

Concession Over Land Acquisition Controversy Proves That The Civil Society Were Justified In Protests Against Abuse Of The NLC By Govt
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By Tony Pua

Despite being peppered with snide remarks against the protesting parties, we welcome the statement by Azhar Abdul Hamid, the Chief Executive Officer of the newly established MRT Corporation to finally end the 10-week old MRT land acquisition controversy. Azhar has pledged that Jalan Sultan properties will not be acquired for the Klang Valley MRT project, as long as businesses and landowners vacate their premises temporarily during tunnel construction.

This was in direct contrast to the reply provided in Parliament earlier in the morning when the Deputy Minister in the Prime Minister's Department, Ahmad Maslan had responded on behalf of the Government that there will be no guarantee of "returning" of the surface land rights to the respective owners.

It also makes a mockery of the initial claim by Syarikat Prasarana Bhd, the previous owner of the MRT project, that they've had months of discussion with the Attorney-General's Chambers before concluding that there is no provision on how the tunnel could be constructed without affecting the ownership of the surface properties.

The Government has effectively conceded that it is entirely possible for underground stratum land to be acquired for tunneling purposes under the National Land Code without affecting the ownership and the surface land use. As highlighted many times during the controversy, the National Land Code 1965 had been specifically amended in 1990 to allow for the acquisition of underground land without affecting surface property by inserting Part Five (A) (section 92A to 92G) under Clause 3. The amendment enables the disposal of "underground land", which can then either be alienated or leased for the use to construct tunnels, car parks and to lay pipes.

This concession also renders the re-alignment of the tunnel and its entry point at Jalan Damansara, off Jalan Duta to save a VIP residence an unnecessary and costly exercise, since the land underground could be acquired without affecting the ownership of the surface land and property.

To remove any lingering doubts, the MRT Co. should declare an official position that no surface land above tunneling works for the MRT project will be forcibly acquired and that land will be acquired strictly on the basis of the construction of MRT stations or its ancillary facilities such as air vents and access points. No parcel of land should be compulsorily acquired for the purposes of profit generation by the Government.

Finally, the U-turn by the Barisan Nasional Government proves time and again that the rakyat needs to mobilise and speak up for their rights to ensure that they are not be victimized and the powers of the Government abused. The Bersih rally, for example has forced the Government to set up the Parliamentary Select Committee on Electoral Reforms. While this does not yet guarantee actual reforms, especially if elections are held before the reforms are exercised, it is a step forward for the country's political system. Outrage from the civil society has also led to the recent announcement by the Prime Minister to lift "the state of emergency" and promise to abolish several draconian laws such as the Internal Security Act.

The above actions also prove that civil and political pressure works to correct the wrongs and abuses, and hence more Malaysians must speak up and take part in activities to defend their basic rights and entitlements.

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