



**DISCREPANCIES IN THE AWARD OF
COMPENSATION UNDER THE
LAND ACQUISITION ACT, 1960 IN PENINSULAR
MALAYSIA: A CASE STUDY**

BY

RATNA AZAH ROSLI

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D E D I C A T I O N

Dedicated to those who are interested with this study. It never cease to amaze me that I am allowed to do something that gives so much joy and have it accepted by people.

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Any error or omissions in this study, is entirely the writer's responsibility and making. MAY ALLAH BLESS US ALL.

Kulliyyah of Post Graduate
International Islamic University
Petaling Jaya

Ratna Azah Rosli

A B S T R A C T

Acquisition of land is generally viewed as a coercive mode of taking private land. This procedure in Peninsular Malaysia is governed by the Land Acquisition Act, 1960 (hereinafter referred to as the Act). Under this Act, a dispossessed owner is entitled to a fair and just compensation. Meaning, no landowner must be and would be deprived of his property without adequate compensation. This is embodied in the Article 13 of the Federal Constitution. Individual's right to his land or property is outrightly protected and guaranteed by the Act and the Federal Constitution (Art. 13).

Countries outside the communist block provides some sort of compensation, usually based on the current market value of the land. Indeed, any country which provides other basis that does not compensate a dispossessed landowner for the full market value of his land is guilty of confiscation at least for the difference between the amount payable and the current market value of the land taken.¹ Whatever is the value, a deprived land owner may never be compensated justly because the rationale for owning a property is not often measured by monetary terms or value.

¹ N.Khublall, *Law of Real Property and Conveyancing*, Singapore, Longman, Singapore Publishers (Pte.) Ltd., (1991) at 63.

In this dissertation, the writer attempts to discuss and likewise examine discrepancies (if there is any) in awarding the compensation under the Land Acquisition practiced in Peninsular Malaysia in the context of case studies in point. It is hoped that this study will meet its purpose and objectives.

The first chapter deals on the introductory episode which includes the background of the study that eventually discusses the need of Land Acquisition programme. This chapter also discusses the problem under this system, i.e. inadequacy of compensation to the dispossessed landowners, the objectives, scope and the methods in obtaining data relating to the study.

The second chapter deals with the historical background which Land Acquisition system evolved, the account on the ramifications of the statutory provisions. It also elaborates the interrelation between the scope of acquiring power and the procedure of land acquisition.

Chapter three focuses on the point of inquiry by the Land Administrator on which the issue of compensation was dealt with thoroughly.

Chapter four touches on the principles relating to the assessment of compensation particularly the concept of market

value.

Chapter five specifies the various methods of valuation used in determining the market value of the land acquired.

And the last chapter deals with the writer's findings and recommendations.

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ABBREVIATIONS

A	- Act
A.I.R.	- All Indian Reporter
A.I.R. Cal	- All Indian Reports: Calcutta
A.I.R. L	- All Indian Reports: Lahore
A.I.R. Sc	- All Indian Reporter Supreme Court
Am.	- Amended
All ER	- All England Reports
Bom LR	- Bombay Law Reports
Cal	- Calcutta Law Reports
Ch.	- Chapter
Ch. App.	- Chancery Appeal
C.L.J.	- Current Law Journal
C.L.R.	- Current Law Reports
*CWN	- Calcutta Weekly Notes
dln.	- Dalam (In)
*H.L.C.	- House of Lords Cases
HS (M)	- Hak Milik Sementara (Mukim)
HS (D)	- Hak Milik Sementara (Daerah)
I.L.R. Cal	- Indian Law Reports Calcutta
KPTG	- Ketua Pengarah Tanah dan Galian (Director-General of Lands and Mines)
KB	- King's Bench
LA	- Land Administrator
M.L.J.	- Malayan Law Journal
P.L.R.	- Pakistan Law Reports
PTG	- Pejabat Tanah Galian (Land and Mines Office)
S.	- Section
Sel.	- Selangor
UKB	- Unit Khas Bergerak (Land Acquisition Unit)

Chapter 1