

**THE FORGOTTEN PEOPLE: A STUDY ON THE INDIGENOUS
PEOPLE OF PENINSULA MALAYSIA FROM THE
CONSTITUTIONAL PERSPECTIVE**

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The students/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others.

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ABSTRACT

After the establishment of the Federal Constitution, the position of the indigenous people of the Peninsula Malaysia under the Federal Constitution is still vague. This research aims to examine the extent of protection accorded to the Indigenous People of Peninsula Malaysia in the Federal Constitution and in the Aboriginal Peoples Act 1954 (Act 134) and also to analyze the legal protection given to the indigenous people in terms of healthcare, land ownership and education as compared to the Natives of Sabah and Sarawak and the Malays. It has been discussed thoroughly in this research that the position of Orang Asli according to Federal Constitution is still vague especially in terms of rights and privileges derived from Article 153.

As consequences, the scope of protection to the Orang Asli in terms of healthcare, education and land ownership is insufficient. If there is an amendment to be made to the Federal Constitution to extend the special privileges derive from Article 153 towards Orang Asli, the purpose of such amendment can only be successful if the Orang Asli embrace the fact that they also need to make several changes in their mindset like the Malays and Natives of Sabah and Sarawak by their willingness to accept development in order to gain benefits derive from the Article 153.

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CHAPTER 1: INTRODUCTION TO THE RESEARCH

1.1 Introduction

This research will examine the issues that arise concerning the deprivation of the rights of Orang Asli in Peninsula Malaysia as compared to the rights given to the Malays and Natives of Sabah and Sarawak under Article 153 of the Federal Constitution. It is also aimed at whether they are adequately protected under the Federal Constitution.

The research proposal commences with the background on the origins of the Orang Asli. The problem statement of the study will state on the predicament of the Orang Asli as to their rights under the Federal Constitution. The objectives of the study will state the purpose of this research and the literature review will study the relevant materials necessary for the research. The methods of the research are laid down and the scope and limitation of the study are stated. Further, this research proposal consists of the significance of the study, which will state the importance of this research and also includes the provisional plan of research and references.

1.2 Background

In the Aboriginal Peoples Act 1954 (Act 134) revision 1974, aborigines are defined as any person whose male parent is or was a member of the Aboriginal ethnic group, who speaks an aboriginal language and habitually follows an aboriginal way of life and aboriginal custom and beliefs and include the descendant through males of such persons.¹ 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 custom and beliefs and is a member of

¹ Section 3(a) of the Aboriginal Peoples Act 1954 (Act 134)