UNIVERSITI PUTRA MALAYSIA

MALAY RESERVATION LAND:
A LEGAL AND HISTORICAL ANALYSIS

BASHIRAN BEGUM MOBARAK ALI

GSM 2002 5
MALAY RESERVATION LAND:  
A LEGAL AND HISTORICAL ANALYSIS

BASHIRAN BEGUM MOBARAK ALI

Thesis Submitted in Fulfilment of the Requirement for the Degree of  
Doctor of Philosophy in the Graduate School of Management  
Universiti Putra Malaysia

July 2002
TO MY PARENTS MOBARAK ALI AND HAFIZA BIBI
MY DEAR HUSBAND RAFIK AHMAD
AND MY BEAUTIFUL CHILDREN,
RABIATUL
RAEES
RUSYAIDI
RIDHWAN
RAIYHANA
RASYAD
&
THE ONE ON THE WAY SOON!
Abstract of thesis presented to the Senate of Universiti Putra Malaysia in fulfilment of the requirement for the degree of Doctor of Philosophy.

MALAY RESERVATION LAND:
A LEGAL AND HISTORICAL ANALYSIS

By

BASHIRAN BEGUM BINTI MOBARAK ALI

July 2001

Chairman: Professor Shaik Noor Alam B. Shaik Hussein, Ph.D.

Faculty: Modern Languages and Communication

The thesis is a study on the legal and historical aspect of Malay reservation land. It aims to examine the Malay reservation law found in the various states' Enactment, including the provisions of the Federal Constitution.

Malay reservation land can be said to represent land within the boundary of a state, which at law can only be owned or transferred to Malay. This general concept embraces the Malay Holdings in Trengganu. In a more specific sense, a Malay reservation land is defined in Article 89 of the Federal Constitution.

It was the British who introduced the Malay reservation land to protect the Malays. At present these laws that protect the Malay race have been abused. For example, acquired Malay reservation land has not been replaced immediately by the government as required by the provision of the Federal Constitution. Above all, the Malay reservation land is still within the ambit of a low market value, due to the fact of its location and lack of infrastructure. In addition, the Malay reservation law is rigid in its application, as it does not allow any dealing with non-Malays.
This research attempts to justify why and how the Malay reservation institution was introduced.

The study is a mix of descriptive and analytical approach. The data were gathered through library research from the higher institutions, Malaysian Archive and the land office. The major obstacles faced were on the collection of overseas statutes and the confidentiality on collection of land policies in the land office. The aim of the collection was to observe and analyse the development of the Malay reservation law in order to examine the obstacles that have caused the lack of development of Malay reservation land.

In line with the findings outlined above, the research also attempts to suggest some recommendations towards improving the Malay reservation law and finally one uniform law on Malay reservation for the welfare and development of the Malays should be enacted.
Abstrak tesis yang dikemukan kepada Senat Universiti Putra Malaysia sebagai memenuhi keperluan ijazah untuk Doktor Falsafah.

TANAH REZAB MELAYU: ANALISA DARI SEGI PERUNDANGAN DAN SEJARAH

Oleh

BASHIRAN BEGUM BINTI MOBARAK ALI

Julai, 2001

Pengerusi: Professor Shaik Noor Alam B. Shaik Hussain, Ph.D.

Fakulti: Bahasa Moden dan Komunikasi

Tesis ini adalah merupakan satu kajian terhadap Tanah Rezab Melayu dari sudut perundangan dan sejarah. Tujuan kajian ini ialah untuk meniliti undang-undang yang diguna pakai berkaitan dengan Tanah Rezab Melayu, terutamanya peruntukkan dalam Enakmen Tanah Rezab Melayu. Ini termasuk peruntukkan dalam Perlembagaan Persekutuan.

Tanah Rezab Melayu boleh diertikan sebagai tanah-tanah yang terdapat didalam sempadan sesuatu negeri dan yang mana hak milik terhadapnya hanya boleh dipegang oleh atau dipinda kepada orang Melayu. Pengertian Am ini meliputi tanah pegangan Melayu di Trengganu. Rezab Melayu secara khusus mempunyai erti termaktub dalam Perlembagaan Persekutuan, Perkara 89.

Sejarah telah menyaksikan bahawa Tanah Rezab Melayu telah diperkenalkan oleh British untuk melindungi hak kepentingan Orang Melayu. Walau bagaimana pun Tanah Rezab Melayu telah disalah gunakan oleh kerajaan dimana undang-undang berkaian dengan Tanah Rezab Melayu telah tidak dipatuhi. Contohnya, ialah
Tanah Rezab Melayu telah diambil oleh kerajaan tetapi tidak diganti semula sebagaimana diperuntukkan dalam Perlembagaan Persekutuan. Tanah Rezab Melayu juga termasuk dalam lingkungan tanah-tanah yang tidak mempunyai mutu ekonomi yang tinggi disebabkan kerana kedudukan geografi, kesuburannya dan kekurangan infrastruktur. Ini diburukkan lagi dengan peruntukkan undang-undang yang ketat yang telah menyempitkan ruang urusniaga terhadap tanah tersebut.

Kajian ini juga adalah penjelasan tentang mengapa dan bagaimana undang-undang Tanah Rezab Melayu diperkenalkan.


Pengkajian ini mencadangkan pindaan kepada undang-undang Tanah Rezab Melayu yang sedia ada serta mewujudkan satu undang-undang khusus Tanah Rezab Melayu terpakai kepada semua negeri-negeri di Malaysia.
ACKNOWLEDGEMENTS

In the name of Allah, the Most Compassionate, the Most Merciful. The courage and perseverance in pushing this research work through is owed from Allah s.w.t.

Without the following factors, this research could not have been completed. I am indeed very grateful to all of them.

Constructive and challenging criticism of my thesis from my Supervisor Professor Dr. Shaik Mohd Noor Alam. His guidance and infinite patience in reading the draft and for providing valuable comments for the betterment of this research. His expertise and suggestions have contributed immensely in the completion of this research.

Visible and invisible support given by my dear friends, Ainul, Najibah, Hamimah and Shamrahayu. With their unfailing help and constant encouragement, a great deal of burden and hardship in the pursuit of this research work was lessened. My utmost and sincerest thanks to them for their genuine concern and moral support.

To countless friends who also helped tremendously and generously with their words and encouragement at various stage of the research, I gratefully acknowledge the assistance they kindly gave and they all have my enduring thanks.
I wish to extend my heartfelt appreciation to Datuk Dr. Nik Mohammed Zain bin Nik Yusof, Encik Mustaffa and Encik Sallehuddin Isyak from Wisma Tanah, Encik Muhammad Said Abd Kadir al-Haj and the staffs from the Malaysian National Archives for providing the necessary data needed and the relevant documents.

I would like to say thank you to my beloved parents Haji Mobarak Ali and Hajjah Hafiza Bibi and my dear husband Mohamed Rafik Nabi Ahmad for their unwavering love, faith, inspiration, understanding, support and sustaining prayers, I was able to withstand the challenges encountered in the pursuit of the academic excellence.

My deepest gratitude also to the late Professor Emeritus Ahmad Ibrahim, Professor Saedon Othman Awang and Assoc. Professor Nik Abdul Rashid for their invaluable guidance and support at the initial stage of this research. May Allah s.w.t. bless them and place them among the soliheens.

Bashiran Begum Mobarak Ali
Graduate School of Management
University Putra Malaysia
July 2001
I certify that an Examination Committee met on 4th July 2002 to conduct the final examination of Bashiran Begum Mobarak Ali on her Doctor of Philosophy thesis entitled “Malay Reservation Land: A Legal And Historical Analysis” in accordance with Universiti Pertanian Malaysia (Higher Degree) Act 1980 and Universiti Pertanian Malaysia (Higher Degree) Regulations 1981. The Committee recommends that the candidate be awarded the relevant degree. Members of the Examination Committee are as follows:

Arfah Bt. Salleh, Ph.D.
Assoc. Professor
Graduate School of Management
Universiti Putra Malaysia
(Chairperson)

Shaik Mohd Noor Alam S.M. Hussain, Ph.D.
Professor
Faculty of Modern Languages and Communication
Universiti Putra Malaysia
(Member)

Najibah Mohd Zin, Ph.D.
Asst. Professor
Ahmad Ibrahim Kulliyyah of Laws
International Islamic University Malaysia
(Member)

Azmi Haji Harun, Ph.D.
Asst. Professor
Ahmad Ibrahim Kulliyyah of Laws
International Islamic University Malaysia
(Member)

Mohd Ridzuan Bin Awang
Assoc. Professor
Faculti Pengajian Islam
Universiti Kebangsaan Malaysia
(External Examiner)

ARFAH BT SALLEH, Ph.D
Assoc. Professor / Deputy Dean
Graduate School of Management
Universiti Putra Malaysia

Date: 9/8/02
This thesis submitted to the Senate of Universiti Putra Malaysia has been accepted as fulfillment of the requirement for the degree of Doctor of Philosophy.

HAJI ZAINAL ABIDIN KIDAM
Assoc. Professor / Dean
Graduate School of Management
Universiti Putra Malaysia

Date: 8/02
DECLARATION

I hereby declare that the thesis is based on my original work except for quotations and citations, which have been duly acknowledged. I also declare that it has not been previously or concurrently submitted for any other degree at UPM or other institutions.

[Signature]

Bashira Begum Mobarak Ali

Date: July 23, 2002
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEDICATION</td>
<td>ii</td>
</tr>
<tr>
<td>ABSTRACT</td>
<td>iii</td>
</tr>
<tr>
<td>ABSTRAK</td>
<td>v</td>
</tr>
<tr>
<td>ACKNOWLEDGEMENTS</td>
<td>vi</td>
</tr>
<tr>
<td>APPROVAL</td>
<td>vii</td>
</tr>
<tr>
<td>DECLARATION</td>
<td>viii</td>
</tr>
<tr>
<td>LIST OF CASES</td>
<td>ix</td>
</tr>
<tr>
<td>LIST OF STATUTES</td>
<td>x</td>
</tr>
<tr>
<td>LIST OF GLOSSARY</td>
<td>xi</td>
</tr>
<tr>
<td>LIST OF GLOSSARY</td>
<td>xii</td>
</tr>
<tr>
<td>LIST OF GLOSSARY</td>
<td>xii</td>
</tr>
<tr>
<td>LIST OF GLOSSARY</td>
<td>xii</td>
</tr>
<tr>
<td>CHAPTER ONE</td>
<td></td>
</tr>
<tr>
<td>INTRODUCTION</td>
<td></td>
</tr>
<tr>
<td>1.0 Introduction</td>
<td>1.1</td>
</tr>
<tr>
<td>1.1 Background of the Study</td>
<td>1.2</td>
</tr>
<tr>
<td>1.2 The Objectives of the Study</td>
<td>1.5</td>
</tr>
<tr>
<td>1.3 Statement of the Problem</td>
<td>1.5</td>
</tr>
<tr>
<td>1.4 Significance of the Study</td>
<td>1.8</td>
</tr>
<tr>
<td>1.5 Scope of the Study</td>
<td>1.8</td>
</tr>
<tr>
<td>1.6 Hypothesis</td>
<td>1.9</td>
</tr>
<tr>
<td>1.7 Research Methodology</td>
<td>1.9</td>
</tr>
<tr>
<td>1.7.1 Historical Approach</td>
<td>1.9</td>
</tr>
<tr>
<td>1.7.2 Analytical Approach</td>
<td>1.1</td>
</tr>
<tr>
<td>1.7.3 Rules of Interpretation</td>
<td>1.11</td>
</tr>
<tr>
<td>1.7.4 Comparative Approach</td>
<td>1.11</td>
</tr>
<tr>
<td>1.8 Literature Review</td>
<td>1.11</td>
</tr>
<tr>
<td>1.8.1 Introduction</td>
<td>1.11</td>
</tr>
<tr>
<td>1.8.2 Historical Background</td>
<td>1.13</td>
</tr>
<tr>
<td>1.8.3 Legal and Constitutional Issues in the Malay Reservation Institution</td>
<td>1.16</td>
</tr>
<tr>
<td>1.9 Arrangement of the Chapters</td>
<td>1.20</td>
</tr>
<tr>
<td>CHAPTER TWO</td>
<td></td>
</tr>
<tr>
<td>CONCEPT OF LAND RESERVATION</td>
<td></td>
</tr>
<tr>
<td>2.0 Introduction</td>
<td>2.1</td>
</tr>
<tr>
<td>2.1 Definition of Land Reservation</td>
<td>2.2</td>
</tr>
<tr>
<td>2.2 Concept of Land Reservation</td>
<td>2.3</td>
</tr>
<tr>
<td>2.2.1 The Earliest Land Reservation</td>
<td>2.4</td>
</tr>
<tr>
<td>2.2.2 Land Reservation - The Need</td>
<td>2.5</td>
</tr>
<tr>
<td>2.2.2.1 Land as the Basis of Economic Imperialism</td>
<td>2.6</td>
</tr>
<tr>
<td>2.2.2.2 Overbearing Guilt</td>
<td>2.10</td>
</tr>
<tr>
<td>2.2.2.3 Isolation, Segregation or Protection</td>
<td>2.12</td>
</tr>
<tr>
<td>2.2.2.4 Permanent Agriculture Peasants</td>
<td>2.13</td>
</tr>
</tbody>
</table>
CHAPTER THREE
HISTORICAL BACKGROUND OF BRITISH RELATIONSHIP WITH MALAYS AND THE MALAY STATES IN THE EARLY TWENTIETH CENTURY

3.0 Introduction 3.1
3.1 Geopolitics 3.2
3.1.1 Malaya – Its strategic location in South-East Asia 3.4
3.1.3 The Malay Rulers And Their Exclusive Powers 3.6
3.1.3.1 The Pangkor Engagement 1874 3.8
3.1.3.2 Perak Proclamation 1874 3.11
3.1.3.3 The Conflict between Sultans and Residents 3.11
3.2 Economic exploitation by British 3.14
3.2.1 The Tin Industry 3.15
3.2.2 The Rubber ‘Boom’ 3.18
3.3 Influx of Immigrants 3.19
3.3.1 The divide and rule policy 3.22
3.3.2 The Effect of British Policies on the Malays – Historically disadvantaged Race 3.23
3.3.2.1 Malay way of life 3.25
3.3.2.2 Malay behaviour as perceived by British 3.27
3.3.2.3 Malays and the ‘denied’ education 3.30
3.3.2.4 Malays and rice cultivation 3.32
3.3.2.5 Malays and rubber 3.34
3.4 The Relationship of Malays and the Land 3.36
3.4.1 The Effect of Land Registration System on the Malay Land Ownership 3.37
3.4.2 The ‘lost’ land 3.38
3.4.3 Special Rules for the Malays – Towards the Introduction of the Malay Reservation Institution 3.40
3.4.3.1 Preservation and Protection 3.40
3.4.3.2 Sympathy
3.4.3.3 Incapability of taking care of their own Property
3.4.3.4 Segregation and Control
3.4.3.5 The ‘Main’ Reason – The Chinese Threat

3.5 Conclusion

CHAPTER FOUR
TOWARDS THE FORMULATION OF MALAY RESERVATION ENACTMENT: ‘ENDS THAT WE CANNOT FORSEE’

4.0 Introduction
4.1 Land Policies Prior to 1913
4.1.1 The Early Stages of the Policy – Pre 1900
4.1.2 Legislation on Restriction of Malay Lands – Post 1900
4.1.2.1 R.J.B. Clayton’s Report on the Absorption By Large Land Owners and Estates of Native (Malay) holdings.
4.1.2.2 The Committee on the Protection of the Ancestral Lands
4.1.2.3 The Endorsement of ‘Ancestral Land’
4.1.2.4 Birch’s Proposal in Perak
4.1.2.5 Towards One Common Enactment- An Enactment to preserve to Malays the use of their Kampong-lands
4.2 Towards the Drafting of Malay Reservation Enactment, No. 15 of 1913 (The Bill)
4.2.1 The Draft Bill of the Malay Reservation
4.2.2 The MRE 1913
4.2.2.1 Malay: Its Meaning
4.2.2.2 Notification and Gazette of Malay Reservation Areas
4.2.2.3 Types of Land
4.2.2.4 Restrictions in Dealing
4.2.2.5 Reference to the Ruler in Council
4.2.2.6 Passing of MRE
4.2.3 The Justification of the MRE 1913
4.2.3.1 The Effect of MRE on Land Ownership Policy
4.2.3.2 MRE 1913 – An Effective Legislation
4.2.3.3 MRE 1913 and Its Achievements
4.3 Towards the Formulation of MRE 1933
4.3.1 The Ultimate Predominance Reservation Policy
4.3.2 The Malay Reservation Committee
4.3.3 The Draft Bill of MRE 1933
4.3.4 The MRE 1933
4.4 Malay Reservation in the Unfederated Malay States
4.5 Conclusion
CHAPTER FIVE
PRESENT REGIME – THE IMPLEMENTATION OF MALAY RESERVATION ENACTMENT

5.0 Introduction 5.1
5.1 The MRE 5.1
5.2 Outline of the MRE of Each States 5.2
5.2.1 Perlis 5.3
5.2.2 Kedah 5.3
5.2.3 Penang 5.4
5.2.4 Perak 5.5
5.2.5 Selangor 5.5
5.2.6 Federal Territory of Kuala Lumpur 5.6
5.2.7 Negeri Sembilan 5.7
5.2.8 Malacca 5.10
5.2.9 Johor 5.10
5.2.10 Pahang 5.10
5.2.11 Trengganu 5.11
5.2.12 Kelantan 5.11
5.3 MRE – A Special Law 5.11
5.4 Saving Clauses in the States’ MRE 5.16
5.5 MRE an Exception to Indefeasibility of Title 5.17
5.6 Dealing and the Related Dealings in MRE 5.20
5.6.1 The establishment of a Malay Company 5.20
5.6.2 Malay Holding 5.21
5.6.3 Reference to the Ruler in Council 5.28
5.6.4 Power of Disposal of MRL 5.32
5.6.5 Declaration of Malay Reservation 5.36
5.6.6 Alteration and Revocation of Malay Reservation 5.37
5.6.7 Restrictions and Prohibitions on Dealing 5.38
5.6.7.1 Transfer 5.39
5.6.7.2 Charge 5.43
5.6.7.3 Lease 5.51
5.6.7.4 Entry of Caveat 5.53
5.6.7.5 Lien 5.54
5.6.7.6 Appointment of Power of Attorney 5.56
5.6.7.7 Bankruptcy 5.57
5.6.7.8 Attachment in Execution 5.58
5.6.7.9 Restriction as to Trusts 5.59
5.6.7.10 Grants of Probate and Letters of Administration 5.62
5.6.8 Consequences of Contravention 5.63
5.6.8.1 Avoidance of Dealing 5.63
5.6.8.2 Forfeiture by the State 5.64
5.6.9 Acquisition for Public Purpose 5.67
5.6.10 Major Discrepancies in the States’ MRE 5.68
5.7 Conclusion 5.73
CHAPTER SIX
THE FEDERAL CONSTITUTION – A SHIELD TOWARDS THE PROTECTION OF MALAY RESERVATION POLICY

6.0 Introduction
6.1 The Federal Constitution – A Shield Towards the Protection of British Malay Reservation Policy
6.2 Position of Pre-Merdeka Day Malay Reservation Tenure
6.3 Right to Compensation
6.4 Types of land to be Declared as Malay Reservation
6.5 Application for Declaration of Malay Reservation Land
6.6 Revocation and Replacement of Malay Reservation Land
6.7 Non-Malay rights over Malay Reservation Land
6.8 Creation of Trusts
6.9 Definition of Malay
6.9.1 The Constitutional Definition of Malay
6.9.2 Definition of Malay in the context of MRE
6.9.3 The Definition of Natives
6.9.4 The meaning of ‘person’
6.9.5 The meaning of ‘is treated as Malay’
6.9.6 Alienation
6.9.7 Resident
6.10 Recognition
6.11 Application
6.12 Malay Holding of Trengganu
6.13 Conclusion

CHAPTER SEVEN
RESTRICTIONS AND CHALLENGES FACED BY MALAY RESERVATION LAND

7.0 Introduction
7.1 Acquisition of Malay Reservation Land
7.1.1 Market Value of Malay Reservation Land
7.1.2 Land vested upon acquisition as State Malay Reservation Land
7.1.3 Effect of Land Acquisition Act 1960 on Malay Reservation Land
7.2 The Incentives for a Registered Proprietor of a Malay Reservation Land
7.3 Challenges Faced By Malay Reservation Land
7.3.1 The Low Value of Malay Reservation Land
7.3.2 Development – It’s Meaning
7.3.3 Constraints to Development
7.3.3.1 Ignorance on the Objective of Establishment of Malay Reservation Policy
7.3.3.2 Ignorance or Stubborn Malay Proprietors to develop the land
7.3.3.3 Illegal or Unlawful Dealings of Malay Reservation Land 7.15
7.3.3.4 Lack of Infrastructure 7.17
7.3.3.5 Land not suitable for Agricultural Development / Soil Suitability 7.17
7.3.3.6 No proper Planning Law 7.19
7.3.3.7 Small lots with Multiple Ownership 7.20
7.3.3.8 Land as Status Symbol 7.20
7.3.3.9 Location of the Malay Reservation Land 7.21
7.3.3.10 Economical Factors 7.22
7.3.3.10(a) Lack of Financial Capacity 7.22
7.3.3.10(b) Financial Institutions Reluctant to fund the Development of Malay Reservation Land 7.22
7.3.3.11 The Inheritance Law 7.23
7.3.3.12 Political Factors 7.23
7.3.3.13 The Legal Factor 7.25
7.3.3.13(a) Over-Protective 7.27
7.3.3.13(b) Exclusionary 7.28
7.3.3.13(c) Preservative 7.28
7.3.3.13(d) Prospective 7.29
7.3.3.13(e) Prohibitive 7.29
7.3.3.13(f) Flexible 7.29
7.3.3.13(g) Seductive 7.30
7.3.3.14 Insufficient Government Support for the Development of Malay Reservation Land 7.30
7.3.3.15 Non-Replacement of acquired Malay Reservation Land 7.32
7.3.3.16 Revocation of Malay Reservation Land Without adhering to the Proper Procedure 7.33
7.3.3.17 Creating a rich, elite group of Malays 7.33
7.3.3.18 Conversion 7.34
7.3.3.19 Lack of Malay Financial Institution to Finance Malay Reservation Land 7.34
7.3.3.20 Lack of Demand for Malay Reservation Land 7.34
7.3.3.21 Development does not serve the interest or welfare of the Malays 7.35
7.3.3.22 Low Value of Malay Agriculture Reservation Land 7.34

7.4 The Development of Malay Reservation Land: Strategies and Programmes 7.36
7.4.1 The Malays 7.37
7.4.2 The Malaysian Government 7.38
7.4.3 The Legal Factor 7.40
7.4.4 Adequate Infrastructure 7.40
7.4.5 Financial Capacity 7.41
7.4.6 Willingness to develop Malay Reservation Land 7.42
7.4.7 Planning Law 7.42
7.4.8 Inheritance Law 7.42
7.4.9 Enacting a Land Readjustment Act 7.43
CHAPTER EIGHT
OBSERVATIONS AND RECOMMENDATIONS

8.0 Introduction 8.1
8.1 Observations and Recommendations 8.2

BIBLIOGRAPHY R.1
BIODATA OF THE AUTHOR B.1
### LIST OF CASES

<table>
<thead>
<tr>
<th>Case Title</th>
<th>Year(s)</th>
<th>Volume(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Abdul Fattah Mogawan &amp; Anor v. MMC Power Sdn. Bhd. &amp; Anor</strong></td>
<td>1997</td>
<td>5 CLJ 4</td>
</tr>
<tr>
<td><strong>Adong Bin Kuwau &amp; 51 Others v. Kerajaan Negeri Johor &amp; Anor</strong></td>
<td>1997</td>
<td>1 MLJ 418</td>
</tr>
<tr>
<td><strong>Asia Commercial Finance (M) Bhd. v. Pemungut Hasil Tanah &amp; Anor</strong></td>
<td>1983</td>
<td>1 CLJ 1956</td>
</tr>
<tr>
<td><strong>Badiaddin Bin Mohammad Mahidin @ Rosli Bin Mohidin &amp; Anor v. First</strong></td>
<td>1988</td>
<td>2 CLJ 32; 1998 2 CLJ 75</td>
</tr>
<tr>
<td><strong>Malaysia Finance Berhad (formerly known as Central Malaysian Finance Berhad) &amp; Anor</strong></td>
<td>1988</td>
<td>2 CLJ 32; 1998 2 CLJ 75</td>
</tr>
<tr>
<td><strong>Browning v. Morris</strong></td>
<td>1778</td>
<td>2 Cowp. 790</td>
</tr>
<tr>
<td><strong>Collector of Land Revenue Kuantan v. Noor Cahaya</strong></td>
<td>1979</td>
<td>1 MLJ 180</td>
</tr>
<tr>
<td><strong>Commissioners of Inland Revenue v. Lysaght</strong></td>
<td>1928</td>
<td>AC 34</td>
</tr>
<tr>
<td><strong>Damodaran v. Choe Kuan Him</strong></td>
<td>1979</td>
<td>2 MLJ 270</td>
</tr>
<tr>
<td><strong>Dato’ Haji Nik Mahmud bin Daud v. Bank Islam Malaysia Bhd.</strong></td>
<td>1998</td>
<td>3 MLJ 393</td>
</tr>
<tr>
<td><strong>Datuk Haji Harun Bin Haji Idris v. Public Prosecutor</strong></td>
<td>1977</td>
<td>2 MLJ 155</td>
</tr>
<tr>
<td><strong>Fels v. Knowles</strong></td>
<td>1906</td>
<td>26 NZLR 604</td>
</tr>
<tr>
<td><strong>Foo Say Lee v. Ooi Heng Wai</strong></td>
<td>1969</td>
<td>1 MLJ 47</td>
</tr>
<tr>
<td><strong>Frazer v. Walker</strong></td>
<td>1967</td>
<td>A.C. 569</td>
</tr>
<tr>
<td><strong>Gan Khor v. Soan Pelita</strong></td>
<td>1935</td>
<td>FMSLR 39</td>
</tr>
<tr>
<td><strong>Goh Soon Leong v. The Commissioner of Lands and Two Ors.</strong></td>
<td>1951</td>
<td>17 MLJ 201</td>
</tr>
<tr>
<td><strong>Hanisah v. Tuan Mat</strong></td>
<td>1970</td>
<td>1 MLJ 213</td>
</tr>
<tr>
<td><strong>Haji Hamid Bin Ariffin &amp; Anor v. Ahmad Bin Mahmud</strong></td>
<td>1976</td>
<td>2 MLJ 79</td>
</tr>
<tr>
<td><strong>Ho Giok Chay v. Nik Aishah</strong></td>
<td>1961</td>
<td>27 MLJ 49</td>
</tr>
<tr>
<td><strong>Hussanjan v. Haji Nik Yahya Bin Nik Daud &amp; Ors.</strong></td>
<td>1973</td>
<td>1 MLJ 9</td>
</tr>
<tr>
<td><strong>Idris Bin Haji Mohamed Amin v. Ng Ah Siew</strong></td>
<td>1935</td>
<td>FMSLR 39</td>
</tr>
<tr>
<td><strong>Kapoor Singh v. Haji Ibrahim Bin Haji Mohamed Noor</strong></td>
<td>1948</td>
<td>14 MLJ 29</td>
</tr>
</tbody>
</table>

Loong Heng Sun @ Liang Aing Tan v. Collector of Land Revenue, Kedah

Mabo v. Queensland (No. 2) [1992] 175 CLR 1


Mohamed Isa & Ors. v. Abdul Karim & Ors. [1970] 2 MLJ 165

Ong Ah Chuan v. Public Prosecutor [1981] 1 MLJ 64

Ong Cheng Neo v. Yeap Cheah Neo (1897) 1 KY 326

Petmal Oil (Malaysia) Sdn. Bhd. v. Che Mariah Bte Mohd. Tahir (Trading As Delita Mec Enterprise)

Public Prosecutor v. Tengku Mahmood Iskandar & Anor [1973] 1 MLJ 128

RAP Nathan v. Haji Abdul Rahman bin Haji Yusoff & Ors. [1980] 1 MLJ 248

Regina v. Williams (1858) 3 Ky. 16

Re Ninety Mile Beach [1960] NZLR 673

Sakinah vs. Kua Teong How [1940] FMSLR 246


S. Kulasingam & Anor v. Commissioner of Lands, Federal Territory & Ors. [1982] 1 MLJ 204

Societe United Docks v. Govt. of Mauritius [1985] AC 585


Syarikat Macey Bhd. v. Nightingale Allied Services (Sued As A firm) & 2 Ors. [1995] 2 MLJ 411; [1995] 1 CLJ 890

Tan Hong Chit v. Lim Kin Wan (1964) 30 MLJ 113


Teh Bee v. K. Maruthamuthu [1977] 2 MLJ 7

The Official Administrator v. Haji Abdul Majid bin Shakabudin [1938] FMSLR 75

United Malaysian Banking Corporation Bhd. v. Pemungut Hasil Tanah, Kota Tinggi [1984] 2 MLJ 87

V.S.P. Suppiah Chettiar v. K.S. Navaradnam [1972] 2 MLJ 60


Wi Prata v. Bishop of Wellington (1877) 3 NZ Jur (NS) SC 72


Zaleha Bte Sahri v. Pendaftar Hakmilik Johor [1996] 2 CLJ 147
LIST OF STATUTES

Aboriginal People Act 1954
Aboriginal Peoples Ordinance 1954
Aboriginal Tribes Enactment 1939
Customary Tenure Ordinance 1909
Customary Tenure Enactment 1926
Customary Tenure (Lengkongan Lands) Enactment 1960
Federation of Malaya Agreement 1948
Indian Removal Act 1830 (United States of America)
Interpretation and General Clauses Ordinance 1948
Interpretation Acts 1948 and 1967
Kelantan Land Enactment 1938
Kelantan Land Settlement Ordinance 1955
Land Acquisition Act 1960
Land Acquisition Regulations 1893
Land Apportionment Act 1930 (Rhodesia)
Land Code 1928
Land Enactment 1897
Land Enactment 1911
Land (Group Settlement Areas) Act 1960
Land Tenure Act 1969 (Rhodesia)
Malacca Land Ordinance 1861
Malacca Land Ordinance 1906
Malacca Lands Customary Rights Ordinance 1886
Malaysian Federal Constitution
Malay Agricultural Settlement (Kuala Lumpur) Rules 1950
Malay Kampong Lands Enactment 1912
Malay Reservations Enactment 1913
Malay Reservations Enactment FMS 1933
Malay Reservations Enactment Johore No. 1 / 1936
Malay Reservations Enactment Kedah No. 63 of 1349 / 1931
Malay Reservations Enactment Kelantan No. 18 / 1930
Malay Reservations Enactment Perlis No. 7 of 1353 / 1935
Malay Reservations Enactment Trengganu No. 17 of 1360 / 1941
National Land Code 1965
National Land Code (Penang and Malacca Titles) Act 1963
Native Land Husbandry Act 1951 (Rhodesia)
Native Land Act 1862 and 1865 (New Zealand)
Natives Land Act 1913 (South Africa)
Negeri Sembilan Land Regulations 1887
Pahang General Land Regulations 1889
Perak General Land Regulations 1879
Punjab Alienation of Land Act 1900 (Punjab, India)
Real Property Gain Tax Act 1976
Sabah Interpretation (Definition of Native) Ordinance 1952
Sarawak Interpretation Ordinance 1953
Selangor Land Code 1891
Selangor Land Regulations 1882
Sind Agriculturists Act 1879 (Sind, India)
Southern Rhodesian in Council 1898
Sarawak Land Code 1958
Small Estates (Distribution) Act 1955
Small Estates (Distribution) Regulations 1955
State Land Rules FMS
State Land Rules Johore 1966
State Land Rules Kedah 1966
State Land Rules Kelantan 1966
State Land Rules Malacca 1966
State Land Rules Penang 1966
State Land Rules Perlis 1966
State Land Rules Trengganu 1966
State Land Rules Federal Territory 1966
Trengganu Settlement Enactment 1356
Town and Country Planning Act 1976
LIST OF GLOSSARY

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bumiputra people</td>
<td>Literally means the ‘sons of the soil’; the indigenous people</td>
</tr>
<tr>
<td>Daulat</td>
<td>Supernatural, mystical authority</td>
</tr>
<tr>
<td>Derhaka</td>
<td>Disloyal, treason</td>
</tr>
<tr>
<td>Islam</td>
<td>Literally means submission to the will of God, religion.</td>
</tr>
<tr>
<td>Masuk Melayu</td>
<td>Literally means to be a Malay; conversion to Islam</td>
</tr>
<tr>
<td>Merdeka</td>
<td>Independence</td>
</tr>
<tr>
<td>Kampong land</td>
<td>Country Land</td>
</tr>
</tbody>
</table>