

**LAND ACQUISITION ACT 1960:
THE RIGHTS OF THE LANDOWNER IN RESPECT OF HIS PROPERTY**

By

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**The authors confirm that the work submitted is their own and that
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ABSTRACT

This research project is a research to review the land acquisition in Malaysia which include the process of land acquisition involving the procedure to make application to acquire land; the procedure to make objection on land acquisition; and the procedure to make payment of the compensation. It study the guideline for the determination of the compensation and how the valuation should be made to answer the question of what makes compensation adequate. This paper stress on the rights of the landowner in land acquisition where they do have some rights provided by the law. This research is set out to reviews the process of the land acquisition in Malaysia, the valuation for compensation and the right of the landowners in the land acquisition as the whole. This paper had succesfully examine the implementation and the enforcement of law relating to land acquisition in Malaysia. It had investigate the strength and weakness of land acquisition law in Malaysia on how the law provides justice and protect the rights of the landowner in land acquisition. Other than that, this research had discover the adequacy of the land acquisition law that being practice in Malaysia where it had figure out that the existing law needs some improvements and advancements for a betterment. As conclusion, the law had provide wide power to the land administrator to acquire land. The law itself is adequate to provide justice to the parties in land acquisition, however the practice did not achieve the objectives of the Act.

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CHAPTER 1: INTRODUCTION

1.1 Introduction

In this chapter, we will discuss on the overview of the land acquisition in Malaysia, the objectives on why we carried out a study on land acquisition, the significance of the study, the scope and the limitation, the methodology, the problem statement of land acquisition in Malaysia and the literature review on the practice of land acquisition in Malaysia.

1.2 Overview of the Land Acquisition in Malaysia

Compulsory land acquisition law is a way of direct control over land development. The reason is that the government saw land acquisition as a land assembly process in resolving the land supply problems. In other words, land assembly through land acquisition is a way to solve the problems associated with landownership and landowners' reluctance to offer their land for development.¹ Land acquisition is an interference with the individual's right to property. The compulsory acquisition of land by the State Authority is provided for in the Land Acquisition Act 1960. Land Acquisition Act had been passed by the Federal Parliament, repealing eight different statutes enacted earlier. Apart from laying down the procedures to be followed in the acquisition of land, the primarily objective of the law is to make provisions relating to the acquisition of land, the assesment of compensation to be made on account of such acquisition, and other matters incidental thereto. On 30th July 1991, the Dewan Rakyat had passed the Land Acquisition Amendment Bill which had come into force on 13rd September 1991.

The Act had two-fold objective – one, to provide a standard method of procedure applicable to all the states in Malaysia, and two, to serve as a speedy mechanisme

¹ Ismail Omar, 'Urban Sustainability' in eprints.utm.my/1824/1/Ismail_Omar.pdf. accessed on 23rd February 2008