

Malaysia

Orang Asli get RM6.5m in landmark case

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The Orang Asli plaintiffs celebrate the settlement together with their lawyers and supporters at the Putrajaya Court Complex May 26, 2010.

PUTRAJAYA, May 26 — The Federal Court today recorded a RM6.5 million settlement for Orang Asli plaintiffs in a landmark land rights case.

The sum is to be paid by Lembaga Lebuhraya Malaysia (LLM) — on its own behalf as well as that of the Federal Government and United Engineers Malaysia Bhd (UEM) — to the Orang Asli applicants.

The case involved the forcible acquisition of Orang Asli land in Dengkil, Selangor for the construction of the Banting-Nilai highway in 1995. A total of 15.57 hectares were acquired from the Temuan-Orang Asli without compensation.

The plaintiffs in the case are Sagong Tasi, Kachut Tunchit, Dabat Chabat, Kepal Kepong, Sani Saken, Illas Senin and Tukas Siam.

In 1996, with the help of a team of pro bono lawyers from the Bar Council, led by Datuk Dr Cyrus Das, the Temuans fought the case in the Shah Alam High Court. The original defendants also included the Selangor government.

In 2002, the High Court ruled that the Orang Asli enjoyed native title rights over their traditional lands and they were to be compensated according to the Land Acquisition Act. The defendants appealed the decision, but the Court of Appeal in 2005 upheld the ruling of the High Court.

A subsequent appeal was then made to the Federal Court, which granted the defendants leave in 2006.

However, in April 2009, the now Pakatan Rakyat Selangor government pulled out of the Federal Court appeal, in keeping with its promise to recognise the land rights of the Orang Asli.

After negotiations with the Attorney-General's Chambers, both sides have agreed to a settlement. LLM, as the acquirer of the land will pay cash compensation to the Orang Asli for the land taken, while the Orang Asli lawyers will waive all other costs and damages granted by the court.

As part of the settlement, LLM must deposit the payment of RM6.5 million at the Shah Alam High Court within one month from today.

The 26 families affected by the forcible evacuation can then claim the compensation from Shah Alam High Court, based on the amount of land that was taken from them.

Outside the courtroom, Sagong Tasi (right) was delighted and said he was very satisfied with settlement.

"I am really happy after waiting for 14 years. I would not have been satisfied if the case was not settled; now my heart is at peace.

"I am now old, can't see and can't walk comfortably. I am really thin. Now that I have the money, I don't know what to do. I don't know if I want to buy a new house and maybe marry," said the 79-year-old man while laughing with the reporters.

Selangor state executive councillor Elizabeth Wong said she hoped the landmark case would make the government reconsider planned amendments to the Orang Asli Act.

"With this landmark decision, I think the federal government has to rethink its current rules or process to amend the Orang Asli Act.

"Right now, there is an effort to amend the Act which would limit the kind of quantum that would be made [and] the size of land that would be given out as compensation.

"[This was] opposed to the customary land that they should be accorded to. So the decision of the federal government to amend the Orang Asli Act should not go against the decision of the court in this case," she said

