



LAWS OF MALAYSIA

REPRINT

Act 134

ABORIGINAL PEOPLES ACT 1954

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ABORIGINAL PEOPLES ACT 1954

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LAWS OF MALAYSIA

Act 134

ABORIGINAL PEOPLES ACT 1954

An Act to provide for the protection, well-being and advancement of the aboriginal peoples of Peninsular Malaysia.

[25 February 1954]

Short title and application

1. (1) This Act may be cited as the Aboriginal Peoples Act 1954.
- (2) This Act shall apply only in Peninsular Malaysia.

Interpretation

2. In this Act, unless the context otherwise requires—

“aboriginal area” means an aboriginal area declared to be such under this Act;

“aboriginal community” means the members of one aboriginal ethnic group living together in one place;

“aboriginal ethnic group” means a distinct tribal division of aborigines as characterised by culture, language or social organization and includes any group which the State Authority may, by order, declare to be an aboriginal ethnic group;

“aboriginal inhabited place” means any place inhabited by an aboriginal community but which has not been declared to be an aboriginal area or aboriginal reserve;

“aboriginal language” includes any language and such dialectal modifications or archaic forms of the language as any aborigines habitually use;

“aboriginal racial group” means one of the three main aboriginal groups in Peninsular Malaysia divided racially into Negrito, Senoi and Proto-Malay;

“aboriginal reserve” means an aboriginal reserve declared to be such under this Act;

“aboriginal way of life” includes living in settled communities in kampungs either inland or along the coast;

“alienated” in relation to land has the meaning assigned to it in the written law relating to land in force in Peninsular Malaysia;

“Director General” means the Director General for Orang Asli Affairs appointed under section 5;

“Deputy Director General” means a Deputy Director General for Orang Asli Affairs appointed under section 5.

Definition of aborigine

3. (1) In this Act an aborigine is—

- (a) any person whose male parent is or was, a member of an aboriginal ethnic group, who speaks an aboriginal language and habitually follows an aboriginal way of life and aboriginal customs and beliefs, and includes a descendant through males of such persons;
- (b) any person of any race adopted when an infant by aborigines who has been brought up as an aborigine, habitually speaks an aboriginal language, habitually follows an aboriginal way of life and aboriginal customs and beliefs and is a member of an aboriginal community; or
- (c) the child of any union between an aboriginal female and a male of another race, provided that the child habitually speaks an aboriginal language, habitually follows an aboriginal way of life and aboriginal customs and beliefs and remains a member of an aboriginal community.

(2) Any aborigine who by reason of conversion to any religion or for any other reason ceases to adhere to aboriginal beliefs but who continues to follow an aboriginal way of life and aboriginal

customs or speaks an aboriginal language shall not be deemed to have ceased to be an aborigine by reason only of practising that religion.

(3) Any question whether any person is or is not an aborigine shall be decided by the Minister.

Administration of aborigines

4. The Director General shall be responsible for the general administration, welfare and advancement of aborigines:

Provided that nothing in this section shall be deemed to preclude any aboriginal headman from exercising his authority in matters of aboriginal custom and belief in any aboriginal community or any aboriginal ethnic group.

Appointment of Director General and Deputy Director Generals

5. (1) The Yang di-Pertuan Agong may appoint a Director General for Orang Asli Affairs, and as many Deputy Director Generals for Orang Asli Affairs and other officers as he may consider necessary for the purposes of this Act.

(2) It shall be lawful for the Director General to do all acts reasonably necessary and incidental to or connected with the performance of his functions under this Act including the conducting of research into any aspects of aboriginal life.

(3) All the powers of the Director General under this Act shall be exercisable by the Deputy Director Generals.

(4) Every person appointed under this section shall be deemed to be a public servant within the meaning of the Penal Code [Act 574].

Aboriginal areas

6. (1) The State Authority may, by notification in the *Gazette*, declare any area predominantly or exclusively inhabited by aborigines, which has not been declared an aboriginal reserve under section 7, to be an aboriginal area and may declare the area to be divided into one or more aboriginal cantons:

Provided that where there is more than one aboriginal ethnic group there shall be as many cantons as there are aboriginal ethnic groups.

(2) Within an aboriginal area—

- (i) no land shall be declared a Malay Reservation under any written law relating to Malay Reservations;
- (ii) no land shall be declared a sanctuary or reserve under any written law relating to the protection of wild animals and birds;
- (iii) no land shall be alienated, granted, leased or otherwise disposed of to persons not being aborigines normally resident in that aboriginal area or to any commercial undertaking without consulting the Director General; and
- (iv) no licences for the collection of forest produce under any written law relating to forests shall be issued to persons not being aborigines normally resident in that aboriginal area or to any commercial undertaking without consulting the Director General and in granting any such licence it may be ordered that a specified proportion of aboriginal labour be employed.

(3) The State Authority may in like manner revoke wholly or in part or vary any declaration of an aboriginal area made under subsection (1).

Aboriginal reserves

7. (1) The State Authority may, by notification in the *Gazette*, declare any area exclusively inhabited by aborigines to be an aboriginal reserve:

Provided—

- (i) when it appears unlikely that the aborigines will remain permanently in that place it shall not be declared an aboriginal reserve but shall form part of an aboriginal area; and
- (ii) an aboriginal reserve may be constituted within an aboriginal area.

(2) Within an aboriginal reserve—

- (i) no land shall be declared a Malay Reservation under any written law relating to Malay Reservations;
- (ii) no land shall be declared a sanctuary or reserve under any written law relating to the protection of wild animals and birds;
- (iii) no land shall be declared a reserved forest under any written law relating to forests;
- (iv) no land shall be alienated, granted, leased or otherwise disposed of except to aborigines of the aboriginal communities normally resident within the reserve; and
- (v) no temporary occupation of any land shall be permitted under any written law relating to land.

(3) The State Authority may in like manner revoke wholly or in part or vary any declaration of an aboriginal reserve made under subsection (1).

Rights of occupancy

8. (1) The State Authority may grant rights of occupancy of any land not being alienated land or land leased for any purpose within any aboriginal area or aboriginal reserve.

(2) Rights of occupancy may be granted—

(a) to—

- (i) any individual aborigine;
 - (ii) members of any family of aborigines; or
 - (iii) members of any aboriginal community;
- (b) free of rent or subject to such rents as may be imposed in the grant; and
- (c) subject to such conditions as may be imposed by the grant,

and shall be deemed not to confer on any person any better title than that of a tenant at will.

(3) Nothing in this section shall preclude the alienation or grant or lease of any land to any aborigine.

Dealings in land by aborigines

9. No aborigine shall transfer, lease, charge, sell, convey, assign, mortgage or otherwise dispose of any land except with the consent of the Director General and any such transaction effected without the Director General's consent shall be void and of no effect.

Aboriginal communities not obliged to leave areas declared Malay Reservations, etc.

10. (1) An aboriginal community resident in any area declared to be a Malay Reservation, a reserved forest or a game reserve under any written law may, notwithstanding anything to the contrary contained in that written law, continue to reside therein upon such conditions as the State Authority may by rules prescribe.

(2) Any rules made under this section may expressly provide that all or any of the provisions of such written law shall not have effect in respect of such aboriginal community or that any such written law shall be modified in their application to such manner as shall be specified.

(3) The State Authority may by order require any aboriginal community to leave and remain out of any such area and may in the order make such consequential provisions, including the payment of compensation, as may be necessary.

(4) Any compensation payable under subsection (3) may be paid in accordance with section 12.

Compensation on alienation of State land upon which fruit or rubber trees are growing

11. (1) Where an aboriginal community establishes a claim to fruit or rubber trees on any State land which is alienated, granted, leased for any purpose, occupied temporarily under licence or otherwise disposed of, then such compensation shall be paid to that aboriginal community as shall appear to the State Authority to be just.

(2) Any compensation payable under subsection (1) may be paid in accordance with section 12.

Compensation

12. If any land is excised from any aboriginal area or aboriginal reserve or if any land in any aboriginal area is alienated, granted, leased for any purpose or otherwise disposed of, or if any right or privilege in any aboriginal area or aboriginal reserve granted to any aborigine or aboriginal community is revoked wholly or in part, the State Authority may grant compensation therefor and may pay such compensation to the persons entitled in his opinion thereto or may, if he thinks fit, pay the same to the Director General to be held by him as a common fund for such persons or for such aboriginal community as shall be directed, and to be administered in such manner as may be prescribed by the Minister.

Compulsory acquisition of land for aboriginal areas or reserves

13. When any immovable property, not being State land, is needed to be acquired in order to declare the same to be an aboriginal area or an aboriginal reserve, the property may be acquired in accordance with the written law relating to the acquisition of land and any declaration required by that law that the property is so needed shall have effect as if it were a declaration that the property is needed for a public purpose in accordance with that written law.

Exclusion of persons from aboriginal areas and aboriginal reserves

14. (1) The Minister may, if he is satisfied that having regard to the proper administration of the welfare of the aborigines in any aboriginal area or aboriginal reserve or aboriginal inhabited place it is desirable that any person or class of person should be prohibited from entering or remaining in the area, reserve or place, make an order to that effect in the form prescribed in the Schedule.

(2) (a) The order when addressed to an individual person, may be served on the person named therein by a police officer or by any person whom the Minister may direct to serve the same.

(b) The order shall if practicable be served personally on the person named therein by showing him the original order and by tendering or delivering to him a copy thereof signed by the Minister.

(c) If service cannot conveniently be effected as aforesaid the serving officer shall affix a copy of the order to some conspicuous part of the house or other place where the person named in the order ordinarily resides and thereupon the order shall be deemed to have been duly served.

(d) A certificate signed by the Minister that an order has been duly served on the person named therein shall be admissible in evidence in any judicial proceeding and on the production of such a certificate the court shall presume until the contrary is proved that the order was duly served.

(3) The order, when addressed to class of persons, shall be published in the *Gazette*.

(4) Any person on whom an order has been served in accordance with this section who is found within any aboriginal area, aboriginal reserve or aboriginal inhabited place mentioned in the order and any person who is a member of any class of persons which has been prohibited from entering or remaining in any aboriginal area, aboriginal reserve or aboriginal inhabited place who is found within the area, reserve or place shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit.

(5) Any person found committing an offence under subsection (4) may be arrested without warrant by the Director General or any police officer.

Removal of undesirable persons

15. (1) The Director General and any police officer may detain any person found in any aboriginal area, aboriginal reserve or aboriginal inhabited place whose activities he has reason to believe are detrimental to the welfare of any aborigine or any aboriginal community and shall remove any such person from the area, reserve or place within seven days from the date of detaining him.

(2) The Director General or any police officer who detains or removes any person in accordance with subsection (1) shall as soon as possible report all the circumstances in writing to the Minister.

Headman

16. (1) The hereditary headman of an aboriginal community shall be the headman thereof or, in the case of an aboriginal community in which the office of the headman is not hereditary, a person selected to be headman by the members of the community shall be headman thereof, subject in each case to confirmation by the Minister.

(2) The Minister may remove any headman from his office.

Aborigines not to be excluded from any school

17. (1) No aboriginal child shall be precluded from attending any school by reason only of his being an aborigine.

(2) No aboriginal child attending any school shall be obliged to attend any religious instruction unless the prior consent of his father or of his mother if his father is dead, or of his guardian should both parents be dead, is notified to the Director General, and is transmitted by the Director General in writing to the headmaster of the school concerned.

(3) Any person who acts in contravention of this section shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred ringgit.

Aboriginal children not to be adopted, etc.

18. (1) No person who is not himself an aborigine of the same ethnic group shall adopt or assume the care, custody or control of any aboriginal child except with the consent of the Director General and in giving the consent the Director General may impose such conditions as he thinks fit.

(2) Any person who acts in contravention of this section or commits a breach of any condition imposed by the Director General shall be guilty of an offence and shall, on conviction, be liable to

a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

Regulations

19. (1) The Minister may make regulations for carrying into effect the purposes of this Act and in particular for the following purposes:

- (a) the creation, nature and regulation of aboriginal settlements within aboriginal areas and aboriginal reserves;
- (b) prohibiting either absolutely or conditionally and controlling the entry into aboriginal reserves, aboriginal areas, aboriginal inhabited places and aboriginal settlements of any person or any class of persons;
- (c) providing for the appointment of, and prescribing the qualifications of and the method of appointing, any headman;
- (d) providing for the registration of aborigines;
- (e) the manner of evidencing and recording rights of occupancy granted to aborigines under this Act;
- (f) prohibiting the planting of any specified product on lands over which rights of occupancy have been granted;
- (g) permitting and regulating the felling of jungle within aboriginal areas and aboriginal reserves;
- (h) permitting aborigines to take forest produce in aboriginal areas;
- (i) regulating the taking of wild birds and animals by aborigines;
- (j) providing for the establishment of schools in aboriginal areas, aboriginal reserves and aboriginal inhabited places and prescribing the curricula of the schools and the qualifications of teachers in the schools;
- (k) prescribing the terms and conditions upon which aborigines may be employed, and the regulations may provide for the recovery by the Director General on behalf of an aborigine of any wages or salary due to the aborigine in accordance with the regulations;

- (*l*) prohibiting either absolutely or conditionally the entry into or the circulation within any aboriginal area, aboriginal reserve or aboriginal inhabited places of any written or printed matter, any cinematograph film and everything whether of a nature similar to written or printed matter or not containing any visible representation or by its form, shape or in any other manner capable of suggesting words or ideas and every copy and reproduction or substantial reproduction thereof;
- (*m*) prohibiting either absolutely or conditionally the sale or gift of any intoxicating liquor as defined in any written law relating to excise to any specified aborigine or aboriginal community or within any aboriginal area, aboriginal reserve or aboriginal inhabited place; and
- (*n*) prescribing the terminology by which aborigines, aboriginal communities and aboriginal ethnic group shall be referred to.
- (*o*) (*Omitted*).

(2) No regulations shall be made for the purposes of paragraph (1)(*a*), (*e*), (*f*), (*g*), (*h*), or (*i*) unless the Government of the State in which the regulations shall have effect has first been consulted.

SCHEDULE

ABORIGINAL PEOPLES ACT 1954

[Subsection 14(1)]

To,

.....
.....

Whereas the Minister is satisfied that having regard to the proper *administration/
welfare/well being of the aboriginal peoples in *aboriginal area
..... /aboriginal reserve /aboriginal inhabited place
..... you should be prohibited from *entering/remaining therein;

Now therefore in exercise of the powers conferred upon me by subsection
14(1) of the Act, I Minister charged with the responsibility for
the welfare of aborigines, hereby order that you as from the date of this order
are hereby prohibited from *entering/remaining in the *area/reserve/place aforesaid.

Dated 20

.....
Minister

* Delete where not applicable.

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LIST OF AMENDMENTS

Amending law	Short title	In force from
Ord. 60/1956	Settlements Nominated Council (Change of Title) Ordinance 1956	01-09-1956
L.N. 332/1958	Federal Constitution (Modification of Laws) (Ordinances and Proclamations) Order 1958	13-11-1958
Act 16/1967	Aboriginal Peoples (Amendment) Act 1967	06-04-1967
P.U. (B) 324/1970	Notification under section 3 of the Titles of Office Ordinance 1949	01-01-1971
Act 160	Malaysian Currency (Ringgit) Act 1975	29-8-1975

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LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
Throughout the Act	Ord. 60/1956	01-09-1956
2	L.N. 332/1958 Act 16/1967	13-11-1958 06-04-1997
3	Act 16/1967	06-04-1997
4	L.N. 332/1958 Act 16/1967	13-11-1958 06-04-1997
5	Act 16/1967 L.N. 332/1958	06-04-1997 13-11-1958
6	L.N. 332/1958	13-11-1958
7	L.N. 332/1958	13-11-1958
8	L.N. 332/1958	13-11-1958
10-13	L.N. 332/1958	13-11-1958
14	Act 16/1967	06-04-1997
15	Act 16/1967	06-04-1997
16	L.N. 332/1958	13-11-1958
19	Act 16/1967	06-04-1997
Schedule	L.N. 332/1958 Act 16/1967	13-11-1958 06-04-1997

