

# THE IMPACT OF MODERNISATION OF LAND ADMINISTRATION ON TWO MALAY CLASSES IN KEDAH, 1909-1941

Ahmad Kamal Ariffin Bin Mohd Rus & Nurizwanfaizi Bin Nordin

History Department, University of Malaya

## Introduction

Since traditional times, the Malays of Kedah had developed an organized system and method of administration of land affairs. The traditional land laws used by the Kedah Malay government, based on Islamic and local elements, brought about stability and strengthened the patron-client ties between the ruling and ruled classes. With the existence of clear strata in traditional Kedah Malay society, land administration also reflected this difference in the context of traditional ruling class policy on the two classes in this society. The traditional-era Kedah government practiced a dualistic policy<sup>1</sup> in regards to land, and created a discriminative value in land administration. Interestingly, when the British took over Kedah through the 1909 Bangkok Treaty, this policy remained.

In examining the dualistic policy in regards to land administration, it has not been the focus of discussion in most academic literature. In 1976, Lim Teck Ghee produced a classic title "*Origins of a Colonial Economy, Land and Agriculture in Perak 1874-1897*".<sup>2</sup> This study discusses how the British introduced a new and modern land system in Perak after it took over control of the state in 1874. Lim Teck Ghee explained in his book a number of aspects in the land law schemes in Perak that paved the way to mass land-clearing for colonial commercial economic purposes. As the author focused on land in regards to the free market economy, any dualistic policy that existed among the Perak Malays was not highlighted. In 1985, Ahmad Nazri Abdullah published his research topic "Melayu dan Tanah".<sup>3</sup> This study focuses on the formation and implementation of the Malay Reservations Enactment since it was passed in 1913. Ahmad Nazri Abdullah's research focuses on the Malays residing in the Federated Malay States (FMS). The main theme of this study is the issue of formation and enforcement of the Malay Reservations Enactment. Again, the dualistic policy among the Malays was not discussed in the study.

In the context of Kedah, the continuation of the implementation of traditional-era dualistic policy during the colonial period is a unique element, in that it shows British compromise in preserving this heritage. This situation is not surprising, judging from British previous policy in its Malay

---

<sup>1</sup> According to the Oxford English Dictionary, 'dualistic' means 'Characterized by duality or dual'. Refer Oxford English Dictionary <http://www.oed.com/view/Entry/58115?redirectedFrom=dualistic#eid> (Accessed 6 June 2014).

<sup>2</sup> Lim Teck Ghee, *Origins of a Colonial Economy, Land and Agriculture in Perak 1874-1897*, Penang: Penerbit Universiti Sains Malaysia, 1976.

<sup>3</sup> Ahmad Nazri Abdullah, *Melayu dan Tanah*, Petaling Jaya: Media Intelek Sdn. Bhd., 1985.

protectorates by taking a cautious approach in regards to Malay sentiments. Frank Athelstane Swettenham, that grand imperialist of Malaya, stated that:

“We should not interfere overmuch with native customs and prejudices, and we should be specially careful to avoid any attempt to force English views, even when English opinion is practically unanimous on a subject, upon a people living utterly under different conditions...”<sup>4</sup>

This paper attempts to see how far British dualistic policy regarding land impacted Malay society in 1909-1941. This study will also identify the factor in the preservation of this Malay elite privilege<sup>5</sup> during the colonial period. This dualistic policy could also explain why the lower-class Kedah Malays failed to achieve a better standard of living even after the modernisation of land administration.

### **The Land System in Kedah before 1909**

In the traditional era, the Kedah Malays were generally divided into two main classes: the ruling class and the ruled class. The existence of exclusive rights for the ruling class was the main benchmark in justifying the difference between the two classes. The exclusive rights also apply in the context of land grants and ownership in Kedah. This dualistic practice of the traditional Kedah Malay government pre-1909 was characteristic of the wide socio-economic gap between the two Malay classes. It was also a discriminative method in the grants and ownership of land to the two groups in Malay society. Among traditional Malay society, land theoretically belonged to the Sultan. In practice, both the Malay upper and lower classes could open and own land without any specific hindrance. The evident point of distinction in the dualistic practice of the traditional administration with the land owners was the ‘kerah’ or corvée system. In the traditional era, not only were Malays of the upper class exempted from corvée as opposed to the Malays of lower class, they have the authority of recruiting the citizenry under this unpaid labour system. Land was also a medium of conferment by the rulers to the Malay elites to be governed as *mukim* holders. Under this dualistic system, the elite Malays became influential land-owners in Kedah. Lower class Malays who were farmers, meanwhile, only owned small plots of land as they were involved in economic self-sufficiency. Interestingly, in 1883, there was an attempt by the Kedah Malay ruler to break the traditional land system in the sultanate. On 12 February 1883, Sultan Abdul Hamid issued a proclamation imposing a land tax on all land-owning individuals with a rate of 25 cents per *relong* (one *relong* is equivalent to 0.71 ± acres). The lower class Malays were given the option of paying the land tax or carry out work under the *kerah* system.<sup>6</sup> One average, however, lower class Malays opted for the second option in consideration of their occupation and working the land. The Malay elites opposed any form of land tax imposed on them. This group also still enjoyed the prerogative of recruiting the lower class Malays to work for their benefit. The opposition by the Malay elites severely hampered Sultan Abdul Hamid’s effort to modernise land administration in Kedah.

---

<sup>4</sup> F. A. Swettenham, “British Rule in Malaya”, in Paul H. Kratoska (ed.), *Honourable Intentions, Talks on the British Empire in South-East Asia delivered at the Royal Colonial Institute 1874-1928*, Singapore, Oxford University Press, 1983, p. 190.

<sup>5</sup> ‘Malay elite’ in the context of this paper refers to the Kedah Royal Family, based on Article 7 of the Land Revenue Exemptions Enactment, 1332 Hijrah [1914].

<sup>6</sup> C. O. (Colonial Office) 716, Kedah Perlis Sessional Papers. 1327 A. H., p. 15.

A more significant change in the Kedah land system occurred in 1905 when Kedah was compelled to receive a Siamese Finance Advisor to reorganise state finances.<sup>7</sup> Kedah land administration was directly affected by this change when the first modern land enactment, the Land Enactment of 1324 Hijrah (1906) was enacted and approved by the State Council (MN) in 1906.<sup>8</sup> However, the Malay elite status quo in land ownership was not affected, and even Sultan Abdul Hamid refused to assent to the enactment. As a result, the land administration could not fully implement the entirety of the Land Enactment of 1324 Hijrah (1906) effectively. This situation meant the dualistic practice in the Kedah traditional land system continued in the traditional framework up to British control in 1909.

### **Modernisation of Land Administration 1909-1941**

After British control in 1909, the Kedah government mobilised mass modernisation of land administration. The Land Department administrative system was revamped and revised with the help of the Land Advisor.<sup>9</sup> This move towards modernisation basically aimed at modernisation of legislation and administrative machinery of the Land Office according to the FMS land administration model. The robust modernisation of land administration and legislation in Kedah after British was evident from the introduction of the Land Enactment of 1332 Hijrah (1914), the Land Enactment of 1349 Hijrah (1930), and was later updated through Enactment No. 56 (1934). Expressly, the traditional relationship between the Malay ruling class and the Malay ruled class in land ownership was severed with the modernisation of land legislation. The price of land ownership by Malays was now directed to settlement of taxes at the Land Office. The Kedah land administrative machinery was also exposed to more efficient methods of administration in managing land affairs. This effort succeeded in producing a competent land administrative bureaucracy by the 1920s. The British, other than modernising land administration, also carried out different policies when dealing with the upper and lower Malay classes in the grants and ownership of land. The dualistic practice of the traditional era survived under the British in a new form. Clearly, the Malay elite privilege was enshrined in the land enactments passed by the Kedah government, thus becoming an evident policy in regards to land ownership among the Malays.

The main characteristic in the implementation of the dualistic policy was land tax. For such a purpose, the Land Revenue Exemptions Enactment, 1332 Hijrah was enforced in October 1914.<sup>10</sup> This enactment was introduced to streamline and standardise the land tax exemption in Kedah. Among the major contents of the enactment was Article 7, which defined the Kedah Royal Family as being the

---

<sup>7</sup> Kedah declared bankruptcy in 1904 due to poor handling of state funds. This led the Kedah Government to apply for financial aid from Siam. The agreement signed between Siam and Kedah on 16 June 1905 compelled Kedah to receive a financial advisor appointed by Siam to restore Kedah's finances and manage state expenditure more efficiently and organised. See Muhammad Isa Othman, *Politik Tradisional Kedah 1681-1942*, Kuala Lumpur: Dewan Bahasa dan Pustaka, 1990.

<sup>8</sup> The Land Enactment of 1324 Hijrah (1906) contains five parts pertaining to land ownership and use in Kedah. It also explains in detail a contact between foreigners and the Kedah Government. This enactment was one effort by the Kedah government to open foreign investment in Kedah by offering ownership securities and modern methods of land management.

<sup>9</sup> The use of European workforce to aid in land administration in Kedah was carried out by the Kedah government when in November 1910, the State Council decided to apply to the British High Commissioner for the services of an officer for the Land Office. This decision was taken to introduce the same system as done in the FMS and to give advice in land affairs and routines. The first Land Advisor in Kedah was G. E. Shaw, who was loaned from the FMS in 1911.

<sup>10</sup> The Land Revenue Exemptions Enactment, 1332. (Enactment No. 15 of 1332).

children and grandchildren of Sultan Abdul Hamid or any of the children and grandchildren of previous Sultans.<sup>11</sup> The Malay elite were exempted from paying land tax for land up to 500 *relongs*. Therefore, the Malay elite were not subject to payment of land revenue regardless of the status of owned land. The Malay masses, which were not included in this enactment, had to pay the annual land tax based on the value as outlined in the land enactment as well as the class of land owned.

The method of land acquisition and ownership among the Malays also highlighted the dualistic policy. The Malay elite, via the 'Jalan Kerabat'<sup>12</sup>, have the right to acquire land up to 500 *relongs* gratis while paying only half of the cost of survey work. In this context, the Malay elite merely send a standard application to the Director of Lands. The Director of Lands would then direct the Land Office to investigate the land and report to the Land alienation Board for consideration. Usually, the State Council would easily approve the Malay elite application with the support of the Director of Lands and the Land Advisor. Priority for survey works and land processing would also go to the Malay elites. For the lower class Malays, in order to acquire land, they had to pay the price of land according to land classification as set by the Land Office. They also have to bear the full cost of survey and land acquisition affairs. In the process of land grants (excluding Malay Reservations), it was found that the grant of land to lower class Malays, as natives of the state, was no different from grants to non-Malays in Kedah.

Among the main factors for the retention of the dualistic practice was Malay elite control over Kedah administration. Even though the British managed to control Kedah through the Bangkok Treaty of 1909, the Kedah Malay elite were still a potent force in the Kedah administration post-1909. The Malay elite were also sensitive to any effort by the British suspected to drag Kedah down to the level of the FMS. The refusal of Sultan Abdul Hamid to assent to the Land Enactment of 1324 Hijrah (1906) due to his disapproval of the abolition of the *corvee* system was evidence of the high level of sensitivity among the Malay elite to defend their prerogative.<sup>13</sup> This domination of the Malay elite could be seen in the State Council, with its almost all-Malay membership, the only non-Malay member being the British Advisor. Malay elite control was not restricted to the State Council, but to all government departments such as Land, Posts and Telegraphs, Agriculture, and Customs, among other things. British officers only headed departments that require technical know-how, which the Malay elite did not have. In the district level, all District Officers prior to the Second World War were from the Malay elite class. Their position in the Kedah bureaucracy was further strengthened with the 1923 Treaty, with the British recognising and guaranteeing Malay position in administrative duties.<sup>14</sup> With this in place, it was clear the Malay elite were very influential in decision-making in every level of the Kedah administrative bureaucracy. In the land administration machinery, the Director of Lands and the Land Officers were all derived from the ranks of the Malay elite. The land enactments passed provided for wide jurisdiction and discretion by the Director of Lands. In practice, therefore, the continuation of the dualistic practice on Malay land ownership was driven by the strong influence of the Malay elite in land administration and the State Council. In this context, the British merely played an advisory role.

---

<sup>11</sup> Ibid., Article 7.

<sup>12</sup> 'Jalan Kerabat' refers to the privilege the Kedah government awarded to the royal family to acquire land up to 500 *relongs* gratis.

<sup>13</sup> The British succeeded in getting Sultan Abdul Hamid to sign the Land Enactment of 1324 Hijrah (1906) after the Sultan assented to sign the 25 October 1909 proclamation to abolish the *kerah* system. C. O. 716, Kedah Perlis Sessional Papers. 1327 A. H., p. 21.

<sup>14</sup> See Noor Ain bt Mat Noor and Ahmad Kamal Ariffin bin Mohd Rus, "Kedah Pasca Perjanjian 1923: Kedudukan Orang Melayu Dalam Pentadbiran Kerajaan", *Sejarah*, No. 19. 2011, pp. 153-176.

The strength of Malay elite influence in forming land grants policies in regards to themselves could be measured in some instances when they changed previous policies for their own benefits. An evident example of this situation occurred in 1346 Hijrah (1927-1928), when the Regent, Tunku Ahmad Tajudin applied for 250 *relong* of government land in Mukim Gurun. According to the Director of Lands report, land in that area was part of an Irrigation Area and not allowed to be given to any party. To accede to the Regent's demand, the Director of Lands suggested the prohibition be voided for purposes of *bendang* cultivation. The State Council then approved the suggestion with the condition that no more than 20 *relong* of land be awarded for any given application.<sup>15</sup> As Tunku Ahmad Tajudin's request exceeded the limit, the Director of Lands recommended that Government reconsider this request. He also stated that the land did not contain precious woods and the Land Department did not oppose this application.<sup>16</sup> The State Council in a meeting on 18 Zulhijjah 1346 Hijrah (June 1928) approved the Regent's land application.<sup>17</sup> This case proved that even though there was a standard guideline in large-scale land grants, the Regent's will could override it, as shown through the appropriate amendments made to the aforementioned guidelines.

The execution of the dualistic policy also served a purpose for the British in regulating Malay agricultural economic activity in Kedah. After 1917, Malays were pressured to plant rice and faced some legal restrictions in planting the more lucrative rubber tree. Unlike the lower Malays who were denied the right of involvement in rubber-planting, the British were more tolerant of the same application from the Malay elite. The Malay elite faced some indirect restriction in rubber-planting through the closing of applications for rubber land in certain areas before an application was forwarded. The Malay elite found it easier to obtain government approval in acquiring rubber land, and this was because the government was more confident in Malay elite ability in producing the capital and capabilities needed for cultivating rubber.

The existence of rubber areas in large blocks of land owned by the Malay elite facilitated British regulation of rubber output, and smoothen efforts to prevent excessive tapping when the rubber restriction scheme was in place. Therefore, the granting of large swaths of land to Malay elite did not hinder British commercial economic development. In addition, most of the Malay elite land was located in the central and northern areas of Kedah. Land applications for the Malay elite after 1909 focused on these areas. This was because a large part of the south of Kedah, especially the Kulim and Kuala Muda districts, were intensively exploited and dominated by European and Chinese capitalists. Based on the geographic location, large-scale land applications by the Malay elite could be monitored and the regulations and status of land easily determined by the land administration.

### **Effects of Land Administration Modernisation on Malay Society**

From the modernisation of land administration carried out by the Kedah Government, it was clear that the continuation of the dualistic policy deeply impacted the two classes in Malay society. One obvious effect was the dualistic policy as carried out between 1909 and 1941 preserved the Malay landlord class. The Malay elite position as the landlord class in Kedah since the traditional era was not threatened with the British-led land administration modernisation after 1909. In actuality, the prerogative enjoyed in

---

<sup>15</sup> SUK. K. (Kedah Secretariat Files) 2943/1346. Tenku Ahmed Tajudin applies for 250 relongs of State land in Mukim Gurun. No. 1661/40 Paper State Council Minutes.

<sup>16</sup> Ibid. Letter, Director of Lands to Secretary of Government, 18 Zulkaedah 1346 Hijrah (8 May 1928).

<sup>17</sup> Ibid. Letter, Under-secretary of Government to Director of Lands, 6 Muharram 1347 Hijrah (25 June 1928).

traditional times was strengthened in modern times through legislation. The position of the Malay elite as large-scale landowners or land-grabbers continued to the new era. Provisions in the land enactments that provided for maximum ownership of land up to 500 *relongs* with no land tax clearly justified the argument that the dualistic policy provided an opportunity for the Malay elite to acquire quality land.

The implementation of the dualistic policy also brought about negative consequences at the end of the 1920s, when land deprivation struck the lower Malay classes. This starvation happened when suitable land for rice cultivation lessened due to previous land grants. It was also closely linked to the dualistic policy, as most of the arable land was owned by the Malay elite. A dry period that hit Kedah in 1929-1930 forced the Malays to trespass forestland to cultivate upland rice to replenish dwindling food supplies. This situation then led to a conflict between the lower Malays and the Kedah land administration when the Malays protested the legal action taken against them for their trespassing. At the time, the Kedah government did not seek to reorganise the land grant policy to the Malay elite. Even as the number of land for opening and acquisition by the citizens dwindled, land-grabbing by the Kedah royalty continued to the 1930s. In 1932 for instance, a member of the Kedah royal family, Tunku Fatimah applied for 200 *relong* of land in Mukim Tunjang, Kubang Pasu district for cultivation. According to the investigating Director of Lands, the land was suitable for cultivation. It was also a Malay reservation. This meant there was no obstacle in awarding the land to Tunku Fatimah. The Director of Lands presented this application to the Land Alienation Board, who then recommended that only 150 *relongs* be granted.<sup>18</sup>

Tunku Fatimah in a letter to the Director of Lands on 9 Shawal 1351 Hijrah (5 February 1933) stated if her application was approved, she planned to clear the land to be cultivated by Malays.<sup>19</sup> Agreeing with the Land Alienation Board recommendation, the State council allowed the grant of 150 *relongs* with the condition that the land may not be sold or pawned, only cleared.<sup>20</sup> Another member of the Kedah royal family, Tunku Rabiatal Adawiyah binti Tunku Mohamed applied for 100 *relong* of government land in Mukim Kepelu, Kubang Pasu via the 'Jalan Kerabat'. The Director of Lands, with the counsel of the Land Advisor, agreed to this application, waived the payment of land, and only charged half the cost of survey work.<sup>21</sup> As with any unobstructed Royal Family application, the Kedah government did not hesitate to allow this land grab to happen from time to time.

This dualistic policy also preserved northern Kedah as a rice cultivation area, as per British aspiration. As the land owned by the Kedah Malay elite was concentrated on the northern area, the existence of Malay elite land grab ensured it remained a rice field. This was obvious when a policy of obligatory rice cultivation was introduced in 1917. The grant and retention of land ownership by Malay elite in north Kedah implicitly facilitated the preservation of Malay land as rice fields. Furthermore, the maintenance of the status of the Malay elite-owned rice land, especially in the Malay Reservations, managed to deter land speculation by this group, retained the low value of land, and attracted the Malay workforce to lease land from the Malay elite. Indirectly, the dualistic policy prevented the Malays from

---

<sup>18</sup> SUK. K. 2407/1351. H. H. Tunku Fatimah binti Sultan Abdul Hamid applies for State land in Mukim Tunjang, Kubang Pasu, for padi cultivation. Letter, Director of Lands to secretary of Government, 17 Rejab 1351 Hijrah (16 November 1932).

<sup>19</sup> Ibid. Letter, Tunku Fatimah to Director of Lands, 9 Shawal 1351 Hijrah (5 February 1933).

<sup>20</sup> Ibid. Clerk of Council Minutes, 11 Zulkaedah 1351 Hijrah (8 March 1933).

<sup>21</sup> SUK. K. 279/1353. H. H. Tunku Rabiatal Adawiyah binti Tunku Mohamed applies for State Land in Mukim Kepelu, Kubang Pasu, for bendang cultivation. Letter, Director of Lands to Secretary of Government, 20 Muharram 1353 Hijrah (5 May 1934).

engaging in rubber-planting. From the issue of Tunku Jiwa binti Sultan Ahmad Tajudin, it could be argued the British and the Kedah land administration authorities fought to maintain the Malay elite rice land status and stop Tunku Jiwa from engaging in land speculation.

Tunku Jiwa issued a complaint to the President of the State Council on 24 Jamadilakhir 1349 Hijrah (16 November 1930) regarding her field in Mukim Dulang, Yan District. This issue was solved when the Land Office managed to determine Tunku Jiwa's ownership, thus confirming her land ownership security. However, Tunku Jiwa wanted her land to be revoked of its Malay Reservation status, thus revealing her intention to increase the value of the land. However, the Director of Lands argued the benefits of retaining the Malay Reservation status of the land in question. The British Advisor, A. C. Baker who visited the area found it suitable for rice cultivation. At the same time, there were a considerable number of applications from Malays for rice cultivation in the area. The British Adviser, based on his visit to the area stated:

"No difficulty would be experienced by Tunku Jawa [Tunku Jiwa] in finding suitable Malay cultivators to open up this land on the usual terms. 3. In my last inspection report on Yen, I pointed out that there was a marked Chinese infiltration in this district which is a Malay Reservation, and suggested that measures should be taken to avoid further areas falling into the hands of Chinese cultivators. 4. I am very definitely of opinion that this proposed grant should be subject to Malay Reservation conditions, and I cannot think that Tunku Jawa would wish to dispose of this land to Non-Malays, whilst there are numbers of Malays ready to cultivate it adequately."<sup>22</sup>

The Secretary of Government supported this view.<sup>23</sup> All land in the district was placed in the Malay Reservation and the government was prohibited from revoking this status.<sup>24</sup> The government's action in the Tunku Jiwa land issue showed that the government, while strengthening the Malay elite land ownership security, also maintained the existing rice field status.

The dualistic policy also turned the Malay elite into pioneers or exploiters of commercial crops among Malay society. With the opening of Kedah to foreign investors since 1909 through the British forward policy, tapioca, and later rubber, were the investors' main commercial crop of choice in Kedah. The Malay elite were also involved in this commercial activity. In contrast to the lower class Malays that showed interest in rubber cultivation after 1915, the Malay elite ventured into rubber-planting since before 1909. The Malay elite saw the appeal to cultivate rubber, armed with large plots of arable land and capital.

The Malay elite were most aware of the prospect of rubber cultivation in producing significant returns. The Kedah land policy of allowing land grabs by the Kedah royalty was fully utilised by the Malay elite to acquire rubber land. This action was a reaction to liberal rubber land policies in 1909-1917. In 1913, a Kedah Malay elite, Tunku Muhammad Jawa forwarded an application for forestland in Mukim Jabi, Kota Setar district, for rubber cultivation. He applied for 500 *relong* of land. Initially the British

---

<sup>22</sup>SUK. K. 1923/1349. Petitions against the alienation of her bendang land in Mukim Dulang, Yen. Minutes, A.C. Baker to Secretary of Government, 26 Rejab 1350 Hijrah (7 December 1931).

<sup>23</sup> Ibid. Minutes, Secretary of Government to British Advisor, 28 Rejab 1350 Hijrah (9 December 1931).

<sup>24</sup> Ibid. 8/1923/49, Letter of Under-secretary of Government to Tunku Jiwa binti Almarhum Sultan Ahmad Tajudin.

Advisor, W.G. Maxwell refused to entertain Tunku Muhammad Jawa application as at the time the applicant was not residing in the state.<sup>25</sup> Nevertheless, the Kedah government was prepared to consider the application after Tunku Muhammad Jawa's return to Kedah.<sup>26</sup> His application was forwarded to the State Council via the Director of Lands and the council approved the application on 10 June 1913.<sup>27</sup> The State Council's acts of conveniently approving such applications show the Malay elite as being the most advantaged among the Malay society in ownership of rubber land.

When the rubber restriction scheme was introduced in 1917, the lower class Malays were negatively affected as they were prohibited from planting the commercial produce. The Kedah land administration from time to time halted the granting of lands to Malays, and those that violated the restriction faced legal action. This restriction scheme was practically continued up to the Second World War. Ironically, in the period 1917-1941, the Kedah government facilitated and smoothen applications from the Malay elites. For instance, Tunku Aziz and Tunku Ahmad Tajuddin bin Tunku Ibrahim applied for 84 *relong* of government land in Mukim Naga, Kubang Pasu district for rubber cultivation. The two princes of Tunku Ibrahim did not apply through the Jalan Kerabat method as they wanted to pay the land price. According to the investigation of the Director of Lands, the land in application was part of the Malay Reservation. Parts of the land were applied as 'permintaan rincik' (small-scale land application) yet to be decided by the Land Office. This application was brought to the consideration of the Land Alienation Board, who then approved of the application for 84 *relong* of land with \$15 for a *relong*.<sup>28</sup> According to the Government Under-Secretary, it was not necessary to bring this application to the State Council as it was under the purview of the Director of Lands.<sup>29</sup> The British Advisor did not oppose to the grant of that land as well<sup>30</sup> As a result, the Secretary of Government authorised the land grant to the two members of the Malay elite.<sup>31</sup>

Evidently the Malay elite, as a group, were least affected by the rubber restriction scheme, as this harsh scheme could not be enforced by the land administration in regards to the Malay elite. Compared to lower class Malays that usually faced fines-including the uprooting of rubber trees-for planting rubber in non-rubber land, such fines was practically never recorded as being imposed on members of the Malay elite. In other words, even though there existed an enactment to restrict rubber planting, in practice it was highly partial. The lower class Malays were the most directly affected by this policy. In contrast to the Malay elite that still enjoyed the benefits in spite of the rubber restriction scheme, the lower class Malays were hindered from involvement in this profitable crop.

The dualistic policy also stifled the comprehensive intent of the modernisation of land administration in Kedah since 1909. Though the British succeeded in modernising land administration

---

<sup>25</sup> SUK. K. 1805/31. Pemintaan Tunku Muhammad Jawa pohon tanah hutan milik Karajaan didalam mukim Jabi District Kota Star banyak nia lebeh kurang 500 relong handak diperbuat kebun tanam getah. Minutes, British Advisor to the President of the State Council, 24 April 1913.

<sup>26</sup> Ibid. Minutes, President of the State Council to the British Advisor, 7 Jamadilakhir 1331 Hijrah (May 1913).

<sup>27</sup> Ibid. Minutes, Secretary of the State Council.

<sup>28</sup> SUK. K. 460/1349. H. H. Tunku Ozair and H. H. Tunku Ahmad Tajudin, sons of H. H. Tunku Ibrahim, apply for State land in Mukim Naga, Kubang Pasu, for rubber cultivation. No. 2446/48. Letter, Director of Lands to Secretary of Government, 10 Safar 1349 Hijrah (7 July 1930).

<sup>29</sup> Ibid. Minutes, Under-secretary of government to Assistant British Advisor, 8 Rabiulawal 1349 Hijrah (3 August 1930).

<sup>30</sup> Ibid. Minutes, British Advisor to Secretary of Government, 24 Rabiulawal 1349 Hijrah (19 August 1930).

<sup>31</sup> Ibid. Minutes, Secretary of Government, 28 Rabiulawal 1349 Hijrah (23 August 1930).



and legislation in line with the modernisation in the FMS, the dualistic policy in land grants continued. The retention of policy that encouraged gratis land exploitation by the elite Malays meant it was not financially beneficial to the state treasury. This one-sided policy meant the burden of paying revenue and taxes fell on the lower class of Malay society. The policy of direct taxation that was not in favour of the lower Malays led to frequent protests against perceived exorbitant taxes. If a Malay failed to pay land tax in time, his land was confiscated by the state. This penalty was seen by the lower class Malays as a significant threat to legitimate land ownership security. However, the scenario panned out differently for the Malay elite. Rise in land tax, poor crop yield and bad weather have little, if any, impact. In fact, the landless individuals in the Malay upper class, especially the princes of Sultan Abdul Hamid, took advantage of the prerogative in land policy in Kedah to grab up to 500 *relong* of land.

The British saw the land revenue exemption enjoyed by the Malay elite as a loss in government revenue. In 1926, Land Advisor Eckhardt presented a draft of a bill regarding land revenue exemption for the purpose of merging it with the planned land enactment. It is hoped to replace Enactment No. 15 of 1332 Hijrah (1914) and its amendments, Enactment No. 17 of 1343 Hijrah (1924-1925) and Enactment No. 2 of 1331 Hijrah (1912-1913). Among the issues that concerned the Land Advisor and drove his attempt to amend the rules on tax exemption was land speculation by the Malay elite.

In the proposed draft, Article 5 (i) allowed for the State Council to stand as arbiter on premium payment exemption and payment of half-cost for surveying. Article 5 (ii) stated that no land revenue exemption be awarded until the State Council is satisfied that the land in application would be used for agricultural purposes.<sup>32</sup> The Land Advisor also voiced out his dissatisfaction regarding exemption of taxes enjoyed by certain classes in Kedah Malay society, as this was seen as the main reason the Land Offices suffered losses. The Land Advisor, Mr T. S. Adams in his letter to the British Advisor dated 8 July 1929 suggested a review of Malay elite privilege. Adams gave an example that 250 *relong* of land, free from premium payment and only half the cost of survey work including cost of boundary stone, would cost the Kedah Government \$12,656. A grant of 500 *relongs* would cost the government \$25,233.<sup>33</sup>

However, the Regent opposed any effort to change the legal standing on the 'Jalan Kerabat'. He argued that there were members of the royal family still landless,<sup>34</sup> and this opposition was evidently enough to halt the implementation of any significant change. The British Advisor, T. W. Clayton could only decide to retain part XV in the Enactment of 1332 Hijrah (1914). He opined the lands granted to the royal family should be subject to the terms in the Malay Reservations Enactment.<sup>35</sup> Overall, British effort to amend this privilege failed due to opposition from the Regent bent on protecting Malay elite prerogative.

---

<sup>32</sup> SUK. K. 714/1347. Draft Land Rules Relating to Exemptions and Remissions of Land Revenue. Letter, Land Advisor to the British Advisor, 8 July 1929. Exemptions and Remissions of Land Revenue. 5. (i) Upon the approval of an application by any Member of the Ruling House, not being a minor, for the alienation of country land, the State Council may, at its sole discretion, remit the payment of premium and one-half of the prescribed survey fees thereon, provided that the total area alienated after the 29<sup>th</sup> Jemadilakhir 1324 to such Member of the Ruling House, in respect of which such payments have been remitted, shall not exceed five hundred *relongs*. (ii) No remission will be granted under this rule unless the State Council is satisfied that the land applied for is intended for the permanent occupation of applicant.

<sup>33</sup> SUK. K. 714/1347. Draft Land Rules Relating to Exemptions and Remissions of Land Revenue. Letter, Land Advisor to British Advisor, 8 July 1929.

<sup>34</sup> Ibid., Memo from the Regent, 1 Zulkaedah 1347 Hijrah (11 April 1929).

<sup>35</sup> Ibid., Minutes, British Advisor, 13 Safar 1348 Hijrah (21 July 1929).

## **Conclusion**

The modernisation of land administration in Kedah in 1909-1941 greatly impacted Malay society, especially in land ownership. The implementation of a dualistic policy by the British within the framework of modernisation showed a significant tolerance and compromise on the practice. The firm hold of the Malay elite on Kedah administrative bureaucracy confirmed the retention of this traditional-era policy. The existence of the dualistic policy not only signified the Malay elite's iron grip on the Kedah administration, but also Malay elite position in land affairs, thus ensuring the legacy of land-grabbing. The benefits enjoyed by this group also allowed them, almost alone among the Kedah Malay community, to pioneer and venture in commercial crops such as rubber.

However, the negative effects of this dualistic policy was borne on the shoulders of the lower class Malays, as they had to bear the full cost of taxes to sustain state coffers. This dualistic policy not only denied the lower class Malays the opportunity to venture freely in agriculture, but also threatened their welfare and future prospects as available arable land dwindled with each Malay elite land grab since the end of the 1920s. In discussing this dualistic policy, the lower class Malays were the main victim in British-Malay elite scheme regarding land, thus widening the gulf between the two Malay classes in Kedah.