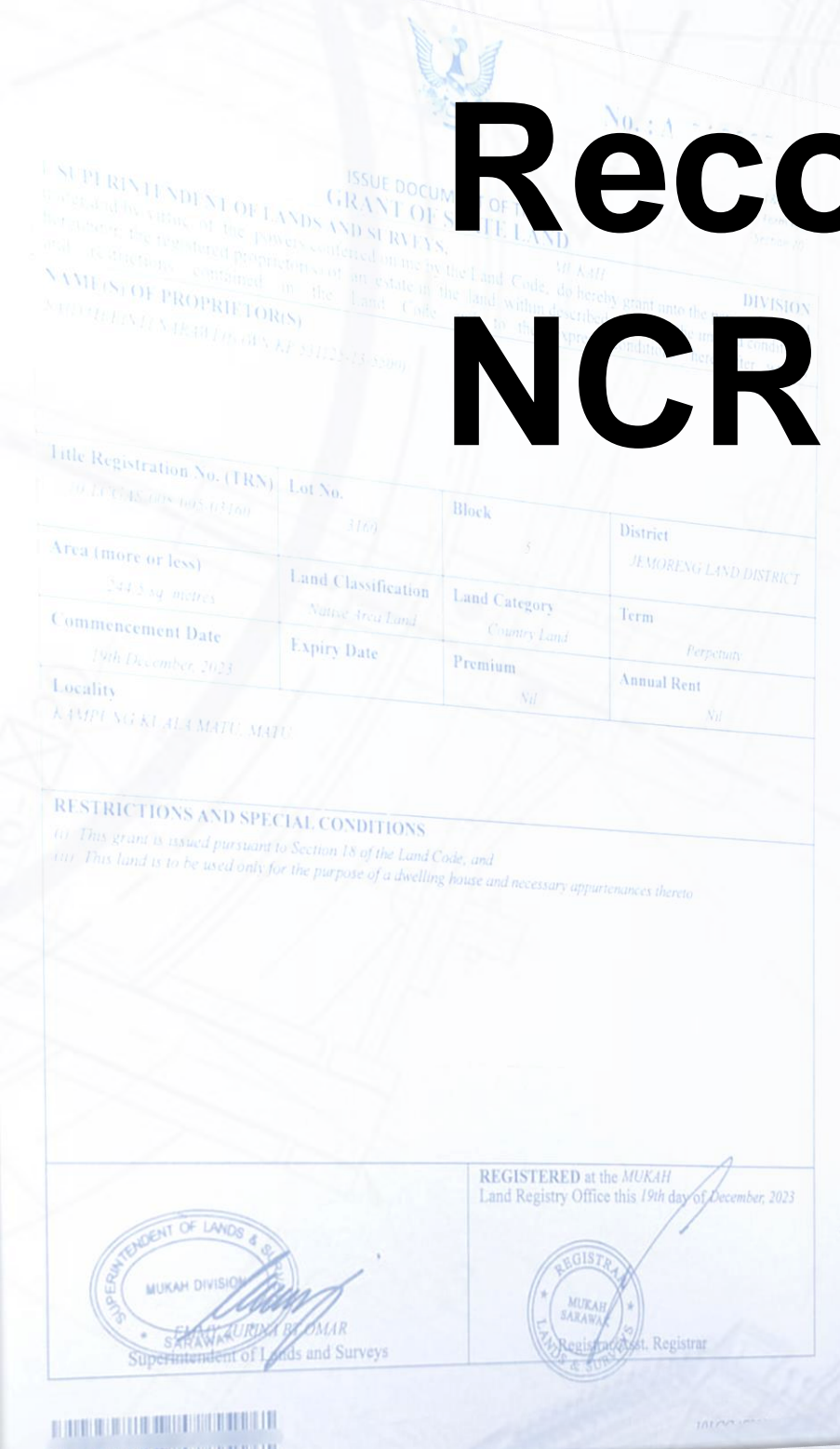




Recognizing NCR Land in Sarawak



Geoinformation Week 2024, FIG LADM & 3D LA Track and
FIG Commission 5 & 7 Annual Meeting
23-26 September 2024 | Kuching, Malaysia

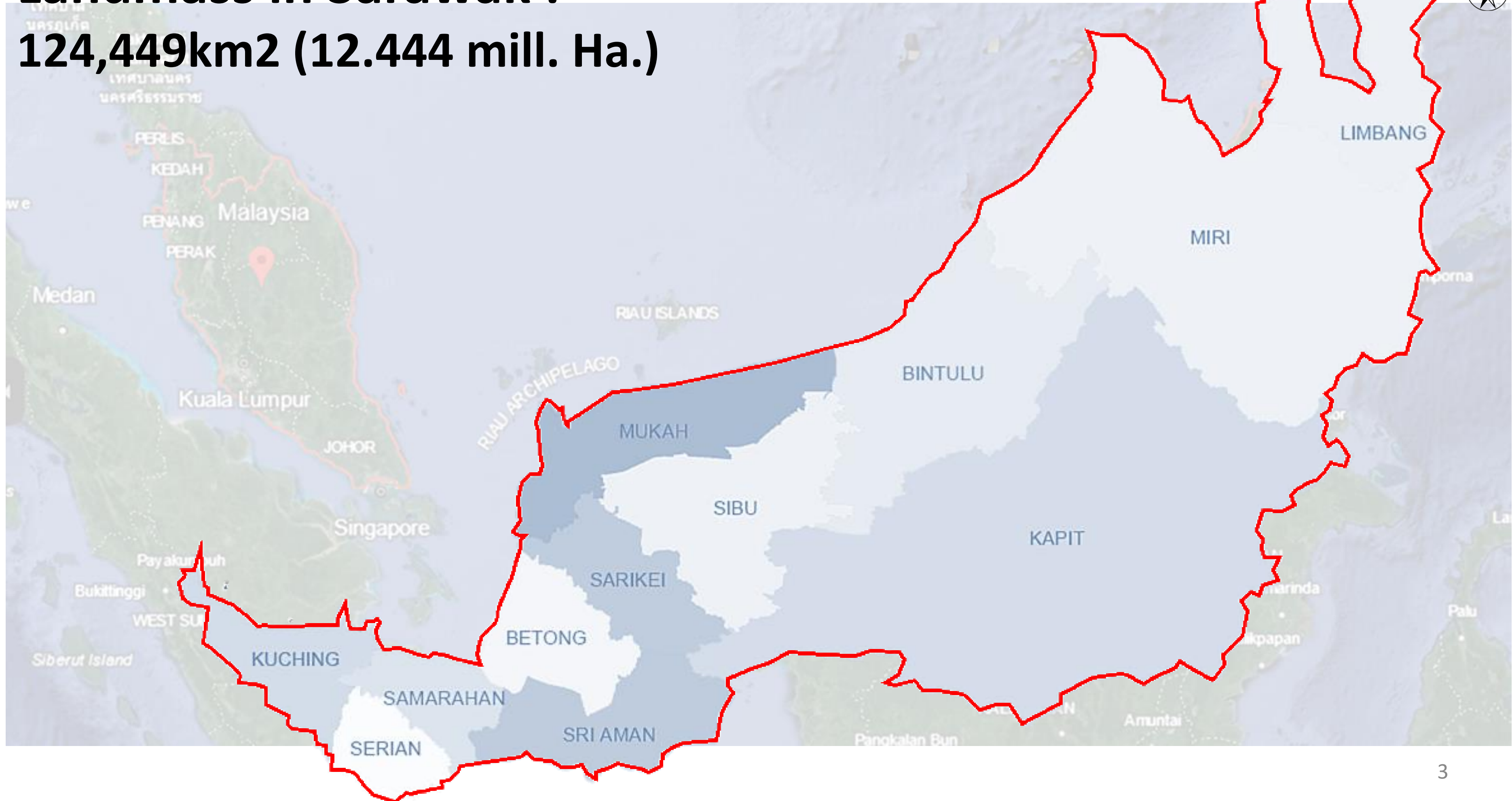
Awang Zamhari Bin Awang Mahmood

Director
Land and Survey Department Sarawak
Malaysia



Landmass in Sarawak :

124,449km² (12.444 mill. Ha.)



Landmass in Sarawak :

124,449km² (12.444 mill. Ha.)



STATE LAND

a) Registered State Land

b) Unregistered State Land

i- Reserve Land

- Section 6 (Native Communal Reserve)

- Section 7 (Government Reserve)

ii- Land subject to NCR claim

iii- Primary Forest

TITLED LAND

a) Pre Land Code title

b) Section 13 (Lease)

c) Section 18 (Grant)

d) Section 6A (Native Communal Title)

e) Provisional Lease Section 28

Landmass in Sarawak : 124,449km² (12.444 mill. Ha.)



STATE LAND (subject to NCR)

a) Registered State Land

b) Unregistered State Land

i- Reserve Land

- Section 6 (Native Communal Reserve)

- Section 7 (Government Reserve)

ii- Land subject to NCR claim

iii- Primary Forest

TITLED LAND

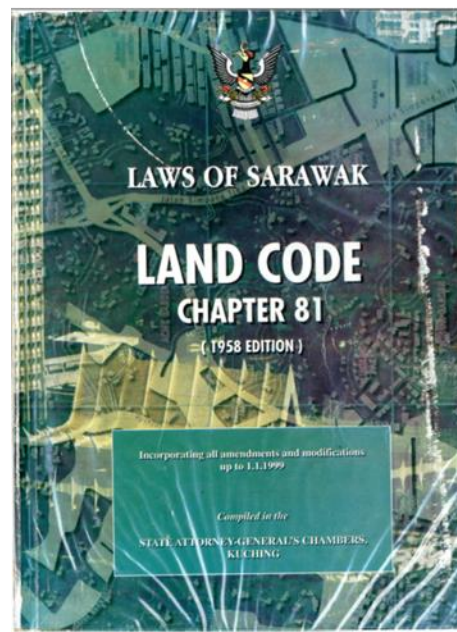
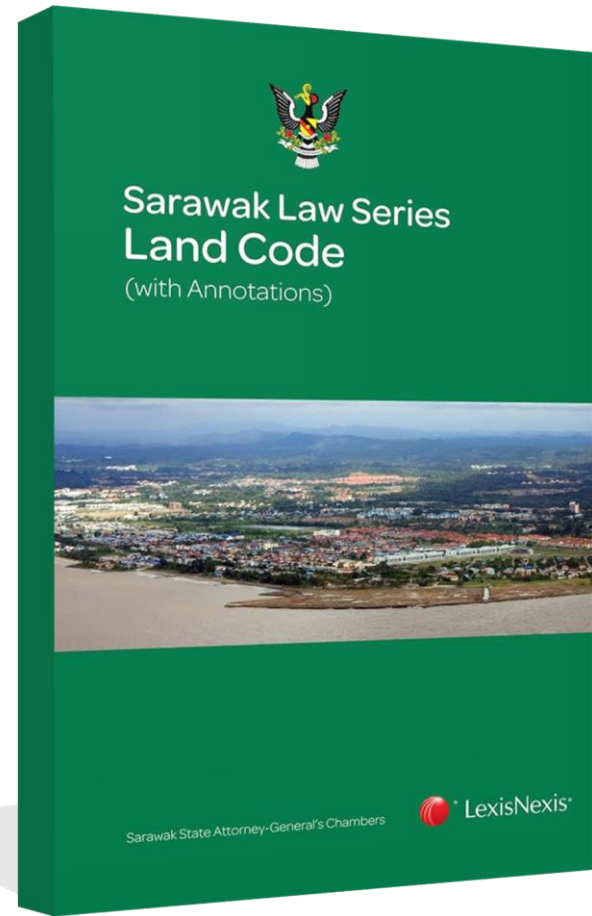
a) Pre Land Code title

b) Section 13 (Lease)

c) Section 18 (Grant)

d) Section 6A (Native Communal Title)

e) Provisional Lease Section 28



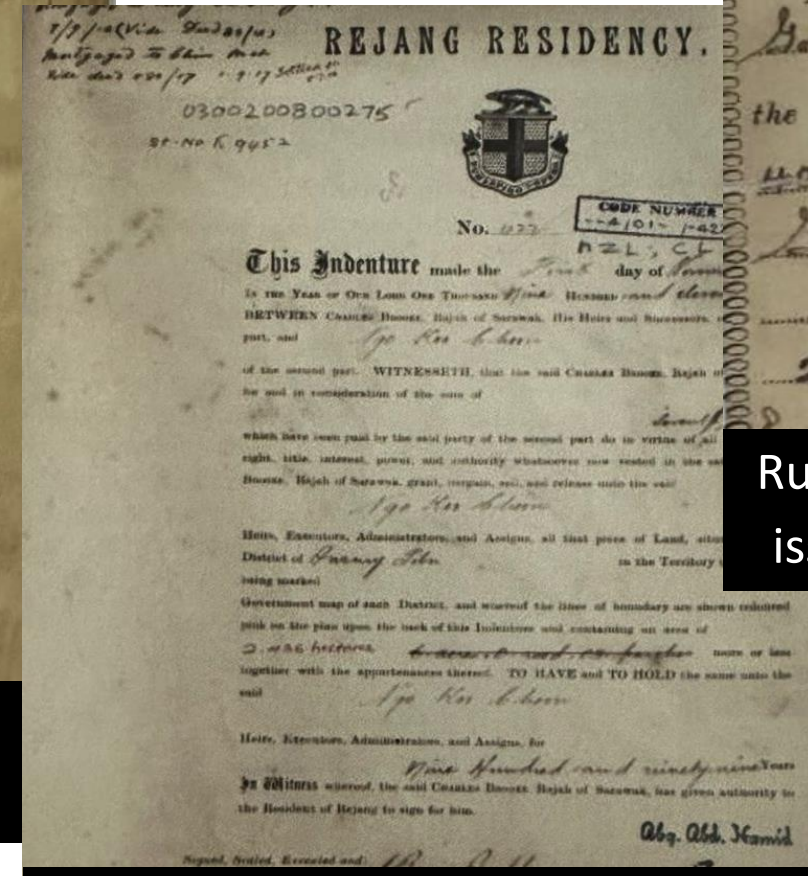
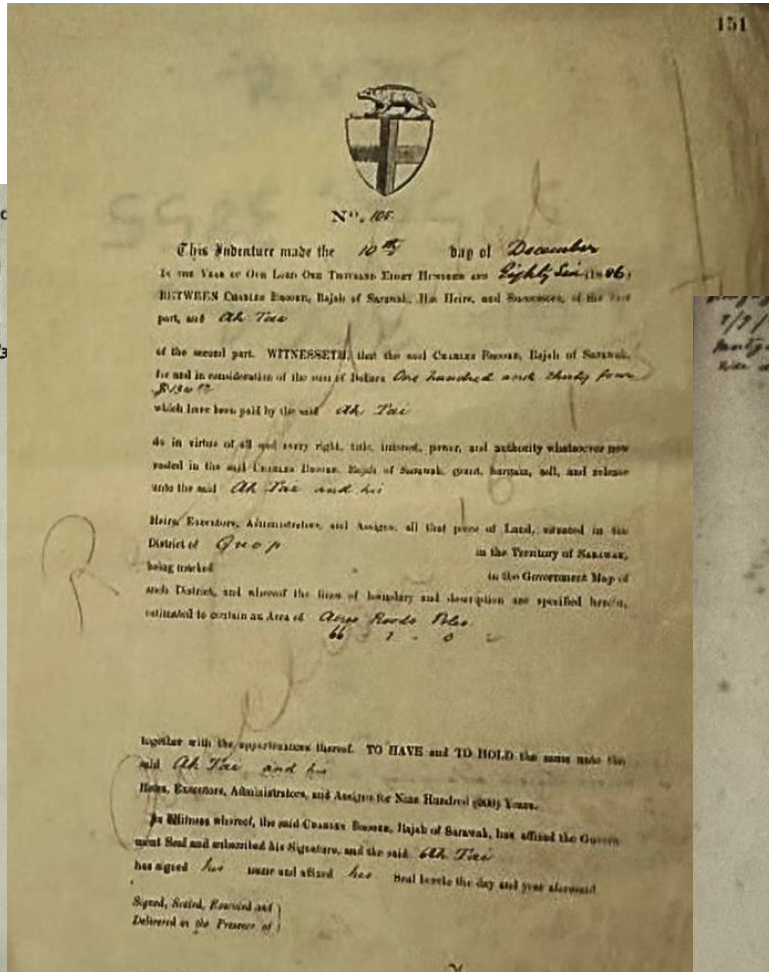
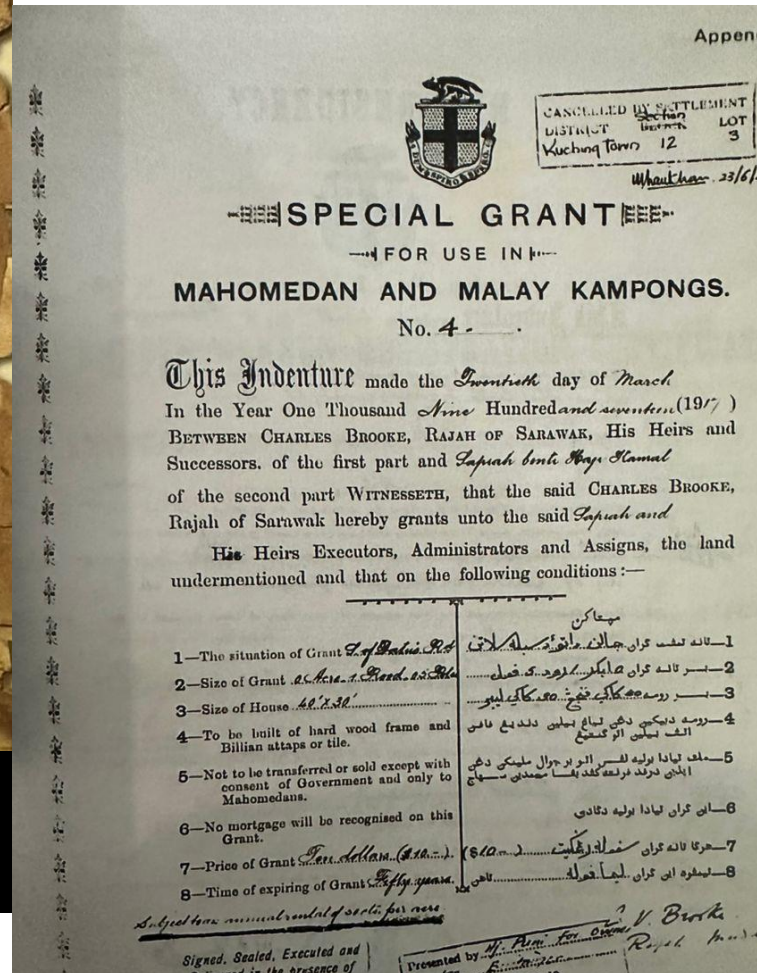
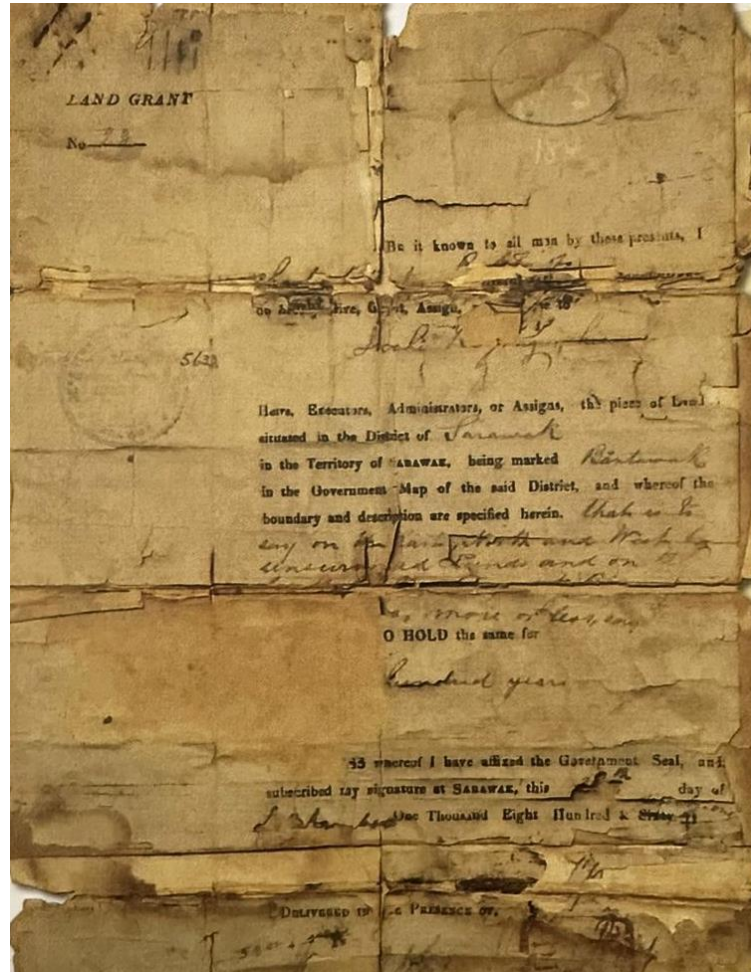
LAND TITLES IN SARAWAK

As at 23.09.2024

	<i>Section 13</i>	<i>Section 18</i>	<i>Section 6A</i>	<i>TOTAL</i>
<i>No. of Title</i>	482,974 (63%)	284,867 (37%)	1	767,842
<i>Hectare</i>	2,142,309 (87%)	330,474 (13%)	304	2,473,086
<i>Acre</i>	5,293,645	816,601	751	6,110,997

EVOLUTION OF LAND LAW RELATING TO NCR

The White Rajahs' era (1841-1946)



Land Grant issued under Land Regulations 1863

Land Grant issued under Rajah Order 1863

Rubber Garden Registration Certificate issued under Land Order IX, 1915

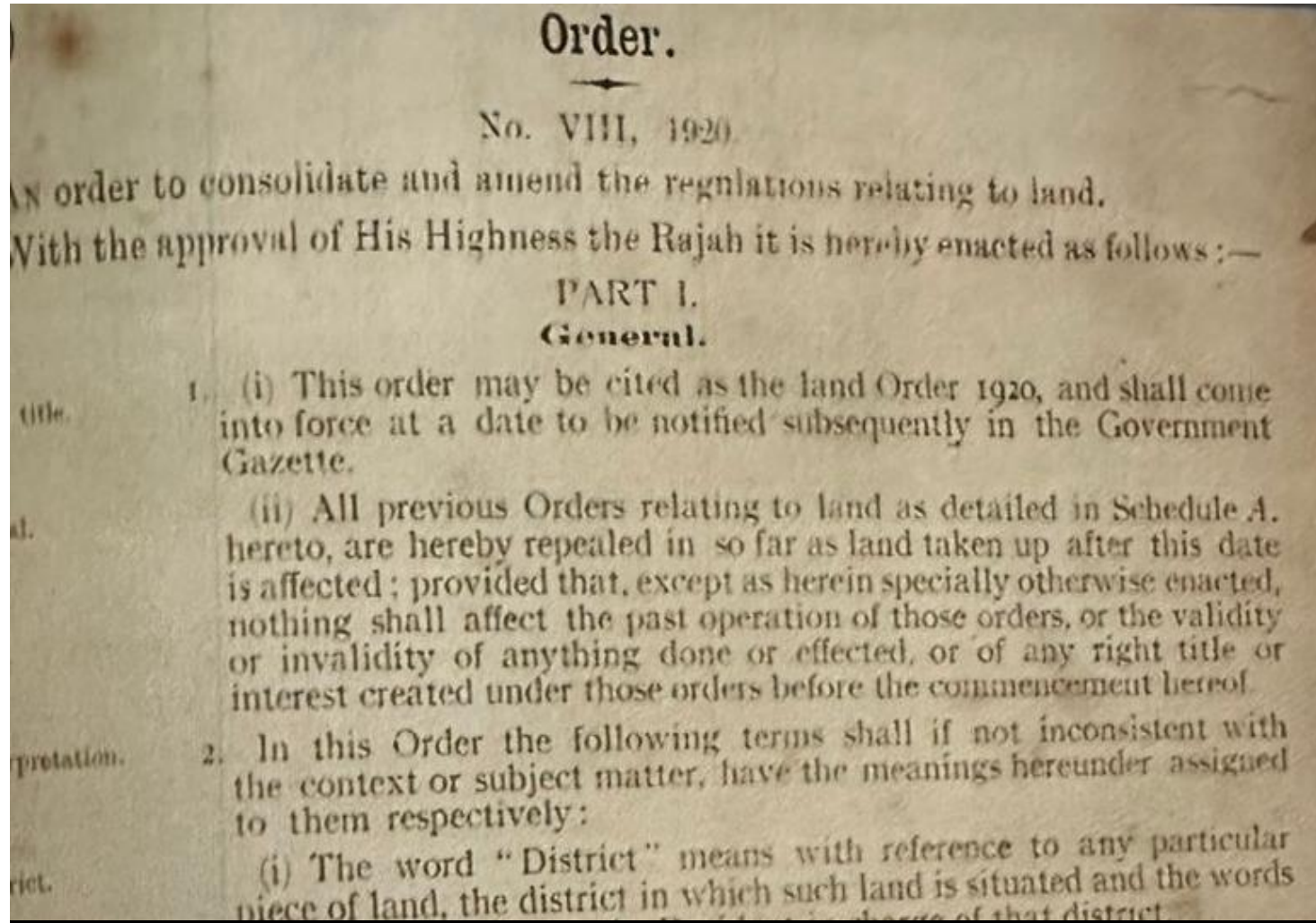
Land Grant issued under Land Regulations 1882

- 1st land law in Sarawak
- Introduced by James Brooke
- Land Lease (900 years) & grant in perpetuity
- Continued by Land Regulations 1871 & 1882 and Various Land Orders

Special Grant issued under Land Order No. XXVI

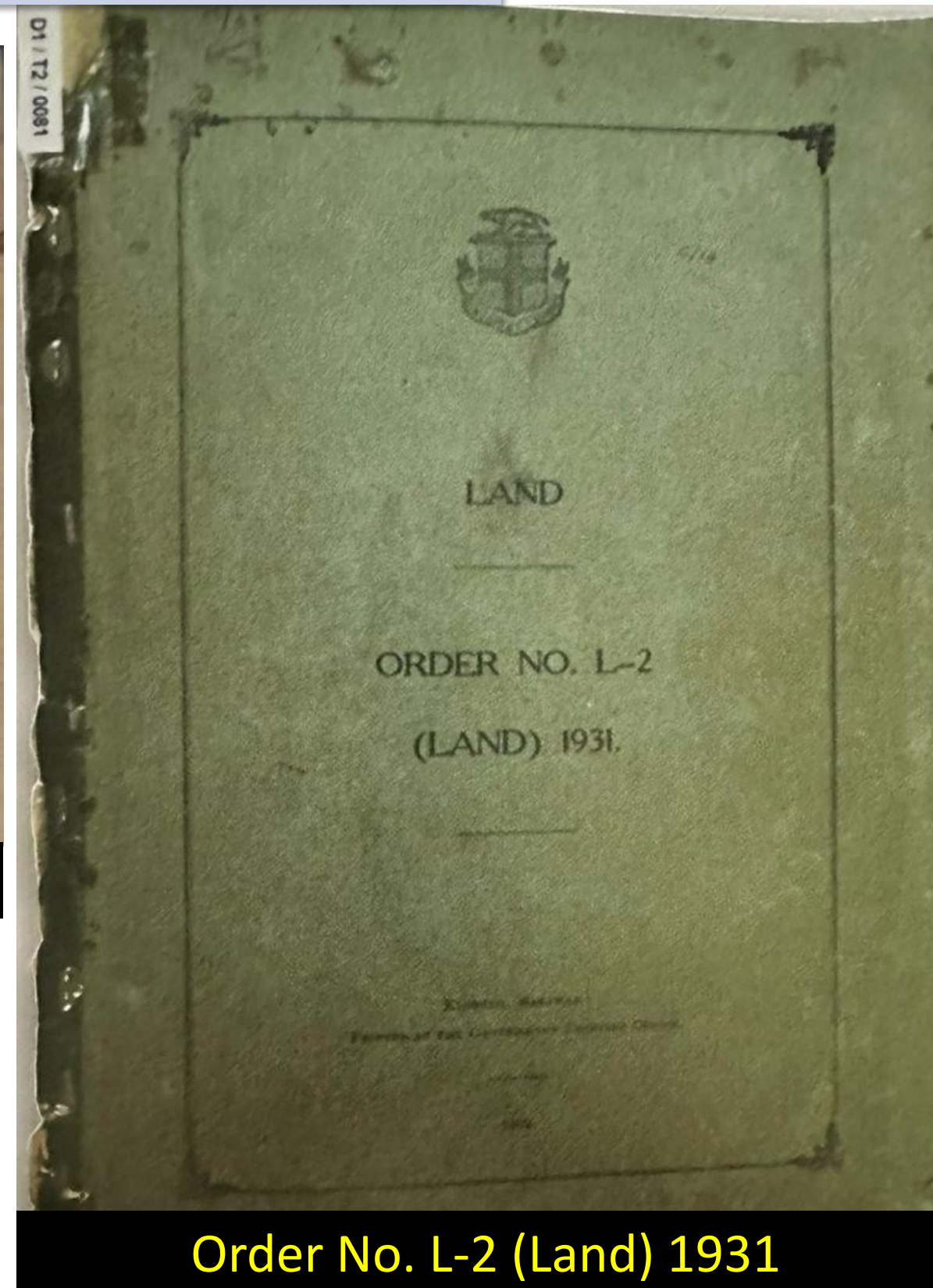
EVOLUTION OF LAND LAW RELATING TO NCR

The White Rajahs' era (1841-1946)



Rajah's Order No. VIII, 1920

- An Order to consolidate and amend the regulations relating to land
- Introduction of "Native Communal Reserve" for native of Sarawak



Order No. L-2 (Land) 1931

- ✓ Land Ordinance (L-2), 1931
- ✓ Land Settlement Ordinance 1933
 - Settlement of rights to land
- ✓ Secretariat Circular No.12, 1939

EVOLUTION OF LAND LAW RELATING TO NCR

The White Rajahs' era (1841-1946)

1

Communal rights & free of any charges

Implementation of "Native Communal Reserve" & native land free of any charges.

Land Order VIII & No. IX of 1920

2

Term

*99 years leasehold for 3 acres land.
Declaration of native land according to customary tenure.*

The Land Ordinance, 1931 (L-2)

3

Continuous occupation & Land usage

Continuous occupation or land to be cultivated / burial ground site...

The Land (Settlement) Ordinance, 1933

1) Land Classification Ordinance 1948

- *In addition to Land Ordinance (L-2), 1931.*
- *Land classification protect Natives' rights.*
- *Restricting land ownership by non Native over Native Area Land*

2) Land Classification (Amendment) Ordinance 1954 and Land Classification (Amendment) Ordinance 1955

- *Allow creation of NCR over Interior Area Land subject to issuance of permit under section 10 by District Officer.*
- *Issuance of permit discontinued since 1964 following Sarawak Land Code.*

EVOLUTION OF LAND LAW RELATING TO NCR

Sarawak Land Code

Sarawak Law Series Land Code

(with Annotations)

The Sarawak Land Code is a unique piece of legislation. Sarawak is a land of multi-ethnic communities and rich customary culture. It is only natural for the Sarawak Land Code to reflect the complexity of the land's culture in order to protect the rights of landowners in Sarawak.

Known as Chapter 81 (1958 Edition), the Sarawak Land Code was released in January 1958 and has gone through multiple amendments. The last official version from official government printers was released in 1999; and republished by the Sarawak State Attorney-General's Chambers in 2003. From those dates onwards, there has been no official up-to-date version of the Code that has been released.

The primary objective of this publication of the Land Code with annotations, commentaries and notes is to enable all legal practitioners, land administrators and all others whose work involved having to deal with land, a better understanding and appreciation of land administration system in Sarawak as well as the application and judicial interpretation of the provisions of the Land Code.

The Land Code, as published, incorporates all amendments up to January 1, 2015.

"This commendable effort to publish our State Ordinances with annotations would ensure that our laws are better understood; thus making non-compliance therewith, inexcusable."

Foreword of YAB Datuk Patinggi Tan Sri (Dr) Haji Adenan bin Haji Satem
Chief Minister of Sarawak



Sarawak Law Series Land Code (with Annotations)



Interpretation of "Native Rights" and "Native Customary Land"

Date of creation of NCR

Methods NCR may be acquired

In perpetuity & free of any charges

Extinguishment of rights in the event land required for public purposes

EVOLUTION OF LAND LAW RELATING TO NCR

Sarawak Land Code



Sarawak Law Series Land Code (with Annotations)



Section 2

“Native Rights” (or NCR) means rights described in section 7A(1), created by or belonging to a native over land not issued with a document of title

“Native Customary Land or NCL” means:

- a) land in which native customary rights, whether communal or otherwise, have lawfully been created prior to the 1st day of January, 1958, and still subsist as such;*
- b) land from time to time comprised in a reserve to which section 6 applies; and*
- c) Interior Area Land upon which native customary rights have been lawfully created pursuant to a permit under section 10 (4)*

Interpretation of “Native Rights” and “Native Customary Land”

Date of creation of NCR

Methods NCR may be acquired

In perpetuity & free of any charges

Extinguishment of rights in the event land required for public purposes

EVOLUTION OF LAND LAW RELATING TO NCR

Sarawak Land Code



Sarawak Law Series Land Code (with Annotations)



Section 5(1)

*As from the 1st day of January, 1958, native customary rights **may be created** in accordance with the native customary law of the community or communities concerned by any of the **methods specified in subsection (2)**, if a permit is obtained under section 10, upon Interior Area Land.*

*Save as aforesaid, but without prejudice to the provisions hereinafter contained in respect of Native Communal Reserves and rights of way, **no recognition shall be given** to any native customary rights over any land in Sarawak **created after the 1st day of January, 1958**, and if the land is State land any person in occupation thereof shall be deemed to be in unlawful occupation of State land and section 209 shall apply thereto.*

Interpretation of “Native Rights” and “Native Customary Land”

Date of creation of NCR

Methods NCR may be acquired

In perpetuity & free of any charges

Extinguishment of rights in the event land required for public purposes

EVOLUTION OF LAND LAW RELATING TO NCR

Sarawak Land Code



Sarawak Law Series Land Code (with Annotations)



Section 5(2)

The **methods by which native customary rights may be acquired** are:

- (a) the felling of virgin jungle and the occupation of the land thereby cleared;*
- (b) the planting of land with fruit trees;*
- (c) the occupation or cultivation of land;*
- (d) the use of land for a burial ground or shrine;*
- (e) the use of land of any class for rights of way; or*
- (f) Any other lawful method (further explained in section 5 (2) (f) (i) & (ii))*

Interpretation of “Native Rights” and “Native Customary Land”

Date of creation of NCR

Methods NCR may be acquired

In perpetuity & free of any charges

Extinguishment of rights in the event land required for public purposes

EVOLUTION OF LAND LAW RELATING TO NCR

Sarawak Land Code



Sarawak Law Series Land Code (with Annotations)



Section 18(1)

Grants to natives

*Where the Director, subject to any direction from the Minister, is satisfied that a native has occupied and used any area of unalienated State land in accordance with rights acquired by customary tenure amounting to ownership of the land for residential or agricultural purposes, he may, subject to section 18A, issue to the native a grant **in perpetuity** of that area of land **free of premium rent and other charges**.*

Interpretation of “Native Rights” and “Native Customary Land”

Date of creation of NCR

Methods NCR may be acquired

In perpetuity & free of any charges

Extinguishment of rights in the event land required for public purposes

EVOLUTION OF LAND LAW RELATING TO NCR

Sarawak Land Code



Sarawak Law Series Land Code (with Annotations)



Section 5(3)

Any native customary rights may be extinguished by direction issued by the Minister which shall be—

(i) published in the Gazette and one newspaper circulating in Sarawak; and

(ii) exhibited at the notice board of the District Office for the area where the land, over which such rights are to be extinguished is situated, and on the date specified in the direction, the native customary rights shall be extinguished and the land held under such rights shall revert to the Government:

Provided that where such rights are extinguished in pursuance of this section compensation shall be paid to any person who can establish his claims to such rights in accordance with paragraphs (b) and (c); or other land over which such rights may be exercised may be made available to him with or without the payment of additional compensation whether for disturbance, or for the costs of removal, or otherwise.

Interpretation of “Native Rights” and “Native Customary Land”

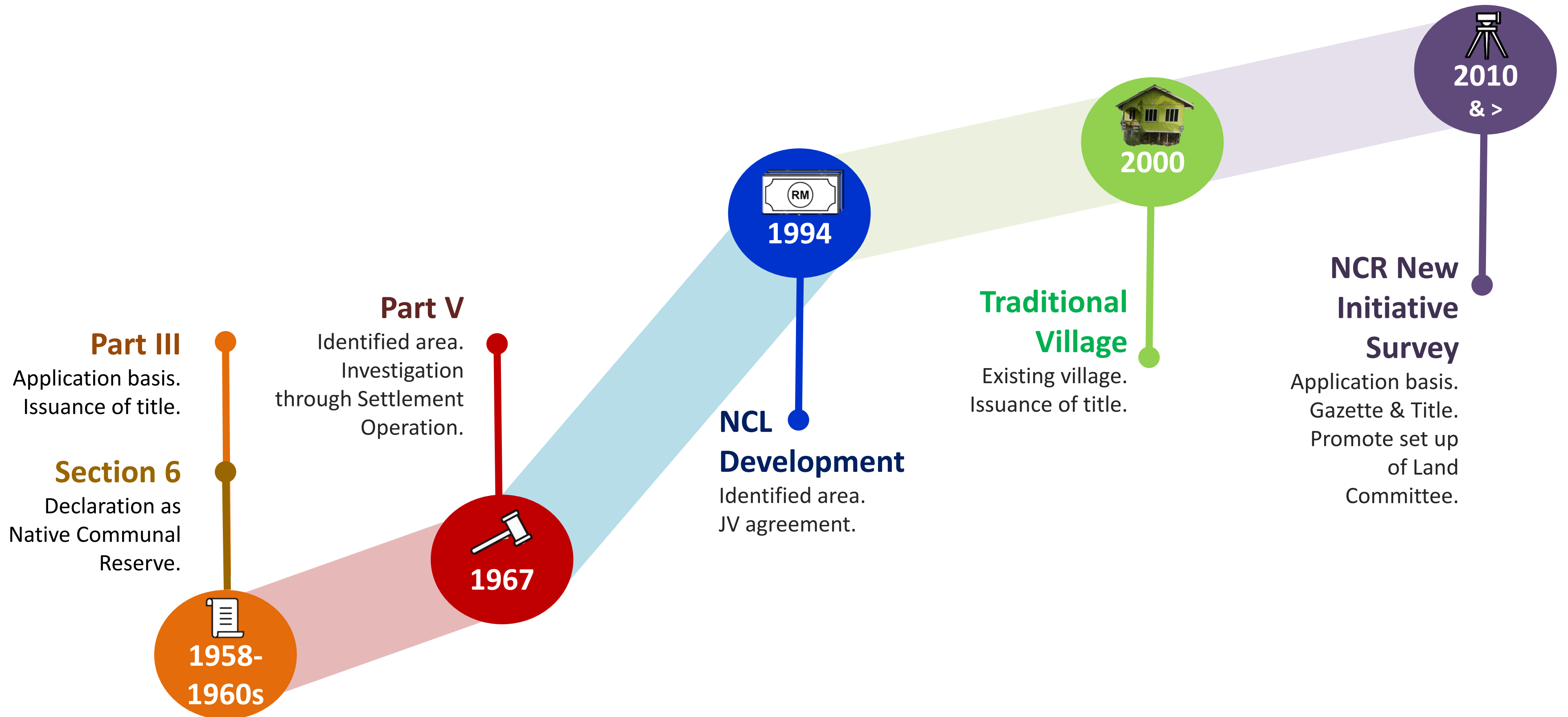
Date of creation of NCR

Methods NCR may be acquired

In perpetuity & free of any charges

Extinguishment of rights in the event land required for public purposes

NCR SURVEY PROGRAMME



SURVEY OF NCR LAND



1) Settlement Operation

- Investigation of individual claim
- Settlement of claim under Part V of the Land Code
- Survey & issuance of title (Section 18 & 13 or settled as State Land) for agriculture purpose.
- Disadvantage: Time consuming, small scale and focus on land registration instead of land development

2) Traditional Village

- Survey of existing natives' villages
- Dwelling house
- Issuance of title (Section 18) for residential purpose.

SURVEY OF NCR LAND

3) Survey & Issuance of Title under Part III of the Sarawak Land Code

- Individual / group application
- Old survey documents (Imperial Sheet, Dbook, Fieldbook)
- 1st section 18 title issued in 1968

4) NCL Development

- Declaration of an area as NCR Land Development area under section 11(1) of the Land Custody and Development Authority Ordinance, 1981.

5) Native Communal Reserve

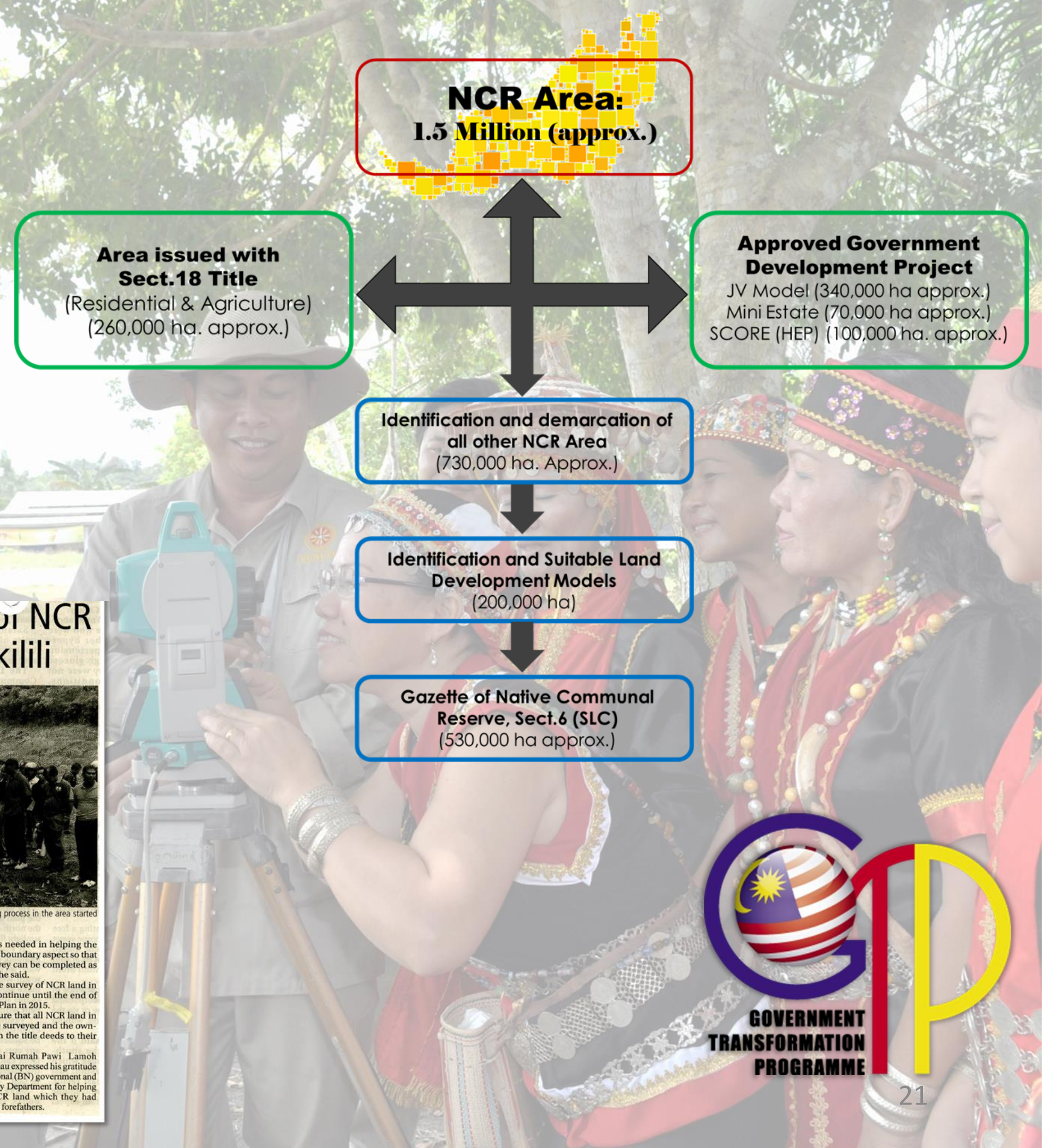
- Declaration of an area Native Communal Reserve under section 6 of the Sarawak Land Code
- Usage: Agriculture or Residential
- Before October 2010: 24,464 ha.



SURVEY OF NCR LAND

6) NCR New Initiative Survey

- Stage 1: Perimeter survey for gazettal under section 6 of the Land Code
- Stage 2: Individual lot survey for issuance of section 18 title.



NCR solution

RM20 million for new native land initiatives

Perimeter survey of NCR land starts in Engkilili

Kampung Terahad Jaya, Sungai Sepadok Terahad Utara disukat

Let's dance: Najib taking part in an orang ulu community dance together with local folk on Sarawak yesterday. Najib, who was on a one-day working visit to Sarawak, had officiated the opening of the Sarawak Deputy Chief Minister Tan Sri Alfred Jabu (behind Najib) and Barisan MP Datuk Jacob D...

Natives to get their land titles after survey

MIRI: The long-standing problem of native customary rights (NCR) land in Sarawak will soon be over. The natives will soon have their land surveyed and gazetted to guarantee their ownership, Datuk Seri Najib Tun Razak said.

He said the land would be gazetted as Native Communal Reserves after perimeter surveys, and the natives can then apply for their own land and for individual titles.

The Prime Minister also promised equal treatment and opportunities for all Malaysians irrespective of whether they were in urban areas or the most remote parts of the country.

> Construction of a rural clinic for the Penans.
> Increasing subsidy for replanting of rubber trees.

> SEE PAGE 4

RASMI — Haji Ahmad Lal Bujang (dua kanan) diringi Rosey Yunus (kanan sekali) dan Rozlan Putti (tiga kanan) semasa merasmikan Dialog Lapangan Insid...

ig Bukong as the surveying process in the area started

Cooperation is needed in helping the department in the boundary aspect so that the perimeter survey can be completed as soon as possible," he said.

Majuan said the survey of NCR land in the state would continue until the end of the 10th Malaysia Plan in 2015.

"This is to ensure that all NCR land in the state would be surveyed and the owners would be given the title deeds to their land," he said.

Meanwhile, Tuai Rumah Pawi Lamoh from Kampung Danau expressed his gratitude to the Barisan Nasional (BN) government and the Land and Survey Department for helping to survey their NCR land which they had inherited from their forefathers.



SECTION 6

SURVEYED
1,155,022 Ha / 2,854,059 Ac

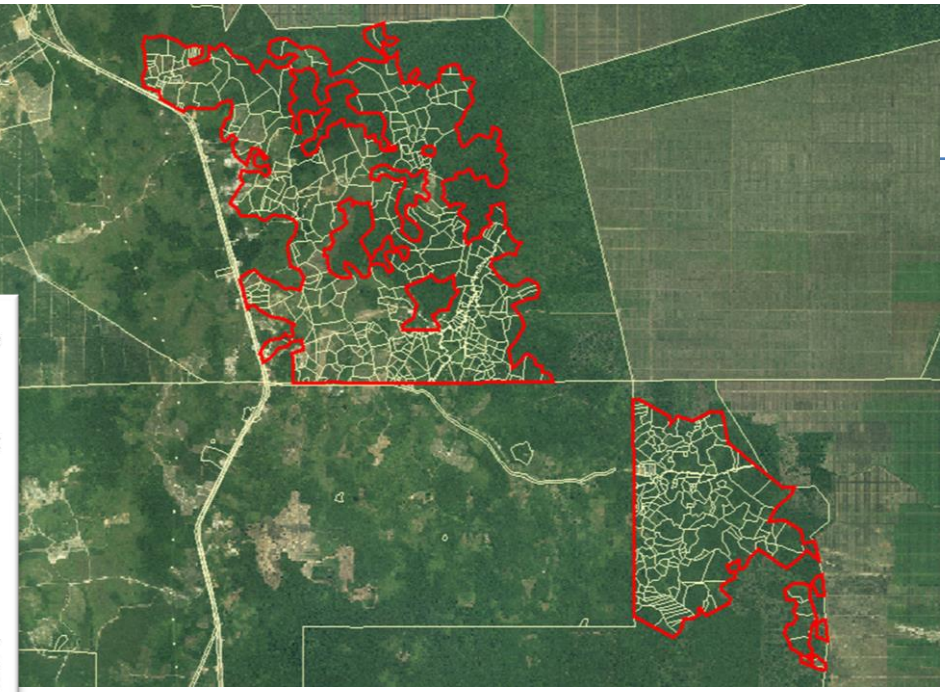
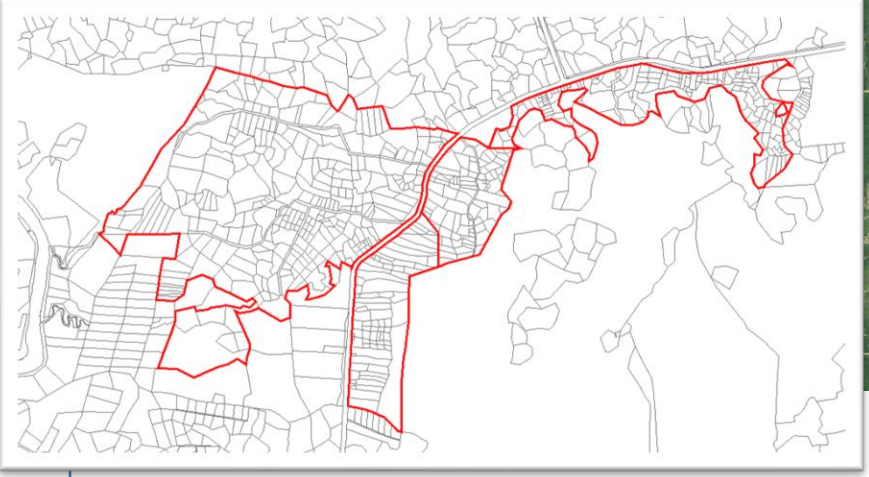
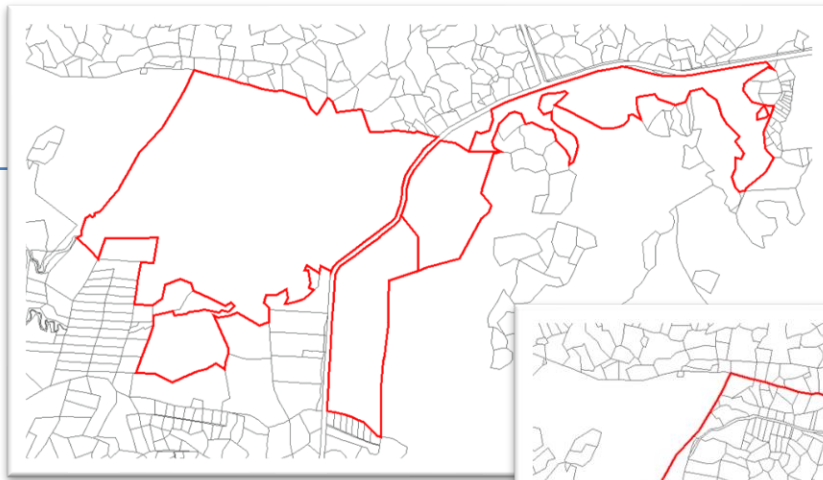
GAZETTED
910,183 Ha/ 2,249,062 Ac

SECTION 18

SURVEYED
108,381 Ha/267,809 Ac
87,465 lot

TITLE ISSUED
45,500 Ha/112,430 Ac
31,384 lot

As at 31.08.2024



THE SARAWAK GOVERNMENT GAZETTE
PART II
Published by Authority

Vol. LXX 24th April, 2015 No.25

Sek. LN 139

THE LAND CODE
The Native Communal (Agriculture) Reserve
(No. 28) Order, 2015
(Made under section 6(1))

In exercise of the powers conferred upon the Minister by section 6(1) of the Land Code (Cap. 81 (1958 Ed.)), the following Order has been made:

Citation and commencement

1. This Order may be cited as the Native Communal (Agriculture) Reserve (No. 28) Order, 2015, and shall be deemed to have come into force on the 14th day of December, 2011.

Declaration of Native Communal (Agriculture) Reserve in Sri Aman Division

2. The areas of land described in the Schedule has been declared Native Communal Reserve for the exclusive use by the Iban community of Dol, Udayap, Sri Aman, for agricultural purposes.

SCHEDULE
Sri Aman Division
Native Land District

All the parcel of land situated at Dol, Udayap, Sri Aman containing an area of 716 hectares, more or less, and described as Lot 113 Block 10 Udayap Land District.

(The boundaries of the land described above are more particularly delineated on Land and Survey Department Miscellaneous Plan No. MP 2119-21, deposited in the office of the Superintendent of Lands and Surveys, Sri Aman Division, Sri Aman.)

Made by the Minister this 20th day of March, 2015.

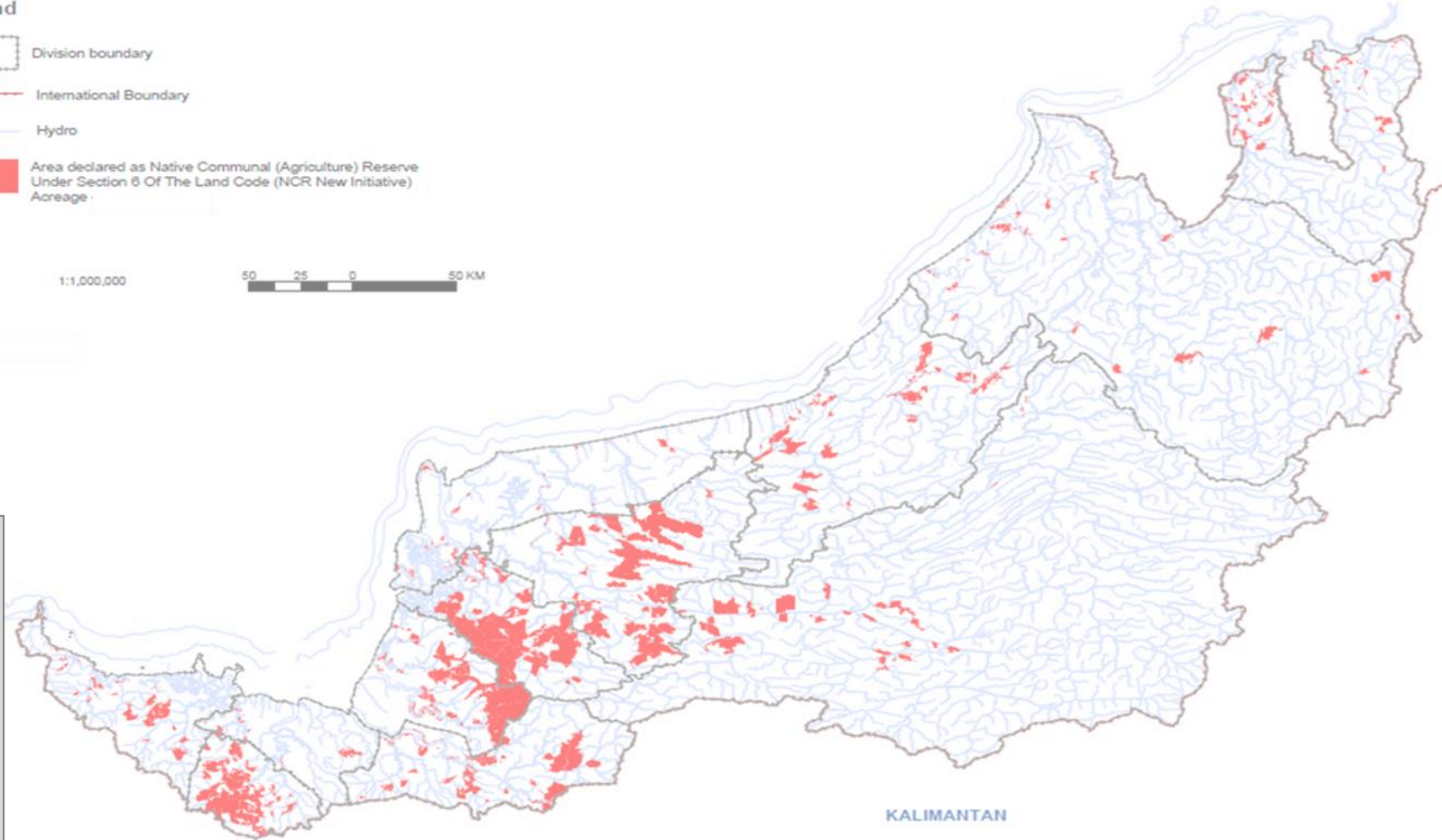
DATU SUDARSONO OSMAN,
Permanent Secretary,
Ministry of Resource Planning and Environment

4825A575-21720

Legend

- Division boundary
- International Boundary
- Hydro
- Area declared as Native Communal (Agriculture) Reserve Under Section 6 Of The Land Code (NCR New Initiative) Acreage

SCALE: 1:1,000,000 50 25 0 50 KM



GRANT OF STATE LAND

Classification: Native Area Land
Category: Country Land
Locality: Sungai Iram, Dol

10 1016

Block/Section DISTRICT Lot No.

ENDORSEMENT

NAMES OF PROPRIETORS
CHEE ANAK DIED (ON RP 37/011-13/0647)

RESTRICTIONS AND SPECIAL CONDITIONS
(including any modification of special conditions and restrictions)
a) This grant is issued pursuant to section 51 of the Land Code and
b) This land is to be used only for agricultural purposes.

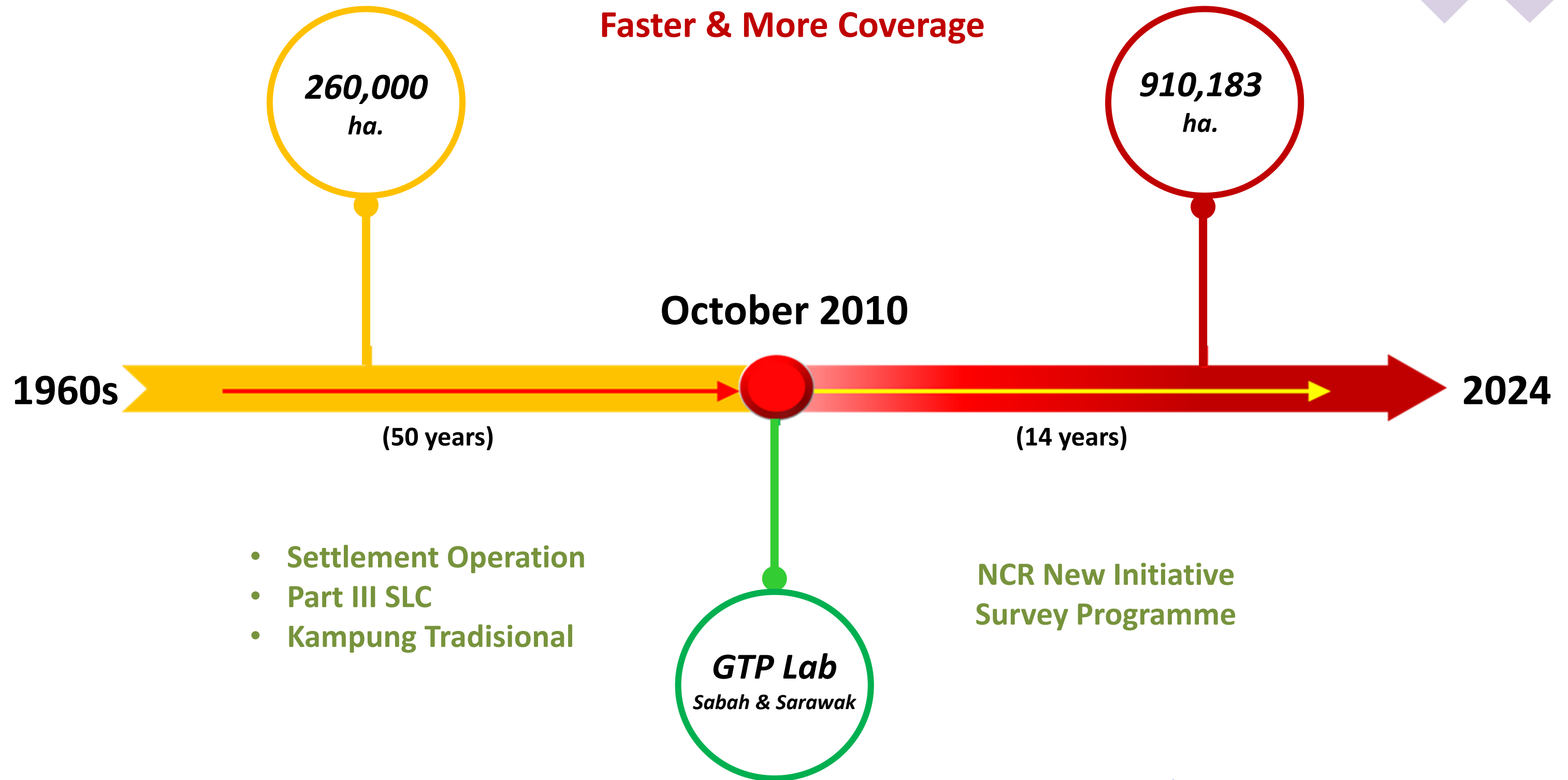
REGISTERED at the: SRI AMAN Land Registry Office this: 15th day of February, 2020

Signature of Registrar/Act. Registrar

Conventional vs Current

13 times

Faster & More Coverage









THANK YOU

