

Orang asli win, as judge dismisses state's appeal

BY RAPHAEL WONG

PUTRAJAYA: The Selangor Government, which is entrusted to protect the orang asli, has ignored this responsibility, a Court of Appeal judge here said.

Instead of protecting them, said Justice Gopal Sri Ram, the state government "turned upon them and permitted them to be treated in a most shoddy, cruel and oppressive manner."

His hard-hitting remarks were related to the authorities' acquisition of a 15.39ha plot of ancestral land from the Temuan

tribe in Kampung Bukit Tampoi, Dengkil for the construction of the Elite Highway in 1995.

The Selangor government, together with United Engineers (M) Bhd (UEM), Malaysian Highway Authority (LLM) and the Federal Government had appealed against a High Court decision on April 12, 2002, that the land that was acquired for the highway was customary and ancestral land occupied by the Temuan for generations.

Justice Sri Ram dismissed the appeal.

The decision prompted a cheer from some 200 orang

asli who had gathered at the Palace of Justice from as early as 7am.

Justice Sri Ram also awarded compensation to the affected tribe members for non-gazetted areas of the land, saying that the state and federal governments were in breach of a fiduciary duty when they failed to gazette these lands where the tribe had lived for a very long time.

Joining Justice Sri Ram on the bench were Court of Appeal judges Justices Arifin Zakaria and Nik Hashim Nik Ab Rahman.