

CIRCULAR MEMORANDUM

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From: State Secretary

To: All Residents and
District Officers

Subject: Terms and Conditions of
Perkhidmatan Ketua Masyarakat
(Headmen Service)

Ref.: 36 /CMO/1532/1

Date: 24th March, 1973

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The State Government has instituted the Perkhidmatan Ketua Masyarakat (Headmen Service) which is an active extension of the government administrative machinery at local levels. This Service shall replace the existing service of the Native Chiefs and the Kapitan Chinas. The terms and conditions of the Perkhidmatan Ketua Masyarakat shall be as set out in this Circular. This Circular does not apply to the Native Chiefs and Sub-Area Headmen of the Chinese community, who do not receive any monthly honorarium or allowances, i.e. Wakil Tua Kampung, Tuai Rumah and Tua Kampung of the Land Dayak community.

2. Classifications:

The Perkhidmatan Ketua Masyarakat shall be classified into the following categories in order of seniority:-

- (a) Temenggong (for a Division);
- (b) Pemancak (for a District); and
- (c) Penghulu (for a specified area).

3. Functions:

- (i) The Ketua Masyarakat will assist the Administration on administrative matters. They are also to be custodians, interpreters and administrators of customary laws of their respective communities. In this respect they may be required to sit in Native Courts.
- (ii) Penghulu is the lowest rank in the hierarchy of the Perkhidmatan Ketua Masyarakat.

(iii) Pemancak is to be regarded as having supervisory functions over all the Penghulus within the District. He also performs the functions of a Penghulu for his local area for the administration of justice in a Native Court.

(iv) Temenggong is the highest in the hierarchy of the Perkhidmatan Ketua Masyarakat and he has supervisory functions over all the duties of Pemancaks and Penghulus within the Division. He is responsible to the District Officers and the Resident of the Division.

4. Participation in Politics, Commerce and Industry:

(i) No Ketua Masyarakat shall take an active part in politics or be a member of any political party.

(ii) A Ketua Masyarakat may participate in commerce and industry provided that his participation in such undertakings does not interfere with his function as a Ketua Masyarakat.

(iii) In the event that a Ketua Masyarakat has at any time an interest in commerce and industry he shall be required to disclose such interest to the Government for record purposes.

(iv) As an interim measure, until the next general election of Parliament or Council Negri or Local Authorities or until the expiry of the present terms of appointment as Senator, a Ketua Masyarakat may, on each individual merit, be allowed to continue to hold office as Member of Parliament or Member of Council Negri, Local Authority Councillor or as a Senator or as a Cabinet Minister.

5. Salary Scales:

(i) The salary scales for the Perkhidmatan Ketua Masyarakat shall be as follows:-

- (a) Temenggong - \$420x20-520 p.m.
- (b) Pemancak - \$320x15-380 p.m.
- (c) Penghulu - \$200x10-300 p.m.

(ii) The method of calculating incremental credits and incremental dates of a serving Native Chief and Kapitan China is laid down in Appendix "A" attached.

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6. Area of Jurisdiction:

- (a) Penghulu - The present areas of jurisdiction of the respective Native Chiefs or Kapitan Chinas shall be retained as the basis to determine the areas of their respective administrative jurisdiction on their appointment to the Perkhidmatan Ketua Masyarakat until such areas are revised.
- (b) Pemancak - A Pemancak shall be appointed for each separate community in each District where there is in the opinion of the Government sufficient number in that community to justify such appointment.

Provided that where in a District the number in each community is too small by itself to justify the appointment of a Pemancak, there shall be a Pemancak for the various small communities..

(Note: Where in a District the number in each community by itself or if combined with other small communities in the District is too small to justify the appointment of a separate Pemancak these small communities shall come under the jurisdiction of a Pemancak of the biggest community).

- (c) Temenggong - The appointment of a Temenggong shall be on a Divisional basis and one Temenggong shall be appointed for each separate community for each Division where there is in the opinion of the Government sufficient number of that community to justify such appointment:

Provided that where in a Division the number of each community is too small by itself to justify the appointment of a Temenggong there shall be a Temenggong for the various small communities.

(Note: Where in a Division the number in each community is too small by itself or if combined with other small communities in the Division is too small to justify the appointment of a separate Temenggong, these small communities shall come under the jurisdiction of a Temenggong of the biggest community.)

7. Method of Appointment

The method of selecting a candidate to be appointed as a Ketua Masyarakat shall be as determined from time to time by the State Secretary.

8. Termination of Service

The service of a Ketua Masyarakat is at the pleasure of His Excellency the Governor who at his own discretion may terminate, without assigning the reasons therefor, the service of a Ketua Masyarakat by giving one month's notice or payment of one month's salary in lieu of notice. A Ketua Masyarakat may resign his appointment by giving one month's notice or one month's salary in lieu of notice.

9. Dismissal

His Excellency the Governor may at his own discretion dismiss any Ketua Masyarakat from the Perkhidmatan Ketua Masyarakat without assigning any reasons therefor.

10. (1) Qualifications of Candidates for appointment as Ketua Ketua Masyarakat

The candidates must be -

- (a) not less than 30 years of age;
- (b) Malaysian citizens; and
- (c) medically fit.

(2) Offer of appointment

Without prejudice to sub-paragraph (1) above, Government may offer appointments to serving Native Chiefs and Kapitan Chinas who are considered suitable to join the Perkhidmatan Ketua Masyarakat.

11. Disqualifications

No Ketua Masyarakat shall be appointed if he has previous conviction for an offence involving dishonesty, corruption, violence or moral turpitude.

12. Terms of Service

(a) The appointment of a Ketua Masyarakat is on non-pensionable terms.

(b) The Ketua Masyarakat shall reside within the area of his jurisdiction.

13. Caretaking Arrangements

(i) When a post of Ketua Masyarakat is vacant for a period of one month or more because of the absence from duty of the substantive holder, either on vacation leave or pilgrimage leave or for any other reasons which may be approved by the State Secretary, a suitable person or another Ketua Masyarakat of the lower grade may be appointed to perform or to act in the duties of that post and he shall be known as a "Pemangku" for that post.

(ii) When the post of a Ketua Masyarakat is vacant and a Pemangku is appointed as in sub-paragraph (i) above he shall be remunerated as follows:-

(a) If a person appointed is outside the Perkhidmatan Ketua Masyarakat he shall be eligible for an allowance equivalent to 50% of the salary of the substantive Ketua Masyarakat concerned; or

(b) If another Ketua Masyarakat is appointed he shall get the difference between the initial salary of the post vacated and his own salary.

(iii) A person appointed as a Pemangku shall be eligible for the usual travelling allowances as for the substantive holder thereof.

(iv) A Pemangku shall be appointed with the approval of the State Secretary.

14. Retiring Age

There will be no fixed retiring age for a Ketua Masyarakat.

15. Other Appointments

No Ketua Masyarakat shall be allowed to hold any other appointment of profits provided that in the interim period immediately after the issue of this Circular, consideration may be given in individual case for a Ketua Masyarakat to hold other appointment of profits.

16. Appointment of Pemancak or Temenggong

Serving Ketua Masyarakat and any suitable candidates from outside the Perkhidmatan Ketua Masyarakat may be appointed direct as Pemancak or Temenggong.

17. Native Courts

For the purpose of this Circular, pending the amendments to the Native Courts Ordinance, the term "Ketua Ketua Masyarakat" insofar as it concerns Native appointees mutatis mutandis shall have the same meaning as the term "Chief" as defined in the Native Courts Ordinance, Cap. 43.

18. Medical Attention

A Ketua Masyarakat together with his wife and children, shall be eligible to receive free medical attention as officers in the other Government service of equivalent grade.

19. Advances

A Ketua Masyarakat shall be eligible for advances for the purpose of purchasing a motor-cycle, bicycle, boat-hull or outboard engine. These advances shall be repayable by monthly instalments. The maximum amount that a Ketua Masyarakat is eligible to apply for, will be as follows:-

- (i) a motor-cycle - \$1,800/-
- (ii) a bicycle - \$ 180/-
- (iii) in-boat or outboard engine - \$2,000/-
- (iv) boat-hull - \$ 400/-

The advances shall generally be governed by the terms and conditions stipulated in Appendix L to the General Orders as may be amended from time to time.

20. Pilgrimage to Mecca

- (i) Subject to sub-paragraph (iii) below, a Muslim Ketua Masyarakat shall be eligible once only for pilgrimage leave on full pay of not more than four ⁴ calendar months after he has served for 10 continuous years or more in the Perkhidmatan Ketua Masyarakat provided that a Ketua Masyarakat who has reached the age of 50 years may become eligible for such leave after completion of 5 years service only.
- (ii) Passage for the pilgrimage shall be borne by the Ketua Masyarakat himself.
- (iii) A Ketua Masyarakat granted the pilgrimage leave shall be required to resume duty immediately upon his arrival in his area of jurisdiction.

21. Travelling Allowances

- (i) A Ketua Masyarakat while on official duty shall be eligible for subsistence allowance at the following rates per day:-

<u>Classifications</u>	<u>Rate per day</u>
Temenggong	\$6.00
Pemancak	\$5.00
Penghulu	\$4.00

- (ii) The programme and number of days required of a Ketua Masyarakat to tour his area of jurisdiction shall be approved by the District Officer or the Resident concerned as the case may be.

22. Transport Arrangement

- (i) Transport arrangement for a Ketua Masyarakat shall be classified into two categories as follows:-
- (a) for the journeys to tour his area;
 - (b) for journeys undertaken in an emergency or special duty on certification by the Sarawak Administrative Officer, the District Officer or Resident, e.g. a special call down to District Headquarters for some special occasion.
- (ii) For the journey undertaken under category (a) above, a Ketua Masyarakat shall be eligible to subsistence allowance as specified under paragraph 20(i) above, wages for an assistant at the rate of \$4/- per day and reasonable cost of transportation.
- (iii) For the journeys undertaken under category (b) above, a Ketua Masyarakat shall be eligible for subsistence allowance under paragraph 20(i) above and reimbursement of the actual reasonable cost of transportation or fare or mileage allowance at the same rate as applicable to officers in the Government Service under the relevant General Orders:

Provided in each individual case, consideration may be made in respect of wages for an attendant in respect of the journey.

23. Office Hours

There shall be no fixed office hours for the Ketua Masyarakat and they will continue to carry out their duties as is the current practice, for example: in their own houses or bileks.

24. Contribution to Employees' Provident Fund

All Ketua Ketua Masyarakat shall be required to contribute to the Employees' Provident Fund with effect from the date they are appointed to the Perkhidmatan Ketua Masyarakat.

25. Appointment of Pensioners

If a pensioner is appointed to the Perkhidmatan Ketua Masyarakat he shall be paid the minimum salary point of the grade of the Perkhidmatan Ketua Masyarakat and will be eligible for an annual increment.

26. Annual Increment

Annual increment is not automatic and is subject to satisfactory service.

27. Absence from Area

(i) A Ketua Masyarakat who intends to leave his area of jurisdiction for a period of more than one week shall notify his intention to the Sarawak Administrative Officer, District Officer or the Resident as the case may be.

(ii) Under no circumstances shall a Ketua Masyarakat leave the State, unless on official duties, without notifying his intention to do so to the Sarawak Administrative Officer, District Officer or the Resident as the case may be. For any period of his absence from the State, this shall be considered as leave consuming period.

Provided that the interim period when a Ketua Masyarakat is allowed to hold office at the same time remaining as a Senator or Member of Parliament, the period of his absence to attend parliamentary meetings shall not be taken as consuming his vacation leave.

28. Vacation Leave

A Ketua Masyarakat is eligible for vacation leave for 15 days per year and this may be accumulated for two years only.

29. Authority for Leave

(i) The authority for the grant of vacation leave shall rest with the Resident.

(ii) The authority for the grant of pilgrimage leave shall be the State Secretary.

30. Long Service Medal and Allowance

A Ketua Masyarakat shall be eligible for the award of Long Service Medal and allowance as prescribed under the State General Order 53 as may be amended from time to time.

31. Uniform

A Ketua Masyarakat shall be entitled to one pair of Uniform including a pair of shoes. The design of the uniform and the type and make of shoes shall be decided by the Government.

32. Life Title Allowance

The serving Native Chiefs who are offered and accept the appointment under the new scheme shall continue to be eligible for their Life-Title allowances as Pengarah or Temenggong on a personal-to-holder basis. These allowances shall cease to be paid on the retirement or death of the Ketua Masyarakat concerned. There shall be no such allowance payable to Pemancak or Temenggong who are appointed on or after the date of this Circular.

33. Gun Licence Fees

Ketua Masyarakat are exempted from the payment of gun licence fees in respect of their own guns.

34. General

All previous Circulars and administrative instructions which provide for the terms and conditions of service to Native Chiefs and Kapitan Chinas shall be deemed to have been superseded, cancelled or modified to the extent as superseded, cancelled or modified by this Circular.

