

Malanjum: Have land tribunal to handle NCR cases

Star 23/1/2016 B. 26

By **ANDY CHUA**

andychua@thestar.com.my

SIBU: Chief Judge of Sabah and Sarawak Tan Sri Richard Malanjum wants relevant authorities to seriously consider the establishment of a land tribunal to handle Native Customary Rights cases in the two states.

He said the members of the tribunal should include those knowledgeable in native land claims.

Speaking at the opening of Sabah and Sarawak Legal Year 2016 yesterday, Malanjum said a land tribunal would ease the burden of hearing NCR cases in the civil court system.

"It is a tedious process involving many witnesses and interpreters due to the different dialects. Sabah alone has no less than 45 known dialects while Sarawak has more.

"Last year in Sarawak, 20 new cases were registered. SibU and Kuching recorded the most with seven cases each while Miri and Bintulu had three cases each. The total disposal last year was 20 with 28 still pending."

As for Sabah, 10 new cases were registered last year where only five are still pending.

Malanjum said though the number of such cases was small it could take weeks or months to complete one NCR case..

He said "one has to be a historian, an anthropologist, a spiritualist and at times a semi-politician" because NCR cases did not just involve the law, but also had cultural and traditional dimensions to them.

"If the latter two elements are ignored, the natives will be most unhappy, many even perform the miring ceremony in the court premises, and will not accept the decision of the court even though it may have impeccably followed the law," he said.

An alternative was to allow a reconstituted Bumiputra/Native Court with members familiar in native land claims and disputes, Malanjum suggested.

"And since it is of interest to more than four million natives in both Sabah and Sarawak, the Native Court System could be accorded the same standing as the Syariah Court and included under the umbrella of Article 121(1a) of the Federal Constitution," he said.

Legal Year 2016 was opened by Chief Justice of the Federal Court of Malaysia Tun Arifin Zakaria who led a mini-procession from the town square to the court house.

Watch the video
thestartv.com

