments, but the actual power relationship is in practice concealed or never tested because of the acceptance by the professional departments of the DO's leadership, this taking the form not of an overt assertion of authority but of requests for co-operation. Furthermore the DO is the representative of the state government in the district and is therefore the 'voice' of state power in a sense in which no other officer can be.

The value of the committee system lies in bringing people together regularly. The need for this is partly the result of the personal factors involved in co-operation, where differences of personality and status between officers may complicate relations between departments,²⁵ and

²⁴ R. S. Milne, 'Administration in the Field: Local Government Councils: Development Machinery' (Draft of chapter for a forthcoming study on political development in East Malaysia).

²⁵ For example in a situation where a relatively junior officer in one department is dealing with a senior officer in another.

partly the physical problem of bringing departments together for purposes of co-operation.²⁶ The relationship between DO and other officers in the committee is not one in which the DO issues formal instructions to other departments. The situation within the committee itself where the DO calls on the officers concerned to give their explanation of the problems raised forces an attitude of co-operation on the part of the various departments. Co-ordination at the district level also depends on the system of communication upwards to the state and federal governments, information about the problems of administration in the district being provided by the regular dispatch of committee minutes. Such a system of co-ordination and communication however makes certain assumptions about the nature of administrative behaviour which may not be applicable in some kinds of administrative environment, particularly the assumption that administrators are willing to 'expose' their administrative colleagues. The machinery does not guarantee that co-operation is forthcoming. The unco-operative attitude of a department can be hidden behind pleas of inadequate resources, or the problem may be one of mal-administration in a particular department about which neither the committee nor perhaps even the state government can do very much. Furthermore some of the problems of co-operation raise broad political issues which the administrators are powerless to deal with.

On the whole however the work of the committees is mainly that of communication in a more limited sense, very often simply conveying information. However in so far as the communication function is one of obtaining the co-operation of district administration for communication downwards to the villages, the work of the district committee is still important. The reasons for this are: (a) given the shortage of officers in professional departments and the thinness of administration on the ground in the rural areas, many departments depend heavily on the generalist administration in the district, (b) the nature of many development programmes is such that the administrators are as much involved in an educative as they are in an executory role, faced with the task of persuading, and securing the co-operation of, the people. One constant theme of committee meetings is the need for the co-operation of generalist and specialist officers for the implementation of programmes, and the problems of 'getting-over to' the people the need for support of these programmes. This results in departments seeking the help of other departments by requesting advice

²⁶ Before the creation of the new machinery, a project in one district was not undertaken because for several months the officers concerned had been unable to agree on a time convenient for them all to meet. Previously communication between departments in matters of co-ordination was mainly conducted by correspondence.

and tapping the experience of other officers in handling similar types of problems.

In so far as the professional departments need the machinery of co-ordination the role of the DO is essential, and this is perhaps most evident in the case of vertical co-ordination and implementation. As has already been pointed out many departments have no, or very limited, representation below district level and therefore depend on the general district administrative structure of *penggawa* and *penghulu* for successful administration and implementation. The link between the professional departments and the village is provided by the DO as all official communications between professional departments and *penggawa* must be channelled through the DO.²⁷ Furthermore the nature of programmes administered by many of these departments and the style of administration with its emphasis on face-to-face communication place a high premium on communication skills and local knowledge and influence, which the DO alone of the administrators seems able to supply. The contribution of the DO as 'the man on the spot' with experience of the district, is obvious in committee discussions. With this kind of knowledge he may be able to influence the policies of other departments where, for example, a technical department has failed to take into account special local circumstances.²⁸

The DO is not only the chairman of these committees but is also the representative of the whole district and therefore sits on the committees in a 'specialist' capacity. He brings to the committee the problems of the district which have reached him through the main official channels of communication from the villages, such as *penggawa* meetings, or matters raised in direct meetings between the DO and the people. It is then through the same channels that the replies and requests of the several departments are conveyed back to the people.

The development committees discussed above at present operate as full committees only, without any sub-committee system. They are also solely involved in the implementation of programmes directly on

²⁷ According to the letter of appointment received by a *penggawa*, he is required to carry out any instructions given to him by the DO. Under the Kelantan *penghulu* scheme, no department can seek the help of a *penghulu* without first obtaining permission from the DO. *Kelantan Kampong Penghulu Service Scheme*, Section 8.

²⁸ In one case, the health department wanted to build an additional clinic in a place close to a town on the grounds that this was justified in terms of the total of inhabitants in the area. It would also they argued provide services to the adjacent rural areas. The department had failed to take into account that the rural areas would be separated from the clinic by a river which in flood season would prevent the rural people from reaching the clinic. As a result of pressure by the DO supported by the district committee the site of the clinic was transferred to the other side of the river.

the people without making formal use of voluntary organizations.²⁹ Recent proposals indicate however that the government may attempt to mobilize social organizations for development purposes and incorporate them within the government development machinery. The federal government has received recommendations that a sub-committee should be appointed within the district development committee, which would include some professional officers and representatives of various social and welfare organizations, as well as selected individuals. To be known as the community development committee, with a similar structure at state and village level, the committee would be concerned with harnessing the energies of voluntary organizations in the field of education, health and the promotion of economic development.³⁰

In Kelantan there is no administrative committee structure below district level,³¹ the channel of communication being that of *penggawa* and *penghulu* meetings.

The Kelantan district is itself divided into *daerah*, in Pasir Mas for example there are ten, over each of which is appointed a *penggawa*. The origin of this local representative of government has already been discussed in Chapter 1.

The present position and terms of appointment of the *penggawa* differ substantially from the situation in the pre-war and pre-independence period. Before World War II the *penggawa* was appointed by the Sultan in practice on the basis of the recommendation of the DO, and even after the war although a formal committee of appointment was established the DO's wishes usually prevailed. Before independence the basis of recruitment also differed being largely based on ascriptive criteria, a minimum of wealth, and the 'right' family background being necessary qualifications.³² In 1961 a new scheme of service for *penggawas* in Kelantan was introduced incorporating these officials into the public service of the state. They are therefore now subject to a regulated scheme of wages and required to satisfy certain educational qualifications,³³ the minimum require-

²⁹ An exception to this is the role of the farmers' associations in the field of agricultural development and administration.

³⁰ *Rancangan Pembangunan Masyarakat* (RPM), Jabatan Perdana Menteri, 1972.

³¹ In other states there still exists in some cases Kampong committees established under the rural development programme in the early 1960s. Many of these are however no longer active. Where they do still exist there is also usually a mukim council chaired by the *penghulu* (*penggawa*) and consisting of Ketua Kampong.

³² All the older *penggawas* interviewed by the writer had come from families which had traditionally supplied *penghulus* or *penggawas*.

³³ The experience in other states seems to have been different. In Johore until 1969 *Penghulus* were elected by the mukim. In 1970 however Johore also established a public service scheme for *penghulus*. Abdul Latib b. Omar. *The Penghulu*

ment being that of the Lower School Certificate. One legacy of the past is that their appointment continues to be by the formal grant of Surat Tauliah, the personal grant of authority by the Sultan.

The functions of the *penggawa* today do not differ greatly from those of pre-merdeka (pre-independence). Broadly these are the performance of a variety of detailed administrative duties, and the provision of a two-way channel of communication between government and the people. The *penggawa* has his own office in the *daerah* and is assisted by one clerk, also a public service appointment, and conducts business on most days in his office. Once a week he will attend the district office and for this there is a rota system, two or three *penggawas* attending on specified days. In addition he will attend the monthly *penggawa* meetings chaired by the DO. Rather like the DO, the *penggawa* is increasingly involved in social affairs in his area which have further added to his committee activities.³⁴

His administrative duties cover a variety of responsibilities. Some idea of their range is indicated by the examination requirements for *penggawa* probationers; these include knowledge of sections of the land laws, cattle laws and rules, the registration of births and deaths, legislation in regard to drainage and irrigation, forests, courts, minor offences, and procedures for arrest.³⁵ A *penggawa* will be visited by about thirty people a week. The most common issue raised is that of cattle, the reason being the large number of legal/procedural matters relating to cattle which require contact with the administration. The weekly attendance at the district office is necessary for the handling of one of the main administrative tasks of the *penggawa*, the buying and selling of land. The nature of the administrative problems varies between districts, but in a frontier state like Kelantan one of the more difficult duties of the *penggawa* is that relating to identity cards. The *penggawa* is used as the channel for a variety of government services where the departments concerned depend on him for obtaining information and securing the co-operation of the village people. One of the traditional duties of the *penggawa* was to resolve disputes within the *daerah* and for this purpose had the right to hold court and impose penalties, but in Kelantan this use of formal magisterial powers never seems to have been used in the post-war period, although he still in some cases performs the role of arbitrator in local conflicts.³⁶

and Rural Development (with special reference to the District of Batu Pahat) (Graduation Exercise, University of Malaya, 1970), pp. 13, 17.

³⁴ These would include school, flood, mosque, and Kampong security committees, as well as the committees of voluntary organizations.

³⁵ *Penggawa Scheme*, Section 4.

³⁶ For examples of this role outside Kelantan, S. Husin Ali, *Social Stratification in Kampong Bagan* (Monograph of the Malaysian Branch Royal Asiatic Society,

In development administration the *penggawa*, as has already been emphasized, is a link in the chain of communication between the district and the *kampongs* (villages). The monthly *penggawa* meetings are attended by representatives of the specialist departments and by a few of the elected politicians. These meetings serve both as a two-way channel of communication to convey information from the villages to the administrators and vice versa, and as part of the process of co-ordination in regard to development and security. A sample of the business of two *penggawa* meetings included the following items:

1. *Penggawas* were asked to send estimates for the making of gates for *penggawa* roads and for furniture for *penggawa* offices.
2. *Penggawas* were informed of the decision of the State government to hold a land revenue competition between districts in 1972.
3. The Department of Co-operatives informed the *penggawas* that the position of some co-operatives is unsatisfactory and a meeting will be held in the near future about this.
4. The Collector requested the co-operation of the *penggawas* to inform those whose land applications have been approved to pay their premium, together with their land rent, as quickly as possible.
5. The DO informed the *penggawas* that the Department of Registration of Births and Deaths is not satisfied with the co-operation it has received from the *penggawas* regarding the late registration of births and deaths. The Registration Officer was to be invited to attend a future meeting to explain.
6. DID complained that people are using fish poison in the irrigation canals as many dead fish have been found, and the *penggawas* were asked to inform the people about this.
7. *Penggawas* informed the meeting of a shooting by *kampong* people arising from the theft of a motor-cycle, and asked that the number of weapons distributed to the *kampong* security guards be increased. One *penggawa* also pointed out that many cattle are slaughtered without permission in the *puasa* month. The DO asked the *penggawas* to inform the police if incidents of this kind occur.
8. A number of requests made by *penggawas* for facilities for parts of their *daerah* (e.g. bus service, culverts).
9. The police informed the meeting that this month is always the worst for bicycle thefts and that the police had distributed several notices to remind the public.
10. Information supplied by specialist departments about the activities of their departments, and expression of their appreciation of the co-operation of the *penggawas* in certain programmes.

These examples of the business of *penggawa*'s meetings clearly illustrate the main functions of these meetings, and their contribution

1964) p. 22. With regard to *penggawa* courts, the writer was informed by one of the oldest established lawyers in Kelantan that in twenty-five years of legal experience in the state he had never heard of a formal holding of these courts.

to the tasks of co-ordination and communication in the district, namely the giving of information to the *penggawas* by the DO and specialist departments, the provision of a channel of demands from the *kampongs* to the DO and the various departments and the securing of the co-operation of the *penggawas* in the administration of the departments at the local level.

Since independence the post of *penggawa* has been bureaucratized and although many of his former functions remain, his position has changed in two important respects. Firstly, his work-load is much heavier than it was before, and secondly, his power and influence have been greatly reduced. Like the DO the *penggawa* has also seen his power eroded since independence, and to some extent for similar reasons.

Formerly the *penggawa* seems to have possessed fairly extensive and independent power in the *daerah*, a situation which was the result of lack of education, traditional deference of the people and poor communications. Development work was very limited and what was done was usually undertaken through the agency of the *penggawa*. The latter might build or repair roads on his own initiative and the power of the *penggawa* enabled him to command, and demand, the services of the villagers.³⁷ In many cases the DOs seem to have leant heavily on him as the link with the people and in the post-war years British DOs often found the *penggawa* necessary as a middle-man in direct communications with the villagers.³⁸ Up to the period of independence the *penggawa* continued to retain an important role in development, the DO's estimates for development being based on proposals submitted by his *penggawas*.

³⁷ Before World War II, minor development work was done by village labour. The term used in Kelantan in the 1930s for this kind of labour was *kerah*, like the French *corvée*, and seems to have described the reality of some of the 'voluntary' village labour even after the war. The villagers might turn out because the need for building or repairing a road was accepted, it was also partly a question of traditional deference. However older *penggawas* and inhabitants will today explain that people turned out to work because they were afraid not to—as one *penggawa* put it, 'if they did not turn out, next time they might find it difficult to get a licence or to get land'. An interesting sidelight on this issue is provided in the anecdotes of one former British DO, who was asked for an urgent report to allay ILO fears in the 1930s that forced labour still existed in Kelantan: 'I replied that (a) speaking as Controller of Labour, Kelantan, I was happy to report that there was no longer any forced labour in Kelantan; but (b) speaking as DO I was equally happy to say that, when the public good required it . . . I had only to lift my finger to *kerahkan* (conscript) the necessary labour.' *The Beam*, op. cit., p. 3.

³⁸ Most states have their own Malay dialect, standard Malay being based on the Malay spoken in Johore. There are very marked differences in the language spoken in Kelantan which is almost incomprehensible to a person able to speak and understand only standard Malay. In contrast to the pre-war DOs, those that served in Kelantan in the post-war years did not usually acquire a fluency in Kelantanese.

In pre-independence conditions it was difficult to exercise effective control over the conduct of *penggawas*, and complaints that occasionally reached the DO illustrate the opportunities that did exist for the abuse of power by these local officials. In what was clearly a desperate appeal by the people of one village in the early 1950s the DO was asked to transfer a *penggawa*

who seize their money and possessions. If we want to pay land revenue we are forced to give money to him first, and the same happens in regard to other matters. If he wants poultry, ducks, etc. we have to give them.³⁹

The ability of the villagers to defend their interests by resort to extra-legal measures was however made quite clear in the remainder of the letter in which they pointed out that if the DO did not take action they would take the law into their own hands, either by using the *kapak*⁴⁰ or some other means. Even under present conditions the misuse of authority by *penggawas* is not unknown, but on the whole the general feeling among older *penggawas* that their position is both weaker and more difficult than before independence reflects a very real diminution of their authority. This decline in the power and influence of the *penggawa* has resulted occasionally in formal representations by these officials expressing their dissatisfaction at the way in which they were being increasingly by-passed in administration. In the early 1960s, for example, the Kelantan *Penggawas* Association protested in a letter to the State Secretary about the implementation of development projects without the *penggawas* being informed or being involved in the discussions. The same concern was present in the efforts of the association to revive *penggawa* courts, the proposal aiming, as it admitted, 'at improving the methods of doing this work and to defend the status of *penggawas* which has almost been lost'.⁴¹

The changes in the position and influence of the *penggawa* are the result of a number of factors. Previously the *penggawa* was appointed to a particular *daerah* and usually served most of his life there. This enabled the *penggawa* to acquire considerable power and influence as a local representative of government, giving him a degree of local knowledge which made him indispensable to the administration, an influence which was further compounded by the ascriptive basis of recruitment. With post-independence changes under the new *penggawa* scheme recruitment on the merit system was introduced and the practice of permanent appointments to a particular locality was abolished, one of the conditions of appointment being that a *penggawa* could be transferred to anywhere in the state.⁴² The state government has made extensive use of this power; in 1970 alone for

³⁹ File, *Penggawa Dossier*.

⁴¹ File, *Kesatuan Penggawa*.

⁴⁰ The small axe of Kelantan.

⁴² *Penggawa Scheme*, Section 9.

example 14 *penggawas* were transferred. The exercise of this power of transfer is often dictated by political motives.

The *penggawa's* position has also been undermined by the growth of a variety of services with their supporting administrative structures, which either deal directly with the people or, in so far as they make use of the *penggawa*, are administering services of a specialist nature which are beyond the capacity and traditional work of the *penggawa*, the latter thereby becoming largely a communication agent.

The growth of structural differentiation within the society itself and the progress of development generally have further contributed to the erosion of the traditional agent of administration. Within the *daerah* the *penggawa* has to compete with the influence of other individuals who possess greater resources of wealth or education,⁴³ and with the greater ability of the people to make use of the facilities offered in a more highly educated society. One example of these changes is the greater readiness of people to resort to lawyers. Whereas in earlier periods disputes were usually submitted to the *penggawa*, today people more readily turn to the lawyer for help. In one recent case before the courts a *penggawa* was asked why he had not settled the case himself. He replied that people are cleverer now and know as much as he does and he can therefore no longer handle these cases as he used to. As in other matters the emergence of a professional middle-class is contributing to the undermining of traditional administrative roles.

Probably the most important factor in altering the *penggawa's* authority is the politicization of the society. This has resulted in the *penggawa* being no longer the main channel between the people and the government. The growth of political awareness imposes very real restraints on his power.⁴⁴ The case cited above recounts the reactions of the people to the abuse of power by a *penggawa*—today the *penggawa* who attempts to carry out his responsibilities with complete integrity may find his position no less insecure. Furthermore, whereas formerly he controlled the *penghulu*, the administrative link with the villages, who was in practice dependent on the *penggawa*, the *penghulu* is now a political appointment.

Before independence the *penghulu* was the nominee of the *penggawa* and in practice subject to him, but with the electoral success of PAS (PI) in 1959 a new procedure was adopted for the appointment

⁴³ For an account of the effect of these changes on traditional leadership in areas outside Kelantan, S. Husin Ali, 'Patterns of Rural Leadership in Malaya', *Journal of the Malaysian Branch of the Royal Asiatic Society*, Vol. 41, Part 1, 1968.

⁴⁴ This does not mean that the *penggawa* has ceased to exercise political influence. R. Kershaw, 'Politics in Kelantan, West Malaysia: Parochial Integrity Versus National Integration?' University of London Institute of Commonwealth Studies, Collected Seminar Papers on Autonomy and Dependence in parochial politics, October 1968–March 1969, No. 7.

of penghulu. The terms and conditions of service and appointment are to be found in the Kelantan Penghulu Service Scheme which formalized much of the existing practice. A candidate who satisfies the minimum conditions⁴⁵ is interviewed by the District Advisory Penghulu Committee, and the decision of the committee which draws up a short-list is forwarded to the Mentri Besar who makes the final appointment.⁴⁶ All the members of the district committee, except for the DO, are politicians.

The penghulu is the representative of government in the smallest of the general administrative units, the mukim, which comprises a number of kampongs. The original purpose of the post was for government to have a representative in every kampong, but there has been in recent years a process of unification of kampongs for administrative purposes. There are various reasons for this. Shifts in population have occurred as a result of which the population of some kampongs has declined, or whole kampongs have moved elsewhere because the state has taken over land for projects. The improvement of communications also makes it unnecessary now for an official to be appointed in each kampong as he can now move around more easily.⁴⁷ In some cases amalgamation has been chosen as the easier way out of the difficulty of filling a vacancy, where its previous holder was a relative of the penghulu in a neighbouring kampong, and it is difficult to find an appointee from the same family to replace him, or where for political reasons the government's candidate is unacceptable to the local community.

The administrative functions of the penghulu are broadly similar to those of the penggawa, although the former is not strictly speaking a government officer being paid only an allowance.⁴⁸ He acts as a communication link between government and people, and is involved in the variety of detailed administrative functions already discussed in relation to the penggawa, as well as providing village leadership.⁴⁹

⁴⁵ These are (a) between 25 and 45 years of age, (b) some knowledge of religion, (c) ability to read and write the national language, (d) good conduct, (e) born or permanently resident in the daerah. Preference is given to those born in the mukim concerned.

⁴⁶ This is now the normal practice in some other states. See for example, Abdul Latib b. Omar, *op. cit.*, p. 18. Previously in some states the ketua kampong was elected. S. Husin Ali, *Social Stratification*, *op. cit.*, p. 23.

⁴⁷ For the same reason it is sometimes argued that the penggawa's office is no longer necessary.

⁴⁸ Between M\$200 and \$300 a year. Unlike the penggawa therefore his work as penghulu is in addition to other employment.

⁴⁹ The duties of the penghulu are: (1) emergency questions; (2) peace and development of the kampong; (3) land questions; (4) cattle; (5) identity cards; (6) conveying orders and information to the people; (7) giving help to officers and the government through written instructions from the DO, and undertaking other work ordered by the DO or officers from time to time. *Penghulu Scheme*, *op. cit.*, Section 7.

The penghulu is particularly concerned with land and cattle administration and programmes of aid and assistance to the villagers. His work in the field of law and order and the informal settlement of disputes is still relatively important however.⁵⁰

With regard to his communication role, the penghulu is still indispensable. Penghulus are appointed from the area in which they are to serve and are therefore local men in a sense in which the penggawa is not. Writing of the effect of similar changes in Perak, one writer has commented that 'it is found that the Tok Ketua (penghulu) has deeper knowledge regarding the development of the kampong and regarding the position of the kampong people than the penghulu (penggawa)'.⁵¹ In Kelantan for the same reason the penghulu is essential for administration at the lower levels.⁵² Among the reasons for this and for the whole structure of district administration is the central importance of land.

Land Administration

The legal framework for land administration is now contained in the National Land Code of 1965. The latter based on the Federal Malay States Land Code was introduced in order to establish a uniform land system in Malaya which had two different systems of land tenure, that of the Straits Settlements and that of the nine Malay states. The nine states themselves did not enjoy a common law, the Federated Malay States (FMS) using the FMS land code, and the former Unfederated Malay States each having their own separate land enactment.⁵³ Under the National Land Code Kelantan, a state of the former UMS, retains some of its own land legislation.⁵⁴

All district offices have the following land responsibilities:⁵⁵

1. land alienation;
2. control and use of land after alienation and the planning of new land settlement;
3. registration of titles, and instruments such as transfers, charges, caveats;
4. collection of land revenues, premiums on land rents, water rates, temporary occupation licence fees;
5. checking of illegal occupation of land;

⁵⁰ On average the number of disputes is about one or two cases a month. One of the most common causes of dispute is damage done by cattle to neighbouring crops. The penghulu is also involved in a variety of committees in the mukim arising from his social leadership role.

⁵¹ Ismael b. Yusof, *Sistem Penghulu di-Jajahan Hulu Perak* (Graduation Exercise, University of Malaya, 1966), p. 26.

⁵² For the political consequences of this see below, Chapter 4.

⁵³ Nik A. Rashid, *Land Law and Land Administration* (Mimeograph) (Faculty of Economics and Administration, University of Malaya, 1971), pp. 11-12

⁵⁴ Malaysia, *National Land Code (Act 56 of 1965)* (Kuala Lumpur 1968), Twelfth Schedule.

⁵⁵ *RLA*, p. 18.

6. distribution of small estates (below \$10,000);
7. acquisition of alienated lands for public purposes and the investigation and settlement of claims for compensation;
8. issuing of temporary occupation licences and permits.

As has already been explained the main work of the district office is that of land administration and in the past this was the major responsibility of the DO. In Kelantan however there have been two important developments which have radically changed the shape of land administration machinery; the separation of land functions and the establishment of the Land Settlement Scheme.

The burden of land work imposed on the DO and the need to give priority to this branch of administration have been issues of debate since the Report of the Land administration Commission in 1958. The latter regretted the way in which the effect of the Emergency had been to push the land responsibilities of the DO low down on his list of priorities, land being rapidly crowded out by other functions.⁵⁶ The Report went on to appeal for a re-ordering of priorities and a recognition of land administration as the DO's responsibility. It also recognized, however, the special nature and complexity of this field of administration which required considerable knowledge and experience, but while in principle favouring the establishment of a separate land department in the states at some future date, urged that for the moment the DO must be retained in land administration. It accepted, however, the feasibility of the Johore experiment of separation of land functions from the office of DO, because of the special circumstances operating in that state. The Commission's views were rejected in two dissenting minutes which supported the immediate establishment of land departments, separated from the general administration of the DO, and under a collector directly responsible to the Commissioner of Lands and Mines.⁵⁷ Ten years later, after the experience of such a system of separation in some districts of Johore, the Development Administration Unit (DAU) Report on Land Administration recommended the designation of collector as Land Administrator dealing directly with the Commissioner of Lands and Mines (CLM), a separation already implied in the terminology of the National Land Code.⁵⁸ In Kelantan the idea was adopted in 1970. All land matters are in practice managed by the Collector and his assistants, although the DO is still responsible on policy matters and is available for advice. So far however the separation has not been a complete one. Both the land and district administrations are housed in the same building, the budget for both is drawn up and determined by the DO, but the staff

⁵⁶ Loc. cit.

⁵⁷ See, for example, 'Minute of Dissent by Mr. Chandra', *RLA*, p. 69.

⁵⁸ In the National Land Code responsibility for land in the district has been given to the Collector. Nowhere in the code is the office of district officer referred to.

is divided into land office and district administration sections. The new arrangement has considerably lightened the load of the DO, but the policy of partial separation has in some cases raised problems by placing too great a weight on the personal equation in the relations between DO and Collector. In a situation of inadequate finances it is obviously not possible for different views of priorities always to be reconciled, and this reorganization of the administration does call for a readjustment of attitudes and lines of authority within the district offices. Some of these problems will no doubt be resolved if the projected experiment of complete separation of land functions in some selected districts proves successful.⁵⁹

As a result of the special difficulties of its land problem⁶⁰ the machinery of land administration in Kelantan is to some extent unique in West Malaysia. The backwardness of its land administration led the government of Kelantan to request the federation for special assistance and in 1955 the Kelantan Land Settlement Ordinance was passed.⁶¹ The object of the legislation was the 'revision of registers, recording of interests in land, the settlement of claims, the determination of owners, possessory title to land, and the issue of documents of title to land',⁶² for the whole state. The method adopted under this legislation was to declare an area a settlement area and a special settlement team then carried out the work, moving to another area when the task was completed. Beginning in the district of Pasir Mas in 1956 three districts have now been completed and a fourth, Bachok, will soon be finished. For this task an MCS officer was lent by the Federation, and although at a later stage KnCS officers were appointed instead, the work is now entirely conducted by federal officers. Where an area has been declared a settlement area all dealings in land are frozen, and the work of land administration is largely taken over by the land settlement teams, the local land office administration being pushed into the background. These teams go into the field and record and settle the land claims. In cases where the field officers cannot themselves bring about an agreed settlement appeal lies to the head of the land settlement office who is designated DO. Further appeal lies to the High Court, there being a three-year period of grace for appeals. The land settlement scheme, unlike the same service provided by the land offices, is provided free by the federal government.

⁵⁹ As an experiment there is to be complete separation of land and district administration in two districts, Ulu Kelantan and Tanah Merah.

⁶⁰ At the time of the Land Commission there were about 400,000 lots occupied in Kelantan but in the words of the Commission, 'until recently no reliable titles existed for any of them'. *RLA*, p. 58.

⁶¹ Federation of Malaya, *The Kelantan Land Settlement Ordinance*, No. 51 of 1955.

⁶² *Ibid.*, p. 1.

Finally, any description of the structure of land administration must include some reference to the Survey Department. The Survey Department is a department of the federal government, with offices at state and district levels, although in the case of the district, one district survey officer will be responsible for two or three districts in the state. Unlike the experience of some countries, survey and land administration are two separate departments, the Survey Department possessing a very strong professional tradition. Although separated, survey and land are interdependent branches of administration.⁶³ The land office itself performs survey functions in the work of demarcation of land boundaries by Settlement Officers, but the whole land title system in Malaysia, the Australian Torrens System, depends upon the high standards of surveying which only the professional department can provide.

Since the establishment of the Land Settlement Scheme in Kelantan, the state Survey Department has concentrated most of its efforts on this programme. Today over 90 per cent of the Survey Department staff at state headquarters are exclusively concerned with the Land Settlement Scheme, and only essential survey work in other areas is being done. The result is that the Settlement Scheme has aggravated the problems of land administration in other areas of the state. As early as 1955 the Survey Department was expressing its concern over the shortage of officers, and predicted that with the new Land Scheme hardly any other work would be able to be carried out in Kelantan.⁶⁴ Since then it is very evident that with the enormous increase of work arising not only from the Land Settlement but also the large land alienation schemes since independence, the survey staff have been unable to cope. In particular the increase in staff has by no means matched the rate of increase of work during that period.

TABLE 5⁶⁵

	31 December 1955	31 December 1971
Staff	77	100
Awaiting	14,253	47,098
Survey (All Classes)		(15,759 in LSS)

With the main energies of the Survey Department being directed to the Land Settlement Scheme, the backlog of ordinary alienation survey cases is increasing. In 1967 ordinary land alienation cases

⁶³ The Land Commission while rejecting the idea of a merger of these two administrations did propose that as the staffing position improved in the Survey Department, surveyors should be seconded to supervise Settlement Officers. Dissenting opinion in the Commission however urged the amalgamation of Survey and Land Offices, a view still shared by surveyors.

⁶⁴ *Report of Survey Department, Kelantan Division, 1955*, p. 2.

⁶⁵ Source *ibid.*, and *Report of Survey Department, Kelantan Division 1971*.

awaiting survey totalled 8,413; by 1971 the total had reached 31,341. Of the 16,459 Requisitions for Survey satisfied during the latter year, 15,149 were in the Land Settlement Scheme area.⁶⁶ At this rate of 1,310 ordinary alienation cases being surveyed a year, the existing backlog alone will take over twenty years to clear.

The delays in the completion of survey work are not only the result of shortage of manpower but also arise from the different approach and method of work of the Survey Department. The latter maintains a high standard of survey requirements, and as a result the department's surveying is a slower process than the approximate land demarcations of the land office. Furthermore in the interests of economy and accuracy survey prefers to begin work only when there is a sufficiently large area of alienated land available for survey.⁶⁷ The Survey Department is however also unable to undertake survey for large areas of settlement under group settlement schemes in Kelantan for financial reasons. The department is not now permitted to survey without prior payment of survey fees, largely because of the department's previous experience of undertaking survey work for state land schemes, after which the state authority failed to pay the survey fees. As an opposition state, Kelantan is not able to receive the benefit of the free survey services provided in group settlement schemes in Alliance-controlled states, where the cost of survey fees are in some cases underwritten by the federal government.⁶⁸

However the main source of the problems of land administration is to be found within the district offices themselves. The deficiencies of land and revenue administration are widely recognized⁶⁹ and have resulted in a number of government inquiries, the most important being that of the 1958 Land Commission. The commission had attributed the weaknesses of the district office administration to the

⁶⁶ Ibid.

⁶⁷ The conflict between the land and survey offices partly reflects a conflict of objectives. The land offices feel that their main task is to alienate land as quickly as possible, survey is concerned with maintaining its high professional standards. The problem has been largely overcome however by the new form of title available under the Land Code, the qualified title, whereby even before survey the holder of the title has free use of the land apart from the right of subdivision. Furthermore, survey is now required to follow the boundaries of occupation that have been approved by the Collector. The problem is also partly one of technique and accuracy, the settlement officer (SO) using only plane-table survey as opposed to the theodolite survey of the Survey Department.

⁶⁸ The federal government has a fund which is used for survey fees in land programmes in Alliance states. Both national and international funds underwrite these costs in the case of the Federal Land Development Authority schemes. However Kelantan has received the benefit of free federal survey under the Land Settlement Scheme.

⁶⁹ See for example the views of Tun Razak in a speech in 1967, 'Reform and Serve the Nation—Why the Flag was Flying at Half Mast at this Land Office', in J. Victor Morais ed. *Strategy for Action* (Kuala Lumpur, 1969).

neglect of land matters by the DO, the lack of training and experience of all those involved in land offices and the shortage of staff. The latter is still a widespread complaint of district administrators, and is not confined to Kelantan, but the scale of the problem can be illustrated by Kelantan's experience. From 1953 to 1970 land revenue alone in Kelantan increased by over 600 per cent, and between the census periods 1957 and 1970 the population of the state increased by 34 per cent. In contrast, 1955-70, there has been no increase at all in the number of officers employed in district offices, and only 9 per cent increase in the total employment of clerks,⁷⁰ an increase almost entirely accounted for by the newly created post-war district of Tanah Merah. As the total establishment is determined by the Treasury the responsibility for this particular problem rests with the federal, not the state, government.

Land offices then face one of the universal problems of administration in Malaysia, namely shortage of personnel. The problem however is not only one of numbers. Writing of the burden of arrears of land applications, the 1958 Commission had commented, 'the difficulty . . . is due not so much to the shortage of staff as to the lack of trained staff, the lack of organization, proper supervision and direction'.⁷¹ These criticisms are still applicable today.⁷²

As the same Report pointed out the biggest initial role in land alienation is played by Settlement Officers who largely determine the speed at which the land office functions. Some districts in Kelantan still face the problem of a shortage of SOs, and all districts have an inadequate allocation of travelling expenses for these officers.⁷³ The Report however made the additional comment that without proper control or supervision the SO and tracer tend to become laws unto themselves.⁷⁴ Whereas land offices complain of the delays of the Survey Department, in some cases the latter undoubtedly experience difficulties in performing its own work in conditions where a minority of land officers fail to perform their functions with either efficiency or integrity.

Accounts of land that has been 'demarcated' that is to be found under water or in breach of gradient regulations, of 'demarcated' land whose occupiers cannot recall any visit by the SO, are met with too frequently to be lightly dismissed.⁷⁵ Most of the demarcation

⁷⁰ Negri Kelantan, *Anggaran Hasil dan Perbelanjaan*, 1955, 1971.

⁷¹ *RLA*, p. 20.

⁷² Lack of experience and ignorance of land administration on the part of the clerical staff of land offices was a recurrent theme in the comments of Collectors interviewed.

⁷³ This does not seem to be a problem in some other states, for example Selangor.

⁷⁴ *RLA*, p. 24.

⁷⁵ The charge often made by survey officers that the area under occupation is very different from the area approved by the land office, is usually met however by

cannot be personally examined by the Collector but some attempt is made to control the work of SOs by spot checks, although not all Collectors make this effort.⁷⁶

Some of the most glaring weaknesses of land office administration are to be seen in financial administration.⁷⁷ One of the recurrent criticisms of state and district audit reports is the annual reconciliation statement of district offices. Not only are districts usually unable to reconcile accounts because they do not do their reconciliation regularly, but there is also a constant backlog of reconciliation statements. In his report on Kelantan in 1970 the auditor records that except for one land office, 'the rest of the land offices have not yet closed or balanced their rent rolls for the years 1964-8',⁷⁸ and in one district in the same year the auditor is reporting that the reconciliation reports for the two previous years have not yet been prepared for audit. Of the total of audit queries in the state since 1966 that had not yet been settled almost half involved the district and land offices.⁷⁹

Arrears of revenue both from land and other sources remains a serious problem. In one district in the 1960s debts of land revenue increased from year to year, as a result of which a total land revenue debt of \$1,671.15 in 1962 had by 1965 reached a total of \$19,402.15. The auditor commented that the position in 1966 and 1967 was unknown however as the return for the arrears of revenue for those years had not been sent to the auditor.⁸⁰ Apart from arrears the state government is also losing revenue for other reasons. As in the case of other states, illegal occupation of state land is a serious problem in Kelantan.⁸¹ In one district alone the total of illegal settlers is estimated at 30,000 but this figure must remain an estimate only, under

the land office's criticism that the reason for this is the long delay before survey is undertaken. This often amounts to periods from two to four years between approval and survey.

⁷⁶ In one district the writer found no record for the last two years of any visit by the Collector to a Settlement Officers' field work.

⁷⁷ This is also partly a reflection of the quality of staff. The poor standard of accounting emphasized by one auditor is to some extent the result of an administrative system which makes district treasury accounting the responsibility of a clerical worker. *Report of the Auditor-General on the Accounts of the State of Kelantan for 1968*, p. 14. Some idea of the scale and scope of district financial administration is indicated by the fact that district audit entails the examination of forty separate account books.

⁷⁸ Ibid., p. 12.

⁷⁹ Ibid., p. 17.

⁸⁰ According to the auditor's report for 1968, the total of State revenue arrears at the land offices was \$43,172.55, but three of the land offices had not submitted returns of arrears, *ibid.*, p. 12.

⁸¹ As has been pointed out by the DAU Report, for Malaysia as a whole the problem of illegal land settlement 'is already so notorious in this country that no explanation is really required'. DAU, *op. cit.*, p. 30.

conditions in which it is almost impossible to find the settlers. Some cases are brought to the courts but this simply results in the payment of fines followed by a renewal of illegal occupation.⁸² A further source of loss of revenue is the change of land use as new market opportunities are created. The attraction of new crops or, in urban areas, conversion of land from residential to commercial use, have become major problems for land administration.⁸³

Losses resulting from arrears of other sources of revenue than land are also substantial. Debts owed by market and other contractors⁸⁴ are frequent and sometimes of long-standing, some dating from the pre-independence period. These debts do not however take into account losses suffered by the state as a result of the evasion of the law. A large number of licences for example are not renewed, even though it is well known that the total engaged in a particular occupation has not declined, and it is acknowledged that there is widespread evasion of the law in this field of administration.⁸⁵

The Problem of Enforcement

It has been argued that one of the characteristics of administration in a developing society is formalism. The latter has been defined as an administrative system in which 'law . . . sets forth a policy or goal which is not, administratively, put into practice', a situation in which 'social behaviour does not conform to the prescribed norm'.⁸⁶ From the previous discussion of the problems of district administration it is clear that these problems are not simply ones of office administration but also of enforcement. The question of enforcement raises very broad issues of the social, economic, political, and cultural environment, the ecology of administration, and its effect on administrative behaviour, without which there can be no realistic assessment of administration, above all at the local level.⁸⁷

In order to understand the atmosphere of administration in Kelantan one has to take into account certain cultural factors in Malay society which affect styles of administration. In her examination of

⁸² The DAU Report recommended the creation of state and district Enforcement Units to deal especially with this problem, a policy already adopted in Johore. The latter has also attempted to alleviate the problem by retrospectively legalizing illegal settlement up to 1967.

⁸³ See for example the comments of the DAU report, DAU, op. cit., p. 29. In Kelantan the problem is particularly associated with the widespread popularity of tobacco cultivation.

⁸⁴ A number of services are farmed out by contract, but the contract is paid for in monthly instalments.

⁸⁵ For example in the case of rubber licences.

⁸⁶ Fred W. Riggs, *Administration in Developing Countries* (Boston, 1964), p. 15.

⁸⁷ The problems of enforcement in local government will be discussed separately in Chapter 3.

Indonesian values and their relation to administrative behaviour, Ann Willner stresses three relevant components of Malay attitudes; the positive value attached to the avoidance of overt conflict and possible friction, an emphasis on status and order and a concern with aesthetic correctness and stylization, and finally the strength of community and reciprocal obligation, with the related value of conformity to group norms and expectations.⁸⁸ The existence of similar values in Kelantan Malay society is of crucial importance for an understanding of the problems of administration in that state.

Kelantan is a relatively small society and most of those involved in the administration at district and sub-district levels are themselves Kelantanese.⁸⁹ As a result those who implement policies are in a very real sense part of the community they administer with its network of familial and social obligations, and therefore those in positions of authority have to live with their own actions in a way which the member of a large centralized bureaucracy does not.

The state is also on the whole a poor society which has only in recent years felt the impact of development. Such conditions tend to produce a reluctance on the part of administrators to enforce rigidly the requirements of law, whether on humanitarian grounds⁹⁰ or out of fear of the political consequences of firm administration.

The administrator is further restrained by the nature of the administrative process itself. Administration is a system of co-operation, between administrators themselves and between administrators and their clientele, the *ra'ayat*. Without the latter's co-operation the administrator's power is in practice limited, particularly in regard to law enforcement and development programmes. The administrator therefore faces the pressures that arise from the fact that firm action may antagonize individuals and groups that he may well need 'tomorrow', to achieve other important goals for the administration and for himself as administrator.⁹¹

Administration must also operate to some extent as an incentives system in which the costs involved for an administrator are recognized

⁸⁸ Ann Willner, *The Neotraditional Accommodation to Political Independence—The Case of Indonesia* (Princeton, N.J., 1966), pp. 24–32.

⁸⁹ For example about 50 per cent of the police in Kelantan, a federal service, are Kelantanese.

⁹⁰ This explanation is the one most frequently offered by administrators to justify inaction. This attitude is sometimes reinforced in a situation where more powerful interests in the community tend to enjoy a greater immunity from the law. Administrators are reluctant to enforce when they know that, in metaphorical terms, even the 'Crown' is tainted.

⁹¹ As one DO explained to the writer, he was not prepared to make a formal complaint about a *penghulu* because: (1) the person concerned would know he had made the complaint; (2) it would have no effect; (3) it would make his future relation with that *penghulu* very difficult.

and rewarded. The attitudes that prevail at the lower levels of administration reflect those at the higher levels, and if district administrators find that their actions do not receive support from above, or if state and federal governments directly or otherwise discourage firm implementation of administrative rules, it is not reasonable to expect that the lower echelons of administration should take unnecessary risks in a situation where, for a variety of other reasons, conditions favour an attitude of 'letting sleeping dogs lie'.⁹²

There is also a danger, particularly for those accustomed to the circumstances of more developed societies, to underestimate the practical difficulties of enforcing the law in a society where: (a) communications are poor, at least in the rural areas;⁹³ (b) most departments face a shortage of officers; (c) society consists of small communities where social obligations and loyalties within the community may be stronger than the sense of obligation to external authority.

However important these broad considerations may be, much will clearly depend on the attitude and resources of the chief enforcement agency, the police. A full appreciation of the role of the police in Kelantan would have to take into account, *inter alia*, the shortage of police personnel and the fact that the police department is a federal agency.⁹⁴ The shortage of police personnel is of particular importance in Kelantan conditions. Kelantan is a frontier state with the special problems this brings for police administration, particularly in view of the special circumstances arising from the situation in South Thailand. In particular the long-standing problem of cattle-thieving, and the more recent one of large-scale illegal rice smuggling under frontier conditions which make effective policing extremely difficult. The shortage of personnel is also a serious problem in view of the difficulty of taking prompt action given the conditions of communication in many rural areas. The practical consequence of this problem is the establishment of priorities by the police, which must involve the neglect of certain areas of responsibility. Furthermore the police depart-

⁹² This is directly related to the problem of Malay values in administration discussed above.

⁹³ This can perhaps best be illustrated in the form of a question. What are the odds on the police reaching the scene of a night cattle theft on time in an area without a police post, with limited communications and close to the Thai frontier? Even under more favourable conditions one would also have to make other assumptions that, for example, the police were prepared to act on the report they received and act promptly, and that all those in the village had a common interest in the capture of the thieves. Neither assumption can be taken for granted.

⁹⁴ One district police officer attributed the problems of enforcement to the lack of co-operation of the people themselves, usually because of some relationship with persons involved in the crime, the shortage of police posts and the fact that half the police force was Kelantanese. He added, 'It is very easy for you to come as an outsider and see that this and that is wrong, but if you sat here you would find that you could not implement.'

ment is a federal agency in a state controlled by an opposition party, a situation which has often created problems for relations between the government and administration in Kelantan and the police.⁹⁵

In the conditions prevailing in a developing society the costs of enforcement for the administrator tend to be high and the question he therefore faces is, is it worth it? Enforcement will be a persistent problem beyond the resources of any one district officer to solve, partly because the administrative problem may in fact be a political one, or simply because the scale of the problem may be too great. Furthermore the remedies may be inadequate or unpalatable.⁹⁶

The responsibility for enforcement is usually also a shared one. As a result the efforts of one department to exercise its powers may be frustrated by the inaction of another department which shares responsibility in this matter, and in the end a department may decide that it is not worth the effort.

Finally non-enforcement may be made worthwhile by corruption or corrupt practice. The difficulties of discussing corruption spring from the same source as the difficulties involved in dealing with the problem, namely the lack of evidence. However as the Federation of Malaya report on corruption admitted, corruption is a problem of administration in Malaya particularly in those branches of administration in direct contact with the public, which would include both land and police administration.⁹⁷

⁹⁵ One district officer for example cited cases in which penghulus who supported the Pan-Malayan Islamic Party had been seized by the police and banished from the state on trumped-up charges. On the evidence made available to the writer by local lawyers, it is clear that during the 1969 election period the police made extensive use of their powers under the Public Order Reservation Order, and other ordinances, to arrest penghulu supporters of the Pan-Malayan Islamic Party.

⁹⁶ In the study previously cited, Ann Willner illustrates this problem very clearly in the following example:

'... despite the training program, the department was still left with several officials who showed small inclination toward performance. . . . The American then suggested that if Sudjarwo could obtain no plausible reasons for non-performance, he might enforce compliance by threats of demotion, dismissal, or other sanctions. . . . With what might be regarded as typical American arrogance, the expert pointed out that a dozen men not doing much of anything were no great asset; perhaps if one or two were disciplined as examples, the others might start producing, Sudjarwo retorted that Americans might think in such fashion, but his subordinates had large families to support and needed these jobs. Besides, they didn't earn enough anyhow.'

Ann Willner, *op. cit.*, pp. 45-6.

⁹⁷ 'bribery and other forms of corruption are practised in all the vulnerable departments'. Federation of Malaya, *Report of a Commission to Enquire into Matters Affecting the Integrity of the Public Service* (Kuala Lumpur, 1955).

In a town on the Thai/Malaysia frontier the writer watched as porters in Indian file carried sacks of illegally imported rice from the railway station to a godown in town while the police stood by chatting to the interested spectators.

LOCAL GOVERNMENT

Introduction

THE present system of local government in Malaysia is mainly a result of developments since World War II. Before the war, in the Federated and Unfederated Malay States local authorities were established in some town areas under sanitary board legislation, and subsequently under the Town Board Enactment and similar legislation in states outside the Federation. These town boards were entirely nominated bodies and all revenues were paid directly into the treasury, making these boards in practice departments of the State.

The 1950s saw the establishment of the local government system in its present form, when major changes were introduced laying the foundations for what was then intended to be the ultimate extension of local government to the whole of Malaya.¹

The Local Authorities Elections Ordinance of 1950 provided for the election of councillors to municipalities and the conversion of town boards into elected town councils. To qualify for the latter designation a town board had to have an elected majority. The majority of town boards soon became mainly or wholly elected bodies thereby being transformed into town councils. In 1954 an amendment to the old Town Boards Enactment, and adopted in the equivalent state legislation,² enabled town boards and councils to retain their revenue and thus become financially autonomous.

For the first time local government was extended outside the town areas when in 1952 the Local Councils Ordinance provided for the establishment of elected councils in villages in the rural areas.³ This legislation was followed by a rapid creation of local councils which was part of the new villages' programme designed to counter communist activity during the Emergency, the object being to give these

¹ 'The policy, at least of the present Government, is that as soon as possible every person in this country should live within some form of local authority area which can ultimately become a fully elected and a full financial autonomous authority.' Malaysia, *Report of the Royal Commission of Enquiry to Investigate into the Workings of Local Authorities in West Malaysia* (RRC) (Kuala Lumpur, 1969), p. 21, quoting the Secretary to the Minister of Natural Resources and Local Government in 1958.

² In the Kelantan Municipal Enactment 1938 (KME), the relevant section is 6A(1).

³ Federation of Malay, The Local Councils Ordinance (LCO), No. 36 of 1952.

new villages a sense of common purpose and participation in the political life of the new emerging nation of Malaya. Unlike the town boards and councils all local councils were fully, or almost fully,⁴ elected bodies with complete financial autonomy, and elected chairmen. In town councils even though they were fully elected the chairman or president was usually the district officer.

Under the Constitution of the Federation of Malaya, 1957, responsibility for local government reverted to state governments.⁵ The only forms of central government control of local government were those exercised by the federal audit department and later, by Constitutional Amendment in 1960, the National Local Government Council. The latter has been given the 'duty to formulate from time to time a national policy for the promotion, development and control of local government and for the administration of any laws relating thereto', and to give advice to the state governments on local government questions.⁶ The federal and state governments are required to follow any policies formulated by the National Council, but being a joint federal/state body in practice operates through state governments on a basis of consensus.

Apart from the municipalities of Georgetown, Penang, Malacca, and Kuala Lumpur and the separate system of district and rural district councils⁷ in Penang and Malacca, local government in West Malaysia consists of the following:

TABLE 6

Town Councils		Town Boards		Local Councils
Financially Autonomous	Non-Financially Autonomous	Financially Autonomous	Non-Financially Autonomous	Financially Autonomous
27	10	6	31	289

Source: *RRC*

In contrast to the usual structure of local government elsewhere, local government in West Malaysia does not cover the whole country, a partial exception being the states of Malacca and Penang where district and rural district councils include the whole area of

⁴ The Ordinance enabled the Mentri Besar or Resident Commissioner to nominate persons not exceeding one-third of the whole number of members of the council to ensure the adequate representation of minorities.

⁵ This followed the recommendations of the Reid Constitutional Commission that local government which had been a Federal responsibility since 1948, should be handed back to the state governments.

⁶ Article 95A.

⁷ In Penang and Malacca rural boards of the same status as town boards were established but their areas covered the whole of an administrative district. These boards also underwent the same changes as occurred in other states, becoming fully or partly elected, some with financial autonomy some without.

those states outside the municipalities. In the country as a whole about half the population lives within the area of the local authorities, but the total area of these authorities include only a little over 3 per cent of the country,⁸ the position varies however between and within states.

The last seven years in Malaysia have seen the rapid erosion of local government. The Confrontation with Indonesia brought a suspension of local government elections,⁹ a suspension which was never removed and as a result no local government elections have been held since 1962-3.¹⁰ In November 1971, following a meeting of the National Council of Local Government it was announced that all elections to local authorities have been suspended. The latter decision was the culmination of a series of events unrelated to Confrontation, namely the internal collapse of local government itself. In 1965 the town council of Seremban, the state capital of Negri Sembilan, was taken over by the state government because of alleged maladministration and malpractices.¹¹ This was the first of a succession of take-overs by state governments, the most recent case being that of Kota Bharu, Kelantan, in December 1971.¹²

The purpose of this chapter is to examine local government and its problems in one area of the country, and then relate the findings to the proposals of the Report of the Royal Commission on Local government. Some aspects of that report and the views of its critics will be discussed in the concluding chapter because of their relevance to the problem inseparable from that of local government, namely the future shape of field administration in Malaysia and the role of the district officer.

Kelantan—A Case Study

Local authorities in Kelantan do not include the majority of the area or population of the state.¹³ The average population of town

⁸ *RRC*, p. 29.

⁹ Emergency (Suspension of Local Government Elections) Regulations, 1965 and the Emergency (Suspension of Local Government Elections) (Amendment) Regulations, 1965.

¹⁰ Except in Trengganu, local council elections were held in 1962 and elections to all other councils in the following year.

¹¹ For the findings of the subsequent inquiry see, *Report of the Commission of Enquiry to Enquire into any Incidents of Maladministration and Malpractices in the Seremban Town Council Since 1st Jan., 1959* (Kuala Lumpur, Government Printer, 1965).

¹² Negri Kelantan, *Warta Kerajaan*, 9 December 1971.

	State of Kelantan	All Local Authorities
Population	680,626	161,708
Area (sq. miles)	5,764.8	95.33

councils is 12,955, but this figure is largely affected by the size of the population of Kota Bharu town area, most being well below this total. The average population of local councils is 3,382. Actual eligible voting population is of course considerably less. In terms of area, local authorities cover only a small percentage of the area of the state. The results of the limited coverage of local government are that local government is the administration of and in small communities with a limited base of population and resources.

The inadequate economic basis of local government is aggravated in Kelantan by the fact that Kelantan is itself a state with inadequately developed and limited resources. Local government is therefore subject to the authority of a government that is unable to provide fully for its own needs, and has to depend on substantial aid from the federal government.

The government of Kelantan is controlled by the major opposition party in West Malaysia, *Partai Islam*. With the latter's support based largely on the rural areas and that of the Alliance in the urban centres, party divisions are clearly reflected in the pattern of power in local government. All town councils are controlled by the Alliance, and most of the local councils by *Partai Islam*. The existence of centres of Alliance power in the urban areas, the opposition control of the state government, and the latter's financial dependence on the federal government are factors that are important for an understanding of some of the problems of local government in the state.

The origin of local government in Kelantan as in many areas of Malaya is to be found in the establishment of sanitary boards in certain areas of the state under the Sanitary Board Legislation of 1907.¹⁴ After the legislative provision for town boards under the Town Boards Enactment of 1934, the Unfederated Malay States adopted their own legislation along similar lines, Kelantan passing its own Municipal Enactment in 1938, and establishing the first town board in Kota Bharu the same year.¹⁵

Today there are six town councils in Kelantan, all financially autonomous and twenty-one local councils. Every district headquarters town has its town council except for Tanah Merah which has retained local council status. The decision of the state government to take over the administration of Kota Bharu has resulted in Kota Bharu's reversion to the status of town board.¹⁶

¹⁴ By 1914 Kota Bharu, Tumpat, and Pasir Mas were the special charge of a Conservancy Board under the chairmanship of the Superintendent of Lands. The functions of the board were lighting and scavenging in these town areas, any works being carried out by the PWD, *KAR*, 1914, p. 2.

¹⁵ *KAR*, 1938, p. 13.

¹⁶ *Nagri Kelantan*, *Warta Kerajaan*, op. cit.

In the district there will usually be one town council and two or three local councils. They will all consist of elected members varying usually from nine to twelve with, in the case of local councils, an elected chairman, and in town councils with the DO as president. In Kota Bharu town council a government officer, but not the DO, was appointed as president. These Councillors were elected in the elections of 1962-3 although some have been replaced under the provisions for nomination in the Emergency Powers legislation following the suspension of elections in 1965. In all the councils there is a number of opposition members. The councillors were elected in elections marked by a very high turn-out, in the case of the town council of one of the districts studied voting turn-out varied from 67.5 to 77.1 per cent of the electorate in the various wards.

The staff employed by these councils is minimal. A town council may have only a chief clerk (assisted by two or three clerks), a Public Health Inspector and no other specialist officer. These officers will be members of the state service but paid by the council itself. A local council may be even less well endowed, its total establishment consisting only of one clerk and two labourers. The DO and ADOs will have some council duties although in practice most of these will be delegated to one of the ADOs. In technical matters the services of state and federal officers are available but they will be rarely involved in council business, most of the administrative work for the council being performed by the chief clerk who in many respects is the most important person in town council administration.

The town council conducts its business by regular monthly meetings of full council and its committees. The total number of committees will vary but in the town council of one of the districts studied there were standing committees on buildings, finance, and general purposes, often supplemented by *ad hoc* committees for particular projects or special problems arising from the affairs of the council. Most of the executive work of the council is conducted in committees, from which the opposition is excluded being represented only in meetings of full council.¹⁷ Although the minutes of these committees are all submitted to the full meeting of council the decisions of the committees are rarely questioned, and the opposition maintains a more or less permanent silence.

As has already been pointed out, the formal position of the DO is different in the town council from what it is in local councils. In town councils the DO is usually president of the council but in the Municipal Enactment he shares responsibility with the board as a

¹⁷ In larger councils the party organization may be well developed with the decisions to be taken in council being determined in pre-council meetings of the party.

whole in the powers given to the board.¹⁸ The present town councils operate under the pre-war legislation which provided for the establishment of nominated town boards, and the duty of the board was to advise the DO in regard to any powers conferred on him; in case of disagreement between the president and the board the DO was to refer the matter to the Ruler-in-Council for decision.¹⁹ With regard to enforcement, however, the DO was in some cases specifically granted certain discretionary powers.²⁰ Under the town board legislation, given the nature of the town board as a department of state, there was little doubt where ultimate power lay as between the DO and the board. With the creation of elected councils, however, the legislation designed for very different conditions created an ambiguity in the power relations of the DO and the town council.

Local councils were established under different conditions and the legislation provided for fully elected, financially autonomous councils from the beginning. Under this legislation, however, the DO was given the duty of ensuring some measure of control in the legal and financial administration of the council, in particular the requirements that all estimates and by-laws had to be submitted for the approval of the DO.²¹ The latter was not however granted the general powers and responsibilities which had been conferred on the DO in town boards, and the usual practice was for the local councils to elect their own chairman. The role of the DO thus became, apart from the few specific control functions, that of adviser to the council. In practice, this has become the role of the DO in both town and local councils and in respect of the latter the work is delegated to one of the ADOs.

The extent to which these officers fulfil this role will depend to a great extent on the officers themselves. Some will make a conscious effort to encourage the council to take on fuller responsibilities in order to give them more experience in running their own affairs,²² and advice will often be given on ways of improving the management of their business and on details of legal and administrative rules and procedures. This is apart from occasional exhortations for greater interest and participation in the affairs of the council.²³ In addition

¹⁸ The actual wording of Section 10 is 'The powers in this Enactment conferred upon a Board or upon a District Officer . . .' The Section then proceeds to list these powers placing them alternatively in the hands of the DO or Board.

¹⁹ KME, Section 8 (ii).

²⁰ KME, Sections 13, 14, 15, and 23.

²¹ LCO, 5 and 12 (37).

²² The minutes of one town council record the efforts of the DO to persuade councillors to take over the committee chairmanship from himself in order, as he put it, 'to train all members in running the meetings so as to bring them closer to democracy'.

²³ In some cases meetings of local authorities are poorly attended and infrequently held.

the DO to some extent acts as spokesman for, and adviser to, the council in relations between the council and other levels of government, thereby obtaining for example the good offices or financial assistance a council may need. But advice is not power, and these occasional interventions of official advice contribute little to the solution of the deep-seated problems of local government.

The functions of local authorities in West Malaysia are limited by legislation, there being no 'general competence' possessed by these authorities. The functions granted to both town and local councils are mainly concerned with the traditional functions of small local authorities namely public health, improvement of communications within the area, and provision of some basic facilities such as water, lighting, and recreation. For the performance of these functions the councils possess certain legal and executive powers for the control and regulation of these activities in the council area. Councils do not in practice however perform all the activities which by law they are authorized to do, and a picture of their work can perhaps best be obtained by an examination of the actual business of council meetings and an analysis of their revenue and expenditure.

TABLE 7
The Business of Town Councils

Subject (1 year)	No. of times discussed (frequency)	Further Details
Maintenance, Improvement and Development	68	Mainly concerned with improvement of roads and ditches in the town area, and maintenance of certain areas of the town. Other major items include the discussion throughout the year of the plan for the building of a town council hall, support for a kindergarten and proposals for the development of the town.
Electricity and Water	10	Discussion on electricity concerned with improvements to street-lighting, extension of periods of supply in certain areas, complaints from public about method of payment of electricity bills. In regard to water, the extension of pipewater, and free water supply for certain institutions.
Licencing, Tenders	17	Apart from issuing of licences and tenders, discussion on requests for reduction of licence fees, and increasing number of licences in certain fields.
Health	5	A variety of matters raised, including unhealthy conditions in certain areas and trades, and a request for an ambulance for the town.

TABLE 7—Continued

Subject (1 year)	No. of times discussed (frequency)	Further Details
Finance and Rates	34	The main financial items apart from the budget session of the council were concerned with requests for reduction of licence fees and rents, discussion of excess payments, Treasury financial rules, reports on the financing of the council chamber, and on the meeting with the Auditor. A special report on the financial problems of the council and rates including discussion on requests for reduction of rates, on how to improve collection of rates (including rate campaign) and the problem of arrears. The latter subject was discussed on seven occasions during the year.
Social	2	Participation on ceremonial occasions discussed.
Internal Affairs and Organization of Council	8	Role of the DO in committees, establishment questions, improvement of procedures, and the appointment of new committees.
Building Committee	48	Of these items, forty-one were concerned with applications for the building or improvement of houses.
Miscellaneous		Road traffic and certain control functions, e.g. market and regulation of selling outside market.

The Business of Local Councils

Subject (13 meetings)	Frequency	Further Details
Maintenance, Improvement and Development	19	Mainly roads, repairs and improvements, and development proposals for small projects to State government.
Electricity and Water	3	Items of discussion regarding water and electricity supply and payments, e.g. need for repairing water engine site and facilities.
Licencing and Tender	8	Major item was control and taxing of entry into local council area via entry gate, proposal to revive road tax on cars plying for business.
Health	1	Request for co-operation of council to inform people of need to boil water in the rainy season.
Finance and Rates	11	Wages, financial affairs, auditors' report, budget meeting.

TABLE 7—*Continued*

Subject (13 meetings)	Frequency	Further Details
Internal Business of Council	25	Internal affairs of council, conduct of business, composition, management of its affairs, problem of non-attendance, financial management.
Miscellaneous	2	e.g. Traffic Laws.

These tables are based on an analysis of the minutes of meetings of one town council and one local council. In the case of the former the table records the work of twelve consecutive months, the latter of thirteen meetings of the council over a similar period. Column (b) refers to the number of occasions on which the particular matter was raised, although no distinction is made between questions, information or discussion and therefore there is no attempt to weight the relative importance of these issues as measured by the time devoted to them.

A brief analysis of the revenue and expenditure of councils can serve two purposes, to illustrate both the kind of functions performed by councils and the limitations imposed on council activity by their weak financial base.

Taking as an example the same town council discussed above, the expenditure of the council was of three kinds; non-revenue earning, revenue-earning, and administrative costs. The main items of non-revenue expenditure are wages and other expenditure for conservancy and street lighting, revenue-earning expenditure including wages for the care of the market and other market expenses such as lighting and water supply.

All councils in Kelantan are financially autonomous and therefore retain all the revenue raised by the councils for their own local authority area.

The sources of revenue of the town council studied, other than grants from state and federal governments are: (1) rates, licences, and miscellaneous payments; (2) payments from revenue-earning services; and (3) payments in lieu of rates by state and federal governments and authorities. The largest single source is revenue from revenue-earning services but this is almost entirely accounted for by payments of market fees. Other revenue mainly consists of licence payments, a variety of occupations being subject to licence provisions, and assessment rate. Apart from market fees, rates are the largest single source of revenue, the only other substantial revenue item being the registration fees for non-motor transport.²⁴ To take 1970 as an example, of the total revenue collected, \$121,372.99, \$30,719.75 was derived from assessment-rate, \$6,192 from licences and \$56,705 from revenue-earning services.²⁵

²⁴ This refers to the registration fees of 'bechahs' or tricycle rickshaws.

²⁵ TC, *Estimates of Revenue and Expenditure*.

Under the Constitution of Malaysia, Article 156, state and federal departments although not liable to pay local rates are to pay aid in lieu of rates, on the basis of agreement between the local authority and the governments concerned.²⁶ In the case referred to above in 1970 these payments totalled \$5,813.

The bulk of expenditure is taken up by wages, salaries and allowances; of the total of over \$128,000 spent in 1970 by this town council, over \$100,000 was for these items. Almost the whole of the remaining expenditure was accounted for by market and lighting costs.

Local councils will usually have even fewer sources of revenue, and by way of contrast with the town council the following table illustrates the narrow financial basis of one local council administration:

TABLE 8
Revenue of Local Council²⁷

<i>Type of Revenue</i>	<i>Collection (up to end of July 1969)</i>
<i>Section A</i>	\$
1. Assessment of Rate	3,100.82
2. Bechah licences	600
3. Business licences	190
4. Hiring of council property	30
<i>Section B</i>	
5. Market fees	588
6. Sale of rubbish bins	25
7. Water rate	1,250.40
TOTAL	<u>\$5,784.22</u>

In the case of this local council, expenditure on administration, wages and allowances had left very little of the revenue for other purposes, the only other item of any significance being the expense involved in the provision of the local council water supply.

The establishment of financially autonomous local authorities was not accompanied in Malaya by any provision for grants-in-aid by state or federal governments and the tendency was to regard financial autonomy as financial self-sufficiency, an independence which most local authorities could not sustain. Some assistance has however filtered through to the councils, and in Kelantan an effort was made to provide aid on a proper basis by establishing a formula for state grants-in-aid. Local authorities for a time received aid calculated on the basis of 10 per cent of the previous year's rate collections, but even this assistance has now stopped as a result of the financial

²⁶ Federal Constitution, Article 156.

²⁷ LC, *Estimates of Revenue and Expenditure*.

weakness of the State itself. Federal and state aid was also obtained from time to time by town councils for particular projects—at least two town halls and a market were built by federal money. The purposes for which aid was granted by state and federal governments further serve to highlight however the inability of local councils to provide even basic services from their own resources.

TABLE 9
Federal and State Government Specific Grants to Town Council
1969²⁸

		\$
<i>State</i>	1. Buying air-conditioners	2,000
	2. Making new raft for old market	4,500
	3. Repair cemetery fence	2,500
	4. Repair fence of kindergarten	1,650
	5. Buy seats and decoration for Teniat	1,500
		<hr/> 12,150
<i>Federal</i>	6. Building a slaughter-house	7,000
	7. Fencing town council padang and public park	15,000
	8. Making cement drain for roads behind shops	3,000
	9. Cementing of roads in (8)	22,000
		<hr/> 47,000

In its examination of the problems of local government in West Malaysia the Royal Commission pointed out that 'it was by and large due to the unhappy financial position obtaining in most local authorities that the appointment of the Commission of Enquiry was considered necessary'.²⁹ As has been pointed out local government was established hurriedly without any serious regard for the conditions which could make local government viable, and when this was accompanied by inadequate state financial resources the prospects for local government were bound to be dim. There are in West Malaysia exceptions to this, and within Kelantan itself there are contrasts to be seen between councils with some potential for viable local government and others where there is no prospect at all, given the present structure of local government, of ever establishing a reasonable basis of strength.³⁰

For many of these councils' financial resources are not only inadequate but also inelastic. Apart from the fact that legislation

²⁸ TC, *Minutes*.

²⁹ RRC, p. 232.

³⁰ These contrasts do not always represent a distinction between town and local councils. There are local councils in a stronger financial position than some town councils, but the category of local councils includes authorities with barely more than nine hundred inhabitants and a few hundred houses.

imposes an upper limit on the percentage of assessment rate, there is only limited development of businesses, those that exist often being marginal ones, and in a community of relative poverty payment of rates may be more than many can afford.³¹ The major sources of revenue are already controlled by the state and federal governments, and in the absence of a proper grant system local authorities have few alternative sources available. The result can be clearly seen in the records of local authorities which show the way in which councils are almost entirely involved in maintenance functions, struggling from time to time to obtain additional help from state and federal governments.³²

The financial weakness of local authorities accounts for so many other problems of local government, in that financial inadequacy means poor administration. With the exception of a few large authorities on the whole councils cannot afford to maintain a full complement of specialist staff, the latter usually amounting to one overworked public health inspector. The services of specialist federal and state officers are available for the council but in practice there is little contact between these officers and local authorities, the specialist departments themselves having to face a serious shortage of personnel even for what they regard as their more important priorities.

Inadequate revenue is not however merely a matter of inadequate resources but of inefficient administration³³ and enforcement. The failure to collect revenues from rates, licences, and other sources is a serious barrier to the viability of local authorities and has plagued local government in Malaya throughout its history. Without a full economic survey of the population in different local authorities it is difficult to assess how far the burden of local taxation is beyond the means of the people, but evidence undoubtedly also supports the view that local authorities run into difficulties 'not because of profligate spending but inefficient debt-collection'.³⁴

³¹ For example the Royal Commission was told in evidence from Bachok Town Council that 'as the majority of the people are fishermen, they cannot pay even 50 cents per annum as assessment'. *RRC*, p. 60. For similar evidence from Kedah, *Straits Times*, 9 February 1966.

³² One town council decided to present progress reports of the work of the council to their monthly meetings. After a few months the reports stopped as the previous months had shown nothing to report except the clearing of ditches and the provision of council seats for the public.

³³ The state of financial chaos is partly reflected in the lack of control over the holding of funds, one result of which in some cases is the absence of any distinction between the deposits of public and private moneys. An official of the Audit Department cited a case where on asking the treasurer of the local council to show him his holding of council money, 'the towkay went to his private safe, counted out the amount and showed it to me'.

³⁴ 'Rates Poser', *Straits Times*, 3 October 1963.

All the councils examined had large arrears of revenue. The total debts of one town council in 1970 stood at \$221,080.92. Of this total \$153,149.89 represented arrears of assessment rate alone. With a few exceptions the arrears of various sources of revenue had increased year by year and included in the arrears of rates were debts of ten years standing. A major source of debts was non-payment of business licences and education rate, the latter levied on behalf of the federal government in local authority areas.³⁵ The actual total of arrears is in practice difficult to determine because of the poor standard of accounting and general administration.³⁶ In the absence of an up-to-date record of rates it is not even known whether all the houses that should be, are in fact assessed.³⁷

In the case of more poorly endowed local authorities the position is one of permanent financial crisis. To take the example of one local council, in its estimates for 1964 the council expected to raise \$707 from its assessment rate, in fact it actually collected \$4.³⁸ Even more ambitious the following year its estimate of rate collection was increased to \$764, actual collections fell to \$3. The same report drew up a list of licences for which fees had not been collected since 1963—it included almost all business licences issued by the council.

The problem of enforcement reflected so clearly in relation to taxation in local government is one that pervades the whole of local government administration, the relations of local authorities and the public, the internal management of the councils, and the relations between local authorities and higher levels of government.

One of the most important functions of local government is control and regulation particularly in matters affecting public health, through the maintenance of building regulations, conservancy, and other services. However it is the failure of local authorities in these fields of responsibility that are nevertheless the most obvious; whether it is a case of building without approval, poor sanitation conditions, the open sale of illegal drugs or the plying of trades without licence, the impression gained is of a substantial vacuum of authority. The authorities' weakness in its dealings with the public is part of a wider administrative weakness in local government which can be seen most clearly in financial administration.

³⁵ In the rural areas education rate is collected together with land revenue on some holdings. See above, Chapter 2.

³⁶ The official recorded total of arrears for all town councils in Kelantan however is M\$2,054,215.45.

³⁷ There is also the additional problem of the failure of local authorities to conduct a revaluation of property in the area. A survey of the Valuation Division of the Treasury showed that less than 20 per cent of the local authorities have proper records of the properties under valuation. *RRC*, p. 247.

³⁸ A result that was hardly surprising in view of the fact that the party that won power in that council, campaigned in the last local election on the platform that if they were elected they would not collect rates.

Financial procedures are intended to ensure that proper records of the finances of the council are maintained and that expenditure is used for the purposes approved as a means of preventing maladministration and malpractices, and ensuring responsibility of the council to the public. The value of these procedures and controls has been substantially nullified by the actual practice followed by local authorities. The estimates of local authorities do not perform the function of defining, and thereby limiting, effectively the purposes of expenditure. Councils expend money for purposes not included in the original estimate, and although excess expenditure and virement are permitted subject to the DO's or state government's³⁹ approval, councils often do not bother to obtain this approval. This misuse of funds affects not only revenue raised by councils from their own resources, but also grants made by state and federal governments for specific purposes. One council still had, on paper, over \$17,000 of its original grants from state and central governments unused – in fact this was merely a book-keeping entry as the money had long since been spent.⁴⁰

The failure of the public to pay its dues to the council is almost matched by the failure of the councils to pay their own debts to the public and to other public authorities. The most notorious example of the latter was the collection of the water rate in Kelantan. Local authorities had been delegated the responsibility to collect water rates on behalf of the state government in the town areas, the money to be subsequently transferred to the state. For a number of years the money was kept by the councils and used as part of their own revenue.⁴¹ Now the state government is gradually reclaiming the debt by non-payment of aid in lieu of rates. The financial position of local authorities has been aggravated however by the widespread failure of the federal and state authorities themselves to fulfil their own legal obligation to pay this form of revenue to the local authorities in the past. In 1968 the debts owed by state and federal authorities to one town council were \$5,873 and \$16,000 respectively, and some of these debts were of ten years' standing or more.⁴²

What should be an important instrument of control, the audit, is in practice largely an administrative exercise. The auditor's department is in many cases not able to conduct an audit without itself rewriting the accounts presented by the councils,⁴³ but often it does

³⁹ This power is given to the DO in local councils only. ⁴⁰ TC, *Audit Report*.

⁴¹ A total at the end of 1968 of \$140,189.59. TC, *Working Paper on Finance*.

⁴² TC, *Audit Report*.

⁴³ 'As in previous years, the delay in submitting the Annual Financial Statements for audit is mainly due to the inability on the part of the council to produce them on their own, and some of the statements would not have been forthcoming had the Audit staff not assisted with their preparation.' *Report of the Auditor-General on the Accounts of the State of Kelantan*, 1968, p. 15.

not even receive the accounts or is auditing accounts three or four years after the period of expenditure. Even when accounts are finally submitted the information made available to the auditor is often inadequate for a full assessment of the real financial position of the council. The responsibility of the auditor ends with the submission of his report, responsibility for acting on it lies with the state government and the council and its officers, but it is evident from the complaints of auditors' reports that the observations of the auditor often never reach the council chamber, and the state government has tended to display the same amount of indifference.

As has already been indicated the present system of local government is partly based on legislation which established non-elective authorities and even though at a later stage these became elective bodies, to which were added the fully elective local councils, in both cases the DO retained important control functions. The latter have however been substantially qualified by political change which has created an ambiguity and uncertainty in the authority relations of DO and elected councils. As a result DOs have been reluctant to exercise their powers without the support or initiative of councils,⁴⁴ and the latter have in turn been able to shift responsibility to the DO who under statute has definite duties assigned to him.⁴⁵ In Kelantan, however, the position has been recently clarified as a result of the state government seeking legal opinion which expressed the view that, in the case of conflict between a nominated president and an elected council, the will of the latter must prevail.

The lack of control by DOs is not merely the result of ambiguity in regard to the allocation of authority. Local government is low down in the order of priorities of DOs, and today with the time-consuming work of development they do not have the opportunity to pay serious and regular attention to the affairs of the local authorities. Effective control can only be based on knowledge and information, and therefore requires the attention of officials who have the time and skills necessary for the efficient conduct of local affairs. Often the most important official in a town council will be the chief clerk, engaged in the maintenance of the records of the council, which in view of the condition of revenue and expenditure is sometimes a formalistic exercise, and who is more likely to be worried about whether the revenue for the month will cover the wages of himself and the office staff.

An analysis of the reasons for non-enforcement would have to take into account the general environmental factors, namely the

⁴⁴ In the case of two town councils studied the President had never been known in recent years to challenge the authority of the council in matters within his responsibility.

⁴⁵ See, for example, the comments of the Commission, *RRC*, p. 255.

relative poverty and limited size of these communities. The attitude of both councillors and officials is undoubtedly influenced by the fact that they are dealing with a relatively poor population in both economic and educational terms, the result often being that they feel unable to support a strict enforcement of the law. This is also related to the size of the community. In a local authority with a voting population of five or six hundred people it is not difficult to imagine that action taken by the council may easily involve relatives and friends of the council and its employees,⁴⁶ thereby forcing a conflict between an individual's familial interests and public duty. Councillors therefore have to live with the consequences of their actions and may even have to face violent reaction to attempts at firm action on their part.⁴⁷ The councillors' own interests are also involved in other ways. They may themselves fail to set an example by not paying their own rates, and the most common reason given for non-enforcement is the councillor's fear of defeat in a subsequent election—this in spite of the fact that there have been no elections since 1962-3. Some may also consider that strict enforcement will conflict with other policy objectives. In the case of one local council it was explained to the writer that the council was trying to encourage the rural people to migrate to the local council areas, and that therefore strict enforcement of rates and building regulations would be incompatible with this objective.

The failure of the DO to exert his own authority is partly related to the factors discussed earlier, but it has also to be recognized that the DO is a local administrator and is therefore to some extent subject to the same kinds of pressure as the local councillors themselves,⁴⁸ even perhaps sharing their attitudes. Furthermore in the absence of a firm lead from above, can a DO be expected to take the risk of antagonizing the urban leaders in his district, particularly when action on his part may be frustrated by the decisions of superior authorities?⁴⁹

Even where the will to enforce the law exists, the problems of enforcement are difficult. Officers in charge of specialist departments are faced with a shortage of personnel without the added burden of local government, and where there exists divided responsibility for

⁴⁶ Dahari Ali, 'The Grass Roots of Democracy', *Straits Times*, 31 May 1962.

⁴⁷ *RRC*, p. 255.

⁴⁸ With regard to the attitude of officials in general regarding enforcement the Royal Commission reported, 'some of them even frankly admitted that their inability or unwillingness to enforce the law was largely due to the displeasure they would have to incur from the councillors and the public'. *Ibid.*, p. 255.

⁴⁹ The Royal Commission cites the case of the Trengganu State Government issuing a circular letter in 1959 to all DOs not to enforce Section 7(4) of the Local Councils Ordinance in respect of recovery of rates in Local Council areas. *Ibid.*, p. 253.

enforcement⁵⁰ a department may have little incentive to initiate action. Furthermore in respect of enforcement in general, in small communities of this kind, some forms of legal remedy are unacceptable.⁵¹ Legal proceedings are, it is claimed, slow and cumbersome, although clearly this is not the only reason why they are rarely used. Apart from frequent pious undertakings to adopt a firmer attitude towards enforcement, some councils have resorted to public appeals and house-to-house visiting sometimes with good results.⁵² But the problem of implementation is a circular one. The unwillingness of the public to pay their debts, for example, is in part a reflection of poor standards of service, it being difficult for the people sometimes to understand what they are supposed to be paying for.⁵³

Poor standards of administration are also a result of corruption. As has been pointed out by others, corruption is usually difficult to detect but in the field of local government the evidence is more readily available and fairly well documented.⁵⁴ The main opportunities for corruption derive from deficient financial administration which often makes it impossible to determine how revenue has been used. Where this can be determined, accounts show misuse of funds for the personal benefit of councillors through excess payment of allowances or payments for unauthorized purposes. In many councils one of the largest sources of profit for councillors is contracting, particularly with regard to the revenue-earning fields of market and other 'farming' rights. In one council, for example, the market contract was never given to the highest bidder but was obtained by the same person from year to year. After a time other contractors stopped submitting tenders and now only one person (the same one) applies every year. The problem of corruption is not confined to the councillors themselves. Opportunities for corruption can arise in almost any department's activities, from the approval of buildings,

⁵⁰ For example the police may be able to bring action and obtain a court penalty for non-payment of licence fees, but the power to withdraw a licence rests with the Council itself. Police are in fact often unable or unwilling to take action unless it is initiated by the council.

⁵¹ In a community of three hundred voters, councillors, and officials are naturally reluctant to take the responsibility for a decision to knock down a neighbour's building put up without prior approval of the council.

⁵² Councils for example have used the services of local radio and the Department of Information for this purpose.

⁵³ The writer was resident in an area of a town council where the rubbish of an urban kampong was collected about once a month. It was difficult to avoid the conclusion that the main beneficiaries of the town council services were the vermin population.

⁵⁴ E. Simpkins and R. Wraith, *Corruption in Developing Countries* (London, 1963).

to the council lorry driver whose repair and maintenance bills provide him with a regular additional source of income.⁵⁵

Ultimate responsibility for the control of local government rests with the state government. At state level, in Kelantan, one of the Assistant State Secretaries is designated as Secretary of Local Government, as one of many of his responsibilities. His role, however, is solely that of adviser to the state committee on local government which is a committee of the executive council, a political body. Whatever other factors may have encouraged the state government not to interfere in local government, one important factor was that the state government did not wish to face a confrontation with the federal government, which strong action against the Alliance controlled urban governments might well have produced, bringing with it perhaps undesirable financial consequences for the state government.

Reference has already been made on a number of occasions in this chapter to the observations of the Royal Commission on local government in West Malaysia. Some of the conclusions and implications of the Report will be discussed in the final chapter of this study in regard to the future of field administration in Malaysia, but it is probably useful at this stage to summarize what the Report saw as the major problems and solutions of local government.

The picture of the problems of local government that emerges from a study of a few selected councils in one state of Malaysia seems to differ little from that portrayed by the Report of the Royal Commission for West Malaysia as a whole.

In the view of the Commission the need for reorganization arose from certain fundamental weaknesses in the present structure and administration of local authorities, which could only be overcome by a total re-examination of the existing local government system.

Local government they stressed had been established without any serious regard for the criteria necessary for a system of viable authorities. Their size, population, and resources vary widely but in most cases they concluded that these were insufficient to sustain an adequate scope or level of administration. Furthermore the limited application of local government had involved a separation of the administration of rural and urban areas. Given the pattern of racial distribution in Malaysia the result had therefore been that local government had become largely government by non-Malays, thereby highlighting the urban-rural dichotomy which lies at the basis of

⁵⁵ One town council president who was interviewed was at the time drawing up a chart of council transport repairs to illustrate, as he explained, the excessive maintenance costs of this transport. A not unknown practice is for a driver to take the lorry to a garage for the repair of a 'puncture', the bill is paid by the council, and both the driver and garage enjoy the profits.

Malaysia's political and social problems. In spite of the poor resources of the majority of authorities, state and federal governments had in their view failed to provide the kind of financial support which local authorities throughout the world today find essential. Inadequate resources and the limited scope of services is reflected in the inadequacy of staffing and standards of administration in local authorities, the staffing problem also being seen as related to the more general one of ineffective control. Maladministration and malpractices were attributed to the unsatisfactory machinery of control and insufficient effort on the part of those responsible for exercising control functions, particularly the DOs and state governments. Responsibility they recognized also rested with the councillors themselves whose ignorance and lack of training in local government affairs resulted, among other things, in the failure of councillors to understand their proper role in relation to the administrators with a consequent excessive involvement by councillors in non-policy matters.

The Report examined the issue of local government in comparative perspective and in the first part of the Report identified five broad objectives of decentralization; national unity, democracy, freedom (autonomy), efficiency, and social-economic development. It saw the relative importance of these objectives as inevitably varying from country to country, but in the Malaysian context felt that the order of priorities needed were national unity, social-economic development, efficiency, democracy, and autonomy. In spite of this order of priorities laid down by the commission it is clear that in its recommendations its first commitment was to democratic objectives. The commission did not accept the view that either the serious weaknesses of local government or the problems of national unity called for an abandonment of the elective system of local authorities. On the contrary it believed that by establishing local authorities over the whole country with boundaries conterminous with those of the administrative districts, and with an effective supporting structure of administrative personnel, finance, and control, the foundations could be laid for a successful local government system. The recommendations of the Report had much wider implications affecting not only local government but the whole system of field administration as it exists today. However before the implications of the Report are examined, some discussion is necessary with regard to the role of the DO in the light of political changes since independence.

THE ADMINISTRATOR, THE POLITICIAN, AND THE PUBLIC

Introduction

IN his model of political development Almond identified administration as the rule-application function, reflecting a view of the separation of administration and policy which was a product of certain administrative developments in Europe over the last century. It was this particular role of administration which came, through the influence of Weber's analysis, to be seen as one of the features of the bureaucratic model. Not all administration however has been bureaucratic and even in modern European experience it is arguable whether it has been the most characteristic one.¹ Writing of the unique position of the prefect in French public life, Chapman comments:

He is the administrator who is part-politician and the politician who is a first-class administrator . . . His role is partly administration, partly politics, partly social leadership.²

The same is no less true of his non-European equivalent, the District Officer.

It is however not only the ambiguity associated with this kind of office which poses special problems in any discussion of the relationship between politics and administration, but the kinds of goals which the governments of the new nations have in some cases adopted, and the nature of these political systems themselves.

Bureaucracy is a style of administration which emphasizes values that create a particular limited role for the administrator. It is a style which has been described as expert, universalistic, professional, computative, depersonalized, and routinized,³ which emphasizes the equity of the rule rather than the case and makes few demands on the empathy of the administrator. In a colonial setting many of the features of bureaucratic administration could be maintained in a situation where development was not a major task of administration,

¹ A. B. Spitzer, 'Bureaucrat as Proconsul: The Restoration Prefect and the Police Generale', *Comparative Studies in Society and History*, Vol. 7, 1965, p. 392.

² B. Chapman, *The Prefects and Provincial Administration* (London, 1955).

³ B. B. Schaffer, 'Deadlock in Development Administration', Colin Leys ed., *Politics and Change in Developing Countries* (Cambridge, 1969), p. 190.

administration had only a limited impact at the lower levels of the society and where the administrator was largely operating in an a-political environment.⁴

The goals of development policies in many new nations combined with the conditions to be found in these societies were however bound to modify the bureaucratic form of administration. Development objectives are usually designed to achieve cultural as well as physical outputs.⁵ This involves not only the implementation of technical programmes of development but a reshaping of the values of the community, and a process of political socialization aimed at developing a commitment to, and identification with, the broad goals of the society by both administrators and citizens. It requires the bureaucracy to go beyond its more limited instrumental role and to assume that of social and political leadership; a situation described by Eldersveld as one in which 'Bureaucratic impersonality, compulsive professionalism and rigidity must give way to pragmatism, populism and perhaps even personalism if the system is to succeed.'⁶

The different role of the administrator in those conditions is also partly the result of the style of administration which is expected by government, and which to some extent has to be adopted in conditions of underdevelopment. The emphasis on the importance of face-to-face communication, and the inadequate communications and limited scope of administration in the rural areas make government still heavily dependent on the administrators as the link between government and the people. In so far as direct contact characterizes the style of administration a greater premium is placed on rather different qualities among the administrators; in Weberian terms the legal-rational form of administration is modified by charismatic features.

In Malaysia development is seen as the solution of the central problem of communal or ethnic divisions, which are to be met by a development programme designed to remedy the socio-economic imbalance between the races. It is at the same time recognized that any serious deterioration in ethnic relations will provide the revived communist movement in Malaysia with opportunities for expansion. For this reason government considers it to be essential that the

⁴ In the sense that the administrator did not have to work within a party-political environment. Being responsible for maintaining stability the colonial administrator was of course performing a political function, a point which became obvious once the colonial power was challenged. For an excellent study of the political role of the district officer before independence see G. McGuire, *Towards Uhuru in Tanzania; the politics of participation* (Cambridge, 1969).

⁵ Ness, *op. cit.*

⁶ Samuel J. Eldersveld, V. Jagannadham, A. P. Barnabas, *The Citizen and the Administrator in a Developing Democracy* (U.S.A., 1968), p. 8.

people see the benefits of development as flowing from government action, and has therefore given to the administrator the task not merely of implementing these programmes but of ensuring that the people understand what is the source of these developments. Addressing senior administrators recently the Prime Minister made this quite explicit. The communists he emphasized are also propagating the eradication of poverty among the people, and it was therefore now a question of who do better. It was, he continued, very important for the government to show the people how it was helping them, as it was now a matter of winning the people over. For this reason he directed all DOs and other officers to 'get more to the ground'; 'It is no use,' he added, 'spending millions of dollars on various projects if the people are not with us.'⁷

The views of Malaysia's political leadership on the role of the administrator were more fully developed in a recent seminar on administrators and politicians.⁸ While recognizing the traditional separation of administration and policy, it was there argued that it was difficult for administrators to implement policies unless they were themselves convinced of the virtues of those policies. The necessity for this conviction on the part of administrators was the result of the fact that it was the function of the administrator to convey to the people the policies of the government, and to explain and convince the people that the policies of the government are for their benefit. Stressing this role of the administrator, one speaker envisaged a charismatic type of social administrative leadership which called for knowledge, a wider outlook and inspirational leadership, a relationship between leadership and administration which is clearly political. 'Development and the administrator,' he said, 'are like brothers, because of which the administrator cannot say that he has nothing to do with politics, because politics in our nation today is inseparable from leadership.'⁹

Under a system of representative government the administrator is no longer the sole channel between government and people, this role now being shared with the elected politician. In discussing the relations between politicians and administrator in the seminars the speakers took the view that the politicians could not become a substitute for the administrator. The politician alone they argued could not be used as he represents one section of the community only, whereas the administrator had the advantage of a tradition of

⁷ *The Sunday Times* (Malaysia), 31 October 1971.

⁸ The seminar was held at the Training Centre for Government Officers in Kuala Lumpur in 1972. The analysis that follows is based on papers presented by the Menteri Besar of Selangor and Negri Sembilan.

⁹ Menteri Besar, Negri Sembilan, *Politik dan Pentadbiran*, p. 5.

impartiality and superior education and skill. One of the widely recognized features of a developing society is the weakness of autonomous interest group formation, and the extent to which bureaucracy is expected to fill the vacuum in social leadership, particularly, in the rural areas. Even though the speakers in the seminar were themselves politicians they took the view that the weakness in social leadership included political leadership as well, and one reason put forward for the need for local administrative leadership was the gap created by the inadequacy of politicians in general.¹⁰

The consequences of involving the administrator in a leadership role to build up support for the broad goals of national policy will depend upon the degree of consensus among the administrators and the clientele. Where there is a dominant one party system, and a predominantly Malay administration is dealing with a mainly Malay population, the DO's involvement in leadership functions creates few problems. In Kelantan, although government is controlled by an opposition party, there is now no serious conflict between federal and state governments over the desirability of the development policies of the central government, and the administration is working within a predominantly Malay environment. However partly because Kelantan is an opposition state there does not yet exist that close identification of party and administration, which has become such a characteristic feature of Alliance-controlled states in West Malaysia.¹¹

The problem of the relationship between administrator and politician arises not only from the new tasks of government but also from the nature of the political process in Malaysia. The competitive nature of politics, the need for the mobilization of political support and the poverty of the people tend to produce a symbiotic relationship between political leaders and supporters,

¹⁰ A recent study of the relationship between local politician and administrator in India has brought out clearly the way in which both administrator and politician agree on the poor image of the politician and a readiness on the part of the politician to concede a wider range of discretion to the administrator. Shanti Kothari and Ramashray Roy, *Relations Between Politicians and Administrators at the District Level* (New Delhi, 1969). In the area studied by the writer a similar type of deference to administrative leadership on the part of elected politicians was also evident. To the author's knowledge there has been no equivalent in Kelantan of the confrontation between DO and politician which occurred in Selangor in 1967, when an MP is said to have told a DO 'you have no right to come to my area without first consulting me because I am the chief executive of my area'. *Malay Mail*, 29 December 1967.

¹¹ On more than one occasion in the past year political leaders have asserted that government is party and party is government in the context of the role of administration. Many examples can be provided of the government's assumption that district administrators are a political arm. See for example, Ness, *op. cit.*, p. 203, and *Utusan Melayu*, 23 November 1971.

thereby creating the characteristics of machine politics.¹² Although the latter is to be found throughout Malaysia, it is particularly in the closely competitive conditions to be found in Kelantan that this political style of reward networks can be most clearly seen.

The effect of machine politics on the local administrator will depend on a number of factors; the extent to which administrative office is itself one of the spoils of political power, how far decision-making is governed by detailed rules and procedures, and how far the administrator is involved in procedures whose results are considered to have political significance.

Finally the environment of politics is one of relative poverty and in such conditions the ability to retain the autonomy of administration is limited by the extent to which administration is concerned with critical decisions. Under conditions of scarcity many decisions have to be made whose consequences are not ones of marginal loss but absolute deprivation,¹³ a situation which results in an extensive politicization of administrative decision-making.

The Administrator, the Politician, and the Public

One of the marked characteristics of politics and administration in Kelantan is that the relations between politician and administrator, and between politician and administrator on the one hand and the ra'ayat on the other are much closer than in a developed Western society. This is itself a reflection of underdevelopment which creates a dependence of the people on political and administrative channels to an extent which is not to be found in more highly developed social and administrative systems. 'Developed' here however is being used to describe a society with a low level of structural differentiation and a relatively poor standard of living, neither of which should be confused with low political development, Kelantan being a highly politicized society. Inadequate communications in some rural areas, combined with the limited geographical extension of administrative agencies, compels the ra'ayat to make use of the traditional administrative structure at the sub-district level. The relatively low level of

¹² It has been argued that conditions in a number of developing countries, including Malaysia, favour the emergence of machine-style politics, in circumstances not unlike those which existed in the U.S.A. at the turn of the century. James C. Scott, 'Corruption, Machine Politics and Political Change', in A. Heidenheimer ed., *Political Corruption, Readings in Comparative Analysis*. (U.S.A., 1970.)

¹³ 'Compare a decision about locating a school in the London Home Counties, for example, with such a decision in the New Guinea highlands. In the one case it may make, at the most, a difference of a school journey; in the other case it is likely to make a difference of an absolute nature about participation in one of two quite different ways of life.' Schaffer, op. cit., p. 194.

economic and educational development also means that the majority of the people are unable to depend upon their own resources, and with limited education are in need of help and guidance in their dealings with the administration and its procedural requirements. The close relationship between politician, administrator and the public is also a function of other factors. The nature of government programmes in such a society is often one that depends upon the direct co-operation of the people themselves for their successful implementation, and this forces the administrator and the politician to maintain constant interaction with the people, which, given the other factors already mentioned, involves regular face-to-face communication. Furthermore with the imbalance of administrative knowledge and skills as between the politician and the administrator, the former may feel the need to look to the administrator for solving his own problems. Finally, again partly the result of underdevelopment, the politician tends to be seen not only as a political spokesman but as personal adviser and welfare officer in almost every type of problem faced by the individual constituent. The nature of these relationships may vary as between states but within Kelantan itself the question is one of added interest and complexity because the state is controlled by an opposition party. If one is therefore considering the decision-making and interaction process as it affects all levels of administration in the state, this would have to include the political and administrative channels that lead to the federal government.

The brief analysis in this chapter of administration and politics will take the form of an examination of the resources available to the state and federal governments, and the way in which both use the administration in trying to achieve their political objectives. Finally the consequences of this for the role of the DO in Kelantan will be discussed.

The Constitution of Malaysia allocates the majority of functions to the federal and concurrent lists. State governments in West Malaysia are left mainly with religion, land, agriculture, local government, and some shared functions probably the most important politically being public works.¹⁴

The value of those powers retained by the states is qualified however by the financial imbalance between the state and federal governments. Under the Constitution the chief sources of revenue are in federal hands, the states depending mainly on revenue from land, licences, and related taxes. However, the Constitution also

¹⁴ Functions are shared either by a specific division of responsibility as between the state and federal governments, e.g. public works and roads, or by including the function in the concurrent list thereby enabling both governments to perform that function. The concurrent list includes, *inter alia*, drainage, and irrigation, social welfare, animal husbandry, and scholarships.

provides for guaranteed grants to the states which they are free to spend as part of their own revenue, and over which the central government has no control.¹⁵ The latter can also provide financial help by way of loans and reimbursement payments, but in both cases the federal government can impose conditions on the form of expenditure. This is apart from programmes undertaken directly by some federal departments entirely financed by the central government. Where a state government is controlled by an opposition party, as in Kelantan, the political resources available to the state under the terms of the Constitution tend to be very limited, and it is therefore to be expected that in these circumstances a state government will make the maximum use of what resources it has for preserving its political power.

One result of federal predominance in the allocation of functions is that the majority of departments operating within the state are either federal departments, or state departments in which officers are federal civil servants on secondment to the state. Although in the latter case they are paid by, and formally responsible to, the state government, they are 'birds of passage' with dual loyalties and responsibilities and less likely for political reasons to be sympathetic to the state government.

Kelantan however has its own state civil service, a general administrative service, a clerical service, and a number of other state officers, apart from Division IV employees. With some exceptions the majority of clerical employees in both state and federal departments in Kelantan are recruited from the state service. The general administrative class is drawn entirely from the KnCS, the whole generalist structure down to mukim level being entirely controlled by the state. This control of the main line of communication between the people and the state administration is of some importance, because in conditions of limited administrative development most departments have to make use of the generalist structure for the administration of their own programmes and therefore although the balance of advantage seems then to lie with the federal government, at the lower levels of administration these advantages are to some extent qualified by the state's own administrative resources.

It would be a mistake however to underestimate the effect of political control at the state level. Given the imbalance which in general favours the federal government, the state by insisting on effective centralization of decision-making within the state can to some extent offset the effect of the variety of channels of access available to the central government. The latter however also has a well-established position, now controlling a large number of state assembly and parliamentary seats in Kelantan. Furthermore it

¹⁵ Constitution of Malaysia, Tenth Schedule Parts I and II.

controls all town councils in the state which provide it with an additional base within opposition territory.

Analysis of this kind, however, runs the risk of implying that every issue necessarily involves state/federal conflict. Both governments are committed to development objectives, and although the achievement of these objectives may have ultimate political consequences for the state, there has emerged since the launching of the Second Malaysia Plan what appears to be a readiness to accept a greater measure of mutual co-operation, and political accommodation.¹⁶ In regard to this one has also to recognize that in view of the objectives of the Second Malaysia Plan and the mood in Malaysia since May 1969, relations between the state and federal governments have been influenced by the fact that Kelantan is one of the major concentrations of Malay population in Malaysia.

The interaction of politics and administration at the district level involves three structures; the general administrative structure, the specialist departments and the political channels. The following analysis will examine some features of the relations between these at district level, and between the district and higher levels of administration.

The general administrative system has already been discussed but it is necessary to review some aspects of that system as part of the broader analysis in this chapter. The DO is appointed by and responsible to the state government;¹⁷ he is in effect the representative of state authority at district level and the state exercises effective control over the DO in a variety of ways. Although he is protected by service conditions, transfer and promotion are in the hands of the state government. In Kelantan three DO posts are top Division I posts, and in addition there are opportunities for promotion to the State Secretariat. Apart from the grading of posts some postings are considered more desirable than others, and it is always possible for the state government to appoint officers to less attractive posts outside district administration. Mainline communications in Kelantan are such that whenever it is necessary DOs can be summoned quickly to the state capital, no district headquarters being much more than one hour's journey from the capital, and as a result DOs are kept

¹⁶ For example there seems to exist a tacit understanding that quotas should be reserved for Alliance supporters in certain fields such as state scholarships.

¹⁷ The formal position regarding recruitment to the KnCS is that appointments are made by the State Public Service Commission. The Kelantan Constitution however grants the Sultan the right of appointment to the posts of State Secretary, State Finance Officer and State Legal Officer. *The Constitution of the State of Kelantan* (Kuala Lumpur, 1963), p. 5. For an understanding of the actual internal dynamics of the KnCS it is necessary to take into account both the formal machinery of public service promotion and recruitment, and the survival of certain traditional influences within the service. On the importance of nepotism and kinship factors, Rashid, *op. cit.*

informed of state policies by regular meetings in Kota Bharu. Control then does not depend on formal reporting, and apart from the new development committee reports the only major report submitted by the DO is the annual report on the district with information for inclusion in the Royal Speech in the budget session of the State Assembly.¹⁸ The state government has also available the information obtained from the picture of administrative problems as they emerge in state-level committees and through political channels. The *penggawa*, as has already been explained, is appointed by the public service commission and is directly subject to the DO, the latter being the channel for all official communications with the *penggawa*. The *penggawa* is also subject to the checks provided by the alternative political channels of information available to the state government, whose powers of transfer have been frequently used to penalize and control these lower officials.¹⁹ The *penghulu* is not a civil servant but is appointed by the state government and in practice he is, like his counterpart in other states, a political appointment.²⁰

This generalist structure of administration has certain functions which it has traditionally performed the most important being land and revenue. It also has delegated to it a variety of administrative duties constituting part of the residual function of district administration, including various forms of assistance provided by state and federal governments.

There are a number of departments over which the state government exercises no control. The health, education, and police department are financed by, and entirely responsible to, the federal government, as are labour and co-operatives, and a number of federal statutory bodies which administer services with political potential such as loans and licences are also free from state control.²¹ The chief

¹⁸ These reports are not very informative. One of the frustrations of research in district administration in Kelantan is the absence of the wealth of district reports available in some other former colonial territories.

¹⁹ One indication of the high degree of politicization in Kelantan is that the political attitudes of all officers in the administration are well known. The writer came across one party's list of *penggawas* which recorded in detail the political history of every *penggawa* in Kelantan. Under the conditions of political competition that exists in Kelantan political factors undoubtedly influence the selection of these officials.

²⁰ Once an appointment has been made however, the government has no guarantee that the *penghulu* will remain a reliable party agent. Officially the *penghulu* is non-political, the Kelantan *Penghulu* Scheme proscribing the political involvement of *penghulu*. See *Penghulu Scheme*, op. cit., Section 16.

²¹ For example, MARA and the Road Transport Licensing Board. In the case of taxi licences, the Licensing Board approves and issues the licences, but in every state a state committee is supposed to determine the total of new licences and their distribution in the state by districts. This does not prevent the Federal Licensing Board substantially increasing the total recommended by the state to ensure that other political interests are taken into account.

All politicians are forced to be involved in a variety of social functions, kenduris, weddings, and funerals,²⁵ and are expected to perform a variety of personal services as part of their 'representative' role.²⁶ In addition to this constituency work if he is in a senior executive position in the party as member of the executive council he will also be a member of a large number of administrative committees, one state politician listing thirteen committees²⁷ at state and district level of which he was a member, apart from his other executive council functions.

The following analysis of the interaction of politics and administration will try to illustrate the decision-making process and the way in which the state government makes use of the various channels in order to achieve its political objectives, followed by a similar examination of the methods adopted by the Alliance party within an opposition state. In the case of both parties it is clear that the party or its representatives are extensively used as the channel of demands from below. This can perhaps be best illustrated with regard to the governing party in Kelantan by a brief study of two aspects of state policy, land and minor projects.

Under the National Land Code the state government may delegate to the Commissioner of Land or the Collector or any other officer the exercise of any powers or duties conferred or imposed by the Act.²⁸ This does not however debar the state from itself exercising the powers it can delegate.²⁹ The state is also empowered to make rules for carrying out the purposes of the Act including, *inter alia*, the way in which applications for state land are to be made, the grant of temporary occupation licences and the powers and duties of any officers appointed. The Land Code in other words enables the state not only to control, but also directly administer, land matters. One of the characteristics of land administration in Malaysia is the centralization of decision-making, almost all land alienation in practice being handled at state level with little effective delegation to the Collector.³⁰ This pattern is the result of the politicization of land

²⁵ Political divisions in Kelantan have affected every aspect of social life, to the extent that even social occasions will only be attended by those drawn from one political group.

²⁶ The example most often quoted is the obligation of the politician to make his car available for the transport of constituents to hospital and to market. One politician interviewed pointed to the two cars standing outside his house—'this one', he said, 'is mine—that's theirs'.

²⁷ The list included for example State Land Development, Conflicting Land Applications, Penggawa, District Action, and District Flood Committees. He was also a member of five school committees in the district.

²⁸ *NLC*, Section 13. ²⁹ *Loc cit.*

³⁰ It has been estimated that the Executive Council of the State (EXCO) devotes more than 80 per cent of its time to land matters in some States. D. Guyot, 'The Contrast of Land Alienation in Trengganu and Johore' (Mimeograph), p. 1.

administration. Given the allocation of limited political resources to state governments but that these include Malaysia's greatest asset, land, the grant of state power over land assumes major importance as a political weapon in the hands of the state government.³¹

Land is alienated in a variety of ways; (a) grants are made to individual applicants in piece-meal alienation; (b) at periodic intervals substantial areas are made available on the basis of what is known as group alienation, these large areas being divided up for alienation; and finally (c) land is opened up under large state land schemes directed by a State Land Development Board. With regard to piece-meal alienation, while individual applications for small scattered areas are no longer encouraged, where such land is available the Collector has the power to handle the alienation. In practice however political factors also usually impinge even on piece-meal alienation. Where there are conflicting applications the decision is effectively taken out of the hands of the Collector, the dispute being submitted to a State Land Dispute Committee,³² of which the DO is a member, but the majority of which consists of elected politicians drawn from the ruling party of the state. As a result, the administrator's voice is only one in a predominantly political body which can use its power to ensure benefits for its supporters.³³ Larger areas usually in excess of thirty or forty acres are alienated as an area of group alienation. This form of alienation is effectively under state control. The latter is secured by a state government ruling that preference will be given to those registered with the Kelantan State Land Development Board, which is a party-dominated state authority. Selection of applicants is made by a district committee, the District Land Development Authority Committee, which is also a party body although as in the case of the disputes committee the DO is a member. The result is that the land office today simply receives the list of those who are to obtain land, no longer being even required to announce that land is available for alienation. The Federal Land Development Authority (FDLA) is not permitted to operate in Kelantan but the state has its own large land

³¹ For a valuable analysis of land and politics in some areas outside Kelantan, see *ibid.* From time to time the political nature of land administration is publicly acknowledged; see for example the speech of a Selangor EXCO member 'Don't enter UMNO for land' reported in *Utusan Melayu*, 16 February 1972.

³² Jawatankuasa Tanah Bertindeh. Bertindeh is to be translated as overlapping, or conflicting.

³³ The committee submits its recommendations to EXCO. The DO's role is in practice an advisory one although he can record his own views. Some DOs no longer attend the meetings of the committee in order to avoid the embarrassment of being involved in what is in effect a procedure of machine politics. A similar type of committee also exists in Selangor.

schemes which are run by the State Land Development Board.³⁴ The names of persons who wish to participate as settlers in these schemes are forwarded by the elected politicians following discussion in the party at the local level, and final selection is made by a state selection committee.³⁵

Apart from the power available to the state government by virtue of its manipulation of land alienation procedures, its control of land offers many other opportunities for the political uses of land administration, one of the most important being the grant of temporary occupation licences which are annually renewable and therefore provide the state government with obvious political leverage.³⁶ Furthermore even though the scope of the state government is limited by the fact that over a large part of the state land has already been alienated, the power of compulsory purchase for public purposes gives it the means of substantially reshaping the political and ethnic composition of politically strategic areas of existing settlement.³⁷ Land is then a major source of political patronage, and the centralized nature of decision-making in land administration effectively relegates the district land administrator to the task of implementation.

The role of the party is no less evident in regard to the administration of minor works undertaken by the state government. Before independence minor projects were dealt with by the DO who received the money direct and work was done by contract or gotong-royong (voluntary communal labour), the list of projects being drawn up by the DO on the basis of proposals submitted by the penggawas

³⁴ The refusal of the state government to accept FLDA schemes in the past was an issue that received a great deal of publicity in which the PI was made to appear as a party indifferent to the interests of development. The state government's case was however a defensible one. It feared that by allowing the federal government to administer large land schemes, the state would lose control of its most useful asset, and that these schemes would not only be used for purposes of Alliance party patronage but would also alter the racial balance in the state by including non-Malay settlers. The PI also had, and still has, doubts about some features of the FLDA scheme, particularly the fear of creating a debtor-settler population.

³⁵ The Land Board also employs two inspectors who visit the districts and help in the selection of settlers.

³⁶ The withdrawal of TOL's from Alliance supporters has been a frequent complaint of the opposition in Kelantan. See, for example, *Negri Kelantan, Penyata Rasmi—Dewan Perhimpunan Undangan Negri Kelantan*, October 1971, p. 41.

³⁷ As far as the ethnic composition of urban areas is concerned efforts to increase the Malay role in the business of the towns forms an important part of the objectives of the 2nd Malaysia Plan. However it at the same time enables the government to determine which Malays will benefit. PI supporters have undoubtedly been the chief beneficiaries of new business development in Kota Bharu.

and penghulus. Today the DO is almost completely by-passed, and allocations are made by the party on the basis of demands that come up through the party channels; in the case of PI this means the elected politician, the party or organization at the lower levels playing a very minor role compared with its Alliance counterpart.³⁸ Until 1971 the practice was for warrants to be issued to the politicians authorizing expenditure up to a specified limit.³⁹ The politician was responsible for the implementation of the work the DO's task being simply one of confirming that the work had actually been carried out.⁴⁰ Largely as a result of audit queries concerning the legal validity of the existing procedure, in 1971 a new procedure was adopted.

Minor projects are the responsibility of the Kampong Development Committee, a committee of EXCO, chaired by the Assistant Mentri Besar (the Assistant Chief Minister), and are administered by one of the Assistant State Secretaries who has the assistance of a minor projects clerk. Work for projects is now done by contract, tenders being administered by two contract committees at State level, one for contracts under \$10,000 and the other for those above that figure.⁴¹ The decisions of these committees however are still subject to the approval of the executive council, and minor contracts furthermore are only open to those contractors who are registered with the minor projects office. The estimates for the latter are calculated on the basis of equal allocation for each constituency in the state; in 1972 the estimate was for \$15,000 for each of the thirty constituencies. The total of constituency allocations is somewhat less than the total minor projects estimate, the difference being made up by special projects in particular those developments considered to be politically of tactical importance, and a reserve available for urgent needs irrespective of party interest.⁴² Table 11 illustrates a typical distribution of expenditure for state minor projects.

³⁸ The practice differs in Alliance states. In Johore decisions on minor projects are highly centralized, both the Minister of National and Rural Development and the Mentri Besar dispensing aid on the spot during their visits to the various areas, the DOs and State Development Officers receiving a list from the MB or Minister of the small projects that have been approved. In this way both federal Minister and MB are able to enhance their personal credit and political power. For similar experience in Sarawak, Milne, *op. cit.*

³⁹ The opportunities for corruption with a procedure of this kind are fairly obvious.

⁴⁰ In the past DOs sometimes faced a serious moral dilemma when they were asked to confirm that work had been completed although in fact it had not been. At one stage DOs were issued with specific instructions to confirm on request, whatever the facts of the situation might be.

⁴¹ The Jawatankuasa Sebut Harga and Jawatankuasa Tawaran Negri respectively. The latter, the State Tenders Board, consists of the State Secretary, State Finance Officer and the President of the Town Board, Kota Bharu.

⁴² For further discussion on this point, see below.

TABLE 11

Type of Project	MS
Improvement of Roads	198,477.95
Penggawa Roads, Buildings and repair of bridges	120,534.04
Wells	5,930.00
Wakas	2,363.00
Public Toilets	1,239.00
Culverts and ditches	11,000.00
Small irrigation ditches and water bunds	64,320.00
Other projects	147,827.48
Total	551,691.47

The state government is able to make full use of its control of political power by centralization of decision-making, but it also has an additional political asset in its control of administration at the lower levels. In each mukim the state has its own representative, the penghulu, who is for many purposes the main channel of communication and administration in day-to-day affairs at the kampong level. His role is therefore a crucial one. Administration at district level and above may depend on the penghulu for recommendations, confirmation of facts and information regarding families and individuals for a variety of administrative matters, from licences and registration to government aid programmes.⁴³ The result is that even when a programme is one intended to benefit Alliance supporters, there is no guarantee that the latter will be the sole beneficiaries, or that in other cases where rational criteria are applied they are in fact observed.⁴⁴

An examination of the methods used by the state government to maintain and promote its political power indicates the two major problems faced by the Alliance in Kelantan, state control of land, and the need to find channels to their own areas of support that are not controlled by the state. Without land few programmes can be undertaken but most of the settled areas of Kelantan are those where land has been largely alienated. Some of the important departments in the state are subject to the state government but there are as has been pointed out many over which the latter has no real control. In some cases however these departments are not in practice involved in federal/state conflicts⁴⁵ or their involvement may only be apparent

⁴³ The influence of the penghulu does not depend solely on his administrative role. A conscientious penghulu can, by the services he gives to individuals in the community, build up a personal clientele who will follow his political leadership.

⁴⁴ This particularly applies to such services as social welfare, aid for flood victims, and federal cattle loans.

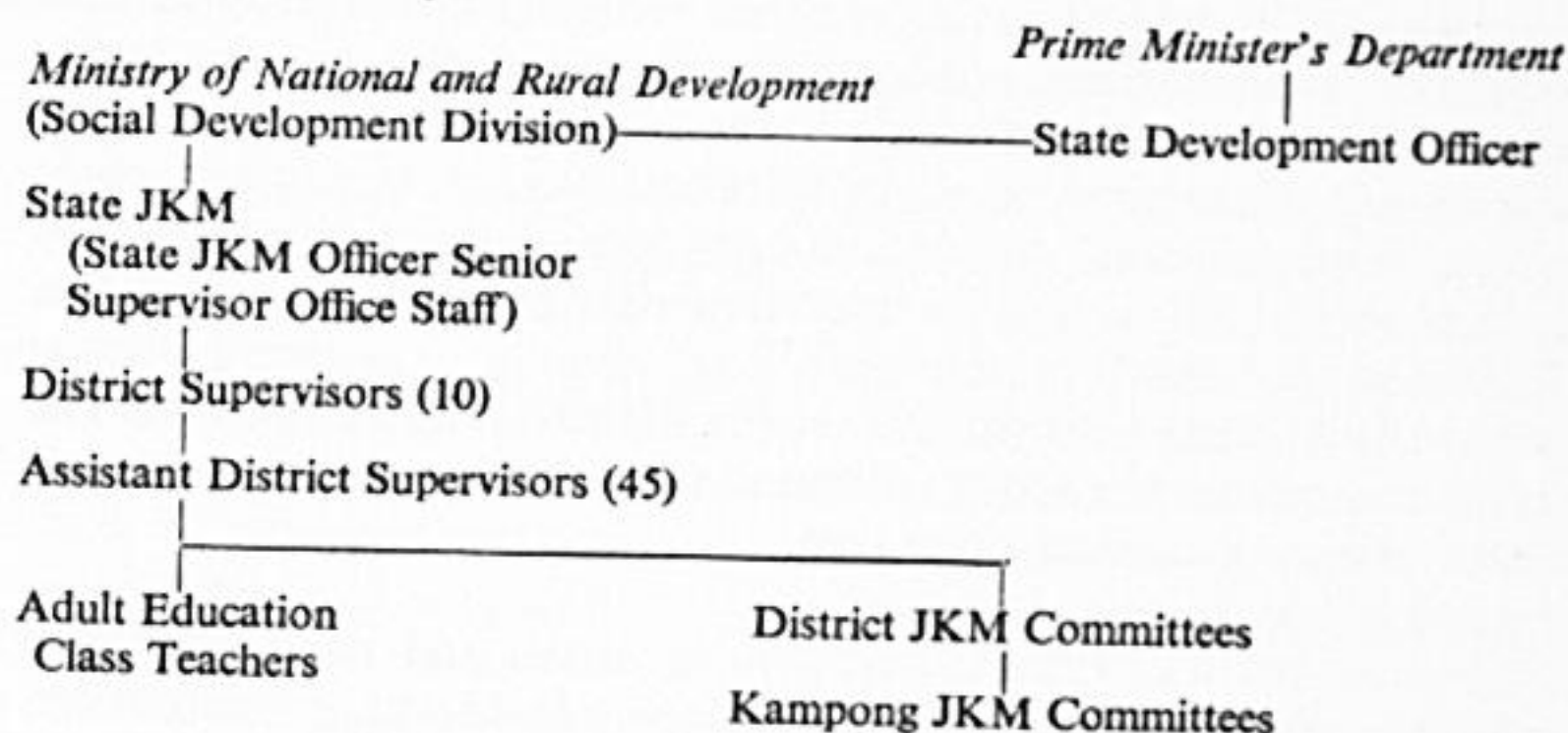
⁴⁵ This applies particularly to Health and Education. In the latter case however it is frequently alleged that there is political discrimination in the posting of teachers.

at election times.⁴⁶ Finally the Alliance has resources to draw on from the whole of Malaysia, and therefore if they are unable to obtain benefits for their supporters in Kelantan the party can provide opportunities for them in programmes implemented in other states.⁴⁷

With regard to minor projects the state's efforts on behalf of the PI areas are more than matched by the aid channelled to areas of Alliance support by the federal government. Requests for these projects are made through party branches and divisions in consultation with Alliance politicians, and these are then sent to the General Secretary of UMNO, a copy being forwarded to the party's State Liaison Committee.

These minor projects are administered by the Jabatan Kemajuan Masyarakat (JKM),⁴⁸ a division of the Ministry of National and Rural Development.

*Organization Chart of JKM*⁴⁹



This division of the Ministry was established in the early 1960s with the object of encouraging fuller participation by the people in the rural development programme.⁵⁰ In Kelantan however the department has become a political arm of the federal government,⁵¹ and both its recruitment policies and its projects administration are sources of political patronage.

⁴⁶ The examples usually cited are the Departments of Information and Police. Through the reports of the district offices of the Department of Information the federal government is provided with a flow of information about attitudes and reactions at the grassroots level.

⁴⁷ For example FLDA and other land schemes. An additional resource available to the Federal government, in Kelantan itself, is employment in the police and territorial army.

⁴⁸ Department of Social Development.

⁴⁹ Total District establishments for Kelantan only.

⁵⁰ Ness, *op. cit.*

⁵¹ In Kota Bharu the department's State headquarters is housed in the same building and on the same floor as the UMNO headquarters.

The JKM administers two kinds of programmes, minor construction projects, and adult education. In the case of very small projects (under \$5,000), the JKM itself organizes the work by gotong-royong (communal self-help), but materials for the work are obtained by contract the tenders and contracting being administered by the district supervisors. Contracts for work valued in excess of \$5,000 are the responsibility of the State Development Officer who has overall responsibility for federal programmes in the state.⁵² For minor works undertaken by the villagers themselves, labour is mobilized through the department's structure of development committees at district and village level, and the state's control of land presents no serious obstacle to the activities of the department as all these projects are undertaken on alienated land.

Larger projects for the Alliance areas are the responsibility of the State Development officer. Requests for projects of this kind are also channelled through the party organization either directly to the SDO or to the National party organization, but the work is carried out by the relevant specialist departments. The 'mutual tolerance' that marks the administration of these politically-orientated programmes is partly a reflection of the dependence of the state government on federal finance for development.⁵³ The role of local government in federal/state conflict is only marginal, but the existence of urban centres of Alliance political power does offer additional opportunities to the federal government to direct aid to its areas of support and is an additional source of patronage.

Finally the Alliance in Kelantan has to face the problem of state control of the lower levels of administration, and particularly the influence of the penghulu. Examples have already been given of the important role of this government agent and of the opportunities available to him to promote party interests. The extent to which he exploits his position for political purposes⁵⁴ will of course depend on the degree of his commitment to the ruling party in the state. His

⁵² The State JKM officer is formally responsible to the head of the division in the Ministry of National and Rural Development. The State Development Officer is now directly under the Prime Minister's Department. However in practice there is a close liaison between the JKM and the SDO.

⁵³ At state level there are two development committees, the development committee consisting entirely of officials and chaired by a federal officer, the State Development Officer, and the Action Committee chaired by the Menteri Besar. The latter committee of which the State Development Officer is secretary, also includes executive council members. In the case of federal schemes the State Action Committee accepts the advice of the committee of officials, but for state programmes the role of the officials is only advisory, and the decisions are made by the political component of the State Action Committee.

⁵⁴ There are of course opportunities for the penghulu to abuse his power for other purposes. Penghulus have been dismissed because of involvement in smuggling and cattle thieving.

influence is restricted however by certain social and administrative factors. As a local representative he is subject to the restraints imposed on him by residence in the local community, and if he holds office in a predominantly Alliance area he will usually be forced to adapt to this situation.⁵⁵ Furthermore the penghulu is given delegated functions which he is required to perform as a local administrator, but ultimate responsibility rests with the penggawa and DO. Where therefore a penghulu does give unsatisfactory service or where Alliance supporters prefer for political reasons not to approach the penghulu, the latter can be by-passed and the DO or penggawa approached directly.⁵⁶ This assumes however that people are necessarily aware of, or are able to make use of, these alternative channels.

As has been indicated above, apart from the party organization the Alliance has access to the villages through its social development administration. In every kampong in which the department operates there is a committee chosen by its inhabitants, the kampong committee being represented in a committee at district level. In addition to being the means of implementing minor projects these committees provide a channel for demands from below and for party propaganda at the village level. The latter is also the function of the major activity of the department, adult education.⁵⁷ Adult education classes are provided in a variety of fields, including vocational training, but the department every month also runs courses on development which have a more explicit political objective.⁵⁸ Through the medium of its district supervisors and adult education teachers, the federal government has created a rival political/administrative structure to that available to the state government at sub-district level. Furthermore in so far as the state government depends on the sub-district officials for retaining and extending its influence in the rural areas, it has to do so in a situation in which the federal government by its control

⁵⁵ Commenting on the role of the penghulu, Clive Kessler of Barnard College, New York, in a communication to the author writes, 'I have seen penghulu reduced to total insignificance because they adopted a political stance different from that of the village majority.'

⁵⁶ This by no means ensures that the individual will obtain satisfaction. In a case brought before a committee meeting attended by the writer, a villager's house had been burned down, and there was a long delay before this information reached the police or higher authorities because of the obstruction of both penghulu and penggawa. It appears that the action of these officials was to be explained in terms of political conflicts in the village and the strained relations between the police and the sub-district officials.

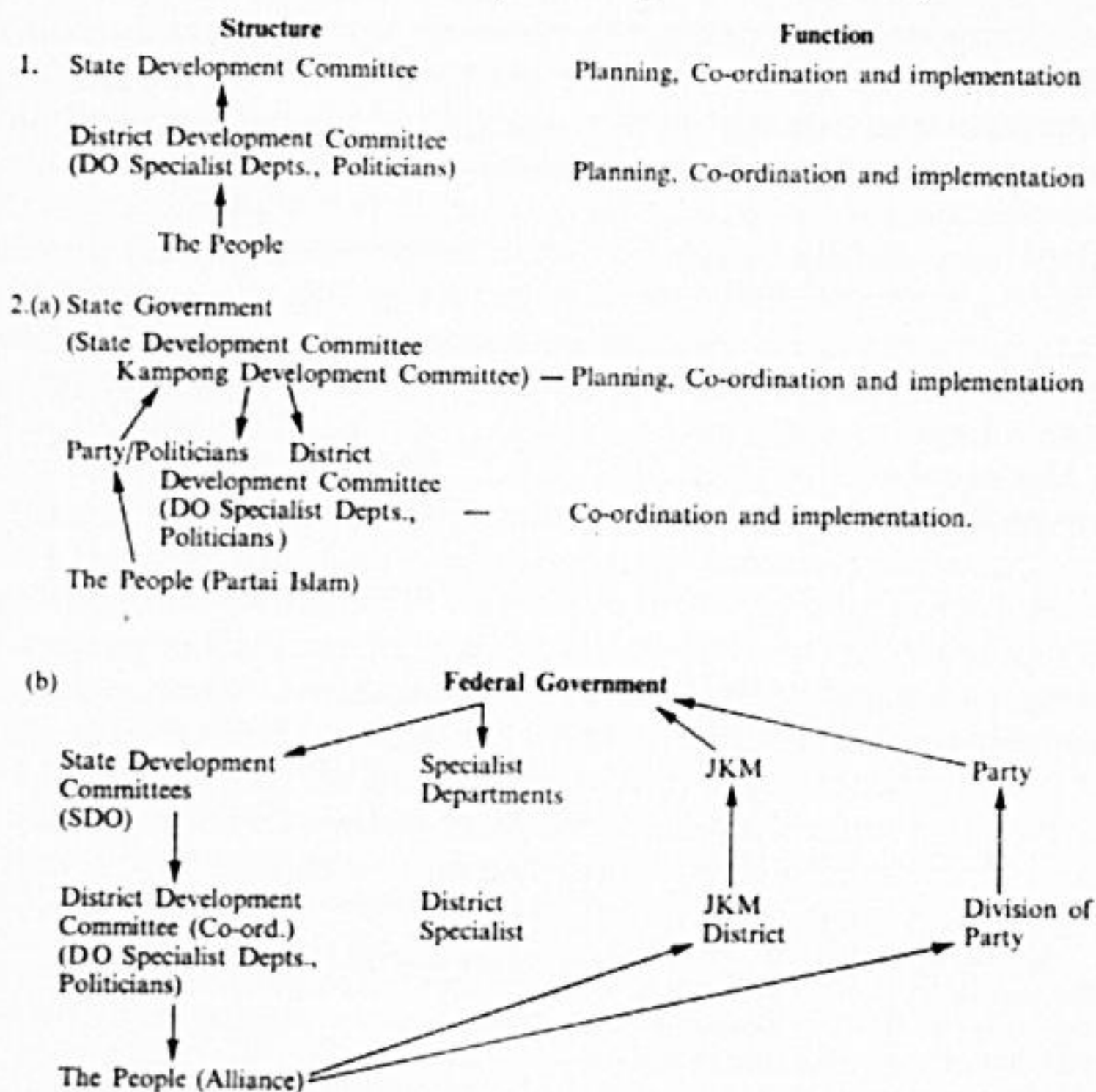
⁵⁷ The department appoints its own adult education teachers, who are paid an hourly allowance of \$4. The normal earnings of these adult education teachers is \$12 a week.

⁵⁸ For example in the course of instruction teachers will raise such questions as why Kelantan has not enjoyed the same development as other States.

of the police exercises the monopoly of coercive authority at all levels.⁵⁹

The procedure of development administration thus clearly illustrate the extensive politicization of this aspect of administration in Kelantan. As the discussion in Chapter 2 showed, however, the DO is still formally the focus of administration at district level. What then are the consequences for the DO of this politicization of administration? These can perhaps best be demonstrated by a brief description of development procedures in two different kinds of situation:

Organization Chart of Development Machinery⁶⁰



Situation (1) is essentially the development administration model of the Red Book system.⁶¹ The chart shows that demands made from below will be channelled to the district development committee which, under the chairmanship of the DO, will arrive at a develop-

⁵⁹ Charges of Police harassment of penghulus are frequently made by both PI politicians and administrators.

⁶⁰ For Kelantan (2) two charts are necessary in order to illustrate the different channels used by the State and Federal Governments.

⁶¹ For an excellent description of this system, see Ness, *op. cit.*, Chap. VI.

ment plan for the district.⁶² Under this procedure the DO is the focus of administrative/political decision-making, determining the shape of the district plan and its priorities on the basis of proposals made by penghulus and headmen, politicians and organized interests.⁶³ His role in this type of situation will vary, but certainly requires political as well as administrative skills on the part of the DO. In some cases he still exercises a powerful influence. In Sarawak, for example, the DO seems to be in a position to determine the priorities of development, promoting development proposals of which he approves and vetoing those he does not.⁶⁴ The more usual experience is that the DO is involved in an ongoing process of negotiation and adjustment of conflicting interests among the politicians of the district. Where he performs such a distinct political role the DO will inevitably become the target of political pressures and the development committee plays a key role in decision-making.⁶⁵

⁶² Tun Abdul Razak's directive on the Red Book plan included the following instructions on how the district plan was to be formulated:

'Rural development problems and proposals must first be studied on the ground:

1. First collect all outstanding requests from the people, e.g. village roads, bridges, etc.,
 - (a) Requests which are not practicable: reject these and inform village applicant with regret.
 - (b) Requests which are practicable: retain these for consideration in the Plan.
2. Next collect and consider all proposals by government departments and integrate these with village requests in a single co-ordination plan.
3. The method of planning is to be as follows:
 - (a) first take stock of what already exists and where;
 - (b) summarize what improvements can be made to what exists;
 - (c) consider what new areas can be opened up and list proposals to achieve this;
 - (d) show location of all proposed improvements and new proposals on tracings.

Quoted in C. G. Ferguson 'The Story of Development in Malaya (Now Malaysia)—Some Aspects', *Journal of Local Administration Overseas*, Vol. 4, 1965.

⁶³ Although in practice district plans were sometimes drawn up in committee without formal consultation with the villagers or their spokesmen. Ness, op. cit., p. 148.

⁶⁴ Milne, op. cit.

⁶⁵ In these conditions the district committee tends to become a political forum: 'these meetings are also characterised by long speeches by the elected representatives. They put forward proposals for submission to higher levels; demand explanation and information on earlier proposals . . . and push petty interests through without protest or comment from the non-political members.' Satwant Singh, *District Administration in Ulu Selangor* (M.A. Thesis, University of Singapore, 1970), p. 46. This kind of procedure in development administration

The second type of situation is that to be found in Kelantan. There the whole field of development has been highly politicized as a result of the conflict between the state and federal governments. The effect of this however is that the DO and the development committee structure cease to be the focus of decision-making, that function and in some cases even implementation, being conducted through party channels. The DO and the development machinery in the district are mainly confined to the work of co-ordination and implementation, as a result of which the DO and other administrators in Kelantan face less political pressure than in other states in West Malaysia.⁶⁶ The nature of the decision-making process in Kelantan is not however the only explanation for this. Non-interference with the administrator is also considered to be the result of Alliance rule in Kelantan, 1955-7, and there is an additional, but less easily definable factor, the undoubted difference in the style of PI when compared with the Alliance. Some attribute this to the religious educational background of PI politicians, others to the more Malay character of PI, but whatever the explanation may be there does appear to be a greater deference towards administrators, and a greater effort to maintain correct relations with them, on the part of PI politicians.

Discussion of the attitude and adjustments of the DOs themselves to the political environment presents obvious difficulties, but one factor which has to be borne in mind is that most DOs have no, or very limited, experience of the greater autonomy of the pre-independence administrator. The reaction of some older DOs has shown itself in a formalistic and negative attitude to their role, and among some can be found a general frustration in a situation of limited development (and therefore of administrative opportunities), under conditions of opposition rule.⁶⁷ The political views of DOs vary from open identification with UMNO⁶⁸ to sympathy with PI, the latter position being based on the experience of the treatment of administrators by the Alliance Government of Kelantan in the 1950s.⁶⁹

can be highly dysfunctional. The writer was informed by one DO that in a West Coast State most of the \$300,000 allocation for development in his district was still unspent, because of the conflict between DO and local politician, and between the politicians themselves.

⁶⁶ This conclusion is based on the unanimous opinion of Federal and State Officers and Alliance leaders in Kelantan that were interviewed by the writer.

⁶⁷ As important a source of frustration is less that of party politics than the internal issues of the State service itself. The most difficult barriers to cross are social rather than political.

⁶⁸ The writer was able to find only one clear case of the political use by the State Government of its power of transfer to DOs, and the case in question was, it seems, of such a kind as to leave the State Government little option.

⁶⁹ There are serving officers who still recall with bitterness what they describe as the arrogance of Alliance politicians in the 1950s. The continuing relevance of

These private political opinions are however latent rather than manifest,⁷⁰ and as has been argued above the development of party structures has rendered the political preferences of DOs irrelevant in the decision-making process.

One effect of the neutralization of the DO has been to preserve his image as an impartial figure, and indeed the office of DO is today often defended on the grounds that in a politically divided State it is essential to have someone who can play that role. The public perception of the DO as the impartial voice of the public interest can sometimes be seen to be very important. Where development programmes do not involve party differences, for example irrigation projects, this image of the DO may be essential in establishing effective communications with the people above all in the rural areas.⁷¹ Departments that depend on the co-operation of the people and local leaders, including perhaps the politician who wants to see successful development in his area, may turn to the DO for advice and leadership and the benefit of the DO's communication skills.

Although the situation is one in which development is largely influenced by party interests, some DOs, nevertheless, feel the need to play a positive role in development in accordance with both the public's, and their own, perception of their office. As a result DOs have in some cases become lobbyists, representing the needs of their districts and exploiting all the resources available to them in order to obtain support.⁷²

this distinction between Alliance and PI style is borne out by the experience of the writer in a seminar in Kuala Lumpur which included DOs from the West Coast States. All complained of almost daily intervention by politicians in their work.

⁷⁰ However in a written communication with the writer, Kessler, *op. cit.*, takes a different view. Referring to his experience in Kelantan before and during the 1969 Election campaign he comments, 'most DOs over recent years were openly pro-UMNO and acted in that fashion in quite subtle but publicly visible ways'. Research for this study was conducted in 1971-2 when political conditions in Malaysia had undergone substantial changes after the events of 1969 and may therefore partly explain the different situation found by this writer. But such an overt identification by DOs with particular party interests is difficult to reconcile with the view widely expressed that the DO still plays a useful role in resolving conflicts, including those in which party divisions remain a factor of importance, or in the case of the type of examples cited below. The answer, if there is one, may be found to lie simply in the gap between myth and reality in public perceptions of the role of the DO.

⁷¹ In one meeting held in a rural area regarding the double-cropping programme, the chairman was the DO and speakers included the local state assemblyman and officers of the departments of Information, DID, and Agriculture. The reason given for the chairmanship of the DO was that if anyone else had called the meeting only one political section of the population would have turned up.

⁷² The lobbying skills of some DOs is well illustrated by the following example from one district in Kelantan. A bridge was built by the Alliance but the roads

In playing this role, the DO begins with an initial advantage as a neutral representative of the district, whose appeal on behalf of the specific needs of his area are therefore more likely to be taken at their face value.⁷³ The results achieved by some clearly show that there is still room left for the initiative of the district officer. The latter has a wider range of channels available to him, perhaps more so than the politician. He can, although a state officer, approach the state development officer (a federal officer), the politicians of either party or both, the specialist department concerned, or the state government itself. In spite of the competitive nature of politics and limited financial resources of the state government, the latter has not always refused to consider the needs of an Alliance area where a good case can be made out for government help.⁷⁴

In 1972 the state government introduced a new policy whereby every district officer was to receive a small allocation for projects in his district,⁷⁵ to be spent as the district officer thought fit. In practice it seems to have been understood that he would decide on projects in consultation with the politicians of the ruling party, and such a development clearly raised the possibility that the district officer in Kelantan would be faced with the same kind of role conflict as his counterpart in the West coast states.

However the danger of this happening is being reduced by certain other changes in politics and administration throughout Malaysia, including Kelantan, namely the nationalization or federalization of development and the restoration of the district officer as an agent of development in an atmosphere of consensus politics. This consensus is based on the broad agreement of the federal and Kelantan governments in regard to development needs, and the recognition by the

in the area were inadequate or non-existent. The DO approached one PI Assemblyman and convinced him of the need for a road leading to the bridge. This in turn required the building of a connecting road. The DO then approached the Alliance Member of Parliament for the area who was also a Federal Minister. The Federal government at first rejected the proposal but the DO persisted and personally put up his case again to the Federal government, which finally accepted it. Allocations in both cases were paid directly to the DO.

⁷³ For this reason an Alliance politician sometimes encourages Alliance supporters to make their requests direct to the district officer. The latter may then forward the request to the state government submitting it as his own. If the district officer fails to obtain support for the project from the state he is in practice able to seek federal aid by using the alternative channels of the state development officer.

⁷⁴ In 1971 one district officer received \$30,000 from the state government for a project in a predominantly Alliance area having made out a special case for the project. The state government maintains a reserve of \$10,000 in its small projects fund which is available to district officers for minor developments, but how far it is used depends on the initiative of the district officer.

⁷⁵ \$2,000 for each district.

latter that the fulfilment of these needs must depend mainly on federal resources. The DO is consequently increasingly involved more in federal than he is in state-originated programmes, playing the role more of administrator of a national programme of development and less that of a local state official.⁷⁶

Although the DO can be said to be relatively protected from direct political pressure in Kelantan, he nevertheless frequently experiences a conflict of roles and crises of conscience in certain areas of administration, particularly in regard to land. The difficulty for the DO arises from the fact that whereas party interests predominate in certain policy areas, the DO is still involved in the procedures of administration in these fields, but in this environment of machine politics he tends to be committed to 'rational' norms of administration and shares with many other administrators an hostility to politicians.⁷⁷ Although the problem is partly a technical one of administrative procedures and their relation to policy, the dilemma of the DO raises the much broader issue of the future of this kind of field administration in a democratic system.

⁷⁶ One indication of this trend is to be seen in the practice, recently adopted, of SDOs sending to DOs requests for a list of development needs in the district.

⁷⁷ For an analysis of the attitudes of administrators towards politicians in Malaysia, see James C. Scott, *Political Ideology in Malaysia* (Singapore, 1968).

THE FUTURE OF FIELD ADMINISTRATION¹

THE DO was originally the focus of local administration in an undifferentiated administrative structure in which the generalist field administrator was for most purposes the embodiment of governmental authority for the people of the district. In the colonial setting the DO had generally combined the basic functions of government, the raising of revenue and the maintenance of law and order which, in the absence of any major programmes of development, had constituted his chief responsibilities. He was also executive head of the district and residual legatee of whatever powers government felt it necessary to delegate to him in a variety of fields of responsibility, and for a long time the limited development of specialist departments meant that the DO's office continued as the main focus of administration. As executive head the DO was also in practice performing a political role being responsible for conducting relations between government and local leadership, handling political security questions, and acting as the chief agent of change. The system of administration was mainly that of single-line administration and communication between the people and higher levels of government, and because the DO was still largely free from political pressures, he continued to be the focus of decision-making at district level. This position of authority was partly derived from the status of his office, a status that was usually strengthened by the racial difference between administrator and administered.²

Changes in the position of the DO reflect the growth of structural differentiation in administration and in society as a whole. The first development was the supplementing of the single-line of administration and communication by the creation of specialist departments under professional officers. The inevitable result was that the vertical links of these departments began to become more important to the departments at district level than their horizontal links to the general administrator in the district and this trend constituted the first stage in the undermining of the unity of authority at that level.

¹ This final chapter is partly based on the writer's, 'Local Government in West Malaysia—The Royal Commission Report', *Journal of Administration Overseas* (April 1974 forthcoming).

² As has been pointed out this did not apply to most areas of Kelantan by the 1930s.

In its colonial territories Britain had regarded the development of local government as the key to political development, it being seen as a training-ground for democracy and a preparatory step to the grant of self-government. Introduced at an early stage in India a similar policy was later adopted in Africa and Malaya. The grant of certain maintenance and development functions to popularly elected bodies, even though the DO was given regulatory powers, created an additional source of erosion of the powers of the DO as well as providing a new channel of communication between government and the people.

Local government in some cases served its intended objective at least initially and became the first arena for political conflict; in other cases it was quickly overwhelmed or by-passed as political action moved rapidly on to the national stage, reflecting the growth of nationally-organized political parties.³ The result was the creation of a completely new structure outside the administration which was to affect the DO as both the focus of decision-making and the main channel of communication between government and the people. These changes involved a commitment to democratic objectives which were seen in some cases to be incompatible with a form of administration associated with the paternalism and autocracy of colonial rule.

The attainment of independence tended therefore to force a re-examination of the shape of field administration but solutions have varied. In some cases the immediate reaction after independence was to abolish the DO who was seen as a legacy of colonialism. In the Sudan for example the abolition of the office was followed by the absorption of these officers into the Ministry of Local Government.⁴ Politicization has sometimes had different results. In Tanzania and Zambia independence brought the total politicization of district administration,⁵ in both cases the DO being replaced by an area commissioner, a political appointee, who is at the same time area secretary of the ruling party in the district. The area commissioner is head of the district and has inherited the powers and responsibilities of his predecessor, the District Commissioner. The routine work of district administration is however undertaken by an administrative officer known as area secretary and the bulk of the administrative work is in practice left to him.

The problem created for the DO as a result of the decision to make locally-elected bodies the main instrument of development can be

³ As occurred in Malaya.

⁴ See for example, C. A. G. Wallis, 'Local Administration in the Sudan', *Journal of African Administration*, Vol. 13, 1961, p. 162.

⁵ W. Tordoff, 'Regional Administration in Tanzania', *The Journal of Modern African Studies*, 3(1), 1965.

best seen in what can be regarded as the 'home' of British district administration, India. In many respects conditions seemed unfavourable for the survival of the DO in India. It was clear at a fairly early stage in India's modern political development that the DO was under challenge from the growth of specialist departments.⁶ India had also had long experience of representative government. Provincial legislatures with elected majorities were a feature of the Indian political scene from 1921, and these developments had been preceded by the creation of locally elected councils. Finally development from below formed an important ingredient of Indian Nationalist philosophy, a concept later embodied in panchayati raj and community development. Following the introduction of panchayati raj the relations between the DO and these elected bodies have varied from State to State.⁷ In some cases he has been almost completely excluded from the new structure which has become the focus of development in the district; in others he acts in an advisory capacity or as chairman of the district council has retained the substance of his former authority. Apart from his role in the panchayati raj, the DO in India clearly continues to maintain considerable power and influence.⁸ Moreover in spite of such a strong ideological commitment to local self-government there are indications that the tendency to favour a diminution of the authority of the DO may have begun to be reversed.⁹

On the whole the position of the DO did not become a public issue after independence in Malaysia. The experience in Malaysia is that the general effect of politicization has resulted in an erosion of the authority of the DO by the creation of alternative channels of communication and decision-making, but this trend has been slowed down by certain special factors in the Malaysian situation. Firstly, there has been a continuity in administrative and political institutions as a result of the nature of the transfer of power in Malaysia which was not marked by revolutionary reaction to colonial rule. Secondly, the period before and after independence was one of communist insurgency which required a strengthening of executive

⁶ *Report of the Royal Commission upon Decentralisation in India* (1908), Vol. 1, p. 187.

⁷ For a useful summary of the differing relationships between the Collector and Panchayati Raj, Indian Administrative Reforms Commission, *Report of a Study Team on District Administration* (Coimbatore, 1968), p. 24 *passim*.

⁸ In India it is still the common practice for the Collector to make confidential reports on the performance of other officers and departments, even retaining the power in some cases to transfer officers. See for example, The Indian Institute of Public Administration, *The Changing Role of the District Officer—Proceedings of a Conference* (New Delhi, 1965), p. 5.

⁹ P. R. Dubhashi, 'Whither District Administration?', *Kurukshetra*, 2 October 1961, p. 35, and C. V. H. Rao, 'Overhaul of District Administration in Andhra', *Economic and Political Weekly*, Vol. 2 (22), 1967.

power at all levels. Both these factors contributed to a third, Malaysia's administrative approach to development which characterized the rural development programme of the early 1960s. The events of more recent years have contributed even more to arguments for maintaining the existing form of field administration. The riots of May 1969 which illustrated the extremely delicate nature of racial co-operation and national unity, the revival of communist activity, and the high priority attached to the socio-economic development objectives of the Second Malaysia Plan have led to efforts on the part of government to de-politicize Malaysian politics and to emphasize administrative solutions to political problems. In that kind of political environment the district administration system is likely to be strengthened rather than weakened or abolished.

When therefore the Royal Commission on local government finally submitted its report in 1969 containing the first serious attack on the DO as a system of administration, it could not have chosen a less auspicious moment. In a sweeping criticism of existing district administration, the Report commented: 'it cannot be denied that his (DO) continued existence as the main power symbol and centre has become anachronistic and not compatible to local democratic institutions'.¹⁰

A legacy of colonialism, the Report argued, it had for other reasons also outlived its usefulness. The Report proposed that land and revenue functions should be separated from the work of the DO, and indeed before the Report was made public in 1971 this had already been implemented in Kelantan and in some other States.¹¹ Once this change had been made, the commission saw only two major functions as remaining for the DO, services in respect of local government, and welfare and other services of a miscellaneous character. The evidence produced in the Report clearly indicated the failure of the DO in regard to local government responsibilities, and the recommendations of the report if implemented would in any case result in these functions being taken over by a reorganized local government system.

It was the general view of the Commission that the various categories of local authorities in West Malaysia do serve a useful purpose being the agencies providing some of the essential services to the people, and that they have an important role to play in the governmental process of the country as a whole. However it considered that the inherent weaknesses in the local government set-up required some basic reforms in local government before it could play an effective and efficient role.

The main recommendations if implemented would have had far-reaching implications for the position of the DO. The report

¹⁰ *RRC*, p. 165.

¹¹ For example in some districts of Johore.

proposed that the whole of West Malaysia be covered by elected local authorities. In each council there was to be a Secretary, appointed by the State Government, as chief administrator and executive officer with supervisory and control functions. These council secretaries, recruited from super-scale officers, were to be supported by a number of control agencies including a local government inspectorate and local government tribunal.¹² More radical in implication was the proposal that the Secretary of the Council should be the focal point of public administration in the district, assuming responsibility for welfare and development services at present performed by the DO.¹³ If this was accompanied by the taking over of land revenue functions by a full-time land officer and collector of revenue, the DO it was argued would become redundant.¹⁴

The Report's recommendations have been rejected by the government of Malaysia. The Commission exposed itself to the not unfair criticism that although it drew radical conclusions as to the future of the DO it failed to examine the role of the DO with the same care as was directed to its study of local government. If it had done so it would probably have been made to realize the weight of opinion opposed to its own particular solution.

A proposal for radical change in the role of the DO has to face the natural reluctance to abandon a tried system of administration. This conservatism is based not only on the legacy of a certain tradition of administration,¹⁵ but on a fear that the sudden abolition of a deeply rooted system would give rise to administrative problems and, in the words of one senior official, 'to a social and psychological shock to the general population', with a resulting dislocation of public administration. Implied in this is the often expressed argument that there is still a felt-need for this type of administration on the part of the people themselves. It was indeed the almost unanimous opinion of

¹² Not only the content but the language of the recommendations clearly reflected the influence of the Maud Committee Report, Compare especially the Commission's recommendations on the role of the Management Board and the Secretary, with Ministry of Housing and Local Government, *Report of the Committee on the Management of Local Government* (HMSO, 1967), Vol. 1, pp. 42-3 and 47.

¹³ *RRC*, p. 163.

¹⁴ *Ibid.*, p. 164. Regarding the role of the DO in local government, the Report stressed that the DO had signally failed to fulfil his responsibilities largely because of political pressures. A view difficult to reconcile with the Commission's remarkable claim that the DO had 'remained unaffected by the winds of politics', and represented 'a power of officialdom unruffled by popular representation'.

¹⁵ On some of the reasons for the survival of this form of field administration in former British colonial areas, particularly the importance of the legacy of the generalist, V. Subramaniam, 'The Relative Status of Specialists and Generalists: An Attempt at a Comparative Historical Explanation', *Public Administration*, Vol. 46, 1968.

both politicians and administrators in this study that deference to the DO is a fact of social and administrative life that could not be ignored, even though this opinion was sometimes qualified by the view that it was not an attitude shared by the urban and younger population. Lack of education and unfamiliarity with administrative processes means, it is said, that there is a continued need for advice and guidance for the people at least in the rural areas.

Moreover some of the very developments that have brought about changes in the position of the DO have not so much abolished as changed the functions of this officer, and found a new role for him to play.

The growth of political institutions have so politicized the channels of communications, it is argued, that it is essential for government to have an impartial source of information and leadership in regard to development in the district, and for the people to have available some kind of court of appeal. In a recent study of district administration in India it is particularly the role of DO as ombudsman or grievances officer that has been seen as one of the most important functions of the DO in the future.¹⁶ Even the elected politician to some extent expects the DO to fulfil this role, and where the co-operation of the people is needed by both politician and specialist departments the services of the DO, with a prestige and status partly based on his image of impartiality, are often invoked. Related to this is what is sometimes seen to be the DO's general responsibility for the integrity of administration in the district, and his function as mediator between the people and the specialist departments.

It can be said that the DO in Kelantan has on the whole succeeded in maintaining his image of impartiality and that in practice he is still a channel of communication for the people, using his good offices to convey the needs of his area irrespective of party interest. But this role is not to be confused with that of an Ombudsman. The latter not only hears grievances, he has the power to act on them, and this the DO cannot do in any matter which affects party interests. With regard to the responsibility of safeguarding the integrity and quality of administration the DO's power and influence are subject to substantial restraints. This case study has shown that a DO is unable to act effectively without full political and administrative support from above, and that as a local administrator he is himself open to a variety of pressures, the total effect of which has been to place a premium on caution rather than efficiency, making implementation one of the major problems of local administration. This is perhaps most clearly seen in the areas of local government and land administration.

The view that the DO still plays an important role as mediator between the people and the specialist department is part of the more

¹⁶ Indian Administrative Reforms Commission, *op. cit.*, p. 98.

general argument that his administrative skills are still indispensable. The growth of specialist departments, and the commitment to development, have combined to strengthen the case for the retention of the DO in that the new structures and objectives of administration have increased the importance of co-ordination and communication. Given the objective of rapid social and economic development in the rural areas, the sheer scarcity of administrative skills and personnel mean that the generalist administrator cannot afford to be dispensed with, particularly when development programmes require facility in communication and knowledge of an area, abilities which are considered to be the special province of the DO.

The role of co-ordinator may vary. In one type of situation the co-ordinator is the 'captain' of a team with power over the members of that team. In other situations his authority derives from the prestige of his office and his chairmanship of the co-ordinating committee. As chairman he is the focus of the formal administrative lines of communication from the district, and behind him lies the power of the higher co-ordinating bodies at State and Federal levels. It is the second type of co-ordination machinery which is to be found in Kelantan, the development machinery in the district not being a decision-making body of any importance. The decisive channels are political ones and therefore the development structure is confined to implementation and the kind of co-ordination that has been described.

The argument for the generalist is at least in part that in a transitional stage of administrative development there is a shortage of specialist personnel, and because of this departments continue to depend on the general administrator. It has been shown that many departments still depend on the services of sub-district officials and if these are necessary the existence of an officer with general responsibility for them is probably unavoidable.

Many students of field administration have stressed that where nations undertake major programmes of development the need for this type of field administrator is probably greater rather than less. This need seems to arise not only from the problems of co-ordination and co-operation required among the variety of departments involved in such programmes, but from the difficulties of implementing development policies in less developed societies. In such conditions the DO is increasingly concerned with harnessing opinion and mobilizing support, tasks which call for qualities which are considered rare among the more bureaucratic professional officers.¹⁷ The more

¹⁷ On the basis of the author's own experience of the administrative process in Kelantan, it was evident that the social rapport and diplomatic skills of the DO were sometimes a great asset in smoothing the temper of exchanges between peasant audience and impatient young technical officers.

his office entails a fulfilment of a basic mission of change, the more weight is placed on creativity, initiative, and discretion, in brief leadership.¹⁸ This development orientation of the field administrator undeniably amounts to his increased politicization and requires on his part a commitment to broad national goals, and the experience of Malaysia seems to indicate that the movement in this direction is becoming more evident, for a number of reasons.

Development policy in Malaysia is seen as a solution to the overall political problem of social and economic imbalance between the communities, and the political role of the administrator in working towards an achievement of this goal has been made quite explicit by the nation's political leadership. As has been pointed out Kelantan as an opposition State has not yet felt the full impact of this but with a prospect of a coalition government in Kelantan being established,¹⁹ the result will probably be the increasing assimilation of that State to the national administrative pattern.

The emergence of consensus politics in Malaysia reflects the general movement since May 1969 towards de-politicization of the country's political life. A further indication of this is the proposed reorganization by the Department of National Unity which entails the creation of Community Development Committees from the village level upwards, based on the representation of functional groups.²⁰ The object of the reorganization is to mobilize organizations at all levels and involve them in development activities particularly those of health, education, and socialization. Financial aid for these activities will be channelled to the various organizations via the Community Development Committees which at district level will be chaired by the DOs or their ADOs.²¹

It is generally recognized that there exists a close relationship between on the one hand the survival of this form of field administration and on the other the extent of political stability and the general political culture of the society.²² As has already been suggested, the experience of Malaysia since World War II has favoured a strengthening of local executive power. This trend has been reinforced by the events of May 1969, the revival of Communist activity in East and West Malaysia and the objectives of the Second Malaysia Plan. These developments by emphasizing the needs of national unity, social and

¹⁸ Hough, *op. cit.*, p. 296.

¹⁹ *Utusan Melayu*, 4 August 1972.

²⁰ RPM, *op. cit.*

²¹ *Ibid.*

²² Fesler, '*The Political Role*', *op. cit.* The same general point is also emphasized in Sisson, *op. cit.*, Chap. VII. The importance of political factors in the decision to adopt this form of administration is also well illustrated in W. H. Wickman, '*Pattern and Problems of Local Administration in the Middle East*', *The Middle East Journal*, Vol. 12, No. 3, pp. 249-51.

economic development, and effective administration have confirmed the tendency in Malaysia to seek an administrative solution to political problems and to accord lower priority to democratic values, at least in the short run. Underlying much of the opposition to change is the fear of the consequences of removing a reliable agent of executive power at the lower levels of administration. Recent experience in Malaysia has demonstrated the importance of the DO when there is a major threat to law and order,²³ and given the nature of the continuing problems faced by Malaysia it is unlikely that the government would risk creating a vacuum of power at the district level.

Any proposal for radical change must offer a viable alternative and in regard to local administration the problem is often seen as one of choice, although not necessarily an exclusive one, between retaining some kind of prefectoral administration or further developing local representative institutions. It was in this form that the issue was presented by the Royal Commission Report, and the course of the debate on the Report is worth examining for the light it throws on the kinds of factors which influenced the government's decision to reject the Commission's proposals for a reorganization of local government, which if implemented would probably have rendered the DO redundant.

In order to understand the Government's response to the Report it is essential to take into account the changes that have taken place since the Royal Commission was appointed in 1965. The riots of May 1969, the top priority given to the socio-economic objectives of the Second Malaysia Plan, and the revival of communist activity meant that the Report was drawn up in conditions very different from those existing in the country at the time the Report was finally debated by Government.

The Government undoubtedly faced conflicting advice. The majority of the Committee set up to examine the Report²⁴ seems with some qualifications to have favoured the adoption of its main recommendations, but others within the administration strongly urged their rejection. The latter felt that the implementation of the Commission's proposals at this stage was contrary to the national interest, and argued that the Commission was guilty of ignoring its own order of priorities (national unity, socio-economic development, efficiency, democracy, or autonomy),²⁵ by subordinating the needs of national unity and development to the pursuit of democratic objec-

²³ Milne, *op. cit.*

²⁴ Following the submission of the Report in 1969, the Government appointed a committee of officials to study the Report and its implications and to make recommendations as to which features of the Report should be considered for adoption by Government.

²⁵ *RRC*, p. 33.

tives. Given the delicate politico-economic position in the country, and the problems of post-May 1969, it was felt by some that this was not a time for major experiments which might affect the balance of urban-rural power and weaken executive authority at the district level, the fear being expressed in some quarters that the proposed changes would result in urban non-Malay dominance in local government and administration. Those who argued in this way assumed that the strengthening of local government would result in the creation of additional centres of power in the country, centres that would in many cases be dominated by opposition parties and a population that was mainly non-Malay.²⁶ It was therefore understandable that this view favoured the retention of district executive authority, an executive which would also, unlike local government, be predominantly Malay.

It is of course very difficult to judge how far Government itself was influenced by these arguments, but in its public statements it has tended to emphasize rather the failure of local government in its present form, and to express doubts about the viability of three tiers of elected government in West Malaysia. The general position of the Government was explained by the Prime Minister in Parliament as early as July 1971, before the Report was made available to the public:

It has become clear to us, after having examined the position over the last twenty years, that with the existence of elected local authorities this small country of ours has in fact been over governed. . . . It is quite clear to us in the Government that it would be a waste of time, money and resources for elections to be conducted at this level when there is full opportunity for the people to participate in the Government during elections at the State and national levels.

With a very few exceptions the elected local authorities have not worked well. There has been no improvement over the years—and if at all, things have gone from bad to worse.²⁷

The history of the treatment of local authorities by Federal and State governments however has often been seen in party political terms. The view that the Government's decisions on local government are largely dictated by party interest was bluntly stated by some sections of the Opposition during the debate in Parliament in

²⁶ This would of course not necessarily follow if the principle of 'weighting' was adopted in the drawing of local authority constituencies in order to favour the rural areas. One of the reasons for the Report's proposal to create the district as the unit of local government was the belief that it would help to bridge the rural urban division, thereby avoiding the tendency for local government units to be narrowly based on the support of one socio-ethnic community, *RRC*, p. 61.

²⁷ *Straits Times*, 20 July 1971.

February 1972.²⁸ Opposition members expressed the view that the continued suspension of local government elections reflected the fears of the Alliance Government that it would lose elections in most of the local authorities. As all State governments except one are effectively Alliance controlled, and the opposition has had considerable success in previous local authority elections, in terms of comparative advantage the substitution of elected by nominated councils or some alternative system will benefit the Alliance²⁹ and enable the latter to ensure effective executive control at the local level. Whatever party political advantage may follow the fact remains however that the problem would never have arisen in the first place if local government had not been in a state of disintegration, which made it obvious that if programmes of urban development were to be successful some drastic changes were called for in urban government.

The advice given to Government was one of absolute alternatives. The Commission proposed radical changes which amounted to the abolition of the existing system of field administration, and opposing opinion tended to be equally uncompromising. Government however gives the impression that it is itself still uncertain as to what is for the best in regard to local government, and it is not yet clear that the Commission's proposals have been entirely rejected. One clear result of the Report is that State governments have begun to accept that local authorities need substantial financial help,³⁰ and it is also possible that the district, as recommended, will become the unit of local government for some kind of representative body although this will probably be a nominated not an elected authority.³¹

²⁸ See 'Abolition of Local Council Elections—A Step Towards Totalitarianism', *The Rocket*, Vol. 7, No. 1.

²⁹ In the case of the one exception, Kelantan, all town councils have Alliance majorities. From 1 December 1971, Kota Bharu reverted to town board status and became a fully nominated body. The majority of the council consists of non-official members but all departments concerned with administration in the urban area are represented. Although the majority of non-official members are supporters of Partai Islam in a previously Alliance-dominated council, the Alliance is also well represented. Members have clearly been chosen with the object of representing different political and functional groups and people with experience in administration. For the changes, see Negri Kelantan, *Warta Kerajaan*, 9 December 1971.

³⁰ See for example reports of large grants for councils from the State governments of Johore and Trengganu in *Utusan Melayu*, 14 March 1972, *Utusan Zaman*, 27 February 1972.

³¹ It is possible that in Kelantan the local councils in a district will be absorbed in a district local authority headed by the DO, with perhaps the town council retaining its separate identity, but subject to one of the district administrators. In Johore it seems that the State government intends to abolish local councils and hand them over directly to the control of the district office in cases where the government is not satisfied with their standards of administration. *Utusan Melayu*, 17 March 1972.

Whatever adjustments are likely to be made, the decline of local representative government and the current re-establishment of direct State control of these authorities must result in the extension of the power of the DO in local administration. The arguments for this as we have seen are in part administrative, but other changes occurring in response to administrative needs are also undoubtedly threatening the existing role of the DO, changes which are the result of increasing centralization in administration in general. In the case of Kelantan, even though controlled by an opposition government, the economic position of the State has made it increasingly dependent on Central government finances as a condition of achieving any significant development. Moreover not only programmes of development but the structure of administration itself now reflects a national pattern determined at federal level. The expansion of development programmes has also resulted in the establishment of new, federally-based, agencies which are having the effect of undermining State administrative autonomy.³²

One result of these changes which may particularly affect district administration is the creation of Special Authorities in urban and rural areas by Federal and State governments. In State capitals, State Development Corporations have begun to assume major responsibility for planning and development,³³ and a federal agency, the Urban Development Authority (UDA), will become an important development authority in major urban centres.³⁴ Already these bodies have begun to encroach on the basic functions of the district office by taking over land administration.³⁵ Furthermore in the main urban areas where land administration is concerned with high land values, the role of the land officer is being rapidly supplanted by private professionally-qualified agencies.³⁶

In the rural areas the future of district administration is not only a problem of the future of the district officer but of the district as a

³² The deliberate erosion of State autonomy where a state in a federal system is controlled by the opposition, by the creation of new federal agencies has many historical precedents. See, for example, Jacob, *op. cit.*

³³ In Kelantan, the authority is known as the State Economic Development Corporation. It is responsible for the major re-development projects within Kota Bharu, sharing the work of urban development with the new Town Board.

³⁴ Established in 1971 to promote urban development with the objective of increasing Malay participation in urban business it has begun its operation in Kuala Lumpur and plans to extend them to Johore Bharu, for further details on its present activities, *Utusan Melayu*, 30 August 1972.

³⁵ In Selangor, the State Development Corporation has already taken over land revenue functions in its development areas. It is also possible that the UDA will become the land revenue authority in an area declared an Urban Development Area.

³⁶ There is now an extensive use of private surveyors in land matters in major urban centres.

unit of administration. It is now evident that the state and federal governments find that the existing structure and areas of administration no longer provide an adequate framework for large programmes of development in the rural areas. The result has been the creation of a number of Statutory Boards often with broad development functions, and in all cases covering a number of districts.³⁷ The establishment of these new regional-type structures raises in a different form the question of the future of district administration, namely whether areas originally established for a single purpose, land administration, are still relevant to the needs of development today. The future role of these new authorities however, and what their relationship will be to existing areas and functions of district administration is still not clear. The choice seems to be that either these new agencies will emerge as regional authorities with their own separate area administration, or they will work as far as possible through existing departments and agencies, phasing themselves out as development gains its own impetus.³⁸ The effect of these changes on the existing pattern of administration is still uncertain, but they leave no doubt as to the inadequacies of the present structure.

The limitations of the district as an area for some administrative purposes, the erosion of the DO's functions by the creation of specialist departments and agencies, the process of specialization within the district office itself and the politicization of administration all add up to a formidable list of administrative arguments against the retention of the present structure of district administration. It is however above all in the urban areas that the effects of these changes have been felt.

In the rural areas, on the basis of the Kelantan evidence, it may be argued that it is the needs of administration itself that dictate not merely the retention but perhaps the extension of the role of the DO. Apart from the inevitable increase in his work as a result of the decline of local government, the continuing problems of communication and area co-ordination at this juncture mean that any proposal for the abolition of the DO is considered unacceptable. These factors are likely to be reinforced by current proposals for the mobilization of community action through social organizations in a new co-operative structure of community and administration.³⁹ The future of district administration however should not be seen as an either/or

³⁷ The Kemubu Authority in Kelantan is solely concerned with irrigation, but the proposed Johor Tenggara and Pahang Development Authorities are general development agencies.

³⁸ For further discussion of administrative structures in these regional authorities, *The Government of Malaysia and the State of Johor, Johor Tengah and Tanjong Lenggerang Regional Master Plan-Organizations*, Vol. 9, 1971, p. 18.

³⁹ RPM, *op. cit.*

choice between prefect and local representative institutions.⁴⁰ Experience elsewhere shows both systems can co-exist, although the evidence from West Malaysia suggests that the future of local government is bleak, partly as a result of its history of internal weakness.

One of the most striking features of the history of local administration is the remarkable persistence of generalist field administration, often in defiance of what appear to be sound administrative arguments. As has been argued elsewhere,⁴¹ however, once a system of administration has taken root it is very difficult to change because its abolition would have far reaching consequences both in administration and in society as a whole. In the specific case studied, the abolition of the DO would among other things raise the problem of how these officials were to be absorbed, a problem compounded in Kelantan by the fact that these administrators possess a lower standard of formal qualification than Federal officers. But perhaps of greater importance is that it would result in the removal of the strongest Malay component in the administrative structure of the country as a whole, a structure which is at the same time an integral part of the status system of the society.

The choice of the form of local administration however is as much a political⁴² as an administrative one, being determined by general political-cultural factors and by what the nation considers its priorities to be.

The present stage of development in Malaysia has left unresolved the issue of the correct relationship between politician and local administrator thereby placing some strain both on the administrators themselves and on the norms and standards of administration. It would seem however that the trend is towards a re-examination of those norms, reflecting the government's commitment to the administrative solution of political problems and a policy of depoliticization in an atmosphere of consensus politics. Much of the experience

⁴⁰ Discussion on the future of this form of field administration moreover often suggests implicitly that the movement towards a more complex administrative system involves the ultimate replacement of the prefect in spite of his obvious ability to survive in the European experience. There is also evidence indicating that some features of the prefectural model may even be gaining acceptance in areas such as the U.S.A. with a very different administrative tradition. The reasons for this seem to lie in the increasing recognition of the need for area co-ordination and for a reconsideration of the role of the bureaucrat in certain kinds of development programmes, particularly those directed to the less privileged sections of the population. See, for example, H. Kaufman, 'Administrative Decentralisation and Political Power', in Louis C. Gawthrop, *The Administrative Process and Democratic Theory* (Boston, 1970), and the comments of Hough, *op. cit.*, p. 304.

⁴¹ For the view that this type of administrator is probably an inevitable feature of administration in a developing nation, Peter Worsley, 'Bureaucracy and Decolonisation', in I. L. Horowitz, ed., *The New Sociology* (New York, 1965).

⁴² Fesler, *The Political Role*, *op. cit.*, p. 119.

of post-war Malaysia has favoured a strengthening of local executive power, and it would therefore seem that for political if not for administrative reasons, the shape of field administration in the foreseeable future will be one that not only retains the DO, but will probably see an extension of the role of this generalist administrator outside the main urban centres.

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