



**ENVIRONMENTAL LAW AND POLICY IN SABAH:
FROM RIDGE TO REEF**

VOLUME 3: FORESTS, MANGROVES AND WILDLIFE RESERVES

DRAFT FOR PEER REVIEW

Disclaimer, Acknowledgements and Call for Inputs

Disclaimer: This legal brief is intended as a means to engage with the relevant law and policy, and should not replace a thorough reading of the official documents themselves, which can be found online.

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Call for inputs: We welcome further comments on content, format, and the brief's potential development and uses. Please email Holly Jonas (holly@foreversabah.org) and Harry Jonas (harry@foreversabah.org).

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OVERVIEW

There are five pieces of legislation that together provide the overarching regulatory framework for Sabah's forests. These include:

- The Forest Enactment (1968),
- Land Ordinance (1930),
- Land Acquisition Ordinance (1950),
- Forest (Constitution of Forest Reserves and Amendment) Enactment (1968), and
- Sabah Forestry Development Authority Enactment (1981).

This brief provides an overview of each law, details of the institutional arrangements, and sets out the relevant case law. With the exception of the *Forest Enactment*, all laws referenced in this brief are set out in chronological order and do not reflect their relative importance.

1. FOREST ENACTMENT

Purpose

The *Forest Enactment (1968)* provides the cornerstone of Sabah's forest-related legislation, and establishes rules relating to the preservation of forests, regulation and control of forest produce.

Classes of Forest Reserves

There are seven classes of Forest Reserves in Sabah, which are set out in the box below.

Class I	Protection Forest , established for the maintenance of essential forest based on climatic or physical grounds.
Class II	Commercial Forest , intended to supply timber and other produce to meet the general demands of trade.
Class III	Domestic Forest , to supply timber and other produce for local consumption.
Class IV	Amenity Forest , for local amenity and aboretum work.
Class V	Mangrove Forest , to supply mangrove timber or other produce to meet the general demands of trade.
Class VI	Virgin Jungle Reserve , established for forest research purposes.
Class VII	Wildlife Reserve , for the protection of wildlife. ¹

¹ Forest Enactment, 1968, section 5, (a)-(g).

Process to establish a Forest Reserve

Where an area is not already reserved for the public or special purpose, a forest reserve may be formally established by the Yang di-Pertua Negeri.² The process includes the following steps and regulations.³

a. *Proposal for a Forest Reserve*

Forest Reserves are created for the protection of soil, wildlife, ecological or water conservations.⁴ In order to establish a Forest Reserve a proposal for that land must be published in the *Gazette* as notice.⁵

b. *Notice of proposed land*

The District Officer is responsible for publishing notice for the land proposed as a Forest Reserve. The notice is required to be in English and Malay. Notice should be posted in convenient areas and placed surrounding the proposed land. Notice should include the following details:

- Location of the land,
- Restrictions on the proposed land,
- Consequences (potential prosecution) for violation of restriction, and
- Dates for objections and requests for rights/ privileges to be submitted to District Officer or Collector.⁶

c. *Restrictions on proposed land*

Once a notice is issued in the *Gazette* the land proposed to become a Forest Reserve is subject to the following restrictions.

- No new title shall be given,
- No new right or privilege shall be acquired,
- No new building or plantation should be erected/ formed,
- No clearing for cultivation, and
- No tree cutting or taking of produce, even where there is a license or permit.⁷

d. *Objections to proposed land*

Anyone who wants to raise a concern with regard to the proposed land should submit a written objection with the District Officer or Collector. All proposals have a

² The Supreme Head of Sabah.

³ Forest Enactment, 1968, section 5.

⁴ Forest Enactment, 1968, section 5A.

⁵ Forest Enactment, 1968, section 6.

⁶ Forest Enactment, 1968, section 8, (a)-(d).

⁷ The restrictions are in effect from the day the notice is published or the date listed on the notice, depending on what occurs first, and the proposed approval date for the Forest Reserve. Forest Enactment, 1968, section 7, (a)-(e).

fixed period for objections to be submitted that is listed on the notice. Objection periods should not be less than three months.⁸

e. Review of objections to proposed land

At the end of the fixed period for objections, the District Officer or Collector should look into all the objections made.⁹ The District Officer is responsible for looking into objections raised and the appropriateness of conceding rights or privilege over the area.¹⁰

f. Abandonment of proposed Forest Reserve

A proposal for a Forest Reserve can be abandoned at any time before the approval of the Reserve. Abandonment should be posted in the same manner as the proposal notice.¹¹

e. Approval of proposed Forest Reserve

The Yang di-Pertua is authorized to approve the proposed land in a Forest Reserve. The Yang di-Pertua is not obligated to include all of the proposed land in the Reserve and may decide to only approve a portion of it. Once the proposed land is approved, notice must be posted for the public. Proper notice should include the following details:

- Land in the Reserve,
- Assigned class or classes for the Reserve,
- Rights and privileges awarded to the Reserve, and
- Date for the operation of the Reserve (not earlier than 14 days after the notice).¹²

After the date of the notice period has expired, the approved area will be considered a Forest Reserve. All produce and contents on the land will become the property of the State.¹³

Including alienated land in a Forest Reserve

The Yang di-Pertua has the power to include alienated land in a Forest Reserve. He can acquire the land under the *Land Acquisition Ordinance*, which is explained below.¹⁴ Notice to include alienated land must be given to the public in the same manner required for the ‘notice of proposed land’, set out above.

⁸ Forest Enactment, 1968, section 8, (d).

⁹ Forest Enactment, 1968, section 9. NB: Exact wording for highlight: “propriety of conceding in and over the area concerned any right or privilege which to his knowledge is being”.

¹⁰ Forest Enactment, 1968, section 9, (a)-(b).

¹¹ Forest Enactment, 1968, section 11.

¹² Forest Enactment, 1968, section 12.

¹³ Forest Enactment, 1968, section 12.

¹⁴ Cross-referenced in Land Ordinance, 1930.

Rights and privileges in a Forest Reserve

There are no inherent rights attached to Forest Reserves. Rights and privileges can only be created for specific Reserves through licence agreements. The process to obtain rights and privileges includes the following steps and regulations.¹⁵

a. Establishment of rights and privileges

Rights and privileges are listed in the original proposal for the Reserve and are established when the Reserve is approved. Rights, privileges and special conditions for the Reserve are under the control of the Director of the Sabah Forest Department (the Director).¹⁶

b. Licence agreements

Licence agreements create specific rights in Forest Reserves. The Chief Minister¹⁷ (the Minister) can approve any agreement despite the rules in the Forest Enactment. Rights and privileges established in a Licence should not conflict with any pre-existing agreements on the Reserve. Notably, Licence agreements cannot be distributed to Class I, VI or VII Reserves.¹⁸

c. Modification of rights and privileges

The Yang di-Pertua can admit, rescind, modify or add special conditions to the rights and privileges of a Forest Reserve.¹⁹

d. Transfer of rights and privileges

A right or privilege cannot be given to another person or group without the written consent of the Minister. A privilege can only be transferred by succession upon death.²⁰ Case law supporting courts decisions to prohibit any transfer of right or privileges can be found in the 'Case Law' section of this brief.

d. Obtaining a Licence for forest produce

The Director has the power to approve a Licence for forest produce. The Director can give permission for prohibited acts described in the Forest Enactment to be performed.²¹ Any approved Licence for forest produce cannot exceed five years.²² A Licence for forest produce on State Land cannot be approved until a Temporary Occupation License is issued by the Collector of Land Revenue (the Collector) under

¹⁵ Forest Enactment, 1968, section 15.

¹⁶ Forest Enactment, 1968, section 15.

¹⁷ "Minister", the Minister responsible for matters relating to natural resources, Forest Enactment 1968, section 2. Chief Minister Official Website, <http://www.sabah.gov.my/jkm/brdefault.asp>.

¹⁸ Forest Enactment, 1968, section 15.

¹⁹ Forest Enactment, 1968, section 14.

²⁰ Forest Enactment, 1968, section 16.

²¹ Forest, Enactment, 1968, section 24 (1).

²² Forest, Enactment, 1968, section 24 (3).

the Land Ordinance.²³ A licence for forest produce on alienated land can only be approved if the owner of the land agrees.²⁴

e. Transfer of Licence for Forest Produce

A Licence for forest produce cannot be transferred, even after death.²⁵ Case law supporting courts decisions to prohibit any type of Licence transfers can be found in the Case Law section of this brief, below.

f. Cancellation of a Licence

The Minister has the power to cancel or modify conditions of a Licence for a Forest Reserve or produce.²⁶ The Licence can be changed or modified at anytime as long as the Minister believes the change is in the best interest of the public.²⁷ The Director also has the power to cancel or suspend a Licence if he believes the Licence holder has violated the agreement, proper notice must be given.²⁸ Licence holders are given an opportunity to be heard before their Licence is cancelled.²⁹

g. Charges for forest produce

The Minister can establish a specific rate for forest produce. A person may be required to pay an additional fee even if they have a Licence for forest produce.³⁰ A forest officer may take any forest produce that has not been paid for. If forest produce is not paid for after one month it becomes property of the State it can be sold.³¹

Additional powers given to the Director and Forest Officers

a. Right to close way or watercourse

The Director has the power to stop the use of a way or watercourse (public or private). In order to stop a way or watercourse, the Director must have approval from the Minister. The Minister can only approve the stoppage if the Director can show that there are no alternative options available. If there were alternative options the Director must show that they have been tried and were unsuccessful.³²

b. Rights of entry and access

Any Forest Officer can enter a Forest Reserve with workmen during reasonable hours. Workmen may enter the Reserve with any equipment or machines needed for

²³ Forest, Enactment, 1968, section 24 (4), cross referenced in Land Ordinance, 1950, section 3 (3).

²⁴ Forest, Enactment, 1968, section 24 (5).

²⁵ Forest, Enactment, 1968, section 24 (6).

²⁶ Forest Enactment, 1968, section 24A (2).

²⁷ Forest Enactment, 1968, section 24A (1).

²⁸ Forest Enactment, 1968, section 24D (1).

²⁹ Forest Enactment, 1968, section 24A (2), 24D (4).

³⁰ Forest Enactment, 1968, section 24C.

³¹ Forest Enactment, 1968, section 27 (1), (2).

³² Forest Enactment, 1968, section 18.

their work. Workmen may dig up ground in a Reserve in order to place a mark or remove timber that may be interfering with the Reserve's boundary lines.

Directors have the right to mark³³ over alienated land, roads or ways in order to access a Forest Reserve. When the Director needs the access for removing timber or produce the person using the access point may use land as if it were public.³⁴

Prohibited acts in a Forest Reserve

a. General acts prohibited

The following acts are prohibited in all Forest Reserves:

- Injuring forest produce (i.e. girdles, marks, lops, taps, fire),
- Causing damage from felling a tree or removing produce, or
- Causing a fire, carrying a fire or throwing down any lighted material.³⁵

Any person who commits the following acts in a Forest Reserve will be guilty of an offence. The person committing the offence will be liable to imprisonment for seven years or a fine.

Any person who does the following acts in a Forest Reserve will be guilty of an offence:

- Erects or constructs any building,
- Depastures livestock in any way, or
- Cultivates or digs up land for cultivation.³⁶

Any person who does the following acts in a Forest Reserve will be guilty of an offence. The person committing the offence will liable to a fine not exceeding fifty thousand ringgit or imprisonment not exceeding three years, or both.

- Enters a closed part of a Forest Reserve, or
- Damages a Reserve in any way (i.e. alters, shifts, removes, interferes).³⁷

b. Endangering Forest Reserves with fire

Anyone who endangers a Reserve or its produce with fire will be guilty of an offence. Unattended fires set around a Reserve will be considered endangerment.³⁸

c. Construction on Forest Reserves without approval

³³ "[P]roperty mark", placed on forest produce to denote its ownership or agency that has handled it. Forest Enactment, 1968, section 2.

³⁴ Forest Enactment, 1968, section 18.

³⁵ Forest Enactment, 1968, section 20.

³⁶ Forest Enactment, 1968, section 20.

³⁷ Forest Enactment, 1968, section 20.

³⁸ Forest Enactment, 1968, section 19.

Constructing any building, fence or enclosure on a Reserve without permission is prohibited. Unauthorized buildings or structures built on the Reserve will become property of the State and can be destroyed or disposed.³⁹

d. Prohibited act to forest produce

Any person who cuts, collects, converts, fells or removes any forest produce on State land will be guilty of an offence. The person found guilty of the offence will be punished with a fine not more than five hundred thousand ringgit and imprisonment from one to twenty years.⁴⁰ Any person who commits a prohibited act to forest produce will have to pay an additional fee for the produce taken.⁴¹

Establishing Forest Management and Development Plans

a. Requirements

Any person applying for a Licence that uses over one thousand hectares of land in a Forest Reserve is required to prepare a Forest Management Plan and Restoration Plan for the Director before the Licence will be considered.⁴²

b. Management Plan

Any person who has been given a Licence requiring the preparation of a Forest Management Plan or Harvest Plan is responsible for carrying out the plan. The Director is responsible for making sure that the Management and Restoration Plans are carried out properly.⁴³

c. Failure to carry out Restoration Plan

If a person does not carry out their Restoration Plan the Director can suspend their Licence or request that the Minister cancel the Licence. If a person does not carry out their Restoration Plan may also be required to pay a fee equal to the amount of money the Government will have to spend on finding another person to carry out the Plan.⁴⁴

Natives rights on a Forest Reserve

The *Forest Enactment* allows natives the cutting and removal from State land of timber, *atap*, or other forest produce for the following:

- Construct or repair the dwelling-house for himself or family,
- Construction of fences or temporary huts on any land lawfully occupied by him,

³⁹ Forest Enactment, 1968, section 21.

⁴⁰ Forest Enactment, 1968, section 23(2).

⁴¹ Forest Enactment, 1968, section 21 (3).

⁴² Forest Enactment, 1968, section 28A.

⁴³ Forest Enactment, 1968, section 28B.

⁴⁴ Forest Enactment, 1968, section 28B.

- Construction or repair of native boats,
- Upkeep of his fishing stakes and landing places,
- Fire-wood to be consumed for his domestic purposes, or
- Construction and keep of clinics, schools, community halls, places of worship, bridges and any work for the common benefit of the native inhabitants of his kampung.⁴⁵

Case law supporting courts decisions to uphold native rights can be found in the Case Law section of this brief, below.

2. LAND ORDINANCE

Please note that there is a dedicated brief on the *Land Ordinance* and related legislation. This section only sets out information from the Land Ordinance that is relevant to areas of land that can be included in a Forest Reserve.

Purpose

The *Land Ordinance (1930)* establishes Sabah's laws relating to the regulation and control of State land.

Alienated land

The *Land Ordinance* describes alienated land as land that is leased or disposed State land on behalf of the Government. Alienated land may require payment such as rent or another type of premium.⁴⁶ During the time of proposals for a Wildlife Sanctuary, Conservation Area or Hunting Area, no land shall be alienated from the proposed area.⁴⁷

Temporary Occupation Licence

The Collector of Land and Surveys has the power issue a Temporary Occupation Licence for State land, also referred to as a Temporary Title.⁴⁸ Only approved activities can be conducted on the land are specific to each Licence.⁴⁹ Temporary occupation of the land should not be longer then three years.⁵⁰

Native Reserve

The Yang di-Pertua Negeri has the power to decide if an area of land should be considered a Native Reserve. A Native Reserve is established to protect the present

⁴⁵ Forest Enactment, 1968, section 41.

⁴⁶ Land Ordinance, 1930, section 4, "alienate".

⁴⁷ Wildlife Conservation Enactment, 1997, section 11, 66.

⁴⁸ Land Ordinance, 1930, section 18 (1).

⁴⁹ Land Ordinance, 1930, section 18 (1).

⁵⁰ Land Ordinance, 1930, section 18 (2).

and future interest of natives in Sabah. A Native Reserve can be established on any area of State Land including a Forest Reserve.⁵¹

Native customary rights

The *Land Ordinance* establishes native customary rights to be any of the following, as set out in the box.⁵²

Native Customary Rights
<ul style="list-style-type: none">• Land possessed by customary tenure,• Land planted with fruit trees, when the number of fruit trees amounts to fifty and upwards to each hectare,• Isolated fruit trees, and sago, rotan, or other plants of economic value, that the claimant can prove to the satisfaction of the Collector were planted or upkept and regularly enjoyed by him as his personal property,• Grazing land that the claimant agrees to keep stocked with a sufficient number of cattle or horses to keep down the undergrowth,• Land that has been cultivated or built on within three years,• Burial grounds or shrines, and• Usual rights of way for men or animals from rivers, roads, or houses to any or all of the above.

3. LAND ACQUISITION ORDINANCE

Purpose

The *Land Acquisition Ordinance (1950)* establishes the power of the Yang di-Pertua to acquire land for public purpose.

Including alienated land in a Forest Reserve

The Yang di-Pertua Negeri has the power to acquire alienated land and use it for a public purpose.⁵³ A Forest Reserve is land used for public purpose.⁵⁴

Temporary Occupation

The Yang di-Pertua Negeri has the power to determine if the State should temporarily occupy a piece of unoccupied land and use it for a public purpose.⁵⁵ If the Yang di-Pertua Negeri believes a piece of land is suitable for a public purpose he may give permission to complete the anticipated project. Temporary occupation of the land should not be longer than three years.⁵⁶

⁵¹ Land Ordinance, 1930, section 78 (1).

⁵² Land Ordinance, 1930, section 15, (a)-(g).

⁵³ Land Acquisition Ordinance, 1950, section 3 (1).

⁵⁴ “[P]ublic purpose”, land used in connection with the conservation, improvement or exploitation of natural resources. Land Acquisition Ordinance, 1950, section 2 (h).

⁵⁵ Land Acquisition Ordinance, 1950, section 11 (1).

⁵⁶ Land Acquisition Ordinance, 1950, section 11 (2).

4. FOREST (CONSTITUTION OF FOREST RESERVES AND AMENDMENT) ENACTMENT

Purpose

The *Forest (Constitution of Forest Reserves and Amendment) Enactment (1984)* regulates the establishment of Forest Reserves by law and amends the *Forest Enactment, 1968*.

Establish Forest Reserves by Law

All of the Forest Reserves listed in the Enactment will be considered the only Forest Reserves.⁵⁷ Any Forest Reserves not listed in the *Enactment* will not be recognized as Reserves.⁵⁸

Amendments to Forest Enactment, 1968

The *Forest (Constitution of Forest Reserves and Amendment) Enactment* eliminates section 22 of the Forest Enactment, titled “Forest Reserve not to cease or to be excised”.⁵⁹ The elimination of this section allows authorities to remove or modify portions of a Forest Reserve at their discretion. Prior to this amendment authorities could remove land in a Reserve only if it was to be used as a Park, Game Sanctuary or Bird Sanctuary.⁶⁰

5. SABAH FORESTRY DEVELOPMENT AUTHORITY ENACTMENT

Purpose

The *Sabah Forestry Development Authority Enactment (1981)* sets out the powers of the Forestry Development Authority (the Authority).

Functions of Authority

The Forestry Development Authority (the Authority) should coordinate and regulate forest products and forest product activities. The Authority should also supervise and develop areas for extraction and planting, promote and supervise afforestation and reafforestation, and carry out the development of forestry based settlement schemes.⁶¹

Land acquired by coercion of Authorities

⁵⁷ Forest (Constitution of Forest Reserves and Amendment) Enactment 1984, section 2.1.

⁵⁸ Forest (Constitution of Forest Reserves and Amendment) Enactment 1984, section 2.5.

⁵⁹ Forest Enactment, 1968, section 22.

⁶⁰ Forest (Constitution of Forest Reserves and Amendment) Enactment 1984, section 3.

⁶¹ Sabah Forestry Development Authority Enactment 1981, section 24.

The Yang di-Pertua Negeri has the power to acquire land for the Authority where it may be necessary.⁶² If the land cannot be acquired through an agreement the land can be acquired for public purpose under the Land Acquisition Ordinance.⁶³

Transfer of property to Authority

The Yang di-Pertua Negeri has the power to transfer any State land or movable government property to the Authority where it may be necessary.⁶⁴

6. INSTITUTIONAL ARRANGEMENT

Minister

The Chief Minister⁶⁵ (the Minister) has the power to give directions to the authority that are not inconsistent with the Forestry Development Authority Enactment. The authority is responsible for giving effect to any directions of the Minister.⁶⁶

Director of Forestry

The Chairman of the State Public Service Commission appoints the Director of Forestry.⁶⁷ The Director is responsible for the administration of the State forests. The Director can delegate his powers to any Deputy Director by notice in the *Gazette*.⁶⁸

Deputy Director of Forestry

The Chairman of the State Public Service Commission appoints the Deputy Director of Forestry. The Public Service Chairman will appoint two Deputy Directors.⁶⁹

Forest Officer

The forest officers are under the general supervisor of the Director. Forest officers are responsible for carrying out duties imposed from the Forest Enactment and State Law.⁷⁰

General Manager

The General Manager is appointed with the approval of the Minister.⁷¹ The General Manager is the chief executive officer for the authority. All officers and servants of the Authority should be under the administrative control of the General Manager.⁷²

⁶² Sabah Forestry Development Authority Enactment 1981, section 39.

⁶³ Land Acquisition Ordinance (Cap. 69), section 2.

⁶⁴ Sabah Forestry Development Authority Enactment 1981, section 40.

⁶⁵ "Minister", the Minister responsible for matters relating to natural resources, Forest Enactment 1968, section 2. Chief Minister Official Website, <http://www.sabah.gov.my/jkm/brdefault.asp>.

⁶⁶ Sabah Forestry Development Authority Enactment 1981, section 38.

⁶⁷ Forest Enactment 1968, section 3 (1)(a), (3), Cross referenced Article 37 of the Constitution.

⁶⁸ Forest Enactment 1968, section 4.

⁶⁹ Forest Enactment 1968, section 3 (1)(a), (3), Cross referenced Article 37 of the Constitution.

⁷⁰ Forest Enactment 1968, section 4 (4).

Authorised Officer

An authorised officer of the Forest Enactment is consider the Director, Deputy Director, Senior Assistants of Forestry, Assistant Directors of Forestry and any other forest officer established by the Minister in the *Gazette*.⁷³

7. CASE LAW

Mat Shah bin Mohamed & Anor v. Say Meng & Ors⁷⁴

In this case a Timber Licence holder formed a partnership in order to let the other people in the partnership use his Licence. The Federal Court ruled that they would not recognize the partnership as a legal partnership and the agreement would have no effect for the Licence use.

Rationale

The *Forest Enactment* prevents the transfer of Licence by any means.⁷⁵ The partnerships created were established as a way to go against the regulations of the enactment. The courts will not recognize any transferring of Licence unless approved by the Minister.

Sundong Timber Co Sdn Bhd v. Kinabatangan Development Co Sdn Bhd⁷⁶

In this case the principal person holding a Licence appointed someone to act on his behalf as an agent. The courts held that the amounts due for statements entered into on the agents behalf could not be upheld because they were entered into illegally. The court did not consider the principal agent relationship valid for carrying out responsibilities of the Licence.

Rationale

When the principal person gives an agent the right to act on their behalf they give the agent the authority to carry out any responsibilities. Traditionally, the agent can transfer rights or privileges of the principal, with the principal's objection. As stated in the previous case the Forest Enactment does not allow the transfer of Licence agreements, right or privileges and therefore the agents did not have the authority

⁷¹ Sabah Forestry Development Authority Enactment 1981, section 20.

⁷² Sabah Forestry Development Authority Enactment 1981, section 22.

⁷³ Forest Enactment 1968, section 2 'authorised officer'.

⁷⁴ (1984) 1 MLJ 237 cited in Environmental Law in Malaysia (Borneo edition), 2007, James Lam Chee Seng.

⁷⁵ Forest, Enactment, 1968, section 24 (6).

⁷⁶ (1977) 2 MLJ 200 cited in Environmental Law in Malaysia (Borneo edition), 2007, James Lam Chee Seng.

to act on the principals behalf for certain matter.⁷⁷ The court favored the enforcement of the Forest Enactment over the principal-agent relationship.⁷⁸

Naung Felix Sitom v. Pendakwa Paya

In this case a man was found felling trees in a Forest Reserve. The man claimed that he was felling the trees in order to construct his house. The High Court held that man had the right to cut trees for his home under the native rights established in the Forest Enactment.⁷⁹

Rationale

In order to protect the rights of people who many have native title on a Forest Reserve the Forest Enactment has established a number a rights for natives, including the one the Court upheld.⁸⁰ The rational was that the Natives “have the right to depend on the Forest for their livelihood”.⁸¹

Toh and Grace 2008, NG 2000

This case was cited by Justine Vaz in the ICCA Legal Review. We seek inputs on further details on the case.

⁷⁷ Forest, Enactment, 1968, section 24 (6), Forest Enactment, 1968, section 16.

⁷⁸ Comparison available with Australian case Australian Conservation Foundation v. Minister for Resources and Harris-Daishowa Pty Ltd, (1989) 76 LGRA 200, Federal Court of Australia. Cases cited in Environmental Law in Malaysia (Borneo edition), 2007, James Lam Chee Seng.

⁷⁹ Forest Enactment, 1968, section 41.

⁸⁰ Forest Enactment, 1968, section 41.

⁸¹ Comparison available for Indian case Fatesang Gimba v. State, AIR 1987 Guj 9, and Suresh Lohiya v. State of Maharashtra, (1996) 10 SCC 397. Cases cited in Environmental Law in Malaysia (Borneo edition), 2007, James Lam Chee Seng.