

Judgment reserved on native right to state land

PUTRAJAYA: The Court of Appeal reserved judgment on whether several members of the Temuan tribe have customary title to a 15.39ha plot of land in Kampung Bukit Tampoi, Dengkil.

"This is an important point because we need to decide whether they (the orang asli) have customary title on state land, as this is a matter of government concern," Justice Gopal Sri Ram, who headed a three-man bench, said yesterday.

The Selangor government together with United Engineers (M) Bhd (UEM), Malaysian Highway Authority (MHA) and the Federal Government are appealing against the High Court decision on April 12, 2002, that the land that was acquired for the construction of Elite Highway in 1995, was customary and ancestral land occupied by that tribe for generations.

The Government and UEM took the case to the Court of Appeal before an assessment could be made on the amount the tribe should be given.

The Temuan tribe was represented by Sagong Tasi and seven others.

Earlier, Sagong's counsel Datuk Dr Cyrus Das told the court that the Government should not deprive the orang asli of their rights as there was a global trend to award such rights to these people.

"Malaysia should not be seen as taking a step behind," he said, adding that countries like Australia and South Africa have recognised the rights of their indigenous people.

Senior Federal Counsel Datuk Abd Rahim Uda countered that the native land was not customary land as that privilege was only awarded to lands in Negri Sembilan and Malacca.

He also said the Aboriginal Act was not written law that gave customary tenure to the orang asli.

UEM counsel Tan Sri Zaki Azmi said the High Court judge was wrong when he found that UEM and MHA had trespassed on orang asli land.

He argued that the Aboriginal Act was based on the premise that land belonged to the state, and the appellate court needed to only confine itself to this statute and the Federal Constitution.