

TEMPORARY OCCUPATION LICENCE UNDER
THE NATIONAL LAND CODE 1965

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PREFACE

An area of law which is based on the implementation of the statutory provision certainly requires a detailed study of various cases and see how they were implemented.

The writer's interest in the question of implementation of Temporary Occupation Licence was kindled when she first studied about land law in her second year.

Basically, the National Land Code is clear on the rights and liabilities of a Temporary Occupation Licence holder. My discussion will therefore be entered primarily on the implementation of the law and in comparison with other types of disposal.

As Temporary Occupation Licence is one mode of disposal. My discussion will therefore be centered on the comparison between Temporary Occupation Licence and other modes of disposal. Special focus will be on comparison between alienation and temporary occupation licence.

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CHAPTER 1

(1) POLITICAL AND CONSTITUTIONAL HISTORY OF LAND TENURE IN THE MALAY STATES

The political and constitutional history of the Malay States was largely influenced by its geographical condition. Several small kingdoms in the Malay States were scattered and separated from each other by dense tropical forest.

Eventually a powerful kingdom i.e. the Malacca Sultanate emerged and monopolised the smaller kingdom for about a century until 1511, where the kingdom was destroyed by Portuguese. Hence, this is the beginning of the local modern history of colonialism.

By this period, the Western were looking for places and to gain access on the East. In the late nineteenth century, demand for metals and raw material were increasing rapidly due to the growth of industrialization in Europe. The Malay States were at that time well-known for their richness in tin product. This was a great attraction to the European.

Subsequently, towards the end of nineteenth century British began extending their colonial rule in the Peninsular of Malaya. Perak was the first to be taken under British protectorate in 1874, followed by Selangor in the same year and Negeri Sembilan in 1882. Pahang became British protectorate in 1888. Gradually in 1895, all the above mentioned states were united to form Federated Malay States.

The form of colonial government in the Federated Malay States was the Residential System where the Sultan as an absolute monarch and British Officer i.e. Resident helped the Sultan with State Administration. Consequently, the social, political and economic of States changed.

Due to its richness in raw products, such as tin, the rate of growth was very rapid. Capital began to pour in, followed by large numbers of labourer such as the Chinese and later followed by the Indian. In the midst of the economic, political and social changes, congestion of population occurred. Demand for land was increasing as rapidly as the rate of immigration to Malaya.